

MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 20, 2007

The City Council of Medina, Minnesota met in regular session on February 20, 2007 at 7:00 p.m. in the City Hall Chambers. Councilmember Smith presided.

I. ROLL CALL

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

Members absent: Mayor Crosby.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Adams requested the removal of Item A from the Consent Agenda, Approve Records Management Agreements with Law Enforcement Technology Group and Morris Communications.

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

IV. APPROVAL OF MINUTES

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

It was noted on page 11, the tenth paragraph, it should state: "Weir... She expressed that approving this amendment would slow down the comprehensive plan due to Staff needing time to process the comprehensive plan amendment."

It was noted on page 12, the first paragraph, it should state: "Moved by Weir,...and other applicants who have wished to change the comprehensive plan have been denied."

It was noted on page 12, the eleventh paragraph, it should state: "Dave Callister, ...He stated there is about 20,000 to 25,000 square feet potential of retail space in the Uptown Hamel area..."

It was noted on page 15, the fourth paragraph, it should state: "Weir stated they could provide existing City land to the fire department as an exchange. She stated it would be one way to increase the availability of buildable land in Uptown Hamel."

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

V. CONSENT AGENDA

- A. ~~Approve Records Management Agreements with Law Enforcement Technology Group and Morris Communications~~
- B. ~~Approve Plans/Specs for Well No. 6 Raw Water Supply Line, Authorize Advertisement for Bids, and Set Bid Opening for 1:00 p.m. on Tuesday, March 27, 2007 at City Hall~~
- C. Approve Independent Contractors Agreement with Innovative Building Concepts, Inc.
- D. Approve Road Material and Equipment Specifications, Authorize Advertisement for Bids, and Set Bid Opening for 10:00 a.m. on Friday, March 23, 2007 at City Hall
- E. Resolution Supporting Reduction of Electronic Waste
- F. Resolution Requesting Comprehensive Road and Transit Funding in 2007
- G. Resolution Granting Variance Approval for 4565 Pine Street
- H. Resolution Approving a Planned Unit Development Amendment for Ryan Companies, US, Inc. for "Medina Retail" to Allow a Drive-Through Use on Property Generally Located Northwest of State Highway 55 and County State Aid Highway 101
- I. Approve Final Pay Request for Uptown Hamel Public Improvements to G.L. Contracting, Inc.

Smith asked to remove item B from the consent agenda.

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

- B. Approve Plans/Specs for Well No. 6 Raw Water Supply Line, Authorize Advertisement for Bids, and Set Bid Opening for 1:00 p.m. on Tuesday, March 27, 2007 at City Hall

Adams stated that there was an inquiry about the easement location within the park and the disturbance of trees.

Kellogg stated that the only anticipated disturbance in the park will be location where the pipe is fused together and explained that areas of trees will be directionally bored.

Moved by Weir, seconded by Johnson, to approve Plans/Specs for Well No. 6 Raw Water Supply Line, Authorized Advertisement for Bids, and Set Bid Opening for 1:00 p.m. on Tuesday, March 27, 2007 at City Hall. Motion passed unanimously.

VI. PRESENTATION

- A. Funding Request for Discovery Center Infrastructure Improvement-Erin Anderson
 - 1. Resolution Authorizing Funding for the Orono Discovery Center Infrastructure Project

Erin Anderson, representative from the Discovery Center, stated that they have received an opportunity to pursue a Community Development Block Grant. She stated this grant can be used to fund services for low income residents. She stated the building used by the Discovery Center was built in 1965. She provided examples of services that are

provided in the building. She stated the grant would provide them with the opportunity to update the building with things such as a new phone system, wireless internet service throughout the building, and exterior signs. She stated they would like to use the sign to communication tool with the community. Anderson stated there are about 250 people who use the building daily. She stated they don't have a breakdown of the number of Medina residents who use the building. She stated the building is used by all of the communities in the area.

Adams inquired how many other communities have committed to the funding and how much.

Anderson stated all of the other communities have approved it for \$1,400 each.

Weir inquired where the money would come from in the budget. Adams stated he would recommend that the funding come from the general budget, Council contributions.

Smith stated that she has communicated with Crosby and they came to the conclusion that it would be appropriate for the Council to set a policy regarding guidelines for requesting funds from the Council.

Cavanaugh stated that he thinks it is important to have it be a purpose that affects the people in the community.

*Moved by Weir, seconded by Johnson, to Authorize Funding for the Orono Discovery Center Infrastructure Project. **Motion passed unanimously.***

B. Functions and Values Assessment of Wetland Management Classifications- WSB & Associates

Andi Moffatt, representative from WSB & Associates, stated that Medina is allowed by law to do functional assessments of wetlands and manage the wetlands in their area. She stated they are going out in to the community to measure the wetlands in the community. She stated the different categories of wetlands are Preserve Wetlands, Manage 1, Manage 2, and Manage 3. She stated the City would need to decide on policies for the different management categories. She stated the policies can include issues such as wetland buffers, setbacks, storm water treatment, water level bounce, mitigation ratios, and sequencing flexibility. She provided examples of benefits for these and other considerations when developing these policies. She stated some of the functional assessments were completed in the fall and the rest will be completed in the spring. She stated the Council needs to consider the types of policies they would like to implement when all of the functional assessments have been completed.

Smith inquired about wetlands located partially in Medina and in another city and how these wetlands would be evaluated.

Moffatt stated the City would only have jurisdiction over the parts of the wetlands in Medina. She stated that if the wetlands are nearby they have the potential to look at it when they are doing the assessment.

Smith stated that because the wetland would be located in more than one city it would have the potential to be classified differently in each city.

Moffatt stated they could look at the wetlands that extend beyond Medina for an additional cost. She noted the size of the wetland will impact the assessment.

Smith inquired if those wetlands would be identified. Moffatt stated that they will be identified.

Weir clarified about the classification of wetlands.

Dave Thill, Hennepin County Environmental Services, inquired about the cost due to the difficulty of completing the functional assessment.

Cavanaugh stated they could check with the other cities to find out about the work they have completed regarding the wetlands.

Thill stated that everything in the Minnehaha Watershed District has been assessed.

Smith stated that there may be opportunity to share the cost with the cities that haven't completed the assessment at this point for the wetlands that are located in more than one city.

Johnson stated it would be good to assess the scope of the wetlands that are located in more than one city.

Moffatt stated there are ways to amend a classification if there is further information received at a later point.

Johnson inquired if Three Rivers Park District was being assessed by Medina.

Smith inquired if they could get an estimate for the cost before committing to additional assessments.

Weir reminded the Council that there is a draft ordinance already in place.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

Tom Borman, introduced himself and stated that his family owns property south of the Hennepin County Public Works. He stated they are submitting a concept plan to the City next week for the land for urban sewer and water service.

Weir inquired about the current zoning.

Borman stated he thought it is zoned as rural residential.

B. Park Commission

Galen Bruer, member of the Park Commission, stated the Park Commission is going to be discussing the capital improvement plan, the location of a basketball hoop at the Hamel Legion Park, an entrance plaza to the Hamel Legion Park, and the comprehensive plan. He stated that in the future they need to work on the trail plan.

C. Planning Commission

Robin Reid, member of the Planning Commission, stated the Planning Commission discussed a conditional use permit for the proposed accessory structure located at 2705 Willow Drive. She stated it was tabled at a previous meeting. She stated there has been a second plan developed and it was recommended by the Planning Commission to approve it with conditions.

Cavanaugh inquired if the accessory structure was for private or commercial use.

Reid stated that it is for private use and is semi-agricultural. She stated the second issue they discussed was a request from United Properties for a commercial development in the Uptown Hamel District. She stated the development would include a credit union and a multi-tenant retail building. She stated the developers have made several changes based on feedback from the Planning Commission, the Council, and residents. She stated the city's engineers and the developer's engineers have done traffic studies and found that the traffic levels would be acceptable. She stated that the Planning Commission voted 4 to 3 for the recommendation of approval of the development with conditions.

Johnson inquired if the Hasselquist CUP was approved. Reid stated that they are recommending that it be approved.

VIII. OLD BUSINESS

A. Truck Traffic in Medina (Willow Drive and Other City Roads)

1. Ordinance Regarding Regulation of Truck Traffic; Establishing Truck Load Limits; Establishing Truck Permits for Exceeding Load Limits

Adams presented background information regarding previous discussions about the truck traffic. He stated the discussion topics included: implementation of soft enforcement measures, draft ordinance and policy questions and potential truck routes, cost-benefit figures, and 2007 budget strategies.

Smith stated that at the previous meeting they discussed enforcing the road limits in the spring.

Belland clarified that this has been happening, but it hasn't been the focus of the police officers work.

Adams suggested that the Council discuss if it is necessary to have the police officers spend more time focusing on the weight limits. Weir stated she didn't think it was necessary.

Johnson stated that his understanding was that the discussion occurred during a discussion about the budget and the cost of having a one time stepped up level of enforcement. He stated that it was part of the regular enforcements.

Adams stated the trucks could have a 35,000 lb. limit with a permitting process for trucks conducting business on city roads. He stated that Staff would like the Council to consider giving more notice to the local businesses, giving notice to all local residents, the final approval of truck traffic map, and obtaining additional hard data for a better cost-benefit analysis.

Batty stated the ordinance is redrafted from the existing ordinance. He noted the key issues as authorizing the Council to adopt the prepared map demonstrating streets that would permit and ban trucks; the 35,000 lb. limit; and the local permit section. He stated the effect of this would be to have the Council adopt a map that would indicate the roads trucks are permitted to drive on. He stated the other trucks would be banned unless they are specially designated types of trucks. He stated another exception would be the trucks that are permitted for travel to and from their site to the closest intersection that would allow truck traffic.

Weir inquired about the types of trucks that are less than 35,000 lbs. Kellogg stated that these trucks typically aren't delivery trucks.

Belland stated most semi trucks would need to be on the designated truck route.

Weir stated that the comprehensive plan in 2000 was designed with the purpose of creating zones that didn't include heavy industrial businesses. She stated she thinks it is unlikely they would like to have the heavy use trucks again.

Johnson stated that the map shows truck access routes to the existing businesses.

Belland stated that some of the local roads that are designated as truck roads are designated that way because of the quantity of deliveries.

Smith stated that the City is good about providing ample notice to the residents regarding changes in policies.

Adams stated that this would include informing residents about the permitting process. He inquired if a resident was going to work on a project, would the permit be by project or for each company.

Johnson suggested having an online permit the residents could complete to notify the City of the trucks with deliveries.

Cavanaugh stated that it is difficult when building if there are third party deliveries.

Johnson stated that a person is generally aware of when the delivery would occur.

Smith stated that it might be possible for the driver to show where they are delivering to because of the paperwork for delivering the product.

Cavanaugh inquired about the situation where the homeowner doesn't complete the paperwork.

Johnson stated that in most circumstances there are delivery mandates that can include a pass given by the homeowner. He stated that the local truck drivers will learn that every time they come to Medina they will need a permit. He reminded the Council of the survey they conducted where the residents indicated speed and safety of the roads as a primary concern. He stated they can try out a process and then correct it if they find it doesn't work.

Smith stated she thought the shared road issue would need to be discussed with the other cities.

Weir inquired how Brockton would be indicated as a truck route. Belland stated they would be able to enforce the portion of it that was in Medina, but not the other side of the road.

Smith suggested that they put signs on one side of the road.

Weir stated that she thinks they need to talk to the neighboring cities.

Cavanaugh inquired if they are pushing the traffic off of some roads on to other roads where the truck traffic can't be enforced.

Smith stated that she had previously suggested checking with the County to see if they could get the roads back as City roads.

Johnson stated that he thinks the residents will approach the Council to take back the County roads.

Adams stated he has initiated the conversation with Hennepin County regarding that issue.

Cavanaugh stated that he agrees the roads should be brought up to prime condition before Medina takes them back.

Smith stated they don't want the County to have control over Medina's road.

Adams stated that the only feedback he has heard from the County has been in regards to if a shut down occurred on TH 55, then the County would have to use Hamel Road.

Smith stated that in the case of an emergency they would cope with the situation. She stated that if someone is in compliance with their CUP, they could be grandfathered in.

Johnson stated that he doesn't think many horse trailers will be at the 35,000 lb. limit.

Belland stated if a truck is licensed to a property, he doesn't think they can regulate it.

Smith stated that with a CUP, she doesn't see it as a problem.

Batty stated that the issue is how the City is going to deal with those situations.

Smith stated they would have a permit, but it wouldn't open the road up to be a truck route.

Batty stated that the more exceptions there are, the more difficult it gets.

Adams stated there are two or three businesses in the rural area not currently on a designated truck route that may be non-conforming. He inquired if their operation would be shut down if they don't have a truck permit and are non-conforming.

Smith inquired about them getting a permit. Johnson stated that they could get an annual permit.

Cavanaugh inquired if it was legal to give annual permits only to people who live in Medina.

Batty stated the more discrimination that is made the more difficult it is to enforce it.

Weir stated that they should come in for a CUP.

Batty inquired if for every CUP that is granted, then that road segment is opened as a truck route.

Johnson suggested extending small portions of roads where they know businesses will need permits.

Adams inquired how they would handle the conforming and non-conforming businesses and if they would be treated the same way.

Johnson stated that if it is a conforming business, it makes sense to be able to use the road. He stated it is important to focus on solving the problem for the majority of the people and then work through the exceptions.

Adams stated the current cost-benefit analysis doesn't provide a lot of hard data that will be provided over the course of time.

Smith stated that they didn't consider the costs of fixing the roads, but only considered cost of the permits.

Weir stated that she thinks the Council should look at the State Aid as a policy decision.

Smith stated she doesn't think they need to obtain a lot of hard data before moving ahead. Cavanaugh concurred.

Johnson stated the State Aid System does not allow for forbidding trucks from driving on the roads, except due to weight limits.

Kellogg stated that is based on the seasonal weight limits during the spring when the frost is leaving the ground.

Smith inquired who gets the City's share of State Aid if they aren't awarded.

Kellogg stated the amount of money hasn't decreased, but more cities are requesting money. He stated that if a city doesn't take the State Aid it is spread out among the other cities.

Cavanaugh stated that if something is given to one resident, then everyone will be able to use that road.

Batty stated that it would be discrimination to not give it to everyone.

Johnson stated that a permit would be required for all trucks over 35,000 lbs., but for the sake of convenience residents would be able to get annual permits.

Batty inquired about a business such as DMJ.

Johnson stated they are located in the city and they would get an annual permit. He stated if they are required to have a permit, they would get an annual permit or a transient permit.

Smith stated it would also require compliance with a CUP.

Cavanaugh inquired if they can discern between a resident and a non-resident for getting an annual permit. He stated he doesn't want to increase the truck traffic on other roads as a result of the truck routes.

Johnson stated that if they state it as a policy that they want to see light industry in the community, it will grow instead of the heavy industries.

Smith stated the concerns the residents keep bringing up is the large trucks and side-dumpers that are not delivering products in their neighborhood.

Cavanaugh reiterated that he doesn't want to see the traffic pushed on to other roads.

Johnson stated the traffic will be pushed on to the County roads.

Batty stated the more exceptions created in the ordinance, the more likely it will be challenged. He stated the difficulty is in the mapping and the permit process. He stated he can not tell the Council that it is a perfectly defensible ordinance.

Weir stated that she hasn't seen heavy truck traffic at Gregor's.

Smith clarified that Batty stated they need to have logical, clear reasons with as few exceptions as possible. Batty stated the exceptions need to be granted in a non-discriminatory basis.

Johnson inquired if granting rights to a resident and not to a non-resident is discriminating.

Batty stated he thinks it is discriminatory and it needs to be linked to a need to use the property.

Johnson stated that there is a public safety concern that is absent in the discussion. He doesn't want to see someone get injured because the Council failed to act to get the truck traffic off of residential streets.

Weir inquired if they could ask Batty to further research the permitting options for the truck traffic.

Batty stated that the ordinance is the closest piece that is ready to go. Then the map would be adopted through the permitting process that he is going to work out.

Smith inquired if July 2007 would be the implementation date.

Adams stated that one of the questions would be to exempt the truck traffic if they have a building permit.

Cavanaugh stated that if they have proof of where the delivery goes, it should be enough. He stated that the building permit is for six months with the possibility of an extension.

Johnson stated he thought it would work well to have the permit coincide with the application of the building permit.

Belland stated that most local trucks would have proof of the location of the deliveries.

Johnson stated that the bill of lading also includes a date.

Smith stated she thinks Staff should look at the length of time for permits.

Adams stated that if it hasn't been outlined, there probably will be a lot of complaints as a result of the permitting.

Johnson stated the previous Council lowered the amount of soil that could be brought in without a permit, therefore the amount of trucks bringing in the soil have decreased.

Adams inquired if they are exempting the properties that are getting a building or a landscape permit.

Smith stated that the building permits could automatically include a truck permit.

Cavanaugh stated that they may not need to be a formal process, but there would be an assumption that the trucks would have a permit.

Belland stated that they went through this discussion in 2000. At that time, he contacted the city of Minneapolis and they don't do permits, but if the truck has a bill of lading, they are exempt to travel on residential roads.

Batty stated it was a non-permit permit.

Cavanaugh clarified that it was to a residential area.

Belland stated that as long as the delivery is verifiable there shouldn't be a problem.

Adams stated that Staff will try to look at an equitable fee schedule.

Belland stated that he isn't sure if it is equitable to charge a resident for a permit when there are other roads that are exempt because they are located on a truck road.

Smith inquired about the timeline for implementing the truck routes.

Adams stated he desires to have the truck traffic routes adopted by Council by next month, unless the Council is comfortable with the map this evening.

Johnson stated they could adopt the ordinance, they could direct Staff to start soft enforcement mechanisms, and empower Staff to refine the permitting process.

Batty stated that if it is going to be enforced immediately upon the adoption of the map, then it needs to be done simultaneously with the permitting process.

Johnson stated that in the near term, they would send letters.

Smith stated they will start the soft enforcement measures.

Batty stated the map could be adopted or the Council could choose to review it first.

Johnson stated that adopting the map for educational purposes by resolution would allow for feedback.

Moved by Johnson, seconded by Weir, to implement the soft enforcement measures as outlined in the Staff memo effective immediately, direct Staff to begin an information and education mechanism for affected parties, adopt by resolution the provisional map outlining designated truck routes, approve the ordinance regarding regulation of truck traffic, and direct Staff to refine the permitting process to be brought back before the Council for action prior to July 1, 2007 implementation date.

Smith clarified the intent of implementing soft enforcement measures by Staff.

Adams inquired if the Council was comfortable reducing the public works line item or authorizing a budget amendment.

Weir inquired if public works can afford to have its budget cut back.

Adams stated that because of the incompleteness of the pavement management program and priorities, they can't be sure about the impact of further cutting the budget. Adams suggested bringing more information back to the Council.

Motion passed unanimously.

2. Resolution Authorizing Publication of Truck Traffic Ordinance Amendment by Title & Summary

Moved by Weir, seconded by Cavanaugh, to approve the resolution Authorizing Publication of Truck Traffic Ordinance Amendment by Title and Summary, as requested.

Adams inquired about the timing of publishing the ordinance.

Weir inquired if they should delay the publication until July 1.

Batty stated that the ordinance should be published, but it isn't enforceable until all of the components are in place.

Motion passed unanimously.

B. Resolution Denying an Application for Comprehensive Plan Amendment by RGN Development LLC for the Townhomes of Rolling Green

*Moved by Weir, seconded by Cavanaugh, to deny the Application for Comprehensive Plan Amendment by RGN Development LLC for the Townhomes of Rolling Green based upon the finding established. **Motion passed unanimously.***

IX. NEW BUSINESS

A. Storm Water Pollution Prevention Program- Annual Public Hearing

Public hearing opened at 9:02 p.m.

Jesse Carlson, representative from Bonestroo, presented the Municipal Separate Storm Sewer System (MS4) annual public hearing. He stated the goals are to educate interested citizens, meet the requirements of the permit, and receive comments from the public on storm water pollution. NPDES permit is a federal regulation. He stated the application requirements include an application form from the City, which includes the Storm Water Pollution Prevention Program (SWPPP). He explained the control measures within the permit requirements and the enforcement possibilities. He stated there are environmental impacts. He stated there were new permit requirements effective March 2006, which focused on reducing pollution, regulating stock piles, and water resources. Carlson stated the control measures include public education and outreach; public participation and involvement; illicit discharge detection and elimination; construction site storm water runoff control; post-construction storm water management; and pollution prevention/good housekeeping. He stated the next steps include hearing comments from the public and responding to them, submitting the annual report to MPCA, updating the SWPPP, and statewide public notice and approval. He stated the SWPPP is a document that needs to be amended as necessary to address issues that are identified within the City.

Weir inquired if these were the steps that would need to be met every year to meet the SWPPP requirements.

Carlson stated the MPCA has specific dates for some portions, but the Council has the ability to set some dates and deadlines based on the SWPPP.

Weir stated it parallels some of the requirements in the TMDL.

Carlson stated that when the TMDL process is completed the SWPPP would then need to be updated.

Johnson inquired if the projects that require funding are being anticipated. He stated that it would assist the City in being good stewards of the funds.

Carlson stated that when the SWPPP is put together, they try to identify a priority schedule for the funding needed.

Adams stated the only discussion the Council has had to date has been in relationship to the implementation of the storm water utility.

Johnson stated that there are a number of unfunded mandates that are required. He stated that he has had an experience with developers who failed to pay the taxes for discrete storm water parcels.

Adams stated that they have developed storm water taxing districts in case they fell in to disrepair.

Johnson inquired if the taxes were tied to the development or to the individual parcels.

Batty stated that Johnson is inquiring they have been allowed on outlots. He stated they have dealt with it on three levels, through a homeowner's association, through a petition or waiver, or creating a taxing district with special assessments.

Public hearing closed at 9:30 p.m.

B. Interim Ordinance Establishing a Moratorium on the Installation, Erection, Construction, Replacement, Modification or Improvement of Static or Changing Electronic, Digital, Video, Display Signs or Billboards and Flashing, Motion, Animated, Changeable Copy and Illuminated Signs and Off-Premise Signs in All Zoning Districts

Batty stated that this ordinance is in reference to the changeable billboards that have been placed in other communities. He stated that billboards are banned in Medina, but there are some non-conforming billboards located in the City. He stated that the ordinance is designed to prevent the billboards from being placed until the City's ordinance has been evaluated. He recommended placing a one year moratorium, which can be changed if the ordinance is completed first.

Johnson inquired how they can capture a snapshot of the existing signs.

Adams stated they have an inventory of permits for the billboards, but don't have current pictures of the appearance of the billboards.

Batty stated that he thinks it is a good idea to have pictures of all of the signs that are posted. He stated that it takes a bit of work to replace the signs with the new type of billboards.

Adams stated that Staff can begin to take pictures of the billboards this week.

Weir inquired how this would affect the Medina Ballroom's sign.

Adams stated that it won't affect their current sign.

*Moved by Cavanaugh, seconded by Weir, to establish an interim moratorium for on the Installation, Erection, Construction, Replacement, Modification or Improvement of Static or Changing Electronic, Digital, Video, Display Signs or Billboards and Flashing, Motion, Animated, Changeable Copy and Illuminated Signs and Off-Premise Signs in All Zoning Districts for one year. **Motion passed unanimously.***

C. Resolution Authorizing Publication of Interim Moratorium Sign Ordinance by Title and Summary

*Moved by Weir, seconded by Johnson, to authorize publication of interim moratorium sign ordinance by title and summary, as requested. **Motion passed unanimously.***

X. CITY ADMINISTRATOR REPORT

A. Hamel Community Building- Electrical Invoice

Adams stated that he doesn't think he can authorize payment for the electrical invoice because it was initiated by the Hamel's Lion Club prior to the City receiving any notification of the work. He stated that most of the items were probably needed, but the Lion's didn't follow the proper administrative procedures.

Cavanaugh inquired about the cost of the total bill. Adams stated it is \$2,186.90.

Weir stated that it is difficult because the Lion's probably didn't understand the process that should have been followed.

Adams stated that some of the work that was completed was ordered by the members of the Lion's who don't have authorization for the operation of the building. He stated that the operating agent for the Lion's was not notified of the work on the building.

Johnson inquired if there were any concerns about safety that might have justified moving ahead without following the process.

Adams stated that one safety concern may have been the burning of wires in the warming house.

Smith stated she is disappointed that they didn't follow the protocol for completing the work.

Johnson clarified that an internal member of the Lions completed the work.

Weir stated that the Lion's Club donates money to the City.

Johnson stated that it is problematic for an internal member to complete the work. He stated that the language doesn't authorize them to direct the work for capital improvement.

Adams stated the Suzie Sween has been very diligent in communicating with the Council about these type of repairs in the past.

Johnson inquired about Batty's opinion about the language regarding the maintenance of the building and the use of the building.

Batty stated he doesn't think there is anything in the agreement that authorizes this. He stated that these are capital improvements to the building.

Smith stated that it isn't appropriate for them to authorize this and expect the City to pay for the bill without prior consultation.

Batty stated that this isn't a bid situation where the City would have been required by law to have received bids.

Cavanaugh stated that this isn't how the City would want it to work, but they need to decide who pays for the bill.

Johnson inquired if the items would have been paid for by the City if they had gone through the proper procedures.

Adams stated that he thinks most of the items would have been fixed. He stated the reason the Lions hired the Lion's member was because they received a reduced rate.

Cavanaugh stated that the process needs to be clear going forward.

Adams stated the original agreement put less burden on the City for financial obligations and the new agreement places more burden on the City.

Weir suggested splitting the cost of the invoice.

Cavanaugh stated that the Council would have paid a portion of the bill.

*Moved by Weir, seconded by Johnson, to pay for half of the cost of the expenses for the electrical invoice for the Community Building by the Hamel Lion's Club with the understanding that all maintenance costs have to be pre-approved by City Staff. **Motion passed unanimously.***

Johnson inquired if they know if the work is done by a certified electrician and if it was inspected.

Adams stated he can verify the certification of the electrician and request an inspection.

Cavanaugh inquired if the Lion's could give a charitable contribution to the City to pay for the work.

B. Hamel Community Building- Operation and Maintenance Agreement

Adams stated the City will have more operation and maintenance costs, but the City will also have more control over the operation and maintenance of the building.

*Moved by Weir, seconded by Cavanaugh, to approve Hamel Community Building Operation and Maintenance Agreement, as amended. **Motion passed unanimously.***

C. Embrace Open Space Grant Application

Adams stated the Open Space Task Force requested the consultant look into some options for researching funding sources. He stated that the application was not brought before Staff, and was submitted without Adams' knowledge. He had suggested that it be temporarily withdrawn until approved by the City Council, which was accommodated. He stated that he did find out that the grant was approved, contingent on Council approval.

Weir stated that it was completed during a time crunch and it would be difficult to turn down \$30,000.

Adams that the deadline for the application would have allowed enough time to be reviewed by Staff and approved by the Council prior to submission.

Smith stated that the committee is doing good work, but the application looks like the City is committing to a referendum.

Cavanaugh clarified that the money could only be used for investigating.

Weir stated that it could be used for educational purposes.

Smith stated that they just completed a survey of the residents. Weir stated that this would be different from the survey that was completed.

Adams stated that this may be investigatory work, but desires more research to determine if it might not be valuable information if they aren't going to have a 2008 referendum.

Smith stated that she thinks that this would eliminate the chance of winning a referendum. She stated that not everyone was in favor of a referendum.

Weir stated that this is for the preliminary work for Open Space, which is something the residents have stated they would like to have.

Smith stated she doesn't think it was well-thought out or planned.

Weir stated that the money could be delayed until the report comes in from the Open Space Committee.

Cavanaugh stated that he thinks there is consensus that will approve having a referendum.

Smith stated it isn't a good idea to try to pass a referendum during a presidential election.

Weir stated that the research indicates that the more people that turn out for an election the greater likelihood of passing a referendum.

Adams stated they have also discussed using park dedication funds and environmental funds toward Open Space and the City has determined yet the need for a referendum.

Cavanaugh stated that land will become more expensive over the time.

Weir stated that she didn't think land from park dedication funds and environmental funds will be sufficient to purchase expensive Medina land.

Cavanaugh stated that when this was previously brought up there wasn't enough time to complete it, which is why they are bringing it up now.

Smith stated she doesn't think it is a legitimate application.

Weir stated that she agrees it was procedurally wrong. She stated that she said she would notify the City about the interest in a preliminary survey and the availability of grant money which she did by email the next morning after the Open Space Task Force meeting.

Cavanaugh stated that he isn't in favor of turning back the money.

Adams stated that Staff would like to review the grant details thoroughly and report back to Council.

*Moved by Johnson, seconded by Smith, to table it until the next Council meeting, as requested. **Motion passed unanimously.***

D. Mulch Delivery Service

Adams stated Staff would like the Council to consider discontinuing the delivery of mulch to the residents and the residents would be able to come to pick up the mulch.

Cavanaugh inquired if there was a power company that would pay for the mulch.

Adams stated Staff has been looking into that as well.

Moved by Cavanaugh, seconded by Weir, to discontinue the mulch delivery service and have Staff look into selling the brush or mulch to a company, and maintaining some of the woodchips for the residents to use.

Weir stated that she would like to see the residents continue to have access to the mulch.

Johnson inquired if the residents could pay for the delivery service.

Adams stated that part of the recommendation to eliminate the service was to reduce Staff time spent on the mulch delivery.

The Council discussed various possibilities to reduce the amount of time Staff spends on the mulch service.

Johnson inquired about the logistics of a resident picking up the mulch.

Adams stated it was advised that the City shouldn't be responsible for loading it into personal vehicles due to liability issues.

Kellogg stated that from a public works perspective it would be best to have a small amount of woodchips available for residents to pick up and the remaining would be sold or given to a power company.

Motion passed unanimously.

E. Annual Clean-Up Day

Adams provided a report of the cost for clean-up day.

Weir stated that it seems as though clean-up day is the best attended event for Medina residents.

Adams stated there was a recommendation from the Council to have it remain revenue neutral.

Smith inquired about the costs per load.

Adams suggested having Staff look into the costs.

Cavanaugh stated that there is a resident that recycles things such as TVs and computers.

Moved by Weir, seconded by Cavanaugh, to ask Staff to prepare an ordinance on fees for clean-up day, as requested.

Johnson suggested the purchase price should increase, but the cost for the City remain the same.

Motion passed unanimously.

F. Roadway Easement Vacation Fees- 600 Shawnee Woods Road

Adams stated that he spoke to Steven Theesfeld property owner of 600 Shawnee Woods Road. He stated that Theesfeld has paid \$500 to date that served as the deposit. He stated the remaining bill is \$1,767.60. He stated that there was a review of the Council meeting minutes where Theesfeld was encouraged to apply for the vacation. He stated that there was a request to receive additional information on the application language. Adams stated that there are a couple of options to consider, one being to require Theesfeld to pay the remaining balance; require Theesfeld to pay the remaining balance with the understanding that the City will vacate the easement in the future at the City's expense; or reduce or waive the outstanding balance.

Weir inquired if the City could look at the rates for the attorney fees and adjust the rates accordingly to the in-house rate rather than an outside rate.

Adams stated that they could do that and look at the fees for the engineers because there are developer and non-developer rates.

Batty stated there is approximately a \$45 to \$50 per hour difference.

Weir stated if the City could also vacate the easement when it becomes appropriate for the City to do so at no extra charge.

Adams stated that this occurs on other occasions, so this wouldn't be a special exception.

Cavanaugh stated that they could vacate the easement at no cost, if it is appropriate based on the outcome of the comprehensive plan.

Weir stated that there was a misunderstanding because the documentation was unclear regarding the fees and Theesfeld was not informed of all of the fees and extra charges.

Adams stated that Lorsung stated she did communicate specifically about the fees and charges with the applicant.

Cavanaugh stated that he specifically asked Lorsung if she thought there may have been a miscommunication. He stated that Lorsung stated she had clearly told Theesfeld about the fees.

Weir stated by reducing the rate to an in-house rate and having the City pay the difference, they would be meeting Theesfeld's needs without eliminating the costs.

Smith stated that she is concerned about the clarity of the application and the amount of the fees.

Weir concurred that the language isn't clear on the application.

Smith stated that when Theesfeld originally came in his intent was in support of the tree ordinance. She stated that she remembers inquiring from Lorsung about the cost and was told that it would be \$500, not \$500 plus city accrued costs.

Weir inquired if Smith is recommending that the City pay the remaining costs.

Smith stated that she would make that recommendation and that Staff clarify the application.

Cavanaugh stated that he thinks they are only hearing one side of the story and is concerned about fairness to the other residents.

Weir stated that this is an unusual case because the other people had projects they wanted to complete. She inquired where the \$1,767.60 would come from in the budget.

Adams stated it would come from the planning line item budget.

Weir stated that she would like to see the City pay the difference between the City rate and the outside rate.

Batty stated that if the facts are the same in another situation, then the Council has the discretion to make an appropriate decision based on the situation. He stated that Staff was very clear that Theesfeld wouldn't be supported in the vacation approval, but the Council encouraged him.

Adams stated that there are other applicants who feel they are encouraged to come forward with an application, but then their applications are denied.

Smith stated that she has a clear recollection of Lorsung's statement that it would cost \$500. She stated that in the future Planning Staff needs to clearly state each of the fees that would be charged.

Johnson inquired if the applicant understood the meaning of city accrued costs.

Weir stated that she remembers clearly stating that there was a total cost of \$500.

Smith stated that it should be taken out of the budget as Council error.

Johnson stated he empathizes with the circumstances and the applicant not understanding the application. He stated he thinks there is ownership on both sides for the issue given that there were errors on both sides.

Cavanaugh stated that they will look at vacating the easements if is appropriate after the completion of the comprehensive plan.

Moved by Weir, seconded by Cavanaugh, to reduce the fees based on the non-developer rate for City fees for the attorneys and engineers and vacating the easement after the completion of the comprehensive plan, if appropriate.

Batty clarified that the Council is stating that they will look at vacating the easement in the future.

Cavanaugh inquired if there should be any other changes that should be made in the language.

Batty stated that he hopes each Councilmember and Staff is clear that there are additional fees for every application.

Motion passed unanimously.

X. MAYOR & CITY COUNCIL REPORTS

Weir inquired about the standing of the Willow Hill Preserve application.

Adams stated they met with the project's engineer last week. He stated there is an extension for the application review deadline and they will be discussing the location of the driveway, the storm water drainage, and the preservation of trees.

XI. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Cavanaugh, to approve the bills, order check numbers 30526-30590 for \$128,472.02 and payroll check numbers 20026-20028 and EFT for \$31,163.49. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Weir, seconded by Cavanaugh, to adjourn the meeting at 10:53 p.m. **Motion passed unanimously.***

Carolyn A. Smith, Acting-Mayor

Attest:

Chad M. Adams, City Administrator-Clerk