

MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 4, 2007

The City Council of Medina, Minnesota met in regular session on September 4, 2007 at 7:02 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Cavanaugh, Smith, Weir, and Johnson.

Members absent: None.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, Planning Director Tim Benetti, City Planning Consultant Andrew Gitzlaff, Public Works Foreman Steve Scherer, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to add a discussion item about a crosswalk on CR 101 north of TH 55.

The agenda was accepted as amended.

IV. APPROVAL OF MINUTES

A. Approval of the August 21, 2007 Special City Council Meeting Minutes

*Moved by Weir, seconded by Cavanaugh, to approve the August 21, 2007 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the August 21, 2007 Regular City Council Meeting Minutes

It was noted on page 5, the fourth paragraph, it should state: "Johnson... Crosby stated that a hauler could build bid on one..."

It was noted on page 5, the ninth paragraph, it should state: "Cavanaugh stated that he polled some people around the lake..."

It was noted on page 7, the fourth paragraph, it should state: "Johnson requested the ordinance's application be confirmed ~~for clear-cutting~~ for commercial businesses."

It was noted on page 7, the sixth paragraph, it should state: "Johnson inquired...for the driveway at Willow Hill Preserve. Weir..."

It was noted on page 7, the seventh paragraph, it should state: "Crosby inquired about the removal of subdivision of-5 from the current..."

It was noted on page 9, the third paragraph, it should state: "Cavanaugh inquired... Weir stated that they could cut 15% of the trees to follow the proposed table."

It was noted on page 9, the twelfth paragraph, it should state: "Weir stated...She stated a graduated cut for size acreage seems an ~~intelligible~~ intelligent approach...see an ordinance that uses restrictions and incentives to avoid people building in trees."

It was noted on page 10, the third paragraph, it should state: "Johnson stated he is concerned with the ~~view-shed~~ viewshed."

It was noted on page 10, the eighth paragraph, it should state: "Weir stated that ~~bald~~ balled and burlap trees..."

It was noted on page 11, the third paragraph, it should state: "Weir suggested using the terminology of a "healthy, deciduous, ~~non-native~~ native tree."

*Moved by Weir, seconded by Johnson, to approve the August 21, 2007 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. ~~Accept Resignation of Planning Commissioner Sharon Johnson~~
- B. ~~Accept \$1971.00 Donation from Kenneth and Katherine Fortin for Water Fountain at Hamel Legion Park Plaza~~
- C. ~~Accept \$575.00 Donation from American Legion, John Pohlker Post No. 394 for Water Fountain at Hamel Legion Park Plaza~~
- D. Release Charles Cudd Co. Letter of Credit No. 251 in Amount of \$222,040.00
- E. Resolution Extending Variance Deadline for Martin/Kauma to September 19, 2008
- F. Appoint Joshua McKinley to Community Service Officer Effective September 9, 2007
- G. Resolution Contesting MCES Surcharge
- H. Resolution Approving Lot Line Rearrangement to Willow Hill Preserve
- I. Appoint Abdo Eick and Meyers LLP to Provide Auditing Services for the Years Ended December 31, 2007, 2008 and 2009
- J. Approve Transfer of Tobacco License from Joe Francis to Holiday Corporate at 200 Hwy 55 Effective September 11, 2007

Weir asked to remove item A from the consent agenda and add it to item E under New Business.

Smith asked to remove items B and C from the consent agenda.

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

- A. Accept Resignation of Planning Commissioner Sharon Johnson
- B. Accept \$1971.00 Donation from Kenneth and Katherine Fortin for Water Fountain at Hamel Legion Park Plaza

Smith thanked Kenneth and Katherine Fortin for the donation.

*Moved by Smith, seconded by Weir, to accept the donation of \$1971.00 from Kenneth and Katherine Fortin for the Water Fountain at Hamel Legion Park Plaza. **Motion passed unanimously.***

C. Accept \$575.00 Donation from American Legion, John Pohlker Post No. 394 for Water Fountain at Hamel Legion Park Plaza

Smith thanked the American Legion for the donation.

*Moved by Smith, seconded by Weir, to accept the donation of \$575.00 from American Legion, John Pohlker Post No. 394 for the Water Fountain at Hamel Legion Park Plaza. **Motion passed unanimously.***

VI. PRESENTATION

A. Swearing in Ceremony for Medina Police Officer Jeremiah Jessen

Belland introduced Police Officer Jeremiah Jessen. Adams swore Jessen in to office.

Belland introduced Ann Clare Grothe as the transcriptionist for the police department.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

Robin Reid, 2945 Ardmore in Independence Beach, stated she would like the Council to re-open the discussion of the CR 19 west side trail from Independence Beach to Baker Park. She mentioned that there was a procedure referenced by MnDOT to obtain a variance. She stated the trail will destroy the trees and flowers in the area. She summarized previous discussions about the trail. She stated she would like the Council to discuss requesting a variance for a 4-foot wide trail.

Crosby stated he is meeting with the Hennepin County Commissioner Penny Steele later this month. He inquired if it would be useful for the Park Commission or Council to have a resolution to endorse the variance.

Smith stated that it would be appropriate to let Commissioner Steele know the Council's desire is to not have an 8-foot wide trail.

Cavanaugh stated he would like to see if the County would pay for the 4-foot wide trail in the Dockside neighborhood.

*Moved by Johnson, seconded by Weir, to make a resolution to have the Park Commission re-visit the issue and explore any mechanism that would allow a 4-foot continuous path. **Motion passed unanimously.***

B. Park Commission

Ben Benson, Park Commissioner, stated that there are various items for the Park Commission on the agenda for this Council meeting.

C. Planning Commission

Weir stated they discussed the Turnquist property with a recommendation to move forward and they discussed the tree ordinance.

VIII. OLD BUSINESS

A. Truck Traffic Regulations- Homestead Trail and Parkview Drive

Adams stated there was past Council direction for staff to review the process to turn back Homestead Trail and Parkview Drive from county roads to city roads. He stated there is a citizen's petition being forwarded to Hennepin County regarding truck traffic on those roads. The petition is in the Council's packet. He stated options are to pursue turning these county roads to city roads; rescind the truck traffic ordinance citywide and implement soft enforcement measures; and conduct a speed study.

Kellogg stated Kevin Hoglund (Bonestroo) met with Hennepin County to discuss turning back Hamel Road, Parkview Drive, and Homestead Trail to city roads. He stated the issues that would need to be addressed include: a formal request from the City; the County will need to review the continuity of their system; CR 201 (Homestead Trail) provides access to Baker Park Reserve; if a roadway is turned back, the County would evaluate the existing condition of the pavement; if there are other deficiencies, the County would consider funding those repairs; a portion of Homestead Trail is located in Orono; the County will need to review what Municipal State Aid (MSA) funds may have been spent on CSAH 115 (Hamel Road) over the past 20 years; the MSA funds; and upon turn back, the City would be responsible for future maintenance costs. He stated Staff has looked at the needs for the roads. He explained that there are also concerns with the City being a MSA city and funding may be diminished if the roads are no longer county roads. He stated the entire process would take about 1 year.

Weir stated that Homestead appears to be unsuitable to be a county road because it has too many right angles, it provides access to a pond that looks after trumpeter swans, and it provides access to a horse parking facility. She stated it is not in high use or demand for the park. She stated that she has little doubt that it should be turned back. She stated they wouldn't have to spend as much money maintaining the roads, if the heavy trucks weren't allowed.

Johnson stated that it is important to listen to the residents and the residents indicated on the survey conducted last year that they want the Council to address the issue of traffic and are in opposition of additional north/south roads. He stated if accepting MSA funds violates the desires of the community, it shouldn't be accepted.

Smith stated that because they are county roads, the City can't post speed limits or deny the trucks the use of county roads.

Kellogg stated that to have the authority to eliminate truck traffic, the City would need to regain control over the road.

Amy Alworth, 1602 Homestead Trail, stated that since the new truck traffic ordinance began the truck traffic has increased dramatically on Homestead and Parkview. She stated residents have voiced their concerns about the truck traffic resulting in the ordinance restricting traffic on Willow, Tamarack, and Hunter Drive. She stated in August 2007 many trucks were traveling over the speed limit and provided a picture of the mailboxes that were knocked over as a result. She expressed concern about the safety of the children, dog walkers, cross-country skiers, and bicyclists.

Clara Uleland, 1902 Homestead Trail, stated the residents on Parkview and Homestead find the current truck traffic dangerous and intolerable. She stated they have talked with Penny Steele from Hennepin County petitioning to have the trucks prohibited on these roads. She stated the concerns are the sharp curves, blind hills, and trucks crossing over the center line around the corners in to the oncoming traffic lane. She stated the truck traffic is inconsistent with the Open Space Plan. She stated the City code states "truck traffic can reasonably be prohibited on certain streets to eliminate a majority of the safety and property damage concerns." She stated that it is unfair for some residents to be protected at the expense of others and the police should have the authority over all of the roads.

Kent Williams, 1632 Homestead Trail, stated last week one of his garbage dumpsters was thrown back towards the woods and the other one was missing as a result of the traffic. He stated about one week after the ordinance went in to affect he witnessed trucks crossing the center line. He urged the Council to take interim steps if they decide to pursue turning the roads back to City roads.

Jeff Evanson, 3072 Willow Drive, thanked the Council for putting the ban on Willow Drive. He stated his concern is for the residents who have the increase in traffic on their roads. He stated he would like the Council to continue the ban on Willow Drive and requested that the City doesn't accept MSA funds strictly for financial reasons.

Richard Haberman, 2782 Parkview Drive, inquired if the City can recommend to the County to decrease the speed limit. He presented pictures of the truck traffic on the roads and expressed concerns about the safety. He stated that his understanding of the current codes is that driveways need to be spread out 100 feet for every 10 mph due to safety.

Johnson inquired if the non-permitted dumping process that was occurring has decreased the truck traffic. Haberman stated that the amount of trucks for that specific project has decreased, but there is still a large amount of traffic.

Kristen Grabach, 2782 Parkview Drive, stated that if the county roads were taken back, the trucks would be rerouted to CR 101 and CR19.

Crosby stated that Hamel Road would no longer be a county road either.

Grabach stated that roads are going to continue drawing traffic as outer suburbs grow.

Margaret Buschbom, 1150 Homestead Trail, Long Lake, stated her property is in Orono. She inquired if they have observed the traffic at the corner of CR 6 and Homestead Trail. She stated it is difficult to get out of the driveway and it is unfair to put up with the truck traffic. She thanked the police officers for their work. She stated that there aren't any caution signs or stop signs.

Haberman inquired about the speed limit postings on Homestead Trail and the cautionary signs. Belland stated that there are cautionary signs and they can issue citations for unsafe driving. He stated the speed limits for the north half of Homestead is 50 mph and for the south half of Homestead is 40 mph.

Katie Campbell, 1672 Homestead Trail, stated the slower speed limits are on the curves. She stated she has pulled a number of people out of the ditch because they don't see the signs to slow down. She stated the pictures shown don't show multiple trucks on the road at the same time. She stated that the bike trails are touted throughout the Cities.

Betty Goodman, 2495 Willow Drive, thanked the Council for the ban that took the trucks off of Willow Drive. She stated that their effort to remove the trucks from their road began in 2000. She stated she would like the Council to take back the roads for the residents and is disappointed to know that it won't happen for about a year. She stated that she would like interim measures to be taken.

Babs Coach, 1582A Homestead Trail, stated she is concerned about the safety and their mailbox has been knocked down a number of times. She stated that they have trimmed the trees to allow for increased vision. She stated that cutting the speed won't help and the trucks should be banned.

Crosby restated the potential options.

Weir stated that the ordinance has only been in effect since July and is amazed that it is a consideration to rescind the truck ban.

Crosby stated that there is a real problem, they need to do something to address the issue, and is in support of the petition. He stated he is reluctant at this point to have a resolution to take back the roads or to make a decision about MSA funding. He stated they have had 3 sessions about the 2008 budget and the budget for the roads will be increasing. He stated the City needs to study whether or not there are accommodations in Hennepin County on changing the enforcement on the traffic and in fairness to the other residents it needs to be examined thoroughly. He stated that it is unfortunate that the previous ban and the project on the northeast side of Homestead have exacerbated the traffic.

Smith stated that it has been discussed many times and the two stop signs on Holy Name Drive have reduced traffic. She stated she would like to start the process now and find out if there is anything else that can be done. She stated that if another option does not present itself the process would at least be started and if another option would present itself they could choose to do it. She stated she isn't willing to accept the MSA funding if it means not having control of the roads.

Cavanaugh stated that in December he brought up the issue of the traffic being pushed off on to these roads as a result of the truck traffic ordinance. He stated that the City and residents need to be aware of all of the costs including long-term capital improvements and long-term maintenance.

Kellogg stated the costs weren't included in the memo, but the process was described. He stated that Staff has done a cursory review from the City's perspective, but not from the County's.

Cavanaugh stated that there are some unknowns and there may be some alternatives, such as a trail for the pedestrian traffic.

Weir stated that Homestead Trail and Parkview Drive are particularly unsuitable for county roads status. She stated she would like to know the cost to the City of taking back the three county roads. She stated that the soft enforcement measurements did not work for Willow. She stated that the Council needs to consider the tax implications and the nature of the rural City. She stated accepting MSA would result in a much less rural city. She stated the maintenance costs would decrease because of the decrease in truck traffic.

Kellogg stated that he doesn't think it will prolong the life of the roads significantly.

Weir stated that she is not in favor of giving up the truck ban on Willow Drive that began in July 2007. She stated she would like to know the cost implications for the City.

Johnson stated that the citizens want a rural and safe community. He stated they are located on convenient north/south traffic routes. He stated the Council has a duty to respond to the concerns of the citizens. He stated that he would be in support of moving in the direction of taking back the roads as city roads. He stated a weight increase in trucks has a non-linear increase in the wear and tear of the roads.

Kellogg stated there will be some limited use of heavy vehicles that will be on the roads.

Johnson stated there will be a cost for plowing and maintenance. He stated it is the Council's responsibility to be good stewards of the resources for the City. He stated he doesn't think it is their responsibility to connect the truck routes. He stated he is in support of the petition.

Moved by Smith, seconded by Johnson, to direct staff to initiate the process to take back Hamel Road, Homestead Trail, and Parkview Drive from the County and turning them into city roads.

Crosby stated that there hasn't been a discussion about Hamel Road.

Weir inquired if it should be included in the motion. Smith stated that the residents on Hamel Road aren't present, but have previously spoken about the issue.

Johnson stated that by not allowing the trucks on Parkview, the trucks wouldn't be likely to use Hamel.

Smith stated she would be okay with just doing Parkview and Homestead, but if Hamel were included, they could withdraw it at a later point.

Johnson inquired if the discussion with the County included Hamel Road. Kellogg stated that Hamel was included and there wasn't a formal asking, but there was a question/answer session.

Cavanaugh inquired about how many miles are being discussed. Scherer stated that there are approximately 7 miles for all three roads.

Cavanaugh inquired if the \$230,000 cost per mile figures on the memo from February 12, 2007 is accurate. Kellogg stated the tables being referred to include an analysis of a 9-ton section versus a 7-ton section, but it doesn't account for new construction.

Cavanaugh inquired about a reasonable cost for the repair of the roads.

Crosby stated that the additional roads would increase the total roads in the City from 40.5 to about 47.5.

Johnson stated that it would be about a 15% increase.

Cavanaugh stated that he thinks they need to know these numbers before moving forward. He stated that going to the County and asking for the roads back now would result in a loss of all negotiation power in relation to any alternatives.

Johnson stated that he isn't sure that the County wants to get rid of the roads.

3 ayes (Johnson, Weir, Smith) - 2 nays. Motion passed.

Adams inquired if Staff should prepare a letter of resolution or if Staff is directed to start the process.

Johnson stated that part of starting the process is getting the economic analysis.

Crosby inquired if this should come to the Council in the form of a resolution. Johnson stated that it should.

Adams inquired if Kellogg could complete the economic analysis by the October 2nd meeting. Kellogg stated they could.

Haberman inquired about Cavanaugh's statement about the costs for the residents. Cavanaugh stated that when there is a major reconstruction the residents living on that road would most likely need to pay for a portion of the reconstruction costs and the maintenance would be paid for by all of the residents.

Crosby stated that if there is a development on the road it will be assessed to the adjacent landowner. He stated that if the roads would be given back to the City it would be the expectation that the County would return them without needing immediate work.

Johnson stated that if the roadways were to increase by 15%, then the snow plowing budget would increase by 15%.

IX. NEW BUSINESS

A. An Ordinance Amending Section 805.11 of the City Code Affirming the Adoption of Chapter 1306, Special Fire Protection Systems, to the Building Code

Adams stated this is a technical change due to a statutory reference. He stated a broader question is the adoption of commercial sprinkling throughout the City.

Weir stated that having adopted the change they are delaying the development in Uptown Hamel. She stated that if there is a change in use in a building, it needs to be sprinkled on all floors. She stated she spoke with one owner who has the inability to put in a restaurant due to the costs for the sprinkling.

Crosby inquired about what would happen if it was rescinded. Adams stated that the commercial sprinkling systems are not protected currently without this chapter and without the ordinance the buildings would be much less restricted.

Crosby inquired if this was in reference to the sprinkling section only. Weir stated that she looked it up in the code book and there was only a summary.

Batty stated the amendment is to conform the ordinance to the statutory requirements. He stated he is unsure if the adoption of 1306 was an optional section. He stated if they choose not to have this section, he is unsure of what else would not be included.

Crosby stated that this needs to be adopted to be consistent with the things that have been done in the past, but they need to discuss whether or not to have their own rules on sprinkling systems.

Weir stated she would like Staff to find out the implications.

*Moved by Weir, seconded by Smith, to approve the ordinance amending Section 805.11 of the City Code Affirming the Adoption of Chapter 1306, Special Fire Protection Systems, to the Building Code, as requested. **Motion passed unanimously.***

B. Turnquist/MnLINC Conditional Use Permit for Animal-Assisted Therapy Facility 2000 Chestnut Road

Gitzlaff provided background information for the Animal-Assisted Therapy Facility. He stated Staff believes the criteria are met for the CUP assuming the issues are addressed. He stated compliance with the ordinance requires compliance with ADA requirements and fire codes, which includes sprinkling requirements. He stated there is a waiver that may be granted for the sprinkling requirements if there is not adequate water supply.

Crosby stated that they don't have the legal authority to overrule the building inspector.

Gitzlaff stated that the fire marshal has preliminarily indicated that he is in favor of the waiver for the sprinkler system.

Weir stated that the building inspector and fire marshal is the same person. She inquired about the granting of the waiver. Batty stated the building inspector is inclined to grant the waiver. He stated that it isn't the Council's discretion, but the building inspector is indicating that he would be able to grant a waiver.

Adams stated that the building inspector/fire marshal is out of town, but MetroWest would be able to make decisions related to building issues.

Gitzlaff stated that Staff is recommending that no more than 15 animals units be allowed on the property at any one time.

Johnson inquired if that was the entire property or a subset of the property. Gitzlaff stated that the site would be the 80 acres.

Weir noted that there is a discrepancy in the report about the acreage for the paddock.

Crosby stated that the application for the CUP was from the Turnquist property.

Batty stated that the Staff report indicates that there are two 40-acre parcels. He stated he thought it was an open question if it was being granted for one or both parcels. He stated that he thinks the Staff report indicates that it is for both as long as it remains under the same ownership.

Crosby inquired about the condition that refers to the revocation of an existing CUP. Gitzlaff stated it is being done so that there aren't two CUPs for the same property.

Crosby stated that there are some conditions from the initial CUP that would be eliminated that they would want to retain.

Batty stated that Staff intends to retain and incorporate the pertinent conditions from the original CUP into the new CUP.

Crosby inquired if the conditions from the CUP in 1987 were incorporated. Gitzlaff stated he believes they were, but he would be able to double check.

Weir inquired about the amount of animals on the property. She stated that it may be appropriate to consider animal units. She stated that it is a policy discussion for the Council. She stated the Planning Commission suggested it was a hooved animal that weighed a certain number of pounds.

Smith stated that the definition of an animal unit is written out in MPCA rules.

Weir inquired if they know how many miniature horses are on the property.

Crosby inquired if the City has adopted animal units. Smith stated that they have not.

Crosby stated that if they are adopting this, the animal units are not a defined term.

Batty stated that they could refer to the Department of Agriculture.

Johnson inquired if they could incorporate a defined term for the site to clarify the use of both parcels. Crosby stated there should be clarification that the site is both of the parcels.

Gitzlaff stated the Planning Commission recommended approval of the CUP.

Weir stated one concern from the Planning Commission was in regards to weekend traffic.

Cavanaugh inquired if notice was given to the neighbors. Gitzlaff stated that public notice was given.

*Moved by Smith, seconded by Weir, to approve the CUP Application with the conditions as recommended by Staff and direct Staff to clarify that the site constitutes the whole property, to ensure that the desires prior CUP clauses are maintained in the new CUP, and to define animal units. **Motion passed unanimously.***

Tanya Welsh, representative from MnLINC, inquired about the fee to be paid to the City. Adams stated that it is based on the costs for Staff, engineering, and legal and varies depending on the scope of the project.

Crosby stated that it is typical for anyone applying for a CUP.

Cavanaugh stated that any costs relating back to the ordinance would be borne back to the applicant. Adams stated that those costs have been as well.

Welsh inquired if they are legal at this point. Adams stated that they were not and that staff was directed to prepare the resolution for approval.

Crosby stated the building permit needs to be approved by the building inspector and fire marshal.

C. Shoreline Buffering and Stabilization Programs

1. City Program

Adams presented a potential pilot program for Lake Independence for shoreline buffering and stabilization. He stated the City would use \$25,000 per year from the Environmental Fund. He stated the funds provided by the City for a private owner would be matched by the owner. He stated that easements would be required to ensure the buffering remains. He stated that there would be City in-kind matching resources in addition to the money and limited legal and engineering work. He stated there have not been discussions with Three Rivers Parks or Hennepin County regarding their interest in holding the easements. He stated the stabilization program is similar. He stated other options would be to use liens/notes against the property, support the LICA grant instead of providing this program, and mandate buffers through an ordinance. He stated it is important to discuss the priority of this program in terms of other environmental needs.

Crosby inquired about the total exposure to the City. Adams stated that it would be about \$35,000 per calendar year, which includes the \$25,000 grant funding and soft costs.

Adams stated that there might be some hesitation from landowners to grant the easements. He stated this is a pilot project that could be expanded.

Crosby inquired where the funds could come from. Adams stated that it could come from the environmental fund transfer, but some could come from a future storm water utility fund, if established.

Smith stated that they have a Storm Water Pollution Prevention Program (SWPPP) plan that they are required to do.

Crosby stated that he would like to know that there could be a sunset date, a financial limit, or it could be revoked at any time.

Batty stated that the program could be revoked at any time.

Adams stated that since it is a pilot program it would provide the opportunity to review it.

Weir inquired about structuring the inspection for the buffers. Smith stated that it may be something the Lake Independence Citizens Association (LICA) could do.

Adams stated that LICA is not seeking a funding commitment, but are looking for an endorsement of their project, which is separate than the city program.

Mike McGlaughlin, LICA representative, stated his appreciation for the work from Staff on this project. He stated the 50/50 might be difficult to get agreement from the property owners. He stated they have tried to get the homeowners to agree to 25/75 in the past. He suggested modeling the program after current programs, such as the DNR and the N'Rich program. He stated there may not be anyone interested in the easements and no other grants are based on easements. He stated he believes the Cleanwater Legacy has a ten-year policy to be sure best management practices are continued.

Weir stated that people would feel a loss of control of their property with an easement.

Crosby inquired about the purpose of the LICA program. McGlaughlin stated the purpose is to reduce the algae and the phosphorus in the lake.

Crosby stated he is concerned about giving people grants without participation. He stated that in regards to the easement he is concerned about spending public money without getting something in return.

McGlaughlin stated that they are talking about a pilot project and it would be funded through the City.

Weir stated that they aren't getting anything material, but they are getting a reduction in phosphate level and a cleaner lake. She stated the City needs to clean up the lake.

Johnson stated that they could begin the program at 50/50 and then adjust the program if no one is interested in it.

McGlaughlin stated LICA would be in support of a manure management ordinance.

Cavanaugh stated that as a property owner he personally would be in agreement with the 50/50, but not of the easement.

Johnson stated that if the bulk of the manure is in Independence and is not a result of Medina, then the ordinances in Medina aren't going to have a large impact. He stated that stewardship means applying the resources in a cost effective way.

McGlaughlin stated that the studies break it down to manure and septic systems.

Weir stated the septic systems will be addressed at a future meeting.

Cavanaugh stated that if there is a cap for the first year and a few people are interested, they become the examples for other interested people.

McGlaughlin suggested that the selection process include an analysis of which properties would have the most impact for the lake.

Weir inquired if the Council would support a 25/75 split with a \$30,000 annual cap.

Cavanaugh stated that he is concerned about the easement.

Weir inquired if the easement is a part of it. Adams stated that Staff is recommending the easement.

Cavanaugh stated that he would be in agreement of a 10-year inspection.

McGlaughlin stated that it is written with a 10-year inspection because it is enforceable. He stated that he is unsure of what would happen with a change of ownership. Crosby stated that it would go with the land.

Smith stated that it is unfortunate to need to make requirements to care for the lake. She inquired if Minnetonka has similar ordinances.

Johnson stated that Minnetonka Beach does. He stated that he put in a rain garden and was required to grant Minnetonka Beach an easement.

Crosby stated the residents in Minnetonka are required to maintain the shoreline on their property.

McGlaughlin stated that they are asking people to do beyond what they have to do.

Crosby stated that he thinks there needs to be a minimum of 10 year agreement.

Adams stated there needs to be more research to determine the appropriate amount of funding per landowner.

*Moved by Smith, seconded by Weir, to direct Staff to prepare a program with a 25/75, ten year agreement for maintenance, prioritization for the land, the sharing process may be increased, and the shoreline maintenance may become subject to an ordinance, as requested. **Motion passed unanimously.***

Cavanaugh inquired about the use of barley for clean up on lakes. McGlaughlin stated that it has been suggested for use on ponds and is more costly for lakes than an alum treatment. He stated it is a natural way to clean up.

Weir inquired if the Watershed District is in support of it. McGlaughlin stated he doesn't think it has come up.

2. DNR Grant Application for Holy Name Lake

Adams stated that there would be some City in-kind matching funds.

3. Minnehaha Creek Grant Application for Holy Name Lake

Moved by Weir, seconded by Johnson, to authorize to submit grant applications to the DNR and Minnehaha Creek Watershed District for Holy Name Park, as requested.

Motion passed unanimously.

4. DNR Grant Application for LICA- Mike McGlaughlin

*Moved by Smith, seconded by Weir, to support the DNR grant application for LICA without a financial commitment, as requested. **Motion passed unanimously.***

D. Hamel Legion Park Playground

Adams stated the recommendation for approval includes Phase 1 and Phase 2. He stated all of the funds would come from the Park Dedication funds and donations and half of it would be funded this year and half in January 2008.

Scherer stated the review panel sent RFPs to several companies and received three replies. He stated the one selected incorporates a smart system, which is a combination of a conventional playground system, and an innovative system.

Crosby inquired if each of the playgrounds were done by the same company. Scherer stated that they are designed by Landscape Structures.

Scherer stated they have \$37,500 from the City and \$37,500 from the Lions for 2007. He stated that there has been an additional \$75,000 recommended from next year's budget by the Park Commission. He stated that they would be able to get additional equipment if they do Phase 1 and Phase 2 at the same time.

Crosby inquired about the City's total expenditures. Adams stated that the cost is \$150,000 minus the Lion's contributions.

Weir clarified the vendor is willing to build both phases and hold payment for Phase 2.

Scherer stated that is \$75,000 for next year's budget, but it has not been approved.

Crosby clarified that the total program is within the parameters that have been previously discussed.

Moved by Weir, seconded by Johnson, to authorize the building of Phase 1 and Phase 2 of the park with the payment schedule, as requested.

Adams clarified that the park dedication amount would be \$112,500.

Motion passed unanimously.

E. Planning Commission Appointment

Adams stated they have not received a formal resignation in writing from Sharon Johnson. He stated there was a letter written, but it has not been received at City Hall.

Weir stated that it may have been in the form of an email. She stated that she has interviewed two people from the last applications and would like to make a recommendation. She inquired about the next steps if the City has not received a formal resignation.

Smith stated that an appointment could be done pending the resignation. She stated that she spoke with Sharon Johnson who stated she thought she would need to resign.

Weir provided Michelle Litt's background and knowledge.

*Moved by Smith, seconded by Cavanaugh, to accept a conditional appointment for Michelle Litt pending resignation of Planning Commissioner Sharon Johnson, as requested. **Motion passed unanimously.***

Cavanaugh stated that he appreciated the work Weir had done and wondered if it would be appropriate to have this done in a more formal process.

Weir explained the process of appointing people to the Planning Commission didn't work out as normally planned, but includes a review by the Council liaison, Planning Commission chair, and a staff representative.

Smith stated that Weir did the best she could and it was appropriate to not advertise.

Weir stated that they are filling out a term.

Adams stated the term ends at the end of this calendar year, which made sense to appoint from the previous pool of applicants.

F. Resolution Vacating a Portion of Drainage and Utility Easement for Willow Hill Preserve- Public Hearing

The public hearing was opened at 9:54 p.m.

There being no further input, the public hearing was closed at 9:54 p.m.

*Moved by Weir, seconded by Cavanaugh, to approve a resolution vacating a portion of drainage and utility easement for Willow Hill Preserve, as requested. **Motion passed unanimously.***

Weir inquired about the vast cutting around Willow Drive. George Stickney stated that it was necessary for some of the grading to get the collection of water into the rain garden. He stated they saved 16 trees in the cul-de-sac area, 8 major trees by the entrance, and trees by the roadway. He stated they have agreed to plant 45 new trees.

Johnson inquired if they are doing any inventory of the trees and if anyone is checking on the work. Kellogg stated that he has spoken with Stickney who has documentation of the trees that have been cut.

Stickney stated they delayed the road construction in order to move the cul-de-sac to preserve trees.

Smith stated that the plans have been presented to the Council in multiple forms in an effort to reduce the cutting of trees.

Stickney stated that there is a new landscape plan, which increases the trees.

Weir stated that it has devastated the ecology and isn't blaming Stickney.

G. 2008 Budget
1. Resolution Approving Preliminary Tax Levy

Crosby stated the City has had several work sessions on next year's budget and are proposing a tax levy for 2008. He stated this would initiate the process to allow the citizen's participation and ability to speak at the Truth in Taxation meetings in December. He stated that the total levy proposed is \$2,897,197, which is a substantial increase. He stated costs have increased for roads, the police force, and other things. He stated at the meeting in December there will be information comparing Medina's tax levy with other cities.

*Moved by Weir, seconded by Johnson, to approve the resolution approving the preliminary tax levy of 2008, as requested. **Motion passed unanimously.***

2. Resolution Approving Preliminary General Fund Budget

Adams stated that this isn't required, but it has been the practice in the past to let the residents know about the proposed budget.

Crosby stated the proposed budget is \$4,620,305. He stated that this matter is not taken lightly and encouraged the residents who are interested to attend the meetings.

*Moved by Weir, seconded by Smith, to approve the Preliminary General Fund Budget, as requested. **Motion passed unanimously.***

3. Approve Truth-In-Taxation (TNT) Dates

Adams stated the proposed dates are December 3, 2007 at 6:30 p.m. and if necessary a continuation meeting on December 10, 2007 at 6:30 p.m., both at Medina City Hall.

*Moved by Weir, seconded by Smith, to approve the Truth-In-Taxation Date of December 3, 2007 at 6:30 p.m. and if needed, a continuation meeting on December 10, 2007 at 6:30 p.m., as requested. **Motion passed unanimously.***

Adams stated the Council could consider having the regular Council meeting on December 3 instead of December 4.

The Council reached consensus to keep the regular Council meeting on December 4.

H. Crosswalk at CR 101

Smith stated she has been contacted by several people regarding the inability to cross CR 101 at Gramercy and Highland. She requested Staff to research getting crosswalks painted on CR 101. She stated that Lilac Dr. and Evergreen Rd. may be potential locations for the crosswalks.

Weir stated it is an issue and she has received several emails.

Smith inquired if they could receive the information for the meeting on October 2, 2007.

Kellogg stated that he spoke with Dave Zetterstom who stated that there isn't automatic approval for crosswalks. He stated he believes there is an opportunity and that Lilac may be the best location.

X. CITY ADMINISTRATOR REPORT

There was none.

XI. MAYOR & CITY COUNCIL REPORTS

Smith and Weir stated they will both be absent on the September 18, 2007 meeting.

Crosby stated that they had taken a vacation from the office hours for the residents to come to City Hall and discuss various issues. He stated he would like it to be reinstated once per month. He inquired how it could be publicized.

The Council agreed it would be 9-11 a.m. on the third Saturday of the month beginning in October and suggested that residents confirm by calling City Hall prior to coming.

XII. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Johnson, to approve the bills, order check numbers 020094-020096 and 500733-500756 for \$37,041.83, and payroll check numbers 000075-000080 and 031343-031394 for \$91,169.45. **Motion passed unanimously.***

XIII. ADJOURN

*Moved by Weir, seconded by Smith, to adjourn the meeting at 10:28 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk