

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

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: Chief of Police Cory Johnson

Staff: City Clerk Shelley Souers.

Guests: Connie Doepke, Herb Suerth, and Greg Nybeck

CONSENT AGENDA

- A) Minutes August 10, 2009; Regular Council Meeting**
- B) Resolution No. 18-2009; Approving an Agreement for 2009/2010 Snow Plow Services**
- C) Resolution No. 22-2009; Approve the first payment to Pearson Brothers, Inc. (2009 Road repair and seal coat project).**

Councilmember Carlson moved and Councilmember Jilek seconded the motion to approve the consent agenda; items A through C. Motion carried 5-0.

PUBLIC COMMENTS

None.

NEW BUSINESS

A) State Representative District 33B, Connie Doepke

Mayor Doak welcomed District 33B Representative Connie Doepke to the Council meeting.

Representative Doepke reported that she is active on the K-12 finance committee. Education will be one of the primary issues for 2010. Representative Doepke opposed the K-12 ominous bill because it did not include the alternative teaching licensure option. The alternative licensure allows business persons, retired or unemployed, who have experience in the market place to obtain a teaching license under certain guidelines. Representative Doepke stated that she did not support the \$5 billion "tax forward" provision for education, because she does not agree with taxing the future.

Representative Doepke reported that other issues in 2010 will continue to be the budget deficit, projected to be \$4-6 billion, state unemployment issues and health care. Representative Doepke stated that she will continue focusing on the local communities and continue to be a voice for District 33B.

Councilmember Carlson asked if alternative teaching licensure was in effect at this time.

Representative Doepke stated that the alternative licensure was currently not in effect but this concept will be considered again. The program parameters include a requirement that persons eligible for licensure must have 10 years experience; pass a course and mentorship program.

Mayor Doak reported that a large number of students participate in the open enrollment option available in the school district.

Representative Doepke stated that she supports open enrollment because it offers students choices. Schools have different strengths and offer different curriculums. Open enrollment provides opportunities that can match a student's strengths and also sets up competition among schools.

B) LMCD Updates – Herb Suerth & Greg Nybeck

Mayor Doak welcomed LMCD's administrator Greg Nybeck and Woodland's LMCD representative Herb Suerth to the meeting.

Mr. Nybeck reported that the LMCD recently designated a quiet waters channel off of Cedar Point as a safety measure. The improvements to the Grays Bay public access have increased the boat traffic through the channel.

Mr. Nybeck reported that the water levels are at the lowest level since the drought several years ago and currently 6-9 inches below those of one-year ago. Water clarity is also poor this year. Herbicide treatments have been applied to Grays and Phelps Bay. Docking remains an issue around the lake. The LMCD is re-visiting the mooring rules. In low water years the LMCD receives numerous requests for dock extensions.

In answer to Mayor Doak's question regarding regulatory jurisdiction, Mr. Nybeck stated that the LMCD's regulatory jurisdiction starts at the high water level however; some cities also have regulations on dock placement and use. Mr. Nybeck recommended that all questions regarding dock placement be referred to LMCD staff member Judd Harper or the LMCD website.

Mr. Suerth reported that one challenge with dock placement and use is regulating diverging and converging lot lines.

Mr. Nybeck reported that neighbors can consent to allow encroachment for dock placement.

Mr. Suerth stated that milfoil harvesting was started to improve and maintain navigation lanes. Harvesting was never expected to eliminate milfoil. Milfoil is harvested to 4-5 feet below the surface. Funds for the milfoil program were initially donated by boaters

improve navigation. An experimental chemical treatment for milfoil started two years ago in Carmen Bay, Phelps Bay and Gray's Bay. Carmen's Bay is no longer being treated. The treatments will continue in Phelps and Grays Bays for three more years. The LMCD will evaluate the program following the conclusion of the treatment. Mr. Suerth stated that the chemical treatments will not fully eradicate the milfoil. The DNR has said there is no record of eliminating milfoil, but it can be controlled through a continuing maintenance program.

Mr. Suerth stated that he supports finishing the experimental chemical treatment program in the two participating bays and using any surplus funds for zebra mussel education and control.

Councilmember Jilek asked if a boat launch fee could be charged at the public access, and the fees used for a zebra mussel program.

Mr. Suerth stated that the state law precludes the DNR or communities from charging a boat access fee at public launches. One option might be an increase in the license fee with the funds used to control exotic species.

Mr. Suerth stated that the LMCD in the final stages of drafting a lake vegetation management program and a long-range strategic plan.

Council thanked Mr. Nybeck and Mr. Suerth for attending the Council meeting.

C) 2009 Septic Review

Council reviewed the septic system report, delineating the 2009 reviews conducted by Kurt Larsen. No systems were deemed failing or causing imminent health issues.

D) Resolution No. 19-2009; Approving the Septic System Review Agreement for 2010 with Kurt Larsen.

Council reviewed the agreement for septic system review services with Kurt Larsen for 2010. Mr. Larsen had proposed the purchase of camera equipment to be used in the septic reviews. Councilmember Newberry suggested deferring the purchase of equipment until the City has updated the 7080 septic rules as required by the state.

Councilmember Jilek moved approval of Resolution No. 19-2009, authorizing the agreement with Kurt Larsen for the 2010 septic system review with consideration of the capital equipment purchase at a later date following the rules update. Councilmember Newberry seconded the motion. Motion carried 5-0.

E) Resolution No. 21-2009; adoption of the proposed Budget for 2010

Councilmember Carlson moved to adopt Resolution No. 21-2009; adopting the 2010 budget. Councilmember Newberry seconded the motion. Motion carried 5-0.

F) Resolution No. 20-2009; adoption of the proposed Tax Levy for 2010

Councilmember Carlson moved approval of Resolution No. 20-2009; adopting the 2010 property tax levy. Councilmember Jilek seconded the motion. Motion carried 5-0.

G) Resolution No. 23-2009; Setting the Truth in Taxation Hearing.

Councilmember Jilek moved to approve Resolution No. 23-2009, setting the Truth in Taxation hearing date for December 8, 2009. Councilmember Newberry seconded the motion. Motion carried 5-0.

H) 2010 Census

Mayor Doak reported that census packets will be delivered to each household in March. It is important to get participation and accurate household counts. The population counts impacts the state's representation and funding. Staff will include information in the upcoming newsletters about the census.

OLD BUSINESS

A) Disease Tree Program

The City will be working on a program to identify diseased trees and the extent of access to property to conduct tree inspections. Mayor Doak suggested dividing the City into quadrants to conduct the tree inspections. The City will continue to identify diseased trees from the street and notify homeowners with a letter.

Councilmember Dowds will speak with the City of Minnetonka regarding their shade tree program and report back to Council.

MAYOR'S REPORT

Staff reported that the road improvements along County Road 101 north of Minnetonka Boulevard to McGinty Road have been put on hold as the County works with the residents along Bushaway Road and the City of Wayzata.

Mayor Doak reported that he attended the League of Women Voters Mayor Forum on September 10. Mayor Doak stated that he appreciated the opportunity to meet with other Mayors and discuss common issues among small cities.

Due to the recent quarantine regarding the transportation and disposal of Ash wood, the staff will speak with the City's tree contractor about providing a curbside brush collection this fall as a service to the residents.

Mayor Doak reported that the Minnetonka School District is now publishing an alumni magazine for Minnetonka graduates.

The City of Minnetonka will host a discussion session for District 6 Commissioner Jan Callison on Wednesday, October 14. Councilmember Carlson will attend the session.

Mayor Doak reported that he had contacted the Minnehaha Creek Watershed District (MCWD) regarding Woodland's target levels for phosphorous runoff and will meet with MCWD staff member Julie Westerland to discuss further options and ideas.

Mayor Doak reported that he will attend the September 24 summit at the Minnesota Landscape Arboretum regarding water quality to learn more about phosphorous reduction methods.

COUNCIL REPORTS

Deer Management, Website and Public Safety

Councilmember Jilek reported that he will be working with staff to obtain the deer removal permit.

Finance & Intergovernmental Relations

Councilmember Carlson reported that she will participate in a DVD regarding local school and local government interactions.

Councilmember Carlson reported that she and Councilmember Jilek considered options for the water curbstop maintenance. It was agreed that locating all the curb stops and conducting visual inspections would be beneficial. The City would continue to own and maintain the curb stops.

Council agreed that a visual examination of the individual curb stops and gate valves be conducted at the time of the annual hydrant flushing in the spring.

Roads and Signs

No report.

Ordinances

Council reviewed the ordinance definition of a structure and considered removing the word *motors* from the structure definition, 900.02, subd.38.

Council agreed that the ordinance language regulating machinery in side yards was adequate and did not agree to expand the definition to include equipment located in "structure niches". The Council will amend the structure definition by removing the word "motor" at the time future technical corrections and amendments are made to the zoning ordinances in an effort to consolidate the costs of zoning amendments.

Councilmember Newberry stated that the nuisance ordinance regulating noise would apply to the noise of motors.

Councilmember Newberry reported that a concern had been raised regarding the use of residential driveways for parking and the setback restriction for driveways. Councilmember Newberry stated that driving and parking on a residential property which is confined to the driveway is reasonable.

Council agreed that the expectation of a driveway is to drive and park upon.

Mayor Doak noted that a question had been raised about the accuracy of an as-built survey completed for new construction. Mayor Doak reported that the surveyor was registered and licensed to complete the survey. The surveyor denoted a small violation in the structure height and the contractor was required to correct the matter by making changes to the roof and relaying a patio to comply with the City's restrictions. The lake setback was in violation at one point due to shoreline improvements that had been made with riprap. The shoreline was restored to the original contour. The surveyor conducted several follow-up shots and confirmed the setbacks had been corrected.

Mayor Doak stated the he believes the surveyor conducted his job accurately and in a professional manner.

ACCOUNTS PAYABLE

*Councilmember Jilek moved to approve the Accounts Payable as submitted.
Councilmember Newberry seconded the motion. Motion carried 5-0.*

TREASURER REPORT

*Councilmember Jilek moved to approve the Treasurer's Report as submitted.
Councilmember Newberry seconded the motion. Motion carried 5-0.*

ADJOURNMENT

There being no further business, the meeting adjourned by consent at 9:13 P.M.

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor