

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, MARCH 10, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Mayor Doak, Councilor Carlson, Councilor Rich

Excused: Councilors Massie and Newberry

Staff: Zoning Administrator, Gus Karpas and City Clerk, Kathryn McCullum

Guest: Minnehaha Creek Watershed District Administrator, Eric Evenson

3. CONSENT AGENDA

A. Minutes of the February 10, 2014 Regular City Council meeting

B. Resolution No. 14-012 authorizing the City not to waive statutory tort limits for liability coverage under LMCIT policy renewal for 2014 – 2015 term

C. Consideration of street sweeping bid for the City of Woodland

Rich moved, seconded by Carlson to approve the consent agenda as presented.
Motion carried 3-0.

4. PUBLIC COMMENT – None

5. PUBLIC HEARINGS

A. Public Hearing relating to the Stormwater Pollution Prevention Program

Mayor Doak introduced the item and requested the staff report from the Zoning Administrator.

Zoning Administrator Karpas explained that the Minnesota Pollution Control Agency (MPCA) requires annual public hearing by the City Council for reauthorization of the City's General Small Municipal Separate Storm Sewer System (MS4) Permit. Mr. Karpas noted that the MPCA will be updating its rules and the City will need to tighten its controls to be consistent with those updates. He stated that the City will work closely with the Minnehaha Creek Watershed District (MCWD) on the update to ensure compliance with both the MPCA and MCWD updates.

In response to a question from Councilor Carlson, Mr. Karpas stated that the City will have 12-months to update its ordinances.

Mayor Doak explained that the City has been working to educate residents on the importance of following best management practices (BMPs). He said that the City takes this very seriously and understands the importance of the implementing the BMPs where possible.

Mr. Karpas said that the City Engineer is working on ordinance updates for the cities of Woodland, Greenwood, and Deephaven and the project will be completed before the 12-month deadline.

The public hearing was opened.

No one wished to speak.

The public hearing was closed.

Mayor Doak clarified that no further City Council action needed to be taken at this time.

- B. Variance/Permit for the Alteration of a Non-Conforming Structure Scott Severson, 17520 Blaine Avenue. Request to exceed the maximum permitted impervious surface area in conjunction with the construction of a garage addition on a non-conforming structure.

Ordinance Section 900.10(1) permits a maximum impervious surface area of twenty-five (25) percent of the lot area. The applicant proposes an impervious surface area of 27.4% and is seeking a variance to exceed the maximum permitted impervious surface area by 2.4%.

The applicant is seeking a Permit for the Alteration of a Non-Conforming Structure for the construction of the 624 square foot garage addition onto the existing non-conforming home. The proposed addition will encroach less than the existing structure into the required front and rear yard setbacks.

Section 900.06(1) of the City Ordinances permits the alteration of non-conforming structures provided the alteration would not extend into the required setbacks by any distance greater than the existing main building.

Mayor Doak introduced the item and explained that he and Councilor Rich visited the property to obtain a better understanding of the request.

Zoning Administrator Gus Karpas presented the staff report relating to the variance request. He stated that he recommended denial of the variance based on the following findings:

- a) The variance(s) will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance: The spirit and intent of the ordinance is to minimize the impact of impervious surface area has on the drainage in the city by limiting its percentage on a lot by lot basis. The subject

property currently exceeds the maximum permitted percent by 1.3% (378 sq. ft.). The request would increase the non-conformity by adding an additional 341 sq. ft. of impervious surface area for a total percentage of 27.4%.

- b) The proposed increase is contrary to the spirit and intent of the ordinance since there is an opportunity to remove an equal amount, or more, impervious surface area to maintain or comply with the required impervious surface requirements.
- c) The variance(s) will NOT be consistent with the comprehensive plan: The request is not consistent with the Comprehensive Plan in that the intent of the impervious surface limitation is to protect natural resources and drainage, and increasing the non-conforming impervious surface percentage is contrary to the intent of the plan.
- d) In proposal will NOT put the property to use in a reasonable manner: The proposed use does not put the property to a reasonable use since it requires an increase in a non-conformity which can be reduced as part of the project.
- e) There are NOT circumstances unique to the property not created by the landowner: The structure coverage is in scale with the size of the lot, which is half the size of the minimum required lot area. Due to this and the fact the amount of gravel driveway area, including a large expanse located along Blaine Avenue not accessing a garage, which could be removed, there is no practical difficulty created by a unique circumstance due to the size of the lot.
- f) The variance(s) WILL NOT alter the essential character of the locality: The essential character of the neighborhood would not be impacted by the increase in impervious surface area.

The public hearing was opened.

Scott Severson, applicant, stated the reasons for his request, noting that the home has only a single car, tuck-under garage. He said that water pipes are located in the garage and they tend to freeze. Mr. Severson added that, if the request is granted, the garage space would be turned into a shop and would be heated. Mr. Severson also stated that radon was found in his house and radon remediation will occur at the same time as the garage construction.

Mayor Doak explained that the Council welcomes improvements to properties in the City. He stated to Mr. Severson that he could reduce the amount of Class 5 materials to reduce the impervious surface area on his property. Once this is accomplished, there would be a reduction in the impervious surface area and the addition of a garage would not exacerbate the current impervious condition.

Councilor Rich referred to the property survey and showed Mr. Severson where he could reduce the impervious surface coverage.

Councilor Carlson agreed with Mayor Doak and Councilor Rick on the reduction of impervious coverage. She stated concern relating to the dog waste from the dog run on the property that is located adjacent to a wetland. Mr. Severson stated that he places the waste in bags so it does not go into the wetland.

The public hearing was closed.

Carlson moved, seconded by Rich to accept the recommendation of staff and **deny** the application Scott Severson for a variance of Woodland Ordinance Code section 900.10(1); to exceed the maximum permitted impervious surface area by 2.4% as presented, based on the following findings:

- a. The variance(s) will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance: The spirit and intent of the ordinance is to minimize the impact of impervious surface area has on the drainage in the city by limiting its percentage on a lot by lot basis. The subject property currently exceeds the maximum permitted percent by 1.3% (378 sq. ft.). The request would increase the non-conformity by adding an additional 341 sq. ft. of impervious surface area for a total percentage of 27.4%.
- b. The proposed increase is contrary to the spirit and intent of the ordinance since there is an opportunity to remove an equal amount, or more, impervious surface area to maintain or comply with the required impervious surface requirements.
- c. The variance(s) **will NOT** be consistent with the comprehensive plan: ***The request is not consistent with the Comprehensive Plan in that the intent of the impervious surface limitation is to protect natural resources and drainage, and increasing the non-conforming impervious surface percentage is contrary to the intent of the plan.***
- d. In proposal will NOT put the property to use in a reasonable manner: The proposed use does not put the property to a reasonable use since it requires an increase in a non-conformity which can be reduced as part of the project.
- e. There are **NOT** circumstances unique to the property not created by the landowner: ***The structure coverage is in scale with the size of the lot, which is half the size of the minimum required lot area. Due to this and the fact the amount of gravel driveway area, including a large expanse located along Blaine Avenue not accessing a garage, which could be removed, there is no practical difficulty created by a unique circumstance due to the size of the lot.***
- f. The variance(s) **WILL NOT** alter the essential character of the locality: ***The essential character of the neighborhood would not be impacted by the increase in impervious surface area.***

Motion carried 3-0.

Zoning Administrator Karpas presented the staff report relating to permit for the alteration of a non-conforming structure. He stated that staff recommended approval based on the following findings:

- a) The alteration maintains or enhances the general character and welfare of the community.
- b) The magnitude and extent of the proposed alteration is consistent with the surrounding area.
- c) There is no negative impact on the use and enjoyment of surrounding properties or other properties in the community.
- d) There is a need for the proposed alteration in order to permit the adequate use of the property.
- e) There is reasonable separation between the proposed alteration and structures on adjoining properties.
- f) There would be no effect on the light and visibility available to the adjoining properties.
- g) There is sufficient screening on the subject property to screen the proposed alteration.
- h) The proposal would not have a negative impact on property value on the subject property or surrounding properties.
- i) There are no concerns related to fire safety.
- j) There are no alternate locations on the property for the proposed alteration which would not require a variance based on the narrowness of the lot and the required setbacks.
- k) The shape of the lot creates a unique situation where alteration of the home must take place on the west side of the structure otherwise a variance would be required.
- l) The existing/proposed encroachments would be maintained.

and subject to the following condition:

That the impervious surface area not exceed the existing percentage on the property.

Carlson moved, seconded by Rich to accept the recommendation of staff and **conditionally approve** the application of Scott Severson for a Permit for the Alteration of a Non-Conforming Structure for the construction of a 631 square foot attached garage addition onto an existing non-conforming home. The proposed addition will maintain the greatest encroachment of fourteen feet, six inches into the required front yard and two feet into the required rear yard

setbacks where it attaches to the existing non-conforming home. The proposed non-conformities will not increase the existing non-conformance of the structure. The motion is based on the following findings:

- a) The alteration maintains or enhances the general character and welfare of the community.
- b) The magnitude and extent of the proposed alteration is consistent with the surrounding area.
- c) There is no negative impact on the use and enjoyment of surrounding properties or other properties in the community.
- d) There is a need for the proposed alteration in order to permit the adequate use of the property.
- e) There is reasonable separation between the proposed alteration and structures on adjoining properties.
- f) There would be no effect on the light and visibility available to the adjoining properties.
- g) There is sufficient screening on the subject property to screen the proposed alteration.
- h) The proposal would not have a negative impact on property value on the subject property or surrounding properties.
- i) There are no concerns related to fire safety.
- j) There are no alternate locations on the property for the proposed alteration which would not require a variance based on the narrowness of the lot and the required setbacks.
- k) The shape of the lot creates a unique situation where alteration of the home must take place on the west side of the structure otherwise a variance would be required.
- l) The existing/proposed encroachments would be maintained.

Subject to the following condition:

That the impervious surface area not exceed the existing percentage on the property.

Mayor Doak offered an amendment to the motion to place an additional condition on the approval that the property be inspected after construction to ensure compliance with the impervious surface coverage. The Council agreed by consensus.

Motion carried 3-0.

- C. Lot Line Alteration and Combination, Kyle Hunt & Partners, Inc., 3100 Maplewood Road. The proposal would alter the common property line between Lots 12 and 13 of Auditor's Subdivision 93. The newly configured Lot 13 would then be combined with Lot 14 of Auditor's Subdivision 93. The request creates two lots out of three existing parcels and would be issued new PIDs.

Zoning Administrator Gus Karpas presented the staff report. He stated that staff recommended conditional approval of the request, waiving the requirement for the submittal of a final plat, based on the following findings and conditions:

The proposal complies with the criteria for the approval of a subdivision outlined in Chapter 8 of the City Ordinances in that:

- a) the review by the City Attorney found no conflicts with the Minnesota State Statutes; and
- b) the proposed subdivision will not impact community planning and conforms with the existing and planned streets in the surrounding areas; and
- c) the proposed subdivision will not include immediate developments which would impact grading, run-off or street surfaces; and
- d) the proposed subdivision would have no impact on the use and enjoyment of the surrounding properties or other properties in the community; and
- e) the applicant has adequately addressed all issues related to sanitary sewer.

Mr. Karpas explained that the approval would be subject to the following conditions:

1. Lots 13 and 14 must be combined into Lot 2 as represented on the submitted plat prior to the issuance of a building permit.
2. That no hardwood trees that lie within 50 feet of Maplewood Road may be cut as part of the development the parcels other than to provide reasonable driveway access to the structures.
3. The applicant must provide evidence of compliance with Minnehaha Creek Watershed District rules prior to the issuance of a building permit for Lot 2.
4. The City Engineer must review and approve the grading and drainage prior to the issuance of a building permit for Lot 2.

The public hearing was opened.

The applicant, Kyle Hunt, Kyle Hunt & Partners, Inc., was present and stated that he agreed with the staff recommendation.

Susan Kelly, future owner of 3100 Maplewood Road, stated that she and her husband intended to maintain the two properties as if they were one property.

Resident Mark Anderson asked if an accessory structure could be constructed on the peninsula without a main building. Mr. Karpas said that a principal structure must be constructed before any construction on an accessory building could occur.

The public hearing was closed.

Rich moved, seconded by Carlson for **Conditional Approval** of the Lake Marion Woods Preliminary Plat proposed at 3100 Maplewood Road as presented to the Council, waiving the requirement for the submittal of a final plat, based on the findings:

- a) the review by the City Attorney found no conflicts with the Minnesota State Statutes; and
- b) the proposed subdivision will not impact community planning and conforms with the existing and planned streets in the surrounding areas; and
- c) the proposed subdivision will not include immediate developments which would impact grading, run-off or street surfaces; and
- d) the proposed subdivision would have no impact on the use and enjoyment of the surrounding properties or other properties in the community; and
- e) the applicant has adequately addressed all issues related to sanitary sewer.

Subject to the following conditions:

1. Lots 13 and 14 must be combined into Lot 2 as represented on the submitted plat prior to the issuance of a building permit.
2. That no hardwood trees that lie within 50 feet of Maplewood Road may be cut as part of the development the parcels other than to provide reasonable driveway access to the structures.
3. The applicant must provide evidence of compliance with Minnehaha Creek Watershed District rules prior to the issuance of a building permit for Lot 2.

4. The City Engineer must review and approve the grading and drainage prior to the issuance of a building permit for Lot 2.

Motion carried 3-0.

6. NEW BUSINESS

- A. Update from the Minnehaha Creek Watershed District by District Administrator Eric Evenson

Mayor Doak introduced Mr. Evenson to those in attendance. He stated that the City has worked closely with Mr. Evenson on ordinance updates and has appreciated the working relationship between the City and the Watershed District.

Mr. Evenson apologized that the Watershed District staff did not respond appropriately to past questions that were asked regarding the Lake Marion Woods subdivision proposal. He thanked the City for helping the District to realize the changes that need to be made for clarification of the District rules.

Mr. Evenson presented the year-end review that was developed by the Minnehaha Creek Watershed District Board and staff.

Mayor Doak commended the District on the collaboration with residents and the fact that the District has a Citizen Advisory Committee that gives direct access by residents to the District.

Mr. Evenson provided information relating to the District's current projects including the prevention of the spread of aquatic invasive species (AIS), Minnehaha Creek restoration, and the Big Island shoreline restoration. He said that much research has been conducted in the last year especially relating to the AIS.

Mr. Evenson said that the District opened its new offices in June, 2014 to better serve the communities. He said that the District made a variety of technology upgrades to improve efficiencies.

Mr. Evenson explained that the District rules needed to be updated to reflect the State MS4 revisions. He noted that the District would be working on language to add which would specifically deal with single family homes and wetlands buffers/setbacks.

Mr. Evenson said that the District was looking for a new process that will get more people involved in the District activities. He said that new technology can be used to effectively communicate with the public and the District was looking at all options.

Councilor Carlson asked if the Big Island project would be expanded. Mr. Evenson stated that the District worked with the Three Rivers Park District and

the initial project was expanded. However, they are not able to enter onto private property so they were not able to expand the project any farther.

Resident Norm Rickeman thought that the District rules and City ordinances need to be clarified. In response, Mayor Doak explained that the City will be working with the Watershed District to update its ordinances. He said that the City will draw from the Watershed District's expertise as it works on the updates.

Mayor Doak thanked Mr. Evenson for attending the meeting.

B. Items pertaining to the 2013 Audit

- 1) Presentation by representative of Abdo, Eick and Meyers
- 2) 2013 Audit Report – Resolution No. 13-2014 approving the 2013 audit and related reporting and authorizing subsequent submittal to the Office of the State Auditor

Andrew Berg, Abdo, Eick and Meyers, presented an overview of the 2013 audit report.

Rich moved, seconded by Carlson, to adopt Resolution No. 13-2014 approving the 2013 audit and related reporting and authorizing subsequent submittal to the Office of the State Auditor. Motion carried 3-0.

C. Discussion concerning a potential mailbox repair policy

Mayor Doak introduced the item and stated that the draft policy was developed so it would clarify the responsibilities of the residents and the City when it comes to mailbox damage. He noted that the draft policy states that the City will replace damaged mailboxes only if they are actually struck by the plow truck. Mayor Doak said that the City will replace mailboxes with only standard posts and mailboxes.

The Council stated support for the draft policy and asked that it be added to the April agenda for approval.

D. Update on the Scenic Byway Program

Mayor Doak provided a brief overview of the Scenic Byway Program and the proposal that has been discussed by the Lake communities. He noted that a route has not yet been determined.

Mayor Doak recommended that the Council support the on-going discussions on the program. He added that the Council needs to hear more about the program before making a final decision. Mayor Doak explained that the City has no obligation to participate, but the City should participate in the initial discussions in order to obtain more input from other communities so it may make an informed decision.

Mayor Doak said that a resolution supporting on-going discussions will be prepared, and asked the Council if it should be placed on the April agenda for consideration. The Council agreed.

7. OLD BUSINESS

8. MAYOR'S REPORT

Mayor Doak reported on the following:

- The vehicle weight restrictions are now in place. Because of the cold weather, the restrictions were lifted for the first week in March.
- He was invited and will be attending a special mayors' meeting at the Lafayette Club regarding aquatic invasive species.
- He and staff have been working on revisions to the fire call billing ordinance and will be bringing the item to the Council for discussion in April.
- Hennepin County sent the valuation notices to residents and he did not expect too many calls. He said that the valuations in Woodland are relatively stable at this time.
- He received a call from a concerned resident regarding parking on Maple Hill Road where the Parade of Homes house was constructed. He noted that he would be meeting with the Police Chief to discuss how the parking could be handled until the end of the event.

9. COUNCIL REPORTS

A. Newberry – Ordinances, Septic Ordinance, and Inspections

Mayor Doak reported that Councilor Newberry was working on several ordinance amendments that will be forwarded to the Council in the coming months.

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

Councilor Rich reported that he will be working with the City Engineer to inspect the roads to find areas where repairs are needed.

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

Councilor Carlson reported on the following:

- Councilor Carlson said that she received a memorandum regarding e-coli monitoring that would improve notification to residents. She wondered if the beach adjacent to the Groveland area should be inspected and said that she would check on the cost for testing. The Council noted that the Canadian geese were a major source of contamination. Mayor Doak

suggested that the Groveland Homeowners Association work on this project since the test would benefit the Association's beach.

- Stated that there is a study that noted a bacterium was discovered that kills zebra mussels. She noted that the research information was also noted in the MCWD annual report.
- Noted the Metropolitan Council population projection for Woodland in 2040 is 540 resident and 180 households.
- Noted environmental legislation that the League of Minnesota Cities supports regarding wastewater. Mayor Doak explained that the issue addresses straight pipes that are used in out-state Minnesota.

D. Massie – Public Safety and Deer Management – No report.

10. ACCOUNTS PAYABLE

Rich moved, seconded by Carlson to approve the payables as presented.
Motion carried 3-0.

11. TREASURER'S REPORT

Carlson moved, seconded by Rich to approve the treasurer's report as presented.
Motion carried 5-0.

12. ADJOURNMENT

Rich moved, seconded by Carlson to adjourn the meeting. Motion carried by consensus.

The meeting adjourned at 9:20 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor