

MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 20, 2007

The City Council of Medina, Minnesota met in regular session on March 20, 2007 at 7:02 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

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

Members absent: Johnson

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

II. PLEDGE OF ALLEGIANCE

Crosby reminded the audience of the newly scheduled Council office hours on the second and fourth Saturdays of the month, from 9-11 a.m., to discuss issues of interest about Medina.

III. ADDITIONS TO THE AGENDA

There were none.

IV. APPROVAL OF MINUTES

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

Weir provided grammatical corrections to Adams.

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

V. CONSENT AGENDA

- A. Approve Wage Increase and Lift Probationary Status for Assistant to Planning Dusty Finke**
- B. Approve Wage Increase and Lift Probationary Status for Public Works Maintenance Worker Greg Leuer**
- C. Accept Termination of Administration Internship from Kelly Steele**
- D. Authorize City Administrator to Post and Appoint 2007 Internships**
- E. Authorize Staff to Post and Conduct Selection Process for Police Patrol Officer**
- F. Approve Records Management Contract and Expenditures**
- G. Resolution Granting Approval of a Conditional Use Permit to RJ Ryan Construction and Peter Hasselquist for Construction of an Accessory Structure Located at 2705 Willow Drive**

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

VI. PRESENTATIONS

A. Medina Police Reserve Recognition

Police Chief Belland recognized Officer Vinck who oversees the Police Reserve Program. He reviewed Officer Vinck's responsibilities and advised that the Reserve Officers volunteer thousands of hours to Medina and make an invaluable contribution.

Police Officer Vinck thanked the Council for the opportunity to recognize the five Reserve Officers who have donated over 1,500 hours, or three-fourths of a full time officer position. He advised of the 19 community events the Officers participated in and responsibilities assumed. Police Officer Vinck introduced the following Reserve Officers, their 2006 hours of contribution, and years of service as follows: Todd Larson, 330 hours and 6 years; Mark Ihrke, 173 hours and 5 years; Michael Chorley, 363 hours and 7 years; Jennifer Rouillard, 60 hours and 8 years; and Steve Lundell, 590 hours and 8 years. Police Officer Vinck extended his thanks for their donation and presented each with a certificate and pin.

Crosby stated the Comprehensive Plan contains an element from the community survey about resident's desire to keep a small town community feeling. He noted it is the service of these Reserve Officers and commission members that promotes a community feeling. Crosby stated his appreciation for their help.

B. Lake Independence TMDL Work Plan

Lisa Whalen, Minnetrista representative and Chair of the Pioneer-Sarah Creek Watershed Management Commission, introduced Don Johnston, Medina's representative. She explained the Total Maximum Daily Load (TMDL) for Lake Independence, which has been designated as an impaired water body. The TMDL report has been prepared as well as a work plan to address what can be done to clean the lake. She explained that Medina will be one of the main parties in this process to clean Lake Independence as an MS4 City. The Pioneer-Sara Creek Watershed Management Commission has stepped forward to help the process along with the Three Rivers Park District, which has been instrumental in creating the TMDL report and implementation plan.

Don Johnson, Medina representative on the Pioneer-Sarah Creek Watershed Management Commission, stated the process started in 2002 when Lake Independence was designated as an impaired water body. When the Second Generation Watershed Plan was completed, it moved into the TMDL process. Johnson stated they are now determining what can be done to repair the lake.

Jon Barten, Water Resources Manager of the Three Rivers Park District, explained what a TMDL is and how that fits into the City's planning process. He explained the TMDL formula to determine the assimilative capacity for Lake Independence; WLA, which is the quantification of the waste load allocation from point sources; LA, which is the quantification of pollutant loads from non-point sources; and MOS, which is the margin of safety. Barten explained the TMDL is both a number and a planning process indicating the maximum amount of pollutant a water body can receive and still meet standards. The TMDL is required for impaired waters and if not done locally, it will be mandated by State and Federal agencies.

Crosby asked if Medina has other impaired waters. Weir advised that Elm Creek is also an impaired water. Barten advised that other lakes will be listed shortly as being impaired.

Barten advised of the process undertaken to complete a TMDL and explained that some of these components are technical and easily completed while others are more difficult. He presented several graphs identifying the levels of pollution for each year since 2002, noting the concentrations continue to get worse and greatly exceed the water quality criteria.

Barten stated a goal needed to be set to achieve a phosphorus concentration of 36 ug/L, which is considered a margin of safety. Other goals set were to manage aquatic vegetation and reduce phosphorus loading by 23% or 880 pounds per year. He displayed a map of the Lake Independence watershed area and explained that the more land you have in any type of land use, the more phosphorus will be generated. In the case of Lake Independence there is a mix of agricultural and urban sources, which have been quantified. He advised of the percentages from each sector and the sources of external phosphorus loading within the Lake Independence watershed.

Crosby commented on the number of livestock, a large number being horses, and suggested that be a focus. Barten stated it is estimated that each horse can produce 29 pounds of phosphorus per year.

Barten described a graph depicting the phosphorus loading levels by municipality including Independence, Loretto and Medina. In order to achieve the TMDL, the City of Medina would have to have a reduction of 250 pounds. Livestock manure management is the target for reduction. He advised of other strategies including cropland and urban buffer strips, shoreline buffer strips, shoreline stabilization, and residential rain garden installation, among others. Barten explained that it was decided the approach would be to target the highest source areas identified. Available funds will be used to target high priority areas with voluntary compliance in the initial stage of implementation. He advised that cities may revise ordinances to require compliance, if necessary.

Barten explained that voluntary compliance would be first tried and if that does not work then a regulatory approach would be undertaken. He stated that cities have 18 months to bring their Storm Water Pollution Prevention Plan (SWPPP) in compliance with the TMDL, which has to be incorporated into the SWPPP. Within a five year time period, substantial compliance must be reached. Barten commented on the lawsuit that halted development in Annandale, which was in violation of their TMDL because of discharge into the Crow River, Mississippi River, and Lake Pepin, an impaired water. Those are the implications of the TMDL process if the city does not implement a program.

Barten advised of the parties involved in two years of meetings to decide these matters. He stated the intent was to be as fair as possible to all within the watershed while at the same time achieving the goal of mandated reduction.

Weir asked why Loretto is absent from the list. Barten answered that Loretto was invited to and received notice of all meetings and that the wastewater treatment discharge was under discussion. They elected to not participate.

Crosby asked if they are subject to the overriding Met Council jurisdiction. Barten stated they are also an MS4 community and documentation is clear that they have to work towards eliminating that discharge from the wastewater treatment ponds. One consideration may be when a sewer line is available for discharge.

Crosby asked if they will make a similar presentation to Loretto. Whalen stated she met with the Loretto City Clerk, Public Works Director, and a Councilmember. She stated she offered to make a presentation before their City Council but they have not made that request. She advised that their representative has now been attending meetings.

Smith asked about the timeline for Loretto to feed into a sewer line. She stated it is her understanding that Medina will determine if there is capacity during off-hours. Adams stated that has been reviewed and staff will meet with Loretto about the 19 interceptor.

Whalen stated the TMDL report was submitted to the MPCA and they have approved it. The TMDL does not need City Council approval but since Medina is one of the stakeholders, the Pioneer-Sarah Creek Watershed Management Commission felt it was important for the Council to be aware of the TMDL and work plan. Adams stated during the MPCA public hearing, Medina did provide comment.

Crosby noted this is a mandate. Weir concurred it is an unfunded mandate and the right thing to do. Adams reported that Medina is already taking action through SWPPP and budgeting.

Smith asked if recommendations need to be incorporated into the SWPPP plan. Barten stated the entire TMDL needs to be incorporated into the SWPPP. Smith noted the need to create a timeline. Adams stated that will be looked into.

Crosby noted the tasks and monetary amounts included in the TMDL. Crosby noted the possible inconsistency between the city's general policy of requiring land owners with failing septic systems to correct them at their own expense, and the possible TMDL funding of failing septic systems within the TMDL district. Barten stated that is difficult to answer and may be an issue of municipality, landowner, and State grants. Whalen stated they have some grant money but not for septic repairs at this point.

Crosby asked if Medina will tell residents there is a problem that has to be fixed and questioned whether the City will offer assistance with engineering or solutions. Whalen stated they have not addressed those types of details but hope for voluntary compliance.

Crosby stated feedlots may relate to the 258 horses in the district. He noted there are a lot of regulatory messages on how to run livestock and asked if there are large horse operations in the district. He stated that sooner or later cities will be responsible for how to correct polluting citizens.

Smith stated she doubts there will be a lot of grants for repair of septic systems but it is safe to say there is no grant money at this point and if someone has a failing system the resident will have to make the repair themselves.

Weir stated she is surprised, since it is known that a golf course is a polluting factor, that the Park's golf course is ranked very low. Barten stated they have conducted three years of monitoring and found it is very low because the Three Rivers Park District stopped applying phosphorus in 1992 so runoff of phosphorus and other chemicals is very low.

Crosby stated much of this will be done anyway and asked what the Council needs to impose on the City and how much discretionary money should be the catalyst to get it done.

Weir stated she was asked to organize workshops to meet the TMDL requirement for education. She reported on the meetings scheduled, the topic for each, and stated she had suggested they offer door prizes to encourage action. She stated she also wonders if a free consultation should be offered to Medina residents who attend and have that consultation paid by the City's Environmental Fund. Weir stated she thinks that process may result in residents taking action.

Moved by Weir, seconded by Smith, to offer a free onsite consultation to Medina residents on shoreline buffering and creating rain gardens at a cost of \$85 per consultation up to a cost of \$5,000.

Crosby suggested not limiting this to Medina residents in attendance at workshops. Adams agreed the workshops should be advertised and a maximum dollar amount determined. He asked if other consultants should also be considered who may be able to provide a lower rate. Adams stated this will be well documented for SWPPP requirements of public education.

Cavanaugh suggested staff also track residents who move forward with improvements. He advised that in other municipalities, the city installs the rain garden and residents are then required to maintain it. Weir stated if this is successful, then Cavanaugh's suggestion can be considered.

Motion passed unanimously.

Whalen reported there will be a meeting at the Independence City Hall to advise residents of a nitrogen management program that will be started. She stated they were awarded \$400,000 to be spent within the next two years on nitrogen management so they will be targeting the larger feedlots. She advised that Betsy Gilkerson is working with them on that process.

Cavanaugh asked Whalen to return to the Council should such a grant become available. Whalen stated they will certainly do that and present options. Cavanaugh stated if Medina environmental dollars are being used, it would have to result in a direct benefit to Medina.

Adams stated no other Council action is required and in several months these issues will again be addressed during 2008 budget discussions.

Smith extended her appreciation to Barten and the Three Rivers Park District for their work and study on Lake Independence because it is difficult to effect change without such a study and mandate. Crosby extended appreciation to Whalen and Johnston as well.

Smith asked staff to provide this information to the City's newspaper reporter.

C. Embrace Open Space Grant

Cordelia Pierson, Regional Program Manager with Trust for Public Land, explained that their mission is to conserve land for people as parks, natural areas, places to play, and ensure useable space for years to come. She stated she reviewed the City's survey from last fall and found three-fourths of residents feel it is vital to maintain community

and natural features, 71% said rural character is reason to live in Medina, and there is a high priority on natural conservation and wildlife habitat. Pierson stated the Trust for Public Land offers services with real estate conservation, financing tools that will be needed to realize the vision of conservation, research, and education services.

Pierson explained that Embrace Open Space asked her to go to Medina to see what they want and the next step is to hear from Medina what they would like help with. Once those needs are known they would provide a technical requirement letter. There is no commitment of funding or to implement recommendations but an interest in good will to be involved and provide help from City staff on data collection.

Pierson explained that Medina is being considered by the Embrace Open Space because it is one of six communities in the 11 county area that has high projected growth rate for the next 25 years and a large percentage of current land area in high quality natural resources. Also Medina has impaired waters, an urgency to respond, as well as strong citizen interest to explore options.

Pierson stated there is no commitment of resources and they are flexible in timing so it does not have to happen all at once and requires no public or ballot action.

Crosby stated Medina would need to make it clear to all that it is exploratory and not starting down a path that will end up with a community wide bonding process for conservation projects. His other concern is that the prices of land are so extreme in Medina that bonding money will be quickly used if trying to buy property rights. Crosby noted Medina has a much smaller population than other cities that have been involved in this process.

Weir stated this is a natural follow up to the recent survey that emphasized the importance of natural features and a rural community. She agreed there should be no preconceived notion it will end up with funding.

Cavanaugh stated there should also be no preconceived notion there would not be funding. He stated Medina needs to start somewhere and it is a good opportunity for Medina to work with the Trust for Public Land. He stated at the Open Space meetings the City was provided with some good options, such as with a land trust and those options need to be explored.

Smith stated she is afraid of the potential for a referendum. She stated she believes the City needs the most help with residents who may not understand the significant value of Medina's resources. Smith stated she thinks residents may be willing to pass a referendum on a specific issue but a lot of education is needed to get to that point. She stated that a survey may also be needed to determine the resident's fears and how to provide education.

Crosby asked Pierson to work with Adams who will coordinate with the Open Space Committee and provide periodic reports to the Council. He suggested the next newsletter contain an article.

Pierson advised that Hennepin County is also interested in exploring opportunities and County-wide needs, such as State support for water quality protection and leveraging of

funds. She thanked the Council for their time and stated she looks forward to working with City staff.

Adams asked if this will be part of the Open Space Task Force report. Crosby stated he views it as a separate process. Weir stated while they are independent, she thinks they will work together.

*Moved by Smith, seconded by Weir, to accept the Trust for Public Land proposal to work with Medina and technical assistance of \$30,000. **Motion passed unanimously.***

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Ann Thies stated they will be meeting tomorrow night and the main speaker will be Kent Kiewatt, Director of Friends of Elm Creek, to provide an update on a regional trail along Elm Creek and connection to Baker Park.

C. Planning Commission

Planning Commissioner Robin Reid reported on their March 13 meeting to consider Jim Lane's two lot preliminary plat; Richard Burke's and Ralph Miller's lot split; and Robert Hopper's CUP request. All were recommended for approval, some with conditions.

Crosby recessed the meeting at 8:32 p.m. The meeting was reconvened at 8:40 p.m.

Crosby advised the Council will next consider the Blackfoot Trail Agreement.

IX. NEW BUSINESS

A. Blackfoot Trail Agreement

Adams advised this has been recently discussed by staff and affected parties were noticed that the Council will discuss this item tonight.

Batty stated staff was contacted by a realtor with the history of the matter who noticed the agreement and asked if they sell the property and build a house, would it be the eighth lot and trigger the agreement. He advised there is a 1977 agreement between Medina and original property owners that allowed subdivision of seven lots to be served off a private driveway. The property owners recognized the City had involvement when more than one house is served from a property. The agreement indicated that when the driveway served more than seven houses, it had to be upgraded to current City standards. It also said if the upgrade at that time involved paving the road, they would not have to pave it unless there were more than seven houses served from it or any of those original parcels was less than five acres in size.

Batty explained Parcels B and C did have a lot line moved and ended up less than five acres, which raised the issue whether it triggered this agreement. At that time the City said it did not. The issue came up in 1999 and a similar meeting was held by the Council. Residents were concerned about having to pay for the road improvement. Residents did dedicate the road. The issue is what event will trigger the requirement to

pave the road. In 1999 some residents were opposed to paving and some Councilmembers were sympathetic to that argument. Batty stated he was directed to write a document to rescind the original agreement but only four of the seven property owners signed so that effort did not move forward. The Council also authorized staff to prepare a report on the cost to pave the road but that may not have gone forward either.

Batty stated his report includes five options: rescind the agreement; reinterpret the agreement intent to include only the original property; enforce the agreement and ask residents to pave the road and split the cost as they see fit; have the road paved but recognize if done under the agreement only 7 of 10 or 11 property owners served by the road would pay for it, which would be an inequity so maybe it should be a public improvement with all benefiting owners being assessed; or to do nothing. Batty noted if the City does nothing, one of the property owners could force the agreement.

Crosby asked which property triggered this consideration. Rita Jubert, 1355 Hamel Road, stated in May of 2003 the Council approved a final plat subdivision.

Kellogg reminded the Council it has been the City's position to pave gravel roads because the maintenance costs are significantly less and transportation access has been improved. He stated he talked with the Public Works Foreman who is of the opinion that paving the road will be an ultimate improvement to the City. He stated a cost estimate is in the range of \$350,000 to \$400,000.

Crosby noted Tamarack Road is not constructed north of Blackfoot. Kellogg stated some right-of-way easement has been acquired. Batty estimated a width of 30 to 33 feet has been acquired. Kellogg stated Public Works has indicated a road existed there at one time.

Jubert stated she wants to make sure she can sell her lot and a house be built off Blackfoot Trail. She stated she does not want to force residents to pave the road.

Batty stated his position that building permits are issued when appropriate and the City will not stop that process because of the existence of the agreement. Council is being asked what happens with the Agreement when a building permit is issued for the eighth lot.

John Turriffin, 1525 Blackfoot Trail, stated he owns two parcels and lives at the end of Blackfoot Trail. He stated the concern of Jubert is whether residents will be assessed a significant amount if the road is tarred. He stated he moved there five years ago and knew nothing of this agreement. He has no strong interest in being assessed for a private road and suggested the agreement be negated and the City serve the road as a public road, whether gravel or tarred. He asked what will be the long term road improvements.

Batty corrected that the 1977 agreement included a 66-foot easement following Blackfoot Trail that was dedicated to the public so it is a public road. He explained there are seven houses because one gets access from Tamarack. The triggering event will be whenever one more property gets access from Blackfoot Trail.

Crosby noted one of the properties to the west was not included in the original property. Batty stated that is correct but the agreement refers to the number of homes accessing Blackfoot Trail, not whether they are part of the original property.

Susan Ravenscroft, 1302 Blackfoot Trail, stated she has Parcel A and her driveway is very close to the Tamarack easement. She stated others on the road drive past her property so she is concerned with the amount of traffic and dust because she suffers from asthma. Also, she thinks everyone is concerned with how blacktop would be paid for.

Sally Turrittin, 1525 Blackfoot Trail, stated they love the area and the idea that blacktop will reduce dust and make the road easier for bicycling. But, she wonders if paving Blackfoot is a “slippery slope” to promote more development.

Mary Weinzierl, 18820 County Road 24, Plymouth, stated she sold this property many years ago and the intent of the agreement was not to have a lot of people coming onto Blackfoot Trail, a private road, from the north.

Virginia Jacques, Realtor, stated she does not feel Parcel 80 triggers this agreement because it is not part of the original seven lots. She stated she was not aware of this agreement and wants to assure she can properly market the property and the buyer can obtain a building permit. Batty stated that Jacques’ inquiry was entirely appropriate.

Crosby asked if any of the original seven lots are subject to further division under today's rules. It was indicated that none of the lots can be subdivided. Crosby stated it is then likely there will never be an eighth lot created from the original seven lots. Therefore it is unlikely that the City would ever require residents to pay to pave Blackfoot Trail pursuant to the terms of the 1977 agreement, if you interpret the agreement narrowly. Batty stated that is correct.

Cavanaugh stated he is inclined to do nothing because someday the City will want to pave it and the agreement can be used as fodder if assessments are needed and contested.

Crosby stated his agreement with Cavanaugh’s position but he would find it was clearly intended to deal only with the original seven lots and it would be unfair to trigger the agreement from the Jubert property or property to the west. He stated he would leave the agreement on the record. Crosby stated to be fair to the seven properties, the cloud of interpretation should be removed.

Batty stated the City could take no action to enforce the agreement but the risk would be if one of the seven property owners has a different interpretation. Or, the City could issue a letter and declare this does not trigger the agreement but it is still in full force and effect.

Crosby explained he is only suggesting that the parcels not part of the Exhibit A legal description of the 1977 agreement are not triggering parcels.

The Council discussed the terms of the agreement. Batty stated staff will take no action and asked if the Agreement should be left as it is and if there is inquiry staff will indicate the Council discussed the matter. Or, the City could send a letter to the seven property

owners of the current Council's position that it is only a subdivision of the original seven properties listed in the agreement.

Moved by Smith, seconded by Weir, that it is the Council consensus that the agreement of 1977 is designed to deal only with the lots enumerated A through G of the 1977 agreement, and the Council wants to retain the 1977 Agreement in full force and effect subject to this current interpretation.

John Turrittin noted this implies that no sale of property will trigger a road improvement. Crosby noted a sale has nothing to do with it and the trigger is when the eighth house starts to use the road.

Turrittin stated in the mean time, residents would like dust abatement efforts. Crosby noted that the City does have the ability to determine to pave the road and to assess all or a portion of the costs of the paving to the benefited land owners.

Motion passed unanimously.

VIII. OLD BUSINESS

A. Second Amendment to Medina/Independence/Greenfield Sanitary Sewer Agreement

Adams stated the City has worked to renegotiate and update the agreement. He noted the current document is in draft form and needs final review by legal counsel. He advised that Independence is requesting an additional 50 units and they conducted the testing and I/I identification and repair. He suggested staff prepare the final terms of the agreement for Council consideration at a future meeting.

Smith stated Medina wants to assure all septic systems are inspected around the lake to see if they are failing. Adams stated a map was prepared several years ago and information has been provided by Independence in the packet. Batty read the provision in the agreement on page 4, section 6, subdivision 3.

Cavanaugh stated his understanding all failed septic systems in the City of Independence must be repaired or connected if the pipe is available. Batty stated that was his understanding as well but is not reflected in this agreement. Cavanaugh stated he was clear at the meeting and believes that must be a requirement.

Smith stated that with the TMDL, a one-quarter mile radius of Lake Independence may not be sufficient. Adams advised that Medina had Metro West look at systems in Medina and no failed systems were found. The Council discussed the map and areas where inspections should be conducted around Lake Independence and the creek. Adams stated he will get more information from Independence to answer the questions of the Council.

Kellogg stated they are asking for 52 additional units to be added to the system. The pipe to serve the properties is not shown on the map. He described the location of the additional 17 units and alignment of the pipe extension where an additional 27 properties would have the opportunity to connect.

Smith stated the issue is that the septic systems need to be tested and if failing, need to connect. Kellogg pointed out that the agreement requires septic testing if within one-quarter mile of Lake Independence and mapping of on-site septic sewer systems. He noted staff reviewed this from a technical perspective to assure there is capacity to handle the additional 52 units as well as pumping from Loretto. He stated the additional 8 units may be intended to serve Camp Ihduhapi. Kellogg read the Metropolitan Council comment indicating their system can handle the flow but they are concerned with housing density which will require approval and that failed on-site systems do not automatically qualify for connection to the Metropolitan Council system.

Smith stated she would like Loretto's ponds pumped out. Kellogg noted the engineer's report dealing with adding units from Independence, off-peak pumping, and a summary and conclusion. He stated pumping is possible with modifications and it is expected that Loretto will cover those costs.

Smith asked if the pipe will be large enough to accommodate Loretto's development. Kellogg stated there were plans to extend a forcemain parallel to the railroad tracks to discharge into the gravity system. The area around Loretto would flow to that lift station along the south border of Loretto and pump back. Properties closer to Highway 55 would flow into an interceptor if one is extended along Highway 55 or it could be pumped back to Loretto through that system.

Council directed staff to finalize the Sanitary Sewer Agreement and obtain additional information from Independence in addition to a map.

IX. NEW BUSINESS

A. Blackfoot Trail Agreement

This item was considered earlier in the meeting.

X. CITY ADMINISTRATOR REPORT

A. Legislative Update

Adams updated the Council regarding recent legislative actions, LGA funding, and Clean Water Legacy funding.

XI. MAYOR & CITY COUNCIL REPORTS

Weir reported that at the Uptown Hamel meeting someone complimented the City on its website and that it is always updated.

Weir advised that Randy's Recycling is offering curbside pickup of organic recycling as is Plymouth and Orono. Adams stated both of the City's hauling contracts may expire this year so that can be considered at that time.

Smith reported on the Northwest League meeting she attended and the law suit involving the 60 day "clock" ruling. Batty stated the District Court and Court of Appeals both ruled against Minnetrista so the case was appealed to the Supreme Court and it was a victory. He provided an explanation of the 60 day "clock" and stated he believes this is a good ruling.

Crosby urged the Council to be mindful of how e-mail is used because not more than two councilmembers can be copied. He stated he has met with several landowners and developers and after each, within 24 hours, sends an e-mail to Adams to summarize the discussion to provide documentation. He urged all to follow the same process.

XII. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Cavanaugh, to approve the bills, order check numbers 30639-30689 for \$82,625.84, removing check #30680 to Sunburst Lawn & Snow for \$715, and payroll check numbers 20037-20038 & EFTs for \$33,499.05. **Motion passed unanimously.***

XIII. CLOSED SESSION: REVIEW OF EMPLOYEE PERFORMANCE

Adams requested a closed session to perform an employee performance review.

Batty explained the review is for Chad Adams who can request a closed session. He advised that a summary on the closed session can then be provided at the next regular meeting.

*Moved by Weir, seconded by Smith, to recess the meeting at 9:55 p.m. to hold a closed session for review of employee performance. **Motion passed unanimously.***

The meeting was reconvened at 10:52 p.m.

Crosby provided a summary of the closed session:

1. The City Administrator should work to maintain a better work/life balance.
2. The City Administrator should articulate to Council workload concerns.
3. The general workload of Administrative functions should be reduced.
4. The City Administrator should recommend appropriate staffing needs.
5. Timing/phasing of City projects need constant review and recommendations from the City Administrator.
6. Facility space issues must be resolved with future staffing needs.
7. The goals established by the City Administrator in December 2006 are re-affirmed.
8. The City Administrator should provide periodic comments on the adopted Work Plan for 2007.

XIV. ADJOURN

*Moved by Weir, seconded by Cavanaugh to adjourn the meeting at 10:55 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk