

MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 4, 2021

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

I. ROLL CALL

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

Members absent: Reid.

Also present: City Administrator Scott Johnson, Assistant City Administrator Jodi Gallup, City Attorney Dave Anderson, Finance Director Erin Barnhart, City Engineer Jim Stremel, City Planning Director Dusty Finke, Public Works Director Steve Scherer, and Chief of Police Jason Nelson.

II. PLEDGE OF ALLEGIANCE (7:01 p.m.)

III. ADDITIONS TO THE AGENDA (7:00 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:01 p.m.)

A. Approval of the July 20, 2021 Work Session City Council Meeting Minutes

*Moved by Cavanaugh, seconded by DesLauriers, to approve the July 20, 2021 work session City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the July 20, 2021 Regular City Council Meeting Minutes

*Moved by Cavanaugh, seconded by DesLauriers, to approve the July 20, 2021 regular City Council meeting minutes as presented. **Motion passed unanimously.***

V. CONSENT AGENDA (7:03 p.m.)

A. Set Date of Truth in Taxation Meeting for December 7, 2021

B. Approve Assessing Agreement for Residential with Rolf Erickson

C. Approve Assessing Agreement with Hennepin County

D. Approve Fireworks Display Contract Agreement with RES Pyro

DesLauriers asked if the previous contract with RES Pyro was in the amount of \$5,000.

Gallup confirmed that to be true and provided additional details.

Martin commented that some of the assessment work (nonresidential) needs to be taken to Hennepin County. She stated that these are the types of increases that they will continue to see from Hennepin County as it looks to pass more costs to municipalities because of its diminished tax base. She urged the City to be keen on safeguarding the City's war chest and keep it intact for future incidents.

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

Motion passed unanimously.

VI. COMMENTS (7:05 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer reported that he and Gallup will meet with WSB to discuss improvements for Lakeshore Park. He noted that dirt will begin moving at Hunter Park in the next week. He stated that the ballfield lighting ceremony will take place the following week at Paul Fortin Field.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to hold hearings related to requests for a PUD General Plan for a townhome development near CR 29 and Highway 12, a Preliminary Plat for a villa project at 500 Hamel Road, and a Conditional Use Permit for a solar array at 2832 Hamel Road.

VII. PRESENTATIONS

A. Resolution No. 2021-49 Recognizing Police Sergeant Kevin Boecker for 20 Years of Service to the City of Medina (7:07 p.m.)

Martin read aloud the draft resolution recognizing Police Sergeant Kevin Boecker for his 20 years of service to the City of Medina. She thanked him for his continued service to the community.

Nelson commented that Sergeant Boecker has done a lot for the community in his time with the department and the different positions that he has held. He noted that he is a valuable member of the department. He stated that Boecker's leadership as sergeant allows him to leave when he needs to without worrying about the department. He noted that Boecker is extremely helpful with investigations, and he cannot say enough about the high quality of work Boecker completes.

Moved by Martin, seconded by Albers, to adopt Resolution No. 2021-49 Recognizing Police Sergeant Kevin Boecker for 20 Years of Service to the City of Medina.

A roll call vote was performed:

*DesLauriers aye
Albers aye
Cavanaugh aye
Martin aye*

Motion passed unanimously.

VIII. NEW BUSINESS

A. Rolling Green Business Park Association – 801-899 Meander Court – Planned Unit Development Amendment (7:11 p.m.)

Johnson stated that the Rolling Green Business Park Association is requesting an amendment to their Planned Unit Development to allow for certain retail and service uses within the existing and future buildings on the property.

Finke highlighted the subject property on an aerial photograph, noting that the PUD was approved in 2003 as an office park development. He noted that half of the buildings within the property have been constructed. The applicant is looking for the opportunity to market to additional users in order to obtain buyers to complete the project which began construction 17 years ago. The proposal would amend the PUD to add some additional uses to office. All other elements of the PUD would remain unchanged. He stated that the PUD includes 15 total buildings with 100,000 square feet divided between those buildings. He stated that additional background information was included within the staff report. He reviewed the permitted uses that would be proposed under general retail and service. He noted that in conversation with some members of the Council there have been questions related to potential uses such as drive thru's. He noted that staff suggested additional prohibited uses. He stated that staff spoke with representatives from Rolling Green, and they agreed that they did not want to include those uses staff suggested to be prohibited and agree to the change. He noted that staff did not see any impacts to infrastructure with the proposed changes in use. He noted that the applicant agreed to hold one lot for proof of parking to ensure there is adequate parking analysis completed for the site. He stated that staff recommended that it seemed appropriate to add those uses. He reported that the Planning Commission held a public hearing and unanimously recommended approval of the amendment as proposed. He stated that the version provided by staff tonight included the additional language as discussed.

DesLauriers commented that he likes the additional uses and the prohibited uses.

Albers referenced restaurants, coffee shops, ice cream shops, etc. that were listed as prohibited and asked for additional details on why those uses would not be allowed.

Finke stated that he could see that a restaurant or coffee shop in that area may be appropriate.

Martin agreed that it would seem that those uses could seem desirable and should perhaps be permitted.

Finke commented that the primary consideration related to restaurants as a use would be parking. He noted that there was a fairly large reduction in parking for the original PUD because of the office use. He noted that on a per square foot basis a restaurant would have a higher parking need. He stated that additional proof of parking was set aside and could open that up. He noted that a large sit-down restaurant would probably not come to this site without liquor available and the limited square footage.

Martin stated that the association could regulate that as well.

Finke stated that there is not a lot of room on the site for a patio and those restaurant elements.

Maryann Houlihan, Rolling Green Business Association, stated that she has been in this location since 2005. She noted that the restaurant situation did come up and the Association Board has been approached by various types of business. She reviewed the different restaurant options that have approached the group, noting that the Board was concerned with traffic that could be generated from that use. She stated that

architecturally the buildings need to follow the same look and appearance which does not lend itself towards a sit-down restaurant. She recognized the change in the market towards more takeout service and noted that option could work as it would not generate much parking or traffic. She stated that she would ask that the Council consider that option but noted that it is not specifically what they are looking for. She stated that all the businesses currently own their units, and they would continue to focus on that method. She stated that there is good interest, noting that there is a nail salon and dentist who are interested at this time. She commented that they would appreciate the additional flexibility.

Martin stated that if the association wanted a use such as an ice cream shop or takeout food service, allowing that in the PUD would allow the association to regulate and allow that option if desired without coming back to the Council to ask for that to be added in the future.

Cavanaugh commented that this is a great idea that could help to spur interest and complete the project. He stated that he does have some concerns related to parking. He stated that a fitness use during a class could create significant parking demand at peak times, which could put pressure on other users. He asked if it would make sense to include a condition that would state a use could be permitted as long as it does not exceed a number of parking stalls or whether staff does not believe that would be an issue.

Finke stated that in the ordinance those fitness uses have the same minimum parking standards as office. He recognized that depending upon how those uses operate, there could be different parking demands.

Anderson stated that parking is hard to predict in terms of needs. He stated that the City parking standards should be where they start but recognized that is not a one size fits all tool. He stated that if parking is limited and a business grows and the demand for parking grows the business may look for a different site. He stated that these units are limited to a certain size which would hopefully prevent them from outgrowing their parking. He stated that he would guess that staff would be willing to review the parking standards if desired by the Council.

Cavanaugh stated that he attended a class in the past where class size was limited by City Code to a certain number of participants.

Finke stated that there are signs in multi-tenant buildings that reserve parking spots for the closest user and the market takes over to a certain extent. He stated that the hope would be that the peaks of some of the uses do not align which allows for shared parking and a business to exceed their allotment of parking if needed. He believed that the association covenants would be the method to control that.

Houlihan stated that several members of the Planning Commission had driven through the site prior to that meeting and the footprint of the overall site is not that large. She noted that many of the businesses do not have much foot traffic. She provided additional details on the available parking and where congestion typically occurs within the property for parking.

Martin stated that off-sale and on-sale liquor was added as a prohibited use, therefore a restaurant would not be allowed to serve alcohol.

Albers commented that might be limiting the uses.

Martin stated that perhaps the Council add additional flexibility that on-sale liquor be allowed in conjunction with a restaurant use as long as it is not a bar. She noted that the association could still regulate its desired users.

Albers agreed.

Martin provided suggested amended language.

1. Ordinance No. 674 Amending the Rolling Green Business Center Planned Unit Development Amendment

Moved by Martin, seconded by Albers, to adopt Ordinance No. 674 Amending the Rolling Green Business Center Planned Unit Development Amendment with the additional amendment to 2(b)(d) to specifically prohibit off-sale liquor sales, to delete section 2(b)(e), to amend section 2(c)(e) to add except as permitted in G below, and add H that would permit restaurants including those with incidental on premises sales of liquor (coffee shops, ice cream shops, and other retail food services).

Further discussion: Houlihan referenced D, noting that those uses would not be permitted. She stated that there is a dentist that is considering the space.

Martin noted that those medical uses would be permitted and reviewed the medical uses that would not be permitted.

Houlihan asked if counseling would be allowed.

Martin believed that would be allowed as drafted. She amended the motion to change permitted use D such that the first period is replaced with a semicolon and reads, "...; provided, however, hospitals..."

Albers accepted the amendment to the motion.

Motion passed unanimously.

1. Resolution No. 2021-50 Authorizing Publication of Ordinance No. 674 by Title and Summary

*Moved by DesLauriers, seconded by Martin, to adopt Resolution No. 2021-50 Authorizing Publication of Ordinance No. 674 by Title and Summary. **Motion passed unanimously.***

B. Resolution No. 2021-51 Allowing the Director of Public Works to Impose Water Use Restrictions (7:45 p.m.)

Johnson stated that on July 16th the MN DNR determined that the state is in a drought warning phase and staff recommends adoption of a resolution allowing the Director of Public Works to impose water use restrictions should the DNR impose further restrictions.

Scherer confirmed that the state is in a severe drought condition which enacts certain actions from the DNR. He stated that the City receives an appropriations permit from the DNR related to water use. He stated that on July 16th the drought warning phase was entered and has now gone to a severe drought phase. He provided details on the City's conservation plan that is part of the appropriations permit. He stated that the City has posted water conservation efforts on the website and through other methods of communication with residents. He noted that irrigation is the biggest water user and waste. He stated that he contacted the Enclave, which is the largest water user in Medina and requested they cut back on irrigation. He stated that the Enclave has reduced to watering twice per week, but that still equates to three times the water usage in January. He stated that staff reviews the drought monitoring page daily to stay up to date. He reviewed some of the water usage data for Medina.

DesLauriers asked for input on the difference between using City water for irrigation compared to stormwater reuse for irrigation.

Scherer stated that the City water comes from deep well aquifers. He noted that irrigation is being subsidized with wells and therefore there should be an appropriations permit as well. He stated that he will follow up with the DNR.

Martin commented that to clarify, this discussion is related to HOA wells which are separate from the City wells.

Finke stated that beginning in 2005 any new residential development was prohibited from using City water for irrigation purposes. He stated that those developments use their pond for irrigation reuse, but they all have supplemental wells as well.

Albers asked the layer of the aquifer that those wells are hitting.

Scherer stated that he can provide additional details when he reaches the well section of the presentation. He reviewed the different phases of restriction from the DNR and noted that his request would provide him the ability to impose water use restrictions. He provided additional details on well levels for the different wells in Medina and the aquifers which they draw from. He reviewed the different well levels and water usage for different months of the year. He stated that this would ensure he does not require Council approval at the last minute if conditions continue to progress towards the next phase of restriction.

Martin commented that it was helpful to have the background information on how decisions would be made towards water usage restriction. She provided a suggested grammatical change to the draft resolution.

Albers referenced the time, recognizing that is the worst time of day to water. He asked why the time would not be 7 a.m. to 7 p.m. or 9 a.m. to 5 p.m.

Scherer stated that they are aiming more at sprinklers. He stated that if watering is jammed into one time slot that places a higher demand on the water service at that time. He stated that if everyone is watering at one time, such as 2 a.m., that places a high demand and takes a longer period of time for the system to recover. He confirmed that the time could be adjusted to 9 a.m. to 5 p.m.

Martin provided additional grammatical suggestions to the draft resolution in order to provide more flexibility to staff. She stated that perhaps the City Administrator should be added as well rather than placing the authority upon just one employee. She stated that in the fourth whereas, will should be changed to may. In the fifth whereas, the hours of 12:01 p.m. to 5:00 p.m. should be replaced with certain hours of any day as determined by the Director of Public Works in consultation with the City Administrator. In section one the authority would be granted to the Director of Public Works, in consultation with the City Administrator. In section two, it should state, this resolution with the water use restrictions adopted pursuant to section one hereof.

*Moved by Martin, seconded by Cavanaugh, to adopt Resolution No. 2021-51 Allowing the Director of Public Works to Impose Water Use Restrictions as modified. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT (8:10 p.m.)

Johnson had nothing further to report.

X. MAYOR & CITY COUNCIL REPORTS (8:10 p.m.)

Martin commented that Night to Unite took place the prior night and members of the Council visited different parties with members of the police department. She stated that she attended the Long Lake Fire Department's 5K, which was a fun event. She stated that there have been a lot of meetings related to matters of fire service.

DesLauriers stated that they recently learned that Hamel Fire had reached out to Loretto Fire to amalgamate departments to form their own fire district with one Fire Chief. He noted that those departments will go through the process rapidly with the goal of accomplishing this prior to yearend. He noted that both organizations have voted on the action and are excited to move forward with the consolidation.

Martin noted that the City of Medina's interest in Hamel Fire will need to be considered during this process. She commented that this does seem to be a positive action as there are mutual goals shared by the two departments.

DesLauriers commented that both departments are run as nonprofits (501C3).

Martin commented that it may be more difficult to combine some of the other departments as they are municipal and not nonprofits. She noted that perhaps a larger fire district could be reached through a JPA.

XI. APPROVAL TO PAY THE BILLS (8:16 p.m.)

*Moved by DesLauriers, seconded by Albers, to approve the bills, EFT 006015E-006031E for \$64,813.28, order check numbers 051807-051845 for \$76,053.94, and payroll EFT 0511172-0511200 for \$56,936.02 and payroll check 020450 for \$735.38. **Motion passed unanimously.***

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

*Moved by Martin, seconded by Cavanaugh, to adjourn to closed session at 8:18 p.m. to discuss police union contract pursuant to Minn. Stat. 13D.03. **Motion passed unanimously.***

The meeting returned to open session at 9:17 p.m.

XIII. ADJOURN

*Moved by Cavanaugh, seconded by DesLauriers, to adjourn the meeting at 9:18 p.m. **Motion passed unanimously.***

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk