

WOODLAND
CITY COUNCIL MINUTES
Monday, April 8, 2013

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Doak called the meeting to order at 7:20 P.M.

ROLL CALL

Present: Mayor Jim Doak; Council Members Chris Rich, Tom Newberry and Sliv Carlson

Absent: Council Member John Massie

Staff: Zoning Administrator Gus Karpas, City Attorney Andrea McDowell Poehler and Shelley Souers City Clerk

Guests: Russ Crawford, Brad Hoyt, Greg and Karen Felton, Fred Meyer, Alex Gehrig, and John Benson

CONSENT AGENDA

A. Minutes March 11, 2013; Regular Council Meeting

B. Resolution No. 11-2013; Appointment of Fred Meyer.

Council Member Carlson moved to approve the consent agenda. Council Member Rich seconded the motion. Motion carried 4-0.

PUBLIC COMMENTS

No comments.

PUBLIC HEARINGS

A. Subdivision Request, 2900 and 2925 Gale Road; Brad Hoyt and JMS Custom Homes

Zoning Administrator Karpas presented a summary of the subdivision request from Brad Hoyt and JMS Custom Homes for subdivision of a contiguous small lot and to combine the divided portions with their individual adjoining properties. The proposed division would subdivide PID 18-117-22-22-0007. The subject property contains a private driveway easement in favor of 2940 Gale Road and is also split by Gale Road. The proposal would subdivide the 7,318 square feet located north of Gale Road and attach it to 2900 Gale Road and the remaining portion would be attached to 2925 Gale Road.

Zoning Administrator Karpas stated that, given recent information from the City Attorney, if the parcels forming 2925 Gale Road have been in common ownership prior to 1988, and either being less than one acre of dry land, the parcels would be considered one lot for purposes of zoning. Subdividing the subject lot would require a variance for 2925 Gale Road as it would not meet the current minimum lot size subsequent to the subdivision.

The City will have 120 days to consider this request.

City Attorney Andrea McDowell Poehler recommended that the Council open the hearing and accept public comment and continue the hearing to the May Council meeting.

Mayor Doak opened the public hearing. Mayor Doak stated that, given the opinion from the City Attorney, the Council will not be able to act on the request as submitted and can consider this request pending additional information at the May Council meeting.

Council Member Newberry asked the applicants what the practical purpose of the subdivision proposal was.

Mr. Hoyt, 2900 Gale Road, stated that he wished to acquire additional area for parking and this subdivided area will provide that because it is contiguous to his property.

Mayor Doak noted that staff has also provided a copy of the comments from Jane and Walter Barry, 2960 Gale Road, regarding the use of the private road and historical use of the property.

Mayor Doak continued the hearing to the May 13 Council meeting, with the expectation that the Council will be presented with required additional information to make a decision on the request.

B. Variance request, 2665 Woolsey Lane; Greg and Karen Felton

Mayor Doak stated that he will chair the public hearing. but will refrain from comment on the variance request and abstain from any vote, given his connection with the Felton-Welsh Subdivision.

Zoning Administrator Karpas reported that Greg and Karen Felton are requesting a variance to construct a driveway to access the homesite on the newly subdivided lot, 2665 Woolsey Lane, that will require the alteration of the grade greater than three feet of the elevation as it existed on June 14, 2010. The proposed driveway will decrease the grade by five feet. The proposed driveway location will save significant trees. The lowering of the driveway will also lessen the impact of headlights on adjacent properties along breezy Heights Road.

Zoning Administrator Karpas stated that he had recommend approval of the request and it is consistent with the ordinance and character of the neighborhood.

Mayor Doak opened the public hearing for comments.

Zoning Administrator Karpas stated that he received an email from Fred and Christine Meyer, 2755 Breezy Heights Road, stating they have no objection to the proposal.

Zoning Administrator Karpas noted that the Meyers property would be the most impacted. The proposed tree and landscape plan will screen the Meyers property from headlights.

Mr. Felton noted that a resulting berm and additional trees will screen the adjacent properties. The greatest amount of plantings will be towards the shared driveway. The berm should cause water runoff to go down the hill and into a rain garden.

Mr. Fred Meyer stated that Mr. and Mrs. Felton have done a great deal to ease neighbors concerns with the driveway placement.

Council Member Newberry asked if there is existing riprap along the shoreline.

Mr. Felton stated that there is existing riprap along the shoreline.

There being no further comments, Mayor Doak closed the hearing.

Council Member Rich moved to approve the request for variance as presented, subject to the findings of fact delineated in the staff report. Council Member Carlson seconded the motion. Motion carried 3-1 in favor with Mayor Doak abstaining from the vote.

C. Ordinance No. 09-23; Amending Section 900 of the City Code

Mayor Doak deferred discussion on item C to accommodate the guest speakers, currently in attendance.

NEW BUSINESS

A. Freshwater Discussion; Alex Gehrig

Alex Gehrig, a community organizer with the Freshwater Society, presented an overview of the Society's purpose, noting that the Freshwater Society promotes the conservation, protection, and restoration of all freshwater resources. Mr. Gehrig stated that he works directly with the MCWD to help facilitate watershed initiatives and serves as an advocate, partnering the Freshwater Society and citizens on water resource issues.

Mr. Gehrig reported that he is currently working with the Shavers Lake Association on issues with lake sediment and cattails. Mr. Gehrig also stated that he is following the planned improvements for County Road 101 and their impact on water runoff to Shavers Lake.

Council thanked Mr. Gehrig for his time and information.

B. Representative John Benson, District 44B

Mayor Doak introduced Representative John Benson.

Representative Benson thanked the Council for the invitation and stated that with the 2012 redistricting the entire City of Woodland became part of District 44B. Representative Benson stated that he has resided in Minnetonka since 1970 and previously taught at Edina High School. Representative Benson stated that he is in his fourth term in the Minnesota House and he currently serves on the rules committee, tax committee, education policy committee, healthcare committee, and the natural resource and agricultural committee.

Representative Benson summarized some recent Bills and legislative changes and noted that he recently authored the Bill to allow mechanical control of hybrid and narrow-leaved cattail without an aquatic plant management permit. This Bill, if it passes, will aid in the effort to improve water quality and the features of Shavers Lake. The challenge has been to get the Bill moving and there is some concern, that if it passes, the DNR will increase permit fee significantly for removal of cattails.

Representative Benson reported that water resources and aquifers are diminishing and water supplies in parts of Minnesota are being drawn down at an unsustainable rate.

Representative Benson also acknowledged the issues of expense control and taxation, noting that legislative choices would have a significant impact on Minnesota's economic growth and the decision of upper income individuals to reside in the State.

Council thanked Representative Benson for his time and information.

PUBLIC HEARING

C. Ordinance No. 09-23; Amending Section 900 of the City Code

Council reviewed Ordinance No. 09-23; amending 900 of the zoning code redefining the purpose, scope and interpretation of the zoning code, removing the phrase special use permit and replacing it with conditional use, clarifying the required findings for variances and defining a process for monitoring road conditions during construction projects.

Mayor Doak recommended removing the language in Section 6 addressing the road damage escrow and to consider the ordinance amendments without the road damage escrow language at this time.

Council Member Newberry moved to remove the language amending 900.24 (section 6) of Ordinance No. 09-23, from consideration at this time. Mayor Doak seconded the motion. Motion carried 4-0.

Mayor Doak opened the hearing on Ordinance No. 09-23, as amended. Mayor Doak stated that the changes in the zoning language make it consistent with the Comprehensive Plan and new State Law language, referencing conditional use permits as opposed to special use permits.

There being no comments, Mayor Doak closed the hearing.

Council Member Rich moved to approve the Ordinance No. 09-23; as amended. Council Member Newberry seconded the motion. Motion carried 4-0.

Council Member Newberry moved to waive the second reading of Ordinance No. 09-23. Council Member Rich seconded the motion. Motion carried 4-0.

Road Damage Escrow

The City Council briefly discussed the process for monitoring the condition of roads at construction sites. City Attorney McDowell Poehler suggested that the escrow fee, specified in the draft language, be removed from section 900.24 and reference be made to the fee section of the City Code. This would facilitate routine adjustment of the fee schedule to reflect current costs of road repair. McDowell Poehler also suggested that the City should make certain that private contractors working in the city right-of-way are properly insured.

Mayor Doak stated that the City will have a formal inspection process to address any damage at a construction site.

City Attorney McDowell Poehler stated that any road repairs be to the standard and condition that existed prior to any noted damage.

Council will continue discussion relating to the road damage escrow at the May Council meeting.

NEW BUSINESS - CONTINUED

C. Ordinance No. 03-19; An Ordinance Amending Section 305 of the Fee Schedule and Establishing Certain Fees (first reading)

Council tabled item C to the May Council Meeting.

D. Drainage Culvert Under Maplewood Circle East

Council Member Rich reported that Schneider Excavating provided a quote to replace the culvert under Maplewood Circle East for \$13,561. Council Member Rich stated that he spoke with Tim Lovett at Cornerstone and has requested that Cornerstone also provide a written quote for replacement. The quotes will be considered at the May Council meeting.

E. Lake Minnetonka Conservation Commission (LMCC) – Joint Power Agreement Committee (JPA) Representative

Mike Jilek will serve as Woodland's representative at the JPA Committee meetings at the LMCC.

OLD BUSINESS

A. Review of Planned Zoning Ordinances

Council Member Newberry reported that in the coming months the Council will review Woodland's ordinances regarding Public Health, Safety and Nuisances.

MAYORS REPORT

Mayor Doak reported that the LMCD is drafting a lake wide ordinance regarding bow-fishing.

County Engineers are considering some water control aspects for the County Road 101 improvements. The City Engineer is following the County's plans and will keep the City informed.

COUNCIL REPORTS

A. Ordinances, Septic Ordinance & Inspections

No report.

B. Roads, Signs, Trees, & Website

Council Member Rich reported that he has reviewed the web host GovOffice and believes its proposed charges are reasonable for hosting and data transfer. Council Member Rich stated that he is working on a flow chart for the home page and functionality for the site.

Council Member Rich suggested the Council consider the concept of a "general store" on the website to sell Woodland related items. Council Member Rich has been in contact with a professional photographer that can provide pictures for the web site. Woodland would have an unlimited right to use these photographs for City purposes.

Council Member Rich moved to approve GovOffice as Woodland's website provider. Council Member Carlson seconded the motion. Motion carried 3-0-1. Council Member Newberry abstained from vote for the reason that his employer is associated with GovOffice.

Council Member Newberry moved to approve that the City hire Mike Lentz for photography services to provide pictures for the website for \$200. Council Member Carlson seconded motion. Motion carried 4-0.

Council Member Rich reported that he is working with Randy at Shorewood Tree Service on a plan for city-wide tree and brush cleanup and will also be working with the City Engineer on a street improvement plan. He will have an update at the May Council meeting.

C. Finance, Enterprise Funds, Intgov. Relations & MCWD

Council Member Carlson reported on recent Bill to repeal the required property tax notice for cities with a population greater than 2,500.

Council agreed that the tax notice serve a useful public purpose and does not support eliminating the annual notice.

Council Member Carlson stated that she will send an email to the League of Minnesota Cities expressing the Council's support of the usefulness of the property tax notice.

Council Member Carlson reported the League of Minnesota Cities is looking to develop a study committee to put together language for organized (city-wide) solid waste collection for metro cities. She will continue to follow this issue.

D. Public Safety & Deer Management

No report.

ACCOUNTS PAYABLE

Council Member Rich moved to approve the accounts payable as presented. Council Member Newberry seconded the motion. Motion carried 4-0.

TREASURER'S REPORT

Council Member Rich moved to approve the Treasurer's Report as presented. Council Member Newberry seconded the motion. Motion carried 4-0.

ADJOURNMENT

Council adjourned by consent 9:50 P.M.

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor