

**CITY COUNCIL MINUTES**  
**Monday, August 11, 2008**  
**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, Michael Jilek, Mark Evenstad and Tom Newberry.

Absent: Councilmember Jim Doak

Staff: Police Chief Cory Johnson, Zoning Coordinator Gus Karpas, Clerk Shelley Souers,

Guests: Jennifer Klennert, Aaron Melsness and Troon Dowds

**CONSENT AGENDA**

A. Minutes of the Council Meeting, July 14, 2008

B. Resolution No. 08-08; Adopt Findings of Fact for the Variance at 2660 Stone Arch Road.

C. Resolution No. 10-08; Adopt Findings of Fact for the Special Use Permit 2885 Center Road

D. Resolution No. 11-08; Appointing Election Judges to the 2008 State Primary

E. Resolution No. 12-08; Extension of Met Council's deadline to complete the Comprehensive Plan

*Councilmember Evenstad moved approval of the consent agenda and items contained within it. Councilmember Jilek seconded the motion. Motion carried 4-0.*

**PUBLIC HEARING**

**A. First Reading - Zoning Ordinance, Amendment to Section 900 of the City Code to add construction guidelines by establishing a Construction Management Ordinance.**

Mayor Stark opened the public hearing.

Zoning Coordinator Karpas presented a summary of the proposed zoning amendments to establish construction guidelines. The purpose of the ordinance is to ensure preparation and implementation of construction site management plans in order to limit the impact of construction on the immediate neighborhood. The ordinance creates standards for all building projects and provisions that require the contractor to submit a site management plan including silt fencing and neighbor notification with project description.

Councilmember Jilek asked if other cities are using this language.

Zoning Coordinator Karpas stated that Deephaven is using the same language.

Councilmember Evenstad asked about penalties associated with violations of the construction management guidelines.

Zoning Coordinator Karpas responded that a building permit will not be issued for construction for noncompliance with the criteria in the construction management ordinance. Zoning Coordinator Karpas noted that it was suggested that contractors notify residents within a 500 foot radius given the lot sizes in Woodland.

There being no further discussion, Mayor Stark closed the hearing.

*Councilmember Evenstad moved to approve Ordinance No. 09-12, and to waive the second reading, subject to changing the notification requirement to 500 feet as discussed.*

*Councilmember Newberry seconded the motion. Motion carried 4-0.*

**B. First Reading – Zoning Ordinance, Amendment to Section 900 of the City Code to add limitations to grade changes, subject to Special Use Permit.**

Mayor Stark opened the public hearing.

Zoning Coordinator Karpas presented a summary of the proposed zoning language, stating that the maximum change in finished grade shall not increase more than one-foot above the grade of an existing structure for all structures to be removed or expanded, or more than one-foot on any portion of a lot which does not have a structure on it, unless a special use permit is granted by the Council.

Zoning Coordinator Karpas noted that the City of Deephaven adopted the ordinance several years ago and it is working well.

Councilmember Jilek acknowledged that if an application for a special use permit was presented for grade change that it may be difficult to understand all the criteria and impact in order to review the permit.

Zoning Coordinator Karpas stated that any grading alterations would require review by the city engineer, and all engineering review costs should be charged back to the applicant.

There being no further discussion, Mayor Stark closed the public hearing.

*Councilmember Newberry moved to waive the second reading and to approve Ordinance No. 09-13, as presented, and to include the addition of the underlined language. Councilmember Jilek seconded the motion. Motion carried 4-0.*

**NEW BUSINESS**

**A. Review Waste Management Recycling Contract Proposal for 2009, 2010 and 2011.**

Jennifer Klennert, representative with Waste Management was present to discuss extending the current three-year agreement for recycling services.

Ms. Klennert reported that Waste Management assumed the previous contract in 2005 from another provider and has made no increase in the rate of \$3.95 per household since 2005. Ms. Klennert stated that, in extending the agreement, Waste Management is requesting a 3% increase in the rate to \$4.07 per household with an added fuel surcharge based on a fuel escalator scale.

Councilmember Evenstad noted that residents are happy with the service, but the City is concerned with increased costs in addition to a fuel surcharge.

Ms. Klennert stated that Waste Management is willing to cap the fuel surcharge at 10%. Ms. Klennert noted that the trucks used for collection in Woodland are smaller and use less fuel than the typical trucks used and that she can reevaluate the fuel used on the smaller vehicles and learn whether the fuel surcharge can be recalculated to reflect the smaller trucks.

Councilmember Evenstad stated that he would accept a flat rate per household with a modest fuel escalator.

Councilmember Jilek asked about participation using the cart single-sort recycling versus sorted containers.

Ms. Klennert reported that recycling pounds increased about 10 pounds per household with single sort. Bi-weekly recycling collection also reduces truck traffic on City streets and driveways.

**B. Salt/sand use on City streets -Aaron Melsness 2800 Breezy Height Road**

Mr. Aaron Melsness addressed the Council regarding damage to his driveway that he feels was caused by the volume of salt and sand mixture applied to the City street abutting his driveway. Mr. Melsness stated that he has a new cement driveway and the heavy use of salt and sand has damaged the driveway. Mr. Melsness stated that he does not believe that the area of the roadway along his property warrants the need for salt and sand and the damage to the driveway is due to the amount of salt used.

Mr. Melsness stated that he understands the need for salt coming up the hill but does not agree that salt is needed on the flat area of the road abutting his property. Mr. Melsness stated that his driveway had about \$1,200 worth of damage and he is looking for restitution from the City for the repairs needed. Mr. Melsness stated that he does not use any salt and sand on his driveway.

Mayor Stark confirmed that the Council was made aware of the concern and that a letter was sent regarding their discussion.

Mr. Melsness stated that he received the letter but was attending the meeting tonight to speak directly to Council to express his concern. Mr. Melsness shared some pictures with the Council to depict the damaged areas along the driveway. Mr. Melsness stated that the driveway is being repaired and he does not want this to happen every year.

Councilmember Jilek stated that salt is used on streets as a matter of safety.

Mr. Melsness noted that the road along his driveway is not a slippery area and people do not drive fast along the road.

Councilmember Evenstad noted that the public safety of the roads is the Council's primary concern. The City will instruct the snow plow driver to reduce application of the sand/salt mixture along the road abutting Mr. Melsness' property, if public safety considerations permit.

Mayor Stark stated that the Council will not change their earlier decision and will take no further action at this time.

**C. 2009 Fire Protection Agreement with Wayzata**

Councilmember Jilek stated that a \$5,000 increase on a yearly basis is adding up. Staff will contact the City of Wayzata to reconfirm the estimated budget amount for 2009.

**D. 2009/2010 Snow Plow Contract**

Council reviewed the snow plow bid for the 2009/2010 season (1 year).  
*Councilmember Jilek moved to accept the bid with Cornerstone snow plowing with a contract agreement to be signed in September. Councilmember Evenstad seconded the motion. Motion carried 4-0.*

**E. Review Preliminary Budget for 2009**

Council reviewed a draft balanced budget for 2009 revenues and expenditures. Council increased the line item expenditure for street improvements to \$50,000 in order to build up adequate funds for a road improvement project in 2009. Council reduced the line item expenditure for legal costs to \$10,000. The proposed tax levy would increase 10% from 2008. An increase in the Street Improvement Fund represents a large part of the increase. The proposed tax levy and budget will be adopted in September.

**OLD BUSINESS**

**A. Review and Approve Amendments to the Nuisance Ordinance No. 415**

The second reading of amendments to the Nuisance Ordinance 415 was presented to Council.  
*Councilmember Evenstad moved to approve Ordinance No. 04-10; amendments to Ordinance 415 regarding nuisances, with exception of adding the language in (x) [disused furniture] to section (l) so as not to be repetitive. Councilmember Jilek seconded the motion. Motion carried 4-0.*

**MAYOR'S REPORT**

Mayor Stark stated that the Norwegian Consulate is making some changes with regard to their property in Woodland. Councilmember Newberry noted that the paid diplomats will no longer have a presence in Minnesota; however, the Consulate employees/volunteers will remain in Minnesota.

**COUNCIL REPORTS**

**Finance** – no report

**Police Report** – Chief Johnson reported that the department is developing a police newsletter that will be published on the City website and will be incorporated into the quarterly newsletter to keep the Council and community updated on police issue and safety matter.

**Roads & Signs** – no report.

**Websites**- no report.

**Ordinances** – no report.

**TREASURER REPORT**

*Councilmember Evenstad moved to approve the Treasurer's Report as submitted. Councilmember Jilek seconded the motion. Motion carried 4-0.*

**ACCOUNTS PAYABLE**

*Councilmember Evenstad moved to approve the Accounts Payable as submitted. Councilmember Newberry seconded the motion. Motion carried 4-0.*

**ADJOURNMENT**

*There being no further business, the meeting adjourned by consent at 8:25 P.M.*

**ATTEST:**

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Shelley J. Souers, City Clerk

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Jean M. Stark, Mayor