

WOODLAND CITY COUNCIL MINUTES
Monday, September 12, 2005
6:00 p.m.

CALL TO ORDER

Mayor Stark called the meeting to order at 6:00 p.m.

Present: Jean Stark, Jim Doak, Michael Jilek, Steve Hornig and Mark Evenstad
Staff: Police Chief Gustafson, City Treasurer Grace Norris, and City Clerk, Shelley Souers
Others: 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 the settlement regarding Newell v. City of Woodland. Councilmember Evenstad moved to adjourn the executive closed session at 7:07 p.m. Councilmember Jilek seconded. Motion carried 5-0.

Mayor Stark reconvened the Regular Council meeting at 7:09 p.m.

MINUTES of August 8, 2005

Councilmember Doak moved to approve the minutes of August 8, 2005 with corrections. Councilmember Doak also noted a correction to the minutes regarding the duration of dog barking which is ten minutes, not five as he had stated. Councilmember Evenstad seconded. Motion carried 5-0.

OLD BUSINESS

A. Review Results of Annual Septic Review

Resident Tom Newberry, appointed water, sewer and septic system designee, addressed the Council regarding the annual review of the individual septic systems. Mr. Newberry noted that for the fifth consecutive year the city retained Kurt Larsen, a septic inspector licensed by the MN Pollution Control Agency. Mr. Larsen conducted 64 on-site reviews in July. Mr. Newberry noted that of the 64 systems reviewed, two systems were deemed as failing. A letter was sent to the home owners regarding the findings. Councilmember Doak asked for clarification of the process when a system has failed. Mr. Newberry noted that if a system is deemed to be failed, the city contacts the homeowner regarding the failed system and request the homeowner to take appropriate action within a specified timeline. Councilmember Hornig thanked Mr. Newberry for his continued service.

B. Review Request for Multiple Dog Permit

Keith and Cheryl Ciampa, 18150 Shaver's Lane, were present to discuss their request to extend their temporary permit for multiple dogs. Keith Ciampa stated that they have resided in Woodland for 17 months and there have been no complaints about their dogs.

Mayor Stark noted that there have not been any police reports regarding excessive noise from the Ciampa's dogs.

Mr. Ciampa added that he wants to be a good neighbor and will address any issue with the neighbors in a proactive manner. Mr. Ciampa stated that they have gone to tremendous expense to erect a fence to contain the dogs. They have obtained signatures from their neighbors on Shaver's Lane supporting their request for the dog permit.

Councilmember Evenstad stated the he is comfortable with the request and believes that the dogs are well behaved and believes that one dog can make as much or more noise than four.

Councilmember Doak noted that when the Ciampa's moved into the city they brought three dogs and obtained a permit to keep three dogs. Councilmember Doak stated though there have been no complaints, he is concerned that they acquired an additional dog knowing the ordinance. Councilmember Doak asked Mr. Quinn to clarify his concern with the request for multiple dogs.

Mr. Quinn, 3175 Maplewood Road, stated their main objective is they do not want four dogs barking at the fence. The ordinances are in place to protect neighbors and they are an immediate neighbor. Mr. Quinn stated that he doesn't call the police when the dogs bark and would be satisfied with the dog limit the ordinance allows.

Mr. Ciampa stated that he would provide a statement in writing that they will not get any additional dogs and make every effort possible to comply with the noise ordinance.

Councilmember Hornig asked about the placement of the fence in relation to the neighboring property lines.

Mr. Ciampa stated that the fence is a four foot ornamental fence and set back 36 to 40 inches from the lot line. The location will allow for planting behind the fence, if the neighbors prefer. They propose to install arborvitaes approximately five feet tall and three feet apart. They want to plant the trees in a location where they will survive. They will plant the trees on the side the neighbors prefer.

Councilmember Hornig agreed that trees will provide a visual and noise buffer between the properties. Councilmember Hornig expressed concern about creating precedence and supports abiding by the ordinances. Councilmember Hornig noted that there are relevant factors regarding this request; the dogs are small and there have not been complaints about noise. There is a lot of support from the neighbors and the property is large. The yard is fenced and the owner has committed to planting large arborvitaes to break view and muffle noise.

Councilmember Doak noted that the permit is renewable each year which creates a safe guard to address any problems. Councilmember Doak felt that having no complaints over the current period of three dogs is encouraging that four dogs would not be an incremental problem.

Councilmember Jilek stated that he can see all sides to the request and is supportive in light of no complaints.

Mr. Ciampa reiterated that he will provide a letter stating they will not replace the dogs and as they pass away and will, at some point, get the number of dogs to two.

Councilmember Evenstad reminded that the Ciampas will be required to attend the December meeting to renew the permit.

Councilmember Doak moved that the Ciampas be granted a permit until the December Council meeting to maintain four dogs on the property with the condition that the Ciampas provide a statement that they will not add more dogs and get the colony down to two dogs.

Councilmember Hornig stated that he would prefer the Ciampas work with the neighbors regarding the installation of arborvitaes along the property. Councilmember Hornig stated that the record denote that Council considered the extenuating circumstance regarding this request.

Councilmember Doak amended the motion to include the encouragement of a natural border to soften the impact of the ornamental iron fence to be constructed with the concurrence of the abutting neighbors. Councilmember Hornig seconded the motion. Motion carried 5-0.

C. Adopt Resolution No. 08-05 Approving 2006 Contract For Services

Councilmember Doak moved to adopt Resolution No. 8-05, approving the letter of Understanding with Deephaven for 2006 services. Councilmember Evenstad seconded the motion. Motion carried 5-0.

D. Adopt Resolution No. 09-05, Approving the Proposed 2006 Budget

City Clerk Souers provided a brief overview on the 2006 proposed budget. The proposed budget delineates a balance between estimated revenues and expenditures. The city anticipates an increase in building permit revenue for 2006 based on the updated contract agreement to receive 60% of building permit fees. The proposed tax levy was increased to account for an increase in several line item expenditures. The levy amount represents a 5.03% increase from 2005.

Councilmember Doak requested a clarification on the interest income for 2005 year-to-date. Staff will look into the accrued interest and report back to Council.

The expenditures represent several significant changes including a reduction of the clerk's contract and treasurer salary. An increase was proposed to the road maintenance fund to plan for long-term road improvements. There was also an increase in snow plowing fund. Staff reviewed the average cost of snow removal over an eight year period and adjusted the fund accordingly. The legal fund was increased and a contingency fund was created to offset any unforeseen short falls and balance the budget.

Councilmember Jilek suggested that the deer management fund be reduced by \$1000. Council agreed that the \$1000 be added to the contingency fund, increasing the fund to \$9,000.

Councilmember Hornig moved to adopt the Resolution No. 09-05 approving the proposed 2006 balanced budget, reducing the deer management fund by \$1000 and increasing the contingency fund by the same amount. Councilmember Evenstad seconded the motion. Motion carried 5-0.

E. Adopt Resolution No. 10-05, Approving the 2006 Tax Levy

Councilmember Doak moved to adopt Resolution No. 09-05, approving the 2006 Tax Levy.

Councilmember Doak amended the motion to clarify adopt of Resolution No. 10-05, approving the 2006 Tax Levy. Councilmember Evenstad seconded the motion. Motion carried 5-0.

F. Discuss Restrictions on Lake Marion

Mayor Stark opened discussion regarding the use and classification of Lake Marion and reported that State Statutes authorize the city to legislate the use of the water. Council reviewed several ordinances from other communities regarding restrictions on lakes.

Councilmember Hornig stated that he has spoken with several of the surrounding homeowners regarding creating watercraft limits on Lake Marion. There is support amongst the homeowners to create some restrictions regarding type of watercraft or motor. Councilmember Hornig recommended that the city consider ordinance language restricting types of motors on Lake Marion, provided that there is unanimity of all the owners.

Mayor Stark expressed concern that any ordinance restricting use of the Lake Marion, may be of interest to the surrounding homeowners of Shavers Lake and was not clear if this would be favorable.

Councilmember Doak noted that Shavers Lake borders Deephaven and Minnetonka as well as Woodland. All surrounding communities with riparian rights would need to adopt an identical ordinance.

Councilmember Hornig stated that he will contact the remaining Lake Marion property owners and if all are in agreement to incorporate restrictions, the city staff can prepare a draft ordinance for Council review.

PUBLIC HEARING

A. Adoption of a Deer Management Program

Mayor Stark convened a public hearing at 8:40PM to consider and adopt the 2006 Deer Management Plan.

Councilmember Jilek reported on the permit process and request to the DNR and Nuisance Animal Removal Services (NARS) to renew the annual permit to control the deer population. The DNR will approve the removal of 12 deer due to the herd size in the area. The fee is \$275 per deer. The deer are trapped and NARS handles the removal and distribution of deer as a food source. Councilmember Jilek reported that surrounding communities have also been reducing the herd size which has had an overall impact on Woodland. The city will obtain consent from several residents to place traps on their property. The location of the traps will be confidential.

There being no public comment the hearing was closed at 8:50PM.

Councilmember Evenstad moved approval of the contract with the DNR and NARS as presented by Councilmember Jilek. Councilmember Doak seconded the motion. Motion carried 5-0.

NEW BUSINESS

None

MAYOR'S REPORT

Mayor Stark reported that attorney Kim Kozar received a call from the legal counsel for Mr. Bartus regarding the next step to determine the lot area of 18400 maple Ridge Road. Attorney Kozar suggested Mr. Bartus' legal counsel contact the City attorney Jerry Gillian. Mayor Stark stated that she will contact the City Attorney Jerry Gillian to learn if there has been any contact from Mr. Bartus legal counsel. The city has an option to hire Hoff, Barry & Kuderer independent from the League of MN Cities Insurance Trust or use the City Attorney to finalize any matters regarding the surveys or clarification of the matter.

Mayor Stark reported that staff will work on a newsletter to send out in September.

Mayor Stark asked Police Chief Virgil Gustafson to report on Woodland's Emergency Management Plan. Police Chief Gustafson reported that the surrounding Lake Minnetonka communities have an Emergency Management Plan in place. The cities also have mutual aid agreements for support. The area cities are working on standardizing equipment like generators to use as alternate power sources. There are four designated shelters in Deephaven; the city hall is one of the designated locations. Chief reported that there is a communication plan in the event of a disaster and City Councilmembers would be involved in the management efforts. Chief noted, in any disaster situation, all communication is filtered through a central headquarters which creates better organization efforts. Council thanked Chief for the update.

COUNCIL REPORTS

Public Safety & Finance – Councilmember Evenstad reported on the incident of fill that had been added to the wetland along Breezy Point Road. The DNR and Watershed District visited the site and the homeowner has been informed of the timeline to correct the matter.

Roads & Signs – Councilmember Doak reported that the Stone Arch owners have started some planting around the arch.

The City is seeking bids for snow plowing. Bids are due by September 28. Councilmember Doak stated that he will review potential contractors to examine their equipment to confirm that it is adequate for the city streets.

Web Site & Deer Management – No report

Ordinances – No report

TREASURER'S REPORT

Councilmember Evenstad moved to approve the August 2005 Treasurer's Report. Councilmember Doak seconded the motion. Motion carried 5-0.

Councilmember Evenstad mentioned that he has had several conversations with the bank and is having some difficulty getting one contact person to assist with questions and transaction matters.

Councilmember Evenstad stated that the city may want to consider looking into doing business with another bank.

ACCOUNT PAYABLE

Councilmember Hornig moved to approve the accounts payable in the amount of \$23,816.62. Councilmember Doak seconded the motion. 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,

Shelley Souers, City Clerk