

MEDINA CITY COUNCIL MEETING MINUTES OF JULY 7, 2020

The City Council of Medina, Minnesota met in regular session on July 7, 2020 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

Martin read aloud a statement explaining that all City meetings will continue to be held in a virtual manner due to the COVID-19 pandemic. She provided instructions on how the public can access and 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. PLEDGE OF ALLEGIANCE (7:07 p.m.)

III. ADDITIONS TO THE AGENDA (7:08 p.m.)

Johnson stated that Anderson requested to add an item to the agenda titled Motion to Rescind the Motion to Approve the Hackamore Road Project.

Moved by Anderson, seconded by DesLauriers, to add an item to the agenda to discuss the Hackamore proposal with the idea of rescinding the previous vote from June 16, 2020.

Further discussion: Martin stated that if approved, perhaps this item should be added to Old Business.

Batty stated that there should first be a vote on whether the item should be added to the agenda. He noted that following that action the Council should consider approval of the entire agenda.

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>nay</i>
<i>Martin</i>	<i>aye</i>

Motion passed.

Johnson stated that the item could be added to the agenda as Item D under New Business.

IV. APPROVAL OF MINUTES (7:12 p.m.)

A. Approval of the June 16, 2020 Special City Council Meeting Minutes

*Moved by Martin, seconded by Anderson, to approve the June 16, 2020 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the June 16, 2020 Regular City Council Meeting Minutes

Martin noted that proposed changes submitted by Anderson were distributed to the Council prior to the meeting for incorporation.

*Moved by Martin, seconded by DesLauriers, to approve the June 16, 2020 regular City Council meeting minutes as amended. **Motion passed unanimously.***

III. ADDITIONS TO THE AGENDA (Continued) (7:15 p.m.)

*Moved by Martin, seconded by Anderson, to approve the agenda as amended. **Motion passed with a vote of 4 -1 (Albers opposed).***

V. CONSENT AGENDA (7:16 p.m.)

A. Resolution No. 2020-34 Appointing Election Judges for the August 11, 2020 Primary Election and November 3, 2020 General Election

B. Resolution No. 2020-35 Appointing Absentee Ballot Board for the August 11, 2020 Primary Election and November 3, 2020 General Election

C. Ordinance No. 657 Amending Section 512 of the Code of Ordinances Regarding Surface Use of Lake Independence

D. Resolution No. 2020-36 Authorizing Publication of the Ordinance Regarding Surface Use of Lake Independence by Title and Summary

E. Appoint Theresa Couri to the Planning Commission

Anderson referenced Item A, noting that the list of election judges was included in the packet and asked if the list would be closed after approval or if others could still be added to the list prior to the election.

Johnson stated that election judges can be added after tonight's meeting.

Moved by Pederson, seconded by Anderson, 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 (7:20 p.m.)

A. Comments from Citizens on Items not on the Agenda

Gretchen Piper, candidate for State Senate, stated that she grew up in Hamel and advised that she is running for District 33 as a candidate for Senate. She stated that she

currently lives in Wayzata with her family and would be proud to serve as a Minnesota State Senator. She provided background information on her career experience in the medical, consulting, and education fields along with work with different non-profits. She stated that she believes that the values of the community to work together are being overshadowed by parties rather than representing the communities and their values. She stated that she would like to focus on recovering from the pandemic including getting children back to school, people back to work and allowing businesses to reopen. She welcomed any additional comments from the Council and community and provided her contact information.

Martin thanked Ms. Piper for introducing herself and looked forward to seeing how the election process continues.

Piper thanked the Council for its dedication to the community.

B. Park Commission

Scherer reported that the Park Commission recently discussed the Park Capital Improvement Plan, noting that the redesign of Hunter Lions Park project has begun with the consultant. He reported that he and Martin attended the rededication of the little league field the previous night, noting that the scoreboard installation should be completed later this week.

Martin agreed that it was a fun event to attend.

Pederson asked if WSB has been hired to complete the redesign study for Hunter Lions Park.

Scherer confirmed that WSB was hired for the redesign. He noted that the Hamel Athletic Club and residents would be engaged for input during the process.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to hold three public hearings: a preliminary plat request for the Meadowview townhome project from Lennar, continued discussion related to accessory structure size and setbacks, and a proposed amendment to the Code related to septic systems to remove the requirement for percolation testing prior to permitting.

VII. NEW BUSINESS

A. Ordinance No. 658 Amending Building Materials in Commercial Districts; Amending Chapter 8 of the City Code (7:32 p.m.)

Finke stated that the proposed amendment would make changes to the allowed exterior material standards within the commercial, business, and industrial districts. He reviewed the existing standards for new building construction within those districts, noting that the City added an exemption to those building materials for cases of rehabilitating existing buildings that have experienced water damage. He provided details on a request the City has received to allow additional materials for rehabilitation. He provided details on the engineered wood product. He stated that the proposed amendment would allow engineered wood panels as an allowed material, in addition to the cement fiber materials, to be allowed as a primary material in the case of rehabilitating existing buildings. He noted that some brick, stone, stucco, or glass would still be required. He

noted that the amendment would allow this within the business and industrial districts in addition to the commercial district. He stated that there was also discussion in allowing the materials to be used for rehabilitation in general rather than only for rehabilitation resulting from water damage. He stated that the Planning Commission discussed using metal siding but did not recommend that change. He stated that the Commission discussed building materials in general and believed there would be benefit in reviewing the building standards more broadly, when time permits, to determine if additional amendments should be made.

Pederson asked if the amendment would allow the exception only for rehabilitation from water intrusion.

Finke stated that the amendment as proposed by the Planning Commission would allow for engineered wood or 5/8 thick fiber cement architectural panels for any rehab of a masonry building, with or without water intrusion issues.

DesLauriers asked if there is a reason lap siding is excluded, noting that it looks nice and has benefits in terms of lifespan.

Finke stated that his impression of the Planning Commission discussion was that the recommendation was related to design, noting that the Commission viewed lap siding as more of a residential material and therefore favored the panels.

DesLauriers referenced a portion of the staff report which mentions lap siding and asked for clarification.

Finke confirmed that if the Council agrees with that limitation that should be added to the list.

Martin commented that the ordinance is well drafted. She stated that she was intrigued with the metal applications, as presented on the manufacturer's website. She stated that personally, if there was an applicant that wanted to review the possibility of a metal exterior or using a metal product in the exterior, she would be interested in seeing the request. She stated that she would entertain discussion about that at a future point.

Pederson agreed that metal has come a long way and agreed that it would make sense to consider that material at a future time.

Finke stated that he spoke with the Building Official and commented that there would be benefit in discussing building materials more broadly, as mentioned by the Planning Commission. He confirmed that staff would prefer the Council to take action on the ordinance as discussed tonight and the broader discussion could occur later, and perhaps guided by an architect or someone with similar experience.

Martin clarified the proposed technical amendment related to lap siding.

*Moved by DesLauriers, seconded by Albers, to adopt ordinance no. 658 amending building materials in commercial districts, including the change mentioned by DesLauriers on page four, line item three. **Motion passed unanimously.***

1. Resolution No. 2020-37 Authorizing Publication of Ordinance No. 658 by Title and Summary

Moved by DesLauriers, seconded by Anderson, to adopt Resolution No. 2020-37 Authorizing Publication of Ordinance No. 658 by Title and Summary. Motion passed unanimously.

B. Resolution No. 2020-38 Calling for Public Hearing Levying Special Assessment for Hickory Drive Street and Utility Improvement Project (7:52 p.m.)

Johnson stated that staff recommends that the Council hold a public hearing on August 4, 2020 to consider the proposed assessment for the Hickory Drive street and utility improvement project. He noted that because of the virtual format, all votes should be completed in a roll call format.

Moved by Anderson, seconded by DesLauriers, to adopt resolution no. 2020-38 calling for public hearing levying special assessments for Hickory Drive street improvement project.

A roll call vote was performed:

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

Motion passed unanimously.

Martin asked if the Council needed to revisit any of the previous votes tonight that were done by voice to complete roll call votes.

Batty stated that he was comfortable moving forward with the votes as completed tonight, as the voice votes were clear. He stated that going forward, all votes should be completed in roll call format.

C. Resolution No. 2020-39 Calling for Public Hearing Levying Special Assessment for Brockton Lane Street and Utility Improvement Project (7:53 p.m.)

Johnson stated that staff recommends that the Council hold a public hearing on August 4, 2020 to consider the proposed assessment for the Brockton Lane street and utility improvement project.

Moved by Anderson, seconded by Pederson, to adopt resolution no. 2020-39 calling for public hearing levying special assessment for Brockton Lane street improvement project.

A roll call vote was performed:

*Pederson aye
Anderson aye
DesLauriers aye
Albers aye*

Martin aye

Motion passed unanimously.

Martin stated that she would like to go back and restate the votes in previous agenda items with roll call votes. She reviewed the actions taken previously tonight confirming the motions as documented in the minutes with roll call votes.

D. Hackamore Road Proposal Discussion (7:59 p.m.)

Batty stated that the item before the Council tonight would be consideration of a motion to rescind, and not a motion to reconsider as a motion to reconsider can only be taken at the meeting the action was taken. He explained that unlike a motion to reconsider, a motion to rescind can be brought by anyone but needs three affirmative votes to be adopted and reverse the previous action related to the engineering part of the Hackamore study.

Moved by Anderson, seconded by DesLauriers, to rescind the direction to staff to proceed with the design of the Hackamore Road project to a 75 percent level based upon option two with the flexibility that had been discussed by the Council.

Further discussion: Martin asked Anderson to explain why he would like to proceed with this action.

Anderson stated that this was first discussed three weeks ago, the prevailing argument in moving forward with the planning process was to ensure the Medina would have a seat at the table and be a part of the planning process. He stated that the argument that he brought up at that time was that the City should not pay for having a seat at the table when we would eventually be asked to join the process. He stated that he believes that this project is more important to Corcoran than Medina because of the developer pressure in Corcoran. Further, he stated that since the direction was given to staff to move forward with the planning process there have been concerning developments in a local newspaper from Corcoran City Council and staff. He stated that it seems that Corcoran is far more vested in the project and will move more quickly than Medina would like to and eventually will have to ask Medina to the table to join in planning discussions. He stated that it is unclear as to what Corcoran will ask of Medina to financially contribute. He stated thus far the costs have been split 50/50 for planning and he would be opposed to Medina paying 50 percent of the project costs.

Martin asked if Anderson is asking the City to withdraw the action to proceed to 75 percent plans.

Pederson stated that he has changed his mind from the standpoint that he does not understand how they can be completing design work without knowing who will pay the construction costs. He stated that he agrees that this project is more beneficial to Corcoran and he does not see how this can move forward until it is known the portion of construction costs that Corcoran will pay. He stated that he does not like not knowing the details of financing or the comments made in the local newspaper from Corcoran. He agreed that this project would greatly benefit Corcoran and barely benefit Medina.

Albers asked if Medina “owns” half of the road.

Scherer confirmed that the City line runs on the section line with each city responsible for half the road.

Albers asked where Medina's voice would be in the process if Medina pulls out of the design process.

Scherer stated that the design process is not committing the City to a cost-share of the construction. He stated that the planning process ensures that the appropriate right-of-way could be taken when development comes forward. He stated that the road has been improved once before when Medina had development and Corcoran did not. He explained that this time the situation is flipped with Corcoran having development.

Albers stated that the conversation was that the City needs to go through the planning process to identify the costs. He stated that the cost split cannot be discussed until the cost is known. He believed that the planning must move forward in order to get to the next step where the costs are known, and the split can be discussed. He noted that the plans would have a long shelf-life and therefore would still be valuable down the road.

Scherer asked Stremel to provide an update on the work that has been done in the past few weeks.

DesLauriers stated that he stands by his comments from the June 16th meeting. He stated that there is a budget shortfall in 2021 and all the departments are attempting to cut costs. He stated that the cost share for the project is unknown and the total project cost is a lot of money. He stated that he continues to support his position.

Barnhart stated that for 2021 and for 2020 the City is not projecting a budget shortfall overall. She stated that there will be a line item shortfall for the Hamel Community Building, but the overall budget is not projected to be in a shortfall. She explained that this project would be funded through the road fund and not the general fund, therefore they are completely separate pots of funding.

Martin clarified that the design cost is within the road fund and that expenditure would not impact the overall budget.

Barnhart explained that there was some lack of clarification during the budget kick off meeting, as that focused on the general fund. She stated that the road projects have budgeted funding within the road fund.

Anderson stated that he agrees that it is a good idea to try to be a part of the planning process, except that in this case being a part of the planning process will cost the City more than the \$70,000 already spent. He stated that even though funds have been budgeted, it will still be more than \$70,000. He stated that if Medina is going to be asked by Corcoran to re-engage in the process, the City would still get a seat at the table in the design process.

Martin stated by being a part of the planning process, it would permit both sides of the street to plan for right-of-way needs. She noted that there will be specific storm improvement sites that could be placed on the church development site. She stated that Medina has made it clear that it was not voting to fund the project but only participate in the planning process. She stated that she does not believe the road will develop for

some time but noted that the planning process would allow each city to secure the needed right-of-way when the situations present themselves. She stated that Medina already has significant build out on its side and therefore much of the right-of-way dedication would happen on the Corcoran side, along with securing space for the needed stormwater improvements. She stated that planning for the future is a wise expenditure of funds to ensure that the road can be properly aligned and that there is room for the needed improvements. She stated that she is not advocating for proceeding with the project or funding the project at this time but believes that the planning should occur. She used Brockton as an example, where the City received right-of-way in advance of the project because it planned.

Anderson stated that he believed the City will be involved in the planning when Corcoran goes forward with planning for the road.

Martin asked for the opinion of staff.

Albers stated that he is concerned with how the City spends its money. He stated that the cost to plan for the project will only increase if that is kicked down the road. He did not believe delaying the planning would be in the best interest of the City. He stated that the planning needs to be completed and delaying that action will only increase costs later. He stated that it is not in the best interest of the City to not move forward with this planning process.

Anderson agreed that it is not likely that Corcoran will plan it on its own and will come to Medina in the future to get the process started. He stated that it is still costing Medina \$70,000.

Albers commented that the cost will only go up and, in a few years, it will cost Medina \$80,000 or \$90,000.

Pederson stated that his concern is the construction cost and the impression the article in the local newspaper provided. He stated that there have been interactions with Corcoran in the past that he felt were not fair. He stated that he realizes that without planning, the construction costs will be unknown. He stated that there should be a meeting between the City Administrators to discuss how the construction costs would be split. He stated that there are a lot of unknowns right now due to COVID-19 and until that passes, he struggles to spend funds on this.

Martin commented that this is not a vote to proceed to incur construction costs, noting that the prior motion authorized moving to 75 percent design documents.

Finke stated that his recollection of the scope and costs do not match what is being discussed tonight and asked Stremel for clarification.

Stremel stated that the 30 percent design had a cost of \$67,000, out of the total amount of \$118,000 that is split between the two cities. He stated that the current billing to date was about \$70,000. He stated that with the holiday the previous week and authorization a few weeks ago, there has not been many costs incurred for the 75 percent design process. He confirmed that the remaining funds to reach 75 percent design would be split between the two cities.

Martin clarified that the cost to Medina to reach the 75 percent design phase would be \$25,000. She confirmed with Barnhart that those funds are available and have been allocated in the road fund.

Barnhart recognized that there is uncertainty with the pandemic but noted that the funds in the road fund cannot be used for City operations or to assist with pandemic costs. She stated that funds in the road fund can only be used for road projects.

Finke asked Stremel to provide additional details on the benefits that would be provided in developing the 75 percent design. He noted that there are existing drainage problems on both sides of the road, and he believed that the 75 percent design took into account those stormwater improvements that would provide benefit.

Stremel confirmed that the 75 percent design is a refinement of the design. He explained that the 30 percent design focused on developing two options, whereas the 75 percent design would refine the option selected to determine specific right-of-way needs and improvements that would be needed for the infrastructure, right-of-way, and stormwater.

Martin commented that it seems that this process could lead to improvements on the Corcoran side that would alleviate stormwater problems that residents are experiencing on the Medina side of the road.

Scherer used the example of a Medina resident that experienced front yard flooding the previous summer, noting that staff was trying to provide a resolution to those problems through this process.

Albers asked if there are public safety concerns with the current condition of the road and whether there would be challenges if additional traffic uses the road in this condition.

Nelson stated that from a public safety standpoint he was unsure there would be a big impact on public safety.

DesLauriers asked if there is a chance this project could go over budget.

Stremel stated that the design costs are specified in the proposal and did not see that would go over budget unless the scope of the project is changed.

Johnson asked the estimated lifespan of the current road.

Scherer stated that the eastern portion is in rough shape, noting that both Medina and Corcoran did a lot of patching this year. He estimated that an overlay would be needed in about one year. He stated that Medina has commitments to the developers on its side of the road. He commented that the east side of the road is not in good shape.

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>nay</i>

Martin nay

Motion passed.

Johnson stated that staff will move forward with the direction.

VIII. CITY ADMINISTRATOR REPORT (8:42 p.m.)

A. COVID-19 Public Meeting Update

Batty stated that this is an update on the past memorandum and of the discussion that occurred at a recent Council meeting related to electronic meetings. He stated that there are three legal reasons that allow non in person meetings including the pandemic, local declaration of emergency and State declaration of emergency. He stated that telephonic meetings can be conducted in different manners and noted that Medina has gone the route of no in person attendance of the Council, staff of members of the public. He stated that in the Medina declaration of emergency, it stated that it is not feasible to hold in person meetings because of the small size of the Council Chambers. He stated that if the Council wishes to take a different approach, it can return to in person meetings or an interim step could be taken where some members attend in person and others attend via telephone. He noted that some Councils have chosen to have Council and staff attend in person with members of the public attending virtually. He stated that at the last discussion, the majority of the Council wished to continue meeting in the current manner. He stated that the declaration impacts not only the Council but all other Boards and Commissions.

Anderson thanked Batty for this work and for the update. He stated that throughout this process he has learned that the actions of the governmental leaders matter. He stated that the public looks to its leaders for leadership and believed that the Council should err on the side of caution and continue to meet virtually. He stated that it sends the message that the Council is concerned with safety in Medina and demonstrates that concern for safety.

Martin agreed with the comments from Anderson. She stated that Medina should continue to be safe and encourage its residents to be safe. She stated that the Council will continue to meet virtually.

B. Police Activity Update

Johnson stated that Chief Nelson will provide an update.

Nelson stated that there are multiple groups of people working to the west of Medina, burglarizing homes, and stealing property, similar to the activity of the previous summer. He stated that Medina has not experienced these burglaries, but the parties are traveling through. He stated that they are crimes of opportunity, where garage or car doors are unlocked. He noted that this activity has been steady for the past two weeks in the communities to the west.

Martin stated that last summer, in instances where she felt comfortable, she did stop and encourage residents to close their garages and lock their vehicles. She noted that in most instances her comments were welcomed.

Nelson stated that when Officers patrol at night and see open garage doors, they attempt to shut them without waking up the homeowner. He stated that they also leave reminder cards stating that they noticed the garage doors were open during the night. He encouraged people to continue to have these discussions.

IX. MAYOR & CITY COUNCIL REPORTS (8:53 p.m.)

No additional comments.

X. APPROVAL TO PAY THE BILLS (8:54 p.m.)

Moved by Anderson, seconded by DesLauriers, to approve the bills, EFT 005560E-005572E for \$48,076.25, order check numbers 050346-050408 for \$325,249.64, and payroll EFT 0510320-0510347 for \$52,519.62.

A roll call vote was performed:

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

Motion passed unanimously.

XI. ADJOURN

Moved by Anderson, seconded by DesLauriers, to adjourn the meeting at 8:55 p.m.

A roll call vote was performed:

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

Motion passed unanimously.

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk