

MINUTES  
CITY COUNCIL  
CITY OF WOODLAND



MONDAY, JULY 14, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Mayor Doak, Council Members Carlson, Massie, Newberry, and Rich

Staff Present: Kathryn McCullum, City Clerk

3. CONSENT AGENDA

- A. Minutes of the June 4, 2014 Special City Council meeting
- B. Minutes of the June 9, 2014 Regular City Council meeting
- C. Resolution No. 21-2014 approving variances for Aaron and Heather Melsness for the property located at 2800 Breezy Heights Road.

Massie moved, seconded by Newberry to approve the consent agenda as presented.  
Motion carried 5-0.

4. PUBLIC COMMENT – None.

5. PUBLIC HEARINGS – None.

6. NEW BUSINESS

- A. Request from Richard Henry, 17960 Shavers Lane, regarding the City of Woodland Noise Ordinance Section 455 and Nuisance Ordinance Section 415.

Mayor Doak introduced Richard Henry and asked him to present his request.

Mr. Henry explained that his daughter is getting married and would like to have the wedding and reception at his home. He indicated that the reception would have live music and may go until 2:00 a.m. which is past the 10:00 p.m. noise restriction. He thought the Council could grant an exception or revise the ordinance to allow for an appeals process where the restrictions could be lifted for special events, such as wedding receptions at residential properties. Mr. Henry thought that a petition process should be in place that would allow for exceptions based on special circumstances.

Council Member Newberry asked if the event could start earlier in the day and end at 10:00 p.m.

Mayor Doak asked if Mr. Henry had considered an alternate venue for the event. Mr. Henry replied that his daughter would like to be married at the home where she grew up and he did not wish to change the venue.

Mr. Henry asked if the Council would accept a petition signed by all surrounding residents in the cities of Woodland, Deephaven, and Minnetonka.

Council Member Massie explained that the loud noise is the problem and sound can travel for miles.

Mayor Doak explained that the City cannot selectively enforce the law -- all residents are entitled to equal protection under City ordinances. If there was a complaint, the City would be required to act even if a petition was signed by all surrounding property owners. He explained that the City needs to enforce the ordinance equally and this was confirmed by the City Attorney and representatives from the League of Minnesota Cities.

Mayor Doak asked if the Council felt that an ordinance amendment which would permit exceptions and include a Council hearing procedure would be appropriate.

Council Member Massie stated concern regarding how a definition of a "special event" could be developed. A special event may be defined differently by different people. Mayor Doak agreed and asked how the City would distinguish between a frivolous event and a meritorious event. He also stated that the Council needs to balance the rights of the property owners against the rights of the community as a whole.

Council Member Carlson thought that a precedent would be set if an exception was made for this request.

Mayor Doak suggested that Mr. Henry notify surrounding property owners of the event and that the music would end at 10:00 p.m. Council Member Rich agreed and thought that the live music could stop at 10:00 p.m. and the festivities could continue inside or elsewhere.

Mrs. Henry asked the Council to amend the noise ordinance to include an exception if a petition is submitted. The ordinance change could be rescinded if it does not work for the City.

Mr. Henry asked if the Council would review a draft petition. Mayor Doak answered that the Council should not get involved in drafting a petition until it has decided if this is a desirable course of action and evidences a willingness

to amend the noise ordinance. In response to a question from Mayor Doak, Mr. Henry stated that he would be speaking with the Councils of the cities of Deephaven and Minnetonka.

The Council decided that the item should be placed on the August agenda for additional discussion.

- B. Request from Mark Lovaas for a backyard chicken permit for the property located at 17840 Breezy Point Road

Mayor Doak indicated that Council Member Newberry inspected the coop and run and the structures meet the ordinance requirements in all respects. He said due to summer foliage, the structures cannot be seen by neighbors or from Lake Minnetonka and should be inspected again after the leaves fall to find if the neighbors request additional screening as defined in the ordinance.

Newberry moved, seconded by Rich to approve the request from Mark Lovaas for a backyard chicken permit for the property located at 17840 Breezy Point Road. Motion carried 5-0.

- C. Report from Kurt Larsen regarding the City's septic inspections.

Mayor Doak welcomed Mr. Larsen and asked how the inspections are going.

Mr. Larsen stated Woodland is heading in the right direction in providing education to residents along with the inspections. He said most of the systems are in good condition and there are several new systems in the City. Mr. Larsen indicated most residents are positive about the inspections.

Council Member Carlson said the City's inspection process is viewed very positively by the Minnehaha Creek Watershed District. She explained that no other city in the District performs inspections.

The City Council members thanked Mr. Larsen for his work.

- D. Authorization for the Mayor and City Clerk to execute an agreement between the City of Woodland and the City Assessor, Daniel R. Distel.

Rich moved, seconded by Newberry to authorize the Mayor and City Clerk to execute an agreement between the City of Woodland and the City Assessor, Daniel R. Distel. Motion carried 5-0.

- E. Discussion regarding a potential City Council policy relating to "showcase" events.

Mayor Doak provided a brief overview of the item. He stated that the policy would ensure that applicants are aware of the City's expectations and existing laws and they would be put on notice that the laws need to be followed.

The Council stated support for the new policy. It was noted that a resolution to adopt the policy needed to be approved by the Council and it was scheduled for the August meeting.

F. Discussion relating to potential revisions to Section 407 regarding backyard chickens.

Mayor Doak presented an overview of the proposed amendments. He stated that the current ordinance limits the maximum area for coops and runs to a total of 150 square feet, but specifically defines the square footages for each of the coop and the run. Mayor Doak stated that the ordinance revision would establish a maximum combined square footage area for both the coop and the run without setting separate dimensions for each.

Mayor Doak explained that the proposed ordinance language would also require Council approval of all coops and runs before they are built. Applicants would submit scaled drawings thirty days prior to Council consideration, and a permit to keep chickens would be issued prior to the construction of the structures.

The Council agreed that the revisions should be made and requested that the item be placed on the August agenda.

Mayor Doak explained that the Council placed a condition of approval on the Dittmer/Gustner backyard chicken request that additional vegetative screening be placed to screen the structures in the winter months. Ms. Dittmer and Mr. Gustner were present and agreed to placing plantings. Mr. Gustner noted that the plants could not be placed until the flood waters recede.

7. OLD BUSINESS – None.

8. MAYOR'S REPORT

Mayor Doak reported on the following:

- The City Council candidate filing will begin on July 27.
- The City's website has been substantially updated with new information.
- The City's summer newsletter looked good.
- There is a new 10-year Mediacom franchise contract.
- A list of items that need to be accomplished on the Storm Water Management Plan has been drafted. The City Engineer has been asked to provide the status of each item on the list.

- The 2015 budget has been drafted and the Council will be discussing it at the August meeting.
- The Scenic Byway program continues to be discussed by some cities and other cities have stated that they will not be participating. The City of Woodland has not approved the program but is willing to be included in further discussions. Mayor Doak will be attending a Scenic Byway program meeting on July 30.
- Work on the deer management program is proceeding.
- The Council may wish to consider a revision to the City's tree policy to permit removal of Ash trees and replacing them with other hardwood trees of certain caliper size.
- The City's official bank, TCF, has imposed substantial service fees on the City. The Council requested that staff look into other banks that have no or lower service fees.

## 9. COUNCIL REPORTS

A. Newberry – Ordinances, Septic Ordinance, and Inspections – NONE.

B. Rich – Roads, Signs, Trees, and Website

Council Member Rich reported that he and City Engineer Dave Martini visited the flooded area on Breezy Point Road. He noted the wetlands in that area are saturated and the water was not receding. Mr. Martini recommended the road be closed to delivery trucks because they are too heavy and may cause damage to that area of the road.

After discussion, the Council agreed that it should review the feasibility of raising the road to mitigate flooding in that area. This could be done along with the Breezy Point Road project next year.

Council Member Rich said that he would continue to work with the City Engineer to find the cost of adding this improvement to the Breezy Point Road overlay project.

C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD

Council Member Carlson reported on the following:

- Bow hunting for carp is taking place on Lake Minnetonka. This is not legal and the police are enforcing the law when possible.
- Stricter laws are in place for railroad companies that carry crude oil and other hazardous materials. It is expected that cities will need to address materials spills as part of emergency management.
- Home sprinklers are required for homes over 4,500 [?] square feet beginning in January, 2015.

- The Minnehaha Creek Watershed District Citizens' Advisory Board is reviewing the process that was used in the termination of the former District Administrator by the Board of Managers.

D. Massie – Public Safety and Deer Management

Council Member Massie reported that he is working with Mayor Doak and Gus Karpas on finding property owners who are willing to place traps on their properties. He said that he has found one resident who is willing, but noted that at least two more are needed.

Council Member Massie noted that the DNR and the City's deer management contractor has requested that the City consider suspending trapping, given the low yields in recent years.

10. ACCOUNTS PAYABLE

Newberry moved, seconded by Rich to approve the Accounts Payable as presented. Motion carried 5-0.

11. TREASURER'S REPORT

Newberry moved, seconded by Rich to approve the Treasurer's Report as presented. Motion carried 5-0.

12. ADJOURNMENT

Rich moved, seconded by Newberry to adjourn the meeting. Motion carried by consensus. The meeting adjourned at 9:00 p.m.

ATTEST:

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Kathryne A. McCullum, City Clerk

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James S. Doak, Mayor