

## **MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 4, 2009**

The City Council of Medina, Minnesota met in regular session on November 4, 2009 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Smith presided.

### **I. ROLL CALL**

**Members present:** Siitari, Smith, and Weir.

**Members absent:** Crosby and Johnson

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, City Planner Dusty Finke, Public Works Superintendent Steve Scherer, and City Administrator Chad Adams.

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

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

It was requested to add four items, Uptown Hamel Monument Sign Contract, Pioneer Sarah Creek Watershed District Letter of Support, Accept Resignation of Public Works Employee Robert Dressel, and Discussion Regarding Vacant Position, to the Administrator's Report.

*Moved by Weir, seconded by Siitari, to approve the agenda as amended.*

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

#### **A. Approval of the October 6, 2009 Special City Council Meeting Minutes**

*Moved by Weir, seconded by Siitari, to approve the October 6, 2009 Special City Council meeting minutes. **Motion passed unanimously.***

#### **B. Approval of the October 19, 2009 Special City Council Meeting Minutes**

It was noted on page 1, Item IV, it should state: "Facility Tour of Twinco Romax, Inc – 4635 Willow Drive."

*Moved by Weir, seconded by Siitari, to approve the October 19, 2009 Special City Council meeting minutes as amended. **Motion passed unanimously.***

#### **C. Approval of the October 20, 2009 Special City Council Meeting Minutes**

*Moved by Weir, seconded by Siitari, to approve the October 20, 2009 Special City Council meeting minutes. **Motion passed unanimously.***

#### **D. Approval of the October 20, 2009 Regular City Council Meeting Minutes**

It was noted on page 4, line 41, it should state: "...issue of setbacks from residential and advised....." On page 5, line 18: "...energy sources with and communication towers." On page 5, line 50: "...business park zoning district with earth shelter design built into the slope of the hill." On page 8, line 5: "...must reapply for a deferred assessment green acre status and so.....". On page 10, line 14: "...be used for grant writing application support and large scope projects for land acquisition."

Moved by Weir, seconded by Siitari, to approve the October 20, 2009 Regular City Council meeting minutes as amended. **Motion passed unanimously.**

**V. CONSENT AGENDA**

**A. Approve Plan Documents with AFLAC**

**B. Approve Siren Maintenance Services Agreement with Embedded Systems, Inc.**

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

**VII. COMMENTS**

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

David Ferin, 287 Cherry Hill Trail, stated that he was present to discuss an item that had been on two recent agendas, the changes to liquor licensing. He stated that he was present at the first meeting, where the item was discussed, but was unable to attend the second meeting and was in disagreement with the decision made by the Council. He advised that a postcard campaign was done by his Church and 249 signatures were collected in opposition of this change, although some of signatures were not residents of the City of Medina. He stated that while the Parish Council is in favor of further growth of the City of Medina, and the Uptown Hamel area, they are not in favor of a possible bar being built next to the Church. He did not understand the need to eliminate the buffer without a stipulation added to the regulation, such as food being served.

**B. Park Commission**

Park Commissioner Madeleine Linck reported that the Commission met on October 21<sup>st</sup> for a relatively short meeting, in which mainly park signs were discussed. She stated that a discussion had also occurred in regard to whether or not the donations toward the new field house could be recognized and what would be the best method of recognition. She stated that bids had been reviewed in regard to the different types of proposed park signs and the Commission was in agreement with a sign developed by Vaccar Signs, which was made of recycled plastic and looks similar to wood. She stated that the Commission hoped to have a representative from the sign company present at the next meeting to further discuss the option. She stated that the Commission also discussed a parcel of property that the City may acquire and would be in favor of a management plan being developed for that parcel. She stated that Commissioner White had written a letter to the City of Orono expressing interest in completing the segment of trail west of Willow that would connect with Orono, and received a letter back from the Assistant City Manager of Orono advising that the City does not currently have plans to complete the trail at this time.

**C. Planning Commission**

Planning Commissioner Nielsen stated that she did not attend the last meeting of the Planning Commission but advised that the Council already received an update from that meeting. She reported that the next meeting of the Planning Commission would be held the following week and the mixed use zoning district would be discussed.

**VIII. OLD BUSINESS**

**A. Memorandum of Understanding with Minnehaha Creek Watershed District**

Adams stated that this item was on the Council agenda at the October 6<sup>th</sup> meeting and tabled at that time for additional clarification.

Bob Barth, Bonestroo, presented a map, which divided the City into two sub-watersheds, and explained the amount of phosphorus that would need to be removed within the City. He advised that the phosphorus load reduction requirement would be 60 pounds per year, and reviewed the removal requirements for the surrounding communities as well. He explained that load calculations for the City of Medina and what the calculations were based on. He stated that this was a preservation strategy that would protect and preserve the water quality of Lake Minnetonka and Long Lake.

Adams clarified that the 60 pounds is a total per year and does not accumulate by 60 additional pounds each year.

Weir questioned if the Watershed District would be willing to work with the City, in certain situations, to determine what could be done in regard to parcels that contain large amounts of manure that may go into the surrounding bodies of water.

Barth confirmed that the Watershed District may be willing to cooperate with the City and work together on projects of this nature. He summarized the estimated cost for the removal of the phosphorus and stated that he believed the City should work with the Watershed District to cost-share the more expensive projects.

Adams stated that the City of Medina would not be able to fund all of these projects and advised that the Watershed District may be willing to soften the language and that approval would not be required tonight.

*Moved by Weir, seconded by Siitari, to direct staff to amend the MOU with Minnehaha Creek Watershed District to reflect an extension of the timeline, collaborative efforts with the City, and softening the requirement language. **Motion passed unanimously.***

## **B. Deferred Assessments**

Adams advised that a formal presentation was conducted during the previous Council meeting and explained that there was not clear direction from the Council at that time due to a tie vote. He questioned if the Council would like to continue to move forward in the current manner or amend the deferred assessment policy in regard to previously compounded interest.

Weir stated that she had time to think thoroughly since the previous meeting and expressed her thoughts. She stated that she was concerned with a period of inconsistency where simple and compound interest had been charged and felt that whatever the decision, all deferred assessments should include some portion of interest.

*Moved by Weir to approve a 90-day window in which residents with deferred assessments could pay their assessments at a rate of six percent compounded interest, and after the 90-day window the unpaid assessments would revert back to the previous rate of interest; and that the City provide residents annual notification of their deferred assessments.*

Siitari questioned if cost analysis information was available.

Weir stated that the average interest rate for the list of deferred assessments was seven percent.

Siitari stated that he would like to review financial cost information for this issue as he previously voted to keep the existing compound interest. He advised that people were aware that the assessments had been deferred and he had not heard a compelling argument to grant amnesty to all the deferred assessments, although he was intrigued by the idea from Weir.

Smith questioned what benefit would then be given to those residents that actually paid their assessments. She advised that between 1977 and 2006 there were 32 people that paid compounded interest. She stated that although the green acres deferment has benefit for the landowner it also causes the community to carry that cost until the time the deferred assessment is actually paid. She explained that some residents were claiming that they were unaware of the original assessment and had never heard anything about this but she has been advised that staff reviewed the past meeting minutes from the original public hearing for the assessments and those individuals attended, and spoke at the public hearing.

Adams stated that the interest rates do vary throughout the deferred assessments list because the interest rate of an assessed project has been historically based by the City at 2% above the bond rate for the projects. He questioned the legality and technicality of allowing a 90-day window with relaxed interest and if one resolution could amend all past resolutions.

Batty reported that a resolution could be passed in support of that idea and that a simple majority vote could be used.

Smith stated that although some of these deferred assessments do have very high values, those landowners do receive huge benefit by not having to pay these types of fees for years, which is then subsidized by the City.

The motion failed for lack of a second.

Siitari stated that during the previous meeting the point was presented that a parcel on the deferred assessment list is currently valued at over \$2,000,000 but is only required to pay property tax based on a property value of \$177,000. He stated he thought that was a huge benefit and did not feel that it would be fair to also reduce the deferred assessment amount.

Phil Zietlow, 875 County Road 24, commented that he was aware of the assessment and was under the impression that bills would be sent out. He stated that he never received a bill and just forgot about the assessment. He explained that he would be in favor of a period of amnesty, which would allow him to pay his assessment. He added he agreed with Smith that the Green Acres program is not a fair program.

Smith stated that she does view this as a difficult situation and thought that it was unfortunate that some of the assessments had become that large, but also thought that the residents claiming green acres receive additional benefit. She suggested that someone from Hennepin County come to the City and explain which parcels would qualify for green acres and further explain the program. She stated that it may be a nice

thought to send out deferred assessment notices annually but acknowledged the large amount of residents that are assessed each year.

Adams explained that most of the assessments during the past year related to streets were not deferred and that the list in front of the Council would likely be the only deferred parcels.

Weir questioned if anything could be done to help those residents.

Smith stated that she did not think it would be fair to help those people who receive benefit from green acres when other residents paid their assessment at the time it was due, and paid the interest rate that coordinated with the project.

Adams explained that if the Council would like to keep the policy the same a motion would not necessarily be needed but advised that a motion would clarify direction for staff and provide clarification in the policy.

Smith stated that she spoke with Johnson and reported that he did not want to change his thoughts on the issue. She advised that two residents would like to pay their assessments before the November deadline for the year. She apologized to those that do have large assessments but did not think it would be fair to the people that had already paid their assessment and interest to make exceptions now because others had forgotten or chose not to pay their assessments.

*Moved by Siitari, seconded by Smith, to approve continuing to compound interest, specify that accrued interest is defined as compounded interest in the City's Special Assessment Policy, and not to adjust the totals of the deferred assessments. **Motion passed 2-1 (opposed Weir).***

The Council agreed to direct staff to send annual notices to property owners related to this issue and requested staff to report back on the annual notice practice along with a recommended program for payment plans.

**C. Ordinance Related to Regulations of the Business Park Zoning District and Creating the Business Zoning District; Amending Section 832 and Adding New Sections 832.1, 832.2, 832.3**

Adams advised that the ordinances would require at least three votes and explained that the resolution to publish the ordinance would require four votes, which would mean that some of the upcoming resolutions would need to be tabled.

Finke briefly reviewed the differences between the proposed business and business park zoning districts and explained the types of uses that could be found in each zone. He summarized the changes that had been made since the previous Council meeting, including allowed uses, and possible manufacturing uses that could be allowed within the district.

Weir stated that she agreed with the types of manufacturing that were listed as possible uses within the district.

*It was the consensus of the Council to allow the listed manufacturing uses within the specified zoning district.*

Finke summarized the lot standards and changes that had been suggested for both the business and business park zoning districts. He advised that staff also suggested additional setbacks for buildings above a certain height. He then moved on to design and development standards for the zoning districts and summarized the changes made, including changes to the loading dock regulations and outdoor storage of service vehicles.

Smith stated that this item had been discussed at more than one previous meeting and questioned if any Councilmembers had any other items for discussion.

Weir discussed the option of residential as an accessory use and thought it would be logical if a nursing home were going to be allowed as a use for this district.

Smith agreed that the change would allow for additional flexibility within the zoning district.

Weir questioned if the setback for the interior access could be reduced from 50 feet to 35 feet and the Council and staff agreed with that suggestion. She also made a grammatical correction in regard to accessory retail uses.

The Council then discussed the building materials for the zoning districts and the minimum and maximum percentages for those materials to be used within a building.

*Moved by Weir, seconded by Siitari, to table the approval of the ordinance related to regulations of the business park zoning district and creating the business zoning district; amending section 832 and adding new sections 832.1, 832.2, and 832.3 with recommended changes. **Motion passed unanimously.***

Rose Lorsung, on behalf of applicant for text amendment, stated that she believed that all mixed use developments should focus on low impact development, but also understood that while that is a wonderful aspect it does not work on every parcel. She explained that the developer could at least attempt to layout a site in that manner, to the extent possible.

The Council and staff pointed out language in the ordinance that they felt allowed that flexibility for developers in regard to low impact development.

Ryan Kuhlman, on behalf of Richard Burke, stated that lighting had been discussed at the previous meeting and wanted to ensure that portion was not lost in the process.

Finke advised that there is a separate lighting ordinance in the City that covers that portion.

**1. Resolution to Publish Ordinance by Title and Summary**

*Moved by Weir, seconded by Siitari, to table the resolution authorizing publication of the ordinance by title and summary. **Motion passed unanimously.***

**IX. NEW BUSINESS**

**A. Hunting Regulations**

Belland reported that at the September 15<sup>th</sup> Council meeting the issue of hunting had been brought to the attention of the Council. He explained that a complaint had been received and he was directed to review the ordinance and permits. He stated that the current hunting ordinance is based on State law, and requires a 500 square foot buffer from buildings for discharging a firearm. He advised that in 1993 public hearings were held to gather input and a great amount of discussion was heard on both sides, with the ultimate Council decision to extend the buffers from the property line rather than simply just buildings. He explained that per State law a resident would need to be 500 feet from their own home and then still 500 feet from the property line in order to discharge their firearm.

Smith briefly recessed the meeting at 8:58 p.m.

Smith reconvened the meeting at 9:05 p.m.

Belland further summarized the prior regulations regarding hunting in the City of Medina. He stated that in the review of permits he noticed that in 1992 there were 432 permits issued for hunting in the City, and since the ordinance change in 1993 that number has steadily declined to the average of about 130 permits per year currently, which is a decline of 70 percent. He stated that in regard to complaints there were 10 complaints received in 1992, with only two complaints received in 1993 after the ordinance change, and currently only about four or five complaints annually. He stated that over 50 percent of the complaints were generated from the early goose season in the Holy Name area. He advised that the department does receive one or two complaints per year in which someone reports another person hunting on their property, but stated that for the most part hunters are well informed in regard to the rules. He stated that in the 19 years he has been with the City there has not been an issue of safety in regard to hunting. He confirmed that the noise can be disturbing, just as other noises in the City can be disturbing at times. He stated that he believed that hunting was important for several reasons, including that there would be an increase in car/deer accidents, and that geese produce five pounds of feces per day, both of which could cause problems with the elimination of hunting. He stated that he believed that hunting would continue to decrease as the City continues to grow, but suggested that the City gather information from both sides if they wish to change the ordinance.

Weir questioned if an early morning time limit could be enacted.

Belland confirmed that the City Council could enact a time limit that would be more restrictive than the State law but not less restrictive.

Kerry Kaluza, 2452 Holy Name Drive, stated he does not look forward to the hunting season each September. He reported that the shots start at dawn and also causes their dog to react to the sound, which is why he would be in favor of an increased buffer. He stated that shot also rains down onto his yard and Holy Name Drive, even with the buffer, and commented that some hunters that come to Medina are not even residents. He stated that although he does not want hunting to be outlawed in the City, would like the buffer to be increased, which would make the Holy Name area off-limits to hunters.

Weir questioned the range of birdshot.

Belland stated that although it is hard to determine the actual range for birdshot, with the right angle and wind speed it could travel up to 900 feet, but noted that is highly unlikely.

A resident commented that it would be hard to injure a bird more than 40 yards away as the velocity of the birdshot is lost.

Belland stated that if the buffer were raised to 1,000 feet there would only be two parcels available in the City of Medina that could support hunting.

Joe Fedder, Holy Name Road, stated that he would be in favor of a hunting limit as some people work late and then are awoken at 6:00 a.m. by the shots ringing.

Jim Simons, 1862 Morgan Road, stated that he is a hunter and requested that the Council review this issue in a comprehensive manner and solicit public input. He explained that a time limit for hunting sounds easy but advised that most people hunt early in the morning or late in the day, because that is when you are most likely to find the animals. He stated that from a standards perspective the City is already more restrictive than the State.

Beth Nielsen, 295 Lakeview Road, stated that she does not have birdshot in her yard but does hear the shots in the morning. She commented that although she may be woken up by birdshot, she is able to go back to sleep and has not ever been concerned for the safety of her children. She stated that the shots do not continue throughout the whole morning because the birds do not stay in the area for a long period of time. She advised that she has also called the police in regard to field plowing that occurred at 11:00 p.m., and stated that although there are different noise complaints in the City, each type only lasts for a certain amount of time and does not continue on throughout the year. She stated that she would be in favor of leaving the current ordinance as it stands.

Randy Hughes, 2062 Holy Name Drive, stated that he is a hunter but does not like getting woken up in the morning, as he does not hunt geese. He stated that he does however appreciate the goose hunters because of the high number of geese in the area. He was also in favor of leaving the hunting ordinance as it stands.

Jim Simons stated that he also does not support changes to the hunting ordinance.

Smith stated that she thought that the City was lucky that no one had been hurt from hunting, as a Councilmember has had a hunter come through his property chasing a deer. She questioned how many permits were issued to residents and non-residents. She also thought that the geese situation should be addressed in a manner other than hunting as it is also an issue of water quality.

Siitari stated that while he could empathize with the homeowner that has birdshot on his yard, he did not know if that was a safety issue and whether the problem was at a point where changes needed to be made.

Belland stated that he did not want to guess, but estimated that most people obtaining permits within the City were not residents, as you do not have to hold a permit to hunt on your own land.

Adams stated that the Council has a heavy workload through the end of the year and suggested that staff could either schedule a public hearing for early next year or the Council could add the item to the goal setting meeting for the next year.

*It was the consensus of the Council to add the item to the January/February goal setting session agenda in 2010.*

## **OLD BUSINESS (continued)**

### **D. An Ordinance Related to Driveway Widths for Single Family Homes Amending Sections 400.01, 400.03, 400.05, 400.07, 400.09, 400.11, 400.13 and 400.15**

Finke briefly summarized background information regarding driveway width and previous Council discussion. He then reviewed the changes made to the ordinance at the direction of the Council, and advised that there were also two clerical changes suggested by legal counsel. He stated that some homes would still be out of conformance, even with the new regulations, and questioned how the Council would like to address those violations. He reported that three options for those properties would be to rule them as out of compliance, to formalize existing as legal non-conforming, or to grant conforming status. He explained that applicants of pending as-builts were all explicitly informed of the 22-foot maximum, and that staff had required a number of property owners to remove pieces of driveway in the past. He advised that MetroWest has agreed to provide driveway inspections to catch these types of problems in the future, and stated that staff feels that the manner in which this is dealt with will set precedent for the future in regard to driveways that are "mistakenly" too wide.

Weir stated that while it may be unpopular, she felt that the Council needed to take a stand.

Batty stated that this seems to be a different direction than at the last meeting, when it seemed that the Council would make those out of conformity conforming or legal non-conforming. He advised that the case that caused this discussion was the driveway waiver which would still be up for discussion in the next month, and explained that the issue would then be how far the Council would go back in terms of enforcement.

Smith confirmed that there were three properties that were "approved" too wide and two other properties that currently have pending applications but whose driveways had already been constructed too wide.

Batty stated that in regard to enforcement it would be a case by case basis and would be difficult because of the checkered past. He explained that a reasonable line would have to be drawn, such as the two pending cases that were informed and deliberately violated the regulation.

Adams stated that the first issue would be whether the ordinance was ready for approval and the other would be enforcement, which would be further discussed at the variance discussion.

Batty stated that he reviewed the ordinance as proposed and had a list of changes that could be addressed. He suggested that the whole ordinance be reviewed and amended before approval is granted.

*Moved by Weir, seconded by Siitari, to table the ordinance related to driveway widths for single family homes amending the sections referenced on the agenda. **Motion passed unanimously.***

**1. Resolution to Publish Ordinance by Title and Summary**

*Moved by Weir, seconded by Siitari, to table the resolution authorizing publication of the ordinance by title and summary. **Motion passed unanimously.***

**NEW BUSINESS (continued)**

**B. Corcoran Comprehensive Plan Review**

Finke stated that there was a significant increase in population through the period discussed in the comprehensive plan, but noted that the increase was actually decreased from the original forecasting of the City of Corcoran. He summarized the proposed land use and staging and advised that staff suggested collaboration between the cities. He explained that the sewer and water plan proposes that a portion of the City of Corcoran be connected to the services of Medina. He stated that in review of the transportation plan staff focused on the roads that would impact Medina, such as County Road 116 and Pioneer Trail. He advised that the surface water management report is very general and is only one and a half pages compared to that of Medina, which is 210 pages. He advised that the parks and trails plan connects very well with the plan from the City of Medina.

*Moved by Weir, seconded by Siitari, to direct staff to prepare and send a letter to the City of Corcoran reflecting the comments in the staff report. **Motion passed unanimously.***

**C. Environmental Fund Use**

Weir proposed that the primary function of the environment fund be to secure land for conservation of natural resources, parks and open spaces, and to make funds available to match or pool with other entities. She stated that secondary uses for the fund would be storm water management, such as incentivizing residents to management run-off through rain gardens; and lending funds to landowners to manage wetland mitigation projects. She advised that funds from the environmental fund could also be used to partner with storm sewer projects and for tree replacement and planting.

Adams inquired if the environmental fund could also be used for low impact development aspects of the public works facility.

Weir stated that she would also like a rider attached which would specify that the balance could not dip below a certain level, should the funds be used towards the public works facility, as the fund does not have a funding source and the balance would not increase until a willing and able Council contributed additional funds.

Smith commented that she had comments on her copy at home and felt that a full Council should give their input prior to implementation.

Adams advised that this document would need to be complete in order for the December 1, 2009 budget meeting.

Siitari stated that he did not know the history of the fund and although he understood the importance of secondary uses, questioned if secondary uses were a higher importance than general operations.

**D. Ordinance Related to Concept Plan Review Process Amending Sections 825.61 Through 825.71**

Finke advised that concept review plan reviews are available prior to an official request and explained that applications eligible have more City discretion, such as rezoning and large PUD's. He advised that the regulations require a fair amount of up-front work and can carry a considerable cost. He reported that staff had been directed to attempt to make the process somewhat more reasonable in terms of cost and effort. He summarized the changes to the draft ordinance including the expansion of the type of application that would be eligible for the concept plan review and a reduction in the area of notice. He stated that the proposed changes would add a requirement to provide general information on natural resources and building design; as well as relax submittal requirements regarding topography and language, so that it is clear the information requested is conceptual and general in nature. He stated that the plans of other communities were reviewed and advised that some communities do not offer this type of review, and others require a neighborhood meeting to be held.

Smith stated that neighborhood meetings could be beneficial as long as a member of City staff is present.

Batty stated that one type of project that has been added as a qualifier is one that requests financial assistance and explained that this concept plan review would not be the method for someone to apply for the actual financial assistance as those processes have separate rules and regulations.

*Moved by Weir, seconded by Siitari, to approve the ordinance related to the concept plan review process amending section 825.61 through 825.71. **Motion passed unanimously.***

**1. Resolution to Publish Ordinance by Title and Summary**

*Moved by Weir, seconded by Siitari, to table the resolution authorizing publication of the ordinance by title and summary. **Motion passed unanimously.***

**X. CITY ADMINISTRATOR REPORT**

**A. Personnel Policy Revisions, Section 5.40 Sick Leave Policy and Section 5.60 Retirement Health Insurance Program**

Adams stated that the next two items were quick changes in policy and advised that the notice period for the retirement health insurance program would be reduced from 90 days to 14 days.

*Moved by Weir, seconded by Siitari, to approve the revisions to the Sick Leave Policy, Section 5.40 and Retirement Health Insurance Program Policy, Section 5.60. **Motion passed unanimously.***

**B. Uptown Hamel Monument Sign Contract**

Adams stated that the service agreement had been brought back before the Council because there were two changes made to the document. He advised that the first was a

technical issue, as the address of the contractor had changed, and the other is a change to the completion date from December 1, 2009 to January 31, 2010.

*Moved by Weir, seconded by Siitari, to approve the amended Uptown Hamel monument sign contract. **Motion carried unanimously.***

**C. Pioneer Sarah Creek Watershed District**

Adams explained that a letter of support was being requested in regard to the Pioneer Sarah Creek Watershed District TMDL project.

*Moved by Weir, seconded by Siitari, to approve a letter of support for the Pioneer Sarah Creek Watershed District TMDL project. **Motion carried unanimously.***

**D. Resolution Accepting the Resignation of Public Works Employee Robert Dressel**

*Moved by Weir, seconded by Siitari, to accept the resignation of Robert Dressel. **Motion carried unanimously.***

**E. Discussion Regarding Vacant Position**

Adams stated that a vacancy was created by the resignation of Bob Dressel and advised that staff is recommending not to fill the position at this time but instead hire a part-time person for the winter to handle snowplowing, with one on call person as well. He explained that the full-time position could then be discussed during the winter of 2010 for possible hire in spring 2010.

*Moved by Siitari, seconded by Weir, to accept the suggestion of staff in regard to the staffing vacancy. **Motion carried unanimously.***

**XI. MAYOR & CITY COUNCIL REPORTS**

There were none.

**XII. APPROVAL TO PAY THE BILLS**

Adams stated that he had one addition to the bills tonight, which was to void check number 34728 in the amount of \$63,080 and reissue check number 34742 in the amount of \$50,730 to Project One Construction. He explained that the City had thought that the electrical portion of the contract had been somewhat overcharged and was pulling back that portion of the payment until further work had been completed.

*Moved by Weir, seconded by Siitari, to approve the bills, EFT 000588-000599 for \$32,128.20 and order check numbers 034689-034741 for \$160,341.56 and payroll EFT 502378-502403 for \$42,776.95, with noted changes. **Motion passed unanimously.***

**XIII. ADJOURN**

*Moved by Weir, seconded by Siitari, to adjourn the meeting at 10:37 p.m. **Motion passed unanimously.***

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Carolyn A. Smith, Acting Mayor

Attest:

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Chad M. Adams, City Administrator-Clerk