

Woodland City Council Minutes  
Council Chambers  
300 First Street  
Woodland, California

November 6, 2001

**CITY COUNCIL**  
**SPECIAL/CLOSED SESSION**

The Woodland City Council met in special session at 6:04 p.m. in the second floor conference room of City Hall in order to convene a closed session. Council Members present were Mayor Borchard, Council Members Dote, Monroe and Peart. Vice Mayor Flory arrived at 6:40 p.m. Also present were City Manager Rick Kirkwood, Assistant City Manager Phil Marler and City Attorney Ann Siprelle. The purpose of the closed session was to hold a conference with Legal Counsel regarding existing litigation pursuant to Section 54956.9 and hold a Public Employee evaluation for the City Attorney pursuant to Section 54957.

**CITY COUNCIL**  
**REGULAR SESSION**

**CLOSED SESSION ANNOUNCEMENT**

Mayor Borchard announced that Council held a closed session with Legal Counsel and received a report regarding existing litigation, Fairbanks v. City of Woodland. Council also discussed a Public Employee evaluation for the City Attorney and gave direction.

**CALL TO ORDER**

Mayor Borchard called the regular meeting of the City Council to order at 7:02 p.m.

**ROLL CALL**

COUNCIL MEMBERS PRESENT: Steve Borchard, Martie Dote, David Flory, Jeff Monroe, Neal Peart



COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Richard Kirkwood, Phillip Marler, Ann Siprelle, Karl Diekman, Margaret Vicars, Henry Agonia, Steve Harris, Dan Bellini, Harry Hogan, Al Mancilla, Bruce Pollard, Sue Vannucci

#### COMMUNICATIONS - WRITTEN

Council received a Notice of Application Proposing Market Structure and Rules for Northern California Natural Gas from P. G. & E. for the Northern California Natural Gas Industry for the period beginning January 1, 2003 as required by Commission decision.

Council received the minutes of the Woodland Economic Renaissance Corporation meeting held September 28, 2001.

#### COMMITTEE REPORTS

Council received a report from Police Chief Del Hanson transmitting the minutes of the Yolo County Communications Emergency Services Agency meeting of October 3, 2001.

Council received a report from Community Development Director Steve Harris transmitting the minutes of the Historical Preservation Commission meeting of October 10, 2001.

Council received a report from Public Works Director Gary Wegener transmitting the minutes of the Tree Commission meeting of October 15, 2001.

Council received a report from Director Harris advising that the Planning Commission meeting of the October 18, 2001 had been cancelled.

Council received a report from Finance Director Margaret Vicars transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority meeting of October 19, 2001.

Council received a report from Director Wegener transmitting the minutes of the Flood Task Force meeting of October 24, 2001.

Council received a report from Director Wegener transmitting the minutes of the Solid Waste Committee meeting of October 29, 2001.



## PUBLIC COMMENT

None.

## COUNCIL STATEMENTS AND REQUESTS

Vice Mayor Flory reported he had traveled to Denver with the City Manager as part of the Sacramento Metro Area Chamber of Commerce. They toured downtown Denver and viewed several areas which need improvement. He complimented our City on the direction we are going in comparison. He read a Resolution from the Yolo County Board of Supervisors thanking the City for use of our Council Chambers during the remodel of the Board of Supervisors Chambers over the past several months.

Vice Mayor Flory reported the Council/Staff Planning Retreat held on November 3<sup>rd</sup> was extremely productive.

Council Member Dote attended the Chamber of Commerce Retreat recently and one of their primary focuses is the downtown parking.

Council Member Monroe displayed the United States Post Office recommendations for action on suspicious mail.

Mayor Borchard read a statement calling for a Joint Public Meeting with the Planning Commission for Tuesday, November 13, 2001 at 7:00 p.m. to consider the modifications to the Spring Lake Specific Plan to include: Plan Phasing, Sequencing of Phasing, Timing of the Central Park, Allocation System and Property Owner Participation.

## PRESENTATIONS

### PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION PRESENTATION

Tanya McKay, Chairperson of the Parks, Recreation and Community Services Commission gave an update of activities. The major projects before the Commission are: (1) phasing of the Soccer field at Streg Pond; (2) the Skate Board Park should open the week of November 17<sup>th</sup>; (3) Proposition 12 Funding of \$298,000 is forthcoming and recommendations will be coming before Council for fund utilization; (4) the Woodland Recreation Foundation fund raiser last year was the Crab Feed, which will be held this year on January 19, 2002. Don Permenter was recently appointed to the Commission, with one vacancy



remaining. She reported that the Dog Park creation has been tabled and will be considered should the Spring Lake Specific Plan development proceed.

Ms. McKay announced that Parks, Recreation and Community Services Director Henry Agonia has announced his retirement effective at the end of December, 2001. She would like the Commission to be involved in the recruitment process. Director Agonia stated he has been involved in public service for 35 years. He thanked Council and Staff for their support during his tenure with the City of Woodland.

#### PROCLAIM WEEK OF NOVEMBER 10-17, 2001 AS FAMILY WEEK

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council proclaimed the week of November 10 through 17, 2001 as Family Week in the City of Woodland. Tamara Hunt, representing the Woodland Ecumenical Ministeries, Pastor Larry Love of the Christian Church, and Father John Bohls of the Catholic Church received the Proclamation presented by Mayor Borchard.

#### CONSENT CALENDAR

Mayor Borchard removed the following item from consideration at this meeting:

8. AUTHORIZE PURCHASE OF FIRE APPARATUS AND EQUIPMENT FROM WESTATES TRUCK EQUIPMENT, INC.

Council Member Peart requested the following items be removed from the Consent Calendar:

6. RECEIVE INFORMATION ON PROPOSED VEHICLE EXCHANGE WITH YOLO COUNTY FOR WATER TENDER AND HEAVY RESCUE VEHICLES
7. RECEIVE REPORT ON FIRE DEPARTMENT PLANNING SESSION AND APPROVE MODIFICATION TO FIRE DEPARTMENT MISSION STATEMENT

Council Member Dote requested the following items be removed from the Consent Calendar:



11. INTRODUCE AND HOLD FIRST READING OF ORDINANCE AMENDING SEC. 2-10-1 REGARDING JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS
  
13. APPROVE REVISED PROJECT PROGRAM SUMMARY SHEET FOR EAST STREET RAILROAD CROSSING UPGRADES

On a motion by Vice Mayor Flory, seconded by Council Member Monroe and carried by unanimous vote, the Council approved the following Consent Calendar items as presented:

#### TREASURER'S INVESTMENT REPORT

Council approved the Treasurer's Investment Report for the Month of August 2001.

#### STATUS REPORT FOR PARKS, RECREATION AND COMMUNITY SERVICES

The monthly status report for October 2001 for Parks, Recreation and Community Services was received by the Council.

#### STATUS AND CAPITAL BUDGET IMPLEMENTATION REPORTS FROM PUBLIC WORKS

The monthly status and Capital Budget Implementation reports for October 2001 were received by Council.

#### STATUS REPORT ON COMMUNITY DEVELOPMENT STUDIES

Council received the status report on current Community Development Department studies underway. Those projects include Economic Development Plan, General Plan Housing Element, Downtown Specific Plan and the Redevelopment Agency Master Plan.

#### UTILITY USERS TAX PERCENTAGE RATE CALCULATION

Council adopted the percentage rate of 13.5% for the Utility Users Tax calculation as of January 1, 2002 and 9% on January 1, 2003.



AGREEMENT WITH COMMUNICARE HEALTH CENTERS TO PROVIDE PARKS, RECREATION AND COMMUNITY SERVICES FUNDING FOR YOUTH FOR RECOVERY PROGRAMS

Council authorized the City Manager to execute an Agreement with CommuniCare Health Centers which will provide Parks, Recreation and Community Services funding in an amount not-to-exceed \$10,000 for the provision of enrichment recreational activities in the Youth for Recovery Program.

RESOLUTION 4321 AUTHORIZING THE CITY ENGINEER TO EXECUTE PROGRAM SUPPLEMENTS TO LOCAL AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECTS

Council adopted Resolution 4321 authorizing the Director of Public Works and the City Engineer to execute Program Supplements to the Local Agency-State Agreement for Federal Aid Projects, No. 03-5046.

ITEMS REMOVED FROM THE CONSENT CALENDAR

VEHICLE EXCHANGE WITH YOLO COUNTY FOR WATER TENDER AND HEAVY RESCUE VEHICLES

Council Member Peart stated Fire Chief Karl Diekman has been working diligently with the agencies on this exchange and recommended that Council proceed with this transfer.

FIRE DEPARTMENT PLANNING SESSION REPORT AND APPROVAL OF MODIFICATION TO FIRE DEPARTMENT MISSION STATEMENT

Council Member Peart complimented Chief Diekman for conducting meetings with staff regarding the direction of the Department.

On a motion by Council Member Peart, seconded by Council Member Monroe and carried by unanimous vote, the Council received the report on the Fire Department Planning Session and approved the modifications to the Fire Department Mission Statement.



### INTRODUCE AND HOLD FIRST READING OF ORDINANCE AMENDING SEC. 2-10-1 REGARDING JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS

Council Member Dote asked if this Ordinance will allow an appeal to the Council. City Attorney Siprelle said usually certain conditions can be appealed. This would clarify that unless there is a specific section setting forth an appeal process, it would not be allowed.

On a motion by Council Member Dote, seconded by Council Member Peart and carried by unanimous vote, the Council introduced for first reading an Ordinance amending Section 2-10-1 regarding "Judicial Review of Administrative Decisions".

### REVISED PROJECT PROGRAM SUMMARY SHEET FOR EAST STREET RAILROAD CROSSING UPGRADES

Council Member Dote asked for the source of development fees. Director Wegener said it would be addressed in the Major Projects Financing Plan coming before Council at a later time. This is the "match" dollars required if we receive 90% from the Public Utilities Commission (PUC) Railroad Crossing Improvement fund. We must put in a 10% letter to indicate we will provide our matching. The PUC does require we have a center median with crossing arms included in that median at the two intersections, Gibson and Main. There are right-of-way requirements and additional crossing arms to be installed, with paving and related construction work. PUC does not review until they are ready to fund.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by unanimous vote, Council approved the revised Project Programming Summary Sheet for Project No. 01-06, East Street Railroad Crossing Upgrades, Phase II and authorized an additional \$171,000 be added to the Capital Budget for this fiscal year.

### PUBLIC HEARING

#### NUISANCE ABATEMENT HEARING FOR PROPERTY LOCATED AT 520 CLEVELAND STREET

City Attorney Siprelle advised Council the Agenda sets this item to be presented at 8:05 and Council should defer this item until the posted time. Council concurred.



## REPORTS OF THE CITY MANAGER:

### REGULAR CALENDAR:

#### ANGLE PARKING ON MAIN STREET

Vice Mayor Flory said prior to contacting a Consultant to move forward on this study, meetings were held with the citizens and business owners to seek input about the proposal. The conversion would cost approximately \$4,000 to \$5,000 for each space, which would total 30 space conversions. Most of the citizens were not in favor of this conversion. He recommended these types of meetings continue on various subjects of interest to the citizens as they were very productive.

Council Member Peart agreed the process of holding these meetings was very beneficial. He feels the public determined to maintain the parking as is. A listing of other items to be considered were developed at these meetings and he presented that list to the City Manager.

Traffic Engineer Bruce Pollard stated the primary concern was the safety issue, i.e., backing into oncoming traffic. Other items requesting consideration in relation to parking were: time restrictions, Epperson lot, private spaces, reallocation of Woodland Hotel permit spaces, \$15,000 allocation for environmental analysis, Police use of College and Court lot, employee lot designation, parking garage, signage, Cranston's lot.

#### CITY CODE AMENDMENT TO REQUIRE MAILING OF NOTICE OF PROPOSED LAND USE DECISIONS TO PROPERTY OWNERS MORE THAN 300 FEET FROM SUBJECT PROPERTY

City Attorney Siprelle said the State Planning and Zoning law presently states minimum notice for land use designation requiring a public hearing is to property owners within a 300 foot radius of the subject property. Council has requested consideration of extending this radius to 1,000 feet. This would then require the applicant to fund the notice requirements for that increased distance. Community Development Director Steve Harris stated the cost would be that the applicant must pay for the property owner listing from the Assessor's office, which varies. The City would then bear the cost of additional postage, copy costs and staff time.

On a motion by Vice Mayor Flory, seconded by Council Member Monroe and carried by unanimous vote, the Council directed the City Attorney to





prepare an Ordinance to increase the notification radius from 300 to 1,000 and adjust sections of the Code accordingly.

RECEIVE, DISCUSS AND ACCEPT THE "WE THE PEOPLE" DOCUMENT AND DIRECT THE BOARDS AND COMMISSIONS TO REVIEW AND MAKE COMMENTS ON THEIR SPECIFIC WORK PLANS

City Manager Kirkwood said Council had discussed this item at the Planning Session on November 3<sup>rd</sup>. The document has been arranged to create a link to the City Mission, Vision and Strategic Goals, Policy Statements, Work Plans of the City Boards, Commissions and working Departments. The document is a work in progress and will be updated as needed and desired. Priorities must be flexible and accountability is vital. He suggested the document be accepted and the Board and Commissions be asked to review and report back to the Council by January 11<sup>th</sup> so it may be discussed again in February, 2002.

Council Member Monroe asked about citizen input into the document and suggested it be placed on the City WEB page for review. City Manager Kirkwood stated this could be accommodated and comments would then be directed to the Department involved for consideration and/or incorporation.

On a motion by Council Member Dote, seconded by Council Member Peart and carried by unanimous vote, the Council received, reviewed and discussed the "We the People" document containing the City Vision, Mission, Strategic Goals, Policy Statements and Work Plans of the City Board, Commissions and Operating Departments; accepted the document as a work in progress and directed the Boards and Commissions to review the entire document and to make comments (updates) on their specific work plans by January 11, 2002; post the document on the City WEB page identified as a draft and work in progress and welcome comment back to the various Boards and Commissions on their work programs.

PUBLIC HEARING (continued from scheduled Agenda time)

NUISANCE ABATEMENT HEARING - 520 CLEVELAND STREET

City Manager Kirkwood stated this item came before him as a matter of concern from the Code Enforcement Officer. The property in question at 520 Cleveland Street, contains an illegal structure of which the Community Development Department recommends abatement. The Nuisance Abatement Hearing Board has denied the recommendation of the Department to abate.



City Manager Kirkwood outlined the concerns and illegal actions taken by conversion of this property from a garage to an illegal dwelling. There are currently four units on the single piece of property. The garage conversion was done after a zoning change that outlined the requirements of the Neighborhood Preservation Zone. Staff has been looking at options for the property owners in the form of a variance to allow this use and have been unable to find any possible method in which to assist the property owners. It should be noted the current property owners are not those who caused the conversion of the garage. The Nuisance Abatement Appeal Board had a misunderstanding of the law and the facts in rendering their decision.

Council Member Peart left the meeting at 8:20 and returned at 8:21.

Council Member Monroe asked for a clarification on misunderstandings of law. City Attorney Siprelle said the Board focused on the setback issue and moving the building would create an unnecessary undue hardship to the owners. No complaints had been received and the property had been visited by City staff but no had been taken. However, the main issue is violation of the zoning code. The Board did not address the illegal use, but other issues that are not critical to the question, i. e. setbacks, complaints by neighbors, but not the illegal use as a residence of this fourth unit. The 1986 permit issued was for a garage. Council Member Peart said that on October 17, 1994 a building permit to upgrade to a 100 AMP panel was issued. A second permit was for a gas repair. The inspector would not necessarily check the rear of the property. Council Member Dote said there were four panels on the front. Code Enforcement Officer Harry Hogan said the electrical panel is not a problem. The issue is that it is an illegal use of the property and violation of the zoning code. Community Development Director Harris said that staff discussed whether this property could be rezoned but a number of adjoining properties would need rezoning as well. The Neighborhood Preservation Zone goes from West Street to East Street, North and South of Main Street. It would not be consistent with the General Plan to change the zoning. City Attorney Siprelle mentioned spot zoning is when a piece of property has different restrictions or allowances than surrounding properties and would be discriminatory treatment. The only legal solution is to rezone and that would mean rezoning a larger area.

Council Member Dote said there are many side streets that come off of Saunders, the alley-type street in the rear of the property, with a many smaller homes and large apartment complexes of the other side of Saunders. Director Harris said it is a Neighborhood Preservation that does allow for a mix of lower densities. We would have to change the General Plan if the zoning were changed. City Attorney Siprelle stated it would be necessary if the land use



designation is inconsistent. If the land use in the General Plan is also low density, there an amendment would be needed to the General Plan as well.

Kevin Bryan, Chair of the Planning Commission, said this issue was very unclear as to their authority. The two methods of thought were the zoning is clear, with no questions. The other, is the property of benefit to the City with the changes and what criteria would justify that illegal use. There was some misunderstanding as the Board did not have the information on when the Neighborhood Preservation Zone was enacted. There was also some question as to when the unit was converted. The property and neighborhood is not impacted by this unit and it meets the diverse character of the neighborhood. Tearing it down is a burden to the owner and against the establishment of affordable housing in a residential scale, smaller pieces distributed throughout the community. This is not an isolated incident.

Vice Mayor Flory asked the rentals rate on that piece of property. Chair Bryan said it was about \$600 and the owner had several applicants even though they indicated the space had not been advertised. He said they would like to look at the neighborhood context, surrounding uses, compatibility. He would also recommend the Building Department conduct a proper inspection. Parking is also an issue. This unit has a parking area that needs to be paved, numbered and striped.

City Attorney Siprelle said the letter dated August 15, 2001 from Planner Paul Hanson states the Neighborhood Preservation Zone became effective in December of 1979. Under the zoning code, there is a provision stating, following a zoning change becoming effective, any use existing at that time that does not conform with the zoning change can be allowed to continue, however it cannot be enlarged or expanded and after their useful life is over, that property must be developed in accordance with the new zone. This would allow the neighborhood to develop over time in accordance with the new zone. It is likely that the multi-family buildings were in place when the zoning change became effective. This building was constructed as a garage and sometime after 1979, converted into a dwelling, which violates the zoning. Director Harris said the older houses in this area create a character. In the Spring Lake area the plan is for diverse styles and not for large apartment complexes. This lot does not impact the area, but the Neighborhood Preservation zone (NP) was to preserve the area. This issue was debated for some time in an attempt to determine how to make it legal.

City Attorney Siprelle said the only option to legally approve this as a dwelling would be to change the zoning for the area. To overturn the appeal, there would need to be some findings based on evidence in the record that would be legally defensible. If they denied the appeal, then Council would need



to provide reasons which would be reduced to writing and returned to Council for approval. Director Harris said the NP zone is Lincoln to Cross, North of North Street to Beamer. Council could rezone the property and change the text of the zoning ordinance to alter the uses in the zone. Some uses are allowed by right and some by permits. Existing units in the NP zone on December 6, 1979 may be replaced with new structures containing the same number but no additional dwelling units or beds that existed on that date. Vice Mayor Flory asked if rezoned, how does it affect this particular case. City Attorney Siprelle stated the buyer could purchase knowing it is presently an illegal use. It would also be continued until a date uncertain. Language would need to be amended for the setback requirements. The property is also on the property line to the North.

Mayor Borchard opened the Public Hearing at 9:06 p.m.

Theresa Lee purchased the property in 1991 without a disclosure as it was an estate sale. All information they had received indicated there were four units on the property. The Building Inspector has been on the property three times and never indicated a non-conforming building was on site. The property electrical service was updated from fuses to breakers. The property has been maintained to comply with Code.

Council Member Monroe said there were two building permits in 1994 and asked if they were for electrical and plumbing for were to the building in question. Ms. Lee said the plumbing was done to repair a leak between the third and fourth units. The other permit was for the gas when the new heater was installed. The electrical update was in the first three units and to add a panel for the fourth unit. P. G. and E. inspected the work. Mayor Borchard said even with all of the information provided, it is still not a legal use. Vice Mayor take on the responsibility for any illegal issues with the property.

Lupe Springer, co-owner of the property, said estate sales are exempt from disclosure. The multi family lie is on the other side of Saunders Lane from their property. She asked if when a permit is applied for, does staff pull the entire file and review. Director Harris said typically, staff would not inspect the entire property when they are on site for a specific purpose.

**Council recessed from 9:30 to 9:40 p.m.**



Colleen Mansur, Realtor has a concern for the owners of the property and feels the City needs to look at the human side of this issue. She suggested this property be "grandfathered".

Council Member Peart left the meeting at 9:45 and returned at 9:46.

Nancy Tinsley, Realtor said she resides in the NP zone. She feels that spot zoning is in order and urged Council to support the zoning change. City Attorney Siprelle said the spot zoning is not prohibited by a statute but is a judicially created prohibition. A neighbor could sue the City for spot zoning citing that their property is similarly situated which is disparate treatment. Director Harris provided a map of the NP zone and indicated the property on the map. He also gave a description of the various zones designated in this area and the process for boundary zoning adjustment procedure. He suggested with the complexity and possibility of opening the City for liability, changing the zoning on this property would be questionable.

Vice Mayor Flory said there are many people who came forward to support the NP zoning. If we were to consider a change, we would need to have a hearing. The Historical Preservation Commission would be involved and a CEQA review would be needed, which would take three to six months. Director Harris said that an EIR would also be needed to look at traffic impacts.

Don Sharp said he has always called the Building Department when he has a concern. He said he went out with the Building Inspector to this site but cannot find his paperwork to support the discussion. We do not require a zoning inspection. There were no disclosures because it was done by an attorney during probate. There are several properties in the vicinity which were allowed. Council Member Peart asked if the NP zoning would have an R-3. Director Harris is not sure what the zoning was prior to 1979.

Mayor Borchard closed the Public Hearing at 10:04.

Council Member Dote not in support of rezoning for this case. This is not an isolated incident and there are many such units in the City. She does not believe it is beneficial to remove the unit. She suggested an amnesty period and then amend the zoning to allow this use. We need to conduct a City-wide amnesty and from this point forward, compliance is required.



Vice Mayor Flory does not feel we have been given a great deal of latitude. He would like to make this work but does not want to put this property into special circumstances. All areas should be reviewed and possibly put something into place to address the concerns. Those properties not in compliance should be allowed if all inspections pass.

Council Member Dote said Director Harris' suggestion of revising the uses within the NP zone is a good solution. Director Harris said this could be a solution to the broad context of the problem but may not apply to this piece of property. This is a density problem. The lot would need to be one-half of an acre to meet the density. Even with some changes there are other issues about this property that are not legal. One is the density bonus allowing additional units on a property provided they were affordable, with five units or more. Perhaps that section could be zoned from five to four for this piece of property.

Vice Mayor Flory said we want to address all potential issues and Director Harris said this was done in 1979 when the zone was introduced and approved by Council to provide amnesty at that time. Council Member Monroe said we do not have a lot of latitude. Zoning is to protect the character of the neighborhood. This property is in direct opposition to what we want in the new area. It would be a burden to tear it down. The owners purchased in good faith. He would like to look at any other options for this and the entire area. Council Member Peart asked if we deny the appeal what are the next steps. City Attorney Siprelle said there are no findings in the record to support a denial of the appeal. The findings are necessary for legal challenges. Vice Mayor Flory said that issue could be continued and extend the Public Hearing indefinitely or within a specified time period, where we address the NP and any buildings that might be illegal. We would look at issues as to whether more staff is needed, how do we find the units out of compliance, are there setback problems, is the construction correct, in an effort to avoid returning with this type of issue again. The assumption is that this was done in 1979 but it is unclear if amnesty was actually allowed at that time. From this date forward, we would establish documentation Councils and Staff would have for future questions. Officer Hogan said last month the activities report of the Department indicated 30% were zoning calls. There are many illegal residences. City Attorney Siprelle asked if Council is suggesting that an Ordinance be put into place which would legalize all illegal residences in the NP zone. Vice Mayor Flory said we would identify any that do not meet the criteria for the NP zone, staff would do an inventory.

Mayor Borchard asked for clarification if they are suggesting to conduct an inventory and have some group review all of the subject properties. This will be a effort that will require some money. There was an amnesty period in 1979 and Council said at that time existing structures could remain but those after



that period would not comply. We are now asking for an entire new amnesty period.

Mayor Borchard asked the City Manager for a cost estimate to conduct an inventory. City Manager Kirkwood said when dealing with real estate law, there is a requirement for property disclosure and a requirement for due diligence when you purchase property. Once we begin to identify inappropriate properties for a variety of reasons, it becomes very circular and since we then know about the illegality, the City then assumes liability. We search our records when people buy or sell property. If we begin to entertain that liability, the cost could be extensive. To evaluate these properties, it would be extensive and then we must consider the next step.

Council Member Peart said we do have standards on the books. The property is very pleasing for the neighborhood. However, the property was to have three units and no building permit was issued for the conversion. He feels we will be setting a precedence if we try and become "creative" with this property. The building is on the property line but a survey has not been conducted. Changing the NP zoning is very involved. The rules were set in a fair way. He feels that it should go back to the original use.

**At 10:29, it was moved by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote to extend the Council meeting to 11:00.**

City Attorney Siprelle said it is legal as a garage or storage for the tenants. Council Member Dote said we have zoning for the health and welfare of the people. It is our responsibility to disseminate the information. She would like a City-wide effort to address these illegal structures at one time. City Manager Kirkwood said the City does have a responsibility for the health, welfare and safety of our citizens, but there are also government statutes which deal with roles and responsibilities in regard to real estate. He does not think it appropriate for the City to form a division of real estate to address these types of issues.

City Attorney Siprelle said our own City Code is very specific. There is no legal basis to allow this structure unless the Council adopts some type of Ordinance. She recommends upholding the City Manager's appeal as there is no legal basis any other decision. Adoption of an Ordinance allowing currently illegal uses to become legal if owners obtain a conditional use permit and undergo inspections, would be a huge undertaking. Vice Mayor Flory would like the Planning Commission to re-evaluate the NP zoning and whether changes





should be made. The realtors should have known the issues for the property and zoning disclosures. We would be opening the City to liability that we cannot afford.

On a motion by Mayor Borchard, seconded by Council Member Monroe and carried by unanimous vote, Council upheld the City Manager’s appeal of the decision of the Nuisance Abatement Appeal Board and ordered the nuisance abated and brought within the parameters of the Code within nine months. Council further requested that the Planning Commission review the situation of non-complying structures in the Neighborhood Preservation Zone.

City Manager Kirkwood said the Administration has a legal duty and responsibility. When issues come before him for review and it has a concern, it is his responsibility to bring before Council for consideration.

ORDINANCE

ORDINANCE 1336 - CLOSURE OF FREEMAN PARK FROM DUSK TO DAWN

On a motion by Council Member Peart, seconded by Council Member Monroe and approved by Roll Call vote as follows, the Council adopted Ordinance 1336, “An Ordinance Adding Section 15-54 to the Woodland City Code Establishing Closure of Freeman Park from Dusk Until Dawn”.

- AYES: Council Members Dote, Flory, Monroe, Peart, Borchard
- NOES: None
- ABSENT: None
- ABSTAIN: None

ADJOURNMENT

At 10:50 p.m., Mayor Borchard adjourned the meeting of the City Council.

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Sue Vannucci, City Clerk