

AGENDA  
CITY COUNCIL  
CITY OF WOODLAND



MONDAY, FEBRUARY 10, 2014  
7:00 P.M.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

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

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. Minutes of the January 13, 2014 Regular City Council meeting

B. Resolution No. 10-2014 approving variances to exceed the maximum permitted grade alteration in conjunction with the construction of a new single family home at 2856 Gale Road, for Bruce and Judy Barnett.

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

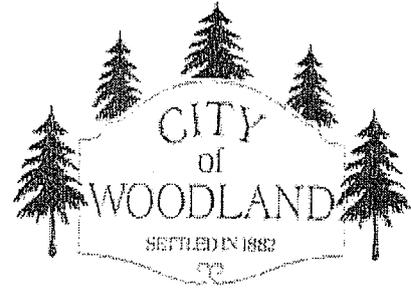
A. Items pertaining to the City of Woodland Municipal Fee Schedule:

- 1) Public Hearing concerning amendments to the City Code of Ordinances
- 2) First Reading: An Ordinance O01-2014 amending Chapters 3 and 9 of the City Code, adding language relating to municipal fees (Chapter 3) and road condition inspections by the City Engineer (Chapter 9)
- 3) Resolution No. 11-2014 adopting Ordinance No. O01-2014 and authorizing publication of a summary ordinance

6. NEW BUSINESS
  - A. Discussion on policy issues regarding the City's SSTS ordinance update
  - B. Discussion regarding the 2014 Road Improvement Plan
  - C. Discussion relating to the Scenic Byway Program in the City of Woodland
7. OLD BUSINESS
8. MAYOR'S REPORT
9. COUNCIL REPORTS
  - A. Newberry – Ordinances, Septic Ordinance, and Inspections
  - B. Rich – Roads, Signs, Trees, and Website
  - C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD
  - D. Massie – Public Safety and Deer Management
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 March 10, 2014.

MINUTES  
CITY COUNCIL  
CITY OF WOODLAND



MONDAY, JANUARY 13, 2014  
7:00 P.M.

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, Councilor Carlson, Councilor Massie, Councilor Newberry,  
Councilor Rich

Staff: City Clerk Kathryne McCullum

Mayor Doak requested that Item Number 6. A., under New Business, be considered at this time. The agenda was reordered by consent of the City Council.

6. A. Resolution No. 09-2014 recognizing Shelley Souers for her years of service with the City of Woodland

Mayor Doak explained that Resolution No. 09-2014 was read at the reception that was held prior to the regular City Council meeting earlier in the evening. He again thanked Ms. Souers for her years of service and asked for a motion from the Council to adopt the resolution.

Carlson moved, seconded by Rich to adopt Resolution No. 09-2014 recognizing Shelley Souers for her years of service with the City of Woodland. Motion carried (5-0).

3. CONSENT AGENDA

- A. Minutes of the December 9, 2013 Regular City Council meeting
- B. Adopt Resolution No. 01-2014 – Annual Meeting Calendar for 2014
- C. Adopt Resolution No. 02-2014 – Establishing Administrative Fees

Council Member Massie moved, seconded by Rich to approve the consent agenda as presented. Motion carried (5-0).

4. PUBLIC COMMENT

None.

5. PUBLIC HEARINGS

- A. Bruce and Judy Barnett, 2856 Gale Road, request for variance to exceed the maximum permitted grade alteration in conjunction with the construction of a new single family home.

Mayor Doak opened the public hearing and requested that Zoning Administrator Karpas present the staff report.

Mr. Karpas presented an overview of the item, explaining that the applicants have requested variances to both increase and decrease the existing grade on two areas on the property. He noted that the request complies with height, setback, and impervious surface requirements, and the design appears to enhance the topography as a retaining wall system would be removed.

Mr. Karpas stated that the house design and placement on the lot ensured that the house fits on the lot rather than there being a need to reshape the lot to fit the house. He noted that the removal of the retaining wall system supports the concept of fitting the house to the lot.

Mr. Karpas stated that he recommended approval of the variance with no conditions based on the findings noted in the staff report.

Bruce Barnett, 2856 Gale Road, approached the Council and introduced Gabriel Keller of Peterssen/Keller Architecture and Travis Van Liere, of Travis Van Liere Studio Landscape Architecture.

Mr. Keller explained that the new house is lower in height than the existing house and the design of the home respects the required setbacks. He noted that an existing retaining wall system would be removed which follows the intent of the ordinance by restoring the natural grade of the property.

Mr. Van Liere reiterated that the house design was developed to fit the lot. He noted that the drainage plan was approved by the City Engineer.

Mayor Doak thought that the plan would improve the drainage and stability of the slope. Mr. Van Liere explained that the drainage will be improved because the water will drain to the sides of the property rather than directly to the lake.

Councilor Carlson noted that it appeared that the vegetative buffer would remain to keep erosion under control. Mayor Doak agreed and stated that bluffs on the lake are generally unstable and the buffer will help with erosion. He stated that moving the house away from the lakeshore would also mitigate erosion.

In response to a question from Councilor Massie, Mr. Van Liere indicated that the septic type would be a drainfield that would not disturb the southwest portion

of the property. He stated that care was taken to preserve mature trees and other valuable assets inherent to the property.

The public hearing was closed.

Mayor Doak and Council members stated support for the request.

Rich moved, seconded by Newberry to approve the variance as requested based on the following findings:

1. The variance is in harmony with the purpose and intent of the ordinance.

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

The proposal seeks to alter the topography which is currently created by the use of retaining walls and create a more natural flow to the terrain while maintaining the low lying style of the home which has been present on the property since 1967.

The home currently under construction on the lot uses a retaining wall to hold back the grade in the same fashion as the existing home, the proposal would remove the retaining wall.

2. The variance is consistent with the comprehensive plan.

The request is consistent with the comprehensive plan in that the alteration restores the topography to a more natural looking state on the lake side of the home while removing retaining walls out of the required lake yard setback.

3. The proposal puts property to use in a reasonable manner.

The proposal puts the property to a reasonable use through the restoration of a natural-looking grade, removing existing retaining walls, while permitting the construction of a new home that maintains the same level elevation as the previous home on the site.

4. There are unique circumstances to the property not created by the landowner.

The plight of the homeowner is created by the need to move the proposed home into compliance with the required lake yard setback, while maintaining the floor elevations of the previous home. The intent was to fit the home as low onto the property as possible.

5. Will the variance, if granted, alter the essential character of the locality?

The essential character of the neighborhood is not impacted. 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 the lake views.

Motion carried (5-0).

Mayor Doak indicated that a resolution approving the variance would be considered at the February 10, 2014 City Council meeting.

- B. Anthony and Mary Miller, 3100 Maplewood Road, request for subdivision of existing three lots into new buildable lots: Preliminary Plat Review

Mayor Doak announced that the applicant has requested that this item be continued to the February 10, 2014 meeting. He asked for a motion to continue the matter to the February meeting.

Massie moved, seconded by Rich to continue the item until the February 10, 2014 City Council meeting. Motion carried 5-0.

6. NEW BUSINESS

- A. Resolution No. 09-2014 recognizing Shelley Souers for her years of service with the City of Woodland

This item was moved to the beginning of the agenda by consent of the Council.

- B. Resolution No. 03-2014 Designating Annual Appointments and Assignments for 2014.

Mayor Doak explained that the resolution was developed with the same appointments and assignments as 2013. Councilor Carlson indicated that she favored the same assignments as Council members improve in their roles with time.

Newberry moved, seconded by Massie to adopt Resolution No. 03-2014 Designating Annual Appointments and Assignments for 2014.  
Motion carried (5-0).

- C. Resolution No. 05-2014 Relating to the to the City of Woodland representation on the Lake Minnetonka Conservation District (LMCD) Board for 2014.

Mayor Doak introduced the item to the Council. Councilor Rich thanked Mayor Doak for his willingness to serve on the Lake Minnetonka Conservation District Board while Mr. Meyer was not available.

Carlson moved, seconded by Rich to adopt Resolution No. 04-2014 relating to the to the City of Woodland representation on the Lake Minnetonka Conservation District (LMCD) Board for 2014. Motion carried (5-0).

- D. Review of the 2014 Municipal Fee Schedule and potential additions to Chapters 3 and 9 of the City of Woodland Code of Ordinances

Mayor Doak explained the reason for amending the ordinance was to ensure that the City is compensated for the cost of having the City Engineer inspect roads for damage before and after construction.

Councilor Carlson noted an inaccuracy on the fee schedule. She said that Number 45 on the list should be \$50, rather than \$15 as approved by the City Council in 2013. Staff noted that this would be amended to reflect that change.

The Council agreed that moving forward with the draft ordinance language would be appropriate and directed staff to publish for a public hearing and place the first reading of the ordinance draft on the February 10, 2014 City Council meeting agenda.

7. OLD BUSINESS

None.

8. MAYOR'S REPORT

Mayor Doak stated that he would be working with Councilor Newberry and staff on revisions to the septic ordinance. He thought that the amendments would not be too onerous, but must be in-line with the County's ordinance.

Mayor Doak stated that the City now has the capability to place audios on the City's website. After brief discussion, the Council decided that the audios should not be placed on the website. Council members agreed that if residents are interested in the meetings, they could attend the meetings.

9. COUNCIL REPORTS

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

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

Councilor Rich reported that he had received several compliments on the condition of the roads.

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

Councilor Carlson noted the informational item that was provided to the Council relating to County Commissioner Jan Callison's responses to questions

regarding the Highway 101 construction project. She asked the Council if she could forward that information to her neighbors. The Council agreed that it would be appropriate to forward the information. Mayor Doak thought that it would be important to note that the responses were only estimates and may change as the project moves forward.

Councilor Carlson reported that the Minnehaha Creek Watershed District (WCWD) adopted two new State of Minnesota water quality regulations. The regulations pertain to dumping of pollutants and use of water from lakes for specific uses such as lawn sprinkling. She noted that, under the new regulations, it appears that residents would need to obtain permits from the WCWD or the DNR to draw water from the lakes for lawn sprinkling.

Council members stated concern about the new regulations and requested that staff obtain additional information.

D. Massie – Public Safety and Deer Management

Councilor Massie reported that three deer were taken so far this year.

Mayor Doak thought that locations for deer traps should be reviewed in the spring to ensure that placement for the traps is known in advance so more deer traps could be in place next fall.

Councilor Massie noted that the City of Minnetonka has taken numerous deer which is lessening the deer population in the City of Woodland.

10. ACCOUNTS PAYABLE

Newberry moved, seconded by Council Massie to approve the Accounts Payable as presented. Motion carried (5-0).

11. TREASURER'S REPORT

Carlson moved, seconded by Newberry to approve the Treasurer's Report subject to distribution of the full treasurer's report at the February 10, 2014 City Council meeting. Motion carried (5-0).

12. ADJOURNMENT

Council adjourned by consent at 7:57 p.m.

ATTEST:

\_\_\_\_\_  
Kathryne A. McCullum, City Clerk

\_\_\_\_\_  
James S. Doak, Mayor

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF FEBRUARY 10, 2014

Agenda Item 3. B.

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Resolution No. 10-2014 approving variances to exceed the maximum permitted grade alteration in conjunction with the construction of a new single family home at 2856 Gale Road, for Bruce and Judy Barnett.

---

**Background**

On January 13, 2014, the City Council approved the variances and requested that staff prepare a resolution for adoption at the February 10, 2014 meeting. Council approval was based on the findings noted in the staff report (*draft* minutes attached).

**Recommendation**

Adopt Resolution No. 10-2014 approving variances to exceed the maximum permitted grade alteration in conjunction with the construction of a new single family home at 2856 Gale Road, for Bruce and Judy Barnett.

CITY OF WOODLAND

Meeting Date: February 10, 2014  
Motion:

Resolution No. 10-2014  
Second:

---

**RESOLUTION NO. 10-2014 APPROVING VARIANCES  
TO EXCEED THE MAXIMUM PERMITTED GRADE ALTERATION  
IN CONJUNCTION WITH THE CONSTRUCTION OF A NEW  
SINGLE FAMILY HOME AT 2856 GALE ROAD, FOR  
BRUCE AND JUDY BARNETT**

**LEGAL DESCRIPTION:**

ADDITION NAME: ROBINSONS BAY TRACT

PART OF LOT 1 LYING S OF THE N 85 FT THOF W OF A LINE PAR WITH AND 194 FT W FROM THE E LINE OF SEC 12 T 117 R 23 AND LYING N OF A LINE BEARING S 77 DEG 12 MIN W FROM A PT IN E LINE OF SEC 12 DIS 62 2/10 FT N FROM THE SE COR THOF

**WHEREAS**, the applicants have made application to the City for variances to exceed the allowable grade alteration in the form of a "cut" and the addition of grade; and

**WHEREAS**, notice of public hearing was published; notice given to neighboring property owners; and a staff report prepared for the City Council for the consideration of the application; and

**WHEREAS**, public comment was taken at the public hearing before the City Council on January 13, 2014; and

**WHEREAS**, the City Council has received the staff report, and considered the application and comments of the applicant and the public.

**NOW, THEREFORE**, the City Council of the City of Woodland, Minnesota does hereby make the following:

**FINDINGS OF FACT**

1. That the real properties located at 2856 Gale Road, Woodland, Minnesota (PID No. 12-117-23 44 0005) is a single lot of record located within the R-1 Single Family District. The property is used for single family residential purposes.
2. The applicants would like to construct a new single family home which would exceed the maximum permitted grade alteration and includes both an excess in the allowable grade alteration in the form of a "cut" and the addition of grade.
  - 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 six feet for the construction of a new home and is seeking a variance to alter the grade three feet below 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 five feet for the construction of a new home and is seeking a variance to alter the grade two feet above the permitted alteration.
3. 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.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Woodland, Minnesota:

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

1. Councilmember Rich moved, seconded by Newberry that the council accept the recommendation of staff and approve the application of Bruce and Judy Barnett for variances of Woodland Ordinance Code section 900.17(4)(a); to exceed the maximum permitted grade alteration by three (3) feet to permit a grade cut of six feet on the lake side of the home and a variance to exceed the maximum permitted grade alteration by two (2) feet to permit a grade increase on the southwest corner of the new home as part of an altered landscaping plan for the property located at 2856 Gale Road, based on the following findings:
- a) The proposed seeks to alter the topography which is currently created by the use of retaining walls and create a more natural flow to the terrain while maintaining the low lying style of home which has been present on the property since 1967.

The home currently under construction on the lot uses a retaining wall to hold back the grade in the same fashion as the existing home, the proposal would remove the retaining wall which 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 the alteration restores the topography to a more natural looking state on the lake side of the home while removing retaining walls out of the required lake yard setback; (c) The proposal puts the property to a reasonable use through the restoration of a natural looking grade, removing existing retaining walls, while permitting the construction of a new home that maintains the same main level elevation as the previous home on the site; (d) the plight of the homeowner is created by the need to move the proposed home into compliance with the required lake yard setback, while maintaining the floor elevations of the previous home. The intent was to fit the home as low onto the property as possible; and (e) the essential character of the neighborhood is not impacted. 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.

Motion carried 5-0.

**ADOPTED BY** the Woodland City Council on February 10, 2014 upon the following vote:

	Yes	No	Abstain	Absent
Mayor Doak	X			
Councilor Carlson	X			
Councilor Massie	X			
Councilor Newberry	X			
Councilor Rich	X			

State of Minnesota

County of Hennepin

CITY OF WOODLAND

By: \_\_\_\_\_  
James S. Doak, Mayor

I, Kathryn A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on February 10, 2014, now on file in my office and have found the same to be true and correct copy thereof. Witness my hand and official seal at Woodland, Minnesota, the 10<sup>th</sup> day of February, 2014.

Attest: \_\_\_\_\_  
Kathryn A. McCullum, City Clerk

5. PUBLIC HEARINGS

- A. Bruce and Judy Barnett, 2856 Gale Road, request for variance to exceed the maximum permitted grade alteration in conjunction with the construction of a new single family home.

Mayor Doak opened the public hearing and requested that Zoning Administrator Karpas present the staff report.

Mr. Karpas presented an overview of the item, explaining that the applicants have requested variances to both increase and decrease the existing grade on two areas on the property. He noted that the request complies with height, setback, and impervious surface requirements, and the design appears to enhance the topography as a retaining wall system would be removed.

Mr. Karpas stated that the house design and placement on the lot ensured that the house fits on the lot rather than there being a need to shape the lot to fit the house. He noted that the removal of the retaining wall system supports the concept of fitting the house to the lot.

Mr. Karpas stated that he recommended approval of the variance with no conditions based on the findings noted in the staff report.

Bruce Barnett, 2856 Gale Road, approached the Council and introduced briel Keller of Peterssen/Keller Architecture and Travis Van Liere, of avis Van Liere Studio Landscape Architecture.

Mr. Keller explained that the new house is lower in height than the existing house and the design of the home respects the required setbacks. He noted that an existing retaining wall system would be removed which follows the intent of the ordinance by restoring the natural grade of the property.

Mr. Van Liere reiterated that the house design was developed to fit the lot. He noted that the drainage plan was approved by the City Engineer. Mayor Doak thought that the plan would improve the drainage and stability of the slope. Mr. Van Liere explained that the drainage will be improved because the water will drain to the sides of the property rather than directly to the lake.

Councilor Carlson noted that it appeared that the vegetative buffer would remain to keep erosion under control. Mayor Doak agreed and stated that bluffs on the lake are generally unstable and the buffer will help with erosion. He stated that moving the house away from the lakeshore would also mitigate erosion.

In response to a question from Councilor Massie, Mr. Van Liere indicated that the septic type would be a drainfield that would not disturb the southwest portion of the property. He stated that care was taken to

preserve mature trees and other valuable assets inherent to the property.

The public hearing was closed.

Mayor Doak and Council members stated support for the request.

Rich moved, seconded by Newberry to approve the variance as requested based on the following findings:

1. The variance is in harmony with the purpose and intent of the ordinance.

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

The proposal seeks to alter the topography which is currently created by the use of retaining walls and create a more natural flow to the terrain while maintaining the low lying style of the home which has been present on the property since 1967. The home currently under construction on the lot uses a retaining wall to hold back the grade in the same fashion as the existing home, the proposal would remove the retaining wall.

2. The variance is consistent with the comprehensive plan.

The request is consistent with the comprehensive plan in that the alteration restores the topography to a more natural looking state on the lake side of the home while removing retaining walls out of the required lake yard setback.

3. The proposal puts property to use in a reasonable manner.

The proposal puts the property to a reasonable use through the restoration of a natural-looking grade, removing existing retaining walls, while permitting the construction of a new home that maintains the same level elevation as the previous home on the site.

4. There are unique circumstances to the property not created by the landowner.

The plight of the homeowner is created by the need to move the proposed home into compliance with the required lake yard setback, while maintaining the floor elevations of the previous home. The intent was to fit the home as low onto the property as possible.

5. Will the variance, if granted, alter the essential character of the locality?

The essential character of the neighborhood is not impacted. 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 the lake views.

Motion carried (5-0).

Mayor Doak indicated that a resolution approving the variance would be considered at the February 10, 2014 City Council meeting.