

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 20, 2008

The City Council of Medina, Minnesota met in regular session on May 20, 2008 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Cavanaugh, Smith (arrived at 7:03 p.m.), Weir, and Johnson.

Members absent: None.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, Planning Director Tim Benetti, Associate Planner Dusty Finke, Finance Director Jeanne Day, 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 pull item 5C from the consent agenda.

It was requested to add item 9A3 Hamel Road Change Order No. 2 to New Business.

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

Smith arrived.

IV. APPROVAL OF MINUTES

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

*Moved by Weir, seconded by Johnson, to approve the April 29, 2008 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the May 6, 2008 Regular City Council Meeting Minutes

It was noted on page 3, the third paragraph, it should state: "JoAnn Ferris...find out if there are any ramifications hazardous materials and..."

It was noted on page 5, the second paragraph, it should state: "Smith stated she ...best location for ~~the~~ access to Hamel Road..."

It was noted on page 5, the third paragraph, it should state: "Johnson inquired about the need for a four-way stop due to the potentially large number of houses."

It was noted on page 6, the second paragraph, it should state: "Moved by Weir,...cartway easement of segment B in Option 3, and ..."

It was noted on page 7, the second paragraph, it should state: "Wisker explained...within two years of its completion of the Watershed Ordinance."

It was noted on page 14, the third paragraph, it should state: "Weir stated the City could wait to put in the brackets until the guarantee of the lights is over."

It was noted on page 15, the seventh paragraph, it should state: "Crosby stated...buried there and suggested that it be limited to relatives of current lot owners."

It was noted to acknowledge receipt of James Wisker's comments from the Minnehaha Creek Watershed District for the record. Wisker clarified that he stated the MCWD does not require wetland buffers for the construction of a new single family home where the only permit triggered is erosion control. However, if other rules were triggered such as work in the floodplain or waterbody crossings, wetland buffers could be required on a single family home lot. Wisker also stated in response to management classifications that the District composed a Citizen Advisory Committee of 20 individuals from varied backgrounds to ensure adequate stakeholder input throughout the process. The initial proposal to the group was to base wetlands on management classifications, however since the group recognized that wetlands can be in the same management classifications for various reasons, ie: preserve wetlands can be preserve based on wildlife habitat or water quality, the group opted for a performance based approach which would base wetland buffer widths on all of the relevant criteria opposed to just management classifications.

*Moved by Weir, seconded by Johnson, to approve the May 6, 2008 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Amendment to Election Equipment Agreement By and Between Hennepin County and the City of Medina
- B. Approve Change Order No. 2 and Authorize Final Pay Request to LTP Enterprises, Inc. for Well No. 5 Project
- C. Approve Joint Powers Agreement for Republican National Convention Police Protection By and Between the City of St. Paul and City of Medina
- D. Approve Change Order No. 1 to Hamel Road Reconstruction Project
- E. Approve Agreement for Water Tower Maintenance Services with Tight Rope
- F. Approve Agreement for Rainwater Nature Area Restoration and Management Services with North American Prairies
- G. Approve LMCIT Liability Waiver Form
- H. Approve Amended Investment Policy
- I. Resolution Designating an Additional Institution for Investing in the City's Idle Funds
- J. Resolution Authorizing Execution of Agreement for Safe and Sober Communities
- K. Resolution Vacating Portions of Tamarack Drive and Related Easements

Smith asked to remove item F from the consent agenda

Crosby asked to remove item K from the consent agenda.

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

C. **Approve Joint Powers Agreement for Republican National Convention Police Protection By and Between the City of St. Paul and City of Medina**

Item removed.

F. **Approve Agreement for Rainwater Nature Area Restoration and Management Services with North American Prairies**

Smith inquired about the removal of the weeds. Scherer stated that they will be applying Round-Up to the existing vegetation. He stated that they will start planting where the dirt has already been removed and then herbicide the other portions.

Smith inquired if most of the area under the compost was dirt recently regarded to shape the park. Scherer stated that it was.

Moved by Smith, seconded by Weir, to approve agreement for Rainwater Nature Area Restoration and Management Services with North American Prairies, as requested.

Motion passed unanimously.

K. **Resolution Vacating Portions of Tamarack Drive and Related Easements**

Crosby stated that he would like there to be a section stating that the City is keeping the cartway over the lower portion.

Adams identified the language created to address this.

Weir inquired if a map could be added. Batty stated that there are six maps that demonstrate the various aspects of the vacation. He stated the vacated portions are explicitly named.

Cavanaugh stated that he is concerned about the lack of a possibility for a trail and the cost is unreasonable. He stated that previously residents who have requested vacations of easements have been charged for the cost. He suggested that the residents who requested this should pay for this.

Weir stated that it is a large group and not a single person's request.

Crosby stated that this situation is unusual and contributions could be requested.

Adams stated the cost will be about \$10,000 or \$15,000.

Cavanaugh stated that it is against typical policy for the costs associated with the vacation to be borne by the City and it is unfair to other residents to go against this policy and have the costs paid for by the general fund.

Smith stated that it is in the best interest of the City and necessary for the public good. She stated the issue is the potential of the north/south route.

Johnson stated that there is a potential benefit of increased property values and if that is the case, then benefiting property owners should take the vacation.

Smith stated that there is potential that property values will decrease.

Weir stated that there should be a policy moving forward.

Cavanaugh stated that it is a current policy.

Weir stated that she thinks it is too late to have the people who requested it pay for it.

Batty stated that the resolution states that the City looked at a number of options and describes the decision that was made.

Crosby stated that he isn't excited about the City paying for it and he would be willing to contact one of the proponents about paying for it. He inquired about when the exact total will be known. Adams stated it would be in about a month or two. He advised that the Council should be careful about the appropriateness of Council members asking for donations.

Batty stated he would need to think about the donations.

*Moved by Weir, seconded by Smith, to approve the resolution vacating portions of Tamarack Drive and Related Easements, as amended. **4 ayes (Johnson, Weir, Crosby, Smith) - 1 nay (Cavanaugh). Motion passed.***

VI. PRESENTATION

A. Farmer Market Report- Administration Intern Kim Ann

Kim Ann stated the definition; the rewards; opportunities for the community, city, local growers, small businesses, local talent, and residents; ways to establish; the organization; legal considerations; market considerations; and city support of a farmers' market. She stated that Staff is requesting direction to begin a farmers' market in 2009.

Crosby inquired about the demand. Ann stated there hasn't been a study done for the demand, but it has been requested in the past by the Uptown Hamel Business group.

Weir stated that it is early for it to occur in Uptown Hamel.

Smith stated that at the Lion's flea market they sell fresh produce.

Johnson stated there is a kiosk in Loretto and Delano.

Crosby stated he is a proponent of farmers' markets, but he is reluctant to add another duty to Staff.

Smith stated that bringing in locally grown foods is good, but there is a co-op that is starting up and they might be interested in doing a kiosk and the Lion's have a market. She stated that the co-op and Lion's might want to work together.

Crosby inquired about the number of truck farmers in Medina. Smith stated a trend is to grow specific items. She stated that she would prefer it to be a community organization that does it and not Staff.

Cavanaugh suggested the Hamel Community Center as a potential location.

Ann stated the decision of a location is secondary and the primary concern is finding someone to do it.

Johnson stated that one of the City's goals is to increase the activity in Uptown Hamel. He stated the City should support the farmers' market.

Weir stated the report could be given to the Uptown Business group.

Adams stated the issue was brought up about a year ago to commit City staff to coordinating a Market and did not receive Council support, but was stated as a goal at the 2008 goal setting session, and Staff would like direction about facilitating it or managing it.

Smith stated she thinks it is inappropriate for Staff to manage it.

Cavanaugh inquired about the number of hours the City would be willing to dedicate to it. Adams stated an intern could lead it with a full-time Staff person cross-trained.

Ann stated that the average hours would be about 1 to 2 hours per week.

Cavanaugh inquired if there would be enough vendors. Ann stated that she would have to contact the businesses. She stated that a satellite market would be a good way to get it started.

Crosby stated that a roving market may be successful.

Johnson suggested that they contact Delano and Excelsior for a group or association that would extend their market to Medina.

Ann stated a spot analysis of the residents would be a good way to find out the base of interest.

Crosby stated that when it is established at a regular time and day people will go to it.

Cavanaugh stated that a critical mass of vendors is important.

Weir stated that the time of day should be considered.

Crosby stated that Ann should look at the organizations and the time that would be best for the City.

Smith stated that Saturday mornings or weekday evenings would be best.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

Eleanor Degman, 100 Clydesdale Trail, encouraged the residents and Council members to attend the planned meeting for Erickson's Retirement Community at Plymouth Creek Center on May 22 and May 29. She stated that the development will impact Medina. She stated that if the development were to occur, she would like the entrance to the property to be from the Plymouth side.

Crosby stated they discussed this as part of the special session and there will be a letter discussed at the next Council meeting regarding the development and traffic. He stated Plymouth's formal plan shows a less intensive use than Erickson's proposal.

Benetti stated that Plymouth isn't content with the proposed density.

Smith stated the church will have a large impact on the area.

B. Park Commission

Ben Benson stated they completed the park tour. He stated they are pursuing a new idea for the fountain at Hamel Legion Park. He stated there will be a rain garden at Holy Name Park this summer. He stated they will be discussing the trail study at the next meeting.

Smith stated she has information about another business for the fountain.

C. Planning Commission

Jeff Pedersen stated they had a public hearing for a CUP for an addition at 2825 Willow Drive with the recommendation of approval. He stated there is an existing manure problem that the owners are working on. He stated there was a public hearing for a CUP and variances for Greenhaven Stables, LLC. He stated the item was tabled. He stated there was a public hearing for a CUP amendment for Three Rivers Park District to construct camper cabins with the recommendation of approval. He stated they will be discussing the zoning ordinance pertaining to regulations for Uptown Hamel's zoning district.

Smith inquired if animal units are being discussed for the accessory structure. Benetti stated that the same standards for the animal units and the manure management are being applied.

Cavanaugh inquired if a formal policy will be established. Adams stated that the accessory building ordinance revisions has been moved forward on the list of priorities.

Benetti stated that the animal units could be addressed in the conditional uses of large accessory buildings.

Cavanaugh stated that he thinks there should be a broad ordinance for animal units.

Adams stated that it could be addressed in the rural residential ordinance.

Smith inquired if there is consensus from the Council to have the animal units in the rural residential district.

The Council concurred that there should be animal unit standards, but it needs to be determined where.

Adams stated staff will report back on where the animal unit language should be placed.

VIII. OLD BUSINESS

A. Ordinance Pertaining to Wetland Protection and Regulations Amending Sections 828.43, 831.05, and 831.07

Weir inquired if Subdivision 3(c)(F) should include intrusion into a wetland due to construction. Finke stated that the change would trigger the buffer requirements.

Johnson stated that it is standard to have a fence during construction.

Cavanaugh stated he doesn't want there to be unintended repercussions.

Weir stated her intent is to protect the wetlands and inquired if there is a requirement to fence off the setback.

Crosby inquired about the impact during the creation of a wetland.

Johnson stated the Minnehaha Creek Watershed requires a silt fence any time construction is done near a wetland.

Finke stated that Subdivision 4 may be a better location to include language about the measures for minimizing the impact.

Adams clarified that letter I would be added to Subdivision 4 to address the protection of wetlands during construction. The Council concurred with the change.

Weir inquired about Subdivision 3(d)(iv) the drainage from an existing easement onto another property. Finke stated that if other properties would further subdivide, then the new requirements would be in effect.

Weir suggested the language in Subdivision 8(a)(ii) read "is covered...5% in cases where native tree and shrub canopy closure of 75% or greater exists; and" The Council concurred with the change.

Finke noted a typo of the date on page 8. The Council concurred with the change.

Crosby stated he would like the term "site plan" in Subdivision 3(c)(B) to be treated as a defined term and to read "Any site plan review required under Medina city code section 825.55." The Council concurred with the change.

Finke stated they received informal feedback from the watershed districts and Minnehaha Creek requires mitigation and buffering for excavating wetlands that don't improve the functions and values. He stated that they will retain regulatory authority for these activities. Finke stated that if digging were to occur in a wetland the City would regulate the buffers, but Minnehaha would still maintain permitting authority.

Johnson stated that the watershed districts aren't going to defer to the City.

Crosby stated that language could be added to state that senior regulating authorities prevail.

Johnson stated this is a good first step, the ordinance can be adjusted, if necessary, but it would be good to see how it goes.

*Moved by Weir, seconded by Smith, to approve the ordinance pertaining to wetland protection and regulations amending Sections 828.43, 831.05, and 831.07, as amended. **Motion passed unanimously.***

1. Resolution Authorizing Publication of Ordinance by Title and Summary

*Moved by Weir, seconded by Johnson, to approve the resolution authorizing publication of ordinance by Title and Summary, as requested. **Motion passed unanimously.***

B. County Road 116/Trunk Highway 55 Intersection Preliminary Layout

Kevin Hoglund, Bonestroo representative, presented the preliminary layout of CR 116/TH 55. He stated they requested comments at the open house regarding the layout. He stated the options for the Council include performing additional studies based on the comments or submit the layout to MnDOT and Hennepin County with the comments. He stated they could then discuss all of the feedback and additional changes. He stated that there is funding dedicated to safety, but additional funding is needed for the project.

Crosby stated the funding is a major issue and inquired if the City could set a limit on the amount of funding they will dedicate. Hoglund stated that MnDOT and the County are open to discussions to receive additional funding from them.

Crosby stated the majority of the benefit will be for non-Medina residents.

Adams presented the potential breakdown of the project costs noting a potential balance of about \$200,000 in local funds needed. He advised these are preliminary numbers and may likely increase in project cost.

Hoglund stated that the right-of-ways, easements, and a traffic signal could impact the cost.

Crosby inquired about the impact of not closing the western access points. Hoglund stated that the plan could be submitted that way, but the agencies will evaluate the benefit.

Weir inquired if they could provide access to the businesses from TH 55 and access out of the businesses on the back roads. Hoglund stated that the plan could be submitted that way.

Weir stated that there is a fairness issue for businesses on the east and west side of the highway.

Hoglund stated that MnDOT has not seen this plan and they may have input about the accesses.

Cavanaugh stated he would like to eliminate the left in and left out accesses.

Crosby inquired about the safety of the accesses. Hoglund stated that MnDOT has guidelines for the distance between access points and they are considering the increase in traffic.

Smith stated that currently there are right turn lanes for the entrances on the east side, but not on the west.

Weir stated she favors the right in access, but the right out access is more dangerous.

Cavanaugh stated that he thinks they should request the right out accesses and the back access roads.

Smith stated that the City shouldn't give up the funding.

Hoglund stated that businesses would be compensated for impact to their businesses.

Crosby stated that he doesn't think a left in access would be compensated. He stated the 2030 plan has all of the accesses closed.

Batty stated that businesses are guaranteed reasonable access.

The Council concurred to request a right in and right out accesses on the east and west side of the road along TH55.

Cavanaugh inquired about a second lane from TH 55 south on CR 115 (Pinto Drive). Hoglund stated it would require additional widening on CR 115 (Pinto Drive) and even with the increase in traffic there probably wouldn't be a need for the additional lane.

Weir stated most of the traffic would be going toward Uptown Hamel.

Hoglund stated the current traffic is minimal.

Cavanaugh inquired if Staff thinks one lane is adequate. Adams stated that Staff hasn't stated any objections to one lane.

Crosby stated some of the closures on CR 116 might be controversial.

Hoglund stated that one comment was to have additional traffic studies completed to determine the flow of traffic.

Cavanaugh stated that the McDonald's would need to reconfigure the building to accommodate the drive-thru.

Hoglund stated that he spoke with the McDonald's owner and there are other potential options.

Weir inquired who would pay for additional traffic studies. Hoglund stated that they are trying to minimize the City's costs and some federal funding can be spent on further development.

The Council concurred to show right in and right out accesses to McDonalds and to show a stoplight on Clydesdale and CR 116.

Hoglund stated that it will be difficult to have a left out from Clydesdale without a stoplight.

Crosby stated the signal is important for pedestrian safety.

Cavanaugh stated that he thinks there should be further discussion with the McDonald's owner.

Hoglund stated that the plan can be sent with the note that not all of the issues have been addressed regarding the accesses.

Cavanaugh inquired if it would be possible to adjust the access to McDonald's prior to sending it to MnDOT. Hoglund stated that it would require further analysis and engineering. He stated the McDonald's owner wants to be a part of the discussions.

Crosby stated that he thinks that they should talk with the owner first.

Weir inquired if there is a difference in elevation between the Countryside Café and McDonald's. Peggy Rasmussen stated that there is.

Crosby inquired about when the plan will be sent to the State and the County. Hoglund stated that the City can take some time to consider it, but any delay may delay the overall project.

Crosby inquired about the length of time after it is submitted. Hoglund stated that it would be about 3 weeks.

Peggy Rasmussen, Countryside Café owner, thanked the Council for their consideration of the businesses. She stated the access on TH 55 has a big impact on the business.

Cavanaugh inquired about what Rasmussen would like to see. She stated she would like the right in and out accesses from TH 55 to remain open.

Todd Leyse, Adam's Pest Control, stated that closing the median access west of CR 116 requires traffic do a U-turn if Clydesdale isn't extended. He stated their old property doesn't have good access off of the new Clydesdale and would only have access through the Countryside Café and/or McDonald's.

Crosby inquired if Adam's Pest Control is a consumer business. Leyse stated it isn't largely, but the tenants need access.

Crosby inquired about Leyse's need for access from TH 55. Leyse stated that currently there isn't a high need, but there could be new tenants with higher needs.

Randy Mayer, 762 Highway 55, stated his business has a high amount of traffic and any closed accesses will impact it. He stated the issue of fairness has been brought up and he has purchased the accesses. He stated he thinks the plan will create an area that looks like Uptown Hamel. He stated that he hasn't been before the Council requesting assistance, but has invested in the community through his dedication.

Cavanaugh inquired about what Mayer would like to see. Mayer stated the closures on CR 116 are unnecessary. He stated the plan requires that the rear access to the property be shared. He stated he acquired the access by purchasing the land. He stated he has about 800 customers daily which are largely from this community. He stated the stoplight on Clydesdale and CR 116 will be interesting. He stated the property owner to the north of him would lose his loading docks and parking lot. He requested equal consideration for his business as for other businesses in the community.

Crosby inquired if the plan should be brought back to the Council.

Cavanaugh inquired about a right in and right out for Randy's off of CR 116.

Weir inquired if they would need to take some land to accomplish that.

Hoglund stated there wouldn't be a turn lane added.

Kellogg stated it would require additional right-of-way.

Mayer stated that he has a number of tanks near the road. He stated the recession is going to have an impact on the amount of traffic. He stated that the Highway 55 Corridor Commission is a lobbying group for federal funds. He stated that if MnDOT wanted the road, they would build it.

Smith stated she doesn't think that MnDOT would leave the access open if there is going to be a stoplight.

Hoglund stated that he was stating Hennepin County's argument.

Crosby stated he thinks they should ask for the access to remain open.

Smith stated that the County will build it to the current engineering standards for safety.

Cavanaugh stated that he thinks they should show it open.

Leyse suggested creating a right turn lane from an existing lane into Mayer's.

Hoglund stated there was a traffic analysis completed to determine the lane configuration.

Weir demonstrated the potential location of a cul-de-sac to provide access to Adam's.

The Council concurred to show right in and right out accesses on TH 55 west of CR 116; a signal at CR 116/Clydesdale; discuss with McDonald's their internal traffic control; cul-de-sac from Clydesdale extending south to Countryside, McDonald's and old Adam's Pest Control; and a right in and right out to Mayer Mobil on CR 116.

Cavanaugh stated that he would like to consider adding an extra lane to CR 115 (Pinto Drive).

Hoglund stated it would increase the width of the railroad crossing and increase the cost.

Rasmussen requested to be included in the internal traffic flow discussion.

The Council concurred to include Countryside Café in the internal traffic flow discussion before submitting to Hennepin County and MnDOT for review.

Smith stated she would like to have the project move forward for the potential of receiving additional funding.

Hoglund stated that if other projects don't occur, then this project could possibly receive the funding.

*Moved by Weir, seconded by Johnson, to send the plan to Hennepin County and MnDOT, as amended. **Motion passed unanimously.***

IX. NEW BUSINESS

A. Hamel Road Reconstruction Improvement Project

1. Resolution Amending Description of Hamel Road Reconstruction Improvement Project

Adams stated the resolution amends the description of the road project to include the portions of the project that will be assessed under the general obligation bonds.

*Moved by Smith, seconded by Weir, to approve the resolution amending description of Hamel Road Reconstruction Improvement Project, as requested. **4 ayes (Johnson, Weir, Crosby, Smith) - 0 nays- Cavanaugh abstained. Motion passed.***

2. Resolution Awarding the Sale of General Obligation Bonds, Series 2008A, Proposed to be Issued in the Original Aggregate Principal Amount of \$2,280,000; Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment

Dave Callister, Ehlers and Associates, stated they have been looking at selling bonds to fund the Hamel Road reconstruction. He provided a memo the Council with the bids and stated that the low bid was from Wells Fargo. He stated the interest rate is lower than expected. He stated the closing date is June 17, 2008. He stated the City has an excellent Moody's rating.

Johnson stated the discount seems a little high. Callister stated that it is consistent with other cities.

Johnson inquired about the advantage of buying insurance to get the Triple A rating. Callister stated it is offered to the purchaser and they have chosen not to do that. He stated that there haven't been very many insured deals lately.

*Moved by Johnson, seconded by Weir, to approve the resolution awarding the Sale of General Obligation Bonds, Series 2008A, Proposed to be Issued in the Original Aggregate Principal Amount of \$2,280,000; Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment, as requested. **4 ayes (Johnson, Weir, Crosby, Smith) - 0 nays- Cavanaugh abstained. Motion passed.***

Johnson inquired about unfunded liabilities in the future. Day stated that the City is in the process of completing an actuarial study.

Johnson stated that it is part of the regulations for GASB and the City should know how much it is and prepare for it.

Day stated she would need to check into the details and report back to the Council.

Crosby stated the issue should be addressed when they discuss budgeting.

3. Hamel Road Change Order No. 2

Adams stated the change order is for the Hunter Drive and Hamel Road intersection for additional water main work and the intersection of Hamel Road and Brockton Lane. He stated that it will eliminate the need to dig up the intersection twice. He stated it would be funded out of the water utility.

Scherer stated they are pushing the water main out of the intersection.

*Moved by Smith, seconded by Weir, to approve the Hamel Road Change Order No. 2.
Motion passed unanimously.*

B. Walter G. Anderson Inc.- Requests for CUP Amendment, Site Plan & Variance to allow a 4,800 sq. ft. building and 9 stall parking expansion; and Preliminary/Final Plat

Benetti demonstrated an aerial photo of the site. He stated the statistics of the existing facility. He stated they are proposing a 4,800 sq. foot addition and 16 additional parking spaces. He stated there will be a need to adjust the fire lane. He demonstrated the proposed plans.

Johnson inquired if it will meet the new wetland ordinance.

Benetti stated the variance is required for the addition. He stated the request is to combine the two parcels.

Crosby inquired about the reason the plat is required. Benetti stated it would give them the ability to add on in the future.

Crosby inquired if it would be possible to do an encroachment agreement. Benetti stated that it would have been possible.

Weir inquired about the new fire access road and the parking. Benetti demonstrated the alteration of the fire lane. He stated under the exemption rule the buffers were required, but only partially. He stated that since there are two parcels the issue is if the wetland is impacted due to the addition on the other parcel.

Crosby inquired if the wetlands would be an issue if there was an encroachment agreement instead of a preliminary plat. Benetti stated that there wouldn't be.

Crosby inquired about Staff's recommendation.

Weir inquired about the quality of the wetlands. Benetti stated that the wetlands are Manage 2, but the buffers are not established.

Johnson inquired how long they have been working on it. Kellogg stated that they were required to do a specific seed mixture that doesn't appear to have been done. He stated this leaves them in violation of the permit that was issued. He stated the created upland buffer was a benefit to the owners because they received mitigation credit.

Johnson stated that if they have not done what they said they would do, it doesn't make sense to approve it now.

Batty stated that the new wetland ordinance regulates previously exempted government mandated buffers. He stated that these buffers weren't government mandated.

Crosby stated there are two issues, one to fulfill the previous commitment and one about the exemption and the plat.

Benetti stated a platting of parcels doesn't require a buffer. He stated Jon Smyth from Bonestroo is willing to work with Staff on the wetland buffer and easements.

Johnson inquired about the distance from the southwest corner to the wetland. Benetti stated it is about 75 feet.

Crosby inquired if there is vegetation on the western wetland. Benetti stated it wouldn't be difficult to create the buffer.

Batty stated the pond in the southwest corner has buffers. He stated that they choose to mitigate it in that manner.

Johnson stated that the intent is to protect wetlands and it shouldn't matter how it happened.

Batty stated the discussion that led to the language in the ordinance was to prevent somebody from putting in a minimal buffer and then claiming credit in the future.

Crosby inquired if it would qualify under the new ordinance without the exemption. Benetti stated he thinks it does.

Smith inquired if the owners could be required to meet the wetland ordinance. Benetti stated that it is included as a condition.

Mark Kelley, representative for RGA Properties, stated he has been working with Staff for over a year on resolving the wetland dedications. He stated he wasn't aware of the issue for the buffers.

Crosby inquired if Kelley would have a problem with the creation of buffers that comply with the new ordinance. Kelley stated that he wouldn't.

Weir inquired if there would be a buffer around the entire wetlands. Benetti demonstrated the location of the buffers.

Weir inquired about the language for screening in the previous conditions. Benetti stated that was in the Planning Commission's notes and he provided the conditions.

*Moved by Johnson, seconded by Smith, to direct Staff to prepare a resolution for the CUP Amendment, Site Plan and Variance to allow a 4,800 sq. ft. building and 9-stall parking expansion; and Preliminary/Final Plat, as requested. **Motion passed unanimously.***

C. Storm Water Utility Implementation

1. Ordinance Adding Section 745.00 Establishing a Storm Water Utility

Adams stated the purpose of establishing a storm water utility is to establish a source of funding equitably to property owners. He stated the charges would be allocated to repair mandates to improve the impaired bodies of water. He stated the public's input has been solicited. He stated if the ordinance was approved, the first bill would be sent in July for the annual charge.

Crosby suggested a question/answer brochure be sent with the bill.

Adams stated there would be some exemptions, an appeal process, and a collection process. He stated a decision needs to be made on crediting conservation easements and buffers.

Crosby stated there are a number of agencies that like to have easements. He stated that it should be the burden of the land owners to show the proof of the easements unless it is an easement to the City.

Batty stated the language for the easements is in Chapter 84C of the statute.

Crosby inquired if the City would want to know the type of easement. Batty stated the language could also state a conservation easement acceptable to the City. The Council concurred to making the language change.

Adams inquired if Staff would administer it. Crosby stated that they would and there would be an appeal process. The Council concurred to revising the language including the conservation easement and buffer easement exemptions.

Adams stated they also need to redefine a billable acre to exclude wetlands, buffers and conservation easements. The Council concurred with the change.

John Raskob stated he isn't opposed to the storm water utility, but the farmers are being assessed. He stated that the properties that cause this should be the ones assessed. He explained the situation he has with storm water running on to his property that is diverted from a neighbor's property.

Crosby stated the City needs to pay \$155,000 and one issue is pollution in the lakes. He stated the amount will increase in the future. He stated that large undeveloped areas have runoff. He stated he thinks the storm water utility is a fair way to do it. He stated that if it weren't assessed in this manner, then it would be assessed as part of property taxes.

Raskob stated that he has an issue with 500 Hamel Road.

Scherer stated there is storm water running on to Raskob's property. He stated he brought it to Adams' attention and the City has tried to divert some of the water. He stated that it is a big project and it may need some engineering to resolve it.

Smith stated that people aren't allowed to build in the same manner.

Raskob stated the neighbor should pay a large amount.

Adams stated that early changes to the ordinance by the Council provided less impact on agricultural properties and placed more burden of the cost to commercial properties and urban properties.

*Moved by Weir, seconded by Smith, to approve the Ordinance Adding Section 745.00 Establishing a Storm Water Utility, as amended. **Motion passed unanimously.***

2. Ordinance Amending City Fee Schedule

*Moved by Smith, seconded by Cavanaugh, to approve the Ordinance Amending the City Fee Schedule, as requested. **Motion passed unanimously.***

3. Resolution Authorizing Publication of Storm Water Utility Establishment Ordinance by Title and Summary

*Moved by Weir, seconded by Cavanaugh, to approve the resolution authorizing publication of Storm Water Utility Establishment Ordinance by Title and Summary, as requested. **Motion passed unanimously.***

D. Ordinance Adding Section 503 Pertaining to Solid Waste Management to the Code of Ordinances and Deleting Section 605 Waste Disposal

Adams stated there are residents who have chosen not to sign up for the solid waste collection and this resolution would allow for better enforcement mechanisms.

Crosby stated that he is concerned about the length of time for the storage of yard waste.

Adams stated the intent is to not have materials such as tree limbs and yard waste stored at the curb for more than 7 days.

Smith stated there are issues with diseased wood.

Adams stated that yard waste stored on a person's property for an extended period of time could be addressed under the nuisance ordinance.

Raskob inquired about the expectation of the ordinance. Crosby explained the history of the garbage collection. He stated the contracted waste hauler has notified the City that there are residents that don't have any waste removal.

Raskob stated he is one of the people who don't have a waste hauler. He stated the expense didn't decrease when the recycling began. He stated that some of the waste can be composted and he has sources for appropriately disposing the remaining trash. He stated that if people are acting responsibly, they shouldn't be required to pay for a waste hauler.

Smith stated that the issue is that some people aren't acting responsibly.

Raskob stated that he has read the state law and it states that residents can show the City that they are disposing of the garbage in a responsible way.

Smith inquired if there would be home checks to be sure it is done responsibly. Adams stated that spot checks could be completed and explained the alternate disposal allowance provision in the ordinance.

Crosby stated the smallest trash cart rates aren't very expensive.

*Moved by Smith, seconded by Weir, to approve the Ordinance adding Section 503 Pertaining to Solid Waste Management to the Code of Ordinances and Deleting Section 605 Waste Disposal, as amended. **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.***

X. CITY ADMINISTRATOR REPORT

A. Schedule Special Meeting(s)- Summer Budget Work Sessions

Adams suggested July 29, 2008 for the work session. He requested the Council email their schedules. He inquired about scheduling an open house for the proposed work for early August to mid September.

Crosby stated he would like to allow time to make changes to the budget after the open house meeting.

XI. MAYOR & CITY COUNCIL REPORTS

Weir stated there is a lot of interest being shown properties in Uptown Hamel. She inquired about the timing to include the low impact development standards, the point system, and engineering standards in the developer's handbook. Adams stated there needs to be additional policy formed for the low impact development standards.

Smith stated at the Northwest League meeting there was a presentation about low impact development. She stated some of the information might be useful in the developer's handbook. She stated they are discussing having a conference about these issues. She stated the Met Council is having a meeting in June about what they are doing. She stated the City is subsidizing the trash removal through clean-up day.

Crosby stated that the cost of selling trees on clean-up day could be increased. The Council concurred with the increase to be at cost.

Johnson stated they should think about a permanent location for dropping off fluorescent lights.

Crosby stated the summer event at his house will probably be on a weeknight.

Crosby stated there was a new election for the Fire Chief. He stated the City's responsibility is to ensure that the level of service remains the same, it isn't up to the City to meddle in internal political matters, and there will be a meeting with the current Hamel Fire Department administration.

Smith stated that the City should work with a fire department that meets their needs.

Johnson inquired if the contract sets a minimum for members. Belland stated there are a minimum number of members required to respond to fire calls and to his knowledge they are meeting them.

XII. APPROVAL TO PAY THE BILLS

Moved by Weir, seconded by Johnson, to approve the bills, order check numbers 032424-032485 for \$364,996.24, e-checks 000232-000239 for \$28,685.29, payroll check numbers 020170-020175 for \$2,528.48, and 501240-501272 for \$40,737.17.

Motion passed unanimously.

XIII. ADJOURN

*Moved by Smith, seconded by Johnson, to adjourn the meeting at 11:00 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk