

**CITY OF WOODLAND  
COUNCIL MEETING  
MAY 13, 2013**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor Doak called the meeting to order at 7:00 P.M.

**ROLL CALL**

Present: Mayor James Doak; Council Members, Sliv Carlson, Chris Rich, Tom Newberry and John Massie

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

Guests: Angus and Margaret Wurtele, Traci Tomas, Jeff Schoenwetter, Russ Swanson, Jack Pagel, Doug Gustner, Kathy Dittmer and Madeline Gustner, Kris Seehof, Dean Breitbach

**CONSENT AGENDA**

**A. Minutes, April 8, 2013; Board of Appeals Meeting**

**B. Minutes, April 8, 2013; Regular Council Meeting**

**C. Resolution No. 13-2013; Extension of the Special Use Permit for 2750 Gale Road**

Council Member Carlson moved to approve the consent agenda. Council Member Rich seconded the motion. Motion carried 5-0.

**PUBLIC COMMENTS**

None.

**PUBLIC HEARING**

**A. Variance; 2925 Gale Road, JMS Custom Homes, LLC request variances of the minimum lot area, impervious cover and structure coverage, in conjunction with a subdivision of a section of 2925 Gale Road**

**B. Subdivision by waiving platting; 2900 Gale Road and 2925 Gale Road; Brad Hoyt and JMS Custom Homes, LLC**

Zoning Administrator Karpas stated that JMS Custom Homes, LLC and Angus and Margaret Wurtele are requesting variances for the property located at 2925 Gale Road in conjunction with a subdivision/combination by waiving platting requirements. The subdivision/combination request is filed jointly with 2900 Gale Road, owned by Brad Hoyt. Karpas stated that the application on file for variance must also be signed by Mr. and Mrs. Wurtele whom have a purchase agreement for the property at 2925 Gale Road.

Mr. Jeff Schoenwetter owner of JMS Custom Homes, LLC stated that Mr. and Mrs. Wurtele currently have purchase agreement for 2925 Gale Road. The Wurteles did not have an agreement at the time the variance was applied for. Mr. Schoenwetter distributed a packet of materials to Council and staff, noting that they have adjusted the amount of property being divided and combined to 2900 Gale Road. The area to be divided and conveyed to 2900 Gale Road will be exactly 2,500 square feet. The balance of the lot would be combined with 2925 Gale Road. Mr. Schoenwetter stated that the title work regarding the easements can be straightened out with the conveyance of the parcel and filing with the County.

Mayor Doak opened the hearing and stated that the materials presented to Council by Mr. Schoenwetter were not the same as the materials submitted with the application and that staff had reviewed for the hearing. The staff report was prepared based on the documents and survey submitted by the applicants. Mayor Doak stated that asking Council to approve changes to documents at a hearing without advanced review was difficult and contradicted the City's well established procedure.

Mr. Schoenwetter stated that the public record of his property was muddled and the original documents were unclear. He wished to move the application forward and requested a revision in the application at the hearing.

Zoning Administrator Karpas expressed concern with approving a modified request without time to complete a review of the new data.

Mrs. Wurtele stated that she has an agreement to purchase the property with the division of 2,500 square feet to be removed.

Zoning Administrator Karpas stated that the applicants must present a new survey and legal description to reflect changes, along with a revised variance application that includes the Wurtele's signatures.

Mayor Doak suggested that instead of waiting for the next monthly meeting of the Council, a Special Meeting of the Council be called to review the revised application and expedite the processing of the variance and the associated subdivision.

City Attorney Andrea McDowell Poehler affirmed that the Council can meet in three days to continue the public hearing on the request for variances and subdivision.

Mr. Jack Pagel, 2940 Gale Road, stated that the driveway easement to access his property is in perpetuity.

Mayor Doak noted that a suggested condition contained in the staff report on the subdivision requires that the existing easements be unobstructed.

Council Member Rich stated that parcels do not need to be reconstructed to resolve private easement matters.

Mr. Schoenwetter stated that a private road easement still exists and the benefitted party is the City. The City needs to give the owners a quick claim deed for the easement.

City Attorney Poehler noted that if the City acquired the road area by prescriptive easement the only way to move ahead is to vacate the easement through the City.

Council Member Newberry moved to continue the public hearing and call for a Special Council Meeting to continue discussion on the variance to Monday, May 20, 2013 at 6:00PM. Council Member Massie seconded the motion. Motion carried 5-0.

Council Member Newberry moved to continue the public hearing for the subdivision/combination request to Monday, May 20, 2013. Council Member Rich seconded the motion. Motion carried 5-0.

City Attorney Poehler stated that Mr. and Mrs. Wurtele will need to sign the amended application prior to the continued hearing.

**C. Ordinance No. 09-24; amending section 900 of the City Code defining a process for monitoring road conditions during construction projects and creating a road damage escrow. *First reading***

Mayor Doak noted that the City has considered a road damage escrow. The escrow charge would apply to building permits pulled for the physical alteration and repair of the structure envelope. Landscaping does not require permits and road damage escrow would not apply to landscaping at this time.

Mayor Doak opened the public hearing to consider the road damage escrow fee.

Mayor Doak stated that if road damage occurs due to a construction project, a homeowner will be allowed to make repairs to the road with an approved, licensed, and insured contractor.

Council Member Rich asked if the escrow fee could be based on the truck tonnage.

Zoning Administrator Karpas stated that road restrictions are in place and the police monitor truck weights.

Council Member Newberry noted a correction in the ordinance text, changing the word “dually” to duly.

There were no comments from the public

Mayor Doak closed the public hearing.

Council Member Newberry moved approval of Ordinance No. 09-24 and waived the second reading. Council Member Rich seconded the motion. Motion carried 5-0.

## **NEW BUSINESS**

### **A. Request to consider chickens in the City, Doug Gustner & Kathy Dittmer, 2845 Stone Arch Road**

Mr. Gustner and Ms. Dittmer, 2845 Stone Arch Road, provided Council Members with information and sample ordinances relating to chickens in urban communities. Mr. Gustner stated that he has lived in Woodland for 19 years. Their property consists of two acres. Mr. Gustner highlighted several of the benefits to raising chickens, one of which was that chickens make great pets.

In answer to Mayor Doak questions regarding the framework of an ordinance, Mr. Gustner agreed that guidelines should include a description of the coop and the run. The number of chickens should be limited and roosters prohibited. The coop should have reasonable setbacks from property lines and the principal structure. Mr. Gustner stated that the Council may want to consider requiring permission of neighbors and possible penalties for noncompliance of the permit guidelines.

Mayor Doak agreed that a permit process allows the City to monitor the location and conditions of the coop and the chickens. Consent from abutting neighbors may be a good idea. Mayor Doak noted that a chicken coop might be considered an accessory structure. The permit may be conditioned on maintaining sanitary conditions. If complaints are received and verified, the permit may be subject to revocation.

Council Member Rich stated that if the guidelines and setback parameter dictate the coop location and number of chickens and if all restrictions are adhered to, requiring consent from neighbors seems unnecessary.

City Attorney Poehler stated that it may not be legally binding to require the approval from neighbors.

Council Member Massie stated that he recently attended a local municipal meeting in which chickens were discussed and the matter was voted down. Massie stated that he like to read the minutes of that meeting to learn why chickens were prohibited.

Council Member Newberry suggested that the neighbor's role be similar to requests for permits issued for multiple dogs.

Mayor Doak, Council Member Newberry and Mr. Gustner agreed to draft an ordinance for review at future Council meetings.

### **B. County Road 101 sidewalk discussion**

Mayor Doak noted that some time ago Woodland was presented with an initial plan from Hennepin County regarding the improvements along County Road 101 that included a multi-use path along the east side and a sidewalk along the west side.

The Council discussed the matter at previous Council Meetings. Council was not supportive of the proposed sidewalk for numerous reasons, some of which included the cost to the City and redundancy, given the multi use path on the east side. Several Woodland residents abutting County Road 101 were also not in support of the sidewalk.

Kris Seehof, 3018 County Road 101, stated that she lives along County Road 101 and is not in favor of a sidewalk.

Dean Breitbach, 3030 County Road 101, stated that he was not in favor of the sidewalk.

Mayor Doak stated that Hennepin County has asked Woodland to reconsider its decision on the sidewalk. It will provide a revised cost estimate to the City to be considered at the June meeting.

Mr. Breitbach expressed concern with his property becoming nonconforming, if the County acquires a portion of his property for the sidewalk.

**C. Ordinance No. 03-19; amending section 305 fee schedule to establish fees. *First reading***  
Council reviewed Ordinance No. 03-19; amending the fee section to add a road escrow fee. The escrow fee is tiered and based on the value of the construction project. The fee will be collected in conjunction with all building permits for construction activity that includes the physical alteration or repair of the structure envelope. Any balance of the road damage escrow will be returned with no accrued interest.

Council Member Carlson moved to approve the ordinance, as amended (setting the escrow fees at \$2,500, \$3,500 and \$4,500 relative to the job value as outlined in Ordinance 03-19). Council Member Massie seconded the motion. Motion carried 5-0.

#### **D. Road conditions and summer repairs**

Council Member Rich stated that Breezy Point Road and Maplewood Road have a number of large potholes. The engineer has identified several areas where the pavement should be cut-out and the area resurfaced. This large scale patching would provide the base for a future overlay or chip seal project. The City is seeking quotes on the repair work. In the interim, Cornerstone will place asphalt in the deep potholes.

#### **Culvert repair and replacement**

Council reviewed quotes for the repair of the culvert under Blaine Avenue and the culvert under Maplewood Circle East. The City will consider the options and the costs associated with repairs.

#### **E. Tree Removal Policy**

Council reviewed a policy dictating routine and emergency tree removal procedures.

Council Member Rich moved to approve the Policy for Roadside Mowing, Routine and Emergency Tree and Brush Removal. Council Member Carlson seconded the motion. Motion carried 5-0.

## **F. LMCD 2014 Budget – Review of Options 1 & 2**

Council reviewed the 2014 budget scenarios from the LMCD. It was noted that budget option 2 would increase the levy by 17% with \$1,109 in additional annual dues.

Council Member Newberry stated that residents would most likely support a levy increase for AIS control to a certain point. However, if budget option 2 is a precursor to an annually increasing levy for AIS control, there may be less interest.

Council Member Rich expressed concern with the long term affect of chemicals in the lake.

Mayor Doak will send comments to the LMCD regarding the budget concerns expressed by Council and the concern with long term use of chemicals.

## **MAYORS REPORT**

### **LMCD Bow-Fishing**

Mayor Doak reported that the LMCD has passed a lake wide bow-fishing ordinance. Some aspects of the ordinance include:

1. Conducted in compliance with all state law, rules, regulations, and local ordinances including, but not limited to, MN Statutes, Sec. 97C.376 and MN rules, Part 6262.0600.
2. Activity is prohibited from one-half hour after sunset to sunrise;
3. From November 15<sup>th</sup> to May 1<sup>st</sup>; and
4. Law enforcement officers are authorized to cease bow-fishing on the Lake when considered in the interest of the public peace and safety to do so.

The process provides more defined enforcement of the LMCD's rules and regulations pertaining to bow fishing. The ordinance does not offer the enforcement of additional member city ordinances that may be more restrictive than either state law or the LMCD ordinance.

### **Shared Driveway**

Mayor Doak reported that he spoke with a resident who is seeking to create shared driveway that would cross a designated fire alley. Persons have the right to cross over a fire alley, but cannot impede or block a fire alley in any manner. There is no parking in the fire lanes. No storage of boats or vehicles and no picnicking. The fire alleys are not an access for non lakeshore owners to get to the lake. An easement is not necessary to cross a fire alley.

Council Member Newberry noted that City Ordinance dictates a five foot setback from the side yard for driveways that may result in the need for a variance to extend a driveway across a fire lane, separating two properties in common ownership.

Mayor Doak agreed that a variance may be necessary for the driveway to address the setback requirement.

## **COUNCIL REPORTS**

### **A. Ordinances & Septic Ordinance & Inspections**

Council Member Newberry reported that he had reviewed the ordinance language in Chapter 4 and recommends several updates to reflect the current state of the City. Staff will work with Council Member Newberry to prepare the ordinance changes for Council review.

### **B. Roads, Signs, Trees, & Website**

Council Member Rich reported that Shorewood Tree Service will be removing a dead tree along Woolsey Lane before it becomes a problem.

Mike Lentz has taken photos for use on the new website and will provide the City with an invoice.

Council Member Rich reported that he is working with GovOffice to select a design format and mapping for the website. GovOffice and DreamHost, the City's current site, will run simultaneous for a short period of time to make certain that everything is running smoothly.

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

Council Member Carlson provided a summary of legislative discussion and actions and the redistricting plan for the Met Council.

### **D. Public Safety & Deer Management**

Council Member Massie reported that the police department has seen an increase in thefts from automobiles.

## **ACCOUNTS PAYABLE**

Mayor Doak moved to approve the accounts payable as presented. Council Member Rich seconded the motion. Motion carried 5-0.

## **TREASURER'S REPORT**

Council Member Carlson moved to approve the accounts payable as presented. Council Member Newberry seconded the motion. Motion carried 5-0.

## **ADJOURNMENT**

Council adjourned by consent at 9:30 P.M.

## **ATTEST:**

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Shelley J. Souers, City Clerk

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James S. Doak, Mayor