

WOODLAND
CITY COUNCIL MINUTES
MONDAY, JULY 13, 2009

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 Attorney Andrea Poehler and City Clerk Shelley Souers.

Guests: Peter Pflaum, Jan Callison, Dave Martini, Jeff Stoebner

CONSENT AGENDA

- A) Minutes June 8, 2009; Regular Council Meeting
- B) Resolution No. 13-2009; Approval of variances to construct new single family home at 2845 Center Road Center Road.
- C) Resolution No. 14-2009; Adopt and put into action the 2030 Comprehensive Plan as updated (table 3)

Councilmember Carlson moved and Councilmember Jilek seconded the motion to approve the consent agenda as presented. Motion carried 5-0.

PUBLIC COMMENTS

None

OLD BUSINESS

A) Hennepin County Commissioner Jan Callison

Mayor Doak welcomed and introduced Hennepin County Commissioner Callison.

Commissioner Callison reported that the County is facing a 15 million dollar budget shortfall for 2009, causing the delay of several capital projects. Commissioner Callison stated that the Hennepin County Medical Center continues to be part of the County's budget planning because the County pays for uninsured medical care. Commissioner Callison reported that stimulus grants are still available for Counties, predominately in environmental programs.

Mayor Doak asked if Hennepin County Medical Center receives reimbursement for uninsured cases that come from other counties.

Commissioner Callison stated that it is difficult trace residential addresses to seek reimbursement; however, the county does make an effort to get reimbursement.

Commissioner Callison reported that 80 million dollars is ear-marked for replacement of the Lowery Avenue Bridge. The roadway leading up to the bridge will cost an additional 40 million dollars. The County will fund about 50 million dollars of the total cost of the improvement project after receipt of stimulus money and state aid.

Commissioner Callison stated that 40% of the County's budget is made up of property tax from seven districts. District 6 [western suburbs] contributes 25% of the tax base.

Mayor Doak stated that the District 6 communities were counting on Commissioner Callison to work to impose some fiscal discipline on the County's spending.

Commissioner Callison reported that the new tax statements have been changed to disclose the various taxing authorities.

Councilmember Carlson asked about the status of County road 101.

Commissioner Callison reported that the plans are still on the schedule for 2010.

Council thanked Commissioner Callison for her attendance and information.

B) Quotes for 2009 Road Improvements

City Engineer Dave Martini reported that two quotes were received for the 2009 road improvements. Pearson Brothers submitted the low quote. Mr. Martini noted that the quote was higher than estimated in-part due to the addition of curbing along the east side of Maplewood Road. The curbing will keep water from washing out the berm installed by the homeowner at 2865 Maplewood Road. Mr. Martini stated that he will work with Councilmember Dowds and Pearson Brothers to renegotiate the cost of the curb and modify its scope. Mr. Martini stated that he will contact the gas company regarding the fill along Breezy Point Road.

Councilmember Carlson moved to approve to bid from Pearson Brothers for road improvements and for the City Engineer speak with the gas company about the low swale along Breezy Point Road. Councilmember Dowds seconded the motion. Motion carried unanimously.

C) Resolution No. 15-2009; Annual Agreement for Services with Deephaven

Councilmembers Jilek moved and Carlson seconded the motion to approve Resolution No. 15-2009; Annual Agreement for Services with Deephaven, as presented. Motion carried unanimously.

D) Water Gate Valves

City Engineer Dave Martini reported that the City learned, during a recent construction project, that several water gate valves throughout the Groveland Homeowners Association may need to be cleaned out and serviced. A water shut-off valve (curbstop) was broken during shut off for a new construction project. Mr. Martini suggested that the City inspect and assess all the gate valves in the system and determine what may need to be cleaned out or repaired. Mr. Martini will report back to Council on the condition of the gate valves and needed maintenance.

Councilmember Newberry moved that the City contract a service company and replace the broken curbstop. Councilmember Jilek seconded the motion. Motion carried unanimously.

PUBLIC HEARING

A) James & Jordan Glover, 2840 Woolsey Lane, request an Alteration of Nonconforming Structure to construct a 14 x 27 garage addition to the existing garage.

Mayor Doak opened the public hearing at 6:49 P.M.

Zoning Administrator Karpas summarized the request for an alteration of the existing nonconforming structure to construct a 14 foot by 27 foot garage addition into the north side yard setback. The existing garage currently encroaches into the setback. The proposed addition decreases its encroachment of the north property line. Zoning Administrator Karpas noted that the request does not exceed the impervious cover limits. One tree will be removed to accomplish construction. The lot is heavily wooded. The existing garage (20'x21') is small by today's standards. There would be little impact, if any, on light and visibility. The closest adjacent structure is approximately 50 feet away and the garage addition would be screened by the existing vegetation. Zoning Administrator Karpas reported that the City received one email comment supporting the request. No other comments have been received from neighbors.

Mr. Jeff Stoebner, contractor for Mr. and Mrs. Glover, addressed the Council to seek approval of the request for a garage expansion to the west side of the existing garage at 2840 Woolsey Lane. Mr. Stoebner stated that the proposed addition will be architecturally matched to the house and constructed on frost footings.

Mr. Stoebner, in answer to Councilmember Dowds question, stated that the driveway will not be expanded for the addition. The addition creates a tandem style garage.

Councilmembers Dowds and Newberry support the replacement of the tree.

Mayor Doak closed the hearing.

Councilmember Carlson moved to approve the request for alteration of a nonconforming structure, with the condition that the tree be replaced with a species of the owner's discretion. Councilmember Dowds seconded the motion. Motion carried unanimously.

NEW BUSINESS -CONTINUED

F) Resolution No. 16-2009; Supporting the LMCC in its Application of Federal Stimulus Funding to for Construction of Fiber-to-the-Home Network.

Sally Koenecke, Executive Director of the Lake Minnetonka Communications Commission (LMCC), addressed Council to request support the LMCC's application for stimulus funding for future construction of a fiber network.

Ms. Koenecke reported that the LMCC formed a committee one year ago to research the possibility of building a fiber network with fiber service to the home. The system would be

underground constructed along the road right-of ways. Ms. Koenecke stated that Mediacom has no direct competition. The grant amount would cover 80% of the costs and the LMCC would provide 20% (approximately \$13 million) through revenue bonds. There would be no debt to the Cities and no obligation for the costs of the system.

Councilmember Newberry asked if broad band wireless would be a competitor.

Ms. Koenecke stated that the LMCC looked into broadband wireless. The primary concern being the technology is still not reliable due to tree cover, topography and issues with the expanse of the lake.

Councilmember Newberry asked if the LMCC consultants have an opinion of whether the fiber leases would be more service oriented than Mediacom.

Ms. Koenecke stated that Mediacom has a call center overseas and the LMCC has no real control over the organization given judicial interpretation of the franchise agreement.

The LMCC's consultants believe that fiber is a profitable venture and estimate after five-years it will generate a five-million dollar annual profit.

Councilmember Jilek moved to approve Resolution No. 16-2009; supporting the LMCC application for Federal Stimulus Funding. Mayor Doak seconded the motion. Councilmembers Jilek, Dowds, Carlson and Doak vote aye. Councilmember Newberry voted nay. Motion carried.

OLD BUSINESS

A) Continued Discussion of Ordinance 900.09; lakeshore setback and sight line ordinances

Councilmember Newberry reported that several months ago a resident raised a question of lake setbacks. Council discussed if structures versus tree coverage was becoming an issue. The Council solicited feedback from residents regarding whether to consider an increase in the lake setback. The feedback received was evenly split with support to increase the setback and support to make no change.

Councilmember Carlson stated that she has given this issue a great deal of thought and recognizes the Council's challenge to preserve the quality of the lake in regard to views and water. Councilmember Carlson stated that it may be premature to extend the lake setback to 100 feet without understanding the impact of the newly adopted Surface Water Management Plan and goals to reduce phosphorous runoff into the lake. Changes to setbacks and structure restrictions may all need to be considered as a coordinated approach to future storm water management efforts.

Councilmember Dowds stated that he reviewed the lakeshore properties from the water and given the ratio of tree area and glass area of homes, he did not believe the change in structures has been significant from 10 years ago. He does not believe the setback need to be increased at this time.

Mr. Peter Pflaum, 18100 Breezy Point Road, addressed Council to explain his situation as a lakeshore owner. Mr. Pflaum stated that if the City increases setbacks or creates a “view corridor” restriction to protect lake views it will make irregular shaped lots, such as his, difficult to build on.

Mayor Doak stated that Mr. Pflaum’s concern reflects many situations in the City with regard to sight lines. Mayor Doak noted that the Council’s previous discussion has been moving away from creating a sight line ordinance and focusing on the setback restrictions. Council had agreed that there was no support for adding sight line language and there is little momentum to increase the lake setback. Mayor Doak stated that the Council’s job is to preserve Woodland as it is and there does not seem to be justification to increase the lake setback to 100 feet.

Councilmember Newberry summarized a suggested new definition for the lake setback to bring more clarity to the 75-foot lake setback restriction. The state’s definition defines the high water level in regard to vegetation. New language would add a setback of 70 feet, as measured from shoreline alterations. There would be no material change to the lake setback language, only more concise definition regarding the setback.

Zoning Administrator Karpas stated that the MCWD established an Ordinary High Water Level of 929.4, which can be altered if work is done at the shoreline.

Councilmember Newberry reported that a final change to the lake setback language would be to eliminate the “pull forward” exception the code.

Mayor Doak requested staff to prepare a public hearing for the August Council meeting to consider the lake setback language for adoption.

B) Continued Discussion of Zoning Ordinance 900.02 and Nuisance Ordinance 415, amending certain sections and creating a new definition for construction activity.

Mayor Doak stated that, in an effort to bring uniformity to the code, a definition of construction activity and commercial property maintenance activity is needed. He presented suggested language for the changes that received support from the Council.

Staff will work with the City Attorney and draft language to clarify construction activity and prepare a public hearing for the August 10 Council meeting.

Councilmember Newberry excused himself from the remainder of the meeting.

C) Adopt Ordinance No. 04-11; An ordinance adding a new section 406 (Dangerous Dogs) to Chapter 4, public Health and Safety and approval of Ordinance 04-12; Summary of Ordinance 406 for publication; Ordinance No. 03-14; An ordinance amending Section 305 of the fee schedule

Council reviewed language that would add a new section to Chapter 4 of the Code or Ordinances regarding dangerous and potentially dangerous dogs.

Councilmember Jilek moved to adopt Ordinance No. 04-11; adding a new section 406 to Chapter 4 of the City Code and to waive the second reading of the ordinance. Councilmember Carlson seconded the motion. Motion carried 4-0.

Councilmember Jilek moved to adopt Ordinance No. 04-12; approving the summary of Section 406 for publication. Councilmember Carlson seconded the motion. Motion carried 4-0.

Councilmember Jilek moved to adopt Ordinance No. 03-14; amending certain fees and establishing fees for animal licensing. Councilmember Carlson seconded the motion. Motion carried 4-0.

MAYORS REPORT

A) 2010 Budget Review

Clerk Souers summarized the preliminary budget for 2010.

Council will review the budget again at the August Council meeting.

Mayor Doak reported that the City of Minnetonka recently adopted the social host ordinance. Staff will obtain a copy of Minnetonka's language for review.

Mayor Doak stated that he will speak with the owners of a chain link fence to learn if there are any cosmetic fixes that can be done and if the new retaining wall could be screened with plantings. Mayor Doak noted that there is no obligation of the homeowner to make changes.

COUNCIL REPORTS

Public Safety – Councilmember Jilek reported that a recent classification of a dog as “dangerous” was upheld at a hearing. The Animal Control Officer will review the dog's classification in six months.

Finance & Intergovernmental Relations

No report.

Roads and Signs

Councilmember Dowds distributed a proposal from Aaron's Tree Service for removal of several dead and diseased trees along the public right-of-ways.

Mayor Doak suggested a notice of the tree removal be sent to homeowners in close proximity to the locations where trees will be removed.

Councilmember Dowds stated that he had marked the trees and will also speak with homeowners.

Mayor Doak moved to approve the tree removal and maintenance in the city right-of-ways by Aaron's Tree Service for \$2,500. Councilmember Dowds seconded the motion. Motion carried 4-0.

Ordinances

No report.

TREASURER'S REPORT

Councilmember Jilek moved approval of the Treasurer's Report as submitted. Councilmember Carlson seconded the motion. Motion carried 4-0.

ACCOUNTS PAYABLE

Councilmember Jilek moved approval of the Accounts Payable as submitted. Councilmember Carlson seconded the motion. Motion carried 4-0.

ADJOURNMENT

Council adjourned by consent at 8:35PM. The next regular Council meeting will be held on Monday, August 10.

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor