

**CITY OF WOODLAND
COUNCIL MEETING
October 14, 2013**

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Rich called the meeting to order at 7:00 P.M.

ROLL CALL

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

Absent: Mayor James Doak

Staff: Zoning Administrator Gus Karpas, City Clerk Shelley Souers

Guests: Mark & Shannon Evenstad and Ryan Bicek

CONSENT AGENDA

- A. Minutes, September 9, 2013; Regular Council Meeting**
- B. Resolution No. 27-2013; 17737 Maple Hill Road, Chris & Mindy Keenan (Septic Variance)**
- C. Resolution No. 28-2013; 2650 Maplewood Circle West, John & Lynn O'Neil (Alternation of Nonconforming Permit)**
- D. 2013-2014 Deer Management Permit**
- E. Resolution No. 30-2013; 2013/2014 (November–April) Snow Plow Agreement**

Council Member Newberry moved to approve the Consent Agenda as submitted. Council Member Carlson seconded the motion. Motion carried 3-0.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

A: Continued Hearing, John & Lynn O'Neil, 2560 Maplewood Circle West

Mayor Pro Tem Rich opened the public hearing at 7:02 P.M. Rich reported that a letter to withdraw the request for a variance to alter the grade had been submitted to the City. There being no discussion, Mayor Pro Tem Rich closed the public hearing at 7:03P.M.

Council Member Carlson moved to accept the letter from John and Lynn O'Neil withdrawing the request for variance. Council Member Newberry seconded the motion. Motion carried 3-0.

B. Mark and Shannon Evenstad, 2520 Cedar Ridge Road, request a variance of the side yard setback and a variance to exceed the maximum permitted grade alteration to construct a driveway between the adjacent properties.

Mayor Pro Tem Rich opened the public hearing at 7:03P.M.

Zoning Administrator Karpas presented that request for variances noting that the real properties located at 2540 Cedar Point Drive and 2520 Cedar Ridge Road are single lots of record located within the R-1 Single Family District. The properties are used for single family residential purposes. The applicants have submitted an application for variances to encroach into the required side yard setbacks for the construction of a driveway between their commonly owned properties. The proposed driveway would run east to west between the properties, into the required side yard setback for driveway and across a platted city right of way. Ordinance Section 900.12(1)(e) requires a minimum side yard setback for driveways of five feet from the delineated side property line. The applicants are requesting a variance to encroach five feet into the required five foot side yard setback for driveways on both properties. The impacted side yards are the east side yard on 2540 Cedar Point Road and the west side yard on 2520 Cedar Ridge Road.

The applicants have also submitted an application for a variance to exceed the maximum permitted grade alteration by reconfiguring the existing contours on the west side of 2540 Cedar Point Drive by five feet to create a tuck under garage. Ordinance Section 900.17(4)(a) permits a maximum grade alteration of three feet. The applicants are seeking to alter the grade a maximum of five feet for the construction of the proposed driveway to access a tuck under garage on 2540 Cedar Point Road and are seeking a variance to alter the grade two feet below the maximum permitted alteration.

1. The proposed alterations comply with the remaining setback requirements outlined in Section 900.09(4).
2. Ordinance Section 900.13(1) permits a maximum structure height of thirty-five feet as measure by Ordinance Section 900.02(19), which requires the measurement be based on the grade of the lot on June 14, 2010. The single family home at 2540 Cedar Point Drive complies with the ordinance requirements.
3. Section 900.10 of the ordinance permits maximum structure coverage of 10% of the lot area and 25% total impervious surface area. The proposal complies with the ordinance requirements.

Zoning Administrator Karpas summarized the findings based on the review and approval process in section 900.14 of the ordinance and recommended that the Council accept the recommendation of staff and approve the application of Mark and Shannon Evenstad for variances of Woodland Ordinance Code section 900.09(4)(d)(a); to encroach five feet into the required five side yard setback for driveways on 2540 Cedar Point Road and 2520 Cedar Ridge Road and of Woodland Ordinance Code section 900.17(4)(a); to exceed the maximum permitted grade alteration by two (2) feet as presented for 2540 Cedar Point Road for the construction of a driveway between the properties as presented. The approval is conditioned that the driveway between the properties be removed in the event either property is conveyed separately and that the City fire lane, between the properties, remain fully accessible. The motion is based on the following findings:

- (a) The proposed driveway and minor alteration in grade at the rear of the new home would

not have a negative impact on any of the goals and standards outlined in the Comprehensive Plan; (b) The request is consistent with the Comprehensive Plan in that it maintains the single family residential nature of the neighborhood. The City fire lane remains intact and unimpeded. The grade alteration is minimal in size and visibility. The grade alteration will not alter the general contour of the land in an ecologically or aesthetically adverse manner; (c) The proposal puts both properties to a reasonable use since it permits access between commonly owned properties without the use of a travelled city right of way and does not impede access to the fire lane. The driveway variance would permit the use and enjoyment of commonly owned properties without negative impact to neighboring properties or the ecology of the City; (d) The circumstances are unique in that the properties are in common ownership and the applicant is requesting access between the two without traditional access to city right of way; (e) The essential character of the neighborhood would not be impacted since the placement of the improvements within the required side yard setbacks and the decrease in grade will not impact adjacent properties.

Zoning Administrator Karpas stated that he received a letter from Mr. and Mrs. Baker, 2520 Cedar Point Drive, stating that they have reviewed the plans and have no objection to the variances.

Council Member Massie arrived at the meeting at 7:07 PM

Mrs. Evenstad stated that the properties are contiguous and the driveway would allow them to walk or drive between the homes.

Mr. Evenstad confirmed that they spoke with the adjacent neighbors and noted that the City had received a letter from Mr. and Mrs. Baker in support of the request for variances.

In response to Council Member Carlson's question regarding future access to the lower garage if the shared driveway is vacated, Zoning Administrator Karpas stated that in the event 2540 Cedar Point Drive is conveyed to a new owner, the driveway access off of Cedar Point Drive would be extended to the rear of the property to access the lower garage.

Mayor Pro Tem closed the public hearing.

Council Member Newberry moved to adopt the findings of staff and to approve the dual variances as requested. Council Member Massie seconded the motion. Motion carried 4-0.

C. Resolution No. 29-2013; approving certification of Delinquent Water and sewer Charges to the 2014 Property Tax Rolls

Mayor Pro Tem Rich opened the public hearing to consider Resolution No. 29-2013; approving certification of all delinquent utility charges to the 2014 tax rolls.

There being no public comments, Mayor Pro Tem Rich closed the hearing.

Council Member Newberry moved to adopt Resolution No. 29-2013; adding penalties, according to the ordinances, to delinquent water and sewer charges and certifying all unpaid water and sewer charges to the 2014 tax rolls. Council Member Carlson seconded the motion. Motion carried 4-0.

NEW BUSINESS

A. Review of Chapter 4 – Public Health & Safety Amendments

- 1) Ordinance No. 04-15; Amending Section 405 of the City Code, Regarding Animal Control
- 2) Ordinance No. 04-16; Amending Chapter 4 of the City Code Adding a New Section 407, Backyard Chickens
- 3) Ordinance No. 04-17; Amending Section 425 of the City Code, Regarding Weapons
- 4) Ordinance No. 04-18; Amending Section 455 of the City Code, Regarding Noise Control

Council Member Newberry summarized the amendments to Chapter 4 regarding new definitions and language to clarify the use of weapons for deer management purposes, additional language regarding noise control, making it more explicit as it relates to generators. Council Member Newberry stated that a new Section 407 would permit backyard chickens under certain parameters and subject to an annual permit. Council Member Newberry stated that staff researched other municipal ordinances and standards regarding the keeping of chickens. The ordinance language will include the guiding principles outlined in the 2010 United Egg Producers Animal Husbandry Guidelines.

Council Member Newberry moved to approve that Chapter 4 Ordinance, No. 04-15; Amending Section 405, Regarding Animal Control, and Ordinance No. 04-17; Amending Section 425 Regarding Weapons and Ordinance No. 04-18; Amending Section 455, Regarding Noise Control be approved as drafted and to waive the second reading of these three Ordinances. Council Member Newberry recommended to continue the review and discussion of Ordinance No. 04-16; Amending Chapter 4 of the City Code Adding a New Section 407; Backyard Chickens, to the November 12 Council Meeting.

Council Member Massie expressed concern that allowing chickens in the City may encourage and support the coyote population.

Council Member Newberry noted that the mandatory annual permit approval will allow Council an opportunity to review any impact to neighbors and the local environment prior to renewing a permit to keep chickens.

Council Member Carlson seconded the motion. Motion carried 4-0.

B. Review of Chapter 3 – Licensing, Permits & Fees

- 1) Ordinance No. 03-20; Amending Section 305 of the City Code, Establishing a Permit Fee for Chickens

Council Member Newberry reported that Ordinance No. 03-20 delineates an annual permit fee for keeping chickens. The permit fee would be \$25 and renewed each year subject to City Council approval.

Council Member Newberry moved and Council Member Carlson seconded the motion to approve Ordinance No. 03-20; adopting a permit fee for keeping backyard chickens and to waive the second reading of the ordinance. Motion carried 4-0.

C. Review of Chapter 9 Zoning Language Amendments

Council Member Newberry reported that the Council was presented with draft language amending certain sections of Chapter 9 that include technical corrections and minor amendments. Language regarding animals has been removed from Chapter 9 and now is included in Chapter 4. The amendments also include updating several sections to clarify a main building from accessory structures. New language has been drafted to remove the ambiguity relating to tree removal and required permits. New language has also been added relating to fences including height and storage of materials. Council Member Newberry stated that the Council is previewing the draft language and will consider the draft amendments at a public hearing at the November 12 Council Meeting.

Council Member Carlson suggested that the language in Section 900.05, dictating Non-conforming Uses; additions or new structures, is unclear and suggested the text be made more understandable.

Council Member Newberry agreed and suggested that the paragraph be organized with bullet points to help clarify the language.

Staff will prepare a formal draft of the amendments to Chapter 9 Zoning for a public hearing on November 12.

D. Lake Minnetonka Communications Commission (LMCC) – Budget and Joint Powers Agreement.

Council reviewed the 2014 LMCC Budget and Joint Powers Agreement.

Council Member Carlson stated that she reviewed the 2014 LMCC budget. Woodland does not fund or make any monetary contributions to the LMCC budget.

Council Member Massie moved and Council Member Carlson seconded the motion to approve the 2014 LMCC Budget and the Joint Powers Agreement as submitted. Motion carried 4-0.

COUNCIL REPORTS

A. Ordinances & Septic Ordinance & Inspections

No report.

B. Roads, Signs, Trees, & Website

Mayor Pro Tem Rich reported that website is up and running. Rich also reported that with approval of the consent agenda, the Council approved a new agreement with Cornerstone for snow plowing services. The hourly charges and equipment costs are the same as last year.

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

Council Member Carlson reported that the water fund has a modest cash balance as of September 30. The fund does not reflect the recent repair costs associated with the fire hydrant and valve.

D. Public Safety & Deer Management

No report.

ACCOUNTS PAYABLE

Council Member Newberry moved to approve the Account Payable as submitted. Council Member Massie seconded the motion. Motion carried 4-0.

TREASURERS REPORT

Council Member Carlson moved to approve the Treasurer's Report as submitted. Council Member Massie seconded the motion. Motion carried 4-0.

ADJOURNMENT

The meeting adjourned by consent at 7:35P.M.

ATTEST:

Shelley J. Souers, City Clerk

Chris Rich, Mayor Pro Tem