

MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 20, 2007

The City Council of Medina, Minnesota met in regular session on November 20, 2007 at 7:03 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, Planning Director Tim Benetti, Finance Director Jeanne Day, Assistant to Planning Dusty Finke, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to add items Resolution by Title and Summary for the Tree Preservation Ordinance; Resolution by Title and Summary for the Cemetery Ordinance; Resolution Accepting the Resignation of Deputy Clerk Laura Sulander; and Proposed Job Description and Job Search Process.

Moved by Weir, seconded by Smith, to approve the agenda as amended.

IV. APPROVAL OF MINUTES

A. Approval of the November 6, 2007 Regular City Council Meeting Minutes

It was noted on page 6, lines 34 and 35, the sentence stating: "Council Member Cavanaugh recused himself from the discussion about the water and sewer services" should be moved to the beginning of discussion on page 5 under Water and Sewer Extension Service to the City of Corcoran.

It was noted on page 6, the fourth paragraph, it should state: "Adams stated..., but yet still paying connection..."

It was noted on page 10, the eleventh paragraph, it should state: "Weir suggested language to clarify Dutch Elm trees that are Dutch Elm disease resistant..."

*Moved by Johnson, seconded by Cavanaugh, to approve the November 6, 2007 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Resolution Certifying Delinquent City Charges for Services to the Hennepin County Auditor for Collection in 2008

B. Resolution Certifying Delinquent Water, Sewer and Recycling Charges to the Hennepin County Auditor for Collection in 2008

- C. Approve Sesquicentennial Grant Application
- D. Approve Snow Removal Services Agreement with Designing Nature, Inc.
- E. Approve Brush Grinding Services Agreement with Medina Mulch Company
- F. Approve Acquisition of Laptop for Police Department Drug Task Force

Crosby asked to remove item A from the consent agenda.

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

- A. Resolution Certifying Delinquent City Charges for Services to the Hennepin County Auditor for Collection in 2008

Crosby stated there are a number of assessments against the Nelson's, the owners of the previously proposed cemetery conditional use permit property on Highway 55.. He stated the Nelson's lawyer requested the resolution not be certified because they are looking for additional information. He stated the City needs to certify to the County by the end of November, but could de-certify during one of the meetings in December. He stated he would like to certify the notice to the County at this point in time and the Nelson's could choose to come before the Council to de-certify.

*Moved by Smith, seconded by Weir, to approve the Resolution Certifying Delinquent City Charges for Services to the Hennepin County Auditor for Collection in 2008. **Motion passed unanimously.***

VI. PRESENTATION

- A. SRF Consulting Group- Resolution Recognizing Trunk Highway 55 from Plymouth to Rockford Concept Plan Concurrence

Jim Grube, Hennepin County representative, stated there is a group of cities and townships that have formed a coalition to review the proposed layout of TH 55. He stated they are seeking an endorsement of the layout from the Council. He stated they are partnering with MnDOT and have discussed it with many other cities. He provided a schedule for the project.

Rick Brown, SRF Consulting Group representative, stated TH 55 is a high priority corridor and the demand for the road is expected to double. He stated the purpose of the project with the EA is to preserve the right-of-way corridor until funding is available. He stated they are looking to address traffic capacity, operation issues, improve the safety, and maintain the function. He stated currently the road is not operating at an acceptable level and when that happens traffic diverts to other roads. He stated as traffic increases, accidents increase and right angle accidents increase disproportionately. He stated traffic signals have increased and added to the traffic congestion. He demonstrated the proposed layout. He stated private driveways with access on to TH 55 would be closed. He stated it is MnDOT's policy to not have access to a highway within half a mile.

Crosby inquired about who would pay for it and when it would happen. John Griffith, MnDOT representative, stated it is not part of their 20-year plan and it is likely that

portions of the project would be completed one at a time. He stated the long-range plan recognizes it as a need.

Smith stated it would probably be 20 to 30 years out.

Crosby stated the City would be in the middle of the project because it would be developed east to west.

Smith inquired about how it would work when development occurs prior to the project beginning. Griffith stated the funding sources depend on the scope of the project and the improvements being requested. He stated at this point they are protecting the footprint for TH 55 in the future. He stated it is a tool to educate people that TH 55 needs to be expanded.

Smith stated she is not pleased with the approval of the stoplight at Clydesdale and TH 55. She stated it was not required by MnDOT, but the developer required it in order to develop. She stated this plan proposes closing it and doesn't understand why it was approved in the first place. Griffith stated the study requested by MnDOT for Ryan Companies indicated the signal was needed and is an interim fix to allow the development to happen. He stated it is a wise investment because it relieves some of the traffic.

Smith inquired how the problem would be solved long-term. Weir suggested an interchange at Clydesdale.

Griffith stated an interchange wouldn't work at that location because of the space needed for ramps and suggested frontage roads as an alternative.

Crosby stated the underpasses at CR 116, CR 101, and Clydesdale are the pressure points for the highway. He stated a resolution has been prepared, but it is not necessary to adopt it now. He stated not adopting it now would allow landowners further time to provide feedback and the City to address the issues.

Smith stated this situation is not unique and inquired what MnDOT tells the other cities about how to deal with the issues. Griffith stated the layout is a tool and further engineering would take place. He stated they would work with the issues and it wouldn't necessarily hinder development.

Crosby inquired if an owner would be penalized since they know about the potential project for TH 55. Griffith stated it would be difficult to have expectations of the City to not develop an area until the TH 55 project occurs.

Crosby stated it puts landowners and the City in a difficult position. Griffith stated there may be times when they would like to work with developers to have buildings setback. He stated if they weren't able to have the buildings setback, then it would be a lost opportunity.

Crosby stated he requested Adams find out what other cities are doing with approval of the resolution.

Johnson stated it seems odd to accept an arbitrary and unsteady location of the pond.

Crosby stated he is concerned about the indefiniteness and loss of value for the businesses.

Smith stated this is a proposed plan and if a property is deemed unusable, then the owners would be compensated at the current rate.

The Council reached consensus to not pass the resolution recognizing Trunk Highway 55 from Plymouth to Rockford Concept Plan Concurrence at this meeting.

Smith inquired about the interim solution for the stoplight at TH 55 and Clydesdale. Griffith stated the road would serve as a frontage road from CR 101 to CR 116 and would provide access to TH 55. He stated there would be stoplights at the top of the ramps.

Weir inquired about how binding the resolution would be. Griffith stated they are asking the Council to acknowledge that they have seen the plan and have it as part of the MnDot plan to continue to move forward with the environmental assessment, but it doesn't lock them into the design. He stated they would come back before the Council with a Staff approved layout at a later date that would need municipal consent from the City.

Weir stated she would not like to bind future Councils and future comprehensive plans to this TH 55 concept. Griffith stated they wouldn't want to be bound to the details either.

Smith stated her understanding was that it was to protect the right-of-way until it is time for the development. She stated not getting the right-of-way now will increase the costs.

Griffith stated MnDOT does not have the funding to acquire the right-of-way to pay developers at this time for the property.

Smith stated she thinks the City needs to start thinking about the roads off from the highway.

Dennis Hedtke, 3522 Sioux Drive, stated he owns a business off of TH 55. He stated he spoke with other businesses to find out how they feel about the plan. He stated he and Highway 55 Rental have turned in a petition to the City to not accept this plan. He stated it is expensive to pay for businesses to be compensated for right-of-ways. He stated his property will be passed over by developers because of this project. He stated it will take a lot of construction to have the pond located on his property and there are several issues with locating the pond in that location. He stated there isn't any thought about how to protect the businesses.

Randy Mayer, 762 Highway 55, stated he is a member of the Highway 55 Corridor Coalition. He stated there isn't a rush for a plan that may or may not happen in 20 or 30 years. He stated there is a timetable for accessing federal funding. He stated accepting this plan limits his ability to sell the land. He stated the plan is unworkable. He stated he thinks the Corridor Coalition should go back to its original plan of working to have four lanes of traffic from Plymouth to Buffalo. He stated his main concern is that the City looks out for itself.

Jeff Pedersen, 225 and 265 Highway 55, stated his concern is about the safety of TH 55. He stated the commercial district along TH 55 is the only commercial district in the City. He stated that without four lanes there will be a back up of traffic. He stated he gave up access on to Clydesdale and it isn't fair to not be compensated for the destruction of the business.

Smith stated if this plan went through, they would be paid. Crosby stated that Pedersen was stating that this would hinder the business until the development occurred.

Mayer stated the County and the State have to pay for direct access and can close any road at any time.

Crosby inquired about the timing to make a decision. Adams noted his memo provided to Council and stated he would need to speak with the Corridor Coalition, but he thinks it could be December 4 or December 18.

Smith inquired about having the plan indicate a potential stoplight. Crosby stated they can discuss those things when they respond.

Weir stated there is a traffic light shown on the comprehensive plan at Tamarack. Griffith stated they show it as full access and not as a signal. He stated signals on trunk highway need to go through a process to determine if they are warranted.

Crosby stated he met with Grube and Penny Steele from Hennepin County when they discussed the Public Works facility, the CR 101 pedestrian crossing, and the trail on CR 19 going north of Baker Park. He stated he did write a letter to Penny Steele about those issues. He inquired about left turn accesses off of CR 116 to TH 55.

Grube stated the City is looking at the re-development plan for CR 116 and TH 55. He stated there is funding made available for that purpose and the City's consultants are looking at it now. He stated they recognize the double left is necessary today.

Weir stated she thinks they made an error when they didn't plan for a pedestrian crossing on CR 101 and hopes they are planning for one on at CR 116.

B. Andrea Moffatt, WSB & Associates- Functional Assessment of Wetlands

Andrea Moffatt, WSB & Associates representative, presented the results of the functional assessment of wetlands. She stated the purpose was to evaluate an inventory of the wetlands in the City, to provide a basis for developing an approach to protect the wetlands in the City, and to provide information about wetland resources to landowners and developers. She stated it is a planning document for the City. She demonstrated the general locations of the wetlands. She stated there are some wetlands that were not evaluated and some may have been missed. She stated the assessment includes an inventory and places the wetlands into management categories. She stated they have discussed developing an appeal process for landowners and a way to assess the wetlands in the future.

Crosby inquired what it would mean to accept the report and if it has any legal effect within the City. Adams stated it can be used by the Planning Commission to determine setbacks and buffers in the wetland ordinance.

Smith stated they wouldn't need to treat all wetlands alike because the report indicates which wetlands are more valuable and critical to protect than others.

Weir stated it is about protecting water quality. She stated the groundwater interaction is mentioned in the report and inquired how it is established if there is groundwater connection. Moffatt stated it is difficult to evaluate the groundwater and is based on visual observation.

Weir inquired if the assessment recognizes that there is a recharge activity with aquifers. Moffatt stated that some wetlands recharge the groundwater and some discharge.

Crosby inquired if the report is rebuttable. Adams stated landowners would be able to appeal the information, likely during a land use application.

Moffatt stated the assessment was done by their staff who are unbiased and don't have a stake in the property.

Smith inquired if the wetlands were assessed on-site. Moffatt stated the wetlands were assessed in person.

Smith stated the City has traditionally used an aerial map to identify the wetlands.

Weir stated it is an objective, scientifically based report. Moffatt stated that is true. She stated there were about 45 wetlands that were not assessed.

Cavanaugh stated he received a phone call from a resident who stated the wetland on their property is significantly different from the report. Benetti stated he has not looked into past history of wetland delineations. He stated wetland delineation reports will need to be provided for developments on properties.

Cavanaugh stated his concern is if the data is incorrect in the report and then the City uses the report as its basis.

Weir stated it could be that the report is correct and not the landowner.

Cavanaugh inquired if they would be setting the City up for a challenge if there are inaccuracies.

Smith stated the report is beneficial for landowners because there are different degrees of wetlands. She stated the City can develop policies to treat the wetlands differently.

Cavanaugh stated it may be good to compare a delineation to the report. Benetti stated the wetlands fluctuate and there is a three year acceptance of the delineations.

Crosby stated Cavanaugh is referring to how the report relates to existing City documentations.

Smith stated Cavanaugh is referring to using a previous wetland delineation for a project and comparing it to the report.

Cavanaugh stated he is inquiring about a cross-check done to find out if there are other big differences between the report and wetland delineations.

Moffatt stated a delineation is a specific on the ground method of taking soil samples. She stated the map is not a delineation and the wetlands on the map are approximate boundaries. She stated they started with the Hennepin County map as a base map. She explained the various things analyzed in wetlands. She stated assessment is very different from delineations.

Smith stated the value of the map is to determine the classifications of wetlands.

Johnson stated an area near his property is marked as a wetland, but it doesn't appear to be a wetland.

Crosby stated the previous data the City had was general and this report helps residents know which areas are considered wetlands.

Benetti stated it provides a starting point for development on a property. He stated residents can bring their information to the City to discuss discrepancies.

Kellogg stated the map from Hennepin County would be the document to cross-check this report with, but the map was the document used to create this report. He stated that it is not a legally binding document, but it is a tool to create ordinances. He stated a delineation would supersede this report.

Moved by Smith, seconded by Weir, to accept the Functional Assessment of Wetlands report.

Susan Seeland, 470 Peavey Road, encouraged the Council to have an appeal process even though the acceptance of the report isn't binding. She stated the map is guiding the City on how to develop land and it impacts property owners. She stated her Barr engineering report showed a portion of their property covered in wetlands. She stated they have had a wetland delineation done and it was significantly different. She stated on all of the City's maps their property is still appearing as a wetland even though the delineation has been completed and indicates that it is not a wetland. She stated many of the wetlands were based on types of soils. She encouraged the City to not take the data from the Hennepin County map as scientific data. She stated their property is not the only property that shows water connections to water resources on the Hennepin County map that do not exist.

Benetti stated under current procedures a land owner needs to delineate wetlands. This document will not change current procedures.

Motion passed unanimously.

Smith stated there will be an appeal process.

Crosby stated Seeland was requesting an appeal from the report now because the data is wrong.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Ben Benson, Park Commissioner, stated at the last meeting they discussed the trail study. He stated there is progress at Hamel Legion Park on the playground equipment and basketball court. He stated it was beneficial to be able to complete Phase I and Phase II of the playground equipment at the same time.

C. Planning Commission

Michelle Litts, Planning Commissioner, stated at the last meeting they recommended the approval of the Interim Use Permit for MnLINC and the Turnquist Property. She stated there was concern about the age requirement for the clients. She stated they recommended approval of the condo development that needs a variance with some changes. She stated they also heard the wetland presentation and there were some concerns from the neighbors about the ability to appeal the map of the wetlands.

VIII. OLD BUSINESS

A. Animal-Assisted Therapy Facility

1. Resolution Granting an Interim Use Permit Approval to Rolf and Elizabeth Turnquist and Minnesota Linking Individuals, Nature and Critters (MnLINC) for Property Located at 2000 Chestnut Road

Benetti stated MnLINC is requesting an interim use permit. He provided the background information for this applicant and the applicable ordinance. He stated late this afternoon there was a draft agreement reached with the neighbors regarding the private roadway.

Johnson inquired if the agreement would be applied to the interim use permit or the conditional use permit. Benetti stated it is a private road agreement.

Smith stated it would allow MnLINC to use the road contingent on the interim use permit.

Benetti stated the description of use. He stated the terms that would be applied to the interim use permit. He stated the conditions are the same as the conditions for the conditional use permit. He stated the Planning Commission was concerned about the legality of the age requirements listed in one of the conditions.

Weir stated there are existing MnLINC clients that are adults and it would be wrong to abandon the work with them.

Benetti stated Jim Lane, the Turnquist's lawyer, would like to add language to allow the ability to serve the adult clients. He stated approximately 20% are adult clients.

Crosby inquired if the Council approved the interim use permit, if they would also require the conditional use permit. Benetti stated they would not.

Benetti stated one of the conditions addresses the length of time the AAT could be at that location. He stated there were corrections to the conditions that include: (4) it should state interim use permit instead of conditional use permit; (17) should be defined as exhibit B instead of exhibit C; and (27) it should state interim use permit instead of conditional use permit.

Crosby inquired what would happen to the original conditional use permit for the property with the adoption of this resolution. Benetti stated it would remain.

Crosby inquired about the proposed language for the age and the legality. Batty stated he has expressed concern about the age limits with the conditional use permit. He stated his research indicates that there is question if the age limits would be legal for CUPs. He stated he thinks the Council has a greater level of discretion with an interim use permit.

Johnson stated allowing a percentage of adults addresses the concern of having corporate training events. Crosby stated the language refers to clients that have been involved with therapeutic programs.

Jim Lane stated the Turnquists and the Bhavsars have reached agreement with respect to a two-year interim use permit and it has been executed. He stated the private agreement does not involve the City and it permits use for MnLINC for two years. He stated the language he proposed for the age limit is specific to the clientele profile MnLINC has served in the past and intends to serve in the future. He stated there are approximately 85 individuals served per week and about an eighth of those are adults. He stated some of the adults are parents of the clients. He stated the language caps the percentage at 25 percent. He stated he thinks it is unlawful to discriminate based on age.

Abdhish Bhavsar, 2105 Chestnut Road, stated they have reached an agreement with the Turnquists. He stated they would like to withdraw their opposition to the IUP for AAT at the Turnquist's property provided there is a maximum of two years and no increase in vehicles from the prior proposal. He requested denial of the CUP and withdrawal of the ordinance.

Lane stated he has a letter from the Turnquists withdrawing their CUP application conditioned on approval of the interim use permit.

Batty stated the City should act on the interim use permit and then there wouldn't be a need to act on the conditional use permit.

Moved by Weir, seconded by Cavanaugh, to approve the Resolution Granting an Interim Use Permit approval to Rolf and Elizabeth Turnquist and MnLINC for Property located at 2000 Chestnut Road with the changes to conditions 4, 14, 17, and 27 as discussed.

Motion passed unanimously.

2. Resolution Granting Amended Conditional Use Permit Approval to Rolf and Elizabeth Turnquist for Property Located at 2000 Chestnut Road Revoking Resolution 87-133

Lane presented the Council with a letter to withdraw the Conditional Use Permit application.

Batty read the letter. He stated he would interpret the effective date of the IUP as the date of this meeting. He stated the application would then be withdrawn.

*Moved by Smith, seconded by Johnson, to direct the Planning Commission to hold a hearing to repeal Ordinance 431, as requested. **Motion passed unanimously.***

Tanya Welsch, MnLINC representative, thanked the Council for their work.

B. Ordinance Pertaining to Tree Preservation and Replacement Amending Section 828.41 of the City Code

Finke stated the major changes to the ordinance since the last discussion include clarifying the tree removal table, language regarding waivers, and removal of Staff's ability to grant tree waivers. He presented a chart with the comparison of the tree removal and replacement for other cities.

Crosby inquired about the amount of trees an individual would be able to remove in a situation where an individual would want to develop a 20 acre parcel into four or five sites. He inquired about a situation where an individual would have a 20-acre parcel, but would not be subdividing it. He stated initial site development means for roads and utilities.

Cavanaugh stated his understanding from previous discussions is that developers would have the option for tree removal at the time of site development and also for other building activities.

Smith stated the point is to make it easier for the developer.

Weir requested the language on page 3 of the ordinance be consistent for forty percent, some places it states 45 percent. She requested adding the following language to subdivision 5 of the ordinance "and no construction, compaction, stockpiling of earth, storage of equipment or building materials for grading may occur within the root zone of the trees to be protected." She inquired if this was mentioned elsewhere in the ordinance.

Finke stated the ordinance states within the dripline.

Weir stated on page 4, letter (p) refers to the lot width and inquired about the reference to 500 feet. Batty stated it is part of the statutory exemptions for subdivisions.

Weir stated on page 7, subdivision 7 should state "Council in its full and absolute discretion" instead of "Council in its full and full and absolute discretion." She stated on page 7, subdivision 8 it should say "shall" instead of "may". She stated on page 10, letter (v) refers to survival of trees. She suggested considering language that refers to trees not showing crown stress at the end of the two years.

The Council reached consensus to include language about the crown stress.

Weir stated on page 10, letter (vi) should state “planted trees on the property was under their ownership” instead of “planted trees on the property while under the property was under their ownership.” She stated it is too big of a burden to request an applicant to produce proof of the planting when it is visible that there are healthy young trees.

Johnson inquired how it would be documented. Weir stated an owner who planted trees fifteen or twenty years ago wouldn't have documentation for size of the trees from when they were planted.

Finke stated they could assume a minimum size of trees at the time of planting. He stated the statement is referring to granting credit for trees that were larger than the minimum required size at the time of planting.

Weir stated she is concerned about including Ash on the list.

Crosby inquired who made the list. Smith stated it was produced by the DNR.

Finke stated developers wouldn't be likely to plant those trees.

Smith stated the DNR list may change.

Weir stated the DNR was ambivalent about including Ash trees.

Smith suggested changing the language to read the DNR's list.

Finke stated the diversification of the species is in the ordinance.

Crosby stated he is concerned about the replacement concept on land that may be prairie.

Weir stated trees give a rural feel to the community. She stated trees could be planted in a way to increase the value of the property.

*Moved by Weir, seconded by Johnson, to approve the ordinance pertaining to Tree Preservation and Replacement Amending Section 828.41 of the City Code with changes to the language about the percentages, the crown decline of the trees after two growing seasons, and other grammatical corrections as mentioned previously. **Motion passed unanimously.***

B1. Resolution by Title and Summary for the Tree Preservation Ordinance

*Moved by Smith, seconded by Weir, to approve the Resolution by Title and Summary, as requested. **Motion passed unanimously.***

C. Storm Water Utility

Adams stated they have discussed this over the past year. He stated they would like direction to contract with Bonestroo to prepare a plan to bring to the Council. He stated the cost for the system would be on a user based system instead of a market based system.

Weir stated it seems a reasonable way to move forward.

*Moved by Smith, seconded by Weir, to direct Staff to prepare a plan to create a storm water utility to not exceed \$10,000, as requested. **Motion passed 4-0 (Cavanaugh absent).***

IX. NEW BUSINESS

A. Ordinance Related to the Regulations Regarding Cemeteries as a Conditional use in Certain Districts; Amending Section 826.98, subdivision 2 (d)

Finke stated the major concerns were size, scale, proximity, and environmental. He stated the major changes include a maximum size of 10 acres, burial site or structure setbacks of 20 feet, and reduction of the mausoleum height to 15 feet.

Benetti stated he met with representatives from Holy Name Church and they would like to expand their current cemetery. He stated they are proposing a large mausoleum and requested a discussion about the maximum height of mausoleums.

Finke explained that the maximum height is in reference to the midpoint of the roof and not the peak.

Smith expressed concern about the height of the mausoleums when the cemeteries are near houses. She stated she wants cemeteries to be unobtrusive. She stated she thinks cemeteries should be connected to churches.

Crosby stated he disagrees with the statement in the memo from Staff that states "Commissioners and Councilmembers also discussed a distinction between traditional non-profit and church cemeteries from for-profit cemeteries. Legal staff has stated that the distinction is not strong from a land use perspective." because churches are community based to serve the members and commercial cemeteries are to make money. Crosby stated existing cemeteries could be treated differently than future ones.

Smith stated commercial cemeteries shouldn't be allowed in rural residential areas.

Weir stated using the term community based isn't as specific as church based.

Johnson stated there aren't a lot of restrictions for forming a church.

Batty stated there are two cemeteries that don't have churches. He stated he thinks there is an establishment clause issue if it is restricted to church cemeteries only. Batty stated in the statute cemeteries are distinguished by private or public. He stated the regulations that are made need to be land use related. He stated there are people that come from all over and there are people who live here not affiliated with a church. He stated they previously changed the ordinance to have a minimum of ten acres and now it is a maximum of ten acres. He stated they were trying to have conditions so large cemeteries wouldn't find it profitable to come in.

Weir inquired if there could be a density restriction.

Smith stated in the future they may need to be concerned about preserving land for burials.

Crosby stated he is concerned about having a cemetery fit the rural concept.

Johnson inquired if there could be a restriction with proximity to existing cemeteries.

Cavanaugh suggested creating separate zoning districts for cemeteries.

Batty stated the City can be more restrictive about specific zoning districts the cemeteries can be in and that zoning is the best way to differentiate the different types of cemeteries.

Cavanaugh inquired about the reason to not create new zoning categories. Batty stated the City wouldn't have to create specific zones, but the cemeteries could be excluded from certain districts.

Crosby inquired if the Council would want to deal with new churches similarly.

Weir stated they wouldn't welcome a huge church in Medina.

Cavanaugh stated they might, but they would want to control where it would go.

Smith stated they might be able to do it with principal arterial roadways.

Crosby stated they could adopt the ordinance and then figure out how to deal with the location of the cemeteries through zoning.

Finke stated that all of the zoning will be updated following the comprehensive plan.

Adams stated it affects the open conditional use permit application that has not been withdrawn for the proposed cemetery on Highway 55.

Batty suggested adopting an ordinance. He stated the petition for the EAW will lapse for the proposed cemetery. He stated there are federal laws for the regulation of churches.

Weir inquired if the Council wants to require an underground sprinkling system. She suggested requiring vegetation that survive with minimal water. Benetti stated the representatives from Holy Name Church would not like to have underground sprinklers.

Smith stated they need to conserve water.

Weir inquired if they could require landscaping plans that promote a park-like setting.

The Council agreed to require landscaping plans and not require a sprinkling system.

*Moved by Weir, seconded by Smith, to approve the ordinance related to the regulations regarding cemeteries as a conditional use in certain districts, amending Sections 826.98, subdivision 2(d), as amended. **Motion passed unanimously.***

A1. Resolution by Title and Summary for the Cemetery Ordinance

*Moved by Weir, seconded by Smith, to approve the Resolution by Title and Summary, as requested. **Motion passed unanimously.***

B. Reschedule/Cancel January 1, 2008 Regular Council Meeting; Schedule Annual Goal Setting Session

Adams stated Staff recommends canceling the January 1, 2008 Council meeting.

Weir inquired about the amount of work that needs to be done.

*Moved by Smith, seconded by Weir, to cancel the Regular Council Meeting on January 1, 2008, as requested. **Motion passed unanimously.***

C. Schedule a Work Session

Adams stated the proposed dates for a work session.

*Moved by Weir, seconded by Cavanaugh, to meet for a goal setting special session on February 2, 2008 from 8:00 a.m. to 2:00 p.m. at Medina City Hall. **Motion passed unanimously.***

D. Resolution Accepting the Resignation of Deputy Clerk Laura Sulander

*Moved by Weir, seconded by Smith, to accept the resignation of Deputy Clerk Laura Sulander. **Motion passed unanimously.***

E. Proposed Job Description and Job Search Process

Adams presented the job descriptions for two positions, accountant and accounting technician.

Smith inquired if it would be possible for the two positions to be combined into one position. Adams stated that from a Staff needs perspective it is necessary to have two positions. Adams clarified these positions and needs were discussed earlier this year and last year during budget discussions and that the addition of the Accounting Technician position will assist with segregation of duties and internal controls.

*Moved by Smith, seconded by Weir, to approve the two job descriptions and direct Staff to proceed with the job search process. **Motion passed unanimously.***

X. CITY ADMINISTRATOR REPORT

A. Traffic Data Counts on Homestead Trail and Parkview Drive

Kellogg stated the traffic counts were completed according to the Federal Highway Administration vehicle classifications. He stated it was assumed the truck traffic was increased based on the time of year and there were two projects being completed. He presented a table with the amount of trucks on Homestead and Parkview.

Crosby stated his understanding is that there was a customary amount of traffic.

Kellogg stated it is slightly under the normal amount.

Crosby inquired what should be done politically.

Smith stated they should continue to work with Hennepin County and request lowering the speed by the park.

Kellogg stated there was a request for the trucks working on the two major projects to use an alternative road during the time of the counts.

Crosby stated he would like the Police Chief to work with the County to lower the speed limit near the park.

Cavanaugh inquired if the Council was stating they were not interested in taking back the roads. Adams stated a formal request has been made to take back the roads. He stated it could take about eight-months to receive a formal response from the County.

Crosby stated the request is to consider the return of the roads.

Johnson stated it would make sense to see what other alternatives the County would do for the highway.

B. International City/County Management Association (ICMA) Action Plan

Adams stated many of these items have been discussed in the past. He stated the environmental sustainability measures, the long-term financial planning, and the road assessment policy are being worked on.

Weir inquired about low impact design standards and LEED standards. Adams stated they would be included in the second component of an environmental sustainability program applicable to City buildings and infrastructure.

Smith inquired if they could be implemented for private development. Adams stated that would be under the third component for community development policies. He stated they could discuss the timeline of these components and steps at the goal setting session.

Johnson stated the Governor has come out with an aggressive agenda for the reduction of the carbon footprint and asked if the City would be modeling that footprint. Adams stated it could be an additional element to the program and would look into further.

*Moved by Weir, seconded by Johnson, to accept the ICMA action plan, as requested.
Motion passed unanimously.*

C. Tri City Sewer Agreement

Adams stated his staff report from the last meeting addressed Greenfield's request for some additional units to the tri-city agreement for sewer that was recently approved. He stated Staff is recommending to not grant the additional units at this time due to the late timing of the request, but more importantly because the Lake Sarah TMDL has not been

completed that may justify the additional units and also because it may be wise to see if the Met Council will provide Independence with approval to their similar additional unit request. He stated a third amendment to the Tri-City Agreement may be a future possibility Medina could support.

Cavanaugh stated Greenfield has sewer coming from Rockford.

X. MAYOR & CITY COUNCIL REPORTS

Crosby stated there is a Truth in Taxation meeting on December 3, 2007 and a City holiday party on December 13, 2007. He requested Adams email the crucial dates for the comprehensive plan dates to the Council.

Weir inquired when the appointments to Planning Commission and Park Commission will be made. Adams stated they will be appointed on December 18, 2007, effective January 1, 2008.

Smith stated she attended the Uptown Hamel meeting where they discussed a trolley and the annual WinterFest event.

Adams stated the WinterFest was cancelled last year due to the weather and it began as an Uptown Hamel event and has included more City participation each year. He stated they will be looking for volunteers and if there aren't enough he isn't sure that the City should organize the whole event.

Smith stated she thinks the City should organize it.

Weir stated that a lot of the people who were involved with those events have left.

Crosby stated the last two Council office hour sessions were full of constituents. He stated some of the non-Uptown Hamel businesses have been excluded from those business meetings. He reminded the Council that Cavanaugh had previously suggested having an economic development committee.

Johnson inquired about the proposed concept plan for a memory care center. Benetti stated Farr Development is requesting a concept plan review for the property located at 36 Hamel Road.

Weir inquired if they are including underground parking as part of the design. Benetti stated the parking is one of the suggestions on the concept plan review.

Cavanaugh inquired how it would help meet the Met Council density. Benetti stated it would assist in meeting the units.

XI. APPROVAL TO PAY THE BILLS

Crosby inquired about the bill for the Elan Financial Services. Adams stated it is the credit card bill.

Crosby inquired about the amount for Midwest Asphalt as it applies to road expenditures. Adams stated part of the expenditures are reimbursed through developers per agreement.

*Moved by Weir, seconded by Smith, to approve the bills, order e-check numbers 000123-000129 for \$25,990.31, check numbers 031671-031746 for \$793,913.87, and payroll check numbers 020122-020127 and 500885-500911 for \$38,939.83. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Cavanaugh, seconded by Weir, to adjourn the meeting at 11:02 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk