

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 4, 2021

The City Council of Medina, Minnesota met in regular session on May 4, 2021 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

Martin read a statement explaining that the meeting continues to be held in a virtual format due to the ongoing pandemic and provided instructions on how members of the public can participate.

I. ROLL CALL

Members present: Albers, Cavanaugh, DesLauriers, Martin, and Reid.

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 (7:03 p.m.)

III. ADDITIONS TO THE AGENDA (7:03 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:03 p.m.)

A. Approval of the April 20, 2021 Regular City Council Meeting Minutes

Martin noted that prior to the meeting proposed corrections from herself were circulated for incorporation.

Moved by Martin, seconded by DesLauriers, to approve the April 20, 2021 regular City Council meeting minutes as amended.

A roll call vote was performed:

*DesLauriers aye
Albers aye
Cavanaugh aye
Reid aye
Martin aye*

Motion passed unanimously.

V. CONSENT AGENDA (7:05 p.m.)

A. Approve 2020 Annual Report

B. Resolution No. 2021-28 Accepting Resignation of Community Service Officers Patrick Johnson

C. Approve Community Service Officer Job Description

- D. **Approve Internal Recruitment and Replacement for Community Service Officer Position**
- E. **Approve Manufacturer’s Materials Bid with Musco Sports Lighting for the Paul Fortin Memorial Ball Field**

Reid requested to pull Item A for additional comments.

Moved by Reid, seconded by Cavanaugh, to remove Item A from the Consent Agenda.

A roll call vote was performed:

*DesLauriers aye
Albers aye
Cavanaugh aye
Reid aye
Martin aye*

Motion passed unanimously.

Moved by Cavanaugh, seconded by Reid, to approve the consent agenda as amended.

A roll call vote was performed:

*DesLauriers aye
Albers aye
Cavanaugh aye
Reid aye
Martin aye*

Motion passed unanimously.

A. Approve 2020 Annual Report

Reid stated that she was incredibly impressed with this professional document and would like it posted on the website for residents to read. She complimented staff for the work they put into the document.

Martin applauded the contributions of the individual department heads to the report and the significant efforts of Gallup to meld those reports into a unified single report of the City.

Moved by Reid, seconded by Martin, to approve the 2020 Annual Report and post the report on the City website with the corrections submitted by DesLauriers.

A roll call vote was performed:

Reid aye
Cavanaugh aye
Martin aye
DesLauriers aye
Albers aye

Motion passed unanimously.

VI. COMMENTS (7:09 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Sharp stated that the Commission did not meet in April. He stated that Three Rivers Park District is wrapping up the comment period on the trail this week. He stated that a series of neighborhood meetings have been held this past year and there will be another for residents along Hamel Road the following night to be held outdoors. He stated that once that is complete, the Commission will review the potential route options down Hamel Road and the options for crossing Highway 55. He stated that two new youth members were appointed to the Commission and the Commission is excited to meet them and gain their input.

Martin commented that the meeting the following night at Baker Park has been noticed as a public meeting as a number of Council members have expressed interest in attending.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to hold a public hearing to consider the Pioneer Trail Preserve subdivision, which is a three-lot subdivision of 40 acres. He stated that there will also be a Site Plan review for an accessory structure at 215 Hamel Road.

VII. PRESENTATIONS

A. Resolution No. 2021-29 Recognizing Planning Director Dusty Finke for Fifteen Years of Service to the City of Medina (7:14 p.m.)

Martin commended Finke for the excellent work that he completes on behalf of the City. She read aloud the draft resolution recognizing Finke for 15 years of service to the City of Medina.

Moved by Martin, seconded by Albers, to adopt Resolution No. 2021-29 Recognizing Planning Director Dusty Finke for 15 Years of Service to the City of Medina.

Further discussion: Johnson commented that Finke is an incredible member of staff and he is fortunate to have him on the team. Finke goes above and beyond his planning duties and thanked him for his years of dedicated service.

Cavanaugh echoed the comments of thanks to Finke and expressed appreciation for his work.

Martin stated that she appreciates the insight and skill Finke brings to his position, guiding the City through difficult decisions. She also commended him for the well written and comprehensive staff reports.

A roll call vote was performed:

*Albers aye
Reid aye
Cavanaugh aye
DesLauriers aye
Martin aye*

Motion passed unanimously.

Finke thanked everyone for the kind words, noting that it has been an honor to be a part of City staff for the past 15 years. He commented that the City has a great staff team, and it is an awesome place to work.

VIII. OLD BUSINESS

A. Gambling License at Medina Entertainment Center, 500 Highway 55 (7:22 p.m.)

Johnson provided background information on the request which came before the Council at its last meeting. He stated that the permit meets the requirements and there is no reason for denial. He stated that at the last meeting staff was directed to further research the ability for the City to require permittees to contribute up to 10 percent of profits into a City administered fund.

Gallup stated that after researching the items requested by the Council, staff was able to find additional clarification. She stated that the City would be limited to a request of 10 percent be contributed from profits earned. She stated that the City should also not require an organization to make a contribution to a specific organization as that could violate second amendment rights and therefore, if the Council chooses, it should choose the option to have an ordinance which would require permittees to contribute ten percent of profits into a City administered fund. She stated that this would be a separate fund that would have restricted uses, noting that examples of lawful uses were included within the staff report. She stated that would require an ordinance amendment that the City can enact at any time. She clarified that once enacted, any permittee would fall under that requirement to contribute ten percent of its profits earned into that City administered fund. She recommended that the Council approve the permit tonight and provide direction on whether it would like to pursue such ordinance.

Martin stated that it seems the City is in a legal position where it needs to grant the permit.

1. Resolution No. 2021-30 Approving Premises Permit to District #284 Wayzata Youth Hockey to Conduct Lawful Gambling at 500 Highway 55

Moved by Martin, seconded by Reid, to adopt Resolution No. 2021-30 Approving Premises Permit to District #284 Wayzata Youth Hockey to Conduct Lawful Gambling at 500 Highway 55.

A roll call vote was performed:

<i>Reid</i>	<i>aye</i>
<i>Albers</i>	<i>aye</i>
<i>Cavanaugh</i>	<i>aye</i>
<i>DesLauriers</i>	<i>aye</i>
<i>Martin</i>	<i>aye</i>

Motion passed unanimously.

Moved by Martin, seconded by Cavanaugh, to direct staff to bring back an ordinance amendment to establish the 10 percent lawful gambling contribution requirement into a City administered fund.

Further discussion: Albers asked if the City could look to potentially dedicate that fund to establish some ice hockey rinks in several parks and fund their management.

Martin stated that the materials provided by staff state that could be a use of the fund but noted that she would not want to restrict the use of those funds to just that purpose as there would be other opportunities such as Medina Celebration Day, public safety, or other park improvements.

DesLauriers commented that the monies should go into a fund as recommended to be distributed as needed.

Reid agreed with the comments of DesLauriers.

Cavanaugh also agreed that the monies should go into a general fund. He asked if there would be any way to coordinate with Wayzata Youth Hockey, noting that perhaps that organization would be willing to use some of its newly found profits to provide that outdoor ice space in Medina.

Albers stated that he does like that approach and recommended engaging the Wayzata Orono, and Delano hockey associations to determine if they would be interested in contributing to the costs for outdoor ice space in Medina.

Barnhart stated that she has been told by several of the other cities she spoke with that participate in this action that the gambling board is very thorough in its compliance and the City will be thorough as well in how the funds are used. She stated that the funds cannot be used for general park improvements and has to be specific to youth programs and possibly park equipment. She stated that there are restrictions in contributing those funds to the City.

Martin asked if there would be a deadline in which the City must use the funds from this new account.

Barnhart commented that she does not believe there would be such a deadline but noted that the City would have to report an annual tax form and submit the balance.

A roll call vote was performed:

*Reid aye
Albers aye
Cavanaugh aye
DesLauriers aye
Martin aye*

Motion passed unanimously.

IX. NEW BUSINESS

A. Embedded Social Worker Program with Police Department (7:34 p.m.)

Johnson stated that seven police agencies are looking to join forces and add an embedded social worker from Hennepin County to provide resources and assistance with mental health crisis calls. He commented that this is a great opportunity as there has been a spike with mental health crisis calls for police. He commented that this is a positive step and would be a great addition.

Nelson stated that Medina would look to partner with the other agencies to offer additional services. He stated that if the police have to provide all of these services, it is just a band-aid without follow-up. He stated that this program has funding available to assist with 40 percent of the cost for the workers. He stated that as things continue to change with use of force and officers responding to mental health calls, the hope would be that this program would help to provide services before a crisis scenario is reached. He stated that this would provide help to loved ones that need help for a family member. He stated that this program would connect someone in crisis with services available through the County along with follow-up. He stated that this would involve a two-year commitment and after that time there would be enough data to determine if the program provides the desired results. He stated that Plymouth and Minnetonka were previously involved in the program and after one year decided that they had enough calls and benefit to hire their own social worker directly. He stated that tonight he is asking for approval to work with the other cities to develop a formal contract which would come back before the Council for formal consideration. He hoped that this could move forward later this year.

Martin thanked Nelson for the report. She stated that she has a better understanding for the need to bring social work into the arena in which the police act and therefore supports moving forward to work with the other cities in this capacity.

Albers commented that he also supports the idea.

DesLauriers stated that he fully agrees that this would be a great way to try out this concept.

Reid stated that when she read summaries of calls from the police and fire, most of the calls for service are not related to police or fire and therefore supports this action.

Cavanaugh agreed that this is a great concept and believes it will be money well spent.

Moved by Martin, seconded by Albers, to approve direct staff to work with other participating agencies to prepare a contract to hire a social worker.

A roll call vote was performed:

<i>Reid</i>	<i>aye</i>
<i>Cavanaugh</i>	<i>aye</i>
<i>Martin</i>	<i>aye</i>
<i>DesLauriers</i>	<i>aye</i>
<i>Albers</i>	<i>aye</i>

Motion passed unanimously.

B. Reserve of Medina 3rd Addition – Final Plat and Development Agreement
(7:43 p.m.)

Johnson stated that Pulte Homes is requested the Final Plat approval for the last phase of its development. He stated that there were concerns shared from an adjacent property owner which City Engineer Stremel will address.

Finke stated that this is a review of the Final Plat for the 3rd Addition and highlighted the lot locations in the northern portion of the project. He stated that Final Plat review is meant to ensure the plat is consistent with the previously approved Preliminary Plat, noting that in this instance they are identical. He stated that the conditions of Preliminary Plat have either been met, or will be met, through the development of the site noting that most of the conditions will carry over and be included with the Final Plat Resolution and/or Development Agreement. He referenced Hackamore Road and stated that language was included in the Preliminary Plat including a contribution to the improvements for the roadway. He stated that the implementation of the contribution has been delayed until this time as the 3rd Addition connects to Hackamore Road and highlighted the segment of the roadway improvement that Pulte would be responsible for with this phase of the development. He stated that the developer would also provide additional filtration volume within the pond for the new hardcover of Hackamore Road. He stated that if the Council approves the Resolution and Development Agreement, Pulte would be responsible for the physical construction of that portion of Hackamore Road. He stated that the other matter related to the grading and drainage related to adjacent property and noted that additional language was included that intends to specify those grading and drainage requirements included within the City Engineer review comments.

DesLauriers appreciated City staff members going out to the property to review drainage issues and find a resolution that satisfies all parties.

Albers asked if the new language was presented to the adjacent property and found to be appropriate to address their concerns.

Finke stated that he did not discuss the exact language but did discuss the issues on the site and those were the primary issues.

Stremel stated that with the Xenia Trail drainage issues, curb and gutter will be installed to capture water from the roadway and there will be a swale in the rear yard of some homes to capture additional drainage.

Reid thanked Finke and Stremel for visiting the site to resolve these issues prior to the meeting and noted that the adjacent property owner most likely appreciated that effort and attention.

1. Resolution No. 2021-31 Granting Final Plat Approval for Reserve of Medina 3rd Addition

Moved by Reid, seconded by Cavanaugh, to adopt Resolution No. 2021-31 Granting Final Plat Approval for Reserve of Medina 3rd Addition.

Further discussion: Finke asked if the Council would accept the amended language for condition seven.

Martin confirmed the consensus of the motion maker and seconder to accept that amended language as recommended by staff.

A roll call vote was performed:

*DesLauriers aye
Albers aye
Cavanaugh aye
Reid aye
Martin aye*

Motion passed unanimously.

1. Development Agreement by and between the City of Medina and Pulte Homes of Minnesota, LLC for Reserve of Medina 3rd Addition

Moved by DesLauriers, seconded by Cavanaugh, to approve the Development Agreement by and between the City of Medina and Pulte Homes of Minnesota, LLC for Reserve of Medina 3rd Addition.

A roll call vote was performed:

*Reid aye
Cavanaugh aye
Albers aye
DesLauriers aye
Martin aye*

Motion passed unanimously.

X. CITY ADMINISTRATOR REPORT (8:00 p.m.)

Martin noted that she believed there was an error on page three of the minutes from the last meeting related to a comment from Barnhart, which has been confirmed by Barnhart.

Johnson stated that change can be handled administratively. He noted that he had nothing further to report.

XI. MAYOR & CITY COUNCIL REPORTS (8:01 p.m.)

Martin recognized that everyone would love to return to in person meetings at City Hall for Council and Commission meetings but noted that the Chamber at City Hall is very small and therefore it does not seem appropriate to meet in person at this time. She asked if members of staff, Council and Commissions could report to Johnson on the status of their vaccinations. She stated that she would be hesitant to gather in that room including staff, members of the Council and Commissions, and members of the public that would create an increased risk of infection and disease. She commented that she may have a conflict on May 12th with the Hennepin County Mayors meeting and noted that if there were a member of the Council that would like to attend in her place, they would be welcome.

XII. APPROVAL TO PAY THE BILLS (8:05 p.m.)

Moved by Cavanaugh, seconded by Martin, to approve the bills, EFT 005904E-005924E for \$62,252.56, order check numbers 051481-051511 for \$72,384.77, and payroll EFT 0510982-0511010 for \$57,629.68.

A roll call vote was performed:

*Albers aye
Cavanaugh aye
Reid aye
Martin aye
DesLauriers aye*

Motion passed unanimously.

XIII. CLOSED SESSION: ATTORNEY-CLIENT PRIVILEGED DISCUSSION ON POTENTIAL LITIGATION RELATED TO ZONING VIOLATION AT 2402 STATE HIGHWAY 55 PURSUANT TO MINN. STAT. SEC. 13D.05, SUBD. 3(b)

Martin noted that Cavanaugh has recused himself from the closed session. *Moved by DesLauriers, seconded by Reid, to adjourn the meeting to closed session at 8:09 p.m. to discuss potential litigation related to zoning violation at 2402 State Highway 55 pursuant to Minn. Stat. 13d.05, subd.3(b).*

A roll call vote was performed:

*DesLauriers aye
Albers aye
Cavanaugh aye
Reid aye
Martin aye*

Motion passed unanimously.

The meeting reconvened to open session at 8:42 p.m.

XIV. ADJOURN

Moved by Albers, seconded by DesLauriers, to adjourn the meeting at 8:43 p.m.

A roll call vote was performed:

DesLauriers aye

Albers aye

Reid aye

Martin aye

Motion passed unanimously.

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk