

MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 6, 2020

The City Council of Medina, Minnesota met in regular session on October 6, 2020 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

Martin read aloud a statement explaining that because of the ongoing pandemic, all City Council and Commissions meetings will be held in a virtual format. She provided instructions on how members of the public can participate in the meetings.

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 (7:06 p.m.)

III. ADDITIONS TO THE AGENDA (7:07 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:07 p.m.)

A. Approval of the September 15, 2020 Work Session Meeting Minutes

Moved by Martin, seconded by Albers, to approve the September 15, 2020 Work Session meeting minutes as presented.

A roll call vote was performed:

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

Motion passed unanimously.

B. Approval of the September 15, 2020 Regular City Council Meeting Minutes

Moved by Martin, seconded by Albers, to approve the September 15, 2020 regular City Council meeting minutes as presented.

A roll call vote was performed:

*Albers aye
DesLauriers aye
Anderson aye
Pederson aye*

Martin aye

Motion passed unanimously.

V. CONSENT AGENDA (7:08 p.m.)

- A. Reschedule November 10, 2020 Special Council Meeting to November 13, 2020 at 1 p.m.
- B. Appoint Jackson Carroll-Billman to Community Service Officer Position
- C. ~~Approve Snow Removal Services Agreement with Hunzy's LLC~~
- D. Approve Tree Trimming Agreement with Ray's Tree Service
- E. Resolution No. 2020-66 Appointing Election Judges for the November 3, 2020 General Election
- F. Resolution No. 2020-67 Accepting Donation from Thomas VanBeusekom
- G. Resolution No. 2020-68 Approving Recycling Grant Agreement with Hennepin County
- H. Resolution No. 2020-69 Approving a Donation from the Hamel Athletic Club
- I. Approve Field Conversion and Installation Services Agreement with Supreme Outdoor Services
- J. Approve Installation Services Agreement with D'Fence
- K. Approve Preliminary Development Agreement between the City of Medina and U.S. Home Corporation Regarding Meadow View Commons

Johnson noted that staff is requesting Council pull Item C from the Consent Agenda.

Martin expressed appreciation to those serving as Election Judges this year, recognizing the challenging times. She also thanked those that made donations to the parks.

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

A roll call vote was performed:

Albers aye
DesLauriers aye
Anderson aye
Pederson aye
Martin aye

Motion passed unanimously.

C. Approve Snow Removal Services Agreement with Hunzy's LLC

Johnson thanked DesLauriers for pointing out some mistakes in the agreement.

Scherer stated that the changes were identified in the redline version that was e-mailed earlier in the day to the City Council, noting that the changes were mainly to the dates. He noted that the agreement would run from October 7, 2020 through October 7, 2022.

Moved by DesLauriers, seconded by Martin, to approve the revised snow removal services agreement with Hunzy's LLC.

A roll call vote was performed:

Albers aye
DesLauriers aye
Anderson aye
Pederson aye
Martin aye

Motion passed unanimously.

VI. COMMENTS (7:13 p.m.)

A. Comments from Citizens on Items not on the Agenda

Kelsey Ottum, 1029 Jubert Trail, stated that her neighbors put together a petition that gained about 200 signatures. She stated that they are concerned with the safety of Meander and the entrance of CR 116 onto Meander. She stated that when approaching CR 116 from Meander it is difficult to see approaching vehicles and pedestrians. She stated that they would like to voice their concerns for safety related to the proposed development.

Martin stated that the petition has been received and is being reviewed by City staff.

Finke stated that staff is reviewing the issues, especially related to the sightlines from Jubert Drive. He noted that a site analysis was completed and perhaps there is vegetation and grading of the Fields of Medina berm that could be impacting the line of vision. He noted that staff will respond once the review is complete.

Ottum commented that there is currently a sidewalk that runs down Meander but stops at the corner of 116 and Meander. She commented that it would be great if that sidewalk could be extended to promote pedestrian safety.

Ryan Brokaw, 1041 Jubert Trail, echoed the comments of the previous speaker. He noted that there are many children in that area and the blind corner at CR 116 and Meander is dangerous for pedestrians. He stated that he would like to see the area made safer as development continues in this area.

Martin noted that there were multiple public forums and hearings related to the Meadow View Commons Townhome development request that would have been noticed to properties in that area. She encouraged residents to watch for those notices, as those provide the best opportunity to provide comments throughout the development process.

Brokaw asked that the Council still consider the requests of those in the petition to ensure safety to those in the neighborhood.

Scherer stated that while he would love to extend the sidewalk in that area, the City does not have the necessary right-of-way and there is not a willing seller at this time. He stated that there are plans to do additional striping in that area in an attempt to provide an area for pedestrians. He stated that a speed study was completed on this roadway two years ago to set the speed limit for the Meander roadway.

B. Park Commission

Scherer provided an update on the progress on the little league updates, noting that the first update was completed, and the remainder were placed on hold awaiting additional

planning. He invited members of the public to go online and make comments on the Hunter Lions Park Concept Plan.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to hold a public hearing to consider a six-lot subdivision northwest of Holy Name Lake, titled Holy Name Lake Estates. He stated that Final Plat request was also received from Meadowview Commons and the fourth phase of the Deerhill Preserve rural subdivision is being reviewed. He noted that the Chippewa Road and Weston Woods EAW is out for public comment.

VII. PRESENTATIONS

A. Resolution No. 2020-70 Recognizing Public Safety Director Jason Nelson for 20 Years of Service to the City of Medina (7:30 p.m.)

Martin read aloud the proposed resolution recognizing Jason Nelson for 20 years of service to the City of Medina.

Moved by Martin, seconded by Anderson, to adopt Resolution No. 2020-70 Recognizing Public Safety Director Jason Nelson for 20 Years of Service to the City of Medina.

Further discussion: Martin commented that Nelson has been a tremendous resource and shining light with the challenges of 2020, related to COVID and the death of George Floyd and its ramifications.

A roll call vote was performed:

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

Motion passed unanimously.

B. Resolution No. 2020-71 Recognizing Public Works Field Inspector John Gleason for 10 Years of Service to the City of Medina (7:34 p.m.)

Martin read aloud the proposed resolution recognizing John Gleason for 10 years of service to the City of Medina.

Moved by Martin, seconded by Pederson, to adopt Resolution No. 2020-71 Recognizing Public Works Field Inspector John Gleason for 10 Years of Service to the City of Medina.

Further discussion: Scherer commented on the dedication that John Gleason has to the department and his work and noted that Public Works is lucky to have him on the team.

Martin echoed the comments that Public Works has a great team and John Gleason makes it better.

A roll call vote was performed:

Albers aye
DesLauriers aye
Anderson aye
Pederson aye
Martin aye

Motion passed unanimously.

VIII. NEW BUSINESS

A. Roehl Heights – Final Plat – 1735 Medina Road (7:38 p.m.)

Martin referenced a memorandum submitted by Mr. Roehl dated October 6, 2020, which will become a part of the record for tonight's meeting.

Johnson reported that on June 16th the Council provided preliminary approval of the plat of the two-lot subdivision request at 1735 Medina Road.

Finke stated that the purpose of the final plat review is to review consistency with the preliminary plat and ensure that the conditions of preliminary plat have been met. He noted that additional right-of-way was provided along the south border of the site, as requested through preliminary plat. He noted that a number of the preliminary plat conditions will continue as final plat conditions. He stated that the applicant is requesting that the wetland buffers for the northern lot would not be implemented until the construction occurs on the northern lot.

1. Resolution No. 2020-72 Granting Final Plat Approval to the Estate of Robert J. Roehl for the Roehl Heights Plat

Moved by DesLauriers, seconded by Albers, to adopt Resolution No. 2020-72 Granting Final Plat Approval to the Estate of Robert J. Roehl for the Roehl Heights Plat.

A roll call vote was performed:

Albers aye
DesLauriers aye
Anderson aye
Pederson aye
Martin aye

Motion passed unanimously.

1. Upland Buffer Easement Agreement

Moved by DesLauriers, seconded by Albers, to approve the Upland Buffer Easement Agreement.

A roll call vote was performed:

Albers aye
DesLauriers aye
Anderson aye
Pederson aye

Martin aye

Motion passed unanimously.

B. Mike and Carolyn Anderson, Oakwood Hill LLC, Lot Line Rearrangement – 985/995 Medina Road (7:44 p.m.)

Johnson stated that the property owners of 985 Medina Road and 995 Medina Road are proposing a lot line rearrangement which will provide one property with the frontage necessary to construct a driveway.

Finke displayed an aerial photograph that shows the lot line rearrangements. He noted that the purpose is to provide frontage with one property to serve a driveway for that property. He noted that the properties are zoned rural residential and neither lot contains five contiguous acres of suitable soils, even though one lot is over 30 acres in size. He noted that the rearrangement would provide an improvement for the smaller of the two lots. He stated that staff recommends replacement easements along the property lines. He noted that vacation requests have also been submitted for the easements that would no longer serve purpose with the lot line rearrangement, which will be considered at the next Council meeting. He stated that staff recommends approval of the request.

DesLauriers referenced the schematic and proposed new driveway, noting that the end on Medina Road appears to be off the property line. He asked if that would be adjusted.

Finke stated that most of the driveway would be in the realigned segment but the portion near Medina Road would be located in the easement in order to improve sight distances.

1. Resolution No. 2020-73 Approving a Lot Line Rearrangement of 985 and 995 Medina Road

Moved by DesLauriers, seconded by Martin, to adopt Resolution No. 2020-73 Approving a Lot Line Rearrangement of 985 and 995 Medina Road.

A roll call vote was performed:

Albers aye
DesLauriers aye
Anderson aye
Pederson aye
Martin aye

Motion passed unanimously.

C. Ordinance Amending Individual Sewage Treatment System Permit Requirements; Amending Chapters 7 and 8 of the City Code (7:51 p.m.)

Johnson noted that staff is recommending three changes to the ordinance related to individual sewage treatment system permit requirements.

Finke provided additional details on the three proposed changes to the ordinance. He noted that the Planning Commission held a public hearing the previous month and recommended approval.

Albers stated that he would prefer Medina to remain more stringent than the State standard, as septic is a big issue for rural residential areas. He stated that he would feel more comfortable staying with the two-tank requirement. He stated that he would prefer over capacity rather than under capacity.

DesLauriers stated that he supports the new requirement as proposed by staff.

Finke displayed the table from Minnesota Rules, which would come into play if the City removed the two-tank requirement and provided details on those specifications. He stated that this requirement was advocated for by the previous Building Official, with the thought that larger capacity in the tank would allow more opportunity for settling of solids within the tanks, if they are not pumped regularly. He stated that the requirement for separate tanks was the thought of the previous Building Official that the compartmentalized tanks did not function as well as two separate tanks. He stated that the new Building Official believes that the compartmentalized tanks have improved in recent years and fully supports the use of those tanks.

Albers stated that he would still prefer to have additional capacity. He stated that last spring water got into his tanks and he received a high-volume alarm quickly, noting that he has two 1,000-gallon tanks.

DesLauriers asked the age of Albers' system.

Albers estimated that his system was installed in 2000 or 2001.

DesLauriers stated that there was a comment related to new technology since that time.

Finke commented that there is nothing time sensitive about this ordinance and staff could provide more information if desired. He stated that the important element would be to allow for compartmentalized tanks, even if the higher capacity is required.

Anderson stated that he tends to agree with the comments of Albers and would prefer to remain conservative. He commented that he would not want to run afoul of the State in having a more stringent standard. He stated that he would be interested in having more information from staff to discuss at a later date.

Pederson stated that he is comfortable with the language as presented, with the single tank and increased capacity.

Martin stated that she is also comfortable with the language as proposed.

Moved by Martin, seconded by Albers, to table Ordinance Amending Individual Sewage Treatment System Permit Requirements; Amending Chapters 7 and 8 of the City Code until the time staff can gather the requested information.

A roll call vote was performed:

*Albers aye
DesLauriers aye
Anderson aye
Pederson aye*

Martin aye

Motion passed unanimously.

D. Medina Fire Contracts Letter (8:09 p.m.)

Johnson stated that at the September 15th Council work session there was a recommendation for the development of a joint powers agreement (JPA)/fire service district to provide fire and emergency services on a regional basis to Medina and neighboring cities which would allow regional sharing of equipment and personnel. He stated that staff is asking the Council to review the draft letter.

Martin stated that she and DesLauriers worked on the letter in an attempt to open dialogue with the fire departments about this topic.

DesLauriers commented that part of the letter identifies the next steps, including a meeting will take place on October 8, 2020 with the Fire Chiefs to discuss a future fire district/JPA. He noted that part of the letter identifies inconsistencies between the departments in an attempt to gain consistency. He stated that he is asking for additional input on the letter and process moving forward.

Johnson stated that perhaps a special work session could be held on November 4th to discuss this topic.

Anderson stated that he agrees with the intent of the letter and does think that getting in front of the various Chiefs in order to gain consistency in the contracts is important. He commented that from a process standpoint he believes this letter would put the cart before the horse. He stated that it is his perception that there is some question as to whether Medina is serious about the joint powers agreement. He believes that the Council should review and adopt the fire services report before attempting to further communicate with the neighboring communities. He suggested that the Council review the fire services agreement at the next Council work session on October 20th to discuss the final fire study report and take a formal vote at the regular meeting on October 20th. He noted that the letter could then be sent out after that formal action of the Council is taken on the study and its recommendations. He believes that the letter would be better received by neighboring communities if it follows action of the Council.

Pederson stated that there was quite a bit of discussion about the JPA/fire service district at the last meeting. He stated that he did not have a preference on when the letter is sent.

Martin stated that she believed that Medina was solid on its commitment to move forward with the fire district/JPA at the last meeting. She stated that she was unsure that she was ready to adopt the report as the path forward, noting that she will need additional time to review the report. She stated that the content of the report will not change her preference to move forward on the fire district/JPA. She did not see that the report would need to be adopted prior to sending the letter. She stated that she would like to send the letter as it does show Medina's commitment and is asking for the commitment of the different fire service organizations.

DesLauriers stated that there was a lot of time spent discussing this at the last meeting and sending the letter would show commitment in moving forward. He believed that the letter should be sent now.

Anderson stated that he respectfully disagrees. He stated that Medina is asking for a serious commitment from each of the four departments without first making it very clear that it is making its own commitment. He stated that there was a discussion and sense of approval in a work session but did not think that constitutes the level of commitment that the departments serving Medina deserve. He believed that the letter would receive pushback without having that formal and authoritative approval of the Council.

Martin stated that her intention is that this letter would open the dialogue further in a flexible manner.

Moved by DesLauriers, seconded by Albers, to direct staff to send the letter to the four fire departments as amended by the City Council.

A roll call vote was performed:

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

Motion passed.

IX. CITY ADMINISTRATOR REPORT (8:22 p.m.)

A. COVID-19 Public Meeting Update

Batty stated that the memorandum in the packet provides an update to the Council related to the legal basis which the City has been able to hold virtual meetings. He reviewed the options the City has continuing to move forward. He noted that a few Executive Orders have been issued in the past three months which contain a strong recommendation that government meetings be held virtual if possible. He stated that if meetings are held in person, those at risk are encouraged to participate virtually. He stated that another Executive Order relates to conduct at public meetings and specifies that social distancing would be required and mask wearing would be required whenever someone is not speaking, testifying, or presenting. He stated that if there were a desire by the Mayor, or Council, to change the meeting format, a modified order would need to be issued by the Mayor.

Anderson commented that the virtual meeting format continues to be the right course of action.

Martin agrees and noted that there have been too many situations where people have tested positive after attending public events.

Pederson agreed.

Albers and DesLauriers confirmed that they would be fine continuing in the virtual format as well.

B. Update Related to Brush Pile Gates and Security

Scherer stated that there has been a lot of brush clearing this year. He informed the City Council that in the past week three of the four people he approached at the brush pile were not Medina or Loretto residents. He stated that he would prefer to limit contact with people. He stated that they have investigated the possibility of installing gates, noting that there are CARES Act funds available for that purpose. He stated that the price of grinding the brush has increased and there is an increased amount of activity from residents outside of Medina and Loretto. He provided details on where the gates would be installed. He noted that the gate would have a code entry system that could be shared with residents. He provided a cost estimate of \$50,000 for the two gates and keypad. He noted that the most recent grinding cost was \$17,000 for comparison. He asked for input from the Council.

Martin commented that she thinks this is a wonderful idea, noting that the size of the pile has been amazing at different times throughout the summer.

Albers agreed that the pile has been big this summer. He agreed that this would make sense. He stated that the cost seems high but if the City is spending higher amounts on grinding fees, the payback should occur quickly by reducing the amount of brush from non-residents.

DesLauriers agreed that this seems like a necessity. He stated that he would like to see multiple quotes. He noted that cameras could be installed for the gate but also the garage.

Scherer confirmed that a camera could be posted in a position to capture the whole rear of City Hall.

Anderson stated that perhaps the Council should review the penalty for illegal dumping and suggested it should be strengthened if the City is going to spend these funds on the gates.

Scherer noted that currently staff just chases them out at this point and obtains a license number. He noted that the police call to scold the person after the fact.

Anderson stated that perhaps Nelson should also be involved in the discussion. He stated that if someone were hit with a substantial fine, word could spread quickly that illegal dumping is not allowed in Medina.

Martin asked if there is any signage onsite that non-residents are not allowed to dump materials.

Scherer confirmed that there are signs posted. He stated that he will work to obtain a second quote and review options to present back to the Council.

Martin stated that she would be more willing to support the request if CARES Act funds could be used for this purpose.

Barnhart stated that the City can use CARES Act funds for this purpose as the intent is to have less staff interaction. She stated that the gates would need to be installed by November 15th in order to use CARES Act funds.

Anderson asked if the gates must be completed by November 15th or whether the project need only be started by that date.

Barnhart believed that the project must be completed, and goods must be bought and received by that date.

Scherer stated that he will get a second quote. He noted that the first contractor stated that posts could be in the ground within a couple weeks, but the gates are custom made. He noted that the parts could be delivered but it might not be fully assembled by that date.

Pederson stated that he owns a gate of this type and it operates flawlessly. He provided two contractors that do excellent work on this type of product.

Moved by Albers, seconded by DesLauriers, to direct staff to proceed to discern whether a gate system could be installed by November 15th that would be reimbursable with CARES Act funds and to work with Pederson if necessary, and to proceed with installation of the gate system.

A roll call vote was performed:

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

Motion carried unanimously.

X. MAYOR & CITY COUNCIL REPORTS (8:45 p.m.)

No comments.

XI. APPROVAL TO PAY THE BILLS (8:45 p.m.)

Moved by Anderson, seconded by Martin, to approve the bills, EFT 005654E-005678E for \$100,018.43, order check numbers 050691-050767 for \$334,597.67, and payroll EFT 0510499-0510552 for \$106,573.78.

A roll call vote was performed:

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

Motion passed unanimously.

XII. CLOSED SESSION: ATTORNEY-CLIENT PRIVILEGED DISCUSSION ON THREATENED LITIGATION MATTER SPECIFICALLY WITH MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY PURSUANT TO MINN. STAT. SEC. 13D.05, SUBD. 3(b)

Moved by Martin, seconded by Anderson, to adjourn the meeting to closed session at 8:47 p.m. for an attorney-client privileged discussion on threatened litigation matter, specifically with Minnesota Department of Labor and Industry pursuant to Minn. Stat. Sec. 13D.05, Subd. 3(b).

A roll call vote was performed:

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

Motion passed unanimously.

The meeting returned to open session at 9:06 p.m.

XIII. CLOSED SESSION: CITY ADMINISTRATOR ANNUAL PERFORMANCE REVIEW, PURSUANT TO MINN. STAT. SEC. 13D.05, SUBD. 3(a)

Moved by Martin, seconded by Anderson, to adjourn the meeting to closed session at 9:07 p.m. for the purpose of conducting the annual performance review of the City Administrator pursuant to Minn. Stat. Sec. 13D.05, Subd. 3(a).

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 9:34 p.m.

XIV. MAYOR & CITY COUNCIL REPORTS (9:35 p.m.)

Albers reported that he attended the Three Rivers Park District trail meeting two weeks ago with DesLauriers and Pederson. He noted that he has received a lot of comments from citizens on the proposed trail and believed that the Council needs to think about the impact of the trail in relation to people's backyards when it comes forward.

Martin commented that it is almost a wish list from Three Rivers Park District, as the ability to put trail in certain locations is based on the property owner willing to grant easement.

DesLauriers stated that he also received comments related to the trail alignment. He stated that the park trail future planning map identifies segments that go nowhere, which is similar to the Diamond Head Trail.

Martin asked if the plans should be compared to each other.

DesLauriers confirmed that would be his intent before the City provides additional comments.

Anderson noted that he also received several emails related to where the trail could be in relation to someone's yard. He believed that the issues could be reasonably managed.

DesLauriers stated that he attended a fire nearby his home in Plymouth and commented that the display of fire trucks and departments was impressive. He commented on the quick response time and commended the local fire departments.

XV. ADJOURN

Moved by Anderson, seconded by DesLauriers, to adjourn the meeting at 9:42 p.m.

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.

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk