

## MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 3, 2008

The City Council of Medina, Minnesota met in regular session on June 3, 2008 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

### **I. ROLL CALL**

**Members present:** Crosby, Cavanaugh, Smith (arrived at 7:05 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, City Administrator Chad Adams and Recording Secretary Kim Stoll.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ADDITIONS TO THE AGENDA**

*The agenda was accepted as presented.*

### **IV. APPROVAL OF MINUTES**

#### **A. Approval of the May 20, 2008 Special City Council Meeting Minutes**

It was noted on page 1, the second paragraph, it should state: "Members present: Weir, Crosby, Smith, Cavanaugh."

It was noted on page 1, the third paragraph, it should state: "Members absent: Johnson, Cavanaugh"

It was noted on page 1, the eighth paragraph, it should state: "The Council...Speak the Word Church of and Erickson..."

*Moved by Weir, seconded by Cavanaugh, to approve the May 20, 2008 special City Council meeting minutes as amended. **Motion passed unanimously.***

Smith arrived.

#### **B. Approval of the May 20, 2008 Regular City Council Meeting Minutes**

It was noted on page 3, the fifth paragraph, it should state: "Smith inquired if most of the area under the compost was dirt recently regraded to shape the park. Scherer stated that it was."

It was noted on page 3, the fourteenth paragraph, it should state: "Cavanaugh stated that it is against the typical policy that has been followed 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."

It was noted on page 3, the sixteenth paragraph, it should state: "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."

It was noted on page 8, the second paragraph, it should state: "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."

It was noted on page 11, the twelfth paragraph, it should state: "Smith stated that the County will build it to the current engineering standards for safety."

It was noted on page 11, the seventeenth paragraph, it should state: "The Council...a signal at CR 116/Clydesdale;..."

It was noted on page 13, the second paragraph, it should state: "Johnson inquired...the process of completing an actuarial study."

It was noted on page 13, the fourth paragraph, it should state: "Day stated she would need to check into the details and report back to the Council."

It was noted on page 15, the thirteenth paragraph, it should state: "Adams stated...billable acre to ~~include~~ exclude..."

It was noted on page 17, the seventh paragraph, it should state: "Crosby stated the smallest trash cart rates aren't very expensive."

It was noted on page 17, the twelfth paragraph, it should state: "Weir stated there is a lot of interest in ~~sharing~~ being shown in properties..."

It was noted on page 18, the fourth paragraph, it should state: "Crosby stated the summer event at his house will probably be on a weeknight." (end paragraph)

It was noted on page 18, the fifth paragraph, it should state: "Crosby stated there was a new election for the Fire Chief..."

*Moved by Johnson, seconded by Smith, to approve the May 20, 2008 regular City Council meeting minutes as amended. **Motion passed unanimously.***

## V. CONSENT AGENDA

- A. Approve Special Events Permit to Inn Kahoots for July 10 – 13, 2008
- B. Approve July 1, 2008 – June 30, 2009 Liquor Licenses
- C. Approve Ball Field Use Agreement with Hamel Lions for September 12 – 14, 2008
- D. Approve Grant Agreement with Minnehaha Creek Watershed District
- E. Resolution Authorizing Execution of a Joint Cooperation Agreement Between the City of Medina and Hennepin County for CDBG Program Funds in FY 2009 to 2011
- F. Resolution Supporting Application for Community Growth Options Grant

- G. Resolution Granting an Amended Conditional Use Permit, Site Plan and Variance Approval for RGA Properties, LLC, Located at 4535 Willow Drive**
- H. Resolution Granting Preliminary and Final Plat for RGA Properties, LLC, Located at 4535 Willow Drive**

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

## **VI. PRESENTATION**

### **A. Resolution Recognizing David Hall for Five Years of Service to the City of Medina Police Department**

Belland stated that Dave Hall has been with the Police Department for five years and explained the roles he has played within the department, including the patrol division, field training officer, and detective. He thanked Hall for his work for the City of Medina.

Crosby read the resolution recognizing Hall for his service to the community.

*Moved by Johnson, seconded by Weir, to approve the resolution recognizing David Hall for Five Years of Service to the City of Medina Police Department. **Motion passed unanimously.***

### **B. Affordable Housing Policy- Administration Intern Kim Ann**

Ann stated the perception of affordable housing includes low-income level dwellings, crime, drug problems, social meltdown, and public housing. She demonstrated pictures of some affordable housing units. She stated high-density development preserves land. She stated professionals, the service-oriented workforce, retired older citizens, and single parent families are people who need affordable housing. She stated affordable housing creates stability in the community. She stated the definition of affordable housing is the area median income of 50% to 80%. She stated that there is a need for rental and ownership of affordable housing.

Crosby inquired about the accuracy of the calculation that states 2% of the houses are worth \$1 million or more. Ann stated that the data was from the comprehensive plan.

Adams stated that the data reflect the building permits that were received in 2007.

Crosby clarified that the average 2007 residential building permit not including the value of the land is \$1 million.

Cavanaugh inquired if the data includes affordable housing for rental properties. Ann stated that she didn't have the data for the rental properties.

Cavanaugh stated that the non-homestead classification may provide information about the number of rental properties.

Smith inquired if the tax value would be the same regardless if it is a rental property or not. Cavanaugh stated that it wouldn't, because affordability depends on the rent, not the value of the home.

Ann stated that the housing data is based on home ownership. She stated that there are 87 units total in the Gramercy project and 12 of those are affordable housing units.

Cavanaugh inquired if the cost was based on the current tax values. He inquired if the affordability included the current numbers for the affordability factor. Ann stated that there are 8 units that are single family homes, not multi-tenant homes in Medina. She stated that the current tax value has increased and Gramercy is waiting for approval to increase it.

Smith stated that the City has an agreement with Gramercy to maintain a certain number of units and the units can't be sold for more than the affordable price.

Johnson inquired if the number of units is based on a percentage. Smith stated that it is not, but it is a definite number.

Batty stated that he thought the number of units is 10 units. He stated that there is a formula used for increasing the value of the units.

Ann stated that there are 10 units that are required for Gramercy, but they have 12 units.

Fred Webber stated that the cost of the units is set by the Met Council.

Cavanaugh inquired if there are other affordable housing properties being sold for less than the fair market value. Fred Webber stated that there weren't.

Ann stated that there is one affordable housing unit available at Gramercy. She stated that Medina's needs include broadening the volunteer population, supporting family structure, supporting economic and social vitality, and preserving the rural community. She stated the people who qualify for affordable housing will provide resources for the community. She stated the Met Council, DEED, private agencies, and Community Land Trust are all resources for the City. She stated the mechanisms that the City could utilize for planning for affordable housing include density bonuses, unit size reduction, design guidelines, waived or reduced fees, and fast-track permitting. She demonstrated affordable housing projects.

Crosby stated that some of the units must be highly government subsidized.

Smith stated the pictures illustrate that the housing can be visually appealing.

Ann stated affordable housing brings sound future economics, broadens the tax base, and broadens the options for the community.

Crosby stated he thinks the myths about affordable housing are being dispelled. He inquired about Ann's opinion about actions the City can do now to have more affordable housing.

Ann stated that the comprehensive plan could use stronger language and the City could begin utilizing land grants.

Adams stated that having a program in place would be beneficial prior to opening it to developers.

Smith stated she has received numerous emails about high density housing and the type of people that live in high density housing. She said the stereotypes still exist and there is a lot of education that needs to be done regarding the type of people who need affordable housing.

Weir inquired if incentives would be a good way to invite affordability. Ann stated the incentives for developers would allow for the integration.

Crosby stated the financing is where developers can get credit.

Weir inquired about how this would work with the timing of writing the Uptown Hamel ordinance. Adams stated the Planning Commission could begin to discuss the policy of affordable housing.

Smith stated the mixed use along TH 55 may be a good place for some of the affordable housing because of the location of jobs.

Johnson stated that when affordable housing units become too dense, there tends to be more problems.

Smith stated she wasn't referring to Section 8 housing.

Ann stated that Section 8 housing is in the 25-50% average medium income group. She stated that most of the pictures shown were the 50-80% average medium income group.

Smith stated that without mass transit it makes it difficult for the very low income population to get to work.

Crosby stated he would like specific examples of affordable housing from a similar community.

Ann suggested Minnetonka and Chaska.

Cavanaugh stated that Minnetonka is significantly larger and Chaska has large townhome areas. He stated looking at a more rural community would be better.

Smith stated that not considering Section 8 housing would eliminate a number of problems resulting from high density.

Cavanaugh stated that in his experience he has seen similar issues as Johnson.

Smith stated the comprehensive plan states that there shouldn't be large areas of affordable housing, but it should be dispersed throughout a development.

Johnson stated that it works for the developers to have the affordable units mixed in with the other units, because a higher price can be achieved from the other units within the project.

Weir stated she agrees with 10% affordable units within a project.

The Council directed staff to provide examples of other city affordable housing policies when the policy discussion is brought back to Council.

## **VII. COMMENTS**

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

Eleanor Degmen, 100 Clydesdale Trail, stated there is an issue with motorcycles revving their engines while waiting at a nearby stoplight.

Belland stated there isn't a noise ordinance, but it has been addressed in the past under the nuisance ordinance or the popping of engines law. He stated they have previously discussed the issue with the motorcycle shop, but that has since moved. He suggested that the residents call the police as it is happening.

Degmen stated that it typically happens during the evenings on the weekends.

Crosby inquired how cities regulate using jake brakes for large trucks. Batty stated that he isn't sure how the cities regulate those.

Council directed the Police Chief to report back on our ability to enforce jake brake noise within our ordinance or to learn of how other cities enforce the noise issue.

### **B. Park Commission**

Beth Neilson stated there is a new Park Commission member, Peter Leyse. She stated at the previous meeting they discussed the trail study and the fountain at Hamel Legion Park.

Cavanaugh inquired if bubbling boulder fountains show staining over time. Ann stated that they do.

Smith stated that the boulders could be cleaned.

Neilson stated they also discussed signage for the parks. She stated the Park Commission would like to propose a logo contest that would be judged by various people.

Crosby stated that he doesn't want the City to be obligated to use the winning design.

Smith stated that they need to move forward with the signage and logos.

Weir stated that she likes the community involvement of the contest.

Crosby stated that there needs to be a program developed for the contest.

### **C. Planning Commission**

Jeff Pedersen stated they haven't met since the last Council meeting.

Crosby stated the report from Benetti discusses the projects the Planning Commission is working on.

## VIII. NEW BUSINESS

### A. Bill and Dianne Nunn, 2825 Willow Drive- Conditional Use Permit to Construct an Addition to an Existing Accessory Structure

Benetti stated the Nunn's operation is a non-conforming use, but have a current CUP and operate under a commercial horse facility license. He stated the proposed addition is not for commercial horse facility activities. He went over the current site description and noted the location of the wetlands on the property. He stated the addition will be for a carousel and work space. He said after the proposed addition, the hardcover area will meet the hardcover requirements. He stated the applicant has requested to enclose the overhang.

Crosby inquired about the intent of the overhang. Benetti stated the proposed overhang was intended to provide some relief on the wall massing and was more of an architectural element, however, Nunn's contractor suggested that it should be enclosed.

Crosby inquired if the overhang has any bearing on the hardcover calculation. Benetti stated that it does not. He stated Staff has recommended additional landscaping on the east side and the applicant has planted juniper trees on the east side.

Smith stated that the City typically requests a variety of plantings instead of one type of tree.

Benetti stated he thinks the intent is to soften the view of the wall from Willow Drive.

Weir inquired if the rock face would be on the east side.

Bill Nunn, 2825 Willow Drive, stated that it wouldn't, but it would be on the addition.

Crosby inquired about the space to avoid horse cribbing. Nunn stated that there is about 20 to 25 feet.

Smith inquired if there was a plan to absorb the runoff from the building.

Benetti stated the addition to the building does not meet the animal structure setbacks and therefore it should not be used for animals. He stated the manure management plan has been included in the conditions. He stated the Council could determine if a cement slab would be appropriate for the manure management.

Smith stated that concrete has been required for other stables in the area.

Weir inquired about the U of M Extension Services opinion on the cement slab. Benetti stated that they think it may not be necessary if the soil is dense.

Smith stated that the completion date of June 30, 2009 is too late. She stated that she thinks the City has been negligent in correcting this on-going problem and the problem should be addressed before winter.

Crosby inquired about Smith's opinion for the manure containment area with the design being determined by the U of M Extension Services. Smith stated that she thinks the City should require the cement pad and the wall.

Medina City Council Meeting Minutes  
June 3, 2008

Johnson inquired if there is another stable in the City that has a permit for up to 50 horses.

Smith stated that it is an intense use and the owners have almost maxed out the hardcover. She stated that the owners should be held to the same standards as others.

Cavanaugh inquired if the recommendations from the U of M Extension Service would be different for different facilities. Smith stated that the other stables have had this requirement and this stable should be held to the same standards.

Benetti stated that the City is trying to be consistent with the U of M Extension Service, since they are the expert. He stated the timeline was established to allow for the potential of participating in programs.

Smith stated that the runoff has occurred for too long, the manure hasn't been moved off of the property as it should have been, and it is time for the problem to be resolved. She stated that it isn't fair to the other people in the community who have been required to comply with the manure management requirements.

Cavanaugh inquired if there is a way to require the maintenance of the manure management and if it is not done, the City could contract out the work and then assess it to the owners. Crosby stated that it is a condition of the CUP.

Weir stated that Staff could inspect to be sure that the manure management requirement is being met.

Smith inquired if there could be an annual inspection. Crosby stated that he doesn't think there needs to be an annual inspection.

Smith suggested that all of the large stables be inspected annually.

Crosby stated that it should be a City policy, not just part of this CUP.

Johnson inquired how the animal density units would apply. Crosby stated that it wouldn't be affected because this is an old CUP.

Benetti stated that if the City applied the standard of one horse per grazable acre, the Nunn's would probably be limited to 3 or 4 horses.

Weir stated that the animal density unit doesn't prevent a person from having extra animals, but it does mean there needs to be a proper manure management plan.

Johnson stated the density of the horses is a source of damage to the surrounding land.

Crosby stated the City isn't addressing the animal usage, but the issue is if the applicant is meeting the requirements of the old CUP and the specifics of the non-animal addition to the building for the new CUP. He stated that this isn't an opportunity to re-write the existing CUP.

Weir stated that it is an opportunity to address the manure pollution problem.

Smith stated that if the CUP conditions aren't met, then the CUP needs to be pulled. She thinks they should be able to look at previous CUPs when granting a new CUP.

Crosby stated that if the new CUP doesn't relate to the previous CUP, then it shouldn't be altered. He stated that this particular application doesn't address animals. He inquired about the manure management plan on the previous CUP. Smith stated that the current CUP requires the manure to be removed once every 6 months.

Weir stated that she thinks the Nunn's have met the requirement of the previous CUP, but it was inadequate for the intensity of the use.

Crosby read the existing condition for the manure management and stated that if it isn't met, then the CUP should be pulled.

Benetti stated the condition was written a couple of years ago and Nunn wasn't able to form an agreement with the MPCA at that time, due to their small size.

Crosby stated that the existing condition doesn't apply, so it is appropriate to have a condition that does apply.

Benetti stated that historically there has been the removal of the conditions that don't work.

Smith stated that it appears they are addressing the stormwater issue.

Weir inquired how the runoff will bypass the manure. Benetti demonstrated the location of the manure and the flow of the runoff. He stated that it was suggested to build a dyke and a small rain garden or infiltration site.

Smith inquired about the reason to not have a berm to prevent the water from entering the rain garden. Benetti stated that the water needs a place to drain.

Weir stated that Nunn had said the manure is removed every two months. She said she would like the conditions to state that it be removed every two months.

Benetti stated that Nunn has already planted some trees along the east side of the building.

Smith stated the condition for the Medina Horse Owner's Association Rules should be followed, not just posted.

Johnson stated he thinks the Planning Commission requested a drawing for the addition. Benetti said the drawing that was provided was found acceptable by the Planning Commission.

Smith inquired about the condition for capturing the stormwater from the building.

Johnson stated that the Bhavsar's were required to provide extensive drawings for the plans. He said these drawings don't meet the same standards as the City required from the Bhavsar's.

Cavanaugh stated that he agrees with Johnson, and more detailed plans should be a condition.

Smith stated the issue of the runoff from both of the buildings needs to be addressed.

Weir stated the intensity of use and the size of the manure pile is impressive. She stated the Planning Commission expressed concern about removing the manure during the spring. She stated that it would be healthier to remove the manure every two months.

Cavanaugh stated the removal of the manure should be dealt with in the animal unit ordinance so that it is consistent.

Crosby stated that removing it is one issue, but spreading can not be done during winter.

Weir stated that it could be composted.

Crosby inquired if the Council would like to set their own standards or accept the standards of the U of M Extension Service concerning the date for the manure containment, as well as the drainage of runoff.

Smith stated that they should be consistent when dealing with the runoff.

Crosby stated that he thinks the City should address the runoff from the addition, but it would be unfair to address it for the previous buildings.

Weir stated when she visited the site there were visible issues with the drainage.

Johnson stated the location of the berm impacts the cleanliness of the runoff.

Crosby inquired if the runoff from all of the buildings can be addressed if the applicant is only modifying one building. Cavanaugh stated that he thinks if they are adjusting the CUP they can address all the conditions.

Crosby inquired if the site drainage would be addressed in this CUP.

The Council concurred that it should be addressed.

Cavanaugh inquired if they would like to limit the site drainage to the roof runoff through the manure. Benetti demonstrated the path of the drainage.

Weir stated that the U of M Extension Service recommended the water drain away from the manure piles.

Smith inquired if the pond is large enough to handle the runoff from the proposed addition. Weir stated that the pond would probably expand.

Cavanaugh inquired if they are only concerned about the roof runoff.

Nunn explained the way the runoff of the water is occurring.

Crosby inquired about where the pond drains. Nunn stated it eventually runs into the pasture.

Weir inquired about the roof runoff of the big barn. Nunn stated that it flows to the berm and is diverted around the manure.

Smith stated there was a recent applicant who put in a rain garden to filter the water before going to the wetland.

Nunn stated that the U of M Extension Service has suggested a rain garden.

Smith stated that they aren't the experts for rain gardens or runoff.

Crosby inquired if the Council would like the roof runoff from the large building to be a part of the CUP.

Johnson stated that site drainage is an identified issue and it should be addressed.

Weir stated that it should include existing buildings.

Crosby stated he thinks site drainage should include buildings, runoff, and manure storage.

Cavanaugh inquired if it was for all of the buildings on the property or the building with the proposed addition. Johnson stated it was for all buildings. He said if the berm shields the water from the manure, the majority of the problem may be resolved.

Smith stated the wetland needs to be protected.

Cavanaugh stated he thinks a rain garden would be a way to capture the runoff. He stated that he would like it to be the building with the proposed addition.

Weir stated the site drainage problems need to be addressed.

The Council reached consensus to address the site drainage problems for all of the existing buildings.

Crosby stated that he thinks it should only address the building being worked on. He inquired about the Council's opinion on the cement slab.

Johnson stated he thinks the U of M Extension Service isn't addressing the drainage problems, but is only addressing the manure.

Nunn stated that the U of M Extension Services is extremely concerned about the runoff. He stated there has been a funding designated for a survey to be completed to determine the size of the rain garden.

Johnson stated there is grant money available for the Lake Independence Watershed District for manure management pens made of concrete, but the U of M Extension Service doesn't think there needs to be a concrete pad. He stated he would like to seek out Minnehaha Creek Watershed District's opinion on the runoff.

Medina City Council Meeting Minutes  
June 3, 2008

Smith inquired if the City could request approval from Minnehaha. Crosby stated that wasn't a requirement for the Bhavsar's.

Johnson stated that he wants to have guidelines to follow instead of having an arbitrary decision.

Crosby stated Staff should return to the Council with a recommendation about the cement confinement area.

Cavanaugh clarified that they are asking Staff to request the opinion of the U of M Extension Service and Minnehaha Creek Watershed.

Crosby inquired about the dates in the conditions. Smith stated she would like the dates to be changed to October 31, 2008.

The Council concurred that the dates should be October 31, 2008.

Crosby inquired about following and posting the Medina Horse Owner's Association Rules. Smith stated she thinks the rules should be followed and posted.

Crosby stated that he doesn't think they should be required to follow the Rules.

Adams inquired if it is known for sure what the Rules are. Benetti stated that the condition about the Rules is from the previous CUP.

Nunn stated that it is unclear about what the Rules are for sure.

Crosby stated that Staff should find out what the Rules are.

Cavanaugh clarified that the maintenance of the manure should be addressed in the conditions.

Weir stated she doesn't think it should be in the conditions, but it should be addressed as a policy. She stated that she thinks the stables should be monitored annually.

Crosby stated that the Council isn't disagreeing with Cavanaugh, but the manure management should be in a different policy.

Batty stated that the maintenance doesn't need to be in the CUP because it is implicit in any CUP and failure to maintain it would result in a violation.

Crosby stated the landscaping should be maintained.

Smith stated that the trees have been planted and the issue is the lack of a landscape plan.

Johnson stated that an additional condition could include building drawings and landscape plans.

Weir inquired about the new conditions to be included in the plans.

Medina City Council Meeting Minutes  
June 3, 2008

Crosby stated the Council has agreed to have Staff address the site building runoff; the disposal program of the manure; runoff from all of the buildings on the property; the dates should be October 31, 2008; and obtain the Medina Horse Owner's Association Rules.

Smith stated she thinks the removal of the manure depends on the size of the pile.

Crosby stated the Council has also agreed to require a building plan and landscape plan.

Bill Nunn stated they haul their manure about every three months or less. He stated the original CUP requires every six months. He stated the main time they cannot remove it is when there are road restrictions. He stated that he had previously stated he would be able to remove it every two months, but the issue is where it is to be removed to. He stated that the recommendation by the U of M has been to remove it once or twice per year. He stated that it isn't always practical to have it removed more often.

Johnson stated that he knows of residents that are having it removed every 2 weeks.

Crosby stated that the Nunn's location and the number of horses impacts the amount of manure.

Nunn stated that the U of M Extension Service has a formula for calculating the containment area. He stated that he spoke with his hauler about building a smaller containment center if the hauler could take it on a monthly basis.

Crosby inquired about where it is currently hauled to. Nunn stated that it goes to a variety of places, but the people who receive it can only take it as they need it and have room for it. He stated that it ultimately goes back to the land.

Smith stated that the manure can be composted.

Nunn stated that Alpine Farms has 100 horses and they are on a clay containment system.

Johnson left the meeting at 9:27.

Crosby stated the issue isn't the amount of manure, but how the manure can be contained so that it doesn't leech.

Nunn stated that he would like the concrete containment system because he thinks it would work the best for them. He stated that he thinks there should be the latitude to determine which system works best for specific locations. He stated he is concerned about the date of October 31, 2008 because of the engineer's and builder's schedules.

Benetti stated that the deadline for the application is June 30, 2008.

Crosby stated that he would like the project to be done this summer.

Adams stated that they could request an extension from the applicant, or there could be two resolutions prepared.

Smith stated that it is in everyone's best interest to have the application completed. She inquired if there is a way for Staff to expedite the process.

Adams stated the intent is to have the direction from the Council to prepare a resolution so the application can move forward.

Weir inquired about Nunn's preference for concrete. She stated that by including it in the CUP it doesn't set precedence due to the amount of horses on the Nunn property.

Nunn stated that they are waiting to hear from the U of M Extension Service engineers.

Smith stated that another component is the location of a nearby wetland.

Nunn thinks it would be proactive for the City to have a proper compost site.

Batty stated the deadline for the application is June 30, 2008 and the Council meeting is the next day, so an extension wouldn't be very long.

*Moved by Weir, seconded by Smith, to direct Staff to prepare a resolution for a Conditional Use Permit to construct an addition to an existing accessory structure for Bill and Dianne Nunn, 2825 Willow Drive, as requested. **Motion passed unanimously.***

**B. James and Joan Lane, 2605 Hamel Road and 2905 Willowood Farm Road- Lot Line Rearrangement and Easement Vacation**

Benetti demonstrated the location of the properties, the current lot line, the proposed lot line, and the easements.

Batty stated that typically when lot lines are moved, the easements need to be moved. He stated there isn't a need for a new easement, because it has already been obtained. He stated that they are requesting an easement in exchange for vacating the other easements.

Smith inquired about the need for an easement. Benetti stated that the easement follows the policy of having easements around the wetlands.

Cavanaugh inquired if there is any reason to be concerned about shifting the lot line. Benetti stated that there is not.

Jim Lane, 2605 Hamel Road, stated that the requested easement costs money and takes time for something that doesn't gain anything for the City.

Crosby stated that moving the lot line now without addressing the easements is against the City's policy, but it doesn't leave the City at risk.

Lane stated that the City is asking Gary Kirt to create an easement, which requires him to get mortgage company consent. He stated that he doesn't think that it serves a public purpose.

Crosby stated that it brings it consistent with the other policies.

Lane inquired about the purpose of the protections from the Wetland Conservation Act and the City's ordinances. Crosby stated that there are things that can be done in a wetland buffer that can't be done in a drainage easement.

Batty stated that the WCA exists and it won't be strengthened by this easement. He stated that part of the issue is to make sure that stormwater is contained. He stated the purpose is to be consistent with policy, and to be sure that the entire wetland has easements around it.

*Moved by Weir, seconded by Cavanaugh, to direct Staff to prepare the resolution for the lot line rearrangement at 2605 Hamel Road and 2905 Willowood Farm Road, as requested.*

Batty stated that at the next meeting they will discuss the easements, and there will be a public hearing for the vacation of the easements.

***Motion passed unanimously.***

**C. Three Rivers Park District- Baker Campground Amendment to Conditional Use Permit**

Benetti stated there were two previous CUPs granted to Three Rivers Park District. He stated the proposal is to build four camper cabins this year and demonstrated the location of the proposed cabins. He stated the applicant would like to use these cabins to determine if it is feasible to build additional cabins. He stated the dimensions and details of the cabins. He demonstrated the plans for the cabins. He demonstrated the location of the 20% buildable area on the campgrounds.

Smith stated that Three Rivers Park District had previously stated that they didn't have any buildable land.

Crosby stated that the trail is outside of the identified buildable area.

Smith inquired if there will be a trail. Adams said there will be.

Crosby stated that he is surprised the City has to deal with land use issues for Three Rivers Park District. Batty stated the reason that it is being processed is because over the years they have requested CUPs from the City. He stated that the issue may be whether the City has authority if the Park District had built something and the City had denied the CUP.

Crosby stated that some entity has to deal with the building code.

Cavanaugh inquired about the potential of the Park District constructing large buildings.

Weir stated the Planning Commission didn't object to waiting to build the remaining eight cabins. She stated that she thinks that it might be better to have the condition for build out state 10 years instead of 5 years. She stated that if Three Rivers Park District changed the style of the cabin, they would need to come back to the City.

Smith stated that having the cabins is a great opportunity for the residents.

Weir stated that they don't know about the park's budget.

Alex Meyer, landscape architect for Three Rivers Park District, stated that they didn't object to the 5 years because they operate under a 5 year CIP. He stated that this program is under a study for 5 years. He stated that their preference would be to have it be more open-ended, since the remaining money isn't available.

Weir stated that she thinks that it is unreasonable to request another entity to reapply if they don't have money to build the remaining cabins.

The Council agreed to change the condition to build the remaining cabins from 5 years to 10 years.

*Moved by Weir, seconded by Smith, to direct Staff to prepare the resolution for Baker Campground Amendment to Conditional Use Permit, as amended. **Motion passed unanimously.***

## **IX. CITY ADMINISTRATOR REPORT**

### **A. Schedule Special Meeting(s)- 2009 Budget Work Sessions**

Adams stated that the proposed meeting dates are July 14 or July 17. He stated that there will be a second meeting scheduled in August.

*Moved by Smith, seconded by Weir, to schedule the 2009 Budget Work Session on July 17, 2008 at 7:00 p.m. at City Hall, as requested. **Motion passed unanimously.***

Adams stated that the open house for the budget would be August 11 or August 14 at 7:00 at the Hamel Community Building.

*Moved by Weir, seconded by Smith, to schedule the Open House on August 14, 2008 at 7:00 at the Hamel Community Building. **Motion passed unanimously.***

### **B. Storm Water Utility- Question and Answer Mailing**

Adams stated that the utility bill currently goes out via postcard. He stated that Staff is recommending the question and answer mailing be mailed prior to the utility bill.

Weir stated that it is better for the citizens to receive it that way.

Crosby stated that the postcard could have a cross reference to the mailing. He stated he is concerned that without an explanation, issues will arise.

Weir stated that it would be wise to note the open house that previously occurred.

Smith inquired if the mailing would be a brochure. Adams stated that it will be similar.

The Council agreed to do two separate mailings.

**C. Hamel Hawks Liability Insurance**

Adams stated the issue is having a waiver from the Hawks team for this year. He stated the approved contract requires them to provide a certificate of insurance. He stated that the homeowner's policy can only extend to that one person, but not the entire team. He stated that the alternative is to have the team obtain a commercial liability policy.

Cavanaugh inquired if there is a way to extend coverage from the City. Adams stated that there is not.

Smith stated that insurance is required for specific events in the Hamel Community Center.

Adams stated that homeowner's policies cover some special events.

Crosby stated that he has been told that it is this group's last year. He stated that if that is the case, then he thinks every player should sign a waiver.

Smith stated that waivers aren't adequate.

Crosby stated that waivers cover the people who sign them, but they don't cover the people who don't sign them.

Smith inquired about how many people would be covered for an event. Adams stated that it would be 10 to 15 players.

Smith stated that there is alcohol allowed, but it can't be sold. Adams stated that anyone can bring alcohol to the park.

Smith stated that the policy is about \$1,000. She inquired if the team makes any money. Crosby stated that they don't.

Adams stated that they used to have concessions, but they don't any more. He stated that the waivers would require the City to take some risk. He stated that if they choose to do this, the statement should be made that if the Hawks play next year they will need to purchase the commercial liability insurance.

Cavanaugh stated that it might be worth the City paying the \$1,000 instead of taking the risk.

Batty stated that it is a policy issue. He stated that the City has insurance and there are liability limits.

Smith inquired if they can have opponents sign the waivers. Weir stated that it would be cumbersome.

Smith stated that she would like to get waivers from the other teams.

Crosby stated that if only some of the team members sign them, one team member could state that since not all of them signed it the waivers are invalid.

Adams stated that all of the youth groups have coverage.

Batty stated that one of the team members stated he would be able to get his homeowner's insurance to cover the team, but has since found out that homeowner policies don't cover these situations.

Adams stated that in letter to the Hawks the requirement about having an insurance policy in the future would be required.

*Moved by Weir, seconded by Smith, to require waivers to be signed by all players, as requested. **Motion passed unanimously.***

**D. Plymouth Comprehensive Plan Comments**

Crosby stated the language needs to be more specific. He stated the infrastructure for the Erickson project and the church should be paid for by the developers. He stated they should also state the City's specific concerns and Medina shouldn't have any responsibility for the costs or safety issues.

Smith stated that she thinks there will need to be a stoplight.

Adams stated that the memo specifies three different areas for the stoplights.

Benetti stated he attended the applicant's meeting and they are interested in doing an AUAR, which includes an extensive traffic study. He stated that this gives the City the opportunity to provide specific responses.

Crosby stated that the City would like Plymouth to be mindful of the high density use and its impact on Medina.

Cavanaugh inquired if the City should specifically state that they want a residential area on the corner of CSAH 101 and CR 47 instead of high density.

Crosby stated that there are other low density uses that could be appropriate.

Smith stated that she doesn't think the residents would like to have high density usage in that area.

Cavanaugh stated that he would like it to complement the current character of the area.

Weir stated that it should be pointed out that the other three corners are residential.

Crosby inquired about the sense from the meeting of the Erickson project occurring. Weir stated that it seems that the project will move forward.

Cavanaugh inquired if the City is under any obligation to complete the road. Weir stated that there is one proposed exit to serve 1,500 units and 600 staff plus from the Erickson site plus the people from the church to the north will use a shared road to feed on to CR 101.

Degman stated the proposed road is right behind Medina Highland and there are 1,500 units, plus all of the supply places and restaurants.

Smith stated that there should be a road out to the east and not just along Medina's border to the west.

Rick Edin, Medina Highlands Townhomes, stated that the response was that the road being on the east side would push the buildings closer to Medina. He stated that one of the Plymouth's council members stated that the builders appear to be ahead of themselves.

Crosby, Weir and Adams were directed to make final edits to the memo and distribute to Plymouth.

**E. CR 116 Speed Study**

Adams stated the CR 116 speed study was completed by MnDOT and he is expecting a report.

**F. Lakeshore Stabilization Program**

Adams stated that they have received 10 applications. He stated that Staff is working with Hennepin County Environmental Services to score the applications.

Smith inquired about how many grants could be funded. Adams stated that it depends on the scope of the project, and projects could be partially funded.

**G. Crosswalk on CR 101**

Kellogg stated he and Adams had a meeting with Hennepin County to review the study for the requested pedestrian crosswalk. He stated the crossing at Clydesdale doesn't make a lot of sense, due to the sight distance and the northbound traffic from TH 55. He demonstrated the location of the safest crossing, but noted that it isn't a preferred route due to the distance. He stated that it was requested to find out the preferred maximum walking distance. He stated that the result was ½ mile. He stated the issue with the roads is the speed limits. He stated the County is going to look into a crossing at Lilac. He said they discussed having a flashing amber pedestrian activated light.

Crosby inquired about the flashing amber pedestrian light. Kellogg stated the pedestrian would assume some responsibility when crossing the road.

Crosby inquired about who has the right of way. Kellogg stated that if the pedestrian is in the crosswalk, they have the right of way. He stated that they would like feedback about having a stoplight, no stoplight, or a flashing amber light.

Crosby inquired about who pays for it. Kellogg stated that he doesn't think the County will contribute very much.

Weir inquired about the longevity of the light, given the increase of traffic. Kellogg stated that there are peak traffic times. He stated the County was adverse to the red light because it will disrupt traffic.

Smith stated that she doesn't think it will be used very much.

Adams stated that is part of the struggle for Hennepin County.

The Council concurred that they would like the flashing amber light.

Cavanaugh inquired if there was any discussion about the development on CR 101 and its traffic. Adams stated that there was none at this point.

**X. MAYOR & CITY COUNCIL REPORTS**

Weir inquired if the Council could discuss at a future workshop the possibility of requesting permission from citizens to receive communications from the City electronically.

Crosby inquired about the number of people that receive the minutes electronically. Adams stated that it is about 60-80. He stated that the list would need to be maintained.

Smith inquired if there was a meeting with the Hamel Fire Department. Crosby stated that he and Adams have met with them and they expressed their concerns about not being involved in the internal politics.

Adams stated that they received reassurance that they are responding to all of the fire calls and they discussed the long term prospects.

Crosby stated that there is less resistance to the idea of consolidation than he expected.

Smith stated that Woodbury has cross-trained some policeman and fireman.

Adams stated that it has been discussed with other City employees as well.

Cavanaugh inquired if the City receives a report about the fire calls. Adams stated that they do receive a report.

Weir stated that Long Lake's new fire chief has been instituting leadership programs. Adams stated that building relationships and cross-training was discussed at the meeting.

**XI. APPROVAL TO PAY THE BILLS**

*Moved by Weir, seconded by Smith, to approve the bills, order check numbers 032486-032543 for \$215,932.01, e-checks 000240-000248 for \$31,935.41, payroll check numbers 020176-020177 for \$2,227.14, and payroll direct deposit 501273-501301 for \$40,991.73. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Weir, seconded by Smith, to adjourn the meeting at 10:40 p.m. **Motion passed unanimously.***

---

Tom Crosby, Mayor

Attest:

---

Chad M. Adams, City Administrator