

## **MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 21, 2021**

The City Council of Medina, Minnesota met in regular session on September 21, 2021 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

### **I. ROLL CALL**

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

**Members absent:** None.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, Finance Director Erin Barnhart, City Engineer Jim Stremel, City Planning Director Dusty Finke, and Chief of Police Jason Nelson.

### **II. PLEDGE OF ALLEGIANCE (7:00 p.m.)**

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

Johnson noted that staff is requesting to table Item 7A as Gallup was not able to attend tonight.

The agenda was approved as presented.

### **IV. APPROVAL OF MINUTES (7:00 p.m.)**

#### **A. Approval of the September 7, 2021 Work Session City Council Meeting Minutes**

*Moved by Reid, seconded by Cavanaugh, to approve the September 7, 2021 work session City Council meeting minutes as presented. **Motion passed unanimously.***

#### **B. Approval of the September 7, 2021 Regular City Council Meeting Minutes**

Martin noted that prior to the meeting Johnson distributed proposed changes submitted by herself and Cavanaugh.

*Moved by Cavanaugh, seconded by Reid, to approve the September 7, 2021 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA (7:02 p.m.)**

#### **A. Appoint Jeremy Thorson to the Position of Public Works Maintenance Technician**

#### **B. Resolution No. 2021-59 Granting a Conditional Use Permit for Ground Mounted Solar Panels of 2,328 Square Feet for the Property at 2832 Hamel Road**

#### **C. Approve Wetland Replacement Plan and Costs Related to Construction of Chippewa Road from Mohawk Drive to Arrowhead Drive**

#### **D. Ordinance No. 675 Establishing a Planned Unit Development District for Baker Park Townhomes and Amending the Official Zoning Map**

#### **E. Resolution No. 2021-60 Authorizing Publication of Ordinance No. 675 by Title and Summary**

- F. **Resolution No. 2021-61 Granting PUD General Plan and Site Plan Review Approval for Baker Park Townhomes**
- G. **Approve Planned Unit Development Agreement by and between the City of Medina and Medina Townhome Development LLC**

Martin commented that she read through the document for Item G and commended Batty for his excellent work in drafting documents.

Batty commented that was not his document, but that of Dave Anderson.

*Moved by Martin, seconded by DesLauriers, to approve the consent agenda. **Motion passed unanimously.***

## VI. **COMMENTS (7:04 p.m.)**

### A. **Comments from Citizens on Items not on the Agenda**

There were none.

### B. **Park Commission**

Finke reported that the Park Commission discussed the Marsh Point subdivision related to parks and trails and recommended trail connections and a maintenance access for public works. He stated that the Lakeshore Park Plan was also discussed, noting that the Commission reviewed three possible layouts and endorsed a hybrid of the ideas which will be presented to the Council.

### C. **Planning Commission**

Planning Commissioner Grajczyk reported that the Commission met the previous week to hold a public hearing to consider an ordinance amendment related to signs. He explained that the applicant would like the ability to place a larger digital sign at Hwy 55 and CR 116. He summarized the discussion of the Commission noting that the request was tabled with direction for staff to bring back additional information. He stated that the Commission also completed a review of a request from BAPS Hindu Community Center and received input from adjacent property owners.

## VII. **PRESENTATIONS**

### A. **Resolution Recognizing Assistant City Administrator Jodi Gallup for 15 Years of Service to the City of Medina (7:10 p.m.)**

*Moved by Cavanaugh, seconded by DesLauriers, to table Resolution Recognizing Assistant City Administrator Jodi Gallup for 15 Years of Service to the City of Medina. **Motion passed unanimously.***

### B. **Resolution No. 2021-62 Recognizing Police Officer Andrew Scharf for Five Years of Service to the City of Medina (7:10 p.m.)**

Martin read aloud the draft resolution recognizing Police Officer Andrew Scharf for five years of service to the City of Medina.

*Moved by DesLauriers, seconded by Albers, to adopt Resolution No. 2021-62 Recognizing Police Officer Andrew Scharf for Five Years of Service to the City of Medina.*

Further discussion: Nelson stated that Scharf is a perfect example of how the CSO program can be used to evaluate candidates and promote them when an opening presents itself. He commented that Scharf is a rising star in the organization. He noted that it is nice to have young Officers that continue to educate themselves. He reviewed some of the programs that Scharf is involved in on behalf of the department.

Martin presented Scharf with the resolution recognizing his five years of service to the City of Medina.

## **VIII. NEW BUSINESS**

### **A. Discussion on Ordinance Amending Chapter 3 of the City Code of Ordinances Pertaining to Third Party Gift Card Procurement (7:15 p.m.)**

Nelson stated that staff has been discussing this for over one year. He explained that he would like to create an ordinance similar to that of the City of Shakopee. He stated that initially there was pushback from the Shakopee ordinance but after gathering the data and working with the big box companies they came to the solution of targeting Visa, Mastercard, and American Express gift cards rather than gift cards for individual retailers. He explained the ordinance has thwarted criminal activity in that city and reduced theft. He stated that if there are enough cities on board, the initial goal could possibly be reached which would be to go to the legislature. He stated that once per week the department receives a call about theft from vehicles or mailboxes and related stolen credit card activity. He stated that he has spoken with the lead asset protection representative at Target. He noted that the Police Department only receives reports when the victim files a report. He stated that the Target employee stated that they have instances each day noting that one day there was \$1,700 and the next \$1,000. He stated that this type of ordinance would allow him to work with the retailer on training with the goal of thwarting criminal activity. He stated that he has spoken with other Police Chiefs that stated if Medina passes this ordinance, they will also look at a similar ordinance. He provided background information on recent auto thefts, noting that the stolen credit cards are then used to purchase gift cards at Target. He asked the Council to support this action and noted that he would then work with legal counsel to complete drafting an ordinance.

Martin stated that she has some grammatic suggestions but nothing substantiative.

DesLauriers applauded Nelson for bringing this forward and taking the initiative. He noted that in subdivision five, perhaps a passport could be added as a form of identification.

Reid stated that she recalls reading police reports and seeing these repeated instances. She noted that this is an easy crime to commit and commended Nelson for putting the time in to tackle this problem.

Albers agreed that card fraud is a significant problem in the financial world. He asked for clarification on when the gift card comes into play, whether it is stolen to begin with and being used to purchase goods or whether it is the purchase of the gift cards.

Martin commented that it is the use of a stolen credit card to purchase a gift card.

Albers asked if it would help to have gift cards placed behind the counter for purchase, like cigarettes.

Nelson stated that he has considered that and would speak with retailers about that. He agreed that it is helpful to make it less convenient to purchase gift cards with stolen credit cards. He noted that certain medications require a purchaser to show identification and that could be helpful as well. He stated that he would work with retailers to find the best practice.

Albers stated that each payment terminal is programable and perhaps that is how the self-checkout terminals are updated.

Nelson stated that he would work with the Police Chief in Shakopee as that city has already worked with Target in their community. He noted that Police Chief is willing to assist with training in Medina as well.

Martin thanked Nelson for his leadership. She confirmed the consensus of the Council to support Nelson continuing to work on this matter.

## **VII. PRESENTATIONS (Continued)**

### **B. Resolution No. 2021-62 Recognizing Police Officer Andrew Scharf for Five Years of Service to the City of Medina (7:30 p.m.)**

It was noted that although a motion was made, a vote was not taken.

*Moved by DesLauriers, seconded by Albers, to adopt Resolution No. 2021-62 Recognizing Police Officer Andrew Scharf for Five Years of Service to the City of Medina. **Motion passed unanimously.***

## **VIII. NEW BUSINESS (Continued)**

### **B. Uptown Hamel Stormwater Analysis (7:31 p.m.)**

Johnson provided background information on previous stormwater updates in Uptown Hamel noting that since the time of the installation of those improvements, stormwater requirements have changed. He stated that clarification is needed on the credits available within the regional stormwater pond.

Finke explained that this would involve technical compliance and whether this meets the requirements of the watershed and the City's MS4 requirements, as the improvements were designed under older regulations. He noted that it could also identify additional improvements that could be made to gain compliance if needed. He stated that this process would collect that background information and identify opportunities without going further into the design process. He stated that information would then be reviewed to determine if any of those opportunities should be explored.

Stremel confirmed that the analysis would be the main focus, to review the existing system and identify opportunities.

Martin commented that this type of proactive activity has been helpful for Medina, and she appreciates this type of forethought.

*Moved by Cavanaugh, seconded by Martin, to authorize work described in the Scope of Services for the Uptown Hamel Analysis in an amount not to exceed \$14,693. **Motion passed unanimously.***

**C. Discussion on Meeting Options Due to the Ongoing Pandemic (7:36 p.m.)**

Martin stated that Batty has provided a memorandum and possible order for consideration.

Johnson stated that Batty has drafted a memorandum updating the Council on what would be necessary to return to remote meetings under Minnesota Statute. He noted that Batty has also drafted an order related to remote meetings.

Martin commented that Johnson, Martin, or Batty have the ability to implement the order when there is a pandemic. She noted that the number of cases is back on the rise and there are a lot of members in the room that have children or grandchildren that have returned to school who are not vaccinated. She noted that one Council person received infection after vaccination and members of Commissions have had similar experiences. She believed that it might be a good move to be proactive going into the fall season and holidays. She commented that while the preference is to meet in person, it may make sense to retreat back to virtual meetings through the end of the year.

DesLauriers asked how many cities have gone back to an emergency declaration.

Batty stated that out of the seven cities he represents, one city has returned to virtual meetings, and he is aware of one watershed that has gone back as well. He noted that a number of cities have remained virtual and did not return to in-person meetings. He noted that the one city he represents that has returned to virtual meetings has a smaller City Hall and did not feel they had adequate space to safely conduct meetings.

Cavanaugh commented that the Delta variant is pretty contagious. He stated that he has been vaccinated for some time and that did not stop him from getting it. He stated that if the virus continues to spread it will keep kids from attending school in-person.

Albers stated that he would be supportive of returning to virtual meetings.

Reid stated that she will support that if that is the consensus of the Council.

DesLauriers asked how virtual meetings would impact staff.

Johnson stated that staff would return to using the Teams platform as they did previously.

DesLauriers asked how the public perceives virtual meetings.

Johnson noted that some people prefer that format as they can participate virtually and do not need to be present at City Hall.

Finke stated that Medina has been cautious about camera use because of bandwidth and internet issues. He stated that there is a way to provide audio through telephone and then cameras can be turned on as well and if there is an issue with lag, audio would not be impacted.

Batty stated that under this portion of the statute there is not the issue that came forward in the past related to being in a disclosed public place. He noted that people would be able to attend from home without disclosing their location.

Cavanaugh stated that he understands the perception of not being in the room but believed there are factors to support this.

Martin noted that if there is one action item that could have a lot of public input, it would make sense to have virtual participation to ensure the room is not filled.

DesLauriers stated that he supports the move to virtual participation. He recognized that it is difficult to wear the mask during long meetings.

Albers stated that his employer is in a holding pattern through the end of the year and continues to operate virtually. He commented that while it is nice to be in person with people, there is still a concern with COVID even though many people are vaccinated.

Reid confirmed that she would support the action as well.

Martin suggested that this item remain on the agenda moving forward to keep touching base.

## **IX. OLD BUSINESS**

### **A. Stetler Enterprises LLC – 500 Hamel Road – Prairie Creek Preliminary Plat and Variance (7:49 p.m.)**

Johnson stated that staff was directed to move forward with Preliminary Plat and the variance at the September 7<sup>th</sup> meeting and this was placed on the agenda rather than the Consent Agenda in order to allow Cavanaugh the opportunity to recuse himself as he has done previously.

Cavanaugh recused himself.

#### **1. Resolution No. 2021-63 Granting Preliminary Approval of the Prairie Creek Plat**

*Moved by DesLauriers, seconded by Albers, to adopt Resolution No. 2021-63 Granting Preliminary Approval of the Prairie Creek Plat. **Motion passed unanimously.** (Cavanaugh abstained)*

#### **2. Resolution No. 2021-64 Granting Variance Approval for Increased Maximum Setback for 500 Hamel Road**

*Moved by DesLauriers, seconded by Reid, to adopt Resolution No. 2021-64 Granting Variance Approval for Increased Maximum Setback for 500 Hamel Road. **Motion passed unanimously.** (Cavanaugh abstained)*

Cavanaugh rejoined the Council.

## **X. CITY ADMINISTRATOR REPORT (7:51 p.m.)**

Johnson thanked Nicole Jacobson and all the other staff members for their fantastic work with the Celebration Day event. He stated that the Police Union reviewed the

proposed agreement from the City and approved that agreement. He noted that it will come back on the October 5<sup>th</sup> Consent Agenda for Council approval.

**XI. MAYOR & CITY COUNCIL REPORTS (7:52 p.m.)**

Reid provided an update on her recent work with the Uptown Hamel business owners related to marketing and branding.

DesLauriers commended staff for a well-done Celebration Day event. He noted that the new play areas attracted many children.

**XII. APPROVAL TO PAY THE BILLS (7:54 p.m.)**

*Moved by DesLauriers, seconded by Cavanaugh, to approve the bills, EFT 006078E-006092E for \$52,462.54, order check numbers 051977-052047 for \$358,629.23, and payroll EFT 0511301-0511330 for \$57,273.46. **Motion passed unanimously.***

**XIII. ADJOURN**

*Moved by Cavanaugh, seconded by DesLauriers, to adjourn the meeting at 7:55 p.m. **Motion passed unanimously.***

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Kathleen Martin, Mayor

Attest:

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Jodi M. Gallup, City Clerk