

WOODLAND CITY COUNCIL MINUTES
Monday, August 8, 2005
6:00 p.m.

CALL TO ORDER

Mayor Stark called the meeting to order at 6:09 p.m.

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

Staff: Police Chief Gustafson, City Treasurer Grace Norris, City Administrator
Young and Legal Counsel Kim Kozar.

EXECUTIVE CLOSED SESSION REGARDING NEWELL V. CITY OF WOODLAND

Attorney Kim Kozar stated that according to MN. State Statute 13D.05 Subd. 3 (b) the Council will go into closed executive session for attorney/client privilege to discuss settlement and litigation strategy regarding Newell v. City of Woodland. Councilmember Jilek moved to adjourn to executive closed session. Councilmember Doak seconded. Motion carried 5-0.

Councilmember Evenstad moved to adjourn the executive closed session at 7:03 p.m.
Councilmember Jilek seconded. Motion carried 5-0.

Mayor Stark reconvened the Regular Council meeting at 7:07 p.m.

MINUTES of July 11, 2005

Councilmember Doak moved to approve the minutes of July 11, 2005 as submitted.
Councilmember Evenstad seconded. Motion carried 5-0.

OLD BUSINESS

- A. Review Request for Dog Permit – Keith and Cheryl Ciampa, 18150 Shaver's Lane, were present to discuss their request to obtain a permit for a fourth dog and to renew their permit for their third dog. Keith Ciampa stated that they had originally planned on having three dogs and had purchased a fourth dog with the intent to give the dog to his mother-in-law. He stated that when his mother-in-law became ill, they had fallen in love with the dog and decided that they would like to keep the dog. He stated that they are responsible dog owners and try to keep the dogs from barking and have installed a fence to keep the dogs from bothering others. Mr. Ciampa read a letter from the Animal Humane Society that endorsed the Ciampa's as responsible dog owners. Mr. Ciampa added that he had also obtained signatures from their neighbors on Shaver's Lane supporting their request for two dog permits.

Councilmember Doak stated that he had reviewed the Ciampa's property and that the dogs were not an aggressive breed and seemed well-behaved. Mayor Stark stated that Woodland's ordinance permits two dogs with any number above two requiring a permit. She stated that two dogs were specified in the ordinance because it is considered an optimal number of dogs for residents of Woodland. She asked the Police Chief if he had received any complaints on Ciampa's dogs. Police Chief Gustafson stated that he had not.

Thomas and Colleen Quinn, 3175 Maplewood Road, were also in attendance to discuss this request with the City Council. Colleen Quinn stated that her property was north of the Ciampa's and that she felt their dogs barked quite a lot. She stated that she was unhappy with the fully enclosed fence surrounding Ciampa's property and was concerned with the dogs barking continuously from behind the fence. Keith Ciampa stated that he felt that the Quinn's issue was with the fence and not necessarily with the dogs. He stated that his insurance company wanted them to install a fence due to their swimming pool. He added that their mission is to be responsible dog owners and their dogs are not allowed outside by themselves and it would not be acceptable to have their dogs bark continuously.

Councilmember Doak reiterated that the dogs are well-behaved, have been neutered and are small and non-aggressive. Colleen Quinn stated that the Ciampa's dogs are too close to their property because of the fence. Keith Ciampa stated that the Quinn's have an invisible fence that extends right up to the property line and that the location of the fence is immaterial since Woodland does not have a leash law. Thomas Quinn asked what are we supposed to do if the dogs bark. Councilmember Doak stated that they should call the police. He stated that there is an ordinance in effect that prohibits barking in excess of five minutes. He added that the permit to have more than two dogs must be renewed on an annual basis and stated that if the Quinn's believe that the problem with barking exists, they should present it to the Council prior to renewal.

Mark Evenstad asked if everyone had signed the petition approving the additional dogs. Keith Ciampa stated that everyone on Shaver's Lane has signed the petition except for those on vacation. Colleen Quinn stated that she and the Ali's, who make up a majority of the property surrounding the Ciampa's, have not signed the petition.

Councilmember Hornig asked whether the Council had the ability to issue a limited permit. He stated that he is concerned about the opinion of other adjoining property owners and those other neighbors who are out of town. He stated that he would like to hear from these other neighbors before he makes a decision. He stated that he was also concerned about establishing a precedent by allowing a fourth dog. Mayor Stark noted that we have not heard from the Ali's regarding this request. Councilmember Doak stated that the City Council can establish any conditions that they care to impose on the permit and that each permit is determined on a case by case basis.

Mayor Stark stated that she wanted clarification from the Ciampa's on whether they would always want to keep four dogs? Keith Ciampa stated that they do not plan on replacing a dog if one dies.

Councilmember Hornig moved to issue the Ciampa's a temporary permit for two dogs until next month's Council meeting when input can be received from Joseph and Barbara Ali. Councilmember Jilek seconded. Motion carried 5-0.

- B. Update on Wetland Violation – Councilmember Evenstad stated that Chris Sigfrid continues to fill in the wetland on his property. He stated that he saw Mr. Sigfrid adding more fill to the wetland a couple of weeks ago and, after he had contacted the police, saw him level the fill material with a backhoe.

Police Chief Gustafson stated that he has invited Ms. Parks of the Minnehaha Watershed District to attend tonight's meeting to give the Council an update on the status of the wetland violation. Ms. Parks provided a brief summary of the role of the Minnehaha Watershed District and then provided an overview of the wetland violations caused by Chris Sigfrid. She stated that Mr. Sigfrid is currently in non-compliance with two cease and desist orders and a compliance order. She stated that a meeting with Mr. Sigfrid, Zoning Coordinator Gus Karpas, the Soil and Water District, the Watershed District and the Hennepin County Conservation District would be scheduled in August to try to come to some sort of resolution of this issue prior to the September 6th court hearing.

Councilmember Doak asked how the original boundaries of the wetland determined now that so much of the wetland has been filled in. Ms. Parks stated that a dutch auger pulls up the soil and the different fill layers determine the original boundaries of the wetland. Councilmember Doak asked how we prevent additional dumping? Police Chief Gustafson stated that the material is present on the site so a citation can be issued. Councilmember Evenstad stated that enforcement is difficult when you are dealing with someone who appears unconcerned about the consequences of his actions. Police Chief Gustafson agreed that Chris Sigfrid doesn't seem to care about the wetland violations and doesn't have a history of following directives. He added that it is the City of Woodland's responsibility to give the authority to the Watershed District to act in this matter as Woodland is the local authority to enforce the Wetland Conservation Act.

Further discussion was held on possible enforcement action including a lien against Mr. Sigfrid's property, holding contractors responsible for violations of the Wetland Conservation Act, or requiring an escrow account to be established to restore the site. Councilmember Evenstad stated that he would attend the September 6th court hearing in order to send a message that Woodland considers Chris Sigfrid's actions to be unacceptable.

C. Preliminary 2006 Budget Review

Administrator Young provided a brief update on the 2006 Woodland Budget. Councilmember Doak recommended that the budget should include the most recent 2005 expenditures and that the line item on tree contracting should be increased to \$8,000 at the end of 2005 due to the substantial amount of tree work undertaken this year. Mayor Stark added that the 2006 budget should also include a notation to explain higher than anticipated expenditures, such as 2005 legal services, and the 2004 Budget should be added as an additional column.

Administrator Young stated that he would make these additional changes for the Council to review on September 12th. He added that the Council would have to certify their final 2006 levy at the September meeting.

D. Discuss Deephaven/Wayzata Contract for Services

Administrator Young presented a comparison of the 2006 Contract for Services provided by the cities of Deephaven and Wayzata. A summary of their proposals is as follows:

		<u>Deephaven</u>	<u>Wayzata</u>
Clerical Services	-	\$28,000 / year	\$30,000 per year
Police Services	-	\$88,308 / year	Not provided
Zoning Coordinator Services	-	\$27.27 / hour	\$40.00 / hour
Public Works, if requested	-		
Labor		\$27.13 / hour	\$35.00 / hour
Vehicle		\$38.62 / hour	\$60.00 - \$115.00
Building Inspection Services	-		
Option 1		1 st \$10,000 – Deephaven 60% Woodland - 40% Deephaven	60% Wayzata – 40% Woodland
Option 2		Woodland keeps all permit revenue and Deephaven charges Woodland for itemized administrative costs	Not provided

Councilmember Doak stated that there was some real merit to the itemized approach listed under Option 2 of Building Inspection Services in that you could determine the actual costs for Deephaven providing administrative services to Woodland. Councilmember Evenstad stated that he prefers the formula approach listed under Option 1. He stated that everyone would just have to be aware that in certain years, depending on the amount of building permit fees received, the amount paid to Deephaven for administrative services might be higher or lower than would normally be the case. Councilmember Doak thanked Administrator Young for the straightforward presentation of the two proposals.

Councilmember Evenstad stated that he would prefer to meet in Deephaven rather than in Wayzata and wondered if Woodland would command enough attention from Wayzata? Mayor Stark stated that she had met with Al Orsen, Wayzata City Manager, to tour Wayzata City Hall. She stated that Wayzata appears to be operationally more sophisticated than Deephaven but their high commercial activity might lose the small city appeal that Woodland enjoys. She added that Wayzata is not sure if they want to provide clerical services to Woodland and were somewhat cautious about the proposed contract. She also stated that the Deephaven proposal included the return of Shelley Souers as Woodland Clerk and her previous service to Woodland was excellent.

E. Approve 2006 Contract for Services

Councilmember Hornig moved to approve the 2006 Contract for Services with the City of Deephaven, subject to approving Option No. 1 under Building Inspection Services that the clerical services fee for 2005 is pro-rated with the hiring of Shelly Souers, and the preparation of a job description for the Woodland clerk position. Councilmember Evenstad seconded. Motion carried 5-0.

MAYOR'S REPORT

Mayor Stark reminded the Council that with settlement of the Bartus lawsuit, the City would no longer be represented by Hoff, Barry & Kuderer in any other action regarding the Bartus matter. She stated that the City would either have to hire Hoff, Barry & Kuderer independent from the League of MN Cities Insurance Trust or use the City Attorney if anything else develops on the Bartus matter.

COUNCIL REPORTS

Public Safety & Finance – Councilmember Evenstad stated that the Council should have received a letter from Charles McNeil, 3115 Maplewood Road, about the dangerous speeding of vehicles on Woodland roads. He stated that the police have been out surveying the speeds and that the police have been told to leave while they were parked at the end of an individual's driveway. Police Chief Gustafson stated that despite the fact that they were parked within the street right-of-way, they will respect the right to private property and simply relocate the police vehicle when requested. Mayor Stark asked if they were successful with the additional patrolling. Police Chief Gustafson stated that the highest speed they clocked was 36 mph.

Councilmember Evenstad stated that he had left Mr. McNeil a lengthy message about the possibility of adding new signs to already existing signs and that Mr. McNeil was pleased by the presence of the police.

Roads & Signs – Councilmember Doak reported that there is still quite a bit of tree work to be done and that Aaron's Tree Service is backed up with work. He stated that he hopes to have the brush on Breezy Point Road picked up next week or the week after. He added that there will be three pine trees taken out on Stone Arch Road and that there are several potholes in need of repair.

Web Site & Deer Management – Councilmember Jilek stated that the City's web page is starting to see more activity and that the Deer Management permit will be on next month's council agenda. Councilmember Hornig recommended checking the cost of purchasing refrigerator magnets that had the web address and phone numbers for the police, fire department and Clerk Shelley Souers. He stated that the magnets could be distributed with the City Newsletter. The Council asked Administrator Young to obtain prices on the magnet.

Ordinances – Councilmember Hornig stated that he had a follow-up conversation with Kathy Murphy, 3200 Robinson's Bay Road, regarding her request to limit motors on Lake Marion to electric motors only. He stated that he had talked with the Department of Natural Resources about this request and was told that the local unit of government is where the regulating process begins, prior to obtaining final approval from the DNR. He stated that he was somewhat surprised that the rest of the Council didn't appear to have much interest in this request when it was first discussed last month. Mayor Stark stated that she is concerned about the City imposing restrictions on a totally private lake. She stated that Lake Marion is privately owned and is concerned that other requests might come to the Council regarding Shavers Lake, which is also privately owned. Councilmember Doak stated that not only is it a private lake but there is no public access to this lake. Police Chief Gustafson suggested that the DNR might be able to classify Lake Marion as environmental, which would prohibit the use of motors. The Council asked Administrator Young to look into this matter with the DNR.

TREASURER'S REPORT

Councilmember Evenstad moved to approve the June and July, 2005 Treasurer's Report. Councilmember Hornig seconded. Motion carried 5-0.

ACCOUNT PAYABLE

Councilmember Doak moved to approve the accounts payable in the amount of \$47,325.68 dated August 8, 2005. Councilmember Evenstad seconded. Motion carried 5-0.

ADJOURNMENT

Councilmember Doak moved to adjourn the meeting at 9:28 p.m. Councilmember Evenstad seconded. Motion carried 5-0.

Respectfully submitted,

Dana H. Young, City Administrator