

**WOODLAND**  
**BOARD OF REVIEW and CITY COUNCIL MINUTES**  
**Monday, April 10, 2006**  
**7:00 p.m.**

**BOARD OF APPEAL AND EQUALIZATION**

**CALL TO ORDER**

Chairperson Stark called the meeting to order at 7:00 p.m.

**ROLL CALL**

Present: Chairperson Jean Stark; Board Members Jim Doak, Michael Jilek and Mark Evenstad.  
Absent: Board Member Steve Hornig  
Staff: Zoning Coordinator Gus Zoning, City Attorneys Joel Jamnik and Sorren Mattick, City Assessor Dan Distel, and Clerk Shelley Souers  
Others: County Assessor Bill Effertz, Don & Beth Nelson, Mark Anderson,

Chairperson Stark welcomed guests, and introduced City Assessor Dan Distel and County Assessor Bill Effertz. Chairperson Stark stated that the Board of Equalization is to provide a fair and objective forum for owners to appeal their property valuations.

City Assessor Dan Distel summarized the Appeal and Equalization process stating that his job is to estimate property values based on comparable sales and property qualities. Mr. Distel noted that he is required to have property valued at 95% of the sale price. Properties values that fall below 95% of the sale price must be increased, along with all other properties that are similar. All counties are held to the same measurement standards.

Mr. Distel stated that he reviews one-fifth of the property in Woodland each year. This year the property inspections included the neighborhoods of Maple Hill Road, County Road 101, Shavers Lake Road and Stone Arch Road. Determining property values can be challenging when there are only a few sales. In 2006 off lake property received an average increased 8.8% and lake properties received an average increase of 7.1%.

The Board was provided an Assessment Growth Report delineating a comparison of surrounding lake communities. Woodland's average growth was relatively low in comparison to other communities.

Board Member Evenstad asked why there is no tax break for homestead property with a market value over \$500,000. Mr. Distel stated that the Legislature changed the percentage and set the maximum benefit at about \$300 for property less than \$500,000.

Hennepin County Assessor Bill Effertz stated that the purpose of the meeting is to review market value for 2006, payable 2007. The County requires Mr. Distel to be accurate with his property valuations and they believe he is doing a good job.

**ADJOURNMENT**

Board member Doak moved to adjourn the Board of Appeals and Equalization meeting at 7:14 p.m. Board member Jilek seconded the motion. Motion carried 4-0.

Councilmember Hornig arrived at 7:14 p.m.

**CITY COUNCIL MEETING**  
**Monday, April 10, 2006**

**CALL TO ORDER**

Mayor Stark called the meeting to order at 7:15 p.m.

**ROLL CALL**

Present: Mayor Jean Stark; Councilmembers Jim Doak, Steve Hornig, Michael Jilek and Mark Evenstad  
Staff: Police Chief Virgil Gustafson, Zoning Coordinator Gus Zoning, City Attorneys Joel Jamnik and Soren Mattick, Prosecution Attorney Steve Tallen, and Clerk Shelley Souers  
Others: Don & Beth Nelson, Mark Anderson and Commissioner Linda Koblick

Mayor Stark stated that the public hearing will be addressed first on the agenda.

**PUBLIC HEARING**

**A. Don & Beth Nelson, 2830 West Road, Request a variance of the impervious cover allowance of the Groveland Homeowners Association residential district to construct a new two-stall garage and convert the existing garage into living space.**

Mayor Stark opened the public hearing at 7:16 p.m. to consider the request by Don and Beth Nelson, 2830 West Road, for a variance.

Mr. Nelson stated that they have met with the Groveland Homeowners Association regarding the plans and have received architectural approval. The proposal is to construct an attached two-stall garage in front of the existing garage and convert the present garage into living space. No variance is being sought for setbacks and there will be no increase in impervious cover.

Zoning Coordinator Gus Karpas stated that the existing garage will be converted into living space. Karpas noted that there are discrepancies in the impervious cover calculations Mr. Nelson provided, specifically, the absence of the landscape sheeting. In addition the applicant miscalculated the area of the deck which is considered 90% impervious under the ordinance provision. Karpas noted that he calculated the impervious cover at 62.4% and recommends conditional approval subject to a revised impervious calculation delineating all impervious cover according to the zoning. Karpas suggested that Council be specific when granting any variance and define a percentage of impervious surface allowed.

Staff recommended conditional approval subject to a new or revised survey showing accurate impervious cover to be submitted prior to the building permit.

Mr. Nelson stated that the hardcover calculation worksheet was based on the survey. The landscape sheeting is correct on the survey, but was not denoted on the worksheet. The shed and some patio stones will be removed, which will be equivalent to approximately 200 square feet of impervious cover.

Councilmember Hornig asked for feedback on the GHA architectural committee meeting.

Mr. Nelson stated that the architectural committee approved the plans as submitted and sent a letter of approval to the city. There has not been any opposition expressed. There have been favorable comments from neighbors.

Zoning Coordinator Karpas suggested that the Council allow the garage not to exceed 19x22 feet on the driveway apron and the impervious cover not exceed the existing 62.4%.

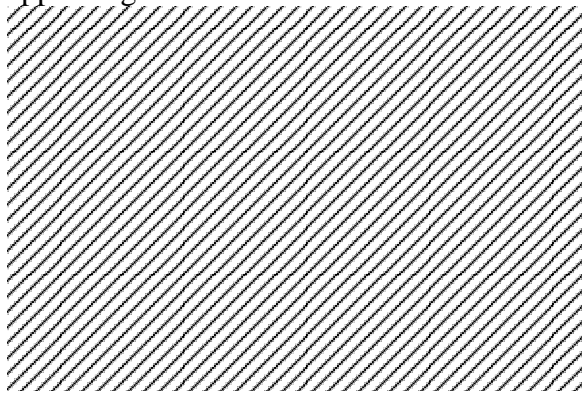
The Public Hearing was closed at 7:27 p.m.

Councilmember Hornig moved to approve the request for variance of the impervious cover and accept the staff report with the additional requirements as stated by the Zoning Coordinator and accept the finding of fact with respect to hardship. Councilmember Evenstad seconded the motion. Motion carried 5-0.

## **CONSENT AGENDA**

### **A. Council Minutes - March 13, 2006**

Councilmember Doak moved and Councilmember Jilek seconded approval of Consent Agenda approving Item A as submitted. Motion carried 5-0.



## **OLD BUSINESS**

### **A. Resolution No. 4-06 Supporting the Constitutional Amendment for Motor Vehicle Sales Tax Dedication to Transportation**

Councilmember Doak spoke with Sarah Erickson at the Association of Metropolitan Municipalities regarding their request that the City adopt a resolution ,supporting a constitutional amendment to dedicate motor vehicle sales tax to mass transit and highways. The proposal will need to pass the State Legislature and then be put to a vote.

Councilmember Doak noted that the resolution is symbolic, but calls attention to the need for funds for infrastructure. The proposal reserves 40% of the tax for mass transit.

Councilmember Doak recommended the Council approve the AMM Resolution and support the amendment thereby Adopting Resolution No. 4-06.

Councilmember Evenstad expressed concerned that light rail locations have been controversial and is concerned with ear marking motor vehicle sales tax for mass transit.

Councilmember Doak stated that mass transit is will permit Minneapolis to grow. Many large cities long ago learned that access via motor vehicles had practical limits. Mass transit has had positive long term benefits.

Councilmember Hornig questioned if there was wide-spread support for mass transit and asked if there were studies that show that it actually improves congestion.

Councilmember Doak, noted that it was his belief that current road congestion during commute times speaks for itself and that in the long run, large metropolitan communities cannot grow without considering mass transit options. The proposed Resolution supports the AMM to pursue study and development.

Councilmember Evenstad seconded the motion. Councilmember Hornig abstained. Motion carried 4-0.

#### **B. Resolution 5-06 Elected officials Workers Compensation coverage.**

Councilmember Evenstad moved to decline Workers Compensation coverage for elected and appointed officials. Councilmember Hornig seconded the motion. Motion carried 5-0. Resolution No. 5-06 failed.

### **NEW BUSINESS**

#### **A. Hennepin County Commissioner Linda Koblick**

Mayor Stark welcomed and introduced County Commissioner Linda Koblick and asked that she speak about recent county issues and their impact on cities.

Commissioner Koblick stated that she has served as the Sixth District Commissioner for four years. Prior to being a County Commissioner she was a Minnetonka City Councilmember. She has lived in the area for 25 years. Commissioner Koblick's District includes 14 cities, over 100,000 residents and 20 school districts. Affordable housing has been a priority for her while in office. Affordable housing can be difficult to achieve in some communities, but Hopkins' housing stock is 90% affordable based on county standards. The county cannot force affordable housing on communities, but can ask where it can help communities provide a variety of housing stock options.

Commissioner Koblick stated that communication with residents is a priority. Part of her job is to keep communities informed. The budget is \$1.9 billion and includes 30 departments. Two-

thirds of the budget goes into human services. The county owns the Hennepin County Medical Center (HCMC) which is a premier medical facility, not just a good city hospital. With increasing budget constraint, the Commissioners were taking steps to control costs at HCMC while maintaining excellent care and retaining highly qualified staff..

Commissioner Koblick noted that the law requires the county to all treat persons presenting at HCMC with emerging conditions whether or not they are Hennepin County residents. The Commissioners have asked the legislature to require other counties to reimburse Hennepin County for costs for their own residents. The County has been unsuccessful in obtaining any compensation thus far.

Commissioner Koblick stated that, when asked, most residents are aware that the county provides funding for roads and libraries, which actually represent a small portion of the budget in comparison to health care and human services. The majority of health care personnel are union employees. Wages are unionized which can cause larger increases along with rising fuel and energy costs.

The garbage burner was purchased two years ago and the county predicts the facility will be profitable in about two years. The burner takes 40% of metro garbage, the remainder is land filled. Commissioner Koblick stated that she supports stopping the shipment of our garbage to landfills in Wisconsin.

Commissioner Koblick stated that next Tuesday, she will vote no on a 0.15% sales tax levy on Hennepin County residents to raise one-billion dollars for a new baseball stadium.

Commissioner Koblick stated that the majority of resident are pleased with the smoking ban. The ban was relaxed for establishments meeting certain criteria, until 2007. Other counties are passing similar bans.

Mayor Stark asked if the “s” curve on County Road 101 is being considered for change and asked if Commissioner Koblick could learn why the process is taking so long.

Commissioner Koblick stated that she will talk with the transportation department to learn specifics; however, many times road construction is a matter of funding and coordinating projects with cities.

Commissioner Koblick stated that when she believes issues are wasteful in spending she will call cities and mayors and ask for support to build coalitions to prevent foolish spending.

Councilmember Doak stated that Woodland residents are constituents and major stake holders in the County’ future. They want their money to be used effectively. He was troubled by Commissioner Koblick’s observation that uninsured residents of other metropolitan counties were presenting themselves for treatment at the HCMC and that Hennepin County was unable to obtain reimbursement from the other counties for their care..

Councilmember Hornig asked how much debt the county owed.

Commissioner Koblick stated that she will get specific debt service costs, but estimated that it was around \$600 million. Hennepin County has AAA bond rating from all three rating agencies and is ranked 16<sup>th</sup> largest in the nation.

Mayor Stark thanked Commissioner Koblick for her time and all the updates.

### **B. Prosecution Attorney Updates - Steve Tallen**

Mayor Stark welcomed and introduced Prosecutor Attorney Steve Tallen.

Prosecutor Tallen stated that he has represented Woodland for five years. Woodland is relatively quiet with regard to prosecution services.

Councilmember Doak stated that he would like to understand how alternate prosecutors are selected.

Prosecutor Tallen stated that if a case presents a conflict of interest, he typically refers cases to prosecutors who use the same court house as Woodland. It can save the city money by not having to pay for additional time for a prosecutor to travel from another court house. Prosecutor Tallen stated that he typically refers cases to Ken Potts or Win Curtis. Tallen stated that he also does conflict work for other cities.

Prosecutor Tallen stated a recent case involving the unauthorized tree removal was sent to Ken Potts. After reading the case documents, Mr. Potts believed that the trees were cut without intent to damage the property. The language in the ordinance deems the offense a petty misdemeanor. Prosecutor Potts did not believe it was reasonable to undertake litigation seeking replacement of the trees, given the legal expense to Woodland and some ambiguity in the City's ordinance language.

Councilmember Doak expressed concern with Prosecutor Potts' interpretation of the ordinance regarding tree removal, the fine levied, and the absence of restitution..

Prosecutor Tallen noted that the Ordinance states that the Zoning Coordinator is charged with enforcing the replacement of the trees. The Council can refer the case to the City Attorney for feedback. Tallen noted that fines of \$300 or less are classified as a petty misdemeanor.

Prosecutor Tallen stated that it may be appropriate to look at revising the code. There was general agreement that the ordinance related to tree removal needed to be reviewed and possibly clarified.

Mayor Stark thanked Mr. Tallen for the updates.

### **C. City Attorneys Joel Jamnik and Sorren Mattick**

Mayor Stark welcomed the newly appointed City Attorney Joel Jamnik.

Attorney Jamnik introduced Mr. Sorren Mattick, stating that Mr. Mattick will also be available to attend Council meetings.

Attorney Jamnik stated that he started his law career with the League of Minnesota Cities in 1980 and moved into private practice in 1997 with Campbell Knutson. Campbell Knutson is the second largest municipal law firm in the state and represents 20 cities and townships of all sizes. Mr. Mattick is also the Assistant County Attorney for Rice County. Attorney Jamnik stated that 90% of Campbell Knutson's practice is municipal law.

Attorney Jamnik stated that he has reviewed both of the current litigation files, the City Code, and the 2005 minutes and agendas. There is one paragraph on the land use applications that needs to be updated. No major issues were identified with ordinances. There may be some refinements with the language.

Attorney Jamnik stated that he will review the staff recommendations and reports and provide feedback prior to distribution. He will work with staff to add more detail to assist with granting or denying motions.

Councilmember Doak agreed there needs to be a certain protocol and procedure in which to approach zoning and land use matters.

Attorney Jamnik stated that one difficult issue with land use matters is that the law provides a large amount of discretion to the Council in making a decision, particularly in the areas of variance. Council can grant or deny and, if done properly, will be sustained in almost every case. Given the time frame for hearing and decision in the state statutes there is some urgency with getting a sense of the Council's direction and prepare the evidentiary records sufficient to sustain decisions and formally adopt them at a meeting.

**D. Resolution No. 6-06 Designating April as Child Abuse & Neglect Prevention Month.  
(New resolution number will be 5-06)**

Councilmember Doak moved and Councilmember Hornig seconded the motion to adopt Resolution No. 6-06. Councilmember Doak amended the motion to clarify the Resolution be numbered 5-06. Motion carried 5-0.

**MAYOR'S REPORT**

**A. Audit Service**

Mayor Stark reported that the Clerk sent out a request for proposal (RFP) to several audit firms. The bids will be due back on June 1.

**B. Traffic Count**

Police Chief Gustafson reported that the police department is conducting a traffic study along Breezy Point Road. The daily count averaged between 700-800 cars. Eighty five percent of the vehicles were traveling at a speed of 37 MPH or less. No action was taken regarding changing the posted speed limit or its enforcement by the police department.

### C. Weapons Ordinance

Police Chief Gustafson stated that he would like some direction from the Council on a weapons ordinance. The Police Department needs clarification on what constitutes a high rate of projectile speed with regard to toy weapons such as pellet guns. Chief Gustafson stated that the issue is about community preference and establishing what is acceptable for individual communities.

Attorney Jamnik noted that this matter may raise other issues regarding similar toys. One example would be paint ball guns. Attorney Jamnik will look into some options and provide information to Council on the matter.

Mayor Stark agreed that more information needs to be considered.

## **COUNCIL REPORTS**

### **Public Safety & Finance**

No report.

### **Roads & Signs**

Councilmember Doak reported that the street sweeping will start on Monday, April 17.

Councilmember Doak stated that he will work with the City Engineer Dave Martini to review road repairs and resurfacing needs. He will also look at road signs that may need to be replaced.

Councilmember Doak felt that a city-wide curbside collection of brush is not necessary since this service can be arranged with the private garbage haulers; however, the Council may want to consider a city-wide program to remove and chip buckthorn. No action was taken.

### **Website**

Councilmember Jilek stated that the LMCC will be having a follow-up meeting to the high speed wireless internet meeting held two months ago. He will share feedback from the follow-up meeting.

### **Ordinances**

Councilmember Hornig suggested that the Council review other municipal ordinances regarding tree removal and related penalties. Staff was directed to gather some examples from surrounding communities and present back to Council.

## **TREASURER'S REPORT & ACCOUNTS PAYABLE**

Councilmember Doak moved and Councilmember Evenstad seconded the motion to approve the Treasurer's Report and Accounts Payable as presented. Motion carried 5-0.

Councilmember Doak moved and Councilmember Evenstad seconded the motion to adjourn.  
Meeting adjourned at 9:40pm

Respectfully Submitted,

Shelley Souers