

WOODLAND
CITY COUNCIL MINUTES
MONDAY, APRIL 13, 2009
7:00PM

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

Staff: Zoning Administrator Gus Karpas, Chief of Police Cory Johnson, City Engineer Dave Poggi and City Clerk Shelley Souers.

Guests: Mark Anderson and Nat Kale (MCWD)

CONSENT AGENDA

A) Minutes March 9, 2009

B) Approve Water Hydrant Flushing Service for 2009

Mayor Doak moved approval of the consent agenda, subject to moving item B to new business for further discussion. Councilmember Jilek seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

None

OLD BUSINESS

A) Resolution No. 07-2009; Adoption of the Surface Water Management Plan

Mayor Doak introduced Nat Kale, Geographic Information Specialist with the Minnehaha Creek Watershed District (MCWD), to provide clarification on the District's requirements regarding phosphorous reduction limits.

Mr. Kale provided an overview of phosphorous and its effect on lakes and wetlands. The MCWD examined phosphorous levels in the water and the amount of phosphorous running off the land into water bodies. One of the MCWD's goals is to reduce phosphorous levels within the next ten years using a three-part approach. 1) Stop the increase of phosphorous loads. 2) Reduce levels of phosphorous entering lakes and evaluate land uses in residential, commercial and industrial areas. 3) Assign a phosphorous reduction goal for each community based on the land use.

Mr. Kale reported that all 29 communities in the Minnehaha Creek Watershed District were reviewed and assigned land classifications based on aerial photos. The MCWD created a system that was equitable for all cities based on density, area and land use. Mr. Kale noted that significant portions of Woodland were excluded because they were classified as woods. Mayor Doak stated that the City is faced with the challenge to create opportunities and install features that aid in the phosphorous load reductions. Practical issues regarding budget restraints,

limited development and limited City owned land to create opportunities make hitting the target set by MCWD difficult.

Mr. Kale stated that cities can include improvements and features added between the years 2000 to 2019 towards achieving the load reduction limits.

Councilmember Newberry asked if increasing impervious cover restrictions would count towards reduction limits.

Mr. Kale stated only if the increase of impervious cover restrictions is more restrictive than the MCWD external restrictions.

Zoning Administrator Karpas asked if the MCWD has assigned values to improvement features.

Mr. Kale reported that they have not established values, but are working with the MPCA on this.

Council thanked Mr. Kale for his time and clarification.

Mayor Doak asked City Engineer Dave Poggi if the Surface Water Management Plan needs further changes.

Mr. Poggi stated that no changes were needed at this time. The timeline to achieve the MCWD's goals is illustrated on Table 6.1.

Councilmember Jilek moved to adopt Resolution No. 07-2009; adopting the SWMP as submitted. Councilmember Carlson seconded the motion. Motion carried 5-0.

B) Accessory Structure Standards; Ordinance 900.04, (continued discussion)

Councilmember Newberry stated that the Council previously discussed accessory structures limitations and their connection to principal structures.

Council agreed to hold a public hearing at the May Council meeting to consider amendments to the ordinance language to clarify the limitation of connecting accessory structures to principal structures.

PUBLIC HEARING

A) Adopt Ordinance No. 900.25; Construction Site Runoff Control - 1st Reading

Mayor Doak opened the public hearing at 7:55PM to consider the adoption of new language added to the zoning ordinances regarding Construction Site Runoff Control.

Zoning Administrator Karpas reported that the proposed ordinance will help regulate stormwater runoff from construction projects exceeding one acre. The construction projects less than one acre require permits from the Minnehaha Creek Watershed District and there is no need to require an overlay of permits from the City for these projects.

There being no comments, Mayor Doak closed the hearing.

Mayor Doak moved to adopt Ordinance No. 09-15; amending Section 900 of City Code and adding the new section 900.25; and to waive the second reading of the ordinance. Councilmember Jilek seconded the motion. Motion carried 5-0.

NEW BUSINESS

A) Abdo, Eick & Meyer, LLC -Utility Rate Evaluation

Council reviewed a proposal from Abdo, Eick and Meyer, LLC regarding a proposal for an evaluation of the utility rate structure to determine if the sewer and water funds will be adequate income to service the debt, make possible repairs, and provide on going maintenance of the sewer and water system.

Council agreed that the key input to the utility rate evaluation was engineering projections on the probability of major maintenance and that manipulation of the estimates was an important, but secondary consideration. The Council decided to forego a rate analysis at this time and to speak with the City Engineer regarding the short and long-term maintenance issues and costs to better gauge the necessary funds needed for the system.

B) Monetary Limits on Tort Liability Insurance & Workers Compensation Coverage for Elected and Appointed Officials.

Councilmember Jilek moved to not waive the tort liability limits on insurance. Councilmember Carlson seconded the motion. Motion carried 5-0.

Council agreed that workers compensation coverage for elected and appointed City officials would not be provided. Staff will prepare a resolution for approval at the May Council meeting.

C) Auto Payment of Quarterly Utility Payments

Clerk Souers provided information regarding direct/auto payment options available for the residents that receive municipal utility invoices. The City's depository, TCF Bank, recommended using Vanco Services to provide the auto pay service. The setup and transaction costs are minimal. There would be no direct cost to the customer. The service could be offered as an option to residents with the next mailing of the utility invoice.

Councilmember Carlson moved to approve an agreement with Vanco Services for auto payment services of the utility bills and to offer the service to all customers with the next billing.

Councilmember Dowds seconded the motion. Motion carried 5-0.

D) Lakeshore Setback Discussion

Councilmember Newberry stated that land values have doubled in recent years, which has a direct correlation to the size of the homes built on lake lots. In 2001 the City addressed setback to limit a structure's impact when viewed from the lake by increasing the lake setback from 50 feet to 75 feet. The Council may want to consider increasing the lake setback an additional 25 feet, which would require homes to be further from the water, thereby decreasing the visual impact and increasing the lawn area to aid in controlling phosphorous run off.

Councilmember Newberry distributed an aerial photo of Woodland property and discussed the idea of creating a sight line ordinance. Councilmember Newberry stated that it may be difficult to administer and confusing to add a sightline ordinance and may be more practical to maintain a minimum lake setback distance.

Zoning Administrator Karpas stated that any time a change is made, specifically an increase in setbacks, the number of nonconformities increase which may have to be regulated with variances. Many homes will not comply with an increased setback and would be impacted as those homes are redeveloped. Increasing the setback by 33% will make it difficult to go back and reduce it.

Council agreed there can be benefits with increasing setbacks, specifically helping to reduce phosphorous loads and preserving the overall City appearance when viewed from the lake. The Council focused on the difficulties with creating a sight line ordinance such as balancing several adjoining owners' rights to use their property while protecting the best interests of the community as a whole. The irregular shapes and size of lots, in addition to the diverse topography throughout Woodland can complicate a sightline ordinance.

Mayor Doak stated that the request for Council to consider a sightline ordinance came from a resident. Mayor Doak stated that he will be sure that the resident understands that there seems to be no desire among Council to create a sight line ordinance; however, the Council will consider an increased lake setback.

Councilmember Newberry suggested that a public hearing be scheduled to consider a language amendment to increase the lake setback to 100 feet.

Staff will prepare a draft amendment of the zoning ordinance to address an increase in the lake setback for review at the May meeting.

E. GO Water Improvement Bond

Clerk Souers reported that the general obligation water bond issued to finance the 1997 watermain improvements is eligible for refinancing. The City would need to obtain the services of a bond counsel to provide a legal opinion, required to refinance the bond. Preliminary review indicates the transactional costs to refinance may exceed the interest savings and therefore would not warrant refinance of the bond. Staff is waiting for additional information from bond advisors. Council took no action on this matter.

F. Water Hydrant Flushing (*moved from the consent agenda for discussion*)

Mayor Doak noted that the rates for hydrant flushing continue to increase significantly and suggested that staff explore options for other service providers in the future. Council approved Infratech to flush the hydrants in Woodland as scheduled this season.

MAYOR'S REPORT

Mayor Doak reported that he received a request from a resident that a newly installed electrical power transformer be moved from its location on the ground on a shared property line. The City Attorney has provided an opinion on the appropriateness of the location of the transformer and

the resident has been informed. Staff had spoken with the electric company and noted the new transformer can be put back on the pole.

Mayor Doak reported that he received a request from a resident that the City hire a surveyor to confirm that the setback of a newly built structure meets the minimum setback from the ordinary high water level mark. The resident also requested that either he or his representative be present during the surveying process.

Zoning Administrator Karpas stated the City does not ordinarily require an as-built survey for new construction. In this case, however, the contractor has been informed that he must provide an as-built survey and building height measurement to the City before a certificate of occupancy will be issued. The City Engineer can be present to confirm the results. The resident can be present only at the invitation of the building site's owner.

Mayor Doak reported that he received a request from a resident adjoining a construction site for a list of the tree by species that were removed from the site and a list of the trees by species that will be planted as part of a construction project. Mayor Doak stated this issue, regarding tree removal and plantings, was previously addressed through a formal appeal of the vegetation permit, granted by staff. During the hearing the Council examined the plans and agreed that the relevant factors were considered by staff and the permit was correctly issued. The tree ordinance does not require a document tabulating the species. Council agreed the tree plan was appropriate and the quality and quantity of trees to be planted exceeds what had existed.

Mayor Doak stated that the City tries to be diligent in both listening and responding to calls and email concerns.

South Shore Community Center Mayor Doak reported that the South Shore Community Center is owned by five communities, not including Woodland. These communities are discussing the possible sale of the center or renegotiation of the management contract. Community discussion of the fate of the center has been extensive, but Woodland has not offered an opinion as it is not an owner and it is believed that no City resident uses the center.

Lake Minnetonka Conservation District (LMCD) Mayor Doak reported that the LMCD manages the watercraft moored in Lake Minnetonka, but has no jurisdiction over watercraft stored on land above the OHW line. The LMCD is reviewing cities ordinances that address land storage and asking whether there should be uniform regulation of watercraft stored on land. Woodland does not have an ordinance regulating watercraft storage on land and has not had any complaints on this issue.

COUNCIL REPORTS

Finance & Intergovernmental Relations

Councilmember Carlson reported that many environmental bills are coming before the Senate and she will continue to monitor legislative actions. Councilmember Carlson stated that she will be attending a Metropolitan Council meeting in April and will report back to Council on the meeting.

Roads and Signs

Councilmember Dowds reported that he and Mayor Doak reviewed the road conditions throughout Woodland. The City will work with the engineer to determine if seal coating Breezy Point Road is recommended this year in lieu of repairs made to the low area at the intersection on Maplewood Road and Breezy Point Road. Councilmember Dowds stated that he is reviewing all street signs and any non-reflective signs will be replaced.

Deer Management, Website and Public Safety

No report

Police Report

Chief Johnson reported that the department will be hiring a new officer.

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 Jilek moved approval of the Accounts Payable as submitted. Councilmember

Dowds seconded the motion. Motion carried 5-0.

ADJOURNMENT

Council adjourned by consent at 9:18PM the regular meeting

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor