

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 16, 2006

The City Council of Medina, Minnesota met in regular session on May 16, 2006 at 7:02 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

Members present: Cavanaugh, Smith, Weir, and Workman.

Members absent: Brinkman.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, City Planner Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams, Public Works Superintendent Joe Paumen, and Recording Secretary Allison Burr.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Adams added a number of raffle permits (Items H through I) to the Consent Agenda.

*Moved by Weir, seconded by Cavanaugh, to approve the agenda as amended. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES

A. Approval of the May 2, 2006 Special City Council Meeting Minutes

Weir noted on page 1, the second to last paragraph the fourth sentence should include the word discussion, not discussed.

*Moved by Weir, seconded by Cavanaugh, to approve the May 2, 2006 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the May 2, 2006 Regular City Council Meeting Minutes

Weir noted on page 1, the word "diversity" should be replaced with "diversify" in the first sentence in the third paragraph from the bottom.

Weir noted on page 8 Loretto is spelled incorrectly.

Weir noted on the second to last page, in the third paragraph from the bottom, the word "park" should be deleted after "rainwater garden."

Cavanaugh noted the last sentence on page 5 should read "That will cost money, whether it is in the current location or somewhere else."

Smith arrived at 7:07 p.m.

*Moved by Weir, seconded by Cavanaugh, to approve the May 2, 2006 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. **CONSENT AGENDA**

- A. **Designate Jeanne Day as an Official Signatory**
- B. **Reschedule City Council Meeting of July 4th to July 5th at 7:00 p.m. at City Hall**
- C. **Approve Raffle Permit to Twin West Chamber of Commerce for June 19, 2006 at Medina Golf and Country Club**
- D. **Resolution Granting Final Plat Approval for Gregory R. and Joy Fries for Property located at 2845 Ardmore Avenue**
- E. **Resolution Reapproving a Final Plat for Stephen C. Mann and Carmen A. Mann for property located at 2275 Cox Trail**
- F. **Authorize Disposal of Police Department Squad 123**
- G. **Resolution Recognizing Medina Clean-Up Day Volunteers**
- H. **Approve Raffle Permit to Uptown Hamel Inc. at Hamel Liberty on July 9, 2006**
- I. **Approve Raffle Permit to Church of St. Anne's at Church of St. Anne's on August 27, 2006**
- J. **Approve 3.2 Malt Liquor On-Sale Temporary License to Church of St. Anne's for August 26, 2006**
- K. **Approve Raffle Permit to TwinWest Chamber of Commerce Foundation at Medina Golf & Country Club on June 19, 2006**
- L. **Approve Raffle Permit to Northwest Chamber of Commerce at Medina Golf & Country Club on June 12, 2006**

*Moved by Weir, seconded by Smith, to approve the consent agenda with additions.
Motion passed unanimously.*

VI. **PRESENTATION**

A. **Wild Meadows Annual Report – Paul Robinson, Bancor Group LLC**

Paul Robinson stated he is here to provide the annual update on what is happening at Wild Meadows. He noted David Newman, president of Bancor Group, and Lee Marlow, ecologist and the homeowner association's staff ecologist, are also present to provide information.

Marlow indicated she intends to illustrate some of the restored communities at Wild Meadows, some of the activities that occurred in 2005, some of the lessons learned, as well as what is planned for 2006.

Marlow explained there are three major habitats that have been restored and managed in Wild Meadows. The first is the Maple-Oak Forest, and it is responding extremely well. Activities done within the forest included removing buckthorn and thinning the dense maples. The native ground vegetation has responded well, and there are lots of wildflowers coming up.

Marlow continued there are many prairie areas. She noted there has been good success with various flowers and grasses, and she pointed out the common plants scattered throughout the native areas.

Marlow displayed a variety of grasses within the prairies. She displayed the wetland variety at Wild Meadows as well as the diverse native plants. Many of the plants came from the seed bank on site.

Marlow stated all of the restored plant communities are functioning as the stormwater treatment system for the entire development. There has been a great response by wildlife using these areas, and a great diversity of bird species using the areas has been observed.

Marlow described one bird in particular. In 2005 three male Dickcissels were observed, birds that are on the decline in the Midwest.

Marlow outlined the restoration activities in 2005.

Marlow indicated the tree planting used a Root Production Method (RPM) tree planting in 2005. Seven hundred ninety were planted throughout the area, and the survivorship of all those trees will be monitored as well as all the other trees.

Marlow stated an extensive lot review was done, identifying the conservation easement and identifying encroachments into the easement. Each encroachment was surveyed and photo-documented, and each homeowner received a letter letting them know the status as well as some educational information. She noted all the repairs will be made this year.

Marlow stated about half the lots had some type of violations. In some cases it was as small as 2 square feet; in some cases as large as 6,000 square feet.

Marlow explained a number of drainage-ways were repaired in 2005. There were also some new erosion areas that had to be addressed. She noted there were some areas on residential lots as a result of grading on the lots that required follow-up in terms of changes in the design and repair.

Marlow recalled there was a major surprise area that was the result of a broken drainage tile. This happened on the edge of someone's lot and created a mini-wetland over the course of a few weeks.

Marlow stated a gazebo and demonstration garden were constructed last year.

Marlow highlighted the educational activities that occurred in 2005. She stated the build-a-bird-house event was the biggest success from 2005.

Robinson highlighted some of the lessons learned from 2005. He noted sometimes even Bancor Group's own contractors make mistakes, so constant vigilance is required.

Robinson continued currently each new lot is wrapped with silt fence, which has created problems on some lots. He suggested putting three or four bio-logs, which would stop the erosion. That way landscapers or graders would not ruin the fence, but could pick up the logs while moving.

Marlow outlined the 2006 plan, which includes a couple of milestones. The majority of the site is transitioning into the maintenance phase of restoration. The homeowners

association is taking control of the development this year. Also, the Minnesota Land Trust will be taking over the conservation easement.

Marlow displayed a map showing the first full growing season. Seeding and planting will continue, as well as monitoring of the RPM trees and all of the trees that have been planted on the site for survivorship. Additionally, the surface water quality monitoring project will be resumed.

Marlow continued there is an events calendar this year that will hopefully improve turnout.

Robinson noted the final repairs are on track to be completed this week, which will be in conjunction with a tour by the Minnesota Land Trust.

Marlow added there is good water quality on the site, and it is a very unique community with nature and people coexisting. She highlighted the continuing goals of Wild Meadows.

Weir noted there is quite a lot of water damage from heavy rains, particularly along the trails, and asked if that has been dealt with.

Robinson responded that is an ongoing problem. There are a number of areas where about a dozen channels were installed. Some have failed a new technique will be used to install them again.

Weir inquired if Marlow will stay on and do the education for the homeowners association.

Marlow responded she is considered the interim ecologist to the homeowners association; the association will always have someone advising them as to the needs of the restoration areas.

Weir congratulated the Bancor Group on their work. She noted Wild Meadows is a wonderful concept and thanked them for seeing it through so thoroughly.

Cavanaugh asked if the covenants require an ecologist on staff. Robinson responded affirmatively.

Dave Newman added when this project began, everyone agreed it was something that had never been done before. A lot has been learned throughout the process, and now people are coming in and studying what is being done at Wild Meadows.

Smith stated she believes the bio-logs seem to be more effective than the silt fence.

Batty inquired when the Land Trust tour will be held.

Robinson responded the tour with the Land Trust will be sometime the first week of June.

Weir asked if the Council can go also attend the tour.

Robinson responded affirmatively.

Smith inquired what the response is among homeowners regarding encroachments.

Robinson responded people are not always happy, but it is not their property. He added the landscaper is hired by the resident, so the resident is not always the best person to monitor the landscaper because they may not be familiar with the easements. One way to improve that is when the homeowner gets an occupancy permit, he has to ensure the posts are still in place. Additionally, when the landscaper comes in, the posts should be in place so it is clearly delineated.

Robinson noted in some cases with a landscape approval, there is a huge orange sign saying a fine will be assessed if the landscaper goes past it. That process has been implemented to minimize encroachments from happening.

Smith noted there was some concern by staff about the stormwater drain working.

Marlow responded the studies will be looking at the quality of water coming onto the site and leaving the site, before, after, and during construction. All of that data will be analyzed and a report will be prepared on each year's data.

Weir asked if the Council will receive a copy of that report. Marlow responded affirmatively.

B. Civil Defense Sirens – Chief Ed Belland and Planner Rose Lorsung

Belland stated civil defense sirens are not a new topic for the City. Currently Medina has three weather alert sirens, and the fourth one is on the Hamel Department. He listed the four locations and noted these sirens were bought from Richfield in the mid-1980s. At the time, they covered the populated areas of Medina.

Belland explained as Medina's population has grown, concerns have come to the City about the need for more sirens during bad weather. The City had reviewed the situation, but up to this point, the population did not justify it, nor were funds allocated.

Belland stated the City is also receiving more calls as the northeast corridor grows. Last year money was budgeted for the siren, and he and Lorsung have worked to come up with a rough plan for where the siren locations should be.

Belland explained the placement of the sirens throughout the City. The first siren is in the northeast corner. Currently there is no coverage in the Wild Meadows or Foxberry area.

Belland stated siren #2 is proposed in conjunction with Hennepin County Public Works. At the last Council meeting there was a discussion with them, and possible cost-sharing may be feasible. He noted it could be as early as 2008 to have those two in.

Belland explained the Comp Plan indicates the area around Loretto was ghost-plotted with somewhat higher density. Siren #3 will enlarge the current Loretto siren coverage to include the growing northeast part of the City. Siren #4, following the Comp Plan, covers where another possible development could go in the next 10 years.

Belland stated the other five sirens on the map will all be determined based on the growth of the City and the Comp Plan.

Belland indicated tonight he is looking for feedback on the map and the siren program at this point. He is looking for direction to move forward with the first siren. When these storms hit, and the sirens work, they can save a lot of lives. He noted they will be run off a DC battery system, so the sirens still work when power is knocked out.

Workman affirmed the City should proceed with the plan. He suggested moving ahead with the first siren as soon as bids can be placed together. He suggested working with the County on siren #2 so it can perhaps be completed next year. He suggested moving ahead on working with Loretto as well.

Belland stated he has talked with Loretto and they are worried about the decibels of the new siren. The key to that problem is the height of the pole. He added Loretto seemed very interested in participating in the cost.

Cavanaugh stated it appears siren #1 overlaps with Corcoran. He asked if there is a way to shift the siren north and split the cost with Corcoran.

Belland responded Corcoran is also proposing a siren further north up 116. He noted he checked with Plymouth and Maple Grove, and Maple Grove was not interested in sharing. However, Plymouth was interested, but to cover both Foxberry and Wild Meadows, the siren has to be kept in a certain area.

Lorsung noted she and Belland performed a detailed analysis, looking at multiple locations for multiple sirens.

Smith asked if sirens are geared to warn people outside of their homes. Belland responded affirmatively.

Smith continued residents need to be made aware of this. Belland stated that theme has been reinforced over time with the residents.

Smith noted the sirens should continually be referred to as outdoor warning sirens.

Workman stated weather radios are fairly inexpensive, and they will be triggered by the sirens.

Weir inquired how much of the southwest corner is covered or if it is covered by Maple Plain.

Belland responded for the most part, it is covered under the Maple Plain siren. The circles on the map are not true indicators of the sirens; they are what the siren companies put out there for liability purposes.

Workman asked if he has discussed putting one in the park.

Belland responded Hennepin County is not in favor of having them because they disturb the wildlife.

Workman asked what their plan is to advise people in the parks, et cetera, of bad weather. Belland responded he is not sure but he assumes they have a plan.

Belland indicated he has asked for two quotes from siren vendors in the area.

Workman asked if the budget is okay for the first siren. Adams responded affirmatively.

Cavanaugh asked if there is any chance of working with Corcoran on the siren since they are in need of it.

Belland responded his first idea was to put one in the corner, and at that time Corcoran was not interested in that location.

Lorsung stated if the siren is moved to cover the four cities in the corner, it may add additional cost because additional sirens will be needed throughout the City because everything is shifted. She noted the sirens are strategically placed to cover all parts of Medina.

Workman suggested Belland talk with Corcoran

*Moved by Weir, seconded by Smith, to move ahead with the siren plan. **Motion passed unanimously.***

C. Hamel Athletic Association

1. Accept Donation of Batting Cage and Pitching Machine

Moved by Smith, seconded by Weir, to accept the batting cage and pitching machine, with the understanding staff will coordinate the installation.

Workman asked if the athletic association will supervise the equipment.

Adams responded they will maintain it. He noted a question that came up at the Park Commission meeting was security. It is well locked up and vandalism is not a concern. They are looking at storing it in the shed or it may be bolted to the pad on the ground.

Cavanaugh requested a thank-you letter be sent to the athletic association.

Motion passed unanimously.

2. Approve Grounds and Maintenance Services Agreement

Adams stated in this year's contract the City will provide \$4,000 in compensation for maintenance. That fee may decrease over the next few years.

Cavanaugh asked what fund that comes out of.

Adams responded it is the general fund, and it is a budgeted item. Adams noted the City previously gave the athletic association \$25,000, and they mowed the park for the entire year, but now the City contracts separately for that which has resulted in a cost savings.

Adams stated with the \$4,000, if there is any leftover fund balance at the end of the year, the association uses it to reinvest in equipment in the park.

*Moved by Weir, seconded by Cavanaugh, to approve the agreement. **Motion passed unanimously.***

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Adams stated there is a joint meeting tomorrow night where open space planning and the Comp Plan will be discussed. The annual park tour will be June 7 at 6:00 p.m. The next regular meeting is June 21.

C. Planning Commission

Jeff Pederson, Planning Commission, stated at the last meeting the Commission looked at the preliminary plat, site plan and CUP for Adam's Pest Control, and a few conditions were established. The Commission also worked hard on the tree ordinance. He noted the sign ordinance was tabled by the Planning Commission.

Lorsung noted there has been a two-week extension on the Adam's Pest Control application. The Planning Commission wanted to work on the wetlands and right-of-way issue. Those items are technical in nature, and so the application will go on to the next Council meeting agenda.

Lorsung stated the tree ordinance should be in final form for the June 6th meeting. The wetland RFP should be ready for the Council on June 6 as well. For the next Planning Commission meeting, the sign ordinance will be reviewed as well as a preliminary plat that came in before the moratorium.

Cavanaugh asked about Adam's Pest Control and the possible frontage road.

Schild responded they considered a backage road in this situation due to the properties that access the roadway from the north of their property. She noted this issue was discussed in detail at the Planning Commission meeting. Staff met with the applicant today and at this point the applicant does not wish to give that right-of-way to the City, but the City is still requiring it as part of the application.

Lorsung stated that is part of the 116 improvements that the City did authorize the engineering department to begin surveying on.

Schild noted the County has some concept drawings on that roadway extension that would go to the west. The City does have a Comp Plan that identifies the transportation plan for the future. This road is on the City's guide map and shows it as a concept plan. Staff has showed it to the applicant. Mn-DOT, the County and City have all had this idea in the back of their mind.

Cavanaugh inquired if the backage road is paid for from the 55 Corridor Coalition federal funding. Adams responded that pool of money will not be available. However, other funding through the state or county programs may be available depending on if Mn-DOT required both frontage roads being closed off.

Kellogg noted it is not possible to determine if other jurisdictions will fund it. Mn-DOT may have some interest. Hennepin County may have an interest because of the removal of the conflicts at the intersection of 116 and 55. He noted as this progresses, staff will pursue all avenues of funding.

VIII. OLD BUSINESS

A. Ordinance Amending Sections 800.01 et seq. of the Medina Code of Ordinances Regarding Swimming Pools

Lorsung stated the ordinance is in complete form. Recommendations were taken from the last meeting and incorporated. The building official and fire marshal have looked at it. Staff included the specific citation of the ASTM.

Batty stated the principal change is at the bottom of the second page, the new subdivision D. That is the issue discussed last time regarding if the house forms the fourth side of the enclosure and an alarm is required.

*Moved by Weir, seconded by Smith, to approve the ordinance amending Sections 800.01 et seq. of the Medina Code of Ordinances regarding swimming pools, as requested. **Motion passed unanimously.***

B. Resolution Authorizing Ordinance No. 800.01 et seq. by Title and Summary

*Moved by Smith, seconded by Weir, to approve resolution authorizing Ordinance No. 800.01 et seq. by Title and Summary, as requested. **Motion passed unanimously.***

C. Discussion regarding potential exemptions/flexibility to regulations established by adopted Ordinance 403 regarding the Rural Residential Zoning District

Adams requested Council feedback on this issue.

Batty stated at a previous Council meeting, there were a couple of suggestions raised about how to soften the amendments that were adopted regarding to the moratorium. He and Lorsung looked at that and tried to find approaches that made sense in this timeframe.

Batty indicated the memo suggests he and Lorsung did not find an appropriate approach at this point. However, there are a couple possible approaches included in the memo, though he does not endorse any of them. Lorsung has a separate memo that treats in more detail a possible approach, but her conclusion is that this is the very process that the City is embarking on with regard to open space planning, and to build something into the ordinance short-circuits that process. That is the whole purpose of hiring the open space consultant.

Weir stated she likes the do-nothing option best. The 300-foot lot width is softened by the permissive ways of measuring lot widths, so it is almost a neutral situation. She asked if there is the possibility of an applicant applying for a PUD.

Lorsung responded every applicant has the option of applying for a PUD; therefore it is an option.

Cavanaugh stated past discussions of PUDs have concluded it is not a good idea to do spot-zoning. His only intention in the previous discussion was to ensure somebody does not get hurt by the ordinance change. He noted he understands most people will be able to do what they need to do in subdividing lots. However, if someone does get one or two fewer lots than originally anticipated, he wants the Council to be aware of that and to provide special consideration.

Weir inquired if Cavanaugh would be comfortable with the PUD route.

Cavanaugh responded affirmatively, as long as the Council is on record that it is not trying to hurt anyone by this.

Smith stated the City has used PUDs. So if something comes up, staff can mention that possibility.

Lorsung note PUDs can be used for any district.

Batty stated it has not come up, but it is another safety valve.

Smith stated the way the lot widths can be calculated is very permissive.

Cavanaugh asked if all Council Members are on record that the City will work hard if someone is hurt by this.

Workman responded he believes everyone is on record that way, but it goes beyond that. It is really going to be up to staff. Most people who walk in the door will not know all the options, and it will be up to staff to explain that.

Lorsung added there will have to be an incentive for the Council to consider such a request for somebody to come with a PUD so soon after the ordinance passed. Staff does not support PUD's for these general requests as a planning principle.

Smith stated at this point it would be difficult for a resident to not know what the Council has done, given all the notice provided to residents.

Cavanaugh expressed appreciation for the work done by the City and the staff to notify all the residents of the pending ordinance change.

IX. NEW BUSINESS

A. Appoint Open Space Consultant

Lorsung stated there is a brief memo illustrating what the open space task force has been doing the last several weeks. There is a recommendation to appoint CR Planning. The task force wanted to extend the welcome to CR planning based on their extensive work in this field. They only do rural planning and third-tier suburb planning and also have a vast amount of knowledge in this area.

Lorsung stated CR Planning came in a little bit under the \$50,000, and they are devoting 12 meetings to the open space task force alone, which is triple the meetings of the other submittals. She noted CR Planning has a very good reputation.

Smith stated for future reference, she would like a summary chart of the firms bidding so the Council can see the homework done.

Lorsung stated score sheets were prepared for each applicant, and in the future those can be included for the Council.

Cavanaugh stated he was impressed with CR Planning's presentation. They were able to touch on everything and were very knowledgeable about different approaches and methods. Weir concurred.

Lorsung noted CR Planning will be present at the joint meeting tomorrow evening.

*Moved by Cavanaugh, seconded by Weir, to appoint CR Planning as the open space consultant. **Motion passed unanimously.***

B. Draft Tree Preservation, Replacement and Disease Ordinance

Lorsung stated the memo explains the path that has been taken to get to this tree ordinance. Medina is unique in its number of large stands of trees. Other communities with tree ordinances do not have these large stands of trees. Other communities count the number of trees and caliper inches of trees. However, staff does not feel that is appropriate for large stands of trees.

Lorsung stated the Natural Resources Inventory shows all the trees in the City that is by acres. There are no counts of numbers of trees in the City.

Lorsung stated subdivision 6 of the ordinance has changed a number of times to get it to fit Medina, in order to protect the landowners as well as the stands of trees. It is intended to allow for a reasonable amount of disturbance on the property. There are three categories in Allowed Disturbance, Lots having Woodland; Lots having Old Growth Forest Remnants; and Lots having neither, but rather scattered numbers of Significant trees.

Lorsung stated each permit would be categorized into one of these three areas. Lorsung noted the moratorium committee was the first group to visit this issue, so this has been ongoing for a while.

Lorsung highlighted subdivision 8, Tree Preservation and Replacement Plan. She explained the three categories.

Weir asked if mitigation is for all trees or for significant trees. Lorsung responded all three categories discuss significant trees.

Weir suggested adding in the word significant to make it clearer. Lorsung responded she will add in the word significant to the chart as well.

Weir stated she was surprised the percentages of significant trees that can be cut increased in the chart. Lorsung explained the rationale.

Lorsung noted as lot acreage increases for percentage of acres, allowed disturbance goes up. Therefore, as the disturbance of trees increases, the percentage should increase correspondingly.

Smith stated a woodland area is not the same as an open area. She does not believe going to percentage of trees is necessary. She preferred the figures be in terms of acreage.

Lorsung asked how calculations could be made if trees are not measured in acres on the lot.

Weir stated she understands section A and B and is having problems with C. Smith concurred.

Lorsung noted other communities deal exclusively with numbers of trees.

Weir stated removing 60 percent on a 20-acre lot is a significant amount of trees.

Smith stated she is concerned about people having legitimate use of their land. She questioned 60 percent. She suggested it be in terms of acreage rather than percentage.

Lorsung suggested language be included that property owners can cut down the trees on the footprint of the house, driveway and septic.

Workman stated philosophically he has a problem with this argument. When someone buys the land, he or she has a say in what to do with it. He continued if people spend such money on the land, they are likely worried about the trees.

Weir noted that assumption is made in the ordinance. However, last week a homeowner aware of this discussion before the Council clear-cut a forest.

Cavanaugh noted for the record that that was his father.

Weir stated Workman's assumption was reasonable, but it does not always work.

Smith stated there is a higher authority than the person who owns the land. These trees do more than just shade the property; some have significance. If the City allows people to cut down everything they want to, people have and will do it. If the City allows that to happen, Medina will end up like Plymouth. There is more value to society for trees and for peoples' health than just the shade.

Workman stated he is not saying trees are not good to have. However, sometimes the control factors put in place can become a burden.

Lorsung stated she has a quick example of why she disagrees with him. There have been a number of studies about the economic value of rural character on a lot. The value of land increases with rare, valued species of trees.

Lorsung continued this ordinance allows for reasonable cutting of a piece of property. It allows for flexibility for those people who want to do low-impact types of designs on their property. The point is to try to preserve the last few old-growth remnants in the City. It used to be covered with old-growth and now there are just small remnants left.

Cavanaugh asked how the standards would apply if someone wants to subdivide a 40-acre piece of land. He asked if it would apply to the 40-acre piece as a whole or the post-subdivided 40-acres.

Lorsung stated she does not believe that scenario applies to anywhere in the City in the MUSA that is available for development. However, according to the chart, they would be allowed 7 percent before mitigation.

Lorsung stated after the property is subdivided, then the mitigation would be worked out and scattered throughout the entire development site.

Smith stated she believes she believes this policy is most relevant in rural residential.

Lorsung stated in that case there would need to be separate standards for urban.

Cavanaugh stated this is reasonable for rural residential. It allows for the development of single-family homes and preserves trees. He does not see this making sense if someone has an area that they want to develop. He noted this would probably affect his uncle's land on 55 with a significant amount of trees.

Lorsung stated this is an interim ordinance and it is also a City-wide ordinance. It may change with open space planning. Nothing is on the books today, so nothing is in place to prevent clear-cutting.

Weir asked if this ordinance is more reasonable and flexible than the current tree ordinance in commercial. Lorsung stated there is not a City-wide tree prohibition on cutting of trees. Someone could cut trees on commercial without mitigation.

Weir noted Target had to replace some trees. Lorsung responded that is because Target had a land-use application.

Lorsung clarified this does not distinguish between residential and commercial.

Weir stated this policy is reasonable for landowners.

Workman stated he is more inclined to lean toward Smith's position. In rural residential, property owners should be encouraged to keep the trees, but they should be allowed to build their house where they can.

Weir noted the committee worked hard to be reasonable so people can develop their land in a reasonable way.

Workman stated he likes to have as little rules as possible; he prefers common sense to be the deciding factor. He is willing to agree with a reasonable compromise, but he does not want to place undue hardship on people who buy the land and want to live there.

Lorsung stated perhaps the landscape portion of this can be built up a little bit.

Smith stated this ordinance does allow reasonable use.

Workman opened the meeting to the public at 8:45 p.m.

Steve Jacobsen, Planning Commission and Open Space Task Force, stated there has been a lot of work on the requirements. This ordinance is not restrictive. It does not prohibit someone from clear-cutting old growth forest; they just have to mitigate.

Workman noted it does not stop clear-cutting, but there would be a financial penalty.

Jacobsen responded that is the intent of it. This is a very loose ordinance compared to what it might be, but it is not allowing a free ride to developers either. He would like to see something passed as soon as possible to prevent clear-cutting.

Susan Seeland stated she and her husband own a property of about 200 acres. She supports the tree ordinance. As a developer, she does not see it as a hardship. The ordinance helps sets boundaries, and the replacement of 2 to 1 caliper inches for old-growth makes people think more about their plan. She stated it is good to have something City-wide so everyone knows what the boundaries are.

Dave Wessin stated he is in favor of the tree ordinance. He thinks the Council may be doing more damage than good by saying there is a tree ordinance coming because people get scared and cut down trees.

Lorsung stated when communities do this kind of ordinance, there are always people who go in and cut before it goes in effect.

Workman closed the meeting to the public at 8:54 p.m.

Lorsung stated staff is looking for any changes so it can be in ordinance form by next meeting.

Workman stated he would like to spend more time looking at the ordinance proposal. Perhaps it should be limited to larger lots.

Workman asked how the ordinance applies to sick trees that die.

Lorsung responded if a tree is dying, it does not have to be replaced.

Lorsung noted there is a certain amount of cutting that is good to keep the ecosystems healthy.

Weir stated this is an interim ordinance before open space planning begins. She would be happy to move this forward, because as Dave Wessin pointed out, the longer the delay, the more people get concerned and begin cutting.

Smith agreed.

Cavanaugh stated it makes more sense to have this apply to larger lots. However, it does not make sense in areas where the City has indicated a preference for more density.

Adams stated if this is to be tabled for more discussion on June 6, two Council Members will be gone at that meeting. If changes are made by June 6, it would be approved on June 20 and would not be effective until publishing on June 26.

Cavanaugh stated he agrees with Smith's idea about this tree ordinance applying to a post-subdivided lot.

Weir suggested that would invite fragmenting of woodlands.

Cavanaugh asked if his participation in this discussion creates a conflict of interest.

Batty responded there is no conflict of interest when dealing with legislative action. Tonight, staff is asking for direction from the Council about the changes.

Cavanaugh stated he likes the ordinance applicable on a lot basis after subdivision. He noted the issue of clustering and keeping entire stands of trees intact could be tackled by the open space committee.

Workman stated he is still unsure about what is 60 percent of a lot.

Lorsung asked when the ordinance would be applicable under Cavanaugh's proposal.

Smith stated she did not think this would relate to sewered areas where property is going to be subdivided.

Cavanaugh stated it would create more consistency.

Smith stated homeowners should have a right to put the house, driveway and septic wherever they want.

Lorsung asked what if there is a tree-cutting event outside a permitting process. There has to be a way to measure tree loss, whether it is in acres or caliper inches.

Smith stated acres are still the best measurement.

Cavanaugh suggested passing the ordinance with the special exception saying this ordinance will be calculated or assessed based on a post-subdivided parcel in situations where land is being subdivided for whatever purpose. It will be on a lot-by-lot basis. It will allow cutting of 30 percent of significant trees.

Lorsung asked if it would be easier to simply get rid of this chart and count number of trees.

Cavanaugh again stated he likes the chart if it applies to post-subdivided parcels.

Workman stated the Councilmembers seem to be at different places on this.

Weir noted there was a suggestion to pass this for rural residential. Cavanaugh stated it is very fair for rural residential. If someone subdivides later, it can be based on post-subdivided lots.

After further discussion, Lorsung summarized the Council likes the ordinance for the rural residential. For subdivisions with rural residential, it is on a lot-by-lot basis after the lots are reviewed and approved. Regulations for commercial will be kept as they are.

Paumen stated the post-subdivided basis may not take into consideration trees removed for streets.

Workman responded that will be the developer's responsibility.

Batty clarified ordinances have to be adopted by a majority of the full Council, which means it needs three votes. There will only be three at the June 6th meeting.

Smith suggested having staff bring this back at the June 20th meeting when everyone should be present.

Cavanaugh suggested that is a great compromise.

Weir stated she is worried about fragmented holes throughout the woodland, but it is a good compromise.

Smith moved, Weir seconded, to table the tree ordinance until the June 20th meeting.
Motion passed unanimously.

C. Appointment of Citizen Committee Members to Facilities Master Planning Initiative

Weir noted Bob Mitchell has agreed to serve on the committee.

Cavanaugh indicated Beth Nielsen has agreed to serve on the committee.

Smith noted she asked Marilyn Fortin and she agreed to serve on the committee. She also asked Jeff Garthwait, who is new to the community. She tried Jim Renier, but he is unable to. She left a call in with Dave Ferrin, who was great with his neighbors at Cherry Hill.

Weir stated she would be happy with Dave Ferrin.

Weir stated she has a back-up committee prospect in the Cudd development. Fred Wagner from Gramercy recommended this gentleman.

Adams stated the four can be appointed tonight, and the fifth name can be on the agenda for June 6.

Moved by Weir, seconded by Cavanaugh, to appoint Bob Mitchell, Beth Nielsen, Marilyn Fortin, and Jeff Garthwait, and one further member to be appointed at the June 6th meeting, to the Citizen Committee to Facilities Master Planning Initiative. **Motion passed unanimously.**

X. CITY ADMINISTRATOR REPORT

A. Schedule Summer Work Sessions

Adams asked about the date of budgetary work sessions. The Council decided on Thursday, July 20, from 6-9 p.m. at City Hall.

Adams requested the August 1st and August 15th special council meetings be posted for 6 p.m. to accommodate discussion of the budgetary items.

*Moved by Weir, seconded by Cavanaugh, to approve the three meeting additions and changes, as requested. **Motion passed unanimously.***

Adams stated he will give the Council a summary of his City Administrator's Conference at the next meeting.

B. Engineering Report

Kellogg stated due to the weather there has not been a lot of progress on current projects.

Kellogg noted the contract was executed by Ryan Companies, and a preconstruction meeting was held last Thursday. The outcome of that is the likely start date of public improvements by Ryan will be around June 1. There are a variety of issues they need to deal with on their site before they can get their subcontractors out there. He noted there has been no change in the opening date of the first or second week of October.

Weir asked for an update on 185 Hamel. She indicated the catch basin does not catch very much, and if it were not for the silt fence, water would run down onto the adjacent property. Kellogg stated he will stop by there tomorrow.

Kellogg indicated the 185 Hamel site is from Hamel Road to Mill Drive. The control the City has over the developers is limited to that site.

Kellogg stated all that can be required to do is provide some erosion control. The City can make sure the sediments do not leave the site

Weir stated she met Father Kevin with St. Anne's today. He indicated there is a loss of trees and wants to know the plans for replanting.

Kellogg responded the only easement the City has is across the northeast part. The City did provide some screening. He stated the City seeded and fiber-blanketed the area for erosion control.

Weir stated Father Kevin intends to talk with parishioners about planting trees on church property but he is not clear about the other property.

XI. MAYOR & CITY COUNCIL REPORTS

Workman noted the Lake Minnetonka Cable Commission is asking for a contribution for a study on wireless high-speed internet and he would like the City to provide a contribution. Wi-fi is something needed in the City and this study needs to be done.

Adams stated he received the request from LMCC today. He plans to put the item on the June 6th meeting agenda for some sort of action. At this time he has not identified what funds it would come out of.

Workman stated he would like Adams to let LMCC know the Council is interested in this as a City, not that any money is committed at this point.

Smith suggested it would be nice to keep a file of all the newspaper articles written about Uptown Hamel to be used in promotion of the area.

Batty brought up the tour of Wild Meadows with the Land Trust. The purpose of that tour is because tonight there was supposed to be discussion about the turnover to the Land Trust. As Robinson indicated, there were a number of mainly minor incursions into the conservation easement. He wanted to make sure the Land Trust had a tour to see what those incursions are.

Batty continued he does not want to hear the Land Trust does not want to take over the easement because there are problems. He suggested the Council not address this until the tour takes place, so the Land Trust can see all the minor incursions. He would like staff to have the opportunity to tag along on the tour.

Batty stated it is important to ensure the tour is before June 20 because that is when the discussion of conservation easements and management plans will be on the agenda.

XII. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Cavanaugh, to approve the bills, order check numbers 029370-029443 for \$870,138.49, and payroll check numbers 019899-019905 for \$29,442.88. **Motion passed unanimously.***

XIII. ADJOURN

*Moved by Smith, seconded by Cavanaugh, to adjourn the meeting at 9:45 p.m. **Motion passed unanimously.***

Bruce D. Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk