

AGENDA
CITY COUNCIL
CITY OF WOODLAND



MONDAY, SEPTEMBER 14, 2015
7:00 P.M.

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

Mayor Doak, Councilors Carlson, Massie, Newberry, and Weiner
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. Approval of the August 10, 2015 City Council minutes
 - B. Approval of the August 27, 2015 Special City Council Meeting Minutes
 - C. Resolution No. 29-2015 approving variances for Boris Ninkovic at 2800 East Road
 - D. Resolution No. 32-2015 authorizing the Mayor to enter into an agreement between the City of Woodland and Kurt Larsen Septic Service for septic system inspection services
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 24-2015 approving the 2016 Lake Minnetonka Communications Commission Budget

- B. Consideration of Resolution No. 31-2015 authorizing the Mayor to enter an agreement between the City of Woodland and the Animal and Plant Health Inspection Services – Wildlife Division of the United States Department of Agriculture for the City's 2015/2016 Deer Management Program
- C. Discussion relating to a City Council Parking Zone and Permit Policy in the City of Woodland
- D. Discussion relating to potential amendments to Chapter 9, Zoning Ordinance.
- E. Items pertaining to the 2016 Preliminary Budget and Levy
 - 1. Resolution No. 22-2015 Adopting the 2016 Preliminary General Fund Budget
 - 2. Resolution No. 23-2015 Adopting the 2016 Preliminary Levy
- 7. OLD BUSINESS
- 8. MAYOR'S REPORT
- 9. COUNCIL REPORTS
 - A. Carlson –Enterprise Finance and Operations, Intergovernmental Relations, and MCWD
 - B. Massie – Road right-of-way maintenance, Trees, Deer Management
 - C. Newberry – Ordinances, Septic Ordinance, and Inspections
 - D. Weiner – Public Safety, Police and Fire, General Finance
- 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 October 12, 2015

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, AUGUST 10, 2015

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Present: Mayor Doak, Council Members Carlson and Newberry

Excused: Council Members Massie and Weiner

Staff Present: Dale Cooney, Zoning Coordinator and Kathy McCullum, City Clerk

Guests: Residents Bill Carlson, Fred Meyer, and Boris Ninkovic

3. CONSENT AGENDA

A. Approval of the July 13, 2015 City Council meeting minutes

B. Resolution No. 21-2015 declaring the expiration of variances for the purpose of recording the expiration with the Hennepin County Recorder for the property located at 2800 Breezy Point Road

C. Request for Payment No. 2 (final payment) from Northwest Asphalt for work completed on the 2015 Street Improvements Project

D. Resolution No. 20-2015 authorizing an amendment to the residential recycling grant agreement with Hennepin County, extending the agreement period and incorporating requirements to expend SCORE funds on organics recycling

Newberry moved, seconded by Carlson to approve the Consent Agenda as presented. Motion carried 3-0.

4. PUBLIC COMMENT

5. PUBLIC HEARINGS – NONE

6. NEW BUSINESS

A. Presentation by the City of Woodland Lake Minnetonka Conservation District (LMCD) representative, Fred Meyer

Mayor Doak welcomed Mr. Meyer to the meeting.

Mr. Meyer asked for feedback from the City Council regarding the recent incidents on the Lake, specifically the partying off Big Island. He noted that there were problems on the Independence Day holiday regarding littering, medical issues, arrests, and other items. Mr. Meyer said that the LMCD is reviewing the issues and ideas so far range from prohibiting Big Island parties altogether to limiting the "rafting" of boats around Big Island.

Mayor Doak explained that the Lake Minnetonka Conservation District has two functions: encouraging the use of the Lake and regulating the use of the Lake. Balancing these functions can be very difficult. He noted that the District Board is developing a mission statement and that should improve public understanding of the challenges the District encounters in dealing with these types of Lake use issues.

Mayor Doak stated that the City of Woodland is supportive of the LMCD and will work with the District to forward its mission. He thanked Mr. Meyer for his time and work with the LMCD.

REORDERING OF THE AGENDA

Newberry moved, seconded by Carlson, to reorder the agenda as proposed by Mayor Doak who also added two items to the agenda: Item B relates to the property located at 2800 East Road and Item C relates to the use of the Minneapolis Star Tribune as one of the City's official newspapers for publication purposes. The remaining agenda items are renumbered accordingly. Motion carried 3-0.

B. Discussion relating to the property located at 2800 East Road

Mayor Doak explained that this item was placed on the agenda for discussion purposes only. The City Council cannot take action at the meeting because of ordinance publication requirements and other public notice requirements for variances and conditional use permits.

Mayor Doak provided an overview of the December 8, 2014 Council action, granting three variances and a conditional use permit for the property, in agreement with a favorable staff recommendation. He also described the inconsistencies between the corresponding site plan and building elevations which were not apparent to staff, City Council, or the Groveland Homeowners Association at that time. Mayor Doak also described the issues relating to the as-constructed framing for the structure and the August 6, 2015 stop work order that was issued by the City.

Mayor Doak introduced resident Bill Carlson who is the President of the Groveland Homeowners Association. Mr. Carlson presented a document to the City Council and Mayor Doak asked that it be made part of the record:

GHA Board Motion:

Moved that the GHA Board of Directors recommended to the City of Woodland that the City, if at all possible, find a legal mechanism to allow Boris Ninkovic, at his own risk, to continue construction at 2800 East Road, pending consideration of new and amended variances for his house. Any construction would not include work on the N side balconies until a variance is approved. These variances would be to allow for the second level cantilever of the building on the E and W sides, and for balconies on the N side.

Moved, seconded, and approved by GHA Board at a special Board meeting.

August 10, 2015

*Bill Carlson
GHA President*

Mayor Doak stated that the City received a written opinion from the City's Attorney, Joel Jamnik, and he read it into the record:

It is my opinion that the Council should not authorize work to proceed on the project in advance of the formal review of an amendment to the variance previously processed. To grant authorization to proceed could be viewed as pre-judging the final decision or outcome by neighbors or other affected persons and if the Council ultimately denies the amendment the applicant could assert that they were led to believe that eventual authorization was going to be granted by staff or council comments and could attack the waiver/release on that basis.

It is best to follow our established procedures as closely as possible while being sensitive and accommodating to the applicant who by all indications has not intentionally sought to circumvent city regulations. Consequently, calling a special meeting that would occur before the next regularly scheduled meeting but occurs following our standard notification period of ten days for the public and abutting properties and neighbors seems to me to be the preferred course of addressing this issue.

Joel J. Jamnik, Campbell Knutson, P.A.

Mayor Doak indicated that Mr. Ninkovic had prepared a written statement for the Council and asked that it be placed into the record:

Dale,

We understand that our home building approval process and documentation used for City approval used by previous City zoning coordinator might have some deficiencies but please consider the fact that we just responded to explicit requests from City zoning coordinator who coordinated the approval process and, based on presented documentation, recommended City council to approve

our plans. It was done in December 2014 session of the City Council and this spring we proceeded with Minnetonka building permit.

Last week City issued stop work order because of deficiencies in required information that we could not prevent. This stop work order will cause that we have to conserve the building site with unfinished framing, to lose framing crew to other projects they have in their pipeline, and probably to leave framing that was done so far to deteriorate in fall and winter weather.

Please consider temporary removal of the stop work order for one week that should be enough to install the roof and to protect the material. This would also help to avoid extending the financial damage that can be created if bank who approved our construction loan cancels the loan, in addition to losses created by the material exposed to weather. With roof installed we will satisfy conditions for first withdrawal to pay the work so far done.

Please give us temporary relief since we understand that intention of stop work order was to avoid bigger damage. We think our request for temporary relief is well aligned line that intention.

*Regards,
Boris and Milena Ninkovic*

Mayor Doak said that the Council must proceed in a fair and reasonable manner for both Mr. Ninkovic and the City. He explained that the City has obligations for transparency that include publication, resident notification, and it must follow the process that all other applicants follow.

The Council agreed with the City Attorney's opinion that the City must follow established policy and ordinances. The Council also agreed that the item should be advanced to a resolution as expeditiously as possible.

Discussion ensued relating to the potential of calling a special meeting to expedite the hearing process. Zoning Coordinator Cooney said that there could be a quick turnaround if Mr. Ninkovic provides him with the appropriate, complete information that is needed for Council consideration. The Council agreed to a special meeting with a date to be determined.

- C. Consideration of designating the Minneapolis Star Tribune as an additional official newspaper for publication purposes.

Newberry moved, seconded by Carlson to designate the Minneapolis Star Tribune as an additional official newspaper for publication purposes.

Motion carried 3-0.

- D. Discussion relating to the use of pervious pavers for hardcover mitigation

Council Member Carlson said that she and Zoning Coordinator Cooney met with Watershed District representatives regarding the use of pervious pavers. Ms. Carlson noted that the District was generally in agreement with the

recommendation of Bolten & Menk. Council Member Carlson said that the pavers work well only if they are properly installed and maintained. She said she would work on obtaining additional information from other cities.

Zoning Coordinator Cooney described other options that are available besides pervious pavers such as cisterns, rain gardens, and French drains.

Mr. Ninkovic stated that he will send information to Coordinator Cooney regarding polycarbonate honeycomb pervious surfaces that are new and are reported to work well for hardsurface mitigation. Mr. Cooney said he would follow-up with the City engineer on the various options that are now available.

E. Consideration of quotes for the reconstruction of a drain field for the Maplewood Circle East/Cedar Point Drive area

Mayor Doak presented an overview of the item. He noted that the existing Maplewood Circle East/Cedar Point Road drain field system has become clogged, is no longer functioning properly, and flooding is again occurring in the area.

Mayor Doak said the City Engineer recommended that the Council accept the quote for the reconstruction of the drain field.

Newberry moved, seconded by Carlson to accept the quote from Pride Construction and Excavating in the amount of \$3,850.00. Motion carried 3-0.

F. 2016 Budget and Levy Discussion

Mayor Doak presented a brief overview of the draft preliminary budget and levy. He noted under the proposed budget the General Fund expenses will stay relatively flat, despite election year expenses. The levy would increase approximately 2% due to an anticipated reduction in building permit revenue. The Council will be reviewing the draft preliminary budget and levy at its meeting in September.

7. OLD BUSINESS

8. MAYOR'S REPORT

Mayor Doak reported on the following:

- The City is working with the USDA and coordinating with the City of Deephaven on the Deer Management Program. Additional information will be available at the September meeting.
- The City's tree contractor removed a dangerously split tree that was in the Breezy Heights Road fire lane. Additional information regarding the negotiations for the fire lane clean-up may be available at the next meeting.

- The County is encouraging organics recycling in all cities. Organics recycling is expensive and the City's current recycling service does not provide organics recycling service.

9. COUNCIL REPORTS

- A. Carlson –Enterprise Finance and Operations, Intergovernmental Relations, and MCWD

Council Member Carlson reported that there was a 100% turnout of stakeholders for the first Minnehaha Creek Watershed District Policy Committee meeting.

- B. Massie – Road right-of-way maintenance, Trees, Deer Management – No report.

- C. Newberry – Ordinances, Septic Ordinance, and Inspections

Council Member Newberry reported that he will be working on ordinance amendments relating to defining residential versus commercial uses that will be forwarded to the Council in the near future.

- D. Weiner – Public Safety, Police and Fire, General Finance -- No report

10. ACCOUNTS PAYABLE

Newberry moved, seconded by Carlson to approve the Accounts Payable as presented.
Motion carried 3-0.

11. TREASURER'S REPORT

Carlson moved, seconded by Newberry to approve the Treasurer's Report as presented.
Motion carried 3-0.

12. ADJOURNMENT

The regular meeting on the Woodland City Council was adjourned by consensus. The meeting adjourned at 9:00 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor



SPECIAL MEETING MINUTES
CITY COUNCIL
CITY OF WOODLAND

THURSDAY, AUGUST 27, 2015

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Council Members Present: Mayor Doak, Councilors Carlson, Massie, and Weiner

Council Members Excused: Newberry

Staff Present: Dale Cooney, Zoning Coordinator

Residents Present: Jean Stark, John Forshee, Bill and Joy Fruen, Ken Larson, Bill Carlson, and Boris Ninkovic

3. PUBLIC HEARING

- A. Public Hearing concerning a request for variances to encroach into the minimum required east side yard and front yard setbacks, to encroach into the required west side yard structure separation, and to exceed impervious surface lot coverage of 45% in the Groveland Assembly grounds for the construction of a new single family house for Boris Ninkovic for the property located at 2800 East Road.

Mayor Doak presented an overview of the item. He explained that the structure under construction at 2800 East Road is larger than the footprint shown on the site plan. Although the architectural drawings of the home accurately reflect its structure, the City did not detect that the drawings were inconsistent with the site plan that was submitted at the time the original variances and conditional use permit were granted in December, 2014.

Zoning Coordinator Cooney presented the staff report.

The public hearing was opened.

Mr. Ninkovic explained that there were inconsistencies between the architectural drawings and the site plan. He noted that the architectural drawings were presented in December. Mr. Ninkovic said that there was not an attempt to circumvent the rules, but just a misinterpretation of the drawings. He noted that

the earliest the construction crew could get back to work would be mid-September and there is still a chance to minimize the costs associated with the stop work order.

Bill Carlson, President of the Groveland Homeowners Association (GHA), said that the GHA Board met on Tuesday and approved the plan with stormwater mitigation as proposed by City staff by a 6-1 vote with mitigation to 40%. Mr. Carlson also summarized an e-mail he sent to the City as follows:

- Stated strong support for the request.
- Noted the balcony and cantilevers had already been approved by the GHA Board and the City Council.
- The balcony reduction from 6' to 4.5' makes the house less intrusive.
- Stated concern for allowing a 47.5% hard cover.
- Each future case must stand on its own and any future requests must not go over 45%.
- This request is to be a specific exception granted to correct undetected errors that were previously allowed/approved by both the GHA and the City.

Mayor Doak read an e-mail into the record from resident Jean Stark:

I concur with the revised Boris plan and find it hard to believe it happened when the City of Woodland was advised of all changes and had approval. It has caused Boris extra money for the delay due to the stop work order. Hopefully, the work can be started and not be a precedent for other submitted plans from other homeowners.

Jean Stark

Mr. Cooney summarized an e-mail that was received from resident Philip Dunlay. Mr. Dunlay stated that he had no objections to the existing cantilevers being formally approved. He stated concern regarding the small lot, the size of the house, and the hard surface coverage on the lot.

John Forshee, GHA Board member who also serves on the Architectural Committee, said that he recently noticed the inconsistencies between the structure and the site plan which was incomplete and inaccurate. He thought that it was misleading. Mr. Forshee said that a variance was not granted for an incursion into the front yard that would allow construction of a deck close to the road. He said that decks and cantilevers are required to be shown on site plans and that was not the case in this situation. Mr. Forshee said that the applicants, not cities, are responsible for inconsistencies in presentation and a smaller house could be constructed on the property. Mr. Forshee said that if a deck is needed, it should be smaller. He said that this hardship is caused by the homeowner wanting a larger deck. He said that he voted to support the variances based on the original site plan. Mr. Forshee thought that the requested variances would impact the GHA community for the next 100 years.

Resident Bill Fruen asked that the City Council take action on this item at this meeting.

Resident Ken Larson, GHA Board member, thought that a reduction in the size of the deck would be a step in the right direction, as it would be less visually intrusive.

Resident Joy Fruen stated concern regarding drainage mitigation. Mayor Doak explained that a French drain would permit percolation of storm water into the ground, whereas a cistern would need continual maintenance and draining.

Mr. Forshee stated concern that the plan does not specify the encroachment even further into the setback. He asked what would happen if the resident or future residents requested variances to encroach even farther into the setback.

Mr. Carlson explained that subsequent structural changes would need to be reviewed and approved by the GHA.

Mayor Doak explained that a condition of approval could be that the GHA Board would need to agree.

Mr. Forshee said that the City needs to be consistent with approvals and enforcement of ordinances. Mayor Doak agreed and offered to meet with Mr. Forshee to discuss his concerns with City zoning administration.

The public hearing was closed.

Council Member Carlson read the following memorandum into the record:

We are meeting to resolve a very unfortunate situation that has occurred because we all (ACC, GHA Board, and City of Woodland) approved variance requests for the new Ninkovic home at 2800 East Road that turned out to be based on incomplete information.

Boris and Milena carefully followed the GHA and City of Woodland process for approval for their variance requests and we all approved their requests as outlined and recommended by the City's then zoning officer. After the new home was underway, it was discovered and reported to the City that the variances appeared to be incomplete and construction was halted.

The Ninkovics and the current zoning officer worked together to assure required variances were put together to be voted on. The solution before us proposes variances for the cantilevered second floor, the balconies, and 47.5% impervious cover (2.5% over the maximum of 45% which requires a variance to go above the 40% in the ordinances). The impervious cover variance provides for mitigation by installing a French drain system to bring the impervious cover to 40%.

This is far from ideal. However, the Ninkovics, in good faith, did everything the City asked all through the process and they don't deserve to be punished because of the mistakes made by the governing bodies involved. I believe we should approve the Ninkovic's variance requests because to do otherwise would be extremely unfair to them, and would cause a financial impact.

However, I consider this decision, especially the hard cover variance, to be of a nature, due to the circumstances, that does not set a precedent for mitigation in future hard cover variance requests. In my mind, if a party whose home meets the 40% (up to 45% with a conditional use permit)

hard cover requirement wishes to install French drains or other methods of dealing with storm water issues out of concern for the environment that should be applauded but it should not impact their 40% to 45% limit.

Sliv Carlson, Woodland City Council

Council Member Carlson stated that she is very concerned about setting a precedent for hard cover in the GHA.

Council Member Massie said that the cantilevers seem okay, but the decks protrude and he would like that issue addressed.

Council Member Weiner said it is unfortunate that this issue arose. She thought that a precedent should not be set and that the deck size should be reduced.

Mayor Doak found it puzzling that the homeowner's architect or general contractor did not detect inconsistencies between the building envelope created by the variances that were granted and the building plans for the home. Clearly, there were errors and misunderstandings on all sides, but now the focus must be on finding a course of action that is fair and reasonable for the Ninkovic family, Groveland, and the City.

Council Member Massie agreed and said that this issue is not the fault of the homeowner.

Mayor Doak noted there appeared to be a consensus of the Council in support of the request for variances, allowing the cantilevers, the deck in a reduced size, and storm water mitigation through a French drain system.

Mr. Ninkovic said that the construction loan was based on the proposed house and the balcony has been reduced from 6' to 4.5'. He said it is important to continue building as soon as possible.

Council Member Carlson asked if the 4.5' was the variance request and Mr. Cooney responded affirmatively.

Carlson moved, seconded by Massie to accept the recommendation of staff and **Conditionally Approve** the application for variances of Woodland Ordinance Sections 900.09(3) and 900.10(2):to encroach four feet, four inches (4'-4") into the required ten foot, eleven inch (10'-11") front yard setback, to encroach one foot, eleven inches (1'-11") into the required fifteen (15) foot exterior east side yard setback and to encroach nine feet (9') into the required twenty (20) foot structure separation and to exceed the maximum permitted impervious surface area allowed with a Conditional Use Permit of 45% by 2.5%, for an overall impervious surface area on the property of 47.5% as presented for the proposed single family home at 2800 East Road. The motion is conditioned on a) reducing stormwater runoff on the property to the equivalent of 40% impervious surface area or less; b) compliance with the recommendations of the City Water Resources Engineer including the installation of a French Drain system; and c) any future modifications to the house receive approval from the Groveland Homeowner Association Board before being forwarded to the City Council for consideration.

Motion carried 4-0.

4. ADJOURNMENT

Carlson moved, seconded by Massie to adjourn the meeting. Motion carried by consensus. The meeting adjourned at 8:40 p.m.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF SEPTEMBER 14, 2015

Agenda Item 3. C.

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathryn McCullum, City Clerk

SUBJECT: Adoption of Resolution No. 29-2015 for a request for variances to encroach into the minimum required east side yard and front yard setbacks, to encroach into the required west side yard structure separation, and to exceed impervious surface lot coverage of 45% in the Groveland Assembly grounds for the construction of a new single family house for Boris Ninkovic for the property located at 2800 East Road.

Background

The City Council reviewed items pertaining to 2800 East Road at a meeting held on December 8, 2014. The Council approved a revised request at a special meeting held on August 27, 2015.

Recommendation

Adopt Resolution No. 29-2015 for a request for variances to encroach into the minimum required east side yard and front yard setbacks, to encroach into the required west side yard structure separation, and to exceed impervious surface lot coverage of 45% in the Groveland Assembly grounds for the construction of a new single family house for Boris Ninkovic for the property located at 2800 East Road.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF SEPTEMBER 14, 2015

Agenda Item 3. D.

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Resolution No. 32-2015 authorizing the Mayor to enter into an agreement between the City of Woodland and Kurt Larsen Septic Service for septic system inspection services

Background

Woodland's septic inspector, Kurt Larsen conducts a visual inspection of about half of the septic systems in the City each year. Kurt makes every effort to meet with homeowners during the review period. During the inspection, Kurt opens tank covers, when possible, to measure sludge levels, examines baffles, filters, and the overall tank condition. He also examines the drain field. The annual review process educates residents on their septic systems and keeps the City informed with regard to situations that may need the homeowner's attention. The proposed 2016 agreement is attached. Council Members may note that the charge per system has increased from \$75 to \$80. The mileage fee (approximately 500 miles) will continue to be at the current Federal rate.

Recommendation

Adopt Resolution No. 32-2015 authorizing the Mayor to enter into an agreement between the City of Woodland and Kurt Larsen Septic Service for septic system inspection services

CITY OF WOODLAND

Meeting Date: September 14, 2015
Motion:

Resolution No. 32-2015
Second:

**RESOLUTION AUTHORIZING ENTERING INTO AN AGREEMENT
FOR SEPTIC SYSTEM INSPECTIONS FOR 2016**

WHEREAS, the City of Woodland desires to extend the agreement for septic system inspections with Kurt Larsen Septic Services. The services will be conducted according to the agreement for services, as stated in the attached memorandum from Kurt Larsen dated August 27, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Woodland City Council authorizes entering into the 2016 Agreement for septic system inspection services with Kurt Larsen Septic Services upon the following vote:

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

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 September 14, 2015, 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 14th day of September, 2015.

Attest: _____
Kathryn A. McCullum, City Clerk

CITY COUNCIL
CITY OF WOODLAND
MEETING OF SEPTEMBER 14, 2015

Agenda Item 6. A.

New Business

TO: Honorable Mayor and Members of the City Council
FROM: Kathyne McCullum, City Clerk
SUBJECT: Resolution 24-2015 approving the 2016 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 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. 24-2015 approving the 2016 LMCC Budget

CITY OF WOODLAND

Meeting Date: September 14, 2015
Motion:

Resolution No. 24-2015
Second:

A RESOLUTION APPROVING THE 2016 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 2016 upon the following vote:

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

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 September 14, 2015, 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 14th day of September, 2015.

Attest: _____
Kathryn A. McCullum, City Clerk



LMCC

LAKE MINNETONKA COMMUNICATIONS COMMISSION

4071 SUNSET DRIVE ■ BOX 385 ■ SPRING PARK, MN 55384-0385 ■ 952.471.7125 ■ FAX 952.471.9151 ■ lmcc@lmcc-tv.org

8/14/15

To: All LMCC Member Cities

From: Jim Lundberg, Operations Manager

Reason: LMCC's 2016 Budget

DEEPAVEN

Along with this brief memo, I have included a copy of the LMCC's 2016 Budget which was approved unanimously at last week's August 9th LMCC Full Commission meeting.

EXCELSIOR

GREENWOOD

You'll note that our 2016 budget is significantly lower than our 2015 budget as the organization grows more comfortable with its new size.

INDEPENDENCE

LONG LAKE

One highlight of the 2016 budget is our Capital Budget which will allow the LMCC to make a playback upgrade that will take us from an analog system to a true digital system capable of transmitting in both Standard Definition digital or High Definition digital. We hope to be broadcasting at least one channel in High Definition before the end of 2016. I am including a copy of our 5 Year Plan as well. As you can see, the SD/HD Playback Upgrade is the only large Capital purchase forecast over the next 5 years.

LORETTO

MAPLE PLAIN

MINNETONKA
BEACH

ST. BONIFACIUS

SHOREWOOD

We ask that your Council approve our budget as soon as possible and notify us once you have.

SPRING PARK

Thanks so much for your support!

WOODLAND

Jim Lundberg
Operations Manager
LMCC
(952)471-7125 x104
jim@lmcc-tv.org

Lake Minnetonka Communications Commission
2015 Budget Detail vs 2016 Budget

	2015 Quarterly	2015 Annualized	2016 Quarterly	2016 Annualized
Budget Revenues				
Franchise fees	\$ 68,318.55	\$ 273,274.20	60,969.02	\$ 243,876.08
PEG fees	\$ 17,390.90	\$ 69,563.60	15,451.00	\$ 61,805.00
Mound Usage fees(1959 subscribers)	\$ 11,846.24	\$ 47,384.96	11,462.57	\$ 45,850.28
Studio Rental	\$ 500.00	\$ 2,000.00	625.00	\$ 2,500.00
All other	\$ 500.00	\$ 2,000.00	1,000.00	\$ 4,000.00
Total Budgeted revenues	\$ 98,555.69	\$ 394,222.76	89,507.59	\$ 358,031.36
Salaries		\$ 224,969.50		\$ 182,488.82
PERA Contributions		\$ 13,498.17		\$ 13,686.64
FICA Contributions		\$ 17,210.17		\$ 13,343.67
Health, dental and disability insurance		\$ 42,410.52		\$ 25,521.60
Worker's Compensation Insurance		\$ 2,500.00		\$ 1,349.30
Total 2015 Budget - Personnel Expenses		\$ 300,588.36		\$ 236,390.03
Office Supplies		\$ 1,600.00		\$ 1,000.00
Special Events/Meetings		\$ 300.00		\$ 300.00
Repairs & Maintenance Supplies		\$ 500.00		\$ 500.00
Studio Expendables		\$ 2,660.00		\$ 2,500.00
Audit/Accounting Fees		\$ 13,000.00		\$ 13,000.00
Access Contractors		\$ 15,500.00		\$ 13,000.00
Legal Fees		\$ 8,000.00		\$ 4,000.00
Copier Expense		\$ 3,507.00		\$ 3,507.00
Payroll Services		\$ 1,500.00		\$ 1,876.00
Janitorial Services		\$ 2,000.00		\$ 2,730.00
Security Services		\$ 900.00		\$ 300.00
Telephone/Communications		\$ 3,500.00		\$ 3,500.00
Postage		\$ 1,200.00		\$ 1,200.00
Computer Consulting		\$ 2,000.00		\$ 2,000.00
Training		\$ 400.00		\$ 400.00
Travel		\$ 900.00		\$ -
Mileage		\$ 500.00		\$ 1,000.00
Printing & Publishing		\$ 400.00		\$ 400.00
Insurance		\$ 4,500.00		\$ 4,500.00
Utilities		\$ 10,500.00		\$ 10,500.00
Refuse & Recycling		\$ 900.00		\$ 900.00
Bank Finance Fees		\$ 10.00		\$ -
Contracted Building Repair		\$ 2,000.00		\$ 2,000.00
Maintenance Repair Equipment		\$ 2,500.00		\$ 2,000.00
Equipment Rental		\$ 30.00		\$ -
Advertising		\$ 200.00		\$ 200.00
Van Operation		\$ 1,500.00		\$ 1,500.00
Web streaming/Broadband		\$ 10,000.00		\$ 7,800.00
Licenses		\$ 1,000.00		\$ 1,000.00
Other Expenses / Contingency		\$ 500.00		\$ 500.00
Capital Building Improvements		\$ 500.00		\$ 2,000.00
Total Budget - Expenses		\$ 92,507.00		\$ 84,113.00
Total Budget - All Expenses		\$ 393,095.36		\$ 320,503.03
Capital equipment expenditures budget		\$ 63,760.89		\$ 76,017.00
Total 2015 Budget - All expenses plus Capital		\$ 456,856.25		\$ 396,520.03

CITY COUNCIL
CITY OF WOODLAND
MEETING OF SEPTEMBER 14, 2015

Agenda Item 6. B.
New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathryn McCullum, City Clerk

SUBJECT: Resolution No. 31-2015 authorizing the Mayor to enter an agreement between the City of Woodland and the Animal and Plant Health Inspection Services – Wildlife Division of the United States Department of Agriculture for the City’s 2015/2016 Deer Management Program

Background

Six meetings were held with Mayors Doak and Skrede, City Council Members, City staff, and representatives from the USDA between December, 2014 and August, 2015 to discuss the potential of entering into an agreement between the Animal and Plant Health Inspection Services – Wild Life Division – of the United States Department of Agriculture (APHIS-WS) and the City for the City’s 2015/2016 Deer Management Program. The attached agreement reflects items discussed at those meetings.

Comment

The agreement states that the APHIS-WS will provide up to ten scouting/bait site maintenance visits and up to five visits to conduct control of white-tailed deer and other nuisance or damaging wildlife species. The number of site visits provided may be altered to ensure that funding expenditures do not exceed the amount established in the Financial Plan. The Financial Plan is as follows:

City of Woodland, MN white-tailed deer and nuisance wildlife control project

Personnel Costs	\$ 4,958.01
Vehicle Fuel	\$ 618.75
Supplies	<u>\$ 619.00</u>
Sub-Total (Direct Costs)	\$ 6,195.76
Pooled Job Costs	\$ 681.53
Indirect Costs	<u>\$ 1,000.61</u>
TOTAL	\$ 7,877.90

The distribution of the budget from this Financial Plan may vary as necessary, but may not exceed \$7,877.90.

The Council is requested to review the agreement and adopt the resolution that authorizes Mayor Doak to enter into the agreement on behalf of the City.

Recommendation

Resolution No. 31-2015 authorizing the Mayor to enter an agreement between the City of Woodland and the Animal and Plant Health Inspection Services – Wildlife Division of the United States Department of Agriculture for the City’s 2015/2016 Deer Management Program.

CITY OF WOODLAND

Meeting Date: September 14, 2015
Motion:

Resolution No. 31-2015
Second:

RESOLUTION AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT BETWEEN THE CITY OF WOODLAND AND THE ANIMAL AND PLANT HEALTH INSPECTION SERVICES-WILDLIFE DIVISION OF THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE CITY’S 2015/2016 DEER MANAGEMENT PROGRAM

WHEREAS; the City Council wishes to enter into a Cooperative Service Agreement to collaborate on a wildlife damage management project with the United States Department of Agriculture; and

WHEREAS, APHIS-WS has statutory authority under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C.426-426b) as amended, and the Act of December 22, 1987 (101Stat. 1329-331, 7 U.S.C. 426c), to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs for zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety; and

WHEREAS, the APHIS-WS personnel will remove deer from City-designated control areas and on private property where written permission has been obtained using suppressed firearms equipped with night vision or thermal imaging scopes; and

WHEREAS, the APHIS-WS personnel will advise local law enforcement and the appropriate local Minnesota Department of Natural Resources Conservation officer when firearm related wildlife control work is being conducted; and

WHEREAS, as part of this agreement, the APHIS-WS personnel will also remove or assist in the removal of other nuisance or damaging wildlife species as requested by the City and mutually agreed upon.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND, MINNESOTA:

That Resolution No. 31-2015 authorizing the Mayor to enter an agreement between the City of Woodland and the Animal and Plant Health Inspection Services – Wildlife Division of the United States Department of Agriculture for the City’s 2015/2016 Deer Management Program is hereby adopted.

RESOLUTION ADOPTED BY the Woodland City Council on September 14, 2015 upon the following vote:

	Yes	No	Abstain	Absent
Mayor Doak				
Councilor Carlson				
Councilor Massie				
Councilor Newberry				
Councilor Weiner				

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 September 14, 2015, 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 14th day of September, 2015.

Attest: _____
Kathryn A. McCullum, City Clerk