MINUTES
CITY COUNCIL
CITY OF WOODLAND

MONDAY, NOVEMBER 10, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Mayor Doak, Council Members Carlson, Newberry, and Rich

Excused: Council Member Massie

Staff Present: Gus Karpas, Zoning Administrator, Kathryne McCullum, City Clerk

3. CONSENT AGENDA

A. Minutes of the October 13, 2014 Regular City Council meeting

Doak moved, seconded by Newberry to approve the minutes of the October 13, 2014 City Council meeting as presented. Motion carried 3-0-1. (Council Member Carlson abstained)

4. PUBLIC COMMENT - NONE

5. PUBLIC HEARINGS - NONE

6. NEW BUSINESS

A. Discussion regarding the potential of revising the lakeshore setback for the properties surrounding Lake Marion

Mayor Doak explained that the setback revision discussion began with the subdivision proposal for the 3100 Maplewood Road property. Several residents who own property on Lake Marion had approached the Council and asked if it would examine a revision to the lakeshore setback and the addition of wetland buffer requirements. Mayor Doak said the City Council does not determine buffer zones because that authority was assigned to the Minnehaha Creek Watershed District by the City. The Council did, however, agree to examine the setback requirements for the properties surrounding the lake.

Mayor Doak explained that the residents initially suggested revising the setback from 50 feet to 100 feet on Lake Marion. The Council, however, unanimously agreed that a 100' setback would be excessive and a 75' setback would be more appropriate because Lake Minnetonka has a 75' setback. A 75' setback would provide for consistency between the two lakes.

Mayor Doak thought that ideally, there should be a consensus of all Lake Marion property owners on any setback revision before the Council took any action.

Mayor Doak mentioned that there are two properties that abut Lake Marion that are located in the City of Deephaven. He noted that the setback for Lake Marion in the City of Deephaven is 75' and the City of Woodland does not have jurisdiction over properties that are located in the City of Deephaven.

Zoning Administrator Karpas presented an overview of the history of lake setbacks for the Council. He said the City Council reviewed the setbacks for both Lake Minnetonka and Lake Marion in 1999 and after extensive discussion, decided to change the setback from Lake Minnetonka to 75' and keep the setback on Lake Marion at 50'. This is because of the different use categories of the lakes. Minnetonka is considered a "recreational" lake and Lake Marion is considered a "development" lake. He indicated Council at that time thought a 75' setback would be too restrictive.

Mayor Doak requested residents who were in favor of the amendment from 50' to 75' come forward and provide input to the Council. No one wished to speak.

Mayor Doak introduced property owner and resident Susan Kelly (3100 Maplewood Road) who was not in favor of amending the setback from 50' to 75'. Ms. Kelly introduced her husband, Justin Kelly; Douglas Fletcher, Charles Stinson Associates (architect); Steven Streeter, Streeter and Associates; and landscape architect Jonathan Blaseg, Coen & Partners.

Mr. Blaseg (landscape architect) presented information relating to the plan for the wetland restoration on the property. He noted that he had been working with the Wetland Habitat Restoration Group in addition to the Minnehaha Creek Watershed District to develop the restoration plan. Mr. Blaseg stated that the plan includes an ecological design, land management, and installation of specific vegetative species.

Mr. Blaseg explained that the Kelly property currently contains a remnant Oak Savannah that will be restored. The restoration will include a controlled burn and removal of invasive vegetative species from the property. The plan also includes a goal for continued, sustainable management of the newly restored Oak Savannah.

Mr. Blaseg noted that there is also a remnant Maple Basswood Forest that will be restored. The plan includes the removal of buckthorn and other non-native vegetation. The goal in this area is to improve the view-shed and enhance the soft vegetative landscape.

Mr. Blaseg explained that the current condition of the wetland is low quality and the plan includes enhancement to the wetland vegetation.

In regard to the upland area where the new house will be constructed, Mr. Blaseg indicated that there will selective clearing of lower quality trees, removal of buckthorn and diseased trees, and quality trees will be maintained to ensure the health and positive growth of native vegetation and new plantings.

Council Member Carlson asked if there were other invasive vegetation that would need to be removed besides the buckthorn. Mr. Blaseg stated that ash trees, garlic mustard, honeysuckle, and cattails would be removed.

Mr. Fletcher (architect) explained that the style of the home is modern and is designed to be nestled into the hillside. He said that the home is designed to hug the hillside and run with the natural topography.

Resident Kathleen Daniels asked why Mr. and Mrs. Kelly would not want a 75' setback from Lake Marion considering their concern for the ecology of the property.

Mr. Kelly explained that they recently purchased the two lots comprising the property, believing that the setback was 50'. He said that a setback change to 75' would devalue the property.

Mayor Doak said that the City Council must balance the rights of the property owners against the interest of the City as a whole. He noted that the Council needs to view zoning in a manner that maintains the community standard. Mayor Doak also noted that the City cannot "spot zone". He noted that spot zoning tends to fall disproportionately on only certain properties. If the setback was changed to 75', only one property on Lake Marion would be affected which is the Kelly property.

Mr. Karpas stated concern that trees along the boulevard (City property) in front of the Kelly's property were marked for removal. The Council directed staff to work with the property owners to ensure that the work is performed to City standards.

Resident Mark Anderson approached the Council and asked the City's definition of wetland. It was noted that the City relies on the Minnehaha Creek Watershed District definition of wetland.

Mayor Doak summarized the discussion, noting that any change to the ordinance must have a practical impact on all properties otherwise it would be considered "spot zoning". Mayor Doak suggested that the plan described by the Kelly's and their contractors respects the topography and is consistent with the City's Comprehensive Plan.

Mayor Doak asked for Council Member input. Council Member Rich said the 75' setback would harm the Kelly's and agreed with Mayor Doak that there needs to be a balance of property owner rights versus the rights of the City as a whole. He

believed that a change to 75' would be a significant detriment to the Kelly property.

Council Member Newberry agreed that the setback should not be amended.

Council Member Carlson also agreed that 50' is appropriate because the Minnehaha Creek Watershed District wetland buffer requirements are adequate to protect the wetlands.

Because of the consensus of the Council that the setback should not be amended, Mayor Doak stated that this item would not be pursued further.

B. Resolution No. 37-2014 authorizing execution of an agreement between the City of Woodland and the City of Wayzata for fire protection services

Carlson moved, seconded by Rich to adopt Resolution No. 37-2014 authorizing execution of an agreement between the City of Woodland and the City of Wayzata for fire protection services. Motion carried 4-0.

C. Resolution No. 38-2014 authorizing the transfer of excess funds from the 2014 General Fund Budget to the Street Improvement Fund at the closing of the fiscal year.

Doak moved, seconded by Carlson to adopt Resolution No. 38-2014 authorizing the transfer of excess funds from the 2014 General Fund Budget to the Street Improvement Fund. Motion carried 4-0.

7. OLD BUSINESS - NONE

8. MAYOR'S REPORT

2015 Appointments and Assignments

Mayor Doak indicated that he would be reviewing the 2015 appointments/assignments and will be speaking to Council Members regarding their interests in serving in various capacities in the coming year.

December Meeting

The Council agreed that the new State Representative, Jon Applebaum, should be invited to the December City Council meeting. Mayor Doak requested that the Council Members come to the meeting prepared with a list of the City's expectations for Mr. Applebaum such as continuing to work with the Shavers Lake property owners in their dealings with the Minnesota Department of Natural Resources.

Resident Request to Remove and Replace Trees

Mayor Doak explained that owners of property along Maplewood Road would like to remove trees and replace them. He noted that a variance that was approved for the

property placed restrictions on the removal of trees. Mayor Doak stated that the intent of the restriction was to preserve the wooded quality of the entrance to Woodland, and removal of the old trees and replacement would be acceptable.

Groveland Assembly Grounds Water turn-on/shut-off

Mayor Doak said the Council is in support of a policy to have qualified residents turn the water off/on at the curb stops in the Groveland Assembly Grounds. He said that the Groveland Homeowners Association should submit a list of qualified residents to the City for the record. The City will verify the qualifications. The City has an alternative procedure for water turn off/on that employs the Deephaven Public Works personnel.

Definition of Wetland

Mayor Doak thought that the City ordinance definition of wetland was not sufficient. He asked Council Member Newberry to work on new language for future Council review.

9. COUNCIL REPORTS

A. Newberry – Ordinances, Septic Ordinance, and Inspections - NONE

B. Rich – Roads, Signs, Trees, and Website

Council Member Rich said that trees had been removed along Woolsey Lane and the Maplewoods entrance. The Council briefly discussed the updated estimate for the 2015 Breezy Point Road mill and overlay project.

C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD

Enterprise Funds

Council Member Carlson noted that the water and sewer fund accounts continue to improve since the Council changed the policies in the last few years.

League of Minnesota Cities Meeting

Council Member Carlson said that she would be attending the League of Minnesota Cities regional meeting.

Minnehaha Creek Watershed District

Council Member Carlson noted that difficulties continue Minnehaha Creek Watershed District and there may be a request for the State Auditor to examine the District's practices.

D. Massie – Public Safety and Deer Management – NONE

10. ACCOUNTS PAYABLE

Newberry moved, seconded by Rich to approve the Accounts Payable as presented. Motion carried 4-0.

11. TREASURER'S REPORT

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

12. ADJOURNMENT

Carlson moved, seconded by Rich to adjourn the November 10, 2014 regular meeting of the Woodland City Council. The meeting was adjourned by consensus at 8:45 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor