

**WOODLAND CITY COUNCIL MINUTES**  
**Monday, December 12, 2005**  
**7:00 p.m.**

**CALL TO ORDER**

Mayor Pro Tem Steve Hornig called the meeting to order at 7:00 p.m.

Present: Steve Hornig, Jim Doak, Mark Evenstad and Michael Jilek

Absent: Jean Stark

Staff: City Treasurer Grace Norris, and City Clerk, Shelley Souers

Others: Mr. & Mrs. Keith & Cheryl Ciampa, Mr. Mark Anderson

Council agreed to move item 4A, regarding the dog permit, so Mr. and Mrs. Ciampa's did not have to stay at the meeting any longer than necessary.

**NEW BUSINESS**

- A. **2006 Permit approval** – Mr. and Mrs. Ciampa were present to request a permit to keep four dogs for 2006. Mr. Ciampa reported that they have submitted a letter to the City, per the Council's request that they will not get any more dogs and reduce the number of current dogs thru the aging process. Mr. Ciampa presented pictures and stated that they have installed an arborvitae hedge (45 five-foot arborvitae) on the opposite side of the fence and planted low flowering bushes to mitigate and screen any visual impact of the dogs. Councilmember Doak moved to approve the permit to keep multiple dogs for 2006. Councilmember Evenstad seconded the motion. Councilmember Hornig thanked the Ciampa's for installing the landscaping and believed that it will prove to be beneficial. Motion carried 3-0.

Councilmember Jilek arrived at 7:05pm.

**MINUTES OF NOVEMBER 14, 2005,**

Councilmember Doak moved approval of the November 14, 2005 minutes subject to grammatical corrections. Councilmember Jilek seconded the motion. Motion carried 4-0. Councilmember Doak thanked City Clerk Souers for her work on the Council minutes.

Discussion was held regarding legislating temporary storage structures – Councilmember Hornig suggested that temporary structure kept for an extended period of time should comply with structure setbacks. Councilmember Doak agreed that residents doing extensive work on their homes may have a need for certain types of temporary structures, but was opposed to enacting ordinances that are driven by unique situations and difficult to enforce.

Councilmember Jilek agreed that ordinance restrictions do not seem necessary to dictate temporary structures used during construction. Councilmember Hornig reiterated that his main concern is that the duration of temporary structures may necessitate that they meet structure setbacks. Councilmember Hornig suggested contacting the LMC for model ordinance dealing with storage structures similar to PODS.

## **OLD BUSINESS**

- A. Eide Bailly Audit Agreement Councilmember Evenstad clarified that his motion at the previous meeting to accept the Agreement with Eide Bailly for audit services was capped at \$5600. Council agreed the 2005 proposal was in line and acceptable to the 2004 audit costs, however agreed to seek bids in March for bids for the 2006 year-end audit. Councilmember Evenstad moved to accept the proposal from Eide Bailly for audit services to be capped at \$7000 maximum to review and audit financial statements for year ended December 31, 2005. Councilmember Doak seconded motion. Motion carried 4-0.
- B. Noise and Snowmobile Ordinances Council agreed to move item 3B to agenda item 6 D Council Reports.
- C. Other Matters  
Councilmember Doak reported that Waste Management sent a letter and educational materials regarding the new recycling schedule, however the flyer was incorrect with regard to the collection location. Councilmember Doak suggested that Waste Management send a corrected flyer along with the calendar when the carts are delivered.  
Clerk Souers will contact Sheldon Swensen at Waste Management regarding this matter.

## **NEW BUSINESS - Continued**

- B. Adopt the Final 2006 Budget Councilmember Jilek moved to approve Resolution 11-05, adopting the final budget for 2006. Councilmember Doak seconded the motion. Motion carried 4-0.
- C. Adopt Final 2006 Levy Councilmember Evenstad moved to approve Resolution 12-05, adopting the final 2006 tax levy of \$219,000. Councilmember Doak seconded the motion. Motion carried 4-0.
- D. TCF Bank Proposal Councilmember Evenstad stated that he supports moving the City's accounts and banking service from US Bank to TCF Bank. City Clerk Souers agreed that staff is in support of the change and believes that the banking service will be improved. Councilmember Doak stated that he will recuse himself from any vote because he was a former US Bank employee.  
Councilmember Jilek moved to accept the proposal from TCF Bank for banking services and move the City funds into appropriate accounts with TCF, subject to receipt of a letter from TCF Bank confirming that all investments are acceptable and qualify with municipal and government standards. Councilmember Evenstad seconded the motion. Motion carried 3-0. Councilmember Doak abstained.
- E. Review Proposals for Legal Service Councilmember Doak provided an overview of the four firms that submitted proposals for legal services. Proposals were received from Campbell Knudson, Hoff Barry & Kuderer, Best & Flanagan and Kennedy & Graven. Councilmember Doak reported that Best & Flanagan represents the City of Wayzata which may pose an indirect conflict of interest since Woodland has a fire contract with the City of Wayzata.

Review Proposals for Legal Service - continued

Councilmember Doak stated that he was impressed with the credentials and strong municipal background of Joel Jamnik, attorney with Campbell Knudson and recommends that the City interview Mr. Jamnik. The law firm of Kennedy & Graven has vast experience and resources. Attorney Michael Norton has years of experience with the City of Minneapolis and the firm represents a long list of municipalities. Councilmember Doak noted that his only concern with Kennedy & Graven is that they currently represent the Lake Minnetonka Conservation District.

Councilmember Evenstad noted the physical location of Campbell Knudson offices were in Eagan and whether the location may represent an issue for the City of Woodland.

Councilmember Doak stated that he was not concerned with location of the offices, and that Woodland would get "lost" as in a large firm. He suggested that Council move forward and interview two firms. Councilmembers Doak and Hornig agreed to interview the firms of Campbell & Knudson and Kennedy Graven. City Clerk Souers will contact the firms and set-up a meeting prior to the next Council meeting on January 9, 2006.

**COUNCIL REPORTS**

Item 3B moved to agenda item 6 D

D. Ordinances

Review Ordinance re: Noise Nuisance and Snowmobiles Mr. Mark Anderson was present on behalf of Mrs. Margaret Anderson and Mrs. Kathy Murphy to address their concerns with noise and use of Lake Marion. Mr. Anderson stated that main concern is with noise and given the recent history of the Lake use has caused residents to think more generally about the potential for noise from snowmobiles and motorized watercraft.

Councilmember Doak stated that the lake bottom is owned by contiguous owners; however, the water is public. There is no direct public access without access from private property. The property owners around Shavers Lake have a homeowners association to regulate the use of the lake through voluntary action.

Councilmember Evenstad stated that he is not convinced that putting restrictions on a lake, which is 100 percent bordered by private property, to address trespassing and noise issues will solve the problem.

Councilmember Jilek asked Police Chief Gustafson about enforcement issues. Police Chief Gustafson stated that violations happen so quickly that by the time the police respond the violator is gone. In the past there had been a "gentleman's agreement" whereby the land owners got together and agreed to certain uses and guidelines regarding the lake. Chief Gustafson suggested one solution may be to speak with the property owners where the access is occurring. Use is difficult to restrict as long as there is one person who allows lake access. Another option may be to declare the lake environmental which restricts use, however will place more restrictions on the lands around the lake with regard to structures. Chief Gustafson stated that snowmobiling is prohibited in Woodland with the exception of riparian owners who are allowed to drive from their property to the lake only.

Councilmember Evenstad stated the he would support legislation if there were 100 percent support of the property owners on Lake Marion.

Councilmember Doak stated the City should consider Shavers Lake when considering any restrictions for Lake Marion. The residents around Shavers Lake are not supportive of legislation regarding snowmobiles.

Councilmember Hornig suggested that Mr. Anderson circulate a petition to surrounding neighbors to gauge interest in restrictions and then bring it back to Council if there is significant consensus.

Councilmember Doak suggested the Council invite Mr. Peter Davis to a Council meeting to speak about how their association gets voluntary cooperation regarding snowmobiles and noise on Shavers Lake. Councilmember Doak felt that the Council owes the residents around Lake Marion some answers or options.

Councilmember Hornig stated that the residents put together a petition to restrict certain uses or form a homeowners association and establish some parameters voluntarily.

Councilmember Doak agreed that neighbors work together to find resolution prior to the City enforcing ordinance restrictions. Councilmember Doak suggested that he is willing to facilitate a neighborhood meeting.

Councilmember Jilek how the Council can help facilitate a meeting? Councilmember Hornig suggested the neighbors take the lead on this issue and council can attend the meeting if the neighbors so choose. He will contact Kathy Murphy regarding the Council discussion and ask her to initiate contact with all the Lake Marion neighbors. The City will provide her with a list of all the property owner's names and numbers.

Council thanked Mr. Anderson for his input and the information from the DNR.

A. Public Safety & Finance

Councilmember Evenstad stated that there have been several parking violations on Maplewood Circle and one issue with a construction sign that exceeded the allowable size limit. Councilmember Evenstad also had several questions regarding building permit fees and the process for obtaining permits. He suggested that the zoning coordinator, Gus Karpas, attend a future council meeting and provide an overview of the permit process and fees associated with the various permits, along with State requirements for minimums.

Council directed the City Clerk to include the 2006 budget summary be included in the newsletter. Council also suggested that County Commissioner of District 6, Linda Koblick, be invited to an upcoming meeting to provide an overview of how the tax dollars are distributed at the County level. Staff will contact Ms. Koblick regarding her schedule.

B. Roads & Signs

Councilmember Doak reported that the snow plow contractor Tim Lovett is doing a good job and residents have acknowledged that the streets are adequately plowed and sanded. Councilmember Doak noted that Mayor Stark had asked the County Road Department to correct the slope off 101 to Breezy Point Road.

C. Website & Deer Management

Councilmember Jilek reported that four deer have been removed to-date, and traps are out until March 2006

**TREASURER REPORT**

Councilmember Evenstad moved approval of the Treasurer's Report as submitted with a balance of \$1,136.59. Councilmember Doak seconded the motion. Motion carried 4-0.

**ACCOUNTS PAYABLE**

Councilmember Doak moved approval of the accounts payable as presented.  
Councilmember Evenstad seconded the motion. Motion carried 4-0.

**ADJOURNMENT**

Councilmember Jilek moved to adjourn. Councilmember Doak seconded the motion.  
Motion carried 4-0. Meeting adjourned at 9:18pm.

Respectfully submitted,

Shelley Souers, City Clerk