

AGENDA
CITY COUNCIL
CITY OF WOODLAND



MONDAY, OCTOBER 13, 2014
7:00 P.M.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL

Mayor Doak, Councilors Carlson, Massie, Newberry, and Rich
3. CONSENT AGENDA
All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no special discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the Consent Agenda and will be considered separately under New Business.
 - A. Minutes of the September 8, 2014 Regular City Council meeting
 - B. Adoption of Resolution No. 36-2014 approving the request for variances and land alteration for Streeter & Associates for the property located at 2400 Cedar Point Drive.
4. PUBLIC COMMENT
Individuals may address the City Council about any item not contained on the regular agenda. Comments should be limited to five (5) minutes. The Council may ask questions for clarification purposes, but will take no official action on items discussed with the exception of referral to staff or with the agreement of the Council may be scheduled on the current or future agenda.
5. PUBLIC HEARINGS - NONE
6. NEW BUSINESS
 - A. Resolution 32-2014 approving the 2015 Lake Minnetonka Communications Commission Budget
7. OLD BUSINESS - NONE
8. MAYOR'S REPORT

9. COUNCIL REPORTS

- A. Newberry – Ordinances, Septic Ordinance, and Inspections
- B. Rich – Roads, Signs, Trees, and Website
- C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD
- D. Massie – Public Safety and Deer Management

10. ACCOUNTS PAYABLE

11. TREASURER'S REPORT

12. ADJOURNMENT

- 15 minutes will be allotted for public comment. If the full 15 minutes is not needed, the Council will continue with the agenda
- The next City Council meeting will be held on November 10, 2014.

DRAFT

MINUTES
CITY COUNCIL
CITY OF WOODLAND



Agenda Item 3. A.
Consent Agenda

MONDAY, SEPTEMBER 8, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL

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

STAFF: Planner Gus Karpas, City Clerk Kathryne McCullum

3. CONSENT AGENDA

- A. Minutes of the August 14, 2014 Regular City Council meeting
- B. Consideration of an Alteration Permit Extension for John and Lynn O'Neil at 2650 Maplewood Circle East

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

4. PUBLIC COMMENT - NONE

5. PUBLIC HEARINGS

- A. Public Hearing on a request for variances of Ordinance Section 900.09, minimum required lake yard setback to construct a new single family structure which would encroach into the east and west lake yard setback, a variance of Ordinance Section 900.09, minimum required lake yard setback to reconstruct a non-conforming boathouse which would encroach into the minimum required lake yard setback and variances of Ordinance Section 900.17 (4)(a) maximum grade alteration, to exceed the maximum permitted grade alteration of three feet on multiple locations around the house foundation for Streeter & Associates for the property located at 2400 Cedar Point Drive.

Mayor Doak introduced the item and requested the staff report from Zoning Coordinator Gus Karpas.

Mr. Karpas presented an overview of the request stating that Streeter and Associates requested variances for the property located at 2400 Cedar Point Drive. The variances were to allow for the encroachment into the minimum required east and west lake yard setback, a variance to exceed the maximum

permitted grade alteration, and a variance to encroach into the minimum required east lake yard setback – all for the construction of a new single family home.

Mr. Karpas stated that staff recommended approval based on the following findings:

- a) The proposed single family home and boathouse will not have a negative impact on any of the goals and standards outlined in the Comprehensive Plan. The placement mimics the location of the existing structures and has no impact on sensitive environmental areas. The applicants intend to maintain the wooded nature of the lot with the existing vegetation and by adding additional tree coverage.
- b) The design of the structures and intended use of the property is consistent with the Comprehensive Plan in that they maintain the single family residential nature of the neighborhood. The existing flow of traffic will remain unimpeded by the improvement and the proposal will maintain the existing tree coverage on the property.
- c) The proposal puts the property to a reasonable use by replacing an older residential structure and deteriorating boathouse with the newer structures while slightly reducing the current encroachments and maintaining the natural residential character of the property.
- d) The lot is a narrow point which extends into the lake and has a width of 180' at its widest dimension. The application of the required setbacks leaves a 30' wide building pad which is not practical given the size and nature of the lot.
- e) The essential character of the neighborhood would not be impacted since placement of the improvements would remain primarily within the same location and there are no immediate adjacent neighbors that would be impacted by the improvements.

Mayor Doak introduced the applicant, Steven Streeter, Streeter and Associates, Andrea Swan from Swan Architects, and landscape architect, Travis Van Liere from TVLS, LLC.

Ms. Swan indicated that the goal of the project was to be respectful to the character of Woodland. She said that she spoke with the long-term caretaker of the property to find historical information on the property. Ms. Swan introduced the following items for Council review:

1. 1898 atlas that showed the footprint of the first home that was constructed on the property. (Note: Four structures were constructed on the property over the years.)
2. Two books related to the property and the Morrison family (property owners)
3. Images that represented the property from 1911 to 1952.

4. An illustration of the style and color of the cedar facing of the proposed home.

Ms. Swan stated that the original house was reviewed for comparison of massing and size on the property. She stated that the original house was much larger than that proposed at this time.

Ms. Swan stated that the current, existing home design was developed based on the fact that the person who owned the property was handicapped and a large house was not needed. Ms. Swan stated that the applicants wish to improve upon the existing condition by moving the structure to the west and keep the driveway roundabout in the current location to ensure that there is room for safety vehicles.

Mr. Van Liere indicated the grade variance is required to eliminate remnant walls that remain from past structures. He said the walls impede the eastern setback.

Ms. Swan explained the boat house at one time was the butler's quarters. She stated the structure is currently unsound and needs to be removed. Ms. Swan noted the new structure will be in line with the house and will not be as high. It will also have a green roof to blend with the surroundings.

Mr. Streeter stated the riprap along the shoreline has eroded and the riprap along the entire peninsula will be replaced with natural looking materials that are in character with the area.

Mr. Streeter indicated that all of the hardwood trees 6" or larger will be preserved and additional trees will be added to the property. He noted that the property owner wishes to keep all of the existing vegetation healthy and has contracted with an arborist who will work on the health of all vegetation. Mr. Van Liere noted the buckthorn will be removed from the property.

In response to a question from Council Member Massie, Mr. Van Liere stated that the existing tree that is located in the driveway will remain. Mr. Van Liere also indicated that three large oaks will be lost due to placement of a new septic system.

Council Member Carlson stated that the plan indicates an incorrect number for the Ordinary High Water Mark (OHWM). It was noted that the incorrect number was a typo and should be corrected.

Resident Edith Thorpe said there will be a lot of construction in the area and stated concern about the condition of the private access road. She noted that several properties share the private driveway and a maintenance agreement is in place. She said that the property owners who share the driveway and participate in the maintenance agreement should not be responsible for damage to the driveway due to the construction of the two new homes.

Mr. Streeter said that he will be meeting with representatives from Lecy Construction (the contractors for the adjacent property) to work on an agreement to share in the cost of maintenance and repair of the road. He indicated he would share the information with the other property owners.

Council Member Newberry stated concern regarding the impact on open space because of the height of the new house. He stated he supported the setback variances and grade alteration, but did not support the height of the structure as it impeded open space views.

Council Member Rich clarified that the height of the building conforms to ordinance requirements. Mayor Doak stated that the issue of shoreline impact was used whenever variances from sensitive lakeshore were requested. In such cases, the Council could condition the granting of setback variances with restrictions on structure height. Such restrictions, if necessary, would protect the scenic quality of the lakeshore.

Mayor Doak asked for the ceiling height on the living areas and was told 10' on the first level and 8' on the second. Mayor Doak also asked for comment from the architect on alternative roof designs that might reduce the height of the home. He presented alternative options for lowering the roofline to make it less imposing on surrounding properties.

Ms. Swan stated that there was little reduction in height available from alternative roof designs and that appearance of the structure would be less attractive.

Council Member Rich explained the property is constrained by the width and the space for the home could only be on additional floors.

Mayor Doak thought that a two story home on the property was reasonable.

Council Member Massie stated a solution would be to raise the grade and place the home on a slab so there would be no garage under the first level. He noted this option would not be reasonable because of the amount of fill that would need to be placed and the difficulty in placing a garage on the property.

Mayor Doak explained that large homes on the lake are the norm in the area. He said the proposed home appeared to be in keeping with the community standard.

Councilor Massie stated concern regarding the exposure of the base level and thought that planting additional vegetation to soften the appearance of that level should be required.

Council Member Newberry stated that the ordinance height limitation of 35' assumes that all setbacks are met. If variances are requested, then the height may be taken into account when considering approval or denial of the variances. He thought that the house could be made larger without adding height.

Mr. Streeter indicated that additional trees would need to be removed and more variances would be needed if the house were made larger on the lot rather than the two story design.

Council Member Carlson explained that it is important to have the garage on the ground floor because of moisture problems on the Lake. She thought the ceiling heights on all floors were reasonable as was the two story living area.

Council Member Rich agreed that the base (first level) of the home would need additional vegetation to make the foundation less visible and would result in a less massive house view from the lake and surrounding properties.

Mayor Doak said a condition could be placed on the approval that mature trees needed to be preserved and vegetation be added to soften the look of the ground floor/garage.

Doak moved, seconded by Rich to accept the staff recommendation to approve the variances and alteration with the condition that the ground level of the house appearance be softened by the placement of vegetation and architectural amenities, and all tall trees be preserved where possible.

Mayor Doak called for a roll call vote:

Accept the staff recommendation and approve the requests: Carlson, Massie, Rich, and Doak

Deny the requests: Newberry

Motion carried 4-1.

6. NEW BUSINESS

- A. First Reading of an Ordinance No. O06-2014 Amending Chapter 7, Section 705 - Subsurface Sewage Treatment Systems (SSTS).

Mayor Doak stated that the Council reviewed the ordinance on several occasions and is familiar with the history of the revisions. He requested a motion from the Council.

Newberry moved, seconded by Rich to adopt Ordinance No. O06-2014 amending Chapter 7, Section 705 – Subsurface Sewage Treatment Systems (SSTS) and waive the second reading. Motion carried 5-0.

- B. Discussion relating to the City's recycling program

Mayor Doak explained that Waste Management has worked with the City for many years and has done a good job. He noted that Waste Management has the lower price over the proposed three year contract and thought that the City should extend the contract. The Council concurred with the Mayor's appraisal.

Carlson moved, seconded by Massie to authorize the execution of an agreement between the City of Woodland and Waste Management for a three year contract for recycling services. Motion carried 5-0.

- C. Discussion concerning a homeowner questionnaire letter for the Lake Marion property owners

Mayor Doak noted that the Council had discussed a request from a resident who lives on Lake Marion to consider a lake setback of 100'. The Council He believed that 100'

would be inconsistent with that required for Lake Minnetonka and that a change from 50' to 75' would be reasonable. All agreed that it was very important to obtain input from all residents who own property on Lake Marion. Mayor Doak referred to the proposed questionnaire was that would ask for feedback from residents.

In response to questions from resident Mark Anderson, Mayor Doak explained that the wetlands setback is 25' and the City does not have a "buffer zone" requirement, as required by the Minnehaha Creek Watershed District.

All Council members agreed that the questionnaire should be mailed to residents on September 26, 2014 with a request that it be returned to City Hall by October 10, 2014. The item would be included on the October City Council agenda.

- D. Consideration of Resolution No. 34-2014 adopting a policy relating to fire hydrant maintenance inspections and repairs

Mayor Doak explained that the Council had reviewed the issue of fire hydrant maintenance inspections and repairs at the August meeting. He noted that the policy is to ensure a planned maintenance approach, rather than a reactive approach. Policies should be helpful to future City Councils.

Carlson moved, seconded by Rich to adopt of Resolution No. 34-2014 adopting a policy relating to fire hydrant maintenance inspections and repairs. Motion carried 5-0.

- E. Resolution No. 33-2014 authorizing entering into an agreement between the City of Woodland and Metro West Inspections for septic system inspection services

Massie moved, seconded by Carlson to adopt of Resolution No. 33-2014 authorizing entering into an agreement between the City of Woodland and Metro West Inspections for septic system inspection services. Motion carried 5-0.

- F. Resolution 32-2015 approving the 2015 Lake Minnetonka Communications Commission Budget

This item was pulled from the agenda and will be considered at the October Council meeting.

- G. Items pertaining to the 2015 Preliminary Budget and Levy

1. Resolution No. 30-2014 Adopting the 2015 Preliminary Budget
2. Resolution No. 31-2014 Adopting the 2015 Preliminary Levy

Mayor Doak explained that the Council reviewed a preliminary budget and levy at its August meeting and decided that additional funds should be placed in the Street Improvement Fund. He noted the packet items included revisions were made to the budget and levy documents based on Council discussion.

The Council agreed with the revised documents.

Carlson moved, seconded by Massie to approve Resolution No. 30-2014 adopting the 2015 Preliminary Budget and Resolution No. 31-2014 Adopting the 2015 Preliminary Levy. Motion carried 5-0.

7. OLD BUSINESS - NONE

8. MAYOR'S REPORT

Mayor Doak stated that he and the City Engineer visited a property where basement flooding had occurred. He noted that the City Engineer explained to the residents that there were record level rainfalls, the ground had been saturated, the water table was well above average, and therefore, the basement flooded. The residents seemed satisfied with the explanation. The City Engineer said that he would give the residents names of companies who could provide assistance.

Mayor Doak indicated that the Police Chief had stated that there have been several daytime burglaries in the area, but Woodland had not been affected. He noted that the burglaries have taken place between 10:00 a.m. and 12:00 p.m. and in most cases, the residents have left their doors unlocked and garage doors open.

Mayor Doak noted that there are several trees that should be removed because they are rotting and are hazards. He said that it would be more cost effective to remove the trees now than to wait until they fall and become an emergency. Council Member Rich said that he would talk to the tree contractor and have the trees removed.

Mayor Doak mentioned that complaints were received because of the noise and music reverberating from the Wayzata, James J. Hill event. He said that he would speak to the Mayor of Wayzata and ask that in the future, the speakers be turned toward the City of Wayzata rather than toward Lake Minnetonka.

9. COUNCIL REPORTS

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

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

Council Member Rich said that Northwest Asphalt will begin the reconstruction of the flooded area on Breezy Point Road on September 15. He noted that it is expected to be completed in one week.

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

Council Member Carlson reported that the Enterprise Fund is looking healthy. She said that the City is staying ahead of expenses and is ready for issues that may arise.

Council Member Carlson noted that the Minnehaha Creek Watershed District is looking at transparency issues and concerns have been raised regarding the governance by the District Board. It was noted that the Council may wish to have County Commissioner Jan Callison attend a Council meeting to discuss the issue.

D. Massie – Public Safety and Deer Management

Council Member Massie said that he has secured three properties for placement of deer traps.

10. ACCOUNTS PAYABLE

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

11. TREASURER'S REPORT

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

12. ADJOURNMENT

Doak moved to adjourn the September 8, 2014 meeting. Motion carried by consensus. The meeting adjourned at 9:05 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor

CITY COUNCIL
CITY OF WOODLAND
MEETING OF OCTOBER 13, 2014

Agenda Item 3. B.

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Adoption of Resolution No. 36-2014 approving the request for variances and land alteration for Streeter & Associates for the property located at 2400 Cedar Point Drive.

Background

On September 8, 2014, the City Council held a public hearing on a request for variances and grade alteration for Streeter & Associates for the property located at 2400 Cedar Point Drive. At the meeting, Council Members stated concern regarding the impact on open space because of the height of the new house and the appearance of the ground floor. After extensive discussion, the Council voted to accept the staff recommendation to approve the variances and alteration with the condition that the ground level of the house appearance be softened by the placement of vegetation and architectural amenities, and all tall trees be preserved where possible. The motion carried with a 4-1 vote (Council Member Newberry opposed).

Recommendation

Adopt Resolution No. 36-2014 approving the request for variances and land alteration for Streeter & Associates for the property located at 2400 Cedar Point Drive.

CITY OF WOODLAND

Meeting Date; October 13, 2014
Motion:

Resolution No. 36-2014
Second:

**RESOLUTION NO. 36-2014 APPROVING THE REQUEST FOR VARIANCES AND
LAND ALTERATION FOR STREETER & ASSOCIATES FOR THE PROPERTY
LOCATED AT 2400 CEDAR POINT DRIVE.**

IN RE: The application of Streeter and Associates for variances for the construction of a new single family home and reconstruction of a boathouse at 2400 Cedar Point Drive, Woodland, Minnesota (PID No. 07-117-22 24 0001).

LEGAL: TRACT F – REGISTERED LAND SURVEY NO. 0402

WHEREAS, the applicant has made application to the City for variances to encroach into the minimum required east and west lake yard setbacks and to exceed the maximum permitted grade alteration for the construction of the new single family home; and

WHEREAS, the applicant has made application to the City for variances to encroach into the minimum required east side lake yard setback for the reconstruction of the boathouse; and

WHEREAS, notice of public hearing was published; notice given to neighboring property owners; and a public hearing held before the City Council to consider the application; and

WHEREAS, public comment was taken at the public hearings before the City Council on September 8, 2014; and

WHEREAS, the City Council has received the staff report, and considered the application and comments of the applicants and the public.

NOW, THEREFORE, the City Council of the City of Woodland, Minnesota does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 2400 Cedar Point Drive, Woodland, Minnesota (PID No. 07-117-22 24 0001) is a single lot of record located within the R-1 Single Family District. This property is used for single family residential purposes.
2. The applicants are seeking to demolish an existing non-conforming single family home and boathouse and construct a new non-conforming single family home and boathouse.
3. The applicants submitted an application for variances to encroach into the minimum required one hundred foot east and west lake yard setbacks for the new single family home.
 - Ordinance Section 900.09(4)(d)(c) requires a minimum east lake yard setback of seventy (70) feet from any shoreline improvement, including rip-rap. The applicant proposes an east lake yard setback of twenty-three (23) feet from the rip-rap for the proposed single family home and is requesting a variance to encroach forty-seven (47) feet into the required east lake yard setback.
 - Ordinance Section 900.09(4)(d)(c) requires a minimum west lake yard setback of seventy (70) feet from any shoreline improvement, including rip-rap. The applicant proposes a west lake

yard setback of forty-three (43) feet from the rip-rap for the proposed single family home and is requesting a variance to encroach thirty-two (32) feet into the required west lake yard setback.

4. The applicants submitted an application for variances to exceed the maximum permitted grade alteration for the new single family home.
 - Ordinance Section 900.17(4)(a) permits a maximum grade alteration of three (3) feet. The applicants are seeking to increase the grade a maximum of four (4) feet for the construction of the new single family home and are seeking a variance to alter the grade one (1) foot above the maximum permitted alteration.
 - Ordinance Section 900.17(4)(a) permits a maximum grade alteration of three (3) feet. The applicants are seeking to decrease the grade a maximum of seven (7) feet for the construction of the new single family home and are seeking a variance to alter the grade four (4) feet below the maximum permitted alteration.
5. The applicants have submitted an application for a variance to encroach into the minimum required one hundred foot east lake yard setback for the reconstruction of the boathouse.
 - Ordinance Section 900.09(4)(d)(c) requires a minimum east lake yard setback of seventy (70) feet from any shoreline improvement, including rip-rap. The applicant proposes an east lake yard setback of eleven feet, seven inches (11'-7") from the rip-rap for the proposed boathouse and is requesting a variance to encroach fifty-eight feet, five inches (58'-5") into the required east lake yard setback.
6. The proposal as a whole complies with the maximum permitted accessory structure height requirement in Section 900.04(b)(6), the maximum permitted accessory structure area permitted in Section 900.04(b)(9), the required accessory structure accessory structure setback from a principal structure setback defined in Section 900.04(4)(10), the remaining required setbacks outlined in Section 900.09(4), the maximum permitted principal structure coverage and impervious surface area in Section 900.10(1), the maximum structure height permitted in Section 900.13(1), and with the lowest permitted floor elevation in Section 900.13(2).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Woodland, Minnesota:

FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTION 900.14 OF THE ORDINANCE:

1. Mayor Doak moved the council accept the recommendation of staff to approve the application of Streeter and Associates for variances of Ordinance Section 900.09(4)(d)(c) to encroach into the minimum required east and west lake yard setback for the construction of a new single family home, a variance of Ordinance Section 900.17(4)(a) to exceed the maximum permitted grade alteration in conjunction with the construction of the new single family home and a variance of Section 900.09(4)(d)(c) to encroach into the minimum required east lake yard setback for the construction of a new boathouse at 2400 Cedar Point Drive. The motion was conditioned that a natural buffer and materials be used to soften and screen the lower level from the lake and that, wherever possible, existing old growth trees be preserved.

Councilmember Rich seconded the motion. Motion carried 4-1. Councilmember Newberry voted against the motion.

VARIANCE FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTION 900.14 OF THE ORDINANCE:

- a) Section 900.01(a) outlines the purpose of the ordinance as the principal means of attaining the goals and standards set forth in Woodland's Comprehensive Plan, including the preservation of open space, scenic views, natural topography and habitat, wetlands, lakes, indigenous vegetation and trees, and rehabilitation of existing housing units on their present location.

The proposed single family home and boathouse will not have a negative impact on any of the goals and standards outlined in the Comprehensive Plan. The placement mimics the location of the existing structures and has no impact on sensitive environmental areas. The applicants intend to maintain the wooded nature of the lot with the existing vegetation and by adding additional tree coverage.

- b) The design of the structures and intended use of the property is consistent with the comprehensive plan in that they maintain the single family residential nature of the neighborhood. The existing flow of traffic will remain unimpeded by the improvement and the proposal will maintain the existing tree coverage on the property.
- c) The proposal puts the property to a reasonable use by replacing an older residential structure and deteriorating boathouse with newer structures while slightly reducing the current encroachments and maintaining the natural residential character of the property.
- d) The lot is a narrow point which extends into the lake and had a width of one hundred and eighty feet at its widest dimension. The application of the required setbacks leaves a thirty foot wide building pad which is not practical given the size and nature of the lot.
- e) The essential character of the neighborhood would not be impacted since placement of the improvements would remain primarily within the same location and there are no immediate adjacent neighbors that would be impacted by the improvements.

NOW, THEREFORE, BE IT RESOLVED that the Woodland City Council hereby adopts Resolution No. 36-2014 approving the request for variances and land alteration for Streeter & Associates for the property located at 2400 Cedar Point Drive based on the following vote:

	Yes	No	Abstain	Absent
Mayor Doak				
Council Member Carlson				
Council Member Massie				
Council Member Newberry				
Council Member Rich				

State of Minnesota
 County of Hennepin
 CITY OF WOODLAND

By: _____
 James S. Doak, Mayor

I, Kathryn A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on October 13, 2014, now on file in my office and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Woodland, Minnesota, the 13th day of October, 2014.

Attest: _____
Kathryn A. McCullum, City Clerk

CITY COUNCIL
CITY OF WOODLAND
MEETING OF OCTOBER 13, 2014

Agenda Item 6. A.

New Business

TO: Honorable Mayor and Members of the City Council
FROM: Kathyne McCullum, City Clerk
SUBJECT: Resolution 32-2014 approving the 2015 Lake Minnetonka Communications Commission Budget

Overview

The Lake Minnetonka Communications Commission (LMCC) provides the following services to the member cities within its Joint Powers Association (JPA):

- Franchise negotiations
- The production of public cable TV programming
- Enforcing the terms of the negotiated contract with Mediacom
- Handles all resident complaints regarding Mediacom services

Each year the City Council is requested to review and approve the LMCC's operating budget. The LMCC is requesting approval of the majority of the cities to proceed with the proposed budget. The LMCC is asking member cities to review and approve the budget at their September meetings.

No tax dollars go into funding the LMCC budget. The budget is funded with a cable company franchise fee paid annually to the LMCC.

Recommendation

Adopt Resolution No. 32-2014 approving the 2015 LMCC Budget

CITY OF WOODLAND

Meeting Date: October 13, 2014
Motion:

Resolution No. 32-2014
Second:

A RESOLUTION APPROVING THE 2015 LAKE MINNETONKA COMMUNICATIONS COMMISSION (LMCC) BUDGET

WHEREAS, the Lake Minnetonka Communications Commission (LMCC) provides the following valued services to the member cities within its Joint Powers Association (JPA):

1. Expertise in franchise negotiations.
2. Expertise in the production of public cable TV programming.
3. Enforcing the terms of the negotiated contract with Mediacom.
4. Dealing with resident complaints about Mediacom.

WHEREAS, each year, the City Council is requested to review and approve the LMCC's operating budget according to the Joint Powers Agreement; and

WHEREAS, the LMCC's budget shall be effective unless rejected by a majority of the Member Cities within 45 days after its receipt; and

WHEREAS, no tax dollars go into funding the LMCC budget. The budget is funded with a cable company franchise fee paid annually to the LMCC.

THEREFORE BE IT RESOLVED, that the City Council of the City of Woodland hereby approves the Lake Minnetonka Communications Commission Budget for 2015 upon the following vote:

	Yes	No	Abstain	Absent
Mayor Doak				
Council Member Carlson				
Council Member Massie				
Council Member Newberry				
Council Member Rich				

State of Minnesota

County of Hennepin

CITY OF WOODLAND

By: _____
James S. Doak, Mayor

I, Kathryn A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on October 13, 2014, now on file in my office and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Woodland, Minnesota, the 13th day of October, 2014.

Attest: _____
Kathryn A. McCullum, City Clerk



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

June 26, 2014

TO: LMCD Mayors
LMCD City Administrators
LMCD Board Members

FROM: Greg Nybeck, Executive Director 

SUBJECT: Adopted 2015 LMCD Budget

Enclosed is a copy of the 2015 Lake Minnetonka Conservation District (LMCD) Budget, which was recently adopted and certified by the LMCD Board of Directors. Minnesota State Statute 103B.635, Subd. 1 requires the LMCD Board, on or before July 1 of each year, to prepare and submit a detailed budget of the LMCD's needs for the next calendar year to the governing body of each municipality in the LMCD (with a statement of the proportion of the budget to be provided by each municipality).

Per enabling legislation, the maximum levy the LMCD could forward to its member cities in 2015 is \$437,179. We are pleased to forward an approved 2015 LMCD Budget that is well below the maximum levy at \$342,492. This is a 0.6% increase when compared to the \$340,616 in the levy for the adopted 2014 LMCD Budget. The LMCD has recognized the economic challenges that the member cities have faced in recent years and this has been taken into consideration since 2009.

If your city has any comments about the adopted 2015 LMCD Budget, please let me know. On behalf of the LMCD Board of Directors, I would like to thank all 14 LMCD member cities for your continued participation and support of LMCD related activities. Please feel free to contact me if you have questions. My e-mail address is gnybeck@lmcd.org.

2015 BUDGET DETAIL (Adopted)

	2012 Actual	2013 Budget	2013 Actual	2014 Budget	2014 Projected	2015 Budget	Footnote #
REVENUES							
1. Administration							
a) LMCD Communities Levy	231,875	238,654	238,652	245,990	245,990	247,992	
b) Use from Administration Reserve	0	19,655	34,096	19,665	19,665	0	
c) Court Fines	105,036	55,000	55,611	55,000	55,000	55,000	
d) Licenses	110,128	115,000	110,382	115,000	115,000	115,000	
e) Other Public Agencies	0	0	696	0	0	500	
f) Interest	1,941	1,000	2,055	1,250	2,000	2,000	
g) Other Income	3,795	2,000	2,259	2,000	2,000	2,000	
SUB-TOTAL ADMINISTRATION	452,775	431,309	443,751	438,805	439,555	422,492	
2. Aquatic Invasive Species							
a) LMCD Communities Levy	90,331	91,950	91,951	94,625	94,625	94,500	
b) Other Public Agencies	50,750	32,800	51,893	30,000	57,798	30,000	1
c) Use from AIS Reserve	0	0	0	0	0	0	
d) Interest	379	250	484	375	500	500	
SUB-TOTAL AQUATIC INVASIVE SPECIES	141,460	125,000	144,328	125,000	152,923	125,000	
3. Equipment Replacement							
a) Transfers from Administration and AIS Reserves	45,856	25,000	25,000	25,000	25,000	35,000	
b) Receipt from LMCIT	32,500	0	0	0	0	0	
c) Use from Equipment Replacement Reserve	96,036	0	0	0	0	0	
SUB-TOTAL EQUIPMENT REPLACEMENT	174,392	25,000	25,000	25,000	25,000	35,000	
TOTAL REVENUES	768,627	581,309	613,079	588,805	617,478	582,492	
Total Levy	322,206	330,604	330,603	340,615	340,615	342,492	
DISBURSEMENTS							
ADMINISTRATION							
1. Personnel Services:							
a) Salaries- excludes EWM Project Management time	195,445	196,401	198,718	200,524	204,488	204,488	2
b) FICA & Medicare	14,945	15,025	15,199	15,340	15,643	15,643	3
c) Employer Benefit Contributions	29,811	32,015	31,802	33,279	32,297	34,085	4
SUB-TOTAL PERSONNEL SERVICES	240,201	243,441	245,719	249,143	252,428	254,216	
2. Contractual Services:							
a) Office Lease & Storage	44,032	45,112	39,143	47,409	16,761	17,180	5
b) Professional Services	3,202	2,700	2,130	2,500	2,500	2,500	6
SUB-TOTAL CONTRACTUAL SERVICES	47,234	47,812	41,273	49,909	19,261	19,680	

2015 BUDGET DETAIL (Adopted)

	2012 Actual	2013 Budget	2013 Actual	2014 Budget	2014 Projected	2015 Budget	Footnote # See Appendix A
3. Office & Administration:							
a) Office, General Supplies	4,071	4,500	3,943	4,500	4,500	4,500	
b) Telephone	2,069	2,500	2,190	2,160	2,460	2,460	
c) Website, Internet, & E-mail					300	300	
d) Postage	3,800	5,000	3,637	5,000	5,000	5,000	
e) Printing, Publications, Advertising	9,927	10,000	9,996	10,500	10,500	11,000	7
f) Maintenance, Office Equipment	837	1,200	850	1,100	1,100	1,100	
g) Subscriptions, Memberships	1,550	1,000	1,611	1,700	1,700	1,700	
h) Insurance, Bonds	6,031	7,000	7,205	7,000	7,000	7,250	8
i) Public Information, Legal Notices	139	1,500	939	1,000	1,000	1,000	
j) Meeting Expenses	4,399	4,000	3,833	4,500	4,500	4,260	
k) Media (Cable & Internet)					2,438	3,300	9
l) Mileage	1796	2000	1817	2000	2000	2000	
m) Employee Training	0	400	0	400	400	400	
SUB-TOTAL OFFICE & ADMINISTRATION	34,619	39,100	36,021	39,860	42,898	44,270	
4. Capital Outlay:							
a) Furniture & Equipment	948	1,500	0	1,000	1,000	1,500	
b) Computer Software & Hardware	1,553	2,000	543	2,000	2,000	2,000	10
SUB-TOTAL CAPITAL OUTLAY	2,501	3,500	543	3,000	3,000	3,500	
5. Legal:							
a) Legal Services	21,576	35,000	31,674	32,000	32,000	32,000	11
b) Prosecution Services	39,875	45,000	50,963	45,000	45,000	45,000	12
c) Hennepin County Room & Board	732	1,000	317	1,000	1,000	1,000	
SUB-TOTAL LEGAL	62,183	81,000	82,954	78,000	78,000	78,000	
6. Contract Services/Studies:							
a) Audit	6,850	7,056	7,050	7,268	7,268	7,486	
b) Information Technology	0	0	81	500	500	750	
SUB-TOTAL CONTRACT SERVICES/STUDIES	6,850	7,056	7,131	7,768	7,768	8,236	
7. Code Enforcement Program							
			3,410	4,000	13,126	4,590	
8. Administration Reserve Fund							
	0	0	0	0	0	0	
9. Equipment Replacement Fund							
	25,000	25,000	25,000	25,000	25,000	0	
10. Contingency							
	4,693	9,400	26,700	7,125	3,160	10,000	
TOTAL ADMINISTRATION	423,281	456,309	468,751	463,805	444,641	422,492	

2015 BUDGET DETAIL (Adopted)

	2012 Actual	2013 Budget	2013 Actual	2014 Budget	2014 Actual Projected	2015 Budget	Footnote # See Appendix A
AQUATIC INVASIVE SPECIES (AIS)							
1. Eurasian Watermilfoil (EWM) Harvesting Program	84,863	95,000	79,428	95,000	95,000	95,000	13
2. Equipment Replacement Fund	0	0	0	0	0	35,000	14
3. AIS Reserve Fund	0	0	0	0	0	0	
4. Herbicide Treatment Program	0	0	0	0	0	0	
5. AIS Prevention & Management Programs	38,905	30,000	33,472	30,000	47,595	30,000	15
EQUIPMENT REPLACEMENT FUND							
1. Purchase of New Mechanical Harvester	174,392	0	0	0	0	0	
TOTAL AQUATIC INVASIVE SPECIES	<u>298,160</u>	<u>125,000</u>	<u>112,900</u>	<u>125,000</u>	<u>142,595</u>	<u>160,000</u>	
TOTAL DISBURSEMENTS	<u>721,441</u>	<u>581,309</u>	<u>581,651</u>	<u>588,805</u>	<u>587,236</u>	<u>582,492</u>	

**Lake Minnetonka Conservation District (LMCD)
Adopted 2015 LMCD Budget
Appendix A**

Other Public Agencies (Footnote #1) It is anticipated that the MN DNR will fund the LMCD with a grant of \$30,000 for the 2015 EWM Harvesting Program.

Salaries (Footnote #2)	2015 estimated actual
Executive Director	\$81,210.59 (*)
Administrative Technician (also serves as EWM Project Manager) Less 1 pay period for EWM Project Manager	\$56,805.84 (*)
Administrative Assistant/Code Enforcement	-\$2,366.91
Administrative Clerk (part-time)	\$49,441.60 (*)
Seasonal Code Enforcement (part-time)	\$17,397.12
	<u>\$2,000.00</u>
	\$204,488.24 (**)

(*) Salaries will be grossed up to pay for long-term disability insurance for full-time LMCD employees

(**) Salary adjustments (including F.I.C.A., medicare, & P.E.R.A.) are included in Contingency (line-item 10)

F.I.C.A. & Medicare (Footnote #3)

Total Salaries- including EWM Project Management (7.65%)
Less 1 pay period for EWM Project Manager

\$15,824.42
\$181.07
\$15,643.35

Employer Benefit

Contributions (Footnote #4)

P.E.R.A. (7.50%)
MCPERS Life Insurance
Medical & Dental Insurance

\$15,364.14
\$576.00
\$18,145.20
\$34,085.34

Office Lease & Storage (Footnote #5)

Monthly Rate	Months
\$1,422.75	9
\$1,458.32	3
	<u>\$17,179.71</u>

Professional Services (Footnote #6)

Contracted Payroll & Taxes
Contracted Bookkeeping Consulting

\$2,000.00
\$500.00
\$2,500.00

Printing, Publications, & Advertising (Footnote #7)

\$11,000 has been budgeted for two LMCD Newsletters, the re-printing of the Summer and Winter Rules brochures, and other LMCD literature.

Insurance, Bonds (Footnote #8)

\$7,250 has been budgeted with the League of Minnesota Cities for insurance for the LMCD.

Media (Cable & Internet) (Footnote #9) \$3,300 has been budgeted to contract with Lake Minnetonka Communications Commission for a producer and on-line viewing of LMCD Board Meetings.

Computer Software & Hardware (Footnote #10) \$2,000 has been budgeted for information technology, hardware, and software updates.

Legal Services (Footnote #11) \$32,000 has been budgeted for legal services, which will be partially off-set by charging expenses back to applicants.

Prosecution Services (Footnote #12) \$45,000 has been budgeted for prosecution services. These expenses will be offset by projected \$55,000 of court fines.

EWM Harvesting Program (Footnote #13) A 10-week mechanical harvesting program is planned from mid June through mid August to manage EWM on Lake Minnetonka. Harvesting priorities will be based on impediments to public navigation to the open water due to EWM growth (in particular matted areas). All areas that dictate the need for harvesting will be done at least once, with high growth areas being harvested twice (time permitting). More details of the proposed project (including a more detailed budget) will be provided in the spring of 2015.

Equipment Replacement Fund (Footnote #14) \$35,000 has been budgeted for replacement of depreciated EWM Harvesting Equipment.

AIS Prevention & Management Programs (Footnote #15) \$30,000 has been budgeted for unspecified AIS management and prevention programs (most likely watercraft inspections). Similar to past years, the LMCD will seek partnerships for the implementation of these projects (in particular funding partners).

RESERVE FUND ANALYSIS:

	Administration	AIS	Equipment Replacement Fund
2014			
12/31/13 Balance	\$242,108	\$95,861	\$42,327
Reserve Fund Contribution	\$0	\$0	\$0
Transfer from Reserve Fund	(\$19,565)	\$0	\$0
Transfer to Equip. Repl. Fund	(\$25,000)	\$0	\$25,000
Projected 12/31/14 Balance	<u>\$197,543</u>	<u>\$95,861</u>	<u>\$67,327</u>

	Administration	AIS	Equipment Replacement Fund
2015			
Projected 12/31/14 Balance	\$197,543	\$95,861	\$67,327
Reserve Fund Contribution	\$0	\$0	\$0
Transfer from Reserve Fund	\$0	\$0	\$0
Transfer to Equip. Repl. Fund	\$0	(\$35,000)	\$35,000
Projected 12/31/15 Balance	<u>\$197,543</u>	<u>\$60,861</u>	<u>\$102,327</u>

Projected % of 2014 Annual Budget 42.6% 48.7%