

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 5, 2009

The City Council of Medina, Minnesota met in regular session on May 5, 2009 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Siitari, Smith, Weir.

Members absent: Johnson

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Associate Planner Dusty Finke, Public Works Superintendent Steve Scherer, Finance Director Jeanne Day, City Administrator Chad Adams and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to add an item regarding tree preservation and deleting ash trees from the recommended species.

It was requested to add an item regarding discussion for the City to consider an annual fee for people who have CUP's, which would help to pay for City inspections.

*Moved by Weir, seconded by Smith, to approve the May 5, 2009 agenda as amended.
Motion passed unanimously.*

IV. APPROVAL OF MINUTES

A. Approval of the April 21, 2009 Special City Council Meeting Minutes

It was noted on section 3-5, the word "could" should be replaced with the word "should". It was noted on section 3-1, regarding the statement on grazable acres, a definition of wooded area should be included.

*Moved by Weir, seconded by Siitari, to approve the April 21, 2009 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the April 21, 2009 Regular City Council Meeting Minutes

It was noted on Page 1, line 42 and line 44, tiff should be replaced with TIF. Page 1, line 43, should state, "...could be an end of session decision". Page 1, line 34, "...citizens the City...". Page 3, line 4, should state: "...29 million in street value of drugs". Page 4, line 33, should state: "The church is being made nonconforming". Page 4, line 4, should state: "...allowing the merchant to keep the sign in that location." Page 4, line 21 and 23, grammar changes were suggested, it should state: "...largest most significant...", and "...syne synchronize...". Page 5, line 25, should state: "Smith stated at the last Park Commission meeting a proposal about creating a lake owners association." Page 5, line 30, should state: "...workshops and School Lake would be a good area to begin working on this." Page 6, line 39, should state: "...what bid upgrades would cost." Page 6, line 40, should state: "...of the firm stated their recent projects had been coming in under their projections." Page 7, line 8, should state: "...for reimbursables". Page 7, line 9, should read, "HCM had the overall best looking buildings

and proposal.” Page 7, line 12, should state: “...negotiating the contract costs with the firm.”

*Moved by Weir, seconded by Siitari, to approve the April 21, 2009 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. **CONSENT AGENDA**

- A. **Approve Temporary Liquor License to Wildlife Rehabilitation Center of Minnesota for August 8, 2009 at 3000 Hamel Road**
- B. **Approve Ball Field Rental Agreement (Hamel Seniors Softball League)**
- C. **Approve Ball Field Rental Agreement (Hamel Hawks Baseball)**
- D. **Approve First Amendment to Ground Services Agreement (Hamel Athletic Association)**
- E. **Approve Tennis Court Rental Agreement**
- F. **Approve Resident Cost-Share Grant Program Agreement (Clint and Judy Lueck)**
- G. **Approve Resident Cost-Share Grant Program Agreement (Mike Zeglin)**
- H. **Approve Acquisition of Pitney Bowes Folding/Stuffing Machine**
- I. **Resolution Authorizing Execution of Safe and Sober Communities Agreement**
- J. **Resolution Recognizing City Clean Up Day Volunteers**
- K. **Approve Architect Services Agreement with Hagen, Christensen & McIlwain, Architects PA – Part 1 and Part 2**

Crosby asked to remove item K from the consent agenda.

*Moved by Weir, seconded by Smith, to approve consent agenda items A-J. **Motion passed unanimously.***

- K. **Approve Architect Services Agreement with Hagen, Christensen & McIlwain, Architects PA – Part 1 and Part 2**

Crosby questioned the wording and if it meant the architect, not the City, would own the plans. If that is the case, the architect could sell the project to someone else, and if the City were ever to add-on or amend the building it would need to go through the same architect.

Adams advised that the language had been clarified to state that the City would own the plans.

*Moved by Crosby, seconded by Weir, to approve the architect services agreement as amended with Hagen, Christensen and McIlwain, Architects PA. **Motion passed unanimously.***

VI. **COMMENTS**

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

Martha Van deVen, 1765 Medina Road thanked the Council and City Staff who took part in the Medina Clean Up Day. She stated there was a wonderful turnout and reported that 32 bikes had been collected, compared to 38 bikes collected the prior year.

B. Park Commission

Park Commissioner Ann Thies advised that the park tour would occur on May 16th from 10:30 a.m. to 2:30 p.m., which would be good for new Park Commission members. She stated she was interested to hear about the new City logo and its relation to the park signs.

C. Planning Commission

Associate Planner Finke reported that a Planning Commission meeting had not been held since the last Council meeting. He advised that on the next agenda the Commission would be reviewing a site plan for Wrangler's Restaurant including an expanded parking lot. He advised that a public hearing would also be held for that item.

VII. OLD BUSINESS

A. City Logo Design

Crosby advised that the current City logo has been around for 15 to 20 years and a contest had been held to design a new logo for the City. He stated that finalists had been chosen last fall and the City worked with resident Lori Dalrymple, who is also a graphic design artist, to refine the design. He advised that the new logo would be phased in over time due to the current economy and that the City had spent \$500 on the design process.

Smith added it has been a great frustration to the Park Commission as there has been discussion regarding park signs for the past two years. She noted the park signs have been in the budget for the past two years.

Crosby advised that the majority of the resident comments in regard to the new logo were positive.

Lori Dalrymple, consultant, presented the revised City logo and stated that she had incorporated a lot of the resident feedback into the revised design.

*Moved by Weir, seconded by Smith, to approve the City of Medina logo, as designed.
Motion passed unanimously.*

VIII. NEW BUSINESS

A. Elm Creek Drive and Ridgeview Circle Road Improvements

1. Resolution Approving Plans and Specifications and Ordering Elm Creek Neighborhood Mill and Overlay Project – Public Hearing

Crosby provided background information for the residents present at the meeting regarding the road improvement program and assessment policy. He advised that three roads would be repaired and assessed through this program including the previously discussed Cherry Hill, which would be assessed at approximately \$750 per home; and a portion of Elm Creek Drive, which would be assessed at approximately \$1,039 per home.

Adams explained the purpose of this agenda item and provided some background information regarding street funding and the policy to assess projects. He stated that the project would include the mill and overlay of Elm Creek Drive and Ridgeview Circle, along with curb and gutter replacement where it is damaged. He advised the estimated

project cost would be \$81,012. Adams explained the special assessment would include a 50 percent assessment to residents, which would be a total of \$1,038.61 per lot. He advised that two separate public hearings for each road of the project would be held in regard to the mill and overlay project and reported the dates of other 2009 street improvement project hearings for interested residents. He stated this will be the last opportunity for residents desiring to appeal the assessment to file a written objection prior to closing the public hearing.

Mayor Crosby opened the public improvement hearing and assessment hearings at 7:28 p.m.

Bill Waytas, 3448 Elm Creek Drive, commented that he and his neighbors were happy that Elm Creek Drive was going to be included, due to the poor condition of the road. He questioned if a street reconstruction would be a better choice for that road due to the condition and to ensure that the problem was fixed correctly.

Scherer explained the mill and overlay process and how much would actually be milled off the roadway. He expected the life of the mill and overlay would be about eight years.

Kellogg advised that a reconstruction would cost at least three times the cost of a mill and overlay project. He explained the life cycle of a roadway, including construction, sealcoating, mill and overlay, and reconstruction.

There being no further input, Mayor Crosby closed the public hearings at 7:35 p.m.

*Moved by Weir, seconded by Siitari, to approve the Resolution Approving Plans and Specifications and Ordering Elm Creek Neighborhood Mill and Overlay Project. **Motion passed unanimously.***

2. Resolution Adopting Assessment Roll for Elm Creek Neighborhood Improvement Project – Public Hearing

*Moved by Weir, seconded by Smith, to approve the Resolution Adopting Assessment Roll for Elm Creek Neighborhood Project. **Motion passed unanimously.***

B. Ordinance Relating to Institutional Land Uses, Creating the Rural Public / Semi-Public Zoning District and Removing Urban Industrial Zoning District, Amending Sections 826.01, 826.21, and 826.643 ET. seq.

Crosby provided some background information on this item and explained that this ordinance would remove institutional uses, such as government buildings and schools, from the Rural Residential district and move the uses into the new Rural Public/Semi-Public district.

Associate Planner Finke noted that the 2010 – 2030 Comprehensive Plan had not yet been adopted, but advised that the ordinance would be consistent with both the new and prior Comprehensive Plans. He advised that a public hearing was held where public comments had been heard regarding this item. He advised that institutional uses, with the exception of schools, would be allowed in the RPS district. He summarized the lot standards that would be included in the ordinance.

Finke explained that the new district is somewhat unique for rural areas, although Lake Elmo has a similar zoning district. He summarized the building design regulations

including a maximum building size, building height, building materials, and multi-sided architecture. He advised that although Exterior Insulation and Finishing System (EIFS) has previously not been allowed it is now included in allowable materials. He explained that the City building official has compared the lifespan of EIFS to stucco and thought it would hold up quite well. He noted that a number of the structures rezoned into this district would not comply with the building materials, including the Public Works building. He questioned the Council's opinion on Hardiboard that is currently allowed as an accent material in the new district, and whether it should be allowed as more than an accent material.

Smith commented that she liked the material and thought it only needed to be painted every ten years.

Finke presented the landscaping and screening requirements for the new zoning district. He explained that there were basically no standards of this type in the Rural Residential district and advised that the new requirements would follow closely to the commercial requirements. He briefly reviewed the parking lot landscaping, tree planting, and tree preservation requirements.

Smith thought that screening would be beneficial in this district.

Finke advised that several institutions would become nonconforming when moved into the new zoning district. He noted that there is not currently a timeline set to actively push those buildings into the new requirements but if a permit were applied for, that nonconforming use would need to then comply at that time. Fink advised that the ordinance also allows for credit for existing trees to meet the vegetation standard. He reviewed the outdoor lighting regulations and advised that this ordinance is more restrictive than the existing lighting ordinance including 0.0 footcandles of light within 25 feet of all property lines and requiring the applicant to take active steps to limit the impact of lighting, including intensity and timing. He explained that in terms of the regulations regarding trash enclosures, the City Hall would become nonconforming. He advised that there are specific standards for religious institutions found in the new district including access to an arterial roadway, sanctuary seating capacity limited to 500 persons, and no residential use.

Crosby explained that a nonconforming use of this type would mean that if the building were to burn down they would not be able to rebuild.

Batty advised that the State Statute had been changed to reflect that if a building is burned down to 50 percent of the building and a permit is pulled within 180 days, they would be able to rebuild with the then current materials.

Finke advised the most discussed regulation regarding religious institutions would be regarding potential intensity regulations. He advised that staff recommended the language, "the number of persons on-site at any given time shall not exceed two and one-half times the capacity of the sanctuary, with the exception of larger events no more than four times per year", in regard to potential intensity regulations.

Crosby questioned if parking standards had been discussed in regard to building size.

Finke advised that parking regulations were not discussed and current regulations state one parking stall per three seats in the sanctuary. He thought that the maximum persons on site should have some coordination to the parking requirements. He advised that in regard to governmental buildings in the new zoning district, staff would recommend similar regulations as adopted for religious institutions.

Crosby commented that the City is planning to find a new home for Public Works.

Finke moved on to the regulations regarding cemeteries in the new zoning district including utilizing the existing regulations in the Rural Residential district as a guide as they had been amended one year ago; changing setbacks to be consistent with larger setbacks of the RPS district; and changing driveway requirement so that the 20 foot is not required in all situations. He advised that daycare and early childhood education is allowed as an accessory use in the new district. He briefly reviewed the regulations for that use. He advised that staff recommends approval of the ordinance. Once adopted, staff would also recommend discussion of rezoning property into the RPS district, and discussion of a moratorium on religious institutions.

Ann Kuntz, representing Station 19 Architects and Woodridge Church, advised that most churches have more than one activity going on at one time. She did not think that parking would be a concern, as many people that attend ride together. She stated that they are not in favor of building something that is larger than needed. Kuntz stated the church wants to be a good neighbor and would be in favor of the ordinance. She thought that the square footage amounts may cause a slight problem and it was important to realize that they are not changing the use, but adding area for circulating people through the site and providing an area for educational activities.

Steve Hopper, Executive Pastor of Woodridge Church, advised that he has been with the church since it was built. He advised that a large majority of the people on site at the church at any one time would be non-driving members. He advised that the church is currently at 458 seats in the sanctuary, with 298 parking stalls. He explained that they would only be requesting to add area for increased circulation and educational areas with a total square footage of 43,000 or 44,000.

Ann Kuntz commented that there is currently 28,000 square feet with a proposed addition of 14,000 square feet for a total of about 42,000 square feet.

Crosby thought that the church had been a good neighbor to date but it was only fair to advise the church of the near future and what would be expected in terms of intensity of use. He commented that the service could be broadcast into the youth auditorium; therefore, adding space onto the sanctuary.

Ann Kuntz commented that they would want spaces within the church to flow and be function as multiple use spaces. She did not know why the City would care what people were doing within the church as long as the maximum capacity set by the City was being followed.

Hopper stated by looking at the design and purpose of the rooms, that question did not occur to them but he understood the concern. He advised that the seating space in the student area would be a maximum of 124 seats and designed for students. He viewed events such as Christmas and Easter to fall into the four times per year allowed by the

ordinance. Hopper explained that on those occasions there is actually sufficient parking because families drive together.

Crosby stated that at the end of the day he does not want the neighbors to observe a more intense use for the building, and the Council would want to ensure that the future use would fit into the current parking as the Council would not likely approve an expansion for the parking lot.

Weir questioned the future ambitions of the church.

Hopper stated that it is in the nature of a church to grow. He advised that since the church has been on the site, for the past 13 years, it was realized that this site would not support a 1,000 seat auditorium, as originally planned in the 1994-1995 application. He did not think this area would support a facility of that nature. Hopper stated he was comfortable with the maximum seating for the sanctuary to be set at 500 seats with 300 parking stalls. He advised that future expansion would occur at another ministry site not located within the City of Medina. He did not plan to ask to expand past the 500 seat limit for the sanctuary or to expand the parking lot. Hopper did not foresee the need to come back to the Council with another request for expansion in the future and was happy to comply with sanctuary seating and parking requirements.

Weir commented that during the previous public hearing Ann Kuntz had requested using a three times multiplier for the maximum people onsite.

Ann Kuntz advised that there is already a number in place, set by the fire marshal, for the capacity of each room in the building.

Cal Peterson, with First Apostolic Church, 2300 Cox Trail, expressed concern with the arterial access item. He advised the church was completed in 2003 and had no plans for a mega church and although they did not plan to expand in the next 10 to 15 years, they would like the option to do so in the future. Peterson advised that the sanctuary in this church is used for other activities such as Sunday school and he would like the maximum amount for the sanctuary to be around 700.

Crosby expressed concern that the parking requirements would not match with the multiplier for the maximum amount of people.

Finke commented that the parking would be inconsistent, not nonconforming. He advised that in Medina and other metro cities, parking requirements for this use are normally based on sanctuary size, and are also inconsistent at times. He advised that other cities use one parking space per four or five people in attendance.

Smith commented that this area is rural and unsewered. She thought that there were better locations for larger institutions similar to this and that more discussion would need to occur in terms of parking, sanctuary size, and lighting.

Peter Slocum, 1752 County Road 24, commented that in regard to the size discussion he determined that the average service size for a church nationally is 124 people. He advised that large churches were up to 300 people per weekend and a mega church would be 2,000 plus people per weekend. He thought that the maximum square footage

should be limited at 35,000 square feet. Slocum was concerned with the septic system regulations regarding a building of that size and use.

Ralph Anastasia, 1400 County Road 24, stated he lives adjacent to the church. He advised that the parking lot is consistently full and his neighbor actually has six to eight cars in his driveway during Sunday services and the police have actually directed traffic for services. He was concerned that the land would not support a septic system of that size. Anastasia did not think this would be the last expansion request as the church has just bought another property immediately west of the church. He was concerned that additional parking was not planned with this expansion.

Hopper advised that the church is buying that property but it was not going to be rezoned along with the church and would not be included in this type of discussion.

Anastasia commented that the outdoor lighting remains on until 10:30 p.m. or 11:00 p.m., even when there is no one present at the church. He did not think that the permit should be granted to the church as he did not feel that they had addressed the main concerns.

Crosby commented that he felt the light control for First Apostolic Church to be good.

Smith suggested a meeting be held with the church and neighbors to determine a solution for the lighting.

Anastasia was also concerned with children coming onto his property when they are playing at the church playground. He thought that a fence should be installed by the church to ensure that those children do not spill over onto private property.

Mayor Crosby recessed the meeting at 9:00 p.m.

Mayor Crosby reconvened the meeting at 9:10 p.m.

Jim Shunk, 1302 County Road 24, stated that his main concern was regarding water. He noted there are regulations for personal septic systems and there should be something similar in regard to the church. He did not think that the septic system would support a church of that size and was concerned with possible pollution.

Martha Van deVen, 1765 Medina Road, stated that her property overlooks the back of the church and parking lot and she has lived at that property prior to the church being constructed. She commented that when the church was built she had stated that she did not think this use was a good fit for the residential area. She advised that notice had not been sent to her property regarding the two additional CUPs. Van deVen stated she accepts the church as it is currently but thought it unfair to allow for a more intensive use. She did not think that the church should be allowed to expand further and should be limited at 30,000 square feet. Van deVen stated her appreciation that the church has now put the outdoor lights on a timer to turn off at 10:00 p.m. but was unsure why the lights remain on when there is no one in the parking lot. She stated that when she moved into her property there was an abundance of wildlife in her area but that is no longer the case. Van deVen stated that the church sits among homes, although it is not a home. She was concerned with the water quality, entrance to the church, and traffic caused by the church.

Stephanie Siitari, 1795 Medina Road, stated that she has been at her property for 20 years and is married to Councilmember Siitari. She commented that she is in support of her neighbors in the central corridor and believed the intent to limit the intensity of the structure is too little too late. She questioned who would monitor and count cars for the four special events per year, and whether those events would require a special permit. She thought that the use surpassed the expectations for a rural residential area.

Allan Wandra, 2045 Tamarack Drive, thought that the Council should be concerned with the next church that wants to come into Medina, rather than the two already in existence and being discussed. He thought 35,000 square feet was too large of a footprint for this area and that 20,000 square feet would be a good size limit for the next applicant. He thought that the emphasis of the zoning requirements should be on the future, rather than accommodating the existing churches. He also thought that low impact development should be a requirement rather than a suggestion.

Crosby commented that the zoning districts have changed so a church could no longer come into a rural residential area.

It was the consensus of the Council to leave the height limit at 35 feet; allow the use of Hardiboard; allow a rectory, in the historic sense, within the maximum square footage of the site even if not physically connected to the church; hold further discussion regarding the access to an arterial roadway; and that further information and discussion is needed regarding parking and maximum intensity. There was concern over how the maximum intensity would be regulated.

Weir expressed concern over the cemetery portion of the new zoning district.

Smith felt that the maximum square footage should be set at 35,000 square feet and could be raised in the future if needs demand.

Crosby thought that the Council needed more information on the issues of maximum intensity, parking, and square footage and did not feel that those issues would be solved tonight.

*Moved by Smith, seconded by Weir, to table further consideration of Ordinance Relating to Institutional Land Uses, Creating the Rural Public / Semi-Public Zoning District and Removing Urban Industrial Zoning District, Amending Sections 826.01, 826.21, and 826.643 ET. seq. to the June 2, 2009 meeting and direct staff to make the revisions as discussed. **Motion passed unanimously.***

C. Holy Name Cemetery Lot Combinations, Conditional Use Permit, Site Plan Review, Interim Use Permit, and Easement Vacation

Associate Planner Finke advised that the Holy Name Cemetery is located at the corner of Holy Name Drive and County Road 24. He stated the request is for a lot combination, conditional use permit, site plan review, interim use permit, and easement vacation. The Planning Commission and City Staff recommend approval of the requests. He reported that there are 857 existing in-ground burial sites and 344 proposed in-ground burial sites. Staff recommends that parking needs and the internal roads be revisited in Phase II of the build out. He reviewed the setback requirements and advised that the septic system for the private home on the property is noncompliant and would need to be

brought into compliance or hooked up to City sewer within three years. He noted that some trees would be impacted by the proposed plan. The applicant had proposed to plant a significant number of trees for screening purposes and staff recommends a variety of coniferous trees. In regard to the interim use permit, staff would recommend that the IUP terminate when Phase II is initiated or in 15 years, whichever occurs first. He noted that the easement vacation would be discussed at the May 19, 2009 Council meeting.

Dan Gary, 2929 Brockton Lane, stated that he was the parish manager and advised this had been in the plans for quite some time. He advised that the home was purchased in 1995 with the intent to eventually expand and he hoped to make the area aesthetically pleasing for those passing by and for those grieving.

Crosby questioned if comment could be made on the need for 15 years in regard for the use of the house.

Gary stated as soon as the current owner leaves the house it would be torn down. He stated that they are otherwise flexible with the use of the house.

Batty recommended that the first condition for the lot combination be removed as there is a title of record on file.

*Moved by Weir, seconded by Smith, to direct staff to prepare resolutions for Holy Name Cemetery lot combination, CUP, IUP, site plan, and easement vacation. **Motion passed 3-1 (Crosby opposed, Johnson absent).***

Crosby opposed the vote on the narrow issue of the interim use portion.

IX. CITY ADMINISTRATOR REPORT

A. German Liberal Cemetery – Feasibility of Ownership Transfer to City

Adams briefly reviewed the background information regarding this item and advised that the preliminary analysis demonstrates that fees would need to increase significantly if the City assumes ownership. He advised that staff has spoken with several cities that have taken ownership of private cemeteries. He questioned if the Council would still like to continue on this plan; to encourage GLCA leadership raise fees in accordance with the City's recommendations; to designate Mayor Crosby and Councilmember Johnson to continue meeting with GLCA to evaluate the feasibility of ownership transfer; to declare that ownership transfer will not occur prior to January 1, 2010; and if ownership transfer is to occur after January 1, 2010 that management be primarily through a contract arrangement.

Siitari questioned why the City would want to get into the cemetery business.

Crosby advised that the current leadership is "running out of steam" and the City would ensure that the area was kept up and a less responsible owner would not manage the cemetery.

Smith understood the dilemma but did not think that City ownership was the only solution. She questioned if an owner of another cemetery could be approached rather

than the City. She did not feel that it was a good location for a cemetery and advised that it was already nonconforming.

Ann Thies, 1922 Willow Drive, advised that this is a “Free Thinker’s cemetery” and not affiliated with a church. She advised that the purpose had been to come from Germany and get away from the control of the church.

Crosby commented that this issue should be investigated further as to whether the City should or could take over ownership.

Don Gasper commented that the amount of upkeep for the cemetery is very low and thought that the work would not burden the City.

It was the consensus of the Council to direct staff to gather additional information and continue preparing a feasibility plan regarding German Liberal Cemetery.

B. City Signage – Uptown Hamel Monument and Park Signs

Adams presented prior examples for the Uptown Hamel Monument sign. He explained the purpose of the sign is to be a monument that recognizes the Uptown Hamel area in general and would not advertise any businesses.

Crosby questioned if a restaurant were to come into that area, how that would be advertised.

Smith advised that the purpose of this sign was never to advertise for specific businesses.

Finke advised that the sign ordinance forbids that type of sign.

Smith felt that there is an expectation from Uptown Hamel and the City should fulfill that expectation.

Crosby was concerned with whether this sign would make a difference after the compromises are made.

Weir requested a visual to demonstrate how prominent the sign would be in the proposed location.

Smith thought the new City logo should be incorporated into the sign and that some guidelines should be passed onto the Parks Commission in regard to the park signs. She thought that the park sign should be horizontal in nature, include the City logo, somewhat maintenance free, and clearly identify the park.

Thies commented that a sign was already in Hamel Legion Park and questioned if the new signs should remain consistent with that design.

Weir thought that it would be appropriate to wait for a presentation and recommendation from the Parks Commission.

It was the consensus of the Council to pass on the guidelines that the sign be horizontal in nature, include the City logo, somewhat maintenance free, and clearly identify the park, and to move ahead to gather bids for the project.

Mayor Crosby recessed the meeting at 11:09 p.m.

Mayor Crosby reconvened the meeting at 11:15 p.m.

C. Tree Preservation

*Moved by Smith, seconded by Weir, to direct staff to prepare an amendment to the Tree Preservation Ordinance to remove ash trees from the list of acceptable trees, in the normal course of business. **Motion passed unanimously.***

D. CUP

Smith questioned if the people who currently have a CUP pay an annual fee to cover the cost of the required inspections. She advised that she was looking for more fee based services that would help to cover the City's cost associated with the services.

Adams advised that staff had discussed business licenses for fire inspection purposes, but not CUP's, and would need to research the issue further as he was not sure if that was common practice, legal or practical.

Batty advised that although he had never seen this process in another city he did not think it would be impossible. He advised that the fee would not be a condition included in the original CUPs and that would need to be worked out. He advised that this could be included in the fee schedule.

Crosby commented that he was hesitant to raise fees in the City.

Smith advised that she was not in favor of raising taxes and was trying to incorporate user fees.

Adams commented that staff could research the option further.

E. 2008 Annual Report

Adams presented the 2008 Annual Report in draft form and proposed that the Council take one week to review the draft report and make suggestions and/or corrections if necessary. He indicated he would obtain quotes for printing copies.

F. Street Final Wear Course Policy

Adams stated that there are a number of developments in the City that are not yet built out. He advised that the development agreements require the final wear course does not occur until the development is generally 80 percent built out. He stated that staff was looking for additional flexibility in terms of when the final wear course would go down and if approved, would draft development agreement amendments.

*Moved by Smith, seconded by Weir, to allow more flexibility in the street final wear course policy. **Motion passed unanimously.***

X. MAYOR & CITY COUNCIL REPORTS

Smith commented that on Wednesday May 13, 2009, a dinner would be held for the Northwest League. She advised the speaker is a business owner in Delano and invited interested parties to attend.

XI. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Smith, to approve the bills, EFT 000457-000470 for \$35,382.46 and order check numbers 033920-033978 for \$333,911.93 and payroll EFT 502010-502036 for \$42,838.35. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Weir, seconded by Smith, to adjourn the meeting at 11:30 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk