

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 6, 2008

The City Council of Medina, Minnesota met in regular session on May 6, 2008 at 7:02 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Smith, Weir, and Johnson (arrived at 7:04 p.m.).

Members absent: Cavanaugh.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, Planning Director Tim Benetti, Associate Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to remove item April 29, 2008 Special Council minutes from the agenda.

It was requested to add item 9A3 Xcel Energy Statement of Work to Administration.

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

IV. APPROVAL OF MINUTES

A. Approval of the April 15, 2008 Special City Council Meeting Minutes

Johnson arrived at 7:04 p.m.

It was noted on page 1, the tenth paragraph, it should state: "The Council ~~reached consensus~~ agreed..."

It was noted on page 1, the eleventh paragraph, it should state: "The Council ~~reached consensus~~ agreed to add show a dual..."

*Moved by Weir, seconded by Johnson, to approve the April 15, 2008 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the April 15, 2008 Regular City Council Meeting Minutes

It was noted on page 2, the sixth paragraph, it should state: "Crosby questioned...Adams clarified that the \$752,000 was referring to the 2007 sale of the Feder property and ~~it~~ the language would be revised."

It was noted on page 4, the fourth paragraph, it should state: "Crosby advised that ~~the~~ his concern..."

It was noted on page 8, the fourth paragraph, it should state: "Smith stated that it would be a political discussion and would center on what the cost of ~~their souls is~~ losing the City's soul is."

It was noted on page 9, the fifth paragraph, it should state: "Weir advised that she ~~was for the~~ could accept the utility easement but not ~~so much for~~ the trail easement..."

It was noted on page 14, the eighth paragraph, it should state: "Crosby stated...he would be in favor of regulating down ~~favor~~ gradient buffers...He explained that the purpose of the setback is not ~~environmental~~ ecological directly but indirectly related to ~~keeping~~ protecting the buffer..."

It was noted on page 15, the sixth paragraph, it should state: "Crosby advised...He explained that because the person already owns the property, ~~they~~ the property would be exempt from..."

It was noted on page 15, the seventh paragraph, it should state: "Weir ~~questioned if~~ stated they should..."

It was noted on page 16, the second paragraph, it should state: "Smith thought...Crosby advised that he would like an answer to the ~~seal and~~ Seeland large acre exemption."

*Moved by Weir, seconded by Smith, to approve the April 15, 2008 regular City Council meeting minutes as amended. **Motion passed unanimously.***

C. ~~Approval of the April 29, 2008 Special City Council Meeting Minutes~~

This item was removed from the agenda.

V. CONSENT AGENDA

- A. Approve Fire Alarm Agreement for Hamel Community Building with Mill City Security**
- B. Authorize Grant Submittal to 1,000 Friends of MN for Community Planning Assistance**

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

VI. PRESENTATION

A. Loren Kohnen, City Fire Marshal- Fire Inspection Update

Kohnen stated that all of the fire inspections were completed and they went well. He stated that all commercial buildings and commercial stables were inspected. He stated that the commercial buildings are inspected annually. He stated that they distributed handouts to each of the commercial building owners about Section 1306. He stated that they are working on inspecting homes. He stated the tree planting went well and noted that Public Works planted additional trees. He stated that he and Jeff Pedersen would like to thank Public Works for their work with the trees and Adams and the Council for their work.

Weir thanked Kohnen and Pedersen for their work.

JoAnn Ferris inquired about a house that was set on fire by the fire department. Kohnen stated that they need to find out if there are any hazardous materials and then the house will be removed.

Crosby inquired if it was a practice fire. Belland stated that it was and it will be removed shortly and a new house will be built.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Madeleine Linck stated that there will be a park tour on May 7, 2008 with a focus on the parks that will be worked on this year. She stated they are working on the trail study and have received a good response for the birdhouses.

C. Planning Commission

Victoria Reed stated that at the upcoming meeting they will discuss the request from Skyrock Farms for an accessory structure; request from Greenhaven Stables to replace an existing barn; request from Three Rivers Park District to construct camper buildings; and an ordinance amendment for Uptown Hamel.

Smith inquired about the amount of hard cover remaining in Three Rivers Park District. Adams stated that the City will clarify the remaining amount from Three Rivers.

Smith stated she would like to discuss a moratorium for accessory structures at this Council meeting.

VIII. OLD BUSINESS

A. Tamarack Road Vacation

Crosby stated that there was agreement that portions of the road would be vacated; to keep a utility easement, and to retain a trail easement along Tamarack Rd. He stated there was some strong feeling to vacate the road up to Hamel Road.

Smith stated that there wasn't agreement to keep the trail and utility easement.

Adams stated the Council previously held a discussion regarding Tamarack and demonstrated the location of the road and the easements. He explained the various options presented in the memorandum.

Crosby inquired about the preservation of the 46.5 feet. Adams stated that preserving the 46.5 feet would allow a road to be built to the Jubert or the Wessin property when and if developed.

Smith inquired about the need to provide access through the middle of the land. She stated that the property owners previously brought in a plan for development that didn't include the road. She inquired if the County requires the road to be in the middle of the property.

Kellogg stated that the County wouldn't, but a road down the middle would provide access to both properties and it is good engineering practice to minimize the number of roads with access to Hamel.

Crosby inquired about who would be in favor of a roadway.

The Council concurred that a roadway for segment A in Option 3 would be appropriate, but not south of segment A.

Smith stated that she thinks it is a bad idea to leave a portion of the road with the thought that the City could get what it needs when it is developed.

Johnson stated that preserving segment A preserves the City's options.

Crosby inquired about the Council's view on the utility easements.

The Council agreed that a utility easement should be retained.

Crosby inquired about the Council's thoughts on the trails. Smith stated that there is a trail planned to the west and trails should not go through wetlands. She stated she is not in favor of a trail through Tamarack.

Crosby stated he is not in favor of a trail.

Weir stated she is not in favor of a trail.

Johnson stated he is not in favor of a trail through wetlands, but he is in favor of retaining the options for trails. He stated he thinks it is good for the community to have a trail network.

Smith stated that she thinks all of the easements should be vacated to avoid the possibility of it being used for other purposes. She stated if the properties develop, she doesn't think the road would be built in that location.

Crosby stated the trail map that was developed to include potential locations for trails.

Smith stated that this has been one of the potential north/south routes through the City. She stated she would prefer to have the easement vacated.

Adams stated that at the comprehensive plan open house there were questions about the right of ways and the cartway easement because they physically show up on maps. He inquired if the retention of drainage and utility easements would appear on the map.

Batty stated they would be on the utility easement map, but not the right of way map.

Adams stated that they wouldn't appear on the transportation map as an indicator that a road would be there. He stated that they could wait until the properties develop, but the risk is that they don't know what will happen between now and development.

Smith stated she doesn't think that it is the best location for access to Hamel Road. Kellogg stated that the engineers aren't stating that it is the best place for access, but it is an acceptable access.

Johnson inquired about the need for a four-way stop due to the potentially large number of houses.

Weir stated that the fire marshal may not allow one access route for that many houses.

Johnson stated he would be willing to give up the trail easement as long as the trail rights are retained elsewhere.

Johnson inquired about the issue of retaining segment A. He stated he would like to preserve segment A for the road and segment C for the cartway easement.

Adams stated the City would retain the cartway easement for drainage and utilities. He inquired if 10 feet from the Jubert plat would be adequate for drainage and utilities.

Kellogg stated he thought the drainage and utility easement was adjacent to the right of way. He stated the result would be a severed parcel.

Batty stated that west of segment A there is a utility and drainage easement. He explained the effect on the Jubert property of vacating the right of way easement for segment A.

Kellogg demonstrated the location of the easements.

Johnson clarified that the Council is discussing leaving segment A of Option 3 alone and vacating the road easement in segment B, but retaining utility easements.

Crosby inquired about the appropriate footage for utilities. Kellogg stated that 20 feet would be adequate.

Adams inquired if the 10 feet of existing utility and drainage easements would be shifted. Crosby stated that it would.

Batty stated the result would be vacating the 33 feet of cartway easement, vacating the right of way easement of 30 feet that was dedicated by the plat, and vacating the adjacent 10 foot utility and drainage easement in return for a 20 foot wide utility easement.

Smith stated that it should be 10 feet on each property.

Crosby stated that nothing would happen with segment C.

Batty stated that when property is vacated it goes to the previous property owner, but that isn't the case in this situation for the remaining cartway easement in segment C of Option 3 and it would be returned to someone who isn't an adjacent property owner.

Moved by Weir, seconded by Johnson, to direct Staff to prepare a resolution to vacate the entire right of way and cartway easement of segment B in Option 3, and the existing

10 foot drainage and utility easement and replace it with a 10 foot utility easement on the Jubert property and 10 foot utility easement on the Wessin property for the entire span of segment B in Option 3, as requested.

Batty stated that in the past, the resolution has been worded to state that the vacations are subject to the replacement easements.

Motion passed unanimously.

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

Finke stated the changes to the ordinance include changing the “other activities” buffer threshold to 1,000 square feet of additional buffers; clarification of triggering the ordinance through land use applications; and delaying the implementation.

Smith inquired if there are setbacks in the existing ordinance. Finke stated that the setbacks vary between the districts. He stated that Staff suggested a minimum setback of 25 feet from the wetland edge for any new construction.

Smith inquired about the delayed implementation. Finke explained that it would only apply to certain activities and be adopted when the ordinance was approved.

Smith inquired if the watershed districts have setbacks. Finke stated that they have buffer requirements for certain types of development.

Smith inquired if the watershed districts have a buffer for a new house. Finke stated that most of them do not for single-family homes built on vacant property.

James Wisker, Minnehaha Creek Watershed District representative, stated that they do not have buffer requirements for single-family use. He stated the main trigger is the stormwater management permit.

Weir clarified that the buffers would apply to single-family homes. Wisker stated that they don't, but it would apply to subdivisions. He stated the district is reviewing the regulatory policies.

Crosby inquired if the Minnehaha Creek Watershed District will be switching to functions and values. Wisker stated that the wetlands can have various ratings and the citizens' advisory committee requested a weighted system to determine the widths of buffers. He stated there was a study completed to determine the point of diminishing return for the wetlands.

Crosby stated he is disappointed that the City isn't receiving more leadership from Minnehaha. He suggested that the Council should move forward and when Minnehaha has completed their work the City could compare its ordinance with Minnehaha.

Wisker explained the process and the timeline they are working on. He stated that the City's would need to adopt their regulation or a more stringent regulation within two years of completion of the Watershed Ordinance.

Finke stated an additional change to the ordinance includes a 5-foot accessory structure setback, which is different from the 15-foot setback of principal structures. He stated potential language could state, "any wetland under 1,000 square feet in size does not require the upland buffer zone described in this section."

Crosby stated that Cavanaugh would like the amount to be 4,000 square feet, but he would be in favor of 1,000 square feet.

Finke stated that a multiplier would be a way to address the concerns about small wetlands.

Crosby stated he would like the language to be added and he would like the maximum multiplier to be 200%.

Weir inquired about the average width of 1,000 square feet with a 200% multiplier. Finke stated that it would be about 10 feet. He stated that any wetland under 1,000 would not require a buffer.

Crosby clarified that it wouldn't require a buffer, but the wetland could not be disturbed.

Finke stated the issues to be resolved include setbacks for large accessory structures and the multiplier.

Weir requested a definition for de minimus be in the ordinance.

Crosby stated the term wouldn't be in the ordinance, but the ordinance would state 1,000 square feet. He stated the language "the purpose of the buffer setback is to protect the upland buffer zone" to the definition of buffer setback in Subdivision 2(b). He inquired about the minimum of 25 feet from the edge of a delineated wetland in Subdivision 3(b)(ii) and noted there is a circumstance where 20 feet could be the minimum. Finke stated the absolute minimum would be 20 feet.

The Council agreed that the minimum should be 20 feet.

Finke stated there is a smaller setback on things that don't trigger the ordinance.

Crosby stated Subdivision 3(E)1 should state "result in the removal of more than 50 percent of the market value of a the principal structure."

Weir stated she would like Subdivision 3(F) to state "Any project that involves the draining, filling, excavation, intrusion into, or alteration of wetland; or"

Crosby stated that his understanding is that a person can modify a wetland less than 50 cubic yards.

John Smyth, Bonestroo, stated that it isn't related to the Wetland Conservation Act rules, but a specific amount of square footage could be modified.

Crosby stated that the ordinance is tough and doesn't allow for flexibility. He stated that he would like the de minimus from the statute to be retained.

Johnson stated it would be good to have the ability to replace culverts.

Crosby explained a scenario where two catch basins could be placed on either side of a culvert to catch the sediment within a wetland.

Johnson stated that it would be better for wetlands to have the catch basins.

Kellogg clarified that the catch basins are not cement basins.

Crosby stated would like to know if anyone has a deminimus standard and incorporate it into Medina's ordinance. Smyth stated there are a number of exemptions within the rules, including a deminimus exemption.

Wisker stated the Wetland Conservation Act regulates converting a wetland to a non-wetland. He stated it falls to the cities to regulate activities in wetlands that aren't conversion activities.

Weir inquired if someone could interfere with a high value wetland. Wisker stated that if it is high value it is difficult to show that the work done would be an improvement to the wetland.

Crosby stated a qualifier could be added to include anything less than 50 cubic yards; repair infrastructure; or improve the functioning of the wetland.

Johnson inquired about the language for Subdivision 3(G). Kellogg stated the term "below" refers to it being below the elevation.

Crosby suggested that in Subdivision 3(iv), the language should state "Activities described in subdivision...section which ~~are commenced prior to~~ a building permit has been issued for..."

Weir inquired about the time delay and if the 20 feet would be applicable. Finke stated it would.

Smith stated the standards should be the same or higher in the new ordinance.

Weir stated that there should be some protections for the wetlands.

Crosby stated the purpose is to allow people to build on existing lots.

Weir stated that they should be able to build, but there should be some protection of the wetlands. She stated she thinks that there is a default of a 20-foot setback.

Finke stated that there is a minimum 20-foot setback requirement.

Crosby inquired about the 20-acre subdivision. Batty stated that the ordinance matches the statutory requirements.

Crosby inquired about the definition for wetland buffers. Finke stated a wetland buffer could be identified by one of the watershed districts or by a CUP from the City.

Crosby stated that it should be defined in the ordinance.

Weir inquired about the intention of a conservation easement. Finke stated that it needs to be required by another entity.

Weir stated that School Lake has a 152-foot easement and has two houses that drain into it. She inquired about a potential scenario, where another house could be built and it would drain into another wetland. She stated in this scenario it wouldn't make sense to exempt the development because there is a conservation easement if the development affects a different wetland. She suggested the language "However, if a new development drains to a different wetland, the upland buffer zones and setbacks would apply."

Johnson inquired if there could be two wetland buffers on a property.

Weir suggested language for Subdivision 3(d)(v). Crosby stated the language "Any agricultural activity exempted under this ordinance from the requirement for a wetland replacement plan under state law."

Batty explained the purpose is to add to the existing Wetland Conservation Act.

Crosby inquired if "wetland replacement" is a defined term. Smyth stated that it is a defined term.

Batty stated that the language could refer to the Wetland Conservation Act.

Smith inquired about the reason the City may require a certified wetland delineator. Weir stated the City should require a certified wetland delineator.

Crosby stated Subdivision 5(a) should state "If a new...In the event that the zoning district regulation different from the following table the standards or procedures described within the zoning district regulations shall be required." He suggested that Subdivision 5(b) state "If an activity...a minimum width of 15 feet adjacent to the portion of the land downgradient to the activity shall be required for all Wetland classifications. ~~The Upland Buffer Zone must be adjacent to the portion of the Wetland downgradient from the activity.~~ The Upland..."

Weir suggested the language to be "The Upland Buffer Zone shall be required for wetlands to which the area of the proposed activity directly drains unless best management practices are used, then only the portion downgradient from the proposed activity requires a buffer."

Crosby stated he thinks that is too regulatory.

Weir inquired if Subdivision 5(d) allows for no buffers along some parts of the wetland. She inquired if there needs to be a minimum amount along the wetland.

Finke stated that there is a minimum width required.

Crosby suggested that Subdivision 5(e) include buffer setbacks. He stated that this would allow for more flexibility. Crosby stated it would allow the Council discretion for the setback as long as it doesn't fall below 75%.

Finke stated the difficulty with flexibility would be to have the setback formalized in the future.

Crosby inquired if there is a minimum setback. Finke stated that there is a minimum setback of 15 feet for principal structures and 5 feet for accessory structures.

Weir stated there is a lot of flexibility already.

Smith stated that they have allowed a lot of flexibility compared to neighboring communities.

Crosby inquired if the buffer setback should be in Subdivision 5(g). Smith stated that structures wouldn't be allowed in the right of way.

Crosby stated there isn't any discretion for alterations to wetlands. He stated there should be a procedure to allow for specific situations to maintain wetlands within the buffers without variances.

Finke stated that Subdivision 10 allows activities that improve the wetland to be completed with approval of the City.

Batty stated that it was specifically intended to allow for non-variance activity.

Johnson inquired about a prairie restoration buffer around the wetland and its maintenance including burning and cutting it down. Weir stated that it would be appropriate to do both.

Finke stated that the maintenance doesn't require the approval from the City.

Crosby stated that he would like Subdivision 10 to include approval from the City for maintenance.

Weir stated she would like Subdivision 6(b) to include manure. She inquired about the size of the poles in Subdivision 6(b)(viii). Johnson suggested that the support poles not be larger than 8 inches.

The Council agreed that the poles shouldn't be larger than 8 inches.

Johnson inquired about changing the width of the mowable pathway from four feet to five feet.

Weir stated she thinks four feet is adequate.

Smith requested the width of the trail disturbance in Subdivision 6(b)(ix) to be six feet instead of nine feet.

Crosby stated that there are times when big equipment is used.

The Council agreed to have a width of six feet.

Weir suggested that Subdivision 8(b)(i) state “A plan sheet...The city may requires silt fencing...grading and construction; silt fencing must be removed when plantings are established and soils are stable.”

Crosby stated his understanding is that silt fencing is to be removed and it should be consistent with the other regulations in the City.

Johnson stated the north shore of School Lake has a ten-foot path around it.

The Council agreed to change the width of paths to eight feet.

Crosby stated Subdivision 10(d) should define wetland banking by referring to the Wetland Conservation Act.

Weir inquired if the ordinance could be approved at this point. Batty stated he thinks it would be better to have the changes made by the Council then it could be on the consent agenda for an upcoming meeting.

Smith clarified that the deleted portions don't decrease the current standards.

Moved by Weir, seconded by Smith, to direct Staff to prepare the wetland protection ordinance as directed and bring it to the Council in the Consent Agenda, as requested.

David Newman, Bancorp Group representative, stated that Subdivision 8(a)(ii) defines vegetation performance that can't have less than 5% of exposed soils. He stated that a wooded buffer can be a good buffer, but it would result in more than 5% of exposed soils.

Weir stated there could be an exception for wooded wetlands.

Smyth stated that they use good judgment and there will be open space under the canopy of wooded wetlands. He stated the 5% is for the open areas.

Motion passed unanimously.

1. Resolution Authorizing Publication of Ordinance by Title and Summary

No action was taken on this item.

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

Benetti stated the changes that were requested by the Council have been made. He stated the animal units are consistent with the USDA standards. He stated that they received an updated wetland report from Smyth. He stated the accessory structure would meet the proposed wetland ordinance. He stated the Council needs to determine if 1 or 2 posts from the overhang would be acceptable in the rain garden.

Weir stated the overhang doesn't serve a purpose and reducing it to seven feet would meet the wetland requirements.

Benetti stated he spoke with Bhavsar and the architects agreed that it would appropriate to reduce it.

Smith stated that seven feet would be adequate.

Crosby inquired about the fencing requirements for the wetlands. Benetti stated the fencing would need to protect the wetlands from grazing.

Weir inquired if the proposed wetland ordinance would apply to the grazing.

Benetti inquired if the building plans should be modified to require the overhang to meet all setback requirements.

Johnson stated the site location could be adjusted or the overhang decreased.

Weir stated that moving the building would require extra grading and impact the wetlands.

Crosby stated it would move it further from the wetlands.

Moved by Smith, seconded by Weir, to approve the resolution approving the conditional use permit for Abdhish and Mary Bhavsar for construction of an accessory structure at 2105 Chestnut Road with the condition that it not encroach in the setback, as requested.

Abdhish Bhavsar stated that reducing the size of the overhang would be fine. He stated the manure management plan has only been applied to commercial uses and not single-family homeowners. He stated they won't have as many animals as a commercial use. He stated that if it is applied to every single family home it would be fine. He stated they have been proactive about best management practices throughout the process.

Weir stated the animal units will be applied uniformly in the future.

Crosby stated he is aware of one non-commercial operation that has manure management plan.

Weir stated the water impairment issues require the City's attention. She stated that CUPs stay with the land and would impact future owners.

Crosby stated that there isn't a way to regulate the animal units unless the residents make a request from the City.

Batty stated that it depends on how the ordinance is created.

Bhavsar stated that he is puzzled because a neighbor had a similar circumstance, but didn't have any of the same restrictions. Crosby stated that the neighbor didn't build a new building, but had a change in use.

Benetti stated that manure management plan was added because of the issues with Skyrock Farms and the intent is to find out about the plan for dealing with the manure. He stated that it doesn't need to follow the MPCA plan, but it should follow best management practices.

Bhavsar stated that the State defines the plan differently than Benetti described.

Johnson suggested having a minimum threshold of animal units that triggers a manure management plan.

Crosby stated that it is up to the City and the resident to negotiate the plan.

Batty stated the conditions don't require a MPCA plan.

Smith stated there could be guidelines developed for the hobby farmers.

Bhavsar inquired about access to the fire access lane and the setback from the wetland. Benetti demonstrated the location of the road approved by Kohnen.

Batty stated the issue is that building the accessory structure will apply to the wetland ordinance.

Benetti stated that it is in compliance to the wetland setbacks.

Adams stated the location of the access lane could be clarified and advised bringing the resolution back to the next meeting for approval.

Bhavsar stated that the fire marshal has approved three different roads. Benetti stated the updated plans have been reviewed by Kohnen and was approved.

Smith withdrew the motion.

*Moved by Weir, seconded by Johnson, to approve the resolution approving the conditional use permit for Abdhish and Mary Bhavsar for construction of an accessory structure at 2105 Chestnut Road with the condition that it not encroach in the setback, as requested. **Motion passed (3-0-1, Smith abstained).***

IX. NEW BUSINESS

A. Hamel Road Improvement

1. Resolution Accepting Bid for Hamel Road Improvement Project

Adams stated the action requested in the resolution. He stated the Council should discuss the brick pavers, electricity and banners/brackets.

Crosby stated he thinks the entire street should be paved, but not have banners, additional light standards or electrical.

Weir stated the City could wait to put in the brackets until the guarantee of the lights is over.

Adams stated that they could wait until donations come forward.

Smith stated she doesn't like the banners.

Kellogg stated the pavers couldn't be approved because there isn't a formal change order. He clarified this could come back to the next meeting.

*Moved by Smith, seconded by Johnson, to approve the resolution accepting the bid for Hamel Road improvement project and direct Staff to process a change order for brick pavers for the length of the street, as requested. **Motion passed unanimously.***

2. Approve Qwest Billing Proposal to Relocate Cable Facilities

Adams explained that the Qwest billing proposal is to relocate their facilities.

*Moved by Weir, seconded by Smith, to approve the Qwest billing proposal to relocate the cable facilities, as requested. **Motion passed unanimously.***

3. Xcel Statement of Work

Adams clarified that the Xcel statement of work requires 50% of the payment up front. He explained that 100% was initially required up front, but was negotiated down.

*Moved by Smith, seconded by Weir, to approve the language requiring 50% of the payment up front, as requested. **Motion passed unanimously.***

B. Ordinance Amending City Fee Schedule- Establishing fees for Wetland Regulations- Public Hearing

Adams stated the reference to the financial guarantee should be stricken.

Crosby opened the public hearing at 10:34 p.m.

*Motion by Johnson, seconded by Weir, to close the public hearing was closed at 10:34 p.m. **Motion passed unanimously.***

*Motion by Weir, seconded by Smith, to approve the ordinance amending the City fee schedule establishing fees for wetland regulations with the financial guarantee stricken, as requested. **Motion passed unanimously.***

1. Resolution Authorizing Publication of Ordinance by Title and Summary

*Moved by Smith, seconded by Weir, to approve the resolution authorizing publication of ordinance by title and summary, as requested. **Motion passed unanimously.***

C. German Liberal Cemetery

Adams stated there has been a formal request from German Liberal Cemetery for the City to take over the maintenance responsibilities and/or full control of the cemetery. He stated there was an economic analysis completed by the City's intern last summer.

Ann Thies stated the history of the cemetery. She stated there are many children buried there without markers. She stated they have been cleaning it up and making it more presentable. She stated the new part of the cemetery has been platted, but the old part has been left alone due to the unknown location of all of the burials.

Crosby inquired about the number of burials since Tom Anderson. Thies stated that there have been about 35 burials since and there are about 95 more plots bought. She stated there are by-laws and regulations. She stated that the only statutes that apply are the ones from before 1900. She stated currently there is approximately \$67,000 in the perpetual maintenance fund.

Crosby inquired about the cost of the buying a plot. Thies stated that it is \$600 and anyone who buys a plot is a part of the association. She stated there are not many volunteers to do the work.

Crosby inquired if the City would also take over the funds if it were to take over the cemetery. Thies stated that the board has discussed deeding the cemetery to the City and transferring the funds to the City.

Crosby stated that the City has the option, but not the obligation to take it over. He stated that he thinks there would need to be a limit to who could be buried there and suggested that it be limited to relatives of current lot owners.

Weir stated that she doesn't think the cemetery will reach its capacity.

Smith stated that the cemetery doesn't comply with the current ordinance and that it wouldn't be appropriate to own property that isn't in compliance.

Crosby stated that he thinks the statute is designed to prevent cemeteries from being abandoned.

Batty stated that it is to prevent them from becoming derelict.

Smith stated she doesn't think that there should be additional activity occurring if the City would own it. She stated she would like to have additional input from the neighbors.

Crosby inquired about the people who have purchased the plots. Thies stated that it is mostly people from Plymouth.

Smith inquired about how the amount for the plots compare to Lakewood. An audience member stated Lakewood cemetery can begin at \$1,300.

Thies stated Lakewood includes other services.

Smith stated that it is different if it is inactive and abandoned.

Weir stated that the suggestion of a sunset provision makes sense and the City doesn't want it to be derelict.

Smith stated the issue is if the City should run it.

Crosby stated the issue is that there are responsible owners who are concerned about the future.

Johnson inquired if the City would have the ability to limit the amount of sites sold and retain the current funds.

Crosby inquired about the availability of the current volunteers. Thies stated that she thinks they would be willing to assist in the transfer and with the Memorial Day service.

Weir inquired if the transfer would be phased in. Adams stated that it would be preferable.

Weir stated it would be good to have the software established.

Crosby stated it would be appropriate to notify the neighbors. He inquired if adopting a sunset provision would be acceptable.

An audience member stated that it would need to be discussed by the board.

Crosby stated he thinks that this would take care of a historic location and doesn't put the City in the cemetery business.

Smith stated another issue is the narrowness of the road and there should be a limit on the amount of burials.

Thies stated that she has people park on the shoulder of the road.

Adams stated he will work with Thies to set up a public discussion before the Council at a later date.

Weir inquired about how this works with the current cemetery ordinance. Adams stated analysis has been conducted on the future health and safety issues and not zoning issues. He clarified staff will follow up on the zoning implications.

D. Park Commission Appointment

Smith stated the recommendation is to appoint Peter Lecy.

Johnson inquired if there is a 3-year residency requirement. Adams stated he would check.

X. CITY ADMINISTRATOR REPORT

A. Clean-Up Day Report and Resolution Recognizing Clean-Up Day Volunteers

Adams stated the material that was passed out was well received and there would be more information for the Council in the future.

*Moved by Weir, seconded by Johnson, to approve the resolution recognizing volunteers for Medina's annual clean-up day, as requested. **Motion passed unanimously.***

Weir thanked Staff for their work and efforts for clean-up day.

B. Open Space Ordinance Update

Adams stated he has been working with Embrace Open Space and they may be willing to work with the City to guide them through an ordinance, but they would like to have clear direction from the Council including the type of ordinance it should be. He stated the Council also needs to discuss how the wetland ordinance will fit with this ordinance.

Weir stated she would like it to be incentive based.

Crosby stated he would like it to be incentive based because there are a number of ordinances that are regulatory.

Smith stated the timing and the point system could be tools. She stated that she thinks low impact development should be required and not incentive based.

Susan Seeland stated she spoke with Jeff Schoenbrauer from Brauer and Associates about speaking to the Council about ways to develop tools that would be beneficial to the community and the City.

Crosby stated he would like to get the contact information and it would be good to look at his credentials and previous work.

C. Accessory Structures

Smith stated she is concerned about the amount and size of accessory structures coming forward. She stated that they are for non-traditional uses. She stated she doesn't think the City has enough flexibility with the requirements. She stated some cities have the maximum size of the buildings correlate with the lot sizes.

Weir stated that there is one coming that is for traditional use.

Smith stated she thinks the City will lose the rural nature with the continued building of large buildings.

Crosby stated he would be in favor of an acreage size proportion, but not a maximum limitation.

Smith stated that she thinks there needs to be a moratorium for accessory structures unless it is for replacement.

Weir inquired if the one coming forward is for commercial use. Benetti stated it is for private use now with the possibility of commercial.

Weir stated that the Council had previously discussed the accessory structure ordinance. Benetti stated he has some information about the things the Council would like to see in the ordinance.

Weir stated that she doesn't think it was decided to have limits on the size of the structure based on the acreage. She stated she thinks that this would be good to do.

Johnson stated this accessory structure is bigger than the one it is replacing.

Smith stated they need to know if the land can support the animals. Crosby stated the animal units will be regulated.

Weir inquired where the ordinance is in the priorities of being addressed. Adams stated it is scheduled for fall 2008 drafting but that it could become a higher priority.

Benetti stated the application could be before the Council in June.

The Council directed Staff to make the accessory ordinance a higher priority.

Adams stated the stormwater utility open house was held and there were 5 attendees. He stated a draft ordinance will be brought before the Council and public comment has been solicited.

Crosby suggested a question/answer sheet be included with the first bill.

Adams stated the I-94/Northwest Chamber has opened in the former Adams' Pest Control building. He stated there has been legislative talk about a property tax cap and levy limits.

XI. MAYOR & CITY COUNCIL REPORTS

Crosby stated there should be a wind turbine ordinance. Adams explained the ordinance is scheduled for fall 2008 drafting and the City has discretion with the Hennepin County request for a wind turbine because it is a PUD application.

Crosby inquired about the CR 116/TH 55 intersection. Adams stated it will be before the Council on May 20.

Weir inquired about the hooks and railings in the community center. Scherer stated that the City is looking at installing it, but the height needs to be determined.

Adams stated Park Commission only needs to have 1 year of residency.

*Motion by Weir, seconded by Smith, to appoint Peter Lecy to fill the remaining 7 months of vacant Park Commission seat through the end of 2008, as requested. **Motion passed unanimously.***

XII. APPROVAL TO PAY THE BILLS

Adams stated that the Xcel Energy bill needs to be included in the amount of \$242,835.50 prepayment for the Hamel Road utility work.

Moved by Johnson, seconded by Weir, to approve the bills, order check numbers 032337-032423 for \$215,115.13, e-check numbers 000217E-000231E for \$55,157.06, payroll check numbers 020166-02169 for \$4,433.03, and payroll direct deposit for \$501182- 501239 for \$81,272.00.

Crosby stated that the auditors will come before the Council on June 17, 2008.

Motion passed unanimously.

Ron Carlson, 1382 Hunter Drive, stated that there is constant reduction in the commercial locations to board horses. He stated it then is up to the owners to resolve the situation of where to board the horse, which may be on their property.

Johnson inquired about the name of the place that was boarded by the watershed. Carlson stated the goal is wetland protection.

XIII. ADJOURN

*Moved by Weir, seconded by Johnson, to adjourn the meeting at 11:03 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk