

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, AUGUST 11, 2016

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Doak called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Mayor Doak, Council Members Carlson, Massie, Newberry, and Weiner

Staff Present: Dale Cooney, Zoning Administrator and Kathy McCullum, City Clerk

3. CONSENT AGENDA

A. Approval of the July 11, 2016 Minutes

Massie moved, seconded by Carlson to approve the Consent Agenda as presented. Motion carried 5-0.

4. PUBLIC COMMENT - NONE

5. PUBLIC HEARINGS

- A. Public Hearing to consider the variance requests of David Jagodzinske, property owner at 18275 Breezy Point Road, in order to build a pool that would exceed the maximum permitted accessory structure gross floor area, would exceed the maximum permitted grade alteration, and encroach into the required accessory structure setback from the main building.

Zoning Coordinator Cooney presented the staff report and stated that staff recommended approval based on the findings and one condition as stated below:

Findings:

a. The variance will be in harmony and keeping with the spirit and intent of the zoning ordinance:

The intent of the ordinance is to limit the amount of accessory structures on a property and to provide ample distance and screening from neighboring properties in order to minimize the noise and visual impacts of the pool complex. As proposed, the required screening and separation provide adequate means to accomplish this intent.

- b. The variance request is consistent with the comprehensive plan:**
The request is consistent with the Comprehensive Plan in that it maintains the single family nature of the neighborhood.
- c. The proposal puts the property to use in a reasonable manner:**
The proposal puts the property to a reasonable use. A pool is a reasonable amenity, and the size, location, and screening of the pool are within reasonable parameters.
- d. There are circumstances unique to the property not created by the landowner:**
The lot's 1000 square foot accessory structure limit creates a practical difficulty when accommodating a pool. Without a variance, the pool and surrounding decking would otherwise be smaller than typical for the community. The existing topography creates challenges in the location and grading for the pool.
- e. The variance(s) will not alter the essential character of the locality:**
The essential character of the neighborhood would not be impacted by the proposal since the proposal is of a size and scale that is comparable with similar swimming pools in the community. The pool will be screened from the neighbors and be a significant distance away from the principal structures on the adjoining properties.

Condition:

Screening, in the form of a vegetative screen or privacy fence, is required to screen the property from the accessory structure to the southeast, and from the neighbors to the west.

Mayor Doak opened the public hearing.

As no one was in attendance or wished to speak, the public hearing was closed.

Mayor Doak stated that his principal concern was noise and the new pool needs to be properly screened.

Council Member Massie also stated concern regarding noise and screening of the pool, especially on the western portion of the property.

Zoning Coordinator Cooney explained that the condition of approval for requiring placement of vegetative screening or privacy fence should alleviate concerns.

Newberry moved, seconded by Massie to approve variance requests for David Jagodzinske, property owner 18275 Breezy Point Road in order to build a pool that would exceed the maximum permitted accessory structure gross floor area, would exceed the maximum permitted grade alteration, and encroach into the required accessory structure setback from the main building based on the following findings and one condition:

Findings:

- a. **The variance will be in harmony and keeping with the spirit and intent of the zoning ordinance:**
The intent of the ordinance is to limit the amount of accessory structures on a property and to provide ample distance and screening from neighboring properties in order to minimize the noise and visual impacts of the pool complex. As proposed, the required screening and separation provide adequate means to accomplish this intent.
- b. **The variance request is consistent with the comprehensive plan:**
The request is consistent with the Comprehensive Plan in that it maintains the single family nature of the neighborhood.
- c. **The proposal puts the property to use in a reasonable manner:**
The proposal puts the property to a reasonable use. A pool is a reasonable amenity, and the size, location, and screening of the pool are within reasonable parameters.
- d. **There are circumstances unique to the property not created by the landowner:**
The lot's 1000 square foot accessory structure limit creates a practical difficulty when accommodating a pool. Without a variance, the pool and surrounding decking would otherwise be smaller than typical for the community. The existing topography creates challenges in the location and grading for the pool.
- e. **The variance(s) will not alter the essential character of the locality:**
The essential character of the neighborhood would not be impacted by the proposal since the proposal is of a size and scale that is comparable with similar swimming pools in the community. The pool will be screened from the neighbors and be a significant distance away from the principal structures on the adjoining properties.

Condition:

Screening, in the form of a vegetative screen or privacy fence, is required to screen the property from the accessory structure to the southeast, and from the neighbors to the west.

Motion carried 5-0.

6. NEW BUSINESS

- A. Discussion relating to fire call fees

Council Member Weiner explained that the number of repeat fire call false alarms has increased in the past year and this is affecting the City's fire service cost.

Mayor Doak said that he was not concerned by legitimate emergency and fire calls, but the significant increase in the number of repeat alarms from construction contractor carelessness and defective alarm systems was troubling. He noted that some of the properties had up to three fire calls of this nature in one year and this increases costs for the City. Fire coverage costs are related to Woodland's portion of total fire calls by the Wayzata Fire Department.

The Council discussed developing a publicity campaign to educate the residents to the need to maintain their alarm systems and keep tabs on contractors that seem insensitive to the status of alarm systems on construction sites. The Council also sought to correct the general misunderstanding that a fire call, once initiated, could be cancelled without financial impact to the City or resident.

The Council agreed that the next newsletter should include an article regarding fire calls. The article should include information relating to the recent increase in calls and the additional cost to the City.

B. Discussion relating to the 2017 General Fund Budget

Mayor Doak presented information regarding the projected expenses for 2017. He noted increases for fire service, Zoning Coordinator, and snow plowing were offset by the absence of election expenses and a reduced contribution to the street maintenance reserve. As a result, the levy for 2017 should be virtually unchanged. Mayor Doak stated that the City may need to use street improvement reserve funds for items related to the County Road 101 reconstruction project, but that the reserve had a healthy balance. He said that the City may need to provide a street light at Maple Hill Road and County Road 101 as well as other repairs to the areas that were disturbed by the County Road 101 project.

7. OLD BUSINESS

A. Items pertaining to 2800 Woolsey Lane for Robert and Deborah Johnson:

1. Resolution 18-2016 for denial of variances.
2. Resolution 19-2016 for denial of a Preliminary Plat "Johnson Addition"

This item was discussed at length at the July 11, 2016 City Council meeting and the Council agreed that there was no further discussion needed at this time.

Carlson moved, seconded by Newberry to adopt Resolution No. 18-2016 Motion carried 4-0-1 (Mayor Doak abstained).

Newberry moved, seconded by Weiner to adopt Resolution No. 19-2016 Motion carried 4-0-1 (Mayor Doak abstained).

8. MAYOR'S REPORT

- Mayor Doak hosted a tour of the City of Woodland by representatives of the Metropolitan Council. He said that the tour was a good opportunity to show the ecological assets of the City and highlight the City's diverse housing stock. He emphasized the Council and residents' commitment to preservation of open space and protection of the environment. Mayor Doak said that the representatives stated that the Metropolitan Council staff is available to assist with the Comprehensive Plan update.
- Resident Peter Davis has requested help from the City to place landscaping around the electrical junction boxes and place a street light on the corner of Maple Hill Road and County Road 101.
- Mayor Doak thanked Council Member Newberry for cleaning up the garden that is located under the Stone Arch.
- There has been a lot of storm damage and the City's tree service has been busy cleaning up the roads and right of way. A large elm tree located in the City right of way on the corner of Breezy Point Road and Maplewood Road is dying and needs to be removed.
- The property owners at 2730 Woosley Lane have notified surrounding property owners that they are seeking a judicial clarification of their property boundaries and the elimination of an old, unused easement on their property. The easement was intended to be used by Woolsey Pond shoreline owners for access to Lake Minnetonka, if water levels became extremely low. The City was also served the documents because it owns a portion of Woolsey Channel. The City Attorney has suggested that the City does not have to take action on the item.

9. COUNCIL REPORTS

A. Carlson –Enterprise Finance and Operations, Intergovernmental Relations, and MCWD

- The Enterprise Funds continue to be in strong positions.
- The State legislature made a change to allow cities to enact emergency water surface rules for up to 30 days without the approval of the commissioner of Natural Resources.
- She will continue to research cities that allow pervious surfaces as substitutes for uncovered soil or vegetation. Minnetonka Beach has a generous policy with what they allow, but there is no stated method of inspection to be sure the pervious material continues to work as it ages. She will continue to research to find how the process is done in Minnetonka Beach.

- B. Massie – Road right-of-way maintenance, Trees, Deer Management
- Council Member Massie and Mayor Doak will tour the City to look for weak or hazardous trees in the right of way that need to be removed or purned.
 - The Deer Management program will resume in early November. The USDA has indicated that they will work with the City to start the permit process in September.

C. Newberry – Ordinances, Septic Ordinance, and Inspections

Council Member Newberry recommended that an on-site sewage treatment system not be considered an accessory structure and its setback from property boundaries be governed by State regulations. He is continuing to develop recommendations for placement and screening of the above-ground equipment associated with on-site sewage treatment systems. Additional discussion related to the City's absolute ban on the possession and use of fireworks in the face of moderate liberalization of policies regarding their use by the State.

D. Weiner – Public Safety, Police and Fire, General Finance

Council Member Weiner thought that the pedestrian warning signs that were placed on Maplewood Road were too small. The Council agreed and requested that staff purchase larger signs. The small signs may be appropriate for use in a different area of the City.

10. ACCOUNTS PAYABLE

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

11. TREASURER'S REPORT

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

12. ADJOURNMENT

The meeting adjourned by consensus at 8:55 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor