

MINUTES  
CITY COUNCIL  
CITY OF WOODLAND



MONDAY, APRIL 14, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL

Present: Mayor Doak, Councilor Carlson, Councilor Massie, Councilor Newberry,  
Councilor Rich

Staff: City Clerk, Kathryn McCullum

3. CONSENT AGENDA

- A. Minutes of the March 10, 2014 Regular City Council meeting
- B. Items pertaining to 17520 Blaine Avenue for Scott Severson:
  1. Adoption of Resolution No. 14-2014 denying a variance to exceed the maximum permitted impervious surface area.
  2. Adoption of Resolution No. 15-2014 approving a request for an alteration of a non-conforming structure permit for the construction of a garage addition.
- C. Adoption of Resolution No. 16-2014 for a Lot Line Alteration and Combination, Kyle Hunt & Partners, Inc., 3100 Maplewood Road.
- D. Adoption of Resolution No. 17-2014 adopting the City of Woodland Mailbox Repair Policy
- E. Adoption of Resolution No. 18-2014 stating support for the on-going discussion relating to the Scenic Byway Program

Carlson moved, seconded by Newberry to approve the consent agenda as submitted.  
Motion carried 5-0.

4. PUBLIC COMMENT - None

5. PUBLIC HEARINGS – None.

6. NEW BUSINESS

A. Items pertaining to the County Road 101 Reconstruction Project:

- 1) Hennepin County representatives update on County Road 101 Improvements
- 2) Resolution No. 19-2014 authorizing execution of a cost participation agreement between the City of Woodland and Hennepin County

This item was pulled from the agenda.

Mayor Doak indicated that construction on County Road 101 is expected to begin in June, 2014 and the causeway closure is expected to extend from August, 2014 to November, 2015.

B. Discussion relating to Ordinance No. O02-2014 Amending Chapter 4, Sections 430 and 444, Clarifying Fire and Police Response Fees

Mayor Doak explained that the intent of the revisions to the ordinance is to clarify the collection process for both fire fees and false alarm fees and to better define the differences between the police and fire fees and regulations.

All City Council members agreed with the amendments and the Council requested that the item be placed on the May meeting agenda for first reading.

C. Discussion concerning potential ordinance amendments, Sections 400, 500, and 900 of the City Code of Ordinances

*Emergency Management Ordinance*

Mayor Doak explained that the Emergency Management Ordinance and the summary of elected official's role in an emergency event were included in the Council packet to ensure that the Council became familiar with its role in case an emergency situation arises in the City.

Mayor Doak noted that the Emergency Management Ordinance and amendments to the ordinance were adopted by past Councils; however, there is no indication that an Emergency Management Director had been formally appointed. He indicated that a resolution was prepared to appoint a director and asked for a motion to adopt the resolution in support of naming Police Chief Cory Johnson as the City's Emergency Management Director.

Rich moved, seconded by Massie to adopt Resolution No. 20-2014 appointing Police Chief Cory Johnson as the City's Emergency Management Director.  
Motion carried 5-0.

### *Vehicle Weight Restrictions*

Mayor Doak indicated that this item was before the Council because the topic of vehicle weight restrictions was particularly relevant due to the late spring and cold weather.

Mayor Doak explained that there are times the City allows for flexibility in placing and removing vehicle weight restrictions. He noted that the current language provides for sufficient flexibility and if the Council agreed, no change to the ordinance would be necessary at this time.

All Council members agreed that no change was necessary at this time.

### *Parking Zones*

Mayor Doak asked the Council if the ordinance should be more explicit in noting that parking zones are not plowed by the City.

Councilor Rich thought that additional language regarding the fact that the City does not plow parking zones would provide clarification to residents and should be added.

Councilor Massie thought that permits should not be given out if the parking areas are not plowed. Mayor Doak agreed and said that the utmost care should be taken when permits are given to residents.

Suggested language to add to this section included, "The City has no obligation to plow parking zones."

### *Wetlands*

Mayor Doak indicated that there are several areas in the City Code that contain the definition of wetland and provide for its protection. Taken as a whole, the provisions provide a comprehensive wetlands policy, but each provision is found in a separate section of the City Code and Plan, including the Surface Water Management Plan and the City's Comprehensive Plan, the Zoning Code, and the Subdivision Ordinance. Mayor Doak suggested that the information be compiled and organized to provide a central source of information on wetlands policy. This could potentially be a subsection of Chapter 9, Zoning.

Mayor Doak explained that most cities distinguish between buffer zones and setbacks. Most have a wider setback requirement than the 25feet that is required by the City of Woodland. He asked if the Council would like to rationalize wetlands references in the Code, explore adding language on wetland buffers. and provide for additional setbacks from the buffer area.

Mayor Doak noted several challenges to any change. The City is nearly fully developed and some properties may be rendered non-conforming if setback requirements were revised. He explained that the City needs to balance the

environmental concerns with the rights of property owners when making these type of decisions. Mayor Doak noted that the City should not get into a position of “taking” property when applying strict setback requirements.

Councilor Carlson thought that each property is different and that the setback could depend upon the type of wetland and the quality of soils involved.

Mayor Doak thought that there could be some gradation of the setback based on the type of wetland.

Councilor Rich questioned whether or not adding 10 feet to the wetland setback (25 feet to 35 feet) would make a difference since the 25 foot setback requirement has been in place for such a long period of time.

Mayor Doak stated that the City had appointed the Minnehaha Creek Watershed District as its wetland administrator, but that the District’s rules although well meaning, often created confusion. Wetland buffers vary significantly depending upon the classification of the wetland. Despite sensitivity to the quality of wetlands for new large subdivisions, the MCWD seems to default to a simple 25 foot buffer for new or rebuilt single family sites, regardless of the quality of the wetland. Should the City add a setback to the MCWD declared buffer, as has been enacted by the City of Orono or should it adopt another approach? The City’s 25 foot setback doesn’t appear relevant in that the MCWD mandates a 25 foot buffer at a minimum. A buffer must remain in a natural state. Should the City shift from a setback to a buffer in its ordinance language? Should the City add a setback to the up-hill border of the buffer? What should that set back be? What is the best process to explore the feasibility of these changes to the City’ ordinances?

The Council agreed that work should be started on placing all of the wetland information in one place in the zoning ordinance. Mayor Doak asked that the Council approach residents and ask their thoughts on how to best address the setback issue.

Ms. Murphy thought that the wetland delineation should be conducted at times when the wetlands contain more water. She thought this would give a better idea of where the actual wetland lines are and would provide for more protection of the wetlands in the City.

Mayor Doak explained that in the last analysis the City is responsible for protecting its environment. We cannot rely on the Watershed District or other entities to protect the City’s natural resources.

#### *Lakeshore*

Mayor Doak thought that the Council could support an increased setback from Lake Marion and Shaver’s Lake from 50 feet to 75 feet, but only if all of the

property owners surrounding each Lake agreed to the change. He indicated that he spoke with some Shaver's Lake property owners and they said that they would not support an increased setback. He reminded the Council that City residents had been polled for their opinion on increasing the Lake Minnetonka setback from 75 feet to 100 feet. The response was almost unanimously negative on the idea.

Ms. Murphy stated that a portion of Lake Marion is in the City of Deephaven and that area has a 75 foot setback. She noted that the portion that is in the City of Woodland is 50 feet. She thought that the setback around the entire lake should be consistent at 75 feet.

Mayor Doak reiterated that the strong support of residents abutting Lake Marion would be a key precondition for Council consideration of an increased setback.

The Council asked that Mr. Anderson and Ms. Murphy to review the idea with neighbors and bring the results back to the Council at a later date.

#### *Guesthouses*

Mayor Doak stated that although guesthouses are listed as an accessory structures, the definition of guesthouses could provide additional clarification as follows:

#### *Definition*

Subd. 17 Guesthouse means an accessory structure used as a dwelling for non-paying guests or persons employed on the premises.

The Council agreed with this revision.

#### *Minimum Floor Area*

Mayor Doak asked the Council if they thought the minimum floor area for a new home should be increased. He noted that land values more than floor area dictates the quality of homes in the City. A size diversity of high quality, single family homes would encourage a wide age spectrum of City residents. He noted that long-time residents would be encouraged to stay in the City in smaller homes that may be more appropriate for them. He thought that the minimum floor area should not be revised. The Council agreed.

#### *Sewer/Water*

Mayor Doak thought that language could be added to make sure that it is clear that property owners are responsible for the pipes from the house to the street. He said that language would be developed that provides for a specific reference for clarification purposes.

The Council agreed that the changes noted in the meeting should be placed in ordinance form and forwarded to the Council at the May meeting.

- D. Discussion relating to general housekeeping ordinance amendments, Sections 200, 400, and 900 of the City Code of Ordinances

Mayor Doak provided a brief overview of each housekeeping ordinance amendment. The Council agreed that the amendments should be made and asked that staff prepare a document to be considered at the May meeting.

7. OLD BUSINESS - None

8. MAYOR'S REPORT

- Mayor Doak noted that a Christmas tree has been lying in the City right-of-way in front of a residence for quite some time. He described the process for dealing with this type of nuisance condition in the City, which he noted was a very lengthy but necessary.
- Data Practices – Open Meeting Law – Mayor Doak asked the Council to be careful to avoid violations of the Open Meeting Law that can result from responses to blast emails from constituents. The City is trying to avoid quasi-quorums that result from serial email responses. Mayor Doak also noted that in a public setting it is important to differentiate one's personal opinion from a City position on an issue. City positions on issues are developed through discussion by the full Council.
- Parade of Homes – Mayor Doak described a recent situation where a Parade of Homes residence attracted numerous people and two large, overweight charter busses which caused parking problems and congestion in a Woodland neighborhood. He said that he would like the Council to explore the potential of enacting an ordinance, similar to the City of Deephaven, where that type of event would require an advance public hearing, allowing neighborhood resident input and requiring City Council permit approval. Mayor Doak noted that Council will be asked to discuss this item at the May meeting.
- Website Updates – Mayor Doak said that the website has been updated and significant progress has been made on its look, flow, and content.
- The LMCC is in the final stages of approving the franchise agreement with Mediacom.
- The LMCD is offering a boating safety course for teens and it seems to be successful.

9. COUNCIL REPORTS

- A. **Councilor Newberry** said that he has been working to adapt the Hennepin County septic ordinance to fit the City's needs. He noted that the ordinance will be placed on the May City Council meeting agenda for discussion.

Councilor Newberry said that the League of Minnesota Cities literature appears to suggest that revisions to the City's subdivision ordinance might need to be

reviewed by the Metropolitan Council. He asked staff to verify that his impression is correct.

- B. **Councilor Rich** said that he inspected the roads in the City with the City Engineer and the roads are in good condition overall. He said that the City should try to get by with limited repairs this year in anticipation of major outlays, associated with the County Road 101 project in 2015. Councilor Rich stated that he spoke with Tim Lovett who will repair potholes as soon as possible.

Councilor Rich also explained that the City Engineer recommends the City crack seal the side streets which will extend the life of the roads.

Councilor Rich indicated that he and the City Engineer reviewed the Blaine Avenue storm water drainage issue and found that water is pooling in a certain area, but it is not excessive. He said that a small channel could be constructed to direct the water away from homes and toward the lower areas. Councilor Rich asked staff to review the invoice from Bolten and Menk. He thought that one of the expenses stated on the check register seemed high.

- C. **Councilor Carlson** described a bill that requires houses larger than 4,500 square feet to have fire sprinklers. She said that she will contact Senator Bonoff to find out where she stands on the issue.

Councilor Carlson noted another bill that is being considered regarding Joint Powers Agreements (JPAs). The Council agreed that JPAs should not be restricted. Councilor Carlson said that she would speak with the Senator about this item.

Councilor Carlson said that she attended two informational sessions. The first session was held at the Minnehaha Creek Watershed District headquarters and related to Shaver's Lake. She noted that the clean up of the lake will require a lot of work. She also noted that sediment must be cleaned up where the storm water drains go into the Lake and the City of Minnetonka or County could be responsible for the clean up – depending on where the pipe extends into the Lake. The second session that she attended related to shallow lakes where very good information was provided regarding maintaining the health of shallow lakes.

Councilor Carlson explained that she was approached by a person who asked if sewer and water lines would be broadly extended from Minnetonka to Woodland during the reconstruction of County Road 101. The Council saw no need for additional access to the Minnetonka systems beyond that available under the existing contract. Extending sewer service to additional properties that abut County Road 101 could be possible at the resident's request under the existing agreement with Minnetonka.

D. **Councilor Massie** – Public Safety and Deer Management – No report.

10. ACCOUNTS PAYABLE

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

11. TREASURER'S REPORT

Newberry moved, seconded by Rich to approve the Treasurer's Report for March, 2014. Motion carried 5-0.

12. ADJOURNMENT

Newberry moved, seconded by Carlson to adjourn the meeting. The meeting was adjourned by consensus at 9:50 p.m.

ATTEST:

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Kathryne A. McCullum, City Clerk

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James S. Doak, Mayor