

**CITY COUNCIL MINUTES**  
**Monday, August 9, 2010**  
**7:00 P.M.**

Mayor Doak called the meeting to order at 7:00 PM.

**ROLL CALL**

Present: Mayor Jim Doak; Councilmembers, Tom Newberry, Sliv Carlson and Chris Rich

Absent: Michael Jilek

Staff: City Clerk Shelley Souers.

Guests: Herb Suerth, Greg Nybeck, Caryn Rich, Abby Rich and Hayley Rich.

**APPOINTMENT TO CITY COUNCIL: RESOLUTION NO. 12-2010**

*Councilmember Newberry moved and Councilmember Carlson seconded the motion to approve Resolution No. 12-2010; appointing Chris Rich to the City Council to complete the unfinished term of office.*

**OATH OF OFFICE**

City Clerk Souers administered the Oath of Office to Councilmember Chris Rich.

**CONSENT AGENDA**

A. Minutes July 12, 2010; Regular Council Meeting

B. Resolution No. 13-2010; Approval of the first payment to Allied Blacktopping for the 2010 seal coat project.

*Councilmember Carlson moved and Councilmember Newberry seconded the motion to approve the consent agenda as presented. Motion carried 4-0.*

**NEW BUSINESS**

**A. 2010 Septic Reviews – Kurt Larsen**

Septic Inspector Kurt Larsen reported that he had started the annual septic system reviews. The inspections were going well and the additional identification and notice has been helpful.

Following the completion of the 2010 septic reviews, staff will send each household the septic inspector's findings, recommendations, and relevant City requirements.

**B. Lake Minnetonka Conservation District (LMCD) Representatives Herb Suerth & Greg Nybeck**

Woodland representative Herb Suerth and LMCD Director Greg Nybeck attended the Council meeting to address questions following a recent meeting regarding the LMCD's role and responsibilities. Mr. Suerth stated that he strongly believes a regulatory organization is necessary to manage the use of a recreational lake the size of Minnetonka.

Council agreed that LMCD is an essential organization to help manage use of the lake and water quality. Without the LMCD every community would have to manage lake use, the public landings, and mooring permits and dock placement, all of which would be challenging for small communities with limited staff and resources and would result in a catastrophic lack of coordination.

Mr. Nybeck stated that zebra mussels have been found in the Lake, most likely transmitted by tailored boat traffic. The LMCD will continue to educate persons using the lake and work to contain the zebra mussel to the best of its ability. The greatest impact to residents with lakeshore and watercraft moored in the lake will be maintenance of the shoreline, dock structures and watercraft within the water. Zebra mussels attach to virtually any hard surface and can clog irrigation systems and boat motors. The long term ecological impact to the Lake and its ecology and fishery is unknown at this time.

### **C. 2011 Budget Review**

Council reviewed a draft balanced budget for 2011 estimated revenues and expenditures.

Mayor Doak stated that building permit revenue, local governmental aid, and interest income, have all declined significantly. The property tax levy is the primary source of income and is collected by the County and then remitted to the City with a lag. The City maintains a fund balance of approximately 60% of the expenses because of the timing of these revenue flows.

The 2011 proposed tax levy would increase 2.9% from the 2010 levy, without further expense cuts. The proposed tax levy and budget will be adopted in September.

### **D. Interpretation of Variance Criteria.**

Mayor Doak reported that the Minnesota Supreme Court recently clarified the criteria guiding variance approval. Now, only a showing of hardship stemming from the inability to use a property in any reasonable manner as a result of local zoning ordinances will suffice to justify a variance.

### **E. Construction Management Ordinance**

Mayor Doak stated that a suggestion was received to amend the ordinance language and modify the current procedures with regard to building permit approval and issuance.

Mayor Doak summarized the suggested procedure for building permit approval.

- 1) Require that neighbors be notified of an application for building permit.
- 2) That 10 working days pass between the notification to neighbors and the granting of a building permit.
- 3) The applicant supplies all the neighbors within 500 feet of the subject property a complete set of plans supporting the application for a building permit.

Mayor Doak noted that if the building plans meet building and zoning codes the plan approval process by the Minnetonka inspectors usually takes over a week. The construction management ordinance does require the contractor to contact adjacent property owners regarding the proposed construction, but there is no specific waiting period or provision of plan documents.

Mayor Doak suggested that in lieu of mailing plans to all neighbors, third set of plans be kept in the City office for public inspection while the other two sets of plans are at the Minnetonka building department for code compliance review.

Mayor Doak suggested that the language dictating public notice, the opportunity for public review of plans, and the submittal of three sets of building plans be placed in Chapter 7, Section 700.03 Permits, Inspections and Fees.

Councilmember Rich stated that opposition to plans may be difficult if a resident can lawfully construct within the parameters of the plans.

Mayor Doak stated that the reason behind the change is to gain transparency without unduly burdening property owners who wish to develop their property. The change would require a notice be sent to neighbors at the time a building permit is submitted as an application at the City Hall and three copies of the construction plans would also be included with permit application. A specific waiting period from application to permit issuance will be considered.

Councilmember Newberry and Mayor Doak will prepare draft language for review at the September Council meeting.

## **OLD BUSINESS**

### **A) Curbstop Review**

The Council reviewed a report by the City Engineer denoting the condition of the water curbstops.

Mayor Doak noted that the expense of maintaining the water system has exceeded projected revenues over the past six years. The enterprise fund should be self-supporting and the utility fees may need to be adjusted to ensure adequate coverage of ongoing expenses.

Councilmember Carlson asked if the City is under contract with a company for repairs and whether the charges for routine maintenance costs and emergency repair costs are known in advance of the work. Carlson suggested that a pre-determined hourly rate for routine maintenance and emergency repairs would be beneficial.

Mayor Doak reported, at the Engineer's suggestion, the curbstops have all been tested and most are operational. The curbstop review provided the City with information as to where problems may exist in regard to maintenance and repairs to assist the City in planning for future maintenance costs. The curbstops that were not operational will need to be repaired and that can be done over time.

Mayor Doak stated that the Council and system users will need to make a determination going forward to ensure an adequate fund balance for payment of operational expenses and the bonds. The auditor has suggested a rate study to determine the best option to create a healthy fund balance. Mayor Doak agreed a rate analysis should be conducted once an estimate of maintenance costs is determined to keep the system on a sound financial footing.

Councilmember Rich suggested the City seek bids from contractors and offer a five year agreement for service to the system as a negotiating tool to possibly get lower rates for system maintenance.

Mayor Doak will ask the City Engineer for help in exploring maintenance contract options for the system.

**B. Drainage options – Maplewood Circle East**

Council reviewed an estimate for a drainage basin to be installed along Maplewood Circle East. Councilmember Rich will work with the City Engineer regarding the drainage basin and estimated costs.

**C. Municipal Insurance**

Council reviewed information from the municipal insurance agent representative Northern Capital regarding insurance coverage options for a Faithful Performance Bond and Workers Compensation Coverage.

Council agreed to add coverage to protect the City if contractors fail to provide adequate Workers Compensation Coverage on their own, as required by contracts with the City.

**MAYOR'S REPORT**

Mayor Doak reported that he attended a recent Minnehaha Creek Watershed District meeting regarding Rule F & Rule D. The rules go into effect September 2010.

Mayor Doak stated that former Councilmember Dowds has given Woodland a United States Flag, flown over FOB Fenty, Ialalabad, Afghanistan by the soldiers of Task Force Blacksmith 704th Brigade Support Battalion. Mayor Doak read the certificate that accompanied the flag. The Flag and certificate will be displayed at the City Hall.

**COUNCIL REPORTS**

**Public Safety**

No report.

**Finance & Intergovernmental Relations**

Councilmember Carlson reported that she is working with several residents of Groveland regarding the water fund balance and a long term plan for maintenance.

**Roads, trees**

Councilmember Rich reported that he will be meeting with the City's tree contractor Aaron Smith to review tree trimming needs throughout Woodland.

**Ordinance**

No report.

**ACCOUNTS PAYABLE**

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

**TREASURER'S REPORT**

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

**ADJOURNMENT**

*Council adjourned by consent at 9:27PM*

**ATTEST:**

---

Shelley J. Souers, City Clerk

---

James S. Doak, Mayor