

WOODLAND  
CITY COUNCIL MINUTES  
MONDAY, DECEMBER 14, 2009  
7:00PM

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Mayor James Doak; Councilmembers, Tom Newberry, Mike Jilek, Troon Dowds, and Sliv Carlson

Staff: Chief of Police Cory Johnson, Zoning Administrator Gus Karpas, City Attorney Andrea Poehler and City Clerk Shelley Souers.

Guests: State Senator Gen Olson, Minnetonka School Superintendent Dr. Dennis Peterson, Bruce Shilling, Denny Newell, Grace Norris, Chuck and Jean Stark, Herb Suerth, Peg Keenan, Peter Lee, Susan Parault, and Geoffrey Jue.

**CONSENT AGENDA**

- A) Minutes November 9, 2009; Regular Council Meeting**
- B) Annual Multiple Dog Permit Approval**

*Councilmember Jilek moved approval of the consent agenda containing items A and B. Councilmember Carlson seconded the motion. Motion carried 5-0.*

**PUBLIC COMMENTS**

None.

**PUBLIC HEARING**

**A) Truth and Taxation Hearing to Adopt the Tax Levy and 2010 Budget**

Mayor Doak opened the public hearing at 7:05 PM to review and adopt the final budget and levy for 2010.

Mayor Doak presented an overview of the 2010 budget and levy. Mayor Doak reported significant adverse changes impacting the budget include the loss of all state and local government aid, coupled with the decrease in building permit revenue. The Council reduced the overall expenditures by 1.25% for 2010. \$40,000 was budgeted for future road improvements and scheduled routine maintenance, which is imperative to avoid significant repairs. The street improvement budget was reduced by 20%, from \$50,000 to \$40,000, in an effort to keep the levy increase minimal. The fire service contract costs will decrease in 2010. Clerical, police and public works contracted service charges will remain the same rate, with no increase in 2010. A modest increase is expected in other contract services, which include snow plowing, tree removal and septic inspections. The levy will increase 3.9% (\$11,176) to balance the budget.

Mayor Doak reported that copies of a detailed packet outlining the budget with a comparison of municipal tax rates in adjacent cities were available for residents.

There being no public comments, Mayor Doak closed the public hearing at 7:13PM

*Councilmember Carlson moved to adopt Resolution No. 26-09; approving the final budget for 2010. Councilmember Newberry seconded the motion. Motion carried 5-0.*

*Councilmember Jilek moved to adopt Resolution No. 27-09; approving the final levy for 2010. Councilmember Newberry seconded the motion. Motion carried 5-0.*

Mr. Herb Suerth, 2850 West Road, thanked the Council for their fiscal diligence to maintain a modest levy increase in light of the difficult economic times.

## **NEW BUSINESS**

### **A) Senator Gen Olson**

Mayor Doak welcomed Senator Gen Olson, noting that she is serving her eighth term as the District 33 Senator and also has 19 years of experience in education.

Senator Olson stated that District 33 includes 20 cities and she appreciates the opportunity to attend council meeting and meet with residents. Senator Olson reported that the Senate is working to adopt a balanced budget in the face of a 1.2 billion dollar shortfall. The loss of individual income tax, due to job layoffs, reduced wages and numerous companies cutting hours to maintain employees has had a significant impact to the State's budget.

Senator Olson reported that one of the District highlight this past summer was the completion of the Veterans Camp on Big Island. Senator Olson noted that she is working on several education initiatives, which include performance pay for teachers and alternative licensure options for teachers. Each school district will determine the parameters for compensation using a combination of a staff evaluation and student performance.

Mr. Newell, 2670 Marshland Road, asked if sharing some services with the neighboring State of Wisconsin was being considered.

Senator Olson stated that she was not certain if a shared service agreement with Wisconsin was still being considered.

The Council thanked Senator Olson for her time and service to the State and Cities in District 33.

### **B) Dr. Dennis Peterson – Minnetonka School District updates**

Mayor Doak introduced Minnetonka School District Superintendent Dr. Dennis Peterson, noting that Dr. Peterson has worked tirelessly to make the District one of the best in the State making it a model for other districts in regard to fiscal responsibility, student achievements, language immersion programs and open-enrollment options. Dr. Peterson was also recognized as the 2009 Minnesota Superintendent of the year.

Dr. Peterson addressed the Council stating that it was an honor to attend the Council meeting and speak about the Minnetonka School District.

Dr. Peterson provided several handouts. Dr. Peterson noted that the District's annual financial and student achievement report is mailed to all residents in the District.

Student enrollment, including open enrollment, is at the highest level in history. The District currently has 8,400 students, with room for 8,800 students. Open enrollment accounts for 1,269 students and 320 students transferred from private school districts. Bus service is not provided beyond the District boundaries. Open enrollment students must arrange for transportation to the facility on their own. Data shows that the longer a student is in the Minnetonka School District the higher their achievement scores become. Minnesota has the highest average A.C.T., (American College Testing, a standardized test for high school achievement and college admissions), scores in the country. The Minnetonka School District is three points higher than the State average.

Dr. Peterson reported that the District raised \$16.5 million, over a three year period, through open enrollment. The money raised through open enrollment benefits all students and sustains the facilities. Thirty-two classrooms were added and several facilities were expanded in 2009. Seventy percent of the District's revenue comes from State Aid, which has had only minimal increases. The language immersion program has been a success, bringing in over one million dollars to the District.

Dr. Peterson stated that the Minnetonka District has a fund balance of approximately \$11 million making it financially positioned to handle future cuts. The Minnetonka School District was the only District in the metro that did not draw from reserve funds for budgeting purposes. After several years of holding the levy down, a flat tax rate, coupled with State Aid cuts, the District increased the levy for 2010 by 1.8%.

Dr. Peterson stated that a strong school district creates high achievements among students in addition to increased property values.

Mayor Doak reiterated the value of a healthy school district and agreed the tax dollars supporting the District are well spent in relation to the benefits the District provides.

The Council thanked Dr. Peterson for his time and leadership.

**C) Variance Extension, 18400 Maple Ridge Road - John Stuebner**

Zoning Administrator Karpas reported that the City received a request for an extension of the variance granted for 18400 Maple Ridge Road, to allow the owners additional time to market the property for sale.

Mr. John Stuebner, co-owner and appointed trustee for 18400 Maple Ridge Road, reported that the property continues to be tied up in litigation and is encumbered with numerous liens, making it difficult to list the property for sale at a marketable price. Mr. Stuebner stated that none of the conditions tied to the property have changed and he is seeking a one-year extension to accomplish the sale of the property.

Mayor Doak reported that the City received a letter (dated 12-14-09) from Mr. and Mrs. Boller, 18250 Shavers Lane, opposing any extension of the variance for 18400 Maple Ridge Road.

Mr. Stoebner stated that litigation over the property should be settled soon and the property will be relisted at a lower sale price. Mr. Stoebner believes that a lower listing price will increase the ability to sell the property. Mr. Stoebner stated that he does not believe he will be back to seek further extension.

Mayor Doak stated that the community values open space and trees and reminded Mr. Stoebner that there are multiple conditions on the variance that address access and tree protection. Mayor Doak recommended that any extension should include the conditions placed on the property through the original variance and any seller should inform any buyer that the property is subject to multiple conditions.

Councilmember Newberry asked why the property could not be offered a lower price in 2009.

Mr. Stoebner noted that multiple liens against the property precluded lowering the sale price sufficiently to recover the liens and co-owner's costs.

Councilmember Dowds stated that he will abstain from voting on this matter due to possible future conflict of interest.

Councilmember Jilek suggested that it may be premature to abandon the situation at this point and would agree to an extension for one year.

Councilmember Carlson agreed that an extension was reasonable.

Councilmember Newberry asked if the property sale and a subsequent request for a building permit would be required to be completed within the one year extension of December 14, 2010.

Zoning Administrator Karpas responded that a building permit would have to be issued within the extension period.

*Councilmember Jilek moved to approve Resolution No. 28-2009; a 12 month extension of the variance for 18400 Maple Ridge Road. Councilmember Newberry seconded the motion. Motion carried 4-0-1, with Councilmember Dowds abstaining.*

## **OLD BUSINESS**

### **A) Parking Ordinance Discussion**

Mayor Doak reported that staff researched multiple community ordinances and contacted the League of Minnesota Cities for examples of ordinance language relating to parking restrictions for vehicles, RVs, watercraft and/or trailers within a certain proximity to adjacent principal structures.

Mayor Doak noted that no examples or language restrictions were identified regarding parking restrictions for licensed, operational motor vehicles from adjacent principal structures. Several ordinances had language to require screening of watercraft. Mayor Doak asked whether the Council wanted to create language for the City Code to address parking setbacks and limitations for motor vehicles.

Councilmembers, individually polled, did not have any interest in creating parking restriction language for the City Ordinance.

Council took no action and made no further recommendations to staff regarding this matter.

**B) Review Draft Ordinance Language Relating to As-Built Surveys.**

Council reviewed draft language that would require an as-built survey at the completion of foundations, the completion of the structure, and following final grade alterations. In cases where a new structure would not be in close proximity to the setback lines, staff may waive the as-built survey requirement.

The sequence of as-built surveys should be; a foundation survey, final construction survey and a grading survey.

Zoning Administrator Karpas stated that the draft language denotes an escrow fee of \$2,500 to ensure compliance of the as-built surveys.

Councilmember Carlson asked if as-built survey language is fairly standard in ordinances.

Mayor Doak noted that he has learned several cities have as-built survey requirements.

Council directed staff to prepare an Ordinance amendment for consideration at a public hearing on January 11, 2010.

**C) Ordinance No. 11-02; amending Chapter 11 of the Code of Ordinances concerning the permitted number, placement, and dimensional restrictions of signs. (first reading)**

Council reviewed the proposed language and agreed the amendments remove ambiguities in the current code.

*Councilmember Carlson moved approval Ordinance No. 11-02 as presented, waiving the second reading of the Ordinance. Councilmember Jilek seconded the motion. Motion carried 5-0.*

**MAYORS REPORT**

Mayor Doak reported that he will continue working on a tree inspection procedure for 2010.

**COUNCIL REPORTS**

**Deer Management & Website**

Councilmember Jilek reported that no deer have been removed to-date. Councilmember Jilek reported that a dangerous dog in Woodland has been reclassified as a potentially dangerous dog following an appeal and review.

**Finance & Public safety**

Councilmember Carlson reported that the director of the Metropolitan Cities Association, Patricia Nauman, will attend the February Council meeting.

Public safety

Chief of Police Johnson reported that the department has been busy with DWI stops and officers have been staged along Breezy Point Road to monitor traffic speeds.

Road & Signs

No report

Ordinance

No report

**TREASURER'S REPORT**

*Councilmember Newberry moved approval of the Treasurer's Report as submitted.*

*Councilmember Carlson seconded the motion. Motion carried 5-0.*

**ACCOUNTS PAYABLE**

*Councilmember Newberry moved approval of the Accounts Payable as submitted.*

*Councilmember Carlson seconded the motion. Motion carried 5-0.*

**ADJOURNMENT**

*Council adjourned by consent at 9:23PM. The next regular Council meeting will be held on Monday, January 11, 2010. Motion carried 5-0.*

**ATTEST:**

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Shelley J. Souers, City Clerk

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James S. Doak, Mayor