

WOODLAND
CITY COUNCIL MINUTES
Monday, March 12, 2007
7:00 P.M.

CALL TO ORDER

Mayor Stark called the meeting to order at 7:00 P.M.

ROLL CALL

Present: Mayor Jean Stark; Councilmembers Jim Doak, Michael Jilek, and Tom Newberry and Mark Evenstad.

Staff: Police Chief Virgil Johnson, and Clerk Shelley Souers

Guests: Michelle Swanson, Pat Cline, Fletcher Johnson

CONSENT AGENDA

A. Council Minutes – February 12, 2007

Councilmember Doak moved approval of the consent agenda and the item contained within it. Councilmember Evenstad seconded the motion. Motion carried 5-0.

OLD BUSINESS

A. Ordinance 14-01 Xcel Energy Franchise (contract term limit & tree trimming policy)

Mayor Stark welcomed Michelle Swanson, Pat Cline and Fletcher Johnson from Xcel Energy.

Mr. Fletcher Johnson introduced himself as Xcel Energy's forester. He stated that he serves as the forester for the west metro communities. Mr. Johnson passed out a brochure and example of a letter sent to residents prior to tree trimming. He stated that Xcel's policy regarding trimming trees is to ensure public safety and keep the power on by removing trees and branches that can interfere with electric lines. Tree trimming is a large expense for Xcel, but a necessity because trees are the number one cause of outages.

All trimming is contracted with Asplundh and Wright Tree Service. Asplundh trims in residential neighborhoods and Wright primarily trims along the main transmission lines. Mr. Johnson explained that the standard for trimming is "natural directional cutting". The appearance of the trees after trimming can look drastic, however, the cuts are proper and cut to eliminate interference with power lines. Weak limbs and branches prone to decay are removed. Tree trimming along power lines is proactive and scheduled on a routine basis. Every tree stand that interferes with electrical wires is cut back. An Xcel forester conducts a follow up review. Xcel sends notification prior to trimming and the tree trimming crew will also knock on doors to speak to homeowners. If no one is home a tag will be left on the door regarding the work that was done. Xcel also distributes information regarding planting trees and avoiding electrical wires. There is no charge to the City for any of the trimming.

Councilmember Evenstad asked if the tree foreman have had formal training.

Mr. Johnson stated that all tree staff has had two years for formal training on tree species and tree care.

Councilmember Doak stated that he understands the need to trim trees for safety reasons, however, he expressed concern with the appearance of trees in Woodland following recent trimming. Councilmember Doak suggested that in some cases it may be more desirable to remove the tree entirely.

Mr. Johnson stated that Xcel will facilitate the removal of trees within 10 feet of the power lines. If the homeowner requests trees to be removed versus trimming, Xcel will facilitate removal to the extent possible, Xcel does not remove trees without the City's or resident's consent.

Councilmember Doak noted that young trees along Breezy Point Road were recently cut just below the wire level and the result looked like a series of posts along the roadway. The tree service personnel on site were asked if they could remove the trees entirely and stated they could only remove branches interfering with the lines. The City incurred significant expense to remove unsightly trees left by Xcel's crews along Breezy Point Road.

Mr. Johnson stated that with proper planning they will remove trees if that is agreed to be the best course of action. If the tree crews are to remove the entire tree, the work is typically set up ahead of time.

Councilmember Doak requested that a notice be given to the homeowner and to the City Clerk in advance of work in Woodland. Getting residents to interface with the tree trimming crew should make the trimming more universally acceptable.

Mr. Pat Cline addressed the Council stating that he currently leads the group of community managers for the State of Minnesota. Mr. Cline introduced Ms. Michelle Swanson, the Community Manager for Woodland.

Councilmember Doak stated that Council discussed the Franchise Agreement last month and the consensus was that 20 years was a very long time. In the absence at the meeting of a representative from Xcel to explain the terms of the agreement, the Council approved a term limit of 15 years, consistent with the recently approved CenterPoint Energy Franchise.

Mr. Cline stated that Xcel serves 350 cities and their standard Agreement is 20 years. St. Paul is the only community with a 10 year Agreement. The primary reason for the 20-year term is that Xcel's investment in infrastructure is significantly more than other utilities due to the nature of the industry. Also Xcel wants consistency in the Agreement period between all cities. Mr. Cline stated that Xcel would appreciate reconsideration to approve the franchise for 20 years.

Ms. Swanson stated that she serves 42 communities and not all of them have franchise Agreements. Xcel will still operate within the communities they are obligated to serve even without an Agreement. Xcel prefers a franchise Agreement because it is a legal contract and sets

a standard for service. Ms. Swanson stated that Xcel can and will still serve Woodland without an Agreement, but would prefer to have one in place.

Councilmember Doak stated that he was still not clear why the Agreement had to be 20 years versus the 15 years Council approved.

Mr. Cline stated that a 20-year Agreement maintains consistency between all their cities and Xcel believes it is a reasonable length of time given their investment.

Councilmember Evenstad asked what impact residents would experience if the contract expires and is not renewed.

Mr. Cline stated that residents will not experience any change in service, there would just not be an operating Agreement between Xcel and the City. The Agreement will not be legally binding until it is accepted by both parties. Xcel will not accept a 15-year Agreement.

Councilmember Evenstad stated that the Council was not clear that the Agreement had to be approved for 20 years or nothing. He believed that there is a benefit to having an Agreement in place to specifically define liability and protect the interests of the City.

Mayor Stark reiterated that the Council approved the Agreement for 15 years to be consistent with the CenterPoint Franchise that was recently approved and to create consistency for the City contracts.

Councilmember Doak moved to rescind the original motion of last month [February 12, 2007] approving a Franchise Agreement with Xcel Energy for 15 years; Ordinance 14-01, and moved to approve a Franchise Agreement with Xcel Energy for a period of 20 years; Ordinance 14-01.

Councilmember Evenstad seconded the motion to rescind the original motion; and moved to amend the [new] motion to approve the Franchise Agreement with Xcel Energy for a period of 20 years to include that Xcel be required to provide advanced written notice of any tree trimming be sent to the City and residents through a mailing which includes an informational brochure. Councilmember Jilek seconded the motion. Motion carried 5-0.

Mr. Cline pledged to maintain an excellent level of communication between Xcel and the City going forward. He stated that Xcel will provide a separate letter to the City summarizing Xcel's tree trimming practice on outlining the steps that have been discussed. The letter will serve as a stand alone document that stays in the permanent record.

Mr. Cline thanked the Council for their time and reconsideration of the Franchise Agreement.

PUBLIC HEARING

A. Storm Water Pollution Prevention Program

Mayor Stark opened the public hearing at 7:50PM to hear and accept public comments regarding Woodland's storm water practices and prevention program. The State requires cities to seek public feedback on their Storm Water Pollution Prevention Program. All cities are required to implement, enforce and reduce discharge of pollutants to protect water quality within their communities. Woodland currently mandates and controls storm water pollution through best management practices.

Councilmember Doak reported that Woodland is proactive with regard to stormwater prevention practices and the zoning department monitors best management practices during construction projects.

There being no public comments, the hearing was closed at 7:52PM.

NEW BUSINESS

A. Municipal Policies & Procedures

Council reviewed policies dictating segregation of duties and accounting procedures and purchasing guidelines.

Councilmember Evenstad moved to approve the policies dictating Segregation of Duties and Accounting Procedures (Policy Doc. No. 2); and Purchasing Policy (Policy Doc. No. 3).

Councilmember Newberry seconded the motion.

Councilmember Newberry suggested that the accounting policy include the condition that all blank check stock be kept in a locked cabinet. (language added to Segregation of Duties and Accounting Procedures; Paying Bills).

Councilmember Doak recommended that quotes for purchases would not be required or sought if the Council determined that the services of the current provider were highly satisfactory and reasonably priced (language added to Purchasing Policy; Quotes).

Councilmember Evenstad amended the motion to approve the Segregation of Duties and Accounting Procedures Policy with the addition of language regarding blank check storage and approving the Purchasing Policy with the addition of language regarding quotes for purchases as discussed. Councilmember Newberry seconded the amended motion. Motion carried 5-0.

MAYOR'S REPORT

Network backup tape storage

As a follow up from the auditor suggestions, Mayor Stark reported that the City's data is saved daily and a backup tape is taken off site each night by a staff member in the police department.

Lake Minnetonka & Zebra Mussel

Mayor Stark reported that she attended a meeting regarding Lake Minnetonka water quality and zebra mussels. There is concern about of zebra mussels showing up in Lake Minnetonka. Lake Minnetonka is the second largest lake in the state with 250,000 visitors each year. The concern

is that lake users need to become educated about the zebra mussels and how to avoid transmission from lake to lake. A resolution regarding education and removal is forthcoming.

Mayor Stark stated that Woodland's LMCD representative Mr. Herb Suerth would like to attend the April council meeting to speak about the zebra mussel and the education initiative. Senator John Berns is also willing to attend a council meeting to discuss lake issues. Senator Berns has proposed an increase in the boat license fee. The fee would be used to address clean water issues, milfoil and zebra mussels. Mayor Stark reported there was also discussion regarding the support needed from businesses that use the lake for business; i.e. charter cruises.

Market Value Growth

Mayor Stark distributed an Assessment Growth Report comparing the average annual growth, by city, of lakeshore properties around Lake Minnetonka. The Council will review market value changes and address resident concerns at the Board of Review meeting in April.

County Road 101 – Road Improvement Scenarios

Mayor Stark reported that the County presented four preliminary scenarios, at a recent neighborhood meeting, delineating options for access in and out Woodland from Breezy Point Road.

Councilmember Doak stated that the roundabouts can be difficult to maneuver in heavy traffic.

Councilmember Evenstad noted that the many roundabouts in the Vail, Colorado area perform very well.

Councilmember Newberry added that roundabouts would deter large truck traffic.

Police Chief Gustafson questioned where the County would place the snow load in a roundabout design.

Councilmember Newberry requested that Clerk Souers obtain the County's meeting schedule for future meetings regarding the County Road 101 reconstruction.

COUNCIL REPORTS

A. Public Safety & Finance

Police Chief Gustafson reported that there were no accidents during the recent snow storm.

The police officers continue to monitor the traffic speeds along Breezy Point Road.

Mayor Stark asked if the City could borrow the speed trailer to monitor traffic speed for several days along Breezy Point Road. Chief Gustafson will look into getting the trailer in the spring.

B. Roads & Signs

Councilmember Doak reported that some residents have pushed snow from their driveways into the public street and Cornerstone (snow removal service) expressed concern about the danger and difficulty with large volume of snow that was getting pushed into the street.

Chief Gustafson stated that if the officers are made aware of any issues regarding snow, they will ask residents to remove and clean up any snow they may have pushed into the public streets.

C. Web Site & Deer Management

No report

D. Ordinances

No report

TREASURER'S REPORT

Councilmember Newberry moved approval of the Treasurer's Report as submitted.
Councilmember Jilek seconded the motion. Motion carried 5-0.

ACCOUNTS PAYABLE

Councilmember Evenstad moved approval of the accounts payable as submitted.
Councilmember Doak seconded the motion. Motion carried 5-0.

ADJOURNMENT

Councilmembers Evenstad moved and Jilek seconded, adjourning the meeting at 8:37 PM.
Motion carried 5-0.

Respectfully submitted,
Shelley Souers