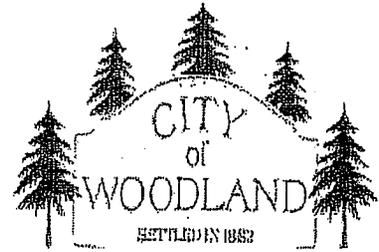


AGENDA
CITY COUNCIL
CITY OF WOODLAND



MONDAY, JANUARY 13, 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 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

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. Bruce and Judy Barnett, 2856 Gale Road, request for variance to exceed the maximum permitted grade alteration in the conjunction with the construction of a new single family home.
- B. Anthony and Mary Miller, 3100 Maplewood Road, request for subdivision of existing three lots into new buildable lots: Preliminary Plat Review

6. NEW BUSINESS

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

- B. Resolution No. 03-2014 Designating Annual Appointments and Assignments for 2014.
 - C. Resolution No. 04-2014 Relating to the to the City of Woodland representation on the Lake Minnetonka Conservation District (LMCD) Board for 2014.
 - D. Review of the 2014 Municipal Fee Schedule and potential additions to Chapters 3 and 9 of the City of Woodland Code of Ordinances
- 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 February 10, 2014.

**CITY OF WOODLAND
COUNCIL MEETING
December 9, 2013**

Agenda Item 3. A.

Approval of Minutes

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Doak called the meeting to order at 7:00 P.M.

ROLL CALL

Present: Mayor James Doak; Council Members Sliv Carlson, John Massie and Chris Rich and Tom Newberry

Staff: City Clerk Kathy McCullum, and City Clerk Shelley Souers

Guests: County Commissioner Jan Callison and LMCC Representative Mike Jilek

CONSENT AGENDA

A. Minutes, November 12, 2013; Regular Council Meeting

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

PUBLIC COMMENTS - None.

PUBLIC HEARINGS

A. Anthony and Mary Miller, 3100 Maplewood Road, Request a Subdivision of Existing Three Lots Into New Buildable Lots: Preliminary Plat Review.

The public hearing was postponed to January 13, 2014.

B. Budget Hearing to Adopt the 2014 Fund Budgets and Tax Levy

- Resolution No. 36-2013; Adopting the Final 2014 Budget
- Resolution No. 37-2013; Adopting the Final Tax Levy collectible in 2014
- Resolution No. 38-2013; Adopting the Final 2014 Enterprise Fund Budgets

Mayor Doak opened the public hearing to consider the 2014 Budget for the General Fund and Enterprise Funds.

Mayor Doak reported that the 2014 General Fund levy reflects a 5% increase from the 2013 levy. Mayor Doak reported that the 2013 revenues are expected to exceed the 2013 expenditures by about 7%. The building permit revenue exceeded the budgeted revenue. The 2014 budget expenses are generally flat with the projection of the current year and represents about a 6% increase mostly due to the replacement of the Maplewood Circle East culvert. The 2014 budget increases reflect inflation and the costs associated with the 2014 election, along with the decision to increase the contribution to the road fund for anticipated improvements to Breezy Point Road.

Mayor Doak noted that the tax revenue makes up approximately 95% of the budget revenue. The City's portion of a property's tax bill is about 11% of the total taxes that

goes to pay for City operations. Mayor Doak stated that Woodland is one of the lowest tax rate cities in the state, although Woodland has fewer services and amenities comparatively.

Mayor Doak reported that he, Council Member Council Member Carlson, and staff worked with the sewer and water budgets. The rates will need to be increased for 2014 to continue to pay for anticipated expenses. The charges reflect the maintenance needs and account for some of the under billing in previous years. There will be a material increase to those households on the municipal system.

There being no further discussion, Mayor Doak closed the public hearing 7:45P.M.

Massie moved, seconded by Rich for the following:

- Adoption of Resolution No. 36-2013 approving the Final 2014 Budget
- Adoption of Resolution No. 37-2013 approving the Final Tax Levy collectible in 2014
- Adoption of Resolution No. 38-2013 approving the Final 2014 Enterprise Fund Budgets.

Motion carried 5-0.

NEW BUSINESS

A. Woodland Representative Mike Jilek – Lake Minnetonka Communications Commission (LMCC) Updates

Mike Jilek, 2800 Center Road, reported on the status of the municipal joint powers agreement with the LMCC. Mr. Jilek reported that 17 cities were original members of the Joint Powers Agreement (JPA). Three cities have elected to drop out of the Joint Powers Agreement and two additional cities are also considering leaving. Presently 13 cities remain. The 2014 budget was reduced by \$300,000 due to a decrease in peg funding. Peg funds are made up from the charge attributed to each subscriber and placed on the monthly cable bill. Mr. Jilek stated that there are 98 cable subscribers in Woodland. The cable service is completely built out in Woodland. The cities leaving the LMCC have been frustrated that the cable service is not expanding to meet their demands and keeping up with their municipal growth and developments.

Mr. Jilek reported that the LMCC has made several staff reductions to further reduce budget costs. Several part-time positions have been eliminated and Sally Koeneke, the LMCC director, is changing from full-time to part-time employment. Three full-time employees will remain. The LMCC owns its own building and has a surplus reserve fund.

Several cities believe that the cash reserves should be refunded to the member cities. The joint powers agreement does not make an allowance for refunds and no refund is planned.

Mr. Jilek stated that the LMCC is doing a good job keeping up with the technological changes. The LMCC will remain in tact and the peg fees will continue.

Council Member Carlson asked if the reduced budget would impact the LMCC's services.

Mr. Jilek noted that the LMCC has plenty of bandwidth, even with 3 full-time employees. The LMCC will maintain their key services, which include the broadcast of public meetings, local feature programs and safety programs.

Mayor Doak thanked Mr. Jilek for his updates and participation in the LMCC meetings.

B. County Commissioner Jan Callison – Annual Updates

Mayor Doak welcomed Hennepin County Commissioner Jan Callison to the meeting.

Commissioner Callison reported that the 2014 County tax increase is less than 1%. The County has achieved continued cost savings by redesigning and eliminating a number of service programs. Commissioner Callison reported that passport services will be terminated. Juvenile services will be changing by limiting the list of authorized schools where juvenile students can be sent. The County has also privatized nursing care at the correction facilities. The poverty rate in Hennepin County is 13%, which is an increase from last year. Commissioner Callison reported that the increase in poverty levels also increases the need in a multitude of social services.

Commissioner Callison reported that she receives very few comments from Woodland residents. The majority of comments pertain to issues regarding roads and bicycle access. Commissioner Callison stated that the County Road 101 improvements are projected to start in May 2014.

In answer to Council Member Carlson question pertaining to Wayzata's passport services, Commissioner Callison responded that passports will continue to be issued by the City of Wayzata.

Council thanked Commissioner Callison for her work and her monthly newsletter that keeps Cities informed on County issues.

C. Doug Gustner & Kathy Dittmer, 2845 Stone Arch Road, Backyard Chickens

No Discussion. This request will be considered in 2014 following submittal of their permit application.

D. Ordinance No. 07-08 Amending Section 705 Regulating Individual Sewage Treatment Systems, Clarifying Permits for Construction

Council Member Newberry reported that the City Attorney prepared Ordinance No. 07-08; that serves to clarify the issuance of septic permits, eliminating the requirement for multiple permits for septic systems.

Newberry moved, seconded by Carlson to approve Ordinance No. 07-08, waiving the second reading. Motion carried 5-0.

E. Resolution No. 39-2013; Water & Sewer Rates for 2014

Council reviewed the proposed water and sewer rates for 2014. Council Member Carlson noted that, at this time, the water fund has a positive balance.

Carlson moved, seconded by Massie to approve Resolution No. 39-2013 increasing the water and sewer rates, effective with the January billing. Motion carried 5-0.

F. Resolution No. 40-2013; Approving the summary of Ordinance No. 09-25 Amending Chapter 9 Zoning Language, for publication

Rich moved, seconded by Newberry to approve Resolution No. 40-2013 approving the summary of Ordinance No. 09-25. Motion carried 5-0.

G. Resolution No. 41-2013; Adoption of 2014 Municipal Fee Schedule

Council reviewed the fee schedule outlined in Chapter 3, section 305.

Mayor Doak reported that the 2014 proposed fee schedule reflects an increase in the fee for individual water turn off/on at the curb stop. The current charge is \$15 which does not cover the actual costs associated with turning the water on/off. Staff recommended the fee be increased to \$50 to cover the cost of the public works charge to facilitate the turn off/on of the water service.

Mayor Doak reported that the road escrow fee was established to cover any costs associated with physical damage to the public roads caused by construction vehicles. The City engineer reviews the roads at the start of the construction project and again at the completion of the project. There is a small charge associated with the engineer's review. The typical cost for the engineer's review is approximately \$150. Mayor Doak suggested that Council consider adding a separate road review fee for all projects over \$20,000. A road review fee would be collected with the building permit fee. Staff was directed to prepare information regarding a road review fee for Council discussion at the January meeting.

Council took no action on Resolution No. 41-2013. Action was continued for further consideration in January.

H. 2014 Wayzata Fire Service Contract

Council reviewed the annual fire service agreement with Wayzata for 2014.

Carlson moved, seconded by Massie to accept the annual fire service agreement with the City of Wayzata for 2014. Motion carried 5-0.

OLD BUSINESS - None

MAYOR'S REPORT

Mayor Doak reported that the Deephaven Elementary School was awarded the Blue Ribbon of Excellence and he along with several local and state officials attended the recognition meeting at the school.

Mayor Doak reported that the Minnetonka School District's capacity is 10,400 students. The current enrollment is 9,700 students of which 2,500 are transfer students through open enrollment. The financial resources increase with the funds generated from open enrollment.

COUNCIL REPORTS

A. Ordinances & Septic Ordinance & Inspections

No report.

B. Roads, Signs, Trees, & Website

Council Member Rich reported that there was some vandalism to several street signs. The City has replaced the signs.

Chief Johnson reported that the vandal was identified and will be charged with the crime. The expenses related to the sign replacement will be charged to the individual for restitution.

C. Finance, Enterprise Funds, Intgov. Relations & MCWD

Council Member Carlson reported that the MCWD was awarded the 2013 Watershed District of the year. The MCWD is considering grant applications for projects related to community service initiatives. Residents affiliated with the Shavers Lake Association attended the MCWD meeting to learn the process for a potential project for Shavers Lake.

Council Member Carlson reported that she attended the annual League of Minnesota Cities meeting.

D. Public Safety & Deer Management

Council Member Massie reported that he will contact Gus Karpas regarding deer trap locations and the status of the program.

ACCOUNTS PAYABLE

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

TREASURERS REPORT

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

ADJOURNMENT

The meeting adjourned by consent at 8:37 P.M.

ATTEST:

Shelley Souers, City Clerk

James S. Doak, Mayor

CITY COUNCIL
CITY OF WOODLAND
MEETING OF JANUARY 13, 2014

Agenda Item 3. B.

Consent Agenda

TO: Honorable Mayor and Members of the City Council
FROM: Kathyne McCullum, City Clerk
SUBJECT: Resolution No. 01-2014 establishing the 2014 official calendar for the
City of Woodland

Description

The Woodland City Council sets the official calendar by resolution each year. The attached resolution has been prepared for Council review and adoption. It should be noted that any three members of the Council constitutes a quorum. The three members may, but need not, include the Mayor. The official calendar may change due to a lack of a quorum.

Recommendation

Adopt Resolution No. 01-2014 establishing the 2014 official calendar for the City of Woodland.

CITY OF WOODLAND

Meeting Date: January 13, 2014
 Motion:

Resolution No. 01-2014
 Second:

**RESOLUTION NO. 01-2014 ESTABLISHING THE 2014
 OFFICIAL CALENDAR FOR THE CITY OF WOODLAND**

WHEREAS, the City Council of the City of Woodland wishes to establish the 2014 Official Calendar; and

WHEREAS, the meetings of the City Council of the City of Woodland are held in the Deephaven City Council Chambers located at 20225 Cottagewood Road, Deephaven, Minnesota, 55331; and

WHEREAS, City Council meetings may be changed due to lack of a quorum.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Woodland, Minnesota hereby approves the following dates for City Council meetings and variances/special use permit, and subdivision applications:

APPLICATION DATE	PUBLISH DATE	COUNCIL MEETING
First Thursday	Sun Sailor – Thursday	Public Hearing – Second Monday, 7:00 p.m.
December 5, 2013	December 19, 2013	January 13, 2014
January 2, 2014	January 16, 2014	February 10, 2014
February 6, 2014	February 20, 2014	March 10, 2014
March 6, 2014	March 20, 2014	April 14, 2014
April 3, 2014	April 17, 2014	May 12, 2014
May 1, 2014	May 22, 2014	June 9, 2014
June 5, 2014	June 19, 2014	July 14, 2014
July 3, 2014	July 17, 2014	August 11, 2014
August 7, 2014	August 21, 2014	September 8, 2014
September 4, 2014	September 18, 2014	October 13, 2014
October 2, 2014	October 16, 2014	November 10, 2014
November 6, 2014	November 20, 2014	December 8, 2014
December 4, 2014	December 18, 2014	January 12, 2015

BE IT FURTHER RESOLVED, that the City Council of the City of Woodland, Minnesota hereby approves the following meeting dates:

MEETING	DATE	TIME	NOTES
Local Board of Appeal and Equalization	April 14, 2014	7:00 p.m.	Property Value Review
Budget Discussions (2015)	July 14, 2014	7:00 p.m.	Preliminary Budget Review
Budget Discussions (2015)	August 11, 2014	7:00 p.m.	Preliminary Budget Review
Adopt Preliminary Budget (2015)	September 8, 2014	7:00 p.m.	Adopt Preliminary Budget and Levy
Election Canvassing Board	November 10, 2014	6:30 p.m.	Canvass the 2014 General Election Results
Publish Public Hearing Notice for Final Budget	November 20, 2014	N/A	Publication of Public Hearing Notice
Adopt Final Budget (Public Hearing)	December 8, 2014	7:00 p.m.	Adopt Final Budget

BE IT FURTHER RESOLVED, that the City Council of the City of Woodland, Minnesota hereby approves the following dates:

HOLIDAY	DATE
New Year's Day	Wednesday, January 1, 2014
Martin Luther King Jr. Day	Monday, January 20, 2014
President's Day	Monday, February 17, 2014
Good Friday	Friday, April 18, 2014
Memorial Day	Monday, May 26, 2014
Independence Day	Friday, July 4, 2014
Labor Day	Monday, September 1, 2014
Veterans Day	Tuesday, November 11, 2014
Thanksgiving Day	Thursday, November 27, 2014
Christmas Day	Thursday, December 25, 2014

ADOPTED BY the Woodland City Council on January 13, 2014 upon the following vote:

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

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 January 13, 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 ____ day of January, 2014.

Attest: _____
Kathryne A. McCullum, City Clerk

CITY COUNCIL
CITY OF WOODLAND
MEETING OF JANUARY 13, 2014

TO: Honorable Mayor and Members of the City Council
FROM: Kathyne McCullum, City Clerk
SUBJECT: Resolution No. 02-2014 – Establishing Administrative Fees

Agenda Item 3. C.

Consent Agenda

Background

Each year, the City Council reviews the Administrative Fees for the City of Woodland to determine if the current fees cover the cost associated with those general administrative services and materials.

Staff has reviewed the Administrative Fee Schedule and no changes are recommended.

Recommendation

Adopt Resolution No. 02-2014 Establishing Administrative Fees for the City of Woodland.

CITY OF WOODLAND

Meeting Date: January 13, 2014

Resolution No. 02-2014

Motion:

Second:

**RESOLUTION NO. 02-2014 ESTABLISHING A SCHEDULE
OF ADMINISTRATIVE FEES**

WHEREAS, the City Council of the City of Woodland wishes to establish the 2014 Administrative Fee Schedule; and

WHEREAS, Section 305.03 of the Woodland City Code requires Woodland to establish a schedule of fees for miscellaneous items and administrative services.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Woodland, Minnesota hereby approves the following schedule of administrative fees that will be in effect for 2014:

Item	Fee
Copies (8.5" x 11")	\$0.25 per page
Copies (11" x 17")	\$0.50 per page
Maps – from the City Engineer	Cost plus 10%
Computer Labels	\$1.50 per page
Full City Code Book	\$50.00
Police Reports	\$0.25 per page
Return Check	\$25.00
DVD/VHS Tape	\$25.00
Audio Tape	\$15.00 per cassette
Photos	\$2.00 per photo / \$15.00 minimum
Police Officer	\$80.00 per hour (3 hour minimum)
Impound Fee	\$50.00 up front and \$5.00 per day
Mileage Reimbursement	IRS Business Rate Per Mile

ADOPTED BY the Woodland City Council on January 13, 2014 upon the following vote:

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

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 January 13, 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 ____ day of January, 2014.

Attest: _____

Kathryne A. McCullum, City Clerk



Agenda Date: 01-13-14
CITY COUNCIL STAFF REPORT

Agenda Item: Request of Bruce and Judy Barnett, 2856 Gale Road, for the consideration of a variances to alter the grade greater than the maximum permitted grade alteration on the lakeside of the home.

Summary: Bruce and Judy Barnett are requesting a variances to exceed the maximum permitted grade alteration in conjunction with the construction of a new single family home. The proposal 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.**

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.

The home is currently under construction and is using a retaining wall system employed by the previous home to maintain the existing grade and walk-out design for the home to keep it in compliance with the city ordinances. The proposal would permit the removal of the retaining walls and the restoration of a natural grade on the lakeside of the home.

The new structure also complies with all the required setbacks, whereas the structure that was removed encroached twenty-nine (29) feet into the required lake yard setback.

STAFF RECOMMENDATION:

1. *Staff recommends **Approval** for 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:*

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?

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 tree, and 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 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.

- (b) The variance is consistent with the comprehensive plan?

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 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 main level elevation as the previous home on the site.

- (d) There 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.

- (e) 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 lake views.



Agenda Date: 01-13-14
CITY COUNCIL MEMO
Variance Requests

Agenda Item: Consider Variance Requests, Bruce and Judy Barnett, 2856 Gale Road

Summary: Copies of the application materials and staff report are attached for the City Council's reference. Notice of the public hearing was published in the Sun-Sailor newspaper on December 19, 2013. The City Council will hold a public hearing at their January 13, 2014 meeting. The Council shall consider the public comments, applicant's comments, application materials, staff report and **must** address city code Section 900.14, Subdivision 5; "Variance Findings", as well as any conditions prior to taking any official action in the form of a motion.

Council Action: Action required by February 2, 2014. Potential motions ...

1. **Approval Motion:** I move 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 variance(s) is/are in harmony and keeping with the spirit and intent of the zoning ordinance: **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 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.
 - b. The variance(s) is/are consistent with the comprehensive plan: **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 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 main level elevation as the previous home on the site.**
 - d. 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.**
 - e. The variance(s), if granted, will not 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 lake views.**

Subject to the following conditions: _____

2. **Denial Motion:** I move the council **deny** the application **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 variance(s) **will NOT** be in harmony and keeping with the spirit and intent of the zoning ordinance: _____.
 - b. The variance(s) **will NOT** be consistent with the comprehensive plan: _____.
 - c. In proposal **will NOT** put the property to use in a reasonable manner: _____.
 - d. There **are NOT** circumstances unique to the property not created by the landowner: _____.
 - e. The variance(s) **WILL** alter the essential character of the locality: _____.
3. **Motion for Additional Time:** I move the Council directs staff to draft written notice to Bruce and Judy Barnett stating the City Council will extend the 60-day time limit to take action on the request until April 3, 2014 as permitted by MN Statute 15.99 for the following reason(s) _____.

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).