AGENDA
CITY COUNCIL
CITY OF WOODLAND

MONDAY, APRIL 13, 2015
7:00 P.M.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

   Mayor Doak, Councilors Carlson, Massie, Newberry, and Weiner

3. CONSENT AGENDA
   All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no special discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the Consent Agenda and will be considered separately under New Business.

   A. Approval of the March 9, 2015 City Council Minutes

4. PUBLIC COMMENT
   Individuals may address the City Council about any item not contained on the regular agenda. Comments should be limited to five (5) minutes. The Council may ask questions for clarification purposes, but will take no official action on items discussed with the exception of referral to staff or with the agreement of the Council may be scheduled on the current or future agenda.

5. PUBLIC HEARINGS – NONE

   A. Public Hearing relating to a request for variances for Coen and Partners for the property located at 3100 Maplewood Road (Susan Kelly property owner).

6. NEW BUSINESS

   A. LMCC Update – Mike Jilek

7. OLD BUSINESS

8. MAYOR'S REPORT

9. COUNCIL REPORTS

   A. Carlson –Enterprise Finance and Operations, Intergovernmental Relations, and MCWD
   B. Massie – Road right-of-way maintenance, Trees, Deer Management

C. Newberry – Ordinances, Septic Ordinance, and Inspections
D. Weiner – Public Safety, Police and Fire, General Finance

10. ACCOUNTS PAYABLE

11. TREASURER'S REPORT

12. ADJOURNMENT

- 15 minutes will be allotted for public comment. If the full 15 minutes is not needed, the Council will continue with the agenda
- The next City Council meeting will be held on May 11, 2015

MINUTES
CITY COUNCIL
CITY OF WOODLAND

MONDAY, MARCH 9, 2015

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

PRESENT: Mayor Doak and Council Members Massie, Newberry, and Weiner

EXCUSED: Council Member Carlson

STAFF PRESENT: Kathy McCullum, City Clerk

3. CONSENT AGENDA

A. Approval of the February 9, 2015 City Council meeting minutes.

B. Consideration of Resolution No. 10-2015 selecting to not waive the statutory tort limits for liability purposes established by Minnesota Statute 466.04.

C. Consideration of Resolution No. 12-2015 authorizing the City Clerk to execute an agreement between the City of Woodland and the State of Minnesota, Office of State Court Administration

D. Consideration of street sweeping bid for the City of Woodland

Newberry moved, seconded by Weiner to approve the Consent Agenda as presented. Motion carried 4-0.

4. PUBLIC COMMENT – NONE

5. PUBLIC HEARINGS

A. Public Hearing relating to Ordinance No. 02-2015 amending Chapter 9 of the City's Code of Ordinances relating to lighting and the definition of wetlands.

Mayor Doak opened the public hearing.

Resident Mark Anderson asked for clarification on the amendments.

Mayor Doak explained that the proposed amendments to the ordinance provide for clarification, noting that the proposed changes to the lighting ordinance would specify additional light bulb types that might be used in the City.

Mayor Doak indicated that the current definition of wetlands is out of date and the proposed definition directly correlates with the City's Comprehensive Plan and the Minnehaha Creek Watershed District (MCWD) rules.

Resident Kathy Murphy asked if the amendment to the wetland ordinance includes classification and types of wetlands. She also asked if the amendment included language relating to quality of wetlands and if the quality of wetlands would be taken into account in any decisions relating to setbacks. Mayor Doak reiterated that the amendment to the wetlands ordinance is a revised definition of wetlands only. He explained that the City assigned all wetland management, classification, and responsibility to the MCWD. Mayor Doak noted that the MCWD has staff with the expertise to determine wetland classifications and types. If approved by the Council, the City's ordinance would reflect the MCWD wetland descriptions.

The public hearing was closed.

Newberry moved, seconded by Massie to hold the first reading, waive the second reading, and adopt Ordinance No. 02-2015 amending Chapter 9 of the City's Code of Ordinances relating to lighting and the definition of wetlands. Motion carried 4-0.

B. Public Hearing relating to the Stormwater Prevention Program

Mayor Doak presented an overview of the item, noting that the cities in the metropolitan area are required to submit a Stormwater Pollution Prevention Plan (SWPPP) that outlines the steps that would be taken to limit runoff into protected water bodies. Mayor Doak said that the City's individual application has been reauthorized by the Minnesota Pollution Control Agency and noted that the City must hold an annual public hearing to collect public input on the program and best management practices. Public suggestions are recorded. Mayor Doak opened the public hearing.

No one wished to speak.

The public hearing was closed.

Mayor Doak clarified that no further City Council action needed to be taken on this item at this time, as the annual public hearing was duly held.

6. NEW BUSINESS

A. Items pertaining to the 2014 Audit

1) Presentation by representative of Abdo, Eick, and Meyers

Mark Ebensteiner, Abdo, Eick, and Meyers representative, presented an overview of the 2014 report.

2) 2014 Audit Report – Resolution No. 11-2015 approving 2014 audit and related reporting and authorizing submittal to the Office of the State Auditor

Massie moved, seconded by Weiner to adopt Resolution No. 11-2015 approving 2014 audit and related reporting and authorizing submittal to the Office of the State Auditor. Motion carried 4-0.

B. Discussion relating to the 2015 LMCC Survey

The City Council completed the LMCC Survey as follows:

How high a priority is each of the following for your City?

- Broadcasting and posting city council meetings on the LMCC channels and website: *Very Low Priority*
- Agenda parsing city council meetings that are posted on the LMCC website: *Neutral*
- Broadcasting and posting other local government meetings on the LMCC channels and website: *Neutral*
- Broadcasting and posting voter forums and candidate statements on the LMCC channels and website: *High Priority*
- Broadcasting and posting school concerts and events on the LMCC channels and website: *High Priority*
- Broadcasting and posting community concerts and events the LMCC channels and website: *High Priority*
- Creating, broadcasting, and posting LMCC-produced programming on the LMCC channels and website: *Neutral*
- Upgrading LMCC equipment and TV broadcasting to high definition (HD): *Very Low Priority*

7. OLD BUSINESS - NONE

8. MAYOR'S REPORT

Urban Coyotes
Mayor Doak presented a newspaper article regarding coyotes that have been photographed in New York City's Central Park. He noted that all cities have been struggling with increased coyote populations in recent years.

City Roads
Mayor Doak said that he has been in contact with the City Engineer regarding the condition of the City's streets and the development of a plan for upgrades. Mayor Doak, Council Member Massie, and the City Engineer will drive through the City to survey the road conditions and develop a plan.

Mayor Doak noted that there are a number of potholes along Maplewood Road that need patching; however, he thought that the cold patching does not last and is therefore not cost-effective. Mayor Doak said that the repairs should be done properly when the weather permits.

Lake Minnetonka Conservation District
Mayor Doak announced that the Lake Minnetonka Conservation District Save the Lake Banquet will be held at the Lafayette Club this year and he will be attending. He invited Council Members to let him know if they are interesting in attending.

County Road 101 Project
Mayor Doak explained that the County Road 101 roundabout project remains on hold because of the Native American artifacts that were found on the site.

Requests for Support from the League of Minnesota Cities
Mayor Doak said there are two items in which the League of Minnesota Cities has requested support. The first is a transportation bill that would allow cities to create Street Improvement Districts and assess properties directly affected by the improvements. The remainder of the community would not contribute financially. Mayor Doak indicated that this proposal would not be of any benefit to Woodland because the City does not assess properties for road improvements. Mayor Doak noted that the bill has stalled in the Senate and will most likely not proceed. The Council agreed that the transportation bill should not be supported.

The second item relates to an early voting bill that has been introduced. Mayor Doak said that the law currently allows absentee voting with no excuse which is a step toward early voting. It was his personal opinion that voting on election day was an important patriotic ritual that should be preserved. In addition, Mayor Doak indicated that there may be added costs associated with early voting and a polling place would need to be set up for a long period of time prior to the actual election day. He suggested that the Council not support the bill. The Council agreed.

9. COUNCIL REPORTS

A. Carlson – Enterprise Finance and Operations, Intergovernmental Relations, and MCWD – No report.

B. Massie – Roads, Right-of-way Maintenance, Trees, Deer Management

Deer Management
Council Member Massie said that he was interested in hearing the progress of the Deephaven deer harvest.

Roads
Council Member Massie stated that there are a lot of road issues this year. Mayor Doak said there are many areas that appear to have plow and ice damage and a repair plan would be developed. Mayor Doak and Council Member Massie will be working with the City Engineer on the road repair plan. Mayor Doak requested that Council Members contact him if they see potholes that need immediate attention.

C. Newberry – Ordinances, Septic Ordinance, and Inspections – No Report

D. Weiner – Public Safety, Police and Fire, General Finance – No Report

10. ACCOUNTS PAYABLE

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

11. TREASURER'S REPORT

Weiner moved, seconded by Newberry to approve the Treasurer's Report as submitted. Motion carried 4-0.

12. ADJOURNMENT

Weiner moved to adjourn the March 9, 2015 meeting of the Woodland City Council. Motion carried by consensus. The meeting adjourned at 8:15 p.m.

ATTEST:

_____ _____

Kathryne A. McCullum, City Clerk James S. Doak, Mayor

Agenda Date: 04-13-15
CITY COUNCIL STAFF REPORT

Agenda Item: Request of Coen and Partners, 3100 Maplewood Road, for the consideration of variances to alter the grade greater than the maximum permitted grade alteration and to exceed the maximum permitted accessory structure area

Summary: Coen and Partners, on behalf of the property owners, are requesting variances to exceed the maximum permitted grade alteration and maximum permit accessory structure area in conjunction with the construction of a new single family home and swimming pool.

The proposed grade alteration includes both an excess in the allowable grade alteration in the form of a "cut" and the addition of grade. The applicant says these alterations are necessary to fit the home into the existing terrain of the property. The proposed cut on the rear of the home provides egress from the living areas on the lower portion of the home while also allowing natural light into those areas. The proposed increase in grading in the front of the house would allow access to the lower garage while minimizing the slope.

- **Ordinance Section 900.17(4)(a) limits the maximum grade alteration to three feet without the issuance of a variance. The applicant is seeking to alter the grade a maximum of eight feet, four inches (8'-4") for the construction of a new home and is seeking a variance to alter the grade five feet, four (5'-4") inches <u>below</u> the permitted alteration.**

- **Ordinance Section 900.17(4)(a) limits the maximum grade alteration to three feet without the issuance of a variance. The applicant is seeking to alter the grade a maximum of seven (7) feet for the construction of a new home and is seeking a variance to alter the grade four (4) feet <u>above</u> the permitted alteration.**

The development of the property includes the construction of a swimming pool. Swimming pools are defined as an accessory structure in the city ordinance and are included in the calculation of accessory structure area.

- **Ordinance Section 900.04(2)(b)(9) states that no accessory structure or combination of accessory structures shall exceed the lesser of 1,000 square feet of gross floor area, 1,000 square feet of footprint area or 30% of the area of the footprint of the principal structure on the lot. The lot is permitted a maximum permitted accessory structure area of 1,000 square feet of accessory structure area. The applicant proposes a total accessory structure area of 1,350 square feet for a proposed swimming pool and seeks a variance to exceed the maximum permitted accessory structure area by 350 square feet.**

The proposed single family home complies with the required setbacks outlined in Section 900.09(4), the maximum structure height permitted in Section 900.13, and with the maximum permitted structure coverage and impervious surface area permitted in Section 900.10.

STAFF RECOMMENDATION:

1. *Staff recommends **<u>Approval</u>** for the application of Coen and Partners for variances of Woodland Ordinance Code section 900.17(4)(a); to exceed the maximum permitted grade alteration by five feet, four inches (5'-4") feet to permit a grade cut of eight feet on the rear of the home and a variance to exceed the maximum permitted grade alteration by four (4) feet to permit a grade increase on the front corner of the new home to permit access to the lower garage for the property located at 3100*

Maplewood Road, based on the following findings:

FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTION 900.14 OF THE ORDINANCE:

Findings:

a) *The variance is in harmony with the purpose and intent of the ordinance in that it seeks to alter the topography in a manner to blend into the terrain along the front of the home which is altered gradually to access the garage and the structure. The alteration on the rear of the home is contained in one area by retaining walls and provides emergency egress from and natural light to the lower areas of the home;* ***b)*** *the request is consistent with the Comprehensive Plan in that the alteration develops the property with minimal impact on the natural topography of the land;* ***c)*** *the proposal puts the property to a reasonable use through the minimal alteration of the natural grade, while permitting the construction of a new home that fits on the site;* ***d)*** *the plight of the homeowner is created by existing grades on the property which limit the options for the placement of a home on the property. A smaller variance could be sought, but that would require the construction of a home that would have a greater visual impact on the property since it would need to be built higher; and* ***e)*** *the essential character of the neighborhood will not be impacted, since only a minimal area of the grade alteration would be visible to adjacent properties and the design of the home is low lying to minimize the impact on lake views.*

2. *Staff recommends* ***Approval*** *for the application of Coen and Partners for a variance of Woodland Ordinance Code section 900.04(b)(9); to exceed the maximum permitted accessory structure area of one thousand (1,000) square feet by three hundred and fifty (350) square feet to permit the construction of a swimming pool on the property located at 3100 Maplewood Road, based on the following findings:*

FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTION 900.14 OF THE ORDINANCE:

Findings:

a) *The variance is in harmony with the purpose and intent of the ordinance in that it will maintain the residential character of the city and not negatively impact environmental nature of the area.;* ***b)*** *the request is consistent with the Comprehensive Plan in that it maintains the single family use of the property;* ***c)*** *the proposal puts the property to a reasonable use without impacting adjacent properties; and* ***d)*** *the essential character of the neighborhood will not be impacted since the proposal will have no visual impact on adjacent properties.*

City of Woodland
20225 Cottagewood Road
Deephaven, MN 55331
952-474-4755
www.cityofwoodlanmn.org

Variance Application

Applicant is (circle one) Owner Developer Contractor Architect Other_____

Property address for which variance is requested: 3100 Maplewood Road, Woodland, MN

Applicant (individual or company name): Coen and Partners

Contact for Business: Jonathan Blaseg Title: Project Manager

Address: 400 First Avenue North, Suite 210 City: Minneapolis State: MN Zip:55401

Wk Phone: 612-341-8070 Hm Phone: 612-226-3063

Email address: jonathan@coenpartners.com Fax: 612-339-5907

Present use of property: None / Demolished house and accessory structures

Property acreage: 21.88 acres

Existing Variances: Yes:__ No: X

If yes, please explain_____

Describe Request: Build New X Add On_ Remodel_ Replace_

What is the Variance being requested for:
(1) Land alteration exceeding the 3 foot cut/fill ordinance.
(2) Pool size exceeding the 1000 square foot accessory structure limit

Variance for:

		Required		Proposed	
_____	Side Yard	_____	feet	_____	feet
_____	Front Yard	_____	feet	_____	feet
_____	Rear Yard	_____	feet	_____	feet
_____	Lake setback	_____	feet	_____	feet
_____	Building height	_____	feet	_____	feet
_____	Structure height	_____	Feet	_____	feet
_____	Wetland	_____	feet	_____	feet
_____	Impervious Cover	_____	sq ft	_____	Sq ft
_____	Shoreland	_____	feet	_____	feet
_____	Massing	_____	volume	_____	volume
X (1,2)	Other	_____	feet	_____	feet
If other, please explain	(1) Variance to land alteration ordinance allowing for minor alterations beyond the 3'-0" cut/fill requirement				

	for the new house (2) Variance for the size of the pool to exceed the 1000 square foot requirement for an accessory structure		

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

STATE LAW: Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause a practical difficulty because of circumstances unique to the individual property under consideration, *and*, B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Practical Difficulty" as used in connection with the granting of a variance means: 1) the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls; 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, *and* 3) the variance, if granted, will not alter the essential character of the locality.

NOTICE: Simple inconvenience of a landowner or occupant, including self-created situations, are not considered a practical difficulty under Minnesota case law.

Economic considerations alone shall not constitute a practical difficulty if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty is establishing an practical difficulty please consider alternatives to your construction plans that may remove the need for a variance.

The Applicant must respond fully and in detail to each of the following questions and data requests or the Application may be rejected as incomplete.

Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code:

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:
(1) We understand the intent of the current zoning code limiting the amount of cut and fill is to maintain the natural contours for the existing landscape, to limit the excessive "unnatural" manipulation of the land, to encourage houses to be contextually sited, and to maintain existing hydrology of the site.
The new home has been designed specifically for this site so that it rests within the existing topography and the landscape design integrates a tiered vegetation to further minimize any visual impact on the site. We wish to fill the specified areas north of the home more than the 3'-0" allowable by code in order to provide access to the lower garage, minimize the slope (<10%) to the lower garage, and maintain a consistent slope for the upper entry. The additional grading at the lower auto court ensures adequate turnaround space for a vehicle and a tiered buffer of planting at the edge of the auto court. The existing flow of water across the site will not be altered.
We wish to cut the specified area south of the home more than the 3'-0" allowable by code in order to provide adequate access and light to the lower areas of the home, including the guest bedroom. This cut will have no visual impact to neighbors and have no impact on existing flows of water. This intervention will be utilized in place of multiple egress windows.
(2) We understand the intent of the current zoning code limiting the square footage of accessory structures is to limit the visual impact of such structures. We wish to construct a swimming pool that is 350 square feet larger than the allowed 1000 square feet for an accessory structure. The pool has been designed integrally with the house and therefore blends in naturally with no visual impact from neighboring properties.

Establishing Practical Difficulty:

1. The landowner's (Applicant's) property cannot be put to a reasonable use if used under conditions allowed by the official controls because:
In order to avoid the construction of a home with multiple above-grade stories, the home's footprint was expanded and takes advantage of many "garden-level" spaces. As a result of such a contextual design it is difficult to provide access due to the site's extreme topographical changes given the grading restrictions. The home's design makes practical use of a complicated and highly topographic site.

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:
This property includes extreme, natural topographic changes. As a result of designing a home that does not require multiple above-grade stories in order to accommodate the construction of a new home it is necessary to modify the existing grade to provide adequate access. This critical condition is an existing natural feature of the site, beyond the owner's control.

3. The variance, if granted, will not alter the essential character of the locality because:
The proposed house and drive are located in the same general area on the property as the previous house and drive. The home will remain surrounded by mature trees and vegetation. The house has been designed to step with the existing topography and therefore blend in with the site, making it more compatible with current standards and the essential character of the locality. The amount of cutting and filling required on the site is relatively small and will not alter the hydrology of the site. Our goal is to create a harmonious relationship between the architecture and the landscape similar to many lake homes that exist on the lake and nearby. The new pool will be of a comparable size to many other pools in the Lake Minnetonka area and be of an appropriate scale for the new home.

Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:
The proposed project complements the architectural character and heritage of lake home property in Woodland and its surrounding communities. The new house is designed to integrate comfortably into the site. The design is a thoughtful solution that respects the view from neighboring properties and will have a positive overall effect to neighboring properties and the neighborhood in general.

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.
The proposed project is in the same general location as the previous home and is surrounded by existing trees and vegetation. It will have no direct affect on the existing supply of light and air to adjacent properties.

Describe the effect of the variance, if granted, on traffic congestion in the public street.
The proposed design will have no affect on traffic congestion in the public street. The new drive will access the existing road at the same point as the previous drive. The current residential use of the property will remain unchanged. Furthermore the property itself provides ample area to accommodate the equipment required for construction.

Describe the effect of the variance, if granted, on the danger of fire.

The affect of the variance, will reduce the danger of fire by providing a new code compliant residence complete with a fire sprinkler system and appropriate access to the upper and lower levels of the home, should there ever be danger of fire on the property.

Describe the effect of the variance, if granted, on the danger to public safety.
The proposed project poses no danger to public safety and will result in improved safety for inhabitants and visitors to the property by providing adequate safety. The new pool will meet all pool barrier requirements.

Describe the effect of the variance, if granted, on established property values in the surrounding area.
The project represents a significant investment and improvement to the existing property. This investment will have a positive effect, increasing the value of this property and other established properties in the surrounding area.

Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare.
There would be no impairment to public health, safety or welfare as a result of the proposed project. The new home and pool will be constructed to meet or exceed current code requirements for health and safety, thereby upholding the welfare of inhabitants and visitors alike.

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

_____LMCD # 952-745-0789 _____Watershed District # 952-471-0590

Applicant's Acknowledgement & Signature(s)

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application. The applicant certifies that the information supplied is true and correct to the best of his/her knowledge.

The undersigned also acknowledges that she/he understands that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant with in 15 business days of application.

I am the authorized person to make this application and the fee owner has also signed this application.

Applicant's Signature: _____ Date: 3/04/15

Signature: _____ Date: _____

Owner's Acknowledgement & Signature(s)

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, and City Council Members for purposes of investigation and verification of this request.

Owner's Signature: _____ Date: 3/4/15

Owner's Signature: _____ Date: _____

Note – Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.