

WOODLAND CITY COUNCIL
MINUTES OF THE BOARD OF APPEALS & CITY COUNCIL
MONDAY, MAY 10, 2004
7:00 P.M.
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CLOSED EXECUTIVE SESSION – 6:30 PM

The Council had an Executive Session at 6:30 PM with our Attorney Kim Kozar to discuss the litigation process in the City vs. Newell.

CALL TO ORDER: Chairperson Mayor Stark called the meeting to order at 7:15 PM.

PRESENT: Jean Stark, Jim Doak, Tom Newberry, Steve Hornig and Bruce Shilling

GUESTS: Bill & Mary Dolan, Paul Coniaris, Herb & Monna Suerth, Wayne & Virginia Clymer, Carol Garrison, Michelle & Edward Winer, Joyce Hanson and Kathy Sawicki

STAFF: City Assessor Dan Distel, County Assessor Bill Effertz, Zoning Coordinator Gus Karpas, Treasurer Grace Norris and City Clerk Sandy Langley

EXPLANATION OF ASSESSMENT PROCEDURES

Chairperson Stark addressed the Board stating the purpose of the meeting is to review requests by Woodland property owners who feel an adjustment is necessary in their assessed market value. Property owners are to present their requests to the Board.

Dan Distel summarized the Board of Review Process. Mr. Distel stated that he estimates property values based on comparable sales and specific property amenities. The target valuation is 95% to 105% of the sale price. Hennepin County sets this target percentage. Hennepin County Assessor Bill Effertz's function at our meeting is to record appearances so property owners are able to move on to Hennepin County Board of Equalization if they do not agree with the Local Board of Appeals. Mr. Distel stated that the taxable market values of all properties would reach their full market value when the limited market value provisions are lifted; and residents would fee the full impact will be felt in 2008.

Bill & Mary Dolan, 3100 Maplewood Road, asked the Board if they would examine the value placed on Lot 13. The valuation placed on this parcel for 2004 was \$800,000 and he felt that it should be left at \$600,000, used in 2003. The potential building pad is limited as a result of setbacks, steep slopes, and wetlands. Despite an attractive view, the lot is very confined. Chairperson Stark asked if the three lots owned by the Dolans' would be considered contiguous, whereby a higher value could be placed on them. Mr. Effertz stated that each property is treated as a separate lot and valued accordingly.

Mr. Shilling asked about improvements on the property. Part of Lot 13 is being used for access to Lot 12 which contains the Dolan's residence. Lot 13 also contains a screened-in shed, dock, tennis court etc. The lot could have sewer from Lot 12, if it were ever subdivided.

Chairman Stark felt the percent of increase over the past four years has been excessive.

Mr. Doak stated that Lot 12 seemed dependent on Lot 13 by virtue of its current use, but Mr. Dolan assured the Board that Lot 13 could be severed. Considering the sererability of Lot 12 and the limits to developing Lot 13, might Lot 12 be undervalued and Lot 13 overvalued?

Mr. Newberry moved to set the value of the land on Lot 13 at \$600,000. Mr. Hornig seconded. Upon roll call vote Stark, Shilling, Newberry, Hornig and Doak voted aye. Motion carried 5-0.

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Steve Hornig stepped down from the Board to present his property assessment concern.

Steve Hornig, 2830 Breezy Heights Rd, voiced his concern with not being treated the same as his other lakefront neighbors in setting estimated market values. He felt the neighborhood should have the same percentage increase. His property value was increased by 17 percent and his neighbors were increased only 7 percent.

Mr. Newberry stated he felt the property was fairly valued.

Assessor Distel stated that the 55-foot lot is a unique lot, and that it was under-valued. The property received an appraisal reduction a couple of years ago. He felt the proposed value represented current waterfront values and noted that the property has had recent improvements. Mr. Newberry approved the Assessor's valuation for 2004. Mayor Stark seconded the motion. Upon roll call vote Stark, Newberry, Shilling and Doak voted aye. Motion carried.

ADJOURNMENT

The Board of Appeals and Equalization adjourned at 8:25 PM.

CITY COUNCIL

Mayor Stark called the meeting to order at 8:25 PM.

MINUTES of April 14, 2004

Motion by Councilmember Hornig, seconded by Councilmember Newberry to approve the minutes of April 14, 2004. Motion carried 5-0.

PUBLIC HEARING

A. Variance – Michelle Winer, 2870 Inner Road

Mayor Stark convened the public hearing for the variance request to demolish an existing dwelling and construct a new two-story dwelling on a non-conforming lot.

The Architectural Committee of the GHA Board approved the plan.

Mrs. Winer presented the request and stated she has amended the plan so that the proposed structure meets the required rear yard setback and that the proposed height complies with the maximum permitted height.

Mayor Stark opened the public hearing to the public.

Carol Garrison, 2860 Inner Road, stated she had concerns with the size of the house but did not object to it.

Council discussed drainage issues and asked for the plans to be approved by the City Engineer. Councilmember Hornig voiced concerns about demolishing a home and not complying with the setbacks when building on a new foundation.

There being no further public comment the public hearing was closed.

Councilmember Newberry moved to adopt Resolution No. 5-04 approving the variance to construct a new structure at 2870 Inner Road. Councilmember Doak seconded. Upon roll call vote Stark, Doak, Newberry and Shilling voted aye. Hornig voted nay. Resolution No. 5-04 was adopted.

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B. Ordinance repealing the existing Floodplain Management Ordinance and adopting a new Model Floodplain Ordinance 10-01 reflecting changes in the Federal Emergency Management Agency's regulations

Mayor Stark convened the public hearing regarding the floodplain ordinance. Zoning Coordinator Karpas stated the City received a letter from the MN DNR, mandating adoption of a model Ordinance to regulate the City's floodplain areas.

Councilmember Hornig asked what was different in the model Ordinance versus our existing Ordinance? Council also asked what property was considered in the floodplain. Mr. Karpas noted that the DNR has not yet provided the city with a floodplain map.

Councilmember Newberry asked what the consequences would be if the model Ordinance was not acted on? Is the City of Woodland a part of the NFIP?

Mr. Karpas stated he would contact the DNR and ask for further information.

Council stated they would continue action on this Ordinance when a map could be reviewed and the Council could compare the model Ordinance with our existing Ordinance.

UNFINISHED BUSINESS

- A. Stone Arch Repair – Adopt Resolution No. 4-04 – Councilmember Newberry moved to adopt Resolution No. 4-04 to approve the repair work of the Stone Arch and its conversion to a small city park. Councilmember Doak seconded. Motion carried 5-0.

NEW BUSINESS

- A. Approve Monetary Limits on Tort Liability for 2005 City Insurance – Councilmember Newberry moved to approve the monetary limits on tort liability for the 2005 City insurance. Councilmember Shilling seconded. Motion carried 5-0.

MAYOR'S REPORT

Mayor Stark reported that she had attended a Mayor's Breakfast and items discussed consisted of the Minnetonka School asking for an investigative study on the Community Education Services. Copies of the study were in the Council Packet. The Sheriff's department reported that adequate water patrol was funded for 2004. The Mayor's, Legislators from our area, and the County Commissioners from our area discussed creating a partnership with MCWD and the LMCD to harvesting the milfoil. A Resolution is in the process of being drafted. It will be circulated to Cities for adoption.

COUNCIL REPORTS

Public Safety & Environment – No report.

Roads & Signs – Councilmember Doak stated that he has been working with the road visibility issues on Breezy Heights Road and Shavers Lane. He is also working with the City Engineer on a summer road maintenance to be submitted to Hennepin County for reimbursement.

It was noted that street sweeping had been completed. He also reported on the storm damage and the wonderful job Aaron's Tree Service and Staff did to get everything taken care of in a timely manner.

Finance – No report.

Ordinances – Councilmember Hornig stated he was going to review the Ordinances and had concerns regarding non-conforming structure permits.

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He also reported receiving a letter from Pat Olson, 17900 Shavers Lane, asking for Council assistance with barking dogs. Council will have the Police monitor the situation.

TREASURER'S REPORT – Grace Norris

Councilmember Newberry moved to approve the Treasurer's Report as presented. Councilmember Hornig seconded. Motion carried 5-0.

ACCOUNTS PAYABLE

Councilmember Newberry moved to approve the accounts payable in the amount of \$18,934.79 dated 5/10/04. Councilmember Hornig seconded. Motion carried 5-0.

Mayor Stark discussed the June Council meeting and if a meeting would be necessary. Council stated they would have the Treasurer take care of the accounts payable for the month and they would meet again on July 12, 2004.

ADJOURN

There being no further business, Mayor Stark adjourned the meeting at 10:00 PM.

Respectfully submitted,

Sandra R. Langley, City Clerk