

**CITY COUNCIL MINUTES**  
**Monday, January 10, 2011**  
**7:00 P.M.**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

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

**OATH OF OFFICE**

City Clerk Souers administered the Oath of Office to newly elected Council Members Chris Rich and John Massie.

**ROLL CALL**

Present: Mayor Jim Doak; Council Members; Michael Jilek, Sliv Carlson, Chris Rich and John Massie.

Absent: None

Guests: Doug Carter and Brigitte Tehranchi.

**CONSENT AGENDA**

- A. Minutes December 13, 2010; Regular Council Meeting**
- B. Set Date of Annual Board of Appeals & Equalization – April 11, 2011**
- C. Adopt Resolution No. 02-2011; Establishing a Schedule of Administrative Fees**

Mayor Doak requested item A be moved to New Business.

*Councilmember Jilek moved to approve the consent agenda; items B and C, as submitted.*  
*Councilmember Rich seconded the motion. Motion carried 5-0.*

**PUBLIC COMMENTS**

No public comments.

**NEW BUSINESS**

**Minutes December 13, 2010; Regular Council Meeting**

Council Member Carlson suggested an amendment to the minutes on page 2 and page 3 changing the Enterprise Fund #1 to Enterprise Fund 1997.

*Council Member Rich moved and Council Member Massie seconded the motion. Motion carried 5-0.*

**A. Resolution No. 03-2011; Recognition of outgoing Council Member Tom Newberry**

Mayor Doak tabled Resolution No. 03-2011, until the February 14 Council meeting.

**B. Multiple Dog Permit Request - Houman & Brigitte Tehranchi, 2825 Maplewood Circle East**

Mrs. Tehranchi was present to request a permit to keep three dogs. Mrs. Tehranchi stated that they own three dogs. One of the dogs, a Wheaton Terrier, left their yard and caused some damage to private property. Mrs. Tehranchi stated that it was not their intention to allow their dogs to roam the neighborhood or cause property damage. Mrs. Tehranchi reported that the dogs

are confined by an invisible fence; however, the Terrier has been able to break through the invisible fence. They have been securing the Terrier to a tether line in the yard when he is let outdoors to further ensure he will not get through the fence.

Mayor Doak emphasized that Council is concerned that all dog owners keep their dogs confined to their own property and under control when unattended.

Council Member Rich stated that he has walked past the Tehranchi's property and has not had any issues with the dogs.

Mrs. Tehranchi stated that the other two dogs are controlled by the invisible fence.

Council Member Jilek stated that multiple dog permits need to be approved by the Council each year and will be granted when there are no serious issues. Council Member Jilek stated that because of the recent issues with the dogs the City will closely monitor any complaints or issues during the year. Homeowners are required to keep their dogs managed and under control. Council Member Jilek suggested, that in the event that one of the dogs passes, he would not recommend getting a third dog again.

Mayor Doak stated that he would support granting the permit with understanding that the dogs will be closely monitored.

*Council Member Rich moved to approve the permit to keep multiple dogs for 2011. Council Member Carlson seconded the motion. Motion carried 5-0.*

**C. MCWD Comprehensive Water Resource Management Plan Amendment Overview;**

Mr. Doug Carter, Water Resource Specialist with Bolton and Menk, reported that on behalf of the City of Woodland, he had prepared a response to the recent Minnehaha Creek Watershed District (MCWD) plan amendments.

Mayor Doak stated that city staff submitted the engineer's comments to the MCWD prior to the Council Meeting in an effort to meet the deadline for the comments period on the plan.

Mr. Carter noted that the MCWD's comment window has made it challenging for cities to fully review and discuss the technical changes and to prepare and submit comments. Mr. Carter stated that the MCWD had classified the amendments as minor plan amendments which allowed the district to utilize a short 45-day comment period.

Mr. Carter stated that several communities met on January 6<sup>th</sup> to discuss how to deal with the MCWD rule changes. Several suggestions included finding community members to serve on the MCWD board. The group also suggested a cost-benefit analysis of the MCWD comparing projects initiated in individual communities against the property taxes paid to the watershed district by each community. Mr. Carter reported that the TAC participants agreed that communities support the MCWD's use of the funds cooperatively to protect the water resources.

Council agreed that the MCWD rule changes encumber municipal resources with continuous and multiple rule changes each year. Cities do not have the staff or funds to revise procedures and ordinances every year to keep up the MCWD revisions.

Mr. Carter agreed protection of water resources is relevant, but did not agree that the MCWD was making the best choices with their funding for water improvements. The MCWD is an appointed body by the Hennepin County Board and does not answer to local cities or their residents. Mr. Carter encouraged cities to push for changes in State Statute rules 103B and 84.10, rules that govern the MCWD authority to make rule changes. Also to speak with the State representatives to support the municipal concerns with the overall process for rule amendments of the MCWD.

Mayor Doak suggested municipal input and direction would be beneficial to the MCWD prior to their making sweeping amendments. He suggested a more collegial and less of an adversary process in the future.

#### **D. MCWD Aquatic Invasive Species Control**

Mayor Doak reported that the MCWD is taking the initiative on aquatic invasive species, which had previously been monitored and regulated by the Lake Minnetonka Conservation District.

Council Member Jilek stated that direction and roles of the Lake Minnetonka Conservation District and the MCWD are unclear, specifically with the aquatic species.

#### **E. Resolution No. 01-2011; Annual Appointments & Assignments for 2011.**

Council discussed individual assignments and areas of focus.

*Council Member Carlson moved to adopt Resolution No. 01-2011. Council Member Jilek seconded the motion. Motion carried 5-0.*

#### **OLD BUSINESS**

##### **A. Tree Contract Service – Consider monthly service retainer**

Discussion tabled until the February Council meeting.

##### **B. No-Fault Sewer Coverage Update**

Staff reported that the application for no-fault coverage has been submitted to the LMCIT for review.

##### **C. Enterprise Fund 1997 – Consider Resolution designating future improvements as separate enterprise funds**

Council Member Carlson had suggested that the Council discuss adoption of a resolution to designate the current and future enterprises separate, which would require separate budgets for each.

Mayor Doak stated that the current Council cannot bind future Council's ability to manage future budgets. The Council's intent with an enterprise resolution would be to encourage future Councils to consider that any new improvement be set up as a separate enterprise fund and not associated with the 1997 sewer and water enterprise funds.

Mayor Doak stated that he will speak to the City Attorney on this issue. Council will continue discussion at a future Council meeting.

## **MAYOR'S REPORT**

### **A. Newly Elected Officials Conference**

Mayor Doak reported that the League of Minnesota Cities hosts a conference for newly elected Council Members. Mayor Doak stated that any Council Member interested in the conference should review the materials and register.

## **COUNCIL REPORTS**

### **A. Public Safety & Deer Management**

No report.

### **B. Roads, Signs & Trees**

No report.

### **C. Finance, Audit, Enterprise Funds & Intergovernmental Relations**

Council Member Carlson reported that the Metropolitan Council is reviewing affordable housing opportunities throughout the metro.

Council Member Carlson reported that the State Legislature introduced a bill amending the recently adopted variance Statute to change the hardship criteria to practical difficulty.

### **D. Ordinances & Website**

Council Member Jilek reported that the Lake Minnetonka Communications Commission is conducting a phone survey in communities around Lake Minnetonka regarding band width needs. Council Member Jilek stated that an optimum scenario would include the current provider, Mediacom, increasing their system to accommodate future band width needs.

## **ACCOUNTS PAYABLE**

*Councilmember Jilek moved approval of the Accounts Payable as submitted. Councilmember Carlson seconded the motion. Motion carried 5-0.*

## **TREASURER'S REPORT**

*Councilmember Carlson moved approval of the Treasurer's Report as submitted. Councilmember Rich seconded the motion. Motion carried 5-0.*

## **ADJOURNMENT**

*Council adjourned by consent at 9:00 P.M.*

## **ATTEST:**

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Shelley J. Souers, City Clerk

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James S. Doak, Mayor