

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, OCTOBER 12, 2015

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: Zoning Coordinator, Dale Cooney and City Clerk, Kathyne McCullum

Guests Present: County Commissioner Jan Callison, Woodland property owners Butch and Liz Sprenger

3. CONSENT AGENDA

A. Approval of the September 14, 2015 City Council Minutes

B. Resolution No. 36-2015 Adopting the Amended Emergency Management Plan

Item B was removed from the Consent Agenda by consensus, to be placed on the November 9, 2015 agenda for consideration.

Newberry moved, seconded by Weiner to approve Consent Agenda Item A as presented. Motion carried 5-0.

4. PUBLIC COMMENT – None

5. PRESENTATION

A. Presentation from Jan Callison, Hennepin County Commissioner

Mayor Doak introduced Hennepin County Commissioner Jan Callison.

Ms. Callison provided an update on the following items:

County Road 101

- County Road 101 will be open from Minnetonka Boulevard to McGinty Road in late fall, 2015

- The railroad bridge in Wayzata is expected to be open to through traffic in late summer, 2016
- The work on the curve at Breezy Point Road will stop during the winter months and will resume in the spring of 2016
- There will be a smoother, gentler curve and a turn lane added at Breezy Point Road

Hennepin County Budget/Levy

- There will be a 4.5% County property tax increase
- The increase reflects changes to state programming including Medicaid expansion and child protection, with some state programming changes that are unfunded mandates
- There has been an increase in demand for services from the County
- There were changes in the ways to become eligible for programs which resulted in more people qualifying for services
- There has been an increase in the elderly population who have become eligible County aid, resulting in more people participating in County programs
- There were seven County funded healthcare clients in the City of Woodland in 2014, up from three clients in 2013

6. PUBLIC HEARINGS

A. Public Hearing regarding requests from Butch Sprenger for the property located at 2840 Inner Road for:

- 1) Variances to encroach into the required front yard setback; south side yard setback and required structure separation along the rear property line; and
- 2) Conditional Use Permit for the placement of impervious surface above forty percent for the construction of a new single family home.

Mayor Doak introduced the applicants, Butch and Liz Sprenger.

Zoning Coordinator Cooney presented the staff report and stated that he recommended approval of the variances and conditional use permit. Mr. Cooney presented the City Engineer's written recommendation to the Council. The

Groveland Homeowners Association has reviewed and approved the proposed home's plan. There have been no comments from neighbors.

Mayor Doak opened the public hearing.

The applicants stated agreement with the staff recommendation.

Mayor Doak noted that there is a sliding glass door shown on the plan, but there are no steps to the ground depicted on the plan.

Mr. Sprenger stated that he was aware of the hardsurface cover restrictions and would be placing wood steps. It was his understanding that steps are allowed and would not add to the hardsurface calculation.

Mayor Doak thought that a condition of approval should be added that requires the submission of a revised drawing that shows the steps prior to final approval of the resolution by the City Council.

The public hearing was closed.

Mayor Doak thought that the proposal was a significant improvement over the previous house. He noted his concern that the applicant removed the existing house and left the vacant lot in poor condition.

Mayor Doak explained the City expectations that the property and surrounding roads must be kept clean and orderly during the entire time of construction.

Council Members stated support for the proposal.

Newberry moved, seconded by Carlson to accept the recommendation of staff and approve the application for variances for Woodland Ordinance Sections 900.09 (3): to encroach 3 feet into the required 15 feet, 4 ¾ inch front yard setback, to encroach 1 foot into the required 10 foot south side yard setback, and to encroach 2 feet, 11 inches into the required 20 foot structure separation, as presented for the proposed single family home at 2840 Inner Road based upon the following findings:

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

Section 900.01 outlines the purpose and intent of the ordinance as the principal means of attaining the goals and standards set forth in Woodland's Comprehensive Plan, including preservation of open space, scenic views, natural topography and habitat, wetlands, lakes, indigenous vegetation and trees, and rehabilitation of existing housing units on their present location.

The proposal seeks to remove an existing non-conforming structure and replace it with a new non-conforming structure that has a similar footprint to the previously existing house. The proposal would also reduce the hardcover on the property by 19% from previous conditions.

- 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 put the property to a reasonable use by replacing an existing home constructed in 1919 with a single family house that has a similar footprint to the previously existing house and that also includes a one car garage.

- d. There are circumstances unique to the property not created by the landowner:

At 2,765 square feet, the subject property is the second smallest parcel within the Assembly Grounds which limits the ability to construct within the required setbacks. The applicant is reducing two of the four existing encroachments, while maintaining reasonable setbacks along the other two lot lines.

Also, the previous structure did not have a garage, and the addition of a garage on the proposed structure requires an enlarged footprint making it difficult to comply with the required setbacks.

- 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 home is only a modest increase from the previous conditions, and is modest in scale compared with recent newly constructed homes in the Assembly Grounds. Additionally, the plan has been reviewed and approved by the Groveland Homeowners Association.

Newberry moved, seconded by Carlson to accept the recommendation of staff and approve the application for a Conditional Use Permit to exceed the maximum permitted impervious surface area of 40% by 3.92%, for an overall impervious surface area on the property of 43.92% as presented for the proposed single family home at 2840 Inner Road. The request meets the requirements for approval outlined in Section 900.15 (3) which are outlined in the following findings:

- a. the proposed home will enhance the general character of the community;
- b. the magnitude of the proposed alteration is consistent with the surrounding area;
- c. there would be no negative impacts on the use and enjoyment of surrounding properties;
- d. the amount of impervious surfaces will be reduced by 19% from previous conditions;
- e. the location of the proposed house is further away from two of the three adjacent structures than the previous home; the proposed house is only one foot closer to the third adjacent home;
- f. there would be no effect on the light and visibility available to the adjoining properties;
- g. there would be minimal impact of the existing vegetation;
- h. the proposal would not have a negative impact on property values; and
- i. there are no concerns related to fire safety in regards to the proposal.

With the following condition:

1. The applicant submit revised plans that show the steps at the sliding glass door egress prior to final approval of the resolution by the City Council.

Motion carried 5-0.

Council Member Carlson asked the applicant to work with the Minnehaha Creek Watershed District if drainage becomes an issue. She suggested the addition of a rain garden if there are drainage concerns.

Mayor Doak reminded the applicant of the City's construction process, including but not limited to, an as-built foundation survey upon completion of work to the foundation, an as-built survey of the building, and an as-built grading survey.

Discussion relating to the light house at 2400 Cedar Point Drive

The Council briefly discussed the presence of a light house (lawn ornament) on the Cedar Point Drive peninsula. Mayor Doak explained that according to the City Attorney, the object must be viewed as either a "structure" or "art". If it is a structure, it must meet ordinance standards. If it is art, it is not regulated by City ordinance. Cooney added that if the function of the object is decorative and as it is not usable, it would be considered art. The City Attorney opined that the object is "art".

Mayor Doak indicated that the brightness and beam of light at the top of the light house can be regulated by the City. He noted that a letter was sent to the property owner indicating that the light must conform.

B. Items pertaining to delinquent sewer and water charges

1. Public Hearing relating to delinquent sewer and water charges
2. Resolution No. 30-2015 directing delinquent water and sewer charges be placed on the 2016 property tax rolls

Mayor Doak opened the public hearing. No one wished to speak. The public hearing was closed.

Massie moved, seconded by Carlson to adopt Resolution No. 30-2015 directing delinquent water and sewer charges be placed on the 2016 property tax rolls. Motion carried 5-0.

7. NEW BUSINESS - None

8. OLD BUSINESS - None

9. MAYOR'S REPORT

Mayor Doak stated that the deer harvest permit is moving ahead and a permit from the Department of Natural Resources is expected to be obtained by the end of the month.

Mayor Doak commended City Clerk McCullum for her excellent management of the City's website.

10. COUNCIL REPORTS

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

Council Member Carlson stated that the Watershed District management and community relations have improved. She noted that the District has been doing a better job at reaching out to communities and the District's Policy Committee has been very engaged and is making progress.

B. Massie – Road right-of-way maintenance, Trees, Deer Management

Council Member Massie stated that the renovated French drain on Maplewood Circle appears to be working well. He noted that the water still pools, as expected, but it seeps into the ground much quicker.

C. Newberry – Ordinances, Septic Ordinance, and Inspections – None

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

Council Member Weiner said that she will be in contact with the Police Chief to talk to him about the updated Emergency Management Plan before its consideration by the Council in November.

11. ACCOUNTS PAYABLE

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

12. TREASURER'S REPORT

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

13. ADJOURNMENT

The meeting adjourned by consensus at 8:15 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor