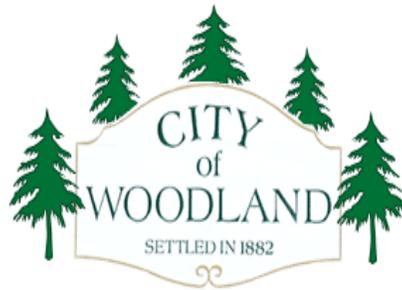


MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, JUNE 9, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Mayor Doak, Councilors Carlson, Massie, Newberry, and Rich

Staff Present: Zoning Administrator Gus Karpas and City Clerk Kathryne McCullum

3. CONSENT AGENDA

A. Minutes of the May 12, 2014 Regular City Council meeting

B. Resolution 17-2014 appointing the 2014 State Primary and General Election Judges and establishing Hennepin County as the Absentee Ballot Board

C. Adoption of Resolution No. 25-2014 designating Hennepin County or its designee as the central count location, approving the use of the new DS200 voting equipment, and for the use of the central counter 650 for absentee ballots for the 2014 state primary and general elections.

D. Adoption of Resolution No. 22-2014 approving of a variance and permit for alteration of a non-conforming structure for Mary Santiago for the property located at 2895 West Road.

E. Adoption of Resolution No. 23-2014 approving of a variance for Lecy Brothers Homes and Remodeling for the property located at 2515 Cedar Point Drive

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

4. PUBLIC COMMENT

5. PUBLIC HEARINGS

A. Continued Public Hearing and consideration of variances for Aaron and Heather Melsness for the property located at 2800 Breezy Heights Road.

Variance Request

Mayor Doak opened the public hearing.

Zoning Administrator Gus Karpas introduced the item and stated that he recommended approval of the requests based on findings as noted in the staff report.

Heather Melsness approached the Council and stated that she revised the plans based on the City Council's input from the May meeting when the initial requests were considered. She noted the unique characteristics of the property that make it difficult to construct a detached garage without variances. Ms. Melsness stated that she worked to mitigate the impact to surrounding properties.

Councilor Rich thanked Ms. Melsness for her efforts to address the City Council's concerns.

Resident Steve Hornig stated the following concerns:

- The garage structure is too large.
- The garage and home are not proportionate.
- The size of the garage is not in character with the neighborhood.
- The proposed garage is too close to the common lot line and would create a tunnel effect on the driveway approach to his home.

Mr. Hornig thought that the garage was not "slightly larger" than that permitted,, as was stated in the staff report. He thought that the garage was nearly 100% larger.

Mr. Hornig presented documents with drawings that provided two alternatives for the placement of the garage. He noted the first option would move the garage 10' from his property line as opposed to 3.7 as proposed. Mr. Hornig said that his second option, that rotated the garage 90 degrees, would provide for enough storage and the garage would be moved away from the house. He noted that the second option would allow for additional space to the property lines, would reduce the massing on the property line, and would give the applicant the square footage that they requested.

Mayor Doak thought that shifting the garage toward the street would not provide for sufficient vehicle turning radius and may cause safety issues with vehicles backing into the street or onto the opposing curb. He thought that a typical turning radius was about 24 feet.

Ms. Melsness stated that if the structure was moved, the garage would be right outside one of the bedroom windows. She noted she worked to alleviate the Council's concerns and came to a solution that would help with their storage issues. Ms. Melsness stated that the current garage is too small -- barely big enough for autos, let alone storage for children's yard toys.

Mayor Doak agreed that the current condition is challenging.. He thought the proposed garage was reasonable, but questioned why the garage could not be moved away from the house and rotated as noted in Mr. Hornig's second option.

Ms. Melsness noted the increase in paved surface that this would entail and the disruption to bedrooms in the main house as reasons to reject the suggestion.

Councilor Rich observed that if the garage were to be attached to the house, it would qualify for an alteration permit and variances would not be needed.

Zoning Administrator Karpas explained that the Council must take action on the plan as presented to the Council. He said that it is not in the Council's purview to redesign or significantly modify plans submitted by the applicant. Mr. Karpas noted that it is reasonable for the applicants to request a variance for a garage based on the unusual characteristics of the property. He also noted that the applicant modified the plan based on Council input and requests from the last meeting.

Councilor Carlson observed that the proposed garage would be no closer than the current condition which is 3.7' from the property line if the variance was approved.

Councilor Rich indicated the net difference is 16' more structure length along the lot line, but the structure would retain the current setback of 3.7' from the property line. Councilor Rich noted that there is a safety issue with snow removal and placement of snow on the property if the garage were placed differently. He thought that the characteristics of the property were difficult to work with and beyond the applicant's control.

Councilor Massie suggested that the garage depth be reduced from 26' to 25' and the garage could be moved closer to the road to 24' rather than the proposed 25.3'. He said that would provide for additional space between the structure and west lot line.

Discussion ensued regarding multiple options for placement of the garage.

Councilor Newbury thought the original proposal was not reasonable because of the visual massing along the west property line. He said that he would support some sort of modification.

Mr. Melsness explained that the new garage cannot be seen by the neighbor from his house and that it is just a matter of the neighbor being unhappy that he would have to drive past the structure.

Zoning Administrator Karpas reiterated that the subject lot is very challenging and the 3.7' setback is an existing condition that cannot be changed.

Councilor Carlson said that no matter what is added, a building line will exist along the property line. She agreed that the garage depth could be reduced from 26' to 25' and the garage could be placed one foot closer to the road.

Upon a question from Mayor Doak, Mr. Karpas confirmed that although the Council could not redesign the garage project, it could condition approval of the variances on reducing the depth of the garage to 25 feet from 26 feet and on shifting the footprint of the garage one foot to the west lot line.

Carlson moved, seconded by Rich to approve the variances for Aaron and Heather Melsness for the property located at 2800 Breezy Heights Road for variances of Woodland Ordinance Section 900.09(4)(c) to encroach twenty-five feet, eight inches into the required fifty foot front yard setback for the proposed garage; Woodland Ordinance Section 900.09(4)(b) to encroach thirty feet, three inches into the required forty foot rear yard setback; and Woodland Ordinance Section 900.04(2)(b)(9) to exceed the maximum permitted accessory structure area by 228 square feet for a proposed detached garage. Subject to the following conditions:

1. That the depth of the garage cannot exceed 25' and the garage structure must be moved west by 1'. This will increase the setback from the east lot line from 3.7' to 5.7'
2. That the fence that had stood on the east property line for many years be replaced by the Melsness's as a matter of privacy and safety for their children.

Motion carried 4-0-1. (Massie abstained)

Consideration of the Alteration of a Non-conforming Structure

The Council briefly reviewed the proposed alterations to the Melsness' home that had been discussed in depth at a last month's Council meeting. All indicated understanding of the proposed changes.

Newberry moved, seconded by Rich to approve the application of Aaron and Heather Melsness for a Permit for the Alteration of a Non-Conforming Structure for the construction of a open front entryway and bay window addition onto to the front of an existing non-conforming home. The proposed alterations will maintain the greatest encroachment of forty-one feet, one inch where it attaches to the existing non-conforming home. The request meets the requirements for approval in Section 900.06(3) which are outlined in the following findings:

- The alteration maintains or enhances the general character and welfare of the community.
- The magnitude and extent of the proposed alteration is consistent with the surrounding area.
- There is no negative impact on the use and enjoyment of surrounding properties or other properties in the community.
- There is a need for the proposed alteration in order to permit the adequate use of the property.
- There is reasonable separation between the proposed alteration and structures on adjoining properties.
- There would be no effect on the light and visibility available to the adjoining properties.
- There is no need to screen the proposed alteration.
- The proposal would not have a negative impact on property value on the subject property or surrounding properties.
- There are no concerns related to fire safety.
- There are no alternate locations on the property for the proposed alteration which would not require a variance.

- The narrowness of the lot creates a unique situation where a variance would be required for any alteration to the structure.
- The greatest existing/proposed front yard encroachment is forty-one feet, one inch.

Motion carried 5-0.

6. NEW BUSINESS

- A. Request from Richard Henry, 17960 Shavers Lane, regarding the City of Woodland nuisance ordinance.

Mayor Doak explained that Mr. Henry was in attendance earlier in the meeting, but had left the building during the previous discussion. Mayor Doak asked that the item be placed on the July meeting agenda for consideration. The Council members agreed.

- B. Discussion of an Ordinance No. O07-2014 relating to the addition of language to Chapter 4 regarding showcase, open house, and estate sale events.

Mayor Doak thought that the Council should not consider placing garage or estate sale restrictions in this particular ordinance. The Council agreed that the proposed ordinance should address only showcase type events and it should also clearly define regulations defining events that would be allowed and the procedure for obtaining a permit for those events.

- C. Resolution No. 26-2014 approving the 2015 agreement for services and authorizing execution of the letter of understanding between the City of Woodland and the City of Deephaven.

Mayor Doak explained that there was a reduction in Deephaven's clerical expense that was reflected in the fee to be charged to Woodland in 2015. He noted that the Police fee was increased two and one-half percent in 2015 because of the union negotiations. He said that the City could expect a two-percent increase for police services in 2016. Mayor Doak provided a brief overview of the remaining items found in the agreement.

Rich moved, seconded by Massie to adopt Resolution No. 26-2014 approving the 2015 agreement for services and authorizing execution of the letter of understanding between the City of Woodland and the City of Deephaven. Motion carried 5-0.

- D. Discussion relating to the Lake Minnetonka Conservation District Draft Budget

Mayor Doak noted that the cost to the City of Woodland was decreased for 2015.

Councilor Carlson stated support for the decrease for the City.

The Council agreed that no action needed to be taken on this item at this time and no additional comments needed to be forwarded to the Lake Minnetonka Conservation District.

- E. Resolution No. 27-2014 appointing Police Chief Cory Johnson as the City of Woodland Animal Control Officer

Mayor Doak explained that the dangerous dog ordinance indicates that the Council must appoint an Animal Control Officer. He asked for a motion to adopt the resolution.

Massie moved, seconded by Carlson to adopt Resolution No. 27-2014 appointing Police Chief Cory Johnson as the City of Woodland Animal Control Officer. Motion carried 5-0.

- F. Resolution No. 19-2014 approving and authorizing the execution of an agreement between the City of Woodland and Hennepin County for the County Road 101 improvement project.

Mayor Doak introduced the item and said that the agreement before the Council states that the City of Minnetonka will be undergrounding the wires in the City of Woodland – at no charge to the City of Woodland. Mayor Doak indicated that the agreement states that it is within the City’s discretion whether or not it wishes to plow the new sidewalk. He noted that the Council should discuss a policy relating to the plowing and maintenance of the sidewalk at a future meeting.

Rich moved, seconded by Carlson to adopt Resolution No. 19-2014 approving and authorizing the execution of an agreement between the City of Woodland and Hennepin County for the County Road 101 improvement project. Motion carried 5-0.

7. OLD BUSINESS

8. MAYOR’S REPORT

Mayor Doak reported on the following items:

- The Lake Minnetonka Conservation District declared the entire Lake as a “no wake zone”.
- The City of Woodland passed the Storm Water Management Plan audit with the exception of a requirement that the City adopt a new ordinance based on a Minnehaha Creek Watershed District ordinance that has yet to be drafted.
- The City’s website has been significantly updated.

9. COUNCIL REPORTS

A. Newberry – Ordinances, Septic Ordinance, and Inspections

Councilor Newberry reported that he and Mayor Doak had a meeting with the City Engineer regarding the draft SSTS ordinance and a few revisions were made to the document. He noted that the ordinance is now ready to be forwarded to the Minnesota Pollution Control Agency (MPCA) for review and comment. Once approved by the MPCA, it must be approved by the City Council.

Newberry moved, seconded by Rich to direct staff to submit the draft SSTS ordinance to the Minnesota Pollution Control Agency for review. Motion carried 5-0.

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

Mayor Doak noted that the City Engineer would like to attend some Council meetings to be a resource for the Council members. He said that the Engineer can provide information on where the City's roads need improvement and what the City can expect during the County Road 101 reconstruction project.

In response to a question from Councilor Massie, it was noted that the mill and overlay of Breezy Point Road will begin after the County Road 101 roundabout is completed.

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

Councilor Carlson reported on the following items:

- The City's water fund is in a better position financially and the policies that the Council put in place are starting to show their effectiveness.
- The Groveland Homeowners Association is interested in asking the City to allow an Association member to turn water off and on for seasonal houses. It was noted that the person volunteering for the position would need to show that he or she is competent to provide that service prior to allowing the person to work with the water system in that capacity.
- Councilor Carlson attended a clean water meeting where she heard about new street sweeping techniques. She said that she will follow-up on this and report back to the Council at a later date.
- Councilor Carlson spoke about non-point source pollution for municipalities and provided various statistics relating to runoff, evaporation, and groundwater. She noted that the trend for dealing with climate change at this time is Plans, Practices, and Policies. Councilor Carlson stated that another trend is to decrease impervious surfaces by using tree trenches and rain gardens.
- Councilor Carlson said that she will be attending a water quality meeting on July 23 that is sponsored by the University of Minnesota and several watershed districts. The meeting will take place on Lake Minnetonka and it will focus on water resource protection and restoration.

D. Massie – Public Safety and Deer Management

Councilor Massie said that he and Gus Karpas are moving forward on the 2014 Deer Management Program and are working to find property owners who will allow traps on their land. They are looking at several options.

Councilor Massie reported that there was a dangerous dog hearing last week and a letter was sent to the owners of the dog, indicating conditions that must be met for the dog to remain in Woodland.

10. ACCOUNTS PAYABLE

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

11. TREASURER'S REPORT

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

12. ADJOURNMENT

Carlson moved, seconded by Rich to adjourn the meeting. The meeting was adjourned by consensus at 9:20 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor