

## MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 1, 2008

The City Council of Medina, Minnesota met in regular session on April 1, 2008 at 7:00 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, Associate Planner Dusty Finke, Public Works Director Steve Scherer, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

### II. PLEDGE OF ALLEGIANCE

### III. ADDITIONS TO THE AGENDA

*The agenda was accepted as presented.*

### IV. APPROVAL OF MINUTES

#### A. Approval of the March 18, 2008 Special City Council Meeting Minutes

It was noted on page 1, the fourth paragraph, number 5, it should state: "Determination of assessment rate, which was 2% above bond rate..."

It was noted on page 1, the eighth paragraph, it should state: "Discussion...The Council reached consensus that the combined approach, which is front foot plus square footage, was the best methodology to use."

It was noted on page 2, the second paragraph, it should state: "Bob Barth...Barth explained that the REF will now be 1 per 10 net acres which are exclusive of wetlands and roads..."

*Moved by Weir, seconded by Johnson, to approve the March 18, 2008 special City Council meeting minutes as amended. **Motion passed unanimously.***

#### B. Approval of the March 18, 2008 Regular City Council Meeting Minutes

Crosby stated that he read through the minutes, but there are a number of changes he would like to make to the minutes. He suggested that each of the Council members note the changes to the minutes and send them to Adams. He stated that the minutes could then be approved at the next meeting.

Adams stated that the substantive items could be red lined.

### V. CONSENT AGENDA

#### A. Approve Street Sweeping Services Agreement with Pearson Brothers

#### B. Approve Raffle Permit for Rotary Club of Crystal/New Hope/Robbinsdale at 400 Evergreen Road on June 2, 2008

- C. Resolution Granting Site Plan Approval for Property Located at 705 Hamel Road
- D. Life Probation with Wage Increase to CSO Josh McKinley
- E. Release Letter of Credit in the Account of Wright-Hennepin Coop Electric Association
- F. Resolution Approving Final Layout of Co Rd 19 Regional Trail
- G. Approve Amended Trail Acquisition Policy
- H. Accept Quote for Portable Bathroom Facilities with On-Site Sanitation
- I. Approve Final Pay Request for Well No. 6 Pumping Facility to Total Mechanical Services, Inc.
- J. Approve Development Agreement by and Between Stauber and Rosati LLC
- K. Approve Stormwater Maintenance Agreement By and Between Stauber and Rosati LLC

Cavanaugh 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. Approve Street Sweeping Services Agreement with Pearson Brothers**

Cavanaugh stated that with the Pearson bid, the City needs to have someone present with a truck. He stated that he wasn't clear about the amount of time needed for this. He stated that as a result, it may be better to use Midwest Asphalt.

Scherer stated that Pearson will have two brooms, which will decrease the time the City needs to be present with them. He stated that there is a new public works employee and it would be an opportunity for him to follow them around the streets and get to know the City.

Crosby inquired about the amount of time for sweeping. Scherer stated that there will be about 72 hours of sweeping, but with two brooms it will take about 38 hours. He stated that when they sweep the streets there needs to be a water truck and someone to run the hydrants.

Smith clarified that there needs to be someone present regardless of who provides the services.

*Moved by Cavanaugh, seconded by Johnson, to approve street sweeping services agreement with Pearson Brothers. **Motion passed unanimously.***

**VI. COMMENTS**

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

There were none.

**B. Park Commission**

Smith stated that they are continuing work on the trail plan including trail type identification; looking for a fountain within their budget; and setting up a committee for the Rainwater Nature Area plan. She stated that there is a park tour scheduled for the first Wednesday in May.

Weir inquired about what time the park tour is scheduled for. Adams stated he thinks it is scheduled for 5:00 p.m.

Smith stated that they also discussed Clean-Up day. She stated that there will be a small group that will decide on the materials that will be handed out.

Crosby stated the first Wednesday in May is May 7.

**C. Planning Commission**

Robin Reid stated the upcoming agenda items include a request for a variance for the setback of a sign for Holy Name church; a request for a CUP from Skyrock Farms to construct an addition on an existing accessory structure; and a site plan review for an amended CUP and variance for an addition and the combination of two lots.

**VII. NEW BUSINESS**

**A. Stormwater Pollution Prevention Program- Annual Public Hearing**

Jesse Carlson, Bonestroo representative, stated he has been working with various Staff on the Storm Water Pollution Prevention Program (SWPPP). He stated the definition of National Pollutant Discharge Elimination System (NPDES). He stated MS4 requirements include an annual public hearing for the cities. He stated that cities within the urbanized areas are regulated.

Crosby inquired if it is a Federal or a State requirement. Carlson stated it is a federal requirement that is passed down to the State level to be managed. He stated that in Minnesota it is managed by the Minnesota Pollution Control Agency.

Smith inquired if the goal is to manage the wetlands and waterways. Carlson stated that the overall goal of the program is to manage the water and to educate people about pollution.

Smith stated that the City is considering a wetland ordinance with setbacks. She stated that there is some misunderstanding among the residents and noted that the federal government states that the wetlands need to be protected.

Carlson stated the enforcement possibilities include USEPA, MPCA, and 3<sup>rd</sup> party lawsuits. He stated to date, there haven't been any cities in Minnesota that have seen any ramifications from not implementing the program. He stated that the goal of the program is to minimize the effects from runoff into the receiving waters. He stated the things that are done today impact the water in the future. He stated a new permit was issued in May 2006, which required a new SWPPP. He stated that they haven't received extension of coverage from the MPCA for the new SWPPP. He stated that they anticipate it happening soon.

Crosby inquired if it has been in for two years. Carlson stated that it has been.

Crosby inquired if that means that the MPCA is not enforcing this. Carlson stated that it takes time because they don't have enough staff and resources. He stated the minimum control measures include: public education and outreach; public participation and involvement; illicit discharge detection and elimination; construction site stormwater runoff control; post-construction stormwater management; and pollution prevention and

good housekeeping for municipal operations. He stated the City has distributed information in the newsletter, at spring clean-up day, Medina Celebration Day and yard disposal areas. He stated the website will be updated in 2008. He stated public participation and involvement can occur at spring clean-up day; the NPDES annual public meeting; Medina Celebration Day; and by soliciting additional stormwater opportunities with outside organizations.

Weir stated that last year they had a rain garden workshop and it was well attended.

Smith stated that the City is selling rain barrels this year.

Carlson stated the permit also requires the development of the illicit discharge, detection and elimination ordinance.

Weir inquired if the draft ordinance will include having curbside drains stenciled telling people that these drain to a lake. She stated that it is a recommendation for TMDL areas. Carlson stated the purpose is to have the public educated about where the waste flows. He stated the runoff is not being treated and the waste is going right into the water.

Weir stated that it would be good to include it in the ordinance.

Scherer stated that it is an educational component.

Smith stated she thinks that most people who are dumping things into the drains know that they shouldn't be doing it. She stated that it is important to let people know that if they see it happening they should call.

Carlson stated that there will need to be a map developed that identifies the outfalls, culverts, wetlands, stormwater ponds, and structural pollution control devices. He stated the maps are useful when accidents occur and as part of the infrastructure of the City. He stated there is a plan review process for developments for post-construction runoff control. He stated the ordinances need to be amended and adopted by June 30, 2008. He stated that there is continued education of Public Works Staff. He stated the stormwater improvement projects include Holy Name Park Improvement Projects; Lake Independence Restoration Program; and Pioneer-Sarah Creek Watershed. He stated that there are impaired lakes within the City and demonstrated the location of these.

Smith stated she heard that Holy Name Lake would be added to the list of impaired lakes. Carlson stated that he wasn't aware of it being added at this point.

Weir inquired if it seems unusual that Lake Katrina and Spurzem Lake are impaired since they are located within parks. She inquired if it had to do with the golf course and the Loretto sewage ponds. Carlson stated that he would need to look at the drainage to find out why they are impaired and what they are impaired for.

Smith stated that the activity could have occurred a while ago.

Cavanaugh inquired about the term dissolved oxygen. Carlson stated that plants within the ecosystem don't create enough oxygen to keep up with the demand. He stated one requirement of the MPCA is to identify all of the impaired waters within 5 miles of the

City boundary; identify the discharge location to the impaired water body; delineate watershed draining to the impaired water body within the City's jurisdiction; prepare a review report and indicate if any changes to the SWPPP are warranted; and submit the report during the next reporting cycle. He stated that part of the City's responsibility is to review the TMDL and incorporate additional BMPs into the stormwater program by August 2, 2008. He stated that there haven't been any comments from the MPCA, but they should be receiving comments soon. He stated that the next step would be to update the SWPPP, the MPCA would then provide statewide public notice and then it would be approved by the commission.

Weir stated that there will be more public comment when the taxation to support the stormwater utility goes into effect.

Crosby stated that at that time it would be important to have a paragraph about the underpinnings of the stormwater utility.

Smith stated that it isn't an infringement on the residents' rights, but it is information about protecting the wetlands, streams, and lakes that wasn't known previously.

The public hearing was opened at 7:38 p.m.

*Moved by Weir, seconded by Johnson, to close the public hearing at 7:38 p.m. **Motion passed unanimously.***

**B. Ordinance Pertaining to Wetland Protection and Regulation Amending Sections 826.25.5, 828.43, 831.05, 831.07, 832.05, 832.07, 833.05, 833.07, and 835.05**

Associate Planner Dusty Finke stated the wetland ordinance has been an ongoing project since 2005. He stated the Wetland Conservation Act protects wetlands from being converted to an upland or from being filled. He stated the wetland ordinance before the Council includes buffers. He stated that a quarter of the City's land is wetlands. He stated buffers protect water quality, erosion control, nutrient removal, aesthetics, wildlife habitat, expands open space around protected wetlands, and preserves the rural character. He provided a chart with the buffer widths and functions from the State of Minnesota Stormwater Advisory Group. He stated there was a wetland conservation specialist present in the audience.

Johnson inquired about a situation where there is a wetland area on a property with a yard adjacent to the wetland area and a house about 150 feet away from the cattails, which are in the wetland and canary grass up to the cattails. He inquired about what the buffer would be in that situation.

John Smyth, Bonestroo representative and wetland conservation act specialist, stated the buffer is the upland area around the jurisdictional wetland. He stated the canary grass may be in the wetland. He stated that in this ordinance they are seeded in native vegetation and are left natural.

Johnson inquired about the previous example where the canary grass defines the buffer. He inquired whether the neighbor who has grass up to the canary grass would need to seed the other grass with native vegetation.

Crosby stated that there wouldn't be a requirement to do it unless there is a request for City action. He inquired about the DNR mapped areas. Finke identified the DNR mapped areas.

Crosby inquired about how long they have been mapped. Smyth stated he isn't sure how long they have been mapped, but he thought it was about 15 years.

Weir stated the original recommendation from Bonestroo is that 60% of the wetlands in Medina are under the Preserve status. She stated that the Planning Commission finds it difficult to require 50 foot setbacks on 60% of the wetlands. She stated that the Planning Commission requested the Council find a way to reduce the 60% wetlands. She stated that the valuable wetlands are the wetlands mapped by the DNR. She stated that the result is cutting the amount from 60% to 30%. She stated that the recommendation has been cut back a lot to make it more accommodating for land owners.

Smith stated that the Planning Commission hasn't always had the goal to protect the wetlands, but they have tried to allow land owners the ability to do what they would like with their land as much as possible.

Finke stated the ordinance doesn't require the upland buffers to be done immediately upon adoption. He stated the upland buffers would be triggered by certain activities. He stated that full buffers would be triggered by new development. He stated this would include subdivision, site plan reviews, principal use on a vacant parcel, or total redevelopment of a site.

Crosby inquired about the reason a site plan review would prompt the upland buffers. Finke stated a site plan review is a specific type of land use application.

Crosby inquired about a site plan review within the past year and a half. He stated that a site plan review would be attendant to an addition of a building. Finke stated the proposed plan for 705 Hamel Road was a site plan review that didn't include a subdivision.

Cavanaugh inquired if the building application would have been triggered for 705 Hamel Road. Finke stated the redevelopment would have triggered it. He stated that there are thresholds that make it a site plan review.

Crosby stated the proposed ordinance includes language for a minor subdivision and inquired about what a minor subdivision is. Finke stated the current ordinance differentiates between a subdivision and a minor subdivision based on the number of lots.

Crosby inquired if it is a defined term. Batty stated that he isn't sure if it is a defined term. He stated that there are a variety of types of subdivisions that can occur.

Crosby stated that it should be defined.

Finke stated that if it isn't defined, it may be possible to use the term subdivision. He stated that new development would require all of the wetlands on the property to have upland buffers.

Johnson clarified that a buffer would need to be created if there is a subdivision. Finke stated that is correct if the existing vegetation isn't acceptable.

Johnson stated that if this is passed and a resident came in for a building permit, there would be a need to convert a large portion of the lawn to prairie grass. Finke stated that if the person would come in to redevelop a site or for a vacant piece of property, then that would be true.

Smith inquired if replanting a buffer could be done through lawn grass. Smyth stated that in the ordinance turf grass is not acceptable as a buffer. He stated that it is not as effective as native vegetations for filtering out the nutrients.

Cavanaugh clarified that the turf grass would need to be removed and then other vegetation would need to be planted.

Johnson inquired about the way Finke achieved the average width. Finke stated that averaging the buffer width allows for some areas to be extended. He stated this is done by calculating the area while still maintaining the minimum requirement.

Kellogg stated that it allows for the same amount of square footage around the wetland.

Johnson stated he is trying to figure out how many of the wetlands would be impacted by the minimum distance.

Cavanaugh inquired about how the average buffer would be achieved in a situation where a wetland is on two properties and one property develops. Crosby stated that it only applies to the property being developed.

Finke stated there are 3 watershed districts that have regulatory authority within the City. He stated that one of the benefits of adopting the wetland ordinance and then the stormwater plan is that the City could take over the regulatory authority. He stated that property owners wouldn't need to go to the various entities for review. He stated that the existing Pioneer-Sarah and Elm Creek Watersheds have 20 foot buffers for new development. He stated Minnehaha Creek Watershed has varying buffer widths based on the wetland size.

Crosby stated he thought the Minnehaha Creek Watershed was overhauling their system.

Smyth stated that Minnehaha has completed a functions and values assessment. He stated that they are moving in the direction the City is going in. He stated that they need to have approval from various cities prior to it being in place.

Weir stated that they need to get approval from five or six cities.

Crosby inquired about who controls the actual wetlands. Finke stated that the Wetland Conservation Act talks about the wetlands and the area within the wetlands.

Smyth stated that it is the State of Minnesota rules.

Crosby clarified that they are not changing the wetland regulations, but are changing the buffers. He stated that if people are doing something to the wetlands, they are in violation.

Weir stated it is interesting that the City is proposing less than Orono.

Smith stated she thought that was interesting as well and that Maple Grove's buffers were really low.

Finke stated the Planning Commission thought that there should be an alternate set of buffer requirements for the other activities. He stated in the current draft the 20 feet of buffer is required down gradient from the structures.

Weir stated the only buffering that would need to be done would be to the immediate drainage to that area.

Finke stated the triggers for this would be other land use applications, variances, and site plan reviews.

Johnson inquired if a building permit would be in this category. Finke stated that anything within 100 feet of a wetland and requiring a grading permit would be part of this category. He stated that it would require creating buffers and posting signs, but not the recording of an easement.

Crosby inquired about the location of the specific reference. Finke stated that page 8, Subd. iii (c) references the 100 cubic feet of dirt.

Crosby stated his understanding is that it is discretionary for the City to determine if the tests are met. He inquired if it is meant to be discretionary. Finke stated that he thinks the language is meant to state that the criteria are met because the applications will need to be reviewed.

Crosby stated that the language isn't clear about the criteria. Finke stated that it could be reviewed. He stated the Council should discuss the threshold, buffers, wetland setbacks, requiring downgradient only, and the 20 foot width. He stated one option would be to have smaller buffers and larger setbacks.

Crosby stated it is his understanding that setbacks only apply to the principal structure and not accessory buildings.

Smith inquired about the reason for that. Finke stated the idea of having a setback in addition to the buffer is to provide a space for a yard without cutting into the buffer.

Smith stated that a buffer could be destroyed when a person is going around the accessory building.

Weir stated that it doesn't seem to serve the purpose of the ordinance.

Finke stated that an accessory structure setback could be added.

Crosby stated that he wouldn't want it to be a firm rule because in some circumstances they should be able to be built without a setback.

Cavanaugh stated he doesn't understand the risk if the accessory structure backs up to the buffer and there isn't an entrance on that side of the building.

Weir stated that horses may be grazing along the side of it.

Smith stated that there needs to be access around a building in case of a fire. She stated that a lot of activities that occur in the accessory structures shouldn't be located close to wetlands. She stated that accessory structures should be included in the ordinance.

Johnson stated that given the discussion about correcting the watershed in Lake Independence from runoff, it does seem illogical.

Crosby stated that if the concern is animals, then there should be rules about the distance fences can be from buffers.

Weir stated that if an accessory structure is built for animals, it should not only include the downgradient from the accessory structure, but include the entire wetland.

Smith stated that she doesn't understand why there couldn't be a minimum standard for setbacks. She stated that 15 feet isn't a large setback. She stated that they know the damage done to Lake Independence and the damage animals do to the wetlands.

Cavanaugh stated that the setbacks aren't there to absorb the pollutants, but are to prevent people from encroaching into the wetlands.

Smith stated that even maintenance encroaches off the accessory structure.

Finke stated the ordinance allows flexibility for the buffers. He stated a variance could be requested when there is a hardship. He stated the ordinance would allow the Council to have discretion to allow for being beneath the minimum if the overall wetlands and buffers would better suit wildlife.

Weir inquired if it would allow for the overall buffer to be decreased by 25%. Finke stated that it allows a person to decrease as if they were using the minimum. He stated the ordinance limits the amount of flexibility. He stated the Planning Commission was adamant that there be some flexibility but also limits on the amount of flexibility.

Cavanaugh inquired about how an increase in the buffer on a property affects the buffer on the neighboring property. Finke stated it doesn't affect the neighboring property.

Cavanaugh inquired if the neighbor would have to meet the setback from the farthest point of the buffer. Finke stated the two properties could have non-matching buffers.

Cavanaugh clarified that the buffer and setback for each property don't impact each other.

Finke stated that a discussion item for the Council is to have a 300% multiplier maximum. He stated that this allows the wetland and buffer to be in ratio to the property.

Weir stated that this was discussed in the staff report. She inquired if this method is easier to use than the proposed tables. Finke stated that administratively the tables are easier to use.

Cavanaugh stated that he has difficulty with a wetland that is a quarter of an acre in size because it is turned into a much larger area due to the buffers. He stated that they are small areas.

Finke inquired if a very small wetland is less likely to be a preserve wetland. Smyth stated that it doesn't look at size, but it looks at quality. He stated that if it is a small wetland it is a preserve wetland because it had a high ranking for wildlife habitat or amphibian species.

Crosby stated he thinks that the ordinance needs to be clear and understandable. He inquired about how the table relates to the 300%. He stated the 300% could be the limiting factor used with the table.

Finke stated the table came from the 300% multiplier.

Cavanaugh stated that he thinks it is easier to state it in terms of area. He stated that he thinks 300% is too high and double would be adequate.

Finke stated the Planning Commission recommended approval, but recommended that the Council consider flexibility for the setback requirements. He stated Staff believes the setback flexibility will be extremely difficult to administer. He stated Staff suggested other alternatives if the Council fears the impact of the full setbacks.

Crosby inquired if the public hearing has been held. Finke stated that it has been.

Crosby inquired if it needs to be published before it becomes law. Adams stated that it does.

Johnson stated the wetlands need to be preserved. He stated that it needs to apply to redevelopment projects, subdivisions, and those types of activities. He stated he is concerned about the broadness in portions of the ordinance and thinks accessory structures are included in the proposed language.

Crosby stated that elsewhere in the ordinance accessory structures are exempted.

Smith inquired if the property would be considered disturbed during construction of an accessory structure.

Finke described the different paths that trigger the buffers in the ordinance.

Weir stated that there is no setback for accessory buildings. Finke stated that there is not.

Weir inquired if there is an upland buffer for accessory buildings. Finke stated that building would trigger the buffers.

Crosby stated that the question is whether or not accessory buildings are treated differently for setbacks.

Johnson stated that the general provisions include everything and there may be some redundancy.

Finke stated that CUPs and variances for minimum additions are included in that section.

Crosby stated that he is nervous about discretionary decisions.

Finke stated that they are land use applications and there is a list of land use applications within the zoning ordinance.

Johnson stated that it includes any building permit.

Finke stated that it is land use permits which are reviewed by the Council, not the building department.

Weir inquired if anything that would need a CUP would be covered by these requirements including accessory structures. She stated that accessory structures are exempted from the setback, but not the buffer.

Finke stated a 3,000 square foot structure would probably fall under the ordinance in two ways. He stated that the general provisions section is more inclusive of ways to meet the ordinance requirements.

Weir stated she is concerned about accessory structures that only have to buffer the downgradient area. She stated that she thinks the entire wetland that is affected should be buffered. She stated the purpose of the ordinance is to protect the wetlands. She stated she is concerned about page 11, Subd. 5 (e) i and the discretion of it. She stated she would like it to include an objective engineering standard. She stated the charts for small wetlands are more comprehensible than the 300% multiplier.

Crosby stated his concern is that the ordinance needs to be workable. He stated that they have not discussed maintaining buffers. He stated that it is more time consuming and expensive than maintaining turf. He stated he wonders if neighbors will keep their buffers in the same way and it will be an administrative issue in the future.

Weir stated that typically wetlands are downhill. She stated that the Wild Meadows subdivision has expensive houses that overlook the wetland areas. She stated that it is an attractive look. She stated that starting from scratch is very different than encroaching on the wetlands.

Crosby stated his concern is that there will be a fair amount of raw planting.

Weir stated that it takes time for wetlands to get established, but the maintenance after that is minimal.

Smyth stated that the establishment period is about 3 years. He stated that after it is established the maintenance is quite a bit less than maintaining a lawn.

Crosby stated he is concerned if neighbors will maintain the wetlands the same way. He stated he would like to see homeowners associations be responsible for the maintenance of buffers.

Weir stated that it is costly to correct the impaired waters.

Johnson stated that they are imposing a cost on the homeowners for the wetlands by imposing a fee for the stormwater utility.

Crosby stated they are exempting wetlands from the fee.

Weir stated that the buffers around the wetlands are also exempted.

Kellogg stated that the wetlands and the buffers would be exempted from the stormwater utility fee.

Johnson stated that for the second set of triggers there isn't an easement to file. He stated that the easement only applies to new development.

Cavanaugh stated that he thinks the table is okay, but he would like to see a maximum of 200% in terms of the area. He stated that the minimalist wetland was previously discussed. He stated that he would like to see the ordinance apply to wetlands over a tenth of an acre.

Crosby inquired about the State rating and their lowest number. Smyth stated that it is 400 square feet unless a person is within the shoreline district. He stated that within the shoreline district it is 100 square feet. He stated that is the amount they allow a person to fill without mitigating.

Crosby inquired about the smallest size of designated wetlands. Smyth stated a wetland that is about 2,000 square feet might be missed.

Weir inquired about how that compares to a quarter of an acre. Kellogg stated that it is 10,892 square feet.

Johnson stated that the minimalist rule that Smyth was referring to is for 2,000 square feet.

Cavanaugh stated that he thinks the City should have a minimum amount of a tenth of an acre, which is about 4,000 square feet.

Adams inquired if there would ever be a preserve status for a 4,000 square foot wetland. Smyth stated that there would be.

Cavanaugh stated that the wetland would be guaranteed to be preserved because it would be mitigated 2:1. Smyth stated he would suggest that the City follow minimalist requirements in the Wetlands Conservation Act.

Smith stated her concern is the lack of setbacks for accessory structures. She stated she is concerned about determining if the best management practices are followed. She stated the Council members are not experts and the best management practices should be based on guidelines set by experts.

Finke stated that the information would be provided and inquired if Smith was concerned about the information not being followed. Smith stated that she would like it to be done by an objective authority. She stated she is hoping that they can educate the residents.

Bruce Workman, 2212 Chippewa Road, stated he has been interested in protecting the wetlands for the long term environment. He stated that he heard there isn't a cost involved. He stated that on his property of 78 acres, 35 of it is high ground. He stated that the remaining is a DNR preserve wetland. He stated that with the calculations it further decreases the amount of land by 10 acres. He stated that there are better ways to preserve the wetlands. He stated that the flexibility allows for better quality with best management practices. He stated that he also sees another flaw, which is related to the small wetlands. He stated that there needs to be other methods for mitigation. He stated that a moratorium might be necessary to allow the ordinance to be done well. He stated that the City isn't that large where Staff wouldn't be able to look at each parcel individually.

Bob Trojen, 3525 Pioneer Trail, stated that he thinks residents own property in Medina because they like the wetlands and rural nature. He stated that there are neighboring cities that grandfather in land owners of record prior to making subdivision. He stated that he would like the Council to consider making the subdivision the trigger.

Crosby clarified that if someone isn't doing anything to their property, then nothing needs to be done to the wetlands.

Trojen stated that in his case he bought a single family parcel and a significant portion of it will be lost in easements. He stated there can still be tremendous gains for the City given there is a large amount of developable land. He stated Delano asks that when development occurs the easement is put into an outlet, which allows for consistent grooming of the buffers. He stated that when he purchased the property he bought it with a set of expectations. He stated they wouldn't be allowed to use the wetland area and would have to pay for the maintenance. He stated the discussion is simple when the trigger is subdivision. He stated that it could be readdressed in the future if there haven't been enough benefits.

Crosby stated that in general, it is standard for things to remain as they are until a resident proceeds in making changes.

Trojen stated he would agree, but the difference is that this is a taking of property through ordinance and it is devaluing the property.

Smith stated that it is not devaluing the property.

Trojen stated that when a person buys a property, it is then removed by the City who has dominion over it, and requires the property owner to pay for it, so it does devalue the land.

Smith inquired about which watershed district Trojen is in. Trojen stated he isn't sure.

Smith stated that the watershed district would state that there is a buffer. She stated the City is starting to act as the watershed district so that plans for building would not need to go to the watershed district.

Finke stated he would need to check with the Pioneer-Sarah Watershed District, but he doesn't think that a new single family home would trigger their buffer requirements.

Crosby clarified that Trojen doesn't think the buffer requirements should be triggered by anything other than subdivision.

Dave Neuman, Bancor Development, stated he serves on the rules committee for the Minnehaha Creek Watershed District. He stated he thinks there is general consensus that they will go to the values process of determining classifications, but they have not addressed setbacks. Neuman stated there are a number of things that determine the effectiveness of a wetland. He stated a study has been done that found doubling a buffer doesn't necessarily double the effects. He stated that when they acquired the Hendry property there wasn't an ordinance in place. He stated that they chose to follow the Minnehaha Creek Watershed District because it is the strictest. He stated that he is concerned about adding the setback on top of the buffers because setbacks may be appropriate for some areas and not for others. He stated in the situation of townhomes, encroachment may not be an issue. He stated that the City is already imposing a larger buffer than what is required by Minnehaha Watershed District. He stated that there should be discretion to reduce the setback as there is for modifying a buffer. He stated that he thinks the setback should be eliminated. He stated he doesn't think that there is enough science to determine a defined standard. He stated that there are a lot of changes in techniques that are being developed. He stated the home owners in Wild Meadows pay about \$1,000 per year, which is primarily used to maintain the wetland buffers and the prairie restoration areas.

Abdhish Bhavsar, 2105 Chestnut Road, stated they are proposing an accessory structure, which would still meet the requirements of the proposed ordinance. He stated that the Planning Commission discussed other ideas for the setbacks in the areas affected by accessory buildings.

Finke stated that the Planning Commission discussed a 10 foot setback and a 15 foot buffer. He stated that they also discussed using different setbacks for the principal structure and for all other structures.

Crosby inquired about the reasoning behind a smaller buffer for an accessory structure. Finke stated that the buffer wasn't different, but the trigger was different.

Bhavsar stated that Minnehaha Watershed District had allowed single family lot owners to be separated from the other trigger mechanisms. He stated the primary source of the impact is from farming up to the wetlands. He stated he thinks that owners who bought properties, knew what they wanted to do with them, and had a period of time to do it so they should be grandfathered in. He stated that two big functions of preserving the wetlands are water protection and the wildlife. He stated there are effective engineered ways to deal with stormwater runoff. He stated that a rain garden that is utilized to

effectively deal with stormwater in a scientific manner should have merit. He stated that buffer zones are easy for cities to administer because they are quantifiable. He stated that they are planning to engineer the rain gardens for the driveway and principal structure on their property. He stated that they have dedicated half of their yard outside of the buffer, wetlands, and setbacks to native plantings. He stated that much of their wetlands consist of canary grass. He stated that credit could be given to people who choose to preserve the wetlands. He stated that the best way to preserve wetlands is to reserve acres of land for years without development. He stated that this will get wildlife to habitat better than a buffer zone would.

Susan Seeland, representing Stonegate Farm property in Medina, stated she is representing her family farm corporation, Stone Gate Farm. She inquired about who would hold the easement. Crosby stated the easement would be on the buffer and would be held by the City.

Seeland stated that a buffer on a Manage 3 wetland can be very small. She stated that it seems as though resources could be better allocated than to have a requirement to plant a buffer around a Manage 3 wetland. She stated that maintenance is costly and time consuming. She stated she thinks that requiring all wetlands regardless of their quality or type is a misuse of resources. She stated that Smyth's letter stated that Manage 3 wetlands don't have any of the characteristics of a Manage 1 or a Manage 2 wetland. She inquired about the definition of a minor subdivision, if it means a division by State statute, and if it would trigger the installation of a wetland buffer.

Batty stated that he isn't sure that the ordinance deals with it. He stated that the statute defines subdivision as anything that is at least 20 acres in size for residential property. He stated that they could subdivide the property according to State law without triggering the City's subdivision regulations. He stated that the City should consider that issue and whether the ordinance should cover that type of subdivision.

Crosby inquired about how the subdivision would occur for the Seelands. Seeland stated it is being done in the event that they would like to sell a portion of their property. She stated it isn't being done with the intent to build something or for a subdivision review. She inquired about how the ordinance applies to a piece of property that is being farmed and will continue to be farmed.

Crosby stated that the farming would need to be interrupted.

Smith stated that they wouldn't be able to farm the wetland.

Seeland stated that the agricultural laws allow a person to farm.

Crosby stated there are limitations in agricultural property as to the City's ability to regulate.

Seeland stated that they are located in agricultural preserve.

Smith inquired if farmers are allowed to farm into wetlands. Smyth stated that farmers can farm into wetlands, but it is difficult to do.

Crosby stated that they couldn't tile the land. Smyth stated that they couldn't, nor could they put in new ditching. Smyth stated that there is a smaller buffer on a Manage 3 to provide the basic nutrients for the wetlands. He stated the wetlands eventually flow downstream.

Seeland stated there are wetlands that are landlocked and don't flow anywhere.

Smyth stated that the Minnehaha Watershed requires all wetlands to be buffered.

Crosby stated the two issues Seeland brought up are if the State's large acreage provision supersedes the ordinance and the ability to farm wetlands.

Smyth stated that the Wetland Conservation Act determines the ability to farm the land.

Crosby stated that these issues need to be thought through further.

Finke stated that he assumed the subdivision falls under the ordinance.

Weir stated the purpose should include the protection of wetlands. She stated the last sentence of it should state: "Protecting wetlands and regulating land uses around them is therefore in the public interest."

Smith stated she would like the setbacks for all structures to be noted on page 6 of the ordinance.

Crosby stated that on page 7, the minor subdivisions should be clarified. He stated the issues brought up by Seeland would be addressed in this section and would cause the lot to be unbuildable.

Smith stated that on page 7, letter (C) refers to principal structures.

Crosby inquired if on page 8, (ii) should be changed so that is more specific. He stated the discretionary language in b (iii) should be reviewed.

Johnson inquired if constructing a driveway would be considered redevelopment. Weir stated that it is exempted elsewhere in the ordinance.

Johnson stated that the language should be more clear on page 7 to note that all of the standards need to be met.

Weir inquired if the exemptions on page 8, letter (c), (iii) should state that it renders the parcel unbuildable instead of encompassing the entire parcel. She stated that it currently appears to be a very restrictive standard. Finke stated that changing it would require the ordinance to define what would make the parcel unbuildable. He stated that there isn't an objective way for a parcel to be unbuildable.

Weir inquired if a parcel could be made unbuildable through this ordinance. Finke stated that it is possible.

Weir stated she doesn't think that the City should do that.

Smith stated that there is a minimum of 5 acres of suitable soils required in order to build. She inquired if there would be 5 acres of wetlands.

Johnson stated the Tuckborough project that was recently approved had 1/100 of an acre extra. He stated if buffers had been applied, he thinks they would have had one less lot.

Crosby inquired if buffers are included in high land. Finke stated that they wouldn't take away suitable soils.

Cavanaugh stated that if there is a 1 acre lot with small wetlands on it and the buffers and setbacks were included, there wouldn't be any land left and would cause the lot to be unbuildable.

Weir stated that it would then go to a variance.

Cavanaugh stated that even if it isn't being subdivided, but is being added onto, it would become unbuildable through this ordinance. He stated that dealing with it through a variance is costly and it may be easier to deal with it through the ordinance.

Finke stated that if the parcel is literally unbuildable, the parcel is exempt from the ordinance.

Crosby stated the current language doesn't clearly state that the parcel is exempt. He stated that the definition of unbuildable should be included.

Weir stated that they shouldn't make any parcels unbuildable through this ordinance.

Smith stated that someone may have subdivided their land and already made it unbuildable.

Crosby stated that he thinks these parcels do exist. He stated that if the intention is to render a lot to be unbuildable, the ordinance should state that.

Weir stated that they will need to define unbuildable.

Finke inquired if the current definition is acceptable for unbuildable. Crosby stated that it is not.

Johnson inquired about the implication of the ordinance for meeting the density requirements for the Met Council. Weir stated that it will be compromised and it may require building to go up and not out.

Johnson stated that given the amount of wetlands within the City, it will compromise the building of subdivisions, streets, and sewers.

Smith inquired if these issues were considered during the comprehensive plan. Cavanaugh stated the buffers weren't considered.

Crosby stated he is concerned about stopping development during the winter because of the pre-November test requirements.

Smyth stated that under the State rules a letter can be sent stating a wetland delineation is incomplete because the delineation needs to be done during the growing season.

Crosby clarified that it is a discretionary decision and inquired about who makes the decision that it is incomplete. Smyth stated that it is determined by the City.

Smith stated that if it was an unusual year, the wetland delineation could still be completed if it were beyond that specified time period.

Crosby stated that if a disagreement were to occur between the City and the applicant, then the applicant would need to wait until the next growing season.

Finke stated that the City wouldn't even agree because it is outside of the growing season so the delineation couldn't be reviewed. He stated it is part of the ordinance that exists currently.

Crosby inquired about how much additional work the City is requesting the applicants to do for the new procedures.

Finke stated that it depends if the applicant would be using the 50 feet or if they would like to calculate the area. He stated that completing the MnRAM assessment or disagreeing with the MnRAM assessment would be additional work.

Weir stated that it is about an hour of work.

Smyth stated that most of the City is done.

Weir stated that some property owners didn't allow the assessments to be done.

Finke stated that there are costs for the filing of easements.

Smith stated the chart on page 10 should include addressing the setbacks for structures other than the principal structure.

Cavanaugh stated that page 10 may be an appropriate place for the table from the Staff report that shows the different wetland sizes.

Crosby stated that on page 11, (e) they discussed the discretion of the Council.

Weir inquired about including the chart. Crosby stated that the language would be incorporated with the chart.

Weir stated that defining the section about downgradients should be addressed.

Crosby inquired about the reason that only dead and diseased trees that pose a hazard should be removed. Weir stated that woodpeckers have their habitat in dead and diseased trees.

Johnson stated that if they are Dutch Elm, they are spreading a disease. Weir stated that we should only be buying disease resistant elm.

Crosby stated the issue is during the winter when all of the dead trees are visible.

Johnson stated he would suggest that leaving Dutch Elm trees violates the current guidelines published by many communities on how to treat Dutch Elm.

Weir stated she doesn't think they want to uniformly remove all dead trees because they serve an ecological function.

Crosby inquired about a situation where trees are taken down by beavers. Weir stated that those trees could be removed.

Crosby stated according to the language in the ordinance the trees couldn't be removed because they don't pose a hazard.

Finke stated that it wouldn't mandate the trees to be removed, but it would allow the trees to be removed.

Crosby stated that the current language doesn't allow for those types of trees to be removed.

Weir stated that as long as it doesn't mandate the removal, she would be okay with the change in the language.

Crosby stated he doesn't know about the model for the sign dimensions, verbiage, and artwork.

Weir described the location of signs for a restored prairie in Orono.

Finke inquired if the concern is to not have signage or to have the signage be more specific. He stated that there will be standards for the signage. Crosby stated he would like it to be delineated.

Weir stated that a post in the ground wouldn't provide people with what it stands for or what it represents.

Smyth stated that he prefers the signs. He stated that when development occurs the developer places the signs and the buyer then knows the location of the buffer.

Crosby stated he will make a list of the conceptual issues. He stated this item will be on the agenda for April 15, 2008 Council meeting.

**C. Conditional Use Permit for 8,400 sq. ft. Accessory Structure in Rural-Residential Zoning District- Abdhish and Mary Bhavsar, 2105 Chestnut Road**

Benetti demonstrated the location of the property and the proposed location of the building on the property. He stated the footprint for the two-story structure is 8,400 square feet. He stated the site is 19.7 acres and is zoned and guided rural residential. He stated the location is screened through topography and existing woodlands. He stated a number of similar CUPs have been approved in the area. He stated the fire marshal requested a fire access road to the barn. He stated that the Bhavsars have

proposed a rain garden near the accessory structure. He stated the exterior material is corrugated steel and there is a 10 foot canopy around a portion of the barn. He stated the proposed structure is about 32 feet from the assumed wetland edge and would meet the requirements in the draft of the wetland ordinance. He stated that part of the canopy may be in the rain garden and could be required to not impose on it if the CUP were to move forward.

Crosby inquired about the width of the rain garden. Benetti stated it ranges from 20 to 30 feet. He stated the top area is designated as a play area with an internal staircase, not a living space and no restroom. He stated the Planning Commission requested a secondary location be found for the barn. He stated that the alternate site is in a large grove of trees. He stated that Staff recommends approval. He stated that the applicant will be planting additional trees. He stated the plan was granted unanimous approval by the Planning Commission.

Smith stated that her understanding of fenestration is different. She stated that fenestration is not necessarily another horizontal line, but it would break up the length of the building, such as by using dormers. She stated she has an issue with the height. She stated that the red on the barn makes it appear larger.

Benetti stated that they did speak with the Planning Commission about dormers and the color.

Smith stated that she thinks the Planning Commission didn't have an issue with the size.

Weir stated that the Planning Commission didn't have any tools to deal with the size.

Crosby stated he thought the plans included skylights.

Benetti stated that the latest plans do include skylights.

Smith stated that the natural light is better than artificial light.

Weir inquired if the purpose of the south canopy is to break up the line of the building. She stated that it increases the roof runoff area. Benetti stated that the purpose is to break up the massiveness of the size and for additional storage underneath it.

Weir inquired if the grading would be evened out on site or if it would be carried out. She stated that there should be a grading plan for a building this size. Benetti stated that there will probably be some excess. He stated it is something they could work out when the permit is issued.

Weir stated that she thinks there could be some burming on the east side, but it may be more of an impact on the wetland. She stated the barn is going to be built on the main pasture and the other pasture is on the east side of the property across the wetland. She stated it would require the horses to be taken onto Chestnut Road and then releasing them into the pasture. She stated that she doesn't think this property can support 6 horses.

Benetti stated that currently the ordinance is silent on the number of acres per animal. He stated that the City assigned a number unit for the number of allowable pasture acres

for the Turnquist application. He stated the industry standard is one acre per one horse. He demonstrated the location of uplands on the property. He stated that this property has about 5 to 6 acres of non-wetland. He stated that creating a new pasture would involve cutting down a lot of trees.

Weir inquired about the size of the eastern pasture. Benetti stated it is about 2 acres.

Weir stated that some of it would be fenced back from the wetlands, which would diminish it further.

Johnson stated that the old pasture is currently designated as wetland. Benetti demonstrated the location of the wetland.

Crosby stated the site plan indicates a steep grade.

Johnson stated that when he walked around the property, there is a level area.

Weir stated that they were given an incomplete wetland delineation. She stated that horses cannot be left in stalls.

Johnson stated that there is overgrazing in a few places in Medina.

Smith stated that just because it has happened in the past, doesn't mean it needs to continue happening.

Cavanaugh stated that he thinks the issue is the ratio of animal units to grazable acres and it should be addressed through an ordinance.

Johnson stated that a rational standard should be created.

Weir stated that the standard applied for the Turnquists could be applied. She stated that it is being called a barn, but the barn is actually an accessory use to a recreation center.

Cavanaugh stated that it is an accessory structure.

Smith stated that isn't what the ordinance was intended for.

Johnson stated they can't regulate the use of the accessory structures.

Weir stated that every time an accessory structure is built, it inspires more of them. She stated she would like the City to consider regulating the size of the structures in the future. She stated that Bhavsar acknowledges that he was inspired by the building across the road.

Crosby inquired if the Council would like to move the location to the alternative location. Johnson stated he would like it to remain in its existing location. He stated the proposed fire access road is through a large grove of trees.

Weir stated the existing road goes to the southwest corner of the proposed building.

Benetti demonstrated the location of the proposed road.

The Council concurred that the location should remain the same and the access road should avoid trees.

Crosby inquired about the City's specifications on the landscaping. Benetti stated that there aren't any other than the discretionary rights of the City.

Crosby stated that landscaping could break up the view and it should be included in the conditions.

Benetti stated that one of the conditions addresses the trees.

Smith inquired about the type of trees. Benetti stated that the condition states all coniferous trees, but no more than 25% of the same species.

Crosby inquired if Council wants coniferous trees. Benetti stated that conifers provide year around coverage.

Smith stated that oaks do as well. She stated that when they worked with the Target Corporation, they recommended a variety.

Crosby stated the final plan needs to have trees that provide four season screening and requires the land owner to maintain them.

Weir inquired if they should specify how many trees. Crosby stated that one of the approval elements should be a landscaping plan.

Smith stated that she is concerned about the length of the building. Johnson stated that the size is accentuated because of the scale of the siding and inquired if it is an accurate representation.

Abdhish Bhavsar, 2105 Chestnut Road, stated that it is roughly to scale.

Johnson stated that 10 inch siding would be more in scale with the size of the building.

Smith inquired about the reason the building has two different colors of siding. Crosby stated he likes the two different colors.

Johnson stated that the roof between the first and second floor breaks up the vertical height. He stated that larger fascia would also break up the vertical height.

Cavanaugh stated his understanding that the applicant has discussed the plan with the neighbor, including the visual aspects on the side of the building with two colors.

Crosby stated that they do need to consider subsequent owners and standards for the City. He stated that he thinks the overhang will look better in person than it does on the plans. He inquired if the siding and fascia should be included in the conditions.

Smith inquired if there is any other way to break up the height.

Crosby stated that vertical elements could be added. He inquired if there is anything else that should be added to the conditions.

Johnson stated that there should be a landscape plan.

Benetti inquired if there should be a variety of trees on the landscape plan. Crosby stated that there should be a variety.

Benetti stated that the Planning Commission didn't have a recommendation about a steel roof or shingles.

Crosby stated that the steel roof shouldn't be shiny.

Weir inquired if a steel roof can be made not to shine.

Christian Dean stated that the roof is painted.

Johnson inquired about the color of the roof and if it is similar to the drawing. Dean stated that it is planned to be similar.

Crosby stated that the roof should be non-reflective.

Smith stated that environmentally a steel roof is a better choice.

Crosby inquired about the inter-connection to the proposed wetland ordinance. Adams stated the wetland ordinance won't be approved until at least April 15. He stated that if the Council wants the wetland ordinance to be passed first, then this could have a condition that states upon publication of the ordinance it could be approved.

Batty stated that the Council could wait to approve it until the wetland ordinance is approved. He stated the review deadline for this is the end of May.

Smith inquired if they could require it to meet certain rules because it requires a CUP. Crosby stated that it is easier to have it subject to the new rules.

Adams inquired if it could be done upon publication of the wetland ordinance. Batty stated that it could be done that way, but it would be cleaner and his preference would be to have it approved after the wetland ordinance is effective. He stated the only issue would be if the wetland ordinance wouldn't be adopted.

Crosby stated that he thinks it should be acceptable to have a rain garden within the setback.

Smith stated she would agree and that it should be considered a best management practice.

Crosby stated his concern about the amount of animals is with subsequent owners. He stated that he spoke with the applicant and the applicant is interested in using the accessory building as a recreation center. He stated he thinks Benetti should work on setting a standard for livestock.

Cavanaugh inquired if there needs to be more of a global understanding of livestock. Crosby stated that there does need to be a global understanding, but there won't be time before this application.

Cavanaugh inquired if since it is a CUP, there could be a condition that would require the conformity for any livestock ordinance that will be developed.

Smith stated that there is already a history for the livestock.

Cavanaugh stated he thinks that this application needs to be linked to a global understanding.

Weir stated that if there are 6 stalls built, a future owner will expect to have 6 horses.

Batty stated that one of the ways to address it is to state that the CUP does not grant any rights to the number of livestock and this owner and future owners will need to comply with the existing ordinances.

Crosby stated that there is a limited amount of pasture area and they don't want overgrazing or crib trees.

Weir inquired about the additional conditions. Crosby stated that there should be a landscaping plan, livestock intensity standard, broader fascia, and a dark matte finish for the roof.

Cavanaugh stated he would like the livestock to conform to whatever the livestock ordinance is in the future.

Crosby inquired if it would be legal to require that. Batty stated that he thinks it is and the City is trying to state that they wouldn't be grandfathered in to a new ordinance.

Bhavsar stated they have taken serious consideration of the recommendations from the Council and the Planning Commission. He stated they have spoken with the neighbors about the appearance and the location of the building. He stated that none of the neighbors will be able to see the barn from their properties. He stated that they plan to plant Black Hill Blue Spruce trees that are 10 feet on center in a zigzag pattern. He stated the building will be 20 feet lower than the height of their house. He stated that they have offered to buy the Turnquist's property adjacent to the Bhavsar's if they ever choose subdivide the property. He stated that the original plan was to build a white barn with steel, which is similar to their house. He stated that they were specifically asked by the Planning Commission and the neighbors to alter the appearance to make it look like a barn. He stated the paint is a very high quality paint and the roof material is superior. He stated the building is not a pole barn. He stated it is a steel and concrete structure. He stated they have had a rain garden engineered by a wetland biologist for the stormwater runoff. He stated that the building is smaller than two other recently approved buildings on smaller lots. He stated they would like to request that they are able to maintain current fencing.

Crosby stated that the Council has informally agreed to the building that Bhavsar just described.

Bhavsar requested that wording for condition 8 allows them to maintain the current fencing. He stated that the only current animals they have are ducks. He stated that they are one of the requirements for good habitat within wetlands. He stated the two main pastures have been used for many years and they are requesting that they be able to use them. He stated that they are using a wetlands biologist who is recommending how to rotate the animals on the pastures. He stated that they want to rehabilitate the area and are being proactive. He stated that he anticipates the rain garden will be larger after the final grading is done. He stated he doesn't understand why the application should be delayed until the wetland ordinance is approved since they are exceeding it.

Crosby stated that they would probably follow the designation of the area meaning that if it is designated as a wetland, then it will be treated as a wetland.

Smith stated that the rain garden needs to be put in according to the plan that is submitted.

*Moved by Weir, seconded by Cavanaugh, to direct Staff to prepare a resolution for a Conditional Use Permit for 8,400 sq. ft. accessory structure in rural-residential zoning district- Abdhish and Mary Bhavsar, 2105 Chestnut Road with the amended conditions. **Motion passed unanimously.***

Crosby inquired when this would be brought back to the Council. Adams stated that it would be brought back to the May 6, 2008 Council meeting.

#### **D. Appointment of Design Services Consultant for Rainwater Nature Area**

Adams stated that the City received two quotes for the services. He stated that there was a working group that scored both of the proposals and the committee recommended Fortin Consulting. He stated that the intent is to have a final design before the Council at the end of the month.

*Moved by Smith, seconded by Weir, to approve the agreement between the City of Medina and Fortin Consulting, as requested. **Motion passed unanimously.***

### **VIII. CITY ADMINISTRATOR REPORT**

#### **A. Shoreline Restoration Program**

Adams inquired if sweat labor should be included as part of the property owner's matching contribution. He stated he proposed that half of the 25% match could be sweat labor. Adams stated it would then require some monetary contributions from the property owner.

Crosby stated that there should be some cash. He inquired if there is a limitation of the total funds the City can spend. Adams stated that there isn't a limitation per property because the properties are unique.

Crosby inquired about how the City is sure they don't overspend. Adams stated that there is a budgetary cap per the grant agreement and the City's budgeted allocation.

Adams clarified that the sweat labor language would be clarified in the program and application.

*Moved by Weir, seconded by Smith, to approve the Lake Independence Shoreline Restoration Program, as requested. **Motion passed unanimously.***

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

Weir stated she spoke with Gramercy residents about the future land use plan and the staging plans. She stated that they have 5 vacant units and are looking for assistance with signage to sell the vacant units. She stated the right turn lane painted on CSAH 101 when driving north is hazardous. She stated that they are interested in having the delineation of the turn lane changed.

Crosby inquired if there is an independent turn lane there. Weir stated that she wasn't able to look at it.

Scherer stated that they will look at the turn lane.

Weir stated the residents on the ground floor in the southwest corner requested that when the road is redesigned the County consider placing sound barriers. She stated the residents inquired about the unfunded mandates. She stated that there was interest in how the residents could have Loretto hook up their sewer.

Smith stated that as residents they should be calling the MPCA.

Weir stated that she told the residents that she would check with Staff.

Smith inquired about receiving a report for the crossing. Adams stated that they have met with Hennepin County officials and have recently sent a letter to Hennepin County requesting another meeting.

Smith stated that she met with the new transportation person from Plymouth who reminded her that they have West Hennepin Dial a Ride. She stated that a recent Lake Minnetonka magazine had an article about Anne Rockler Johnson.

Crosby stated the Board of Appeals is April 2, 2008.

Adams stated that he thinks there will be less than a handful of people that will attend.

Smith inquired about a situation she had contacted staff about. Adams stated that they didn't find a process for it. He explained that a resident called and requested that their taxes for 2008 be reduced.

Crosby stated that there is way to do it, but it is not done by the City.

Batty stated that it is not something that will be done at the Board of Appeals meeting.

Weir inquired if they are requiring people to complete forms and do comparables if they are going to protest the assessments.

Adams stated there is an application that they are requested to complete, but it is a policy question about whether or not to enforce it.

Weir stated it is recommended that people come prepared by looking at comparable sales of properties.

Cavanaugh stated that it would be good because it will make them go through the process to understand it.

Crosby stated that he thinks they should discuss at the meeting tomorrow night that it will be a process going forward. He stated that the agenda for the next meeting will include Tamarack Drive, Uptown Hamel, and the wetland ordinance. He stated that on clean-up day he will be leaving early.

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

*Moved by Smith, seconded by Weir, to approve the bills, order check numbers 032213-032260 for \$355,908.35, e-check numbers 000202E-000209E for \$24,676.80, and payroll check numbers 020162 for \$1,048.81 and 501122-501150 for \$38,940.43.*

***Motion passed unanimously.***

Johnson inquired about the upcoming CUP for Skyrock Farms. He stated that there will probably be more discussion about the livestock units and he would like Staff to put some more thought into it. He stated that it is a site that is significantly overgrazed.

Weir stated it is the City's opportunity to require manure management.

Smith stated she thought that there was some manure management requirements after the last time Skyrock Farms was in.

Benetti stated the addition that is being proposed is for an additional carousel.

Johnson stated that the issue needs to be brought to the attention of the residents.

Cavanaugh stated that all of the cities near Medina have ordinances for animal units.

Adams stated that they will be entering a closed session to discuss the acquisition of property or trail easements for the following parcels: 4003 Apache Drive; 2392 Pioneer Trail; 4365 County Road 16; 4345 County Road 16; 812 Meander Road; 3939 County Road 116; and 3839 County Road 116. He stated entering the closed session will be City Attorney Ron Batty; Council Members Carolyn Smith, Joe Cavanaugh, Liz Weir, and Dan Johnson; Mayor Tom Crosby; City Administrator Chad Adams; Planning Director Tim Benetti; City Engineer Tom Kellogg; and Public Works Superintendent Steve Scherer.

The Council entered closed session at 11:35 p.m.

The Council entered open session at 11:49 p.m.

The City Administrator was directed to continue discussions with parcel owners related to the acquisition of property or trail easements on properties listed above.

**XI. CLOSED SESSION: ACQUISITION OF PROPERTY**

**XII. ADJOURN**

*Moved by Weir, seconded by Johnson, to adjourn the meeting at 11:50 p.m. **Motion passed unanimously.***

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T.M. Crosby, Jr., Mayor

Attest:

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Chad M. Adams, City Administrator-Clerk