

**MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 17, 2009**

The City Council of Medina, Minnesota met in regular session on February 17, 2009 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Smith presided.

**I. ROLL CALL**

**Members present:** Johnson, Siitari, Smith, Weir.

**Members absent:** Crosby.

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, Associate Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Chad Adams and Recording Secretary Carla Wirth.

**II. PLEDGE OF ALLEGIANCE**

**III. ADDITIONS TO THE AGENDA**

*The agenda was accepted as presented.*

**IV. APPROVAL OF MINUTES**

**A. Approval of the January 29, 2009 and February 3, 2009 Special Council Meeting Minutes**

*Moved by Weir, seconded by Johnson, to approve the January 29, 2009 Special Council meeting minutes as presented. **Motion passed unanimously.***

*Moved by Johnson, seconded by Weir, to approve the February 3, 2009 Special Council meeting minutes as presented. **Motion passed unanimously.***

**B. Approval of the February 3, 2009 Regular Council Meeting Minutes**

It was noted on Page 4, Lines 33 and 34, should state: "...seven of which are ~~part of a housing project that neighbors a house site~~ to the west, and wide open space to the north." Page 10, Line 7, should state: "...was to ask the homeowner to ~~repair~~ remove it."

*Moved by Weir, seconded by Siitari, to approve the February 3, 2009 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

**V. CONSENT AGENDA**

**A. Approve Metropolitan Council Regional Parcel Dataset License**

**B. Approve Subordination Agreement with Countrywide Bank FSB**

**C. Ordinance Amending City Fee Schedule**

*Moved by Weir, seconded by Johnson, to approve the consent agenda. **Motion passed unanimously.***

**VI. COMMENTS**

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

There were none.

**B. Park Commission**

Scherer stated the Park Commission will be discussing the concession stand (Field House) at their meeting tomorrow night. Smith stated the Field House Task Force will also be meeting to review and discuss the potential RFP for an architect to develop the plans. Adams advised of the Park Commission agenda items.

Smith stated the issue of Clean Up Day was discussed at the last Park Commission meeting and they will be considering the items to offer as handouts to residents at the upcoming event. Scherer stated it was well received last year and the City can do storm water education as well.

Weir stated she attended the Uptown Hamel meeting and Pete Schmidt talked about the possibility of moving the historic Uptown Hamel Library into Hamel Legion Park should the property it stands on be sold. They also discussed the suitability of such a site. Smith stated that several buildings around the ballfield may be moved so a location in the Park may not be an appropriate location for a Library.

**C. Planning Commission**

Planning Commissioner Mary Verbick stated their last meeting was canceled so there is nothing on which to report.

Finke advised that in March, the Planning Commission will discuss the regulations related to religious institutions as a follow up to the moratorium Council approved at the last meeting.

Smith commended Finke on the comparison information related to the commercial districts and asked if something similar will be prepared for religious institutions. Finke answered in the affirmative.

**VII. OLD BUSINESS**

**A. Special Assessment Policy**

Adams noted the Special Assessment Policy had been at the Council level several times and the Policy had been posted on the City's web site for resident review. It was also promoted in the City newsletter sent out the end of January. This Policy will define special assessments for public related projects and designate a policy for street assessments. The City has not commonly assessed for maintenance or overlay projects; however, based on budget discussions a shift would occur to assess a portion of such costs to benefiting properties. In the past, the City utilized its tax levy across all parcels to fund road maintenance projects. With the proposed Policy, those who benefit will be assessed a portion of the project cost and this will be applicable Citywide for all City roads. Accommodating the special assessment will be bonding for road projects. Adams explained that if this Policy shift is not made, it would still be good to have a policy in place to assure consistency and that things are done equitably on similar types of road projects. If approved, the Policy will not be implemented until the road projects are scheduled and assessment hearings are conducted. Three or four projects will be considered in 2009, material bids have been advertised, and will be presented to Council in March. He explained that residents who are concerned about upcoming specials

assessments can provide formal public comment at the special assessment public hearing. Tonight the consideration is of the broader issues related to the policy.

Jacqueline Gleason, 4692 Sycamore Trail, asked how the new policy would be different for homeowners being assessed for roads and if it will be phased in.

Scherer advised that Sycamore Trail would be a mill and overlay project. Adams explained that under the old policy, residents would not be assessed for a mill and overlay and the City would use general tax dollars to pay for such a project. This year, the City would allocate the project cost partially against the benefiting property, payable in 2010 taxes. The term of payments will be discussed during the special assessment hearing and, at that time, it can be discussed if the payments can be made over a period of years or all up front.

Gleason asked if benefiting property owners will be asked to pay 100% of the project cost. Adams estimated 40% to 50% of the total project cost will be assessed to benefiting properties per the proposed policy. Weir added that the assessment can be paid over a period of years.

Smith explained that a year or so ago, the Council entertained a packed Chamber at the Truth in Taxation hearing when the cost of road projects was discussed. At that time, residents made it clear that taxes should not be raised for that year and the City should bond for the road project costs and benefiting property owners should be assessed for a portion of the cost. That determination resulted in the creation of this Policy.

Adams stated the City has a Pavement Management Program that determined the road's condition and ranks roads that should be improved first. Sycamore Trail is listed as needing improvement in 2009. He explained the cost could be apportioned through the tax system but the Council has determined to create a Policy to assess benefiting properties.

Weir explained that if road maintenance projects were funded from taxes, it would have resulted in a 32% tax levy increase to cover the costs. That is what raised the concern with residents two years ago. She pointed out that the roads are now 20-30 years old and need to be rebuilt. That is why the Council decided to consider a Special Assessment Policy.

Johnson stated if the project was paid through property taxes, the resident's tax bill would be increased for all roads. In the past, 100% of the cost was paid through property taxes for maintenance projects. Under this scenario, 50% goes on the tax rolls and 50% is assessed to benefiting properties.

Gleason expressed concern that in past, they have paid for other roads to be repaired and now, under the first year of this Policy, Sycamore Trail property owners will be assessed. She asked if the Policy could be phased in over a number of years.

Scherer stated Sycamore Trail was overlaid a few years ago, without assessments. He stated the road base was rebuilt for collector roads and those costs were paid by all taxpayers. Scherer explained that with local roads, the formula is different than used for collector roads.

Gleason stated her preference to have an Assessment Policy phased in. She asked if the assessment will be based on the front foot. Adams explained that in this Policy, the assessment is per lot, not per front foot.

Don Gasper, Deer Hill, noted the City paid for every portion of streets in the past and asked why residents should have to bear the cost to install a new road. He suggested the City pay for all the streets until they have been brought up to the same standard, then go with an Assessment Policy.

Smith clarified that with Sycamore Trail, 50% of the cost is paid through taxes and 50% by the benefiting property owner. Gasper stated in the past more than 50% has been paid by the City. Adams stated City policy has been inconsistent on building new roads, which is the reason a consistent Policy is needed.

Gasper suggested that all the roads be brought up to standards, at the City's cost, before starting this Policy.

Johnson stated there is a lot of deferred maintenance for the roads because the City has not spent what was needed to keep the roads maintained. The City's engineer recommended that significant investments were needed to improve road quality. He explained the Council looked at putting all the costs to property taxes but that resulted in an increase that was unacceptable. The Policy was a compromise with a combination of property taxes and special assessments that can be softened by bonding.

Gasper stated all property values have gone down so the City will have to raise the levy otherwise the assessment will be higher than the value of the property.

Weir referenced Page 3, Subsection Q3, Collector Urban, and suggested that Tower Drive be categorized as Local Urban. Adams recommended, for the purposes of this Policy, that Tower Drive be omitted as an example, and the classification of Tower Drive be approached through the Comprehensive Plan. *The Council agreed.*

Smith referenced Page 4, Subparagraph T., Unit, and asked whether the concept of "potential lots" should be included since some rural areas can be subdivided.

Kellogg referenced Page 6, last sentence, Unit Method, that addresses the ability to assess by potential lots. Batty stated a correction is not needed on Page 4 because it is included on Page 6. *The Council agreed.*

Weir referenced Page 11, Item 6, Sidewalk, and asked whether a broken paver in the Uptown Hamel area could be repaired with concrete. Kellogg stated the Council has the ability to dictate the method of repair to assure it is consistent with the materials. Johnson suggested added language: "shall be repaired or replaced to the original standard and...." *The Council agreed.*

*Moved by Weir, seconded by Johnson, to approve the Special Assessment Policy as revised tonight. **Motion passed unanimously.***

Weir asked whether Sycamore Trail residents will receive notice when the project is considered. Adams stated that on March 3, 2009 the Council will consider approval of

the road material bids and if there is adequate funding, staff will recommend proceeding and to schedule the public hearings, probably in April.

Gleason asked for clarification on what is meant by “per lot” for the assessment. Smith explained that in a rural area a parcel of acreage has the potential to be divided so it could be assessed as more than one unit. Gleason stated her corner property has two lots, one is 30 feet wide and unbuildable, and asked if she would be assessed for two units. Adams stated her property will have to be looked at to determine whether the second lot is buildable or assessable.

**B. Ordinance Creating the Commercial-Highway, Commercial-Highway 2, Commercial-General, and Commercial-Neighborhood Zoning Districts; Amending Section 825.07 and Adding New Section 838**

Adams stated a different format was used to add text comment boxes to provide more examples and staff would like input whether this approach should be continued for other ordinances.

Finke stated the Council has discussed this matter at several meetings. The staff report concentrates on the issues raised by the Council related to supporting coordinated/integrated development incentives, integrating Low Impact Development (LID) into regulations, requiring a CUP for larger buildings, and outdoor storage and sales. Finke advised of the specific issues called out related to coordinated development incentives. He noted that the minimum lot size may be reduced if part of a coordinated development. Language was not added to require a CUP for large amounts of retail divided into numerous buildings across a coordinated development. Incentive language was included to reduce the front setback from local roadways and eliminate setbacks for shared parking.

Finke displayed a map of the Clydesdale Market Place, a PUD project, and explained how parking and setbacks would be different with the proposed development incentives. He then displayed a chart identifying the requirements of other communities.

With regard to LID, Finke advised there are specific regulations geared towards commercial districts and broader regulations the City will be considering over the next year. He stated that to integrate LID into projects, the City needs to clarify that LID practices classify as landscaping and will not be subtracted from the lot when hardcover is calculated, otherwise it would be a disincentive. The language encourages that patio spaces utilize pervious surfacing and parking islands be constructed to accept runoff. Language was added to require parking lots to be divided into cells of no more than 120 parking spaces to avoid large sized parking lots, and create green spaces for landscaping or swales. Finke advised that the model sustainability ordinance is based on square footage, which equals about 180 parking spaces so the proposed language is more aggressive at 120 parking spaces. The language also requires shade trees in parking lots.

Weir stated that she had previously asked if it would be cheaper to plant a parking lot tree directly into the ground instead of in a “concrete coffin” and a consulting engineer had indicated it would be more expensive to plant the tree into the ground. She suggested that a tree planted directly into the ground would live longer and be cheaper to do. Smith noted that is assuming the “concrete coffin” has a bottom, which it may not

have. Kellogg stated he does not disagree with the assumption of Weir and will research that question and advise Council.

Johnson stated an increasing issue in sustainable design is storm water management and quality and asked if language is included to measure or quantify that issue. Finke stated that is a broader regulation and will be addressed in the next year through a storm water ordinance, which will also address nutrient loading.

Kellogg noted that any project coming in must meet NURP standards and biofiltration swales, landscape islands, and rain gardens would be in addition to those standards.

Johnson noted that while there are many standards, not many are measured and he wants to assure that as regulations are adopted, the ordinance sets up reporting standards. Kellogg agreed and explained the types of testing that can be conducted to determine things like nutrients. He advised that Medina has taken it upon themselves to excavate City-owned drainage ponds to assure they are working properly and noted that rainwater gardens will require more frequent maintenance.

Johnson suggested the language be written that the owner of the property is responsible for such maintenance and reporting. Kellogg agreed it is a good point to include that ordinance language and advised that Medina has required owners to maintain the ponds in development agreements over the past five or ten years.

Finke stated the ordinance language would require landscaping in front of buildings to a width of 10 feet, which is a significant change. He displayed an overhead of the Wells Fargo site which includes landscaping between the building and the sidewalk as compared to the Target site which does not.

Weir asked about display area immediately adjacent to the building. Finke stated an applicant would have to identify that display area adjacent to the building during site plan approval so it could be considered whether it should be an allowed bump out into the landscaped area.

Finke presented the broader regulations for LID that would include adopting the Local Surface Water Management Plan by ordinance and amending the Site Plan Review requirements to add LID practices. Considerations could be to reduce the parking requirements, to allow some parking areas to remain green space until additional parking is needed, and consider engineering specifications.

Finke stated that the Council had discussed the threshold at which to require a CUP for larger structures. Staff felt the real concern was the size of the building, not necessarily the type of use. Based on that, Staff recommends a threshold of at least 50,000 S.F. of floor area before requiring a CUP. CUP standards require additional setbacks, and additional screening/landscaping to break up the mass. Staff also recommends limiting buildings in CN to 20,000 S.F., which would be closer to the scale of residential uses. To provide a point of reference, Finke provided examples of commercial buildings in the area of varying sizes.

Finke addressed outdoor display, which is merchandise placed outside the business. The ordinance currently limits it to 1% of the building footprint to a maximum of 400 S.F.

and is required to be adjacent to the structure. He advised that some communities do not allow display on pallets.

Johnson stated concern that 400 S.F. may be too large. Finke noted it is limited to 1% of the building footprint. Johnson commented on the outside display currently at a Medina business, noting it exceeds this requirement, and asked if this regulation will be an enforcement issue. Finke stated the requirement needs to be reasonable to assure it will be followed and not become an enforcement problem.

*Smith suggested Staff measure the display areas at several gas stations to determine if the proposed limitation of 1% is reasonable. Finke stated staff will report its findings.*

Finke addressed outdoor storage, noting that most communities regulate it with a CUP. He presented the current and proposed ordinance regulations. It is proposed that the minimum lot size allowed be 3 acres and the maximum area of storage be 25% of the building footprint or 10% of the parcel, whichever is less. Outdoor storage would not be allowed in yards adjacent to the street and the setback would be 50 feet from all property lines with a minimum of 100 feet from residential, and full screening.

The Council discussed the types of outdoor storage allowed for different businesses, based on the building footprint, including a landscape nursery. Finke noted this does not relate to sales lots, it relates to outdoor storage such as contractor and landscaping businesses. Smith stated the City does not want to encourage outdoor storage. Finke stated contractor businesses may be more of an industrial use and could be identified as such in the ordinance.

*Council supported a minimum lot size of 3 acres and a maximum area of outdoor storage of 20% of the building footprint or 10% of the parcel, whichever is less.*

Johnson asked about regulations for mechanicals for alternative fuel options, and suggested the language address screening and sound standards.

Smith referenced Page 6, Subdivision 1, Minimum Lot Size, and stated that flexibility is needed to keep the building set back from Highway 55 and believes that 50 feet would be better than 25 feet. She stated she would be aiming for an incentive for integrated design or to better manage parking or walkability. Finke pointed out that Highway 55 would have additional setbacks because of its classification as an arterial. He explained the setback requirements for commercial lots based on the classification of the street. Finke stated the tool is already in the ordinance to address a 50-foot setback from Highway 55. Smith stated the incentive part of the development should also be addressed.

Adams questioned the appearance of roadway development if several lots use incentive setbacks and several do not. The Council discussed providing flexibility in the setback to provide incentives.

Weir asked about the rationale for a 40-foot setback for commercial neighborhood instead of a 50-foot setback. Finke stated the uses are generally less intensive.

The Council reviewed Page 1, Definitions, and noted there will be control through the site plan process. On Page 2, Permitted Uses, Weir asked if adult uses had to be

included. Finke noted those uses would be allowed in Light Industrial and General Business areas with additional restrictions on distances from schools. Batty stated there are restrictions from other protected uses and similar businesses but the regulations have to allow some reasonable opportunity to locate.

Smith referenced Page 4, Subdivision 13, Maximum Impervious Surface, and indicated that 80% is a lot of area. Weir suggested it be 70% and used as an incentive to allow 80% if an integrated design.

*Council consensus was reached that impervious surface coverage shall not exceed 75% of the entire lot. Additionally, excluding wetlands and storm water ponds, no more than 85% of the remaining lot shall be covered with impervious surfaces.*

Smith referenced Page 4, Subdivision 3, Outdoor Lighting, and asked how you reconcile panoflex lighting (backlit signs) that she considered to be signs, not lighting. Finke stated there is a separate lighting ordinance and a sign ordinance and those performance standards will be addressed later on. He advised that the language under consideration tonight is more restrictive than the broader applicable lighting ordinance.

Weir referenced Section 838.1.06 and asked if the development standards should be referenced. Finke recommended a specific reference be included at that point to create usability. *The Council agreed.*

Weir referenced Page 7, Subdivision 9, Major Roadway Setbacks, and asked if this is too great a setback and should be reduced since some lots are very narrow. Smith noted parking and building setbacks are different. Also, when Highway 55 is reconstructed it may no longer be an issue. Finke suggested staff look into the 50-foot setback issue and report back. *The Council agreed.*

*The Council noted the need to revise impervious surface percentages in all pertinent sections.*

Weir referenced Page 7, Section 838.2.06, Design and Development Standards, and the need to again reference building materials. *The Council agreed.*

Weir referenced Page 8, Section 838.3.03, (CG) Conditional Uses, (6), and suggested the uses be listed separately. *The Council agreed.*

Weir referenced Page 10, Subdivision 2, and asked if the height is limited to 35 feet instead of 45 feet because of the surrounding scale. Finke stated this is the Tower Drive area, which is closer to residential uses.

*On Page 11, Section 838.4.03, Conditional Uses, the Council agreed that Veterinarian Clinics and Pet Stores should again be listed separately.*

Johnson questioned the restrictions with a conditional use for auto repair or auto body repair. Finke stated it is referenced on the top of Page 19. He agreed it is a more intensive use than allowed in other districts. Johnson expressed concern with the appearance of such facilities.

Council discussed whether to eliminate Auto Repair and Auto Body Shops from Subdivision 838.3.04, (CN) Conditional Uses, and need for appropriate controls to eliminate automobile junkyards. Finke recommended language be added to Page 19 to include “inoperable vehicles cannot be stored outside.” *The Council agreed.*

Finke noted that on Page 13, Subdivision 13, the language indicates impervious surface coverage shall not exceed 70% of the entire lot and excluding wetlands and storm water ponds, no more than 80% of the remaining lot shall be covered with impervious surfaces. He stated this is more consistent with residential properties that have more green space. *Council consensus was reached to make no change.*

Weir referenced Page 14, Subdivision 3, and indicated support to require a percentage of see-through windows facing the street to provide additional public safety for people in the parking lot. Johnson agreed windows are nice unless too many cause a problem with obtaining LEED certification.

Finke stated Wayzata’s downtown retail design standards are about 20%. He noted the requirement of windows can also impact the internal functioning of the building.

Smith noted that with some retail buildings, the windows are placed higher and contain additional signage. Finke stated a comment was made on a previous draft that more flexibility would be preferable. Also, a building could be designed to hold storage in the rear of the building, which may be the side that faces the street. Finke stated the window percentage will be addressed during site plan consideration.

The Council discussed the percentage of window coverage that should be required. *Council decided to make no change.*

Smith declared a recess at 9:04 p.m. The meeting was reconvened at 9:10 p.m.

The Council reviewed Page 15, and discussed the required number of overstory deciduous shade trees and coniferous trees and how ornamental trees would look with other trees. Finke clarified that the language is to identify the number of trees to be required, not the placement of the trees.

*The Council agreed to require a minimum of one tree per 50 feet instead of 60 feet.*

Weir referenced Page 15, Subdivision 6, and suggested the word “island” be eliminated since water is to flow onto landscaped islands, which are generally raised. She stated that the word “islands” does not denote anything innovative, such as swales.

*Smith asked staff to reword that sentence to illustrate what the Council desires.*

*Council consensus was reached to support the language on Page 16, Subdivision 6, Parking Lot Landscaping, indicating “(b) Landscape areas at least 12 feet in width shall separate parking lots into cells of no more than 120 stalls.”*

Weir stated support for Medina to have one tree preservation ordinance rather than having one for commercial and one for residential. She noted the ordinance addressing commercial properties allows for no cut and replacement of all trees removed. Finke

advised that many comments on the tree requirement were received during the open house.

Johnson suggested they be allowed to replace the tree even if the tree is planted somewhere else. Weir asked why Medina has one standard for residential and one for commercial that is much more restrictive. She suggested the Council discuss this matter at a future meeting.

Batty stated Minnetrista's tree regulations are citywide but the city does not have many commercial areas. He noted that in Medina the tree ordinance started in commercial zones and the question is whether to revisit the old commercial standard to amend it or make it consistent citywide.

Smith stated she would like to know what surrounding cities do with regard to tree preservation. Weir stated that research was done when the residential tree preservation ordinance was written.

*Smith suggested staff prepare options for consideration and provide the Council with the information previously gathered on tree ordinances from neighboring communities.*

Weir referenced Page 17, Section 838.5.06, and stated she felt the language allowed the outside storage of a lot of vehicles, one vehicle for every 5,000 square feet of building footprint area. Smith asked how this language was drafted. Finke stated this is a carry over from the Urban Commercial district and addresses service vehicles.

*Smith asked staff to determine if this is the same regulation used by surrounding cities.*

*Council consensus was reached to revise Page 18, Subdivision 2(e), to indicate: "...shall be designed to limit the potential impact of fuel spills and other hazardous materials."*

Finke advised that on Page 19, the Subdivision 3 setback language will impact several auto repair uses on Pinto and Hickory, making them nonconforming. The language will direct auto repair uses away from residential areas. *The Council agreed with Finke's suggestion that staff will determine the setback that would not create a nonconformity, estimating it may be 100 feet.*

Finke explained that in Subdivision 5, (a), the current UC ordinance would not allow outside storage. Under this language, the area would be limited and required to be screened. He stated these are CUP standards and asked if Council wants to indicate there is no CUP for outside storage. He noted that a sales lot would be limited to 20% of the building footprint and it would have to be fully screened.

*Council consensus was reached to make no change.*

*Johnson noted, and Council agreed, that Page 20, Subdivision 10(a) should indicate: "The outdoor space shall be ~~is~~ at least 200 feet..."*

Smith referenced Page 20, Subdivision 8(b), and stated that 5,000 square feet of outdoor exercise area is a lot of space for an animal hospital, veterinarian clinic, and pet

store. Council consensus was reached to reduce it to 2,000 square feet of outdoor exercise area and asked staff to determine if that would be adequate.

Weir referenced Page 21 and asked if Subdivisions 10 and 11 should address litter after an event. Smith concurred and suggested it also address providing recycling containers. *The Council agreed.*

Weir noted that Page 22, Subdivision 12(c), should indicate: "...the area where vehicles are loading..." *The Council agreed.*

Smith asked for a larger sized copy of the model ordinance and commended staff for their work on this draft ordinance.

*Council indicated support for the use of text comment boxes in draft ordinances under review. It was indicated that staff will make the revisions requested and this ordinance will be on a future Council agenda.*

## **VIII. NEW BUSINESS**

### **A. Uptown Hamel Tax increment District Cash Flow Analysis**

Adams reviewed the Council's discussion at the Workshop and direction to staff.

*Moved by Weir, seconded by Johnson, to direct staff to: 1) Explore land acquisition parcels in Uptown Hamel for municipal parking, 2) Proceed with a monument sign in Uptown Hamel, 3) Provide a cash flow analysis in two months on the estimated cost for land acquisition to include market valuation and tax increment data north of Highway 55, 4) Research potential market value changes or devaluations in Uptown Hamel, 5) Determine what market value would be needed to establish a net zero to get to the end of the tax district without a tax levy, and; 6) Proceed with an economic development program as outlined in the 2009 Work Plan. **Motion passed unanimously.***

### **B. Hamel Legion Park Concessions Services Agreement with Hamel Lions**

Adams stated the City wants a commitment from an entity to run concession services for 2009 without the building being in place. The City also desires to determine, through records of expenses and income, the profitability for concessions and if it will offset the cost of operations of the proposed field house facility.

Weir asked whether there will be volunteers or workers and if workers compensation is needed. Adams stated the entity is still seeking volunteers and would be responsible for meeting regulations pertaining to workers compensation.

Smith asked what type of record keeping is being expected. Adams stated that Finance Director Day will be meeting with them to discuss the type of reporting and formatting that will be required. Smith stated the City expects those reports to be submitted. Adams stated that has been articulated several times and is in the agreement.

*Moved by Weir, seconded by Johnson, to approve the Hamel Legion Park Concessions Services Agreement with the Hamel Lions. **Motion passed unanimously.***

### **C. County Road 116 Trail Agreement for Cost Participation with Hennepin County**

Adams stated this project, which has been delayed several times, will move forward in 2009 if the easements can be obtained. He advised that the trail sections which may be impacted by the reconstruction of the Highway 55/CR 116 intersection will be constructed to a lesser design to save money. The City had discussions with Hennepin County about impacted trail sections but the County requires the trail to be paved to avoid pedestrians having to cross Clydesdale.

*Moved by Weir, seconded by Johnson, to approve the County Road 116 Trail Agreement for Cost Participation with Hennepin County. **Motion passed unanimously.***

#### **D. 2009 Work Plan**

Adams stated the 2009 Work Plan is based on the Council's discussed goals at previous work sessions and includes a timeline and priorities.

Weir suggested adding a Public Works or Engineering goal to check the placement and removal of silt fencing. Adams stated that is more of an ongoing inspection activity than a goal.

*Moved by Weir, seconded by Johnson, to accept the 2009 Work Plan, as presented. **Motion passed unanimously.***

### **IX. CITY ADMINISTRATOR REPORT**

Adams announced a Town Hall Meeting in Plymouth to be held next Thursday, February 26, 2009, where the public can state their desires for legislative policies reflecting the State budget. Adams stated he will be attending this meeting and asked other City officials to contact him if they will also attend.

### **X. MAYOR & CITY COUNCIL REPORTS**

Weir advised that at the Uptown Hamel meeting, Pete Schmidt had asked that the antique road sign be installed after the sidewalks are rebuilt. Scherer stated the sign is at the Public Works garage and will be installed when the project is completed.

Smith reported that at the Northwest League meeting, Jim Grube, Hennepin County Director of Transportation, presented information on County road projects and offered to meet with cities about transportation plans. She stated she has been named Chair of the Northwest League and advised of meetings they will be holding and topics to be considered.

### **XI. APPROVAL TO PAY THE BILLS**

*Moved by Weir, seconded by Siitari, to approve the bills, EFT 000401-000412 for \$37,431.61 and order check numbers 033624-033690 for \$195,252.87 and payroll checks 020196-020197 for \$421.74 and EFT 501837-501866 for \$42,236.85. **Motion passed unanimously.***

### **XII. ADJOURN**

*Moved by Weir, seconded by Johnson, to adjourn the meeting at 9:56 p.m. **Motion passed unanimously.***

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Carolyn Smith, Acting Mayor

Attest:

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Chad M. Adams, City Administrator-Clerk