

CITY COUNCIL MINUTES
Monday, March 14, 2011
7:00 P.M.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

Absent: Council Member Chris Rich

Guests: Andy Berg, Doug Carter, Kevin Klapprich

CONSENT AGENDA

A. Minutes of the Council Meeting, February 14, 2011.

B. 2011 Street Sweeping Agreement / Allied Blacktop Company

Council Member Jilek moved and Council Member Carlson seconded the motion to approve the consent agenda as submitted. Motion carried 4-0.

NEW BUSINESS

A. Andy Berg, Abdo, Eick & Meyers – 2010 Annual Financial Report

Mr. Andy Berg presented a summary of the financial statements for each major fund for the year ended 2010. Mr. Berg reported the year-end unreserved cash balance was 73% of the budget. The cash balance is desirable because disbursements are incurred evenly throughout the year, and Woodland's main source of revenue, property taxes, is not received until the second half of the year. This cash balance provides the necessary cash to finance the general fund disbursements in the first half.

Mr. Berg stated that the license and building permit revenues as well as court fines were up from 2009. The top expenditure continues to be public safety.

The City had a water/sewer rate study/cash flow projection completed in 2010. As a result, Council approved a resolution to allocate 75 percent of assessment revenue to the Water Fund, as opposed to 25 percent in the past and to allocate 25 percent of assessment revenue to the Sewer Fund, as opposed to 75 percent in the past. The Council also approved a utility fee increase to help insure that the Water and Sewer Funds continue to have an adequate to meet operating and debt service requirements.

Council Member Carlson noted that there was an error in the notes on page 32, item C. Mr. Berg confirmed that the notes were in error and will send a corrected page.

Mayor Doak stated that the detailed notes to the financial statements serve as a good reference when reviewing the financial report.

Council thanked Mr. Berg for his work and report on the financial condition of the City.

Council Member Carlson moved and Council Member Jilek seconded the motion to approve the 2010 Financial Statements, Management Letter and recommendations as presented, with the correction to page 32 as noted. Motion carried 4-0.

B. Fire Chief Kevin Klapprich.

Chief Klapprich presented the annual financial report for the fire department. Chief Klapprich noted that the department has five fire fighters who have served over 30 years. The department received a total of 272 calls in 2010, up 20 calls from 2009. The fire department serves the cities of Wayzata, a portion of Orono, Woodland and a small portion of Plymouth. Several notable incidents in 2009 included the train derailment in downtown Wayzata and an apartment fire in which the building was lost.

Chief Klapprich stated that the engine and rescue trucks will both get GPS devices. All fire hydrant locations will be logged into the GPS devices.

In answer to a question about the products and chemicals that the train hauls through Wayzata, Chief Klapprich stated that the department is not notified of the chemicals the train carries, but that all fire fighters are trained in chemical spills and procedures every year.

Council thanked Chief Klapprich for his leadership and support of Woodland.

C. Doug Carter – Water Specialist – Bolton & Menk.

Bolton & Menk's Water Specialist, Doug Carter provided an overview of the MS4 requirements for Woodland. Carter stated that Woodland is classified as a municipal separate storm sewer system or MS4 by the Minnesota Pollution Control Agency (MPCA) because its stormwater discharges to Lake Minnetonka and the Minnehaha Creek, which is classified as impaired water by the MPCA. The MS4 classification requires Woodland to develop and implement a Stormwater Pollution Prevention Program (SWPPP) to reduce the discharge of pollutants from its storm sewers.

The MCWD assigned a waste load calculation to all communities that discharge to the Minnehaha Creek. Woodland's current five-year permit with the MPCA is valid until June of 2011. After June 2011 the MPCA will implement a new MS4 permit, valid until 2016, building on the data collected in the previous permit period of 2006 to 2011. The permit requires Woodland to address six minimum control measures. One of the control measures requires the City to inventory and inspect stormwater outfalls, basins and ponds and determine whether they are functioning as designed. Woodland is also required to map all storm sewer conveyance elements (pipes, ditches, ravines) by the end of the 2011 permit cycle.

Bolton & Menk has provided the City with a proposal to perform a best management practices, outfall, and conveyance inventory to bring the City into compliance with the current MS4 permit. This work will bring Woodland into compliance with the current laws and develop an inspection tool for future evaluations.

Water Specialist Carter stated that Woodland does not have any holding ponds, however, if roads have shallow ditches, those ditches become part of the storm water system. Topographical maps

will be used to determine the ditches and the direction of the water flow. The MCWD assigned Woodland a 12 pound waste load to be removed annually. Because Woodland is a MS4, the Federal Government can require removal of phosphorous quantities and hold the City accountable to achieve those levels.

Mayor Doak asked how these requirements tie into the watershed's requirements and whether the data that is collected can be provided for more than one study.

Water Specialist Carter stated that the MCWD has agreed to work cooperatively with cities and not to further burden cities with added costs and reports. The MS4 mapping will bring cities up to date in the current permit cycle and provide the city with a map of the storm water. The mapping and data collection will take place from the lakeshore as well as throughout the City. The engineer's proposal is based on an hourly rate, not a lump sum.

Council Member Jilek moved to accept the proposal from Bolton & Menk for city-wide inventory of MS4 outfalls, conveyances and existing BMPs, not to exceed \$3,900. Council Member Carlson seconded the motion. Motion carried 4-0.

Street Sweeping

Doug Carter stated the new sweeping technology provides better sweeping results. The sweeping results can be used for the reports to the MS4. Findings from 2009 sweeping results indicated that Woodland exceeded the phosphorous load level reduction that was assigned at 12 pounds.

MCWD Rules Update

Doug Carter stated that the MCWD storm water management rule that is in development is modest in regard to amendments and they have nothing to contest at this time. The MCWD is not getting involved with single-family residential development. Doug Carter stated that he will put together a short letter regarding their involvement and reiterate they have no further comments on the proposed amendment.

Public Hearing

A. Public Hearing to receive comments on the Surface Water Pollution Prevention Program (SWPPP)

Zoning Administrator Karpas reported that Woodland is required to hold an annual hearing for public participation on Surface Water Pollution Prevention.

Mayor Doak opened the annual public hearing on the Surface Water Pollution Prevention Program at 8:48P.M. to hear public comments on Woodland's SWPPP program.

Doug Carter, stated that the MPCA is required to audit the permit holders and we can expect that Woodland will be audited at some point to confirm that it is maintaining adequate records, following best management practices and that minimum control measures are in place.

There being no public comments, Mayor Doak closed the public hearing at 8:57P.M.

D. Resolution No. 04-2011; Restricting Transfer of Property within the City.

Zoning Administrator Karpas presented a Resolution restricting the County from accepting and recording land transfers within the municipal boundaries without prior approval from the City. Hennepin County requires municipalities to submit a resolution stating the City's intent and clarifying the prohibition of land transfers without prior municipal approval.

Council Member Carlson moved to approve Resolution No. 04-2011; a resolution restricting the transfer of property through the County with out City approval. Council Member Massie seconded the motion. Motion carried 4-0.

E. Approve Monetary Tort Limits.

Council reviewed the annual statutory tort liability limitations for Woodland and moved to not waive the limits. Woodland will insure up to the limit with the LMCIT.

Council Member Jilek moved to approve the limits set by the LMCIT and to not waive the monetary limits on municipal tort liability. Council Member Massie seconded the motion. Motion carried 4-0.

OLD BUSINESS

A. No-fault sewer back-up coverage.

Council reviewed Resolution No. 05-2011; establishing limited no-fault property damage protection for sewer back-ups and water main breaks whether or not the backup was caused by City negligence.

Council Member Jilek moved to approve Resolution No. 5-2011; establishing a limit of \$40,000 per occurrence for clean up costs and property damage resulting from sewer back-ups and water main breaks. Council Member Massie seconded the motion. Motion carried 4-0.

NEW BUSINESS

F. Public Nuisance Discussion

Council reviewed a draft nuisance ordinance and discussed potential issues resulting from snow removal from private property that is pushed into the City streets or rights-of-ways. The primary concern being safety for traffic and pedestrians.

Mayor Doak suggested addressing the issue in the City Newsletter as the first step. Council agreed to table discussion to the April Council meeting.

G. Parking Zones

Council reviewed the current parking zones and discussed whether any changes were warranted. Council agreed to measure the designated parking areas to determine the number of cars that can fit into each zone. The number of cars would be given to permit applicants as a guideline. Council agreed to make no changes to the size or number of parking zones at this time.

B. Recycling Collection Delay

Recycling collection was recently delayed due to a snow storm. In an effort to better notify the residents, Woodland's contracted service provider, Waste Management, has offered an optional "dial out" call to residents to notify them of delays in the recycling service schedule.

Waste Management will mail the form to each homeowner to collect phone numbers to be used for delays in the recycling service. The forms would be sent back to the City Hall via mail, email or fax.

Staff will also include information on the optional dial out in the April newsletter as an additional reminder to residents.

C. Resolution Clarifying the Intent of the 1997 Enterprise Funds and to Maintain Separate Future Enterprise Funds

Council reviewed a draft resolution stating the intent of the present Council to encourage future Councils to consider creating separate user funded enterprise funds for new water or sewer projects in the City. The self funding character of the 1997 Enterprises could be considered as a possible model for the financial structure of future enterprises in the City.

Council Member Jilek stated that from a practical standpoint, a new enterprise fund makes sense for new improvements.

Staff will forward the draft resolution to the City Attorney for review. Discussion will continue to the April meeting.

MAYOR'S REPORT

Mayor Doak reported that Senator Gen Olson is working to clarify statutory language with the State Legislature regarding municipal variance authority.

Mayor Doak reported that staff is looking into options to allow residents to recycle organics. Discussion will continue to the April meeting.

Mayor Doak distributed a list of invasive species and plants and reported that he attended a meeting on aquatic invasive species hosted by the MCWD. The watershed district is leading an effort to control the spread of aquatic invasive species that is hoped to have a state-wide impact.

COUNCIL REPORTS

Public Safety

Council Member Massie reported that no deer were removed from Woodland as part of the 2010 DNR permit.

Roads, Signs and Trees

Mayor Doak reported that he spoke with City Engineer Dave Martini regarding concerns with forecasted high water levels and possible impact to the water and sewer system. Mr. Martini confirmed the manhole covers are water tight and the mains are in good shape and did not believe there would be any issues resulting from the high water levels.

Finance, Enterprise Funds, Intergovernmental & MCWD

Council Member Carlson distributed information from a recent Minnehaha Creek Watershed District meeting that she participated in.

Ordinance, LMCD and Website

Council Member Jilek reported that he spoke with Woodland's LMCD liaison Herb Suerth. Mr. Suerth is willing to continue as the liaison and will meet with the Council during the year to report on issues. Council Member Jilek stated that he will also assist with reporting on LMCD issues to the Council.

ACCOUNTS PAYABLE

Council Member Jilek moved approval of the Accounts Payable as submitted. Council Member Massie seconded the motion. Motion carried 4-0.

TREASURER'S REPORT

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

ADJOURNMENT

Council adjourned by consent at 10:00 P.M.

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor