

AGENDA
CITY COUNCIL
CITY OF WOODLAND



MONDAY, JULY 11, 2016
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. Authorization for the Mayor and City Clerk to execute an agreement between the City of Woodland and the City Assessor, Daniel R. Distel.
- B. Resolution No. 16-2016 approving requests of Alexander Design Group for the property at 2830 Breezy Heights Road for variances from the minimum required side yard setbacks, and to exceed the maximum permitted impervious surface area.
- C. Authorization from the City Council to approve the use of funds by the Lake Minnetonka Communications Commission for new audio/video equipment in the Deephaven City Hall Council Chambers.

4. APPROVAL OF MINUTES

- A. Approval of the June 13, 2016 minutes.

5. 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.

6. PUBLIC HEARINGS

- A. Public Hearing pertaining to 2800 Woolsey Lane for Robert and Deborah Johnson:
 - 1. Consideration of variance requests from minimum required lot size and minimum required lot width
 - 2. Consideration of a Preliminary Plat – “Johnson Woolsey Addition”
- B. Stormwater Pollution Prevention Program Annual Public Hearing
- C. Public Hearing and First Reading of an Ordinance No. O05-2016, amending Section 900.04 of the City Code regarding Temporary Family Health Care Dwellings

7. NEW BUSINESS

- A. Discussion relating to Chapter 10 – General Floodplain Ordinance
- B. Report from Kurt Larson regarding the City’s even-year septic inspections
- C. Discussion relating to a potential natural resources policy relating to geese management
- D. Discussion relating to the 2017 General Fund and Enterprise Budgets
- E. Consideration of a Special Event Permit for Streeter and Associates for 2400 Cedar Point Drive in connection with the Homes by Architects Tour

8. OLD BUSINESS

9. MAYOR’S REPORT

10. 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

11. ACCOUNTS PAYABLE

12. TREASURER’S REPORT

13. 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 August 11, 2016

CITY COUNCIL
CITY OF WOODLAND
MEETING OF JULY 11, 2016

Agenda Item 3. A.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathrynne McCullum, City Clerk

SUBJECT: Authorization for the Mayor and City Clerk to execute an agreement between the City of Woodland and the City Assessor, Daniel R. Distel.

Background

The Contract for Assessing services with Dan Distel will expire on August 31, 2016. Dan has been Woodland's assessor since 1989 and desires to continue in that capacity. Dan requests to extend his contract for another two years with a 2% increase in the contracted amount. In the past, the percentage increase in the Assessor's fee has generally coincided with the percentage that the Police Department and City staff receive each year.

Current Contract

September, 2015 – August, 2016 – 2% increase
\$ 9,617 = (12 months @ \$801.42/month)
* increase of \$188.58/year

Request for Continued Two-Year Contract

September, 2016 – August, 2017 – 2% increase
\$9,809 = (12 months @ \$817.42/month)
*increase of \$192.34/year

Recommendation

By motion, authorize the Mayor and City Clerk to execute the agreement between the City of Woodland and City Assessor Daniel R. Distel.

AGREEMENT FOR
PROFESSIONAL SERVICES WITH DANIEL R. DISTEL

This Agreement is entered into as of August 31, 2016 by and between the CITY OF WOODLAND, (the "City") a municipal corporation under the laws of the State of Minnesota and DANIEL R. DISTEL ("Assessor").

A. The City desires to engage Assessor to render assessing services to the City and to provide related technical assistance to the City.

B. Assessor is a resident of the State of Minnesota. Assessor is licensed by the Minnesota State Board of Assessors under Minnesota Statutes, Section 270.48, and is qualified to act as an assessor for the City.

C. Assessor has agreed to provide assessing services and related technical assistance to the City in accordance with this agreement.

In consideration of the foregoing facts, and in consideration of the mutual covenants and agreements herein contained, the parties hereto do mutually agree as follows:

1. At all times Assessor will maintain his standing as a Senior Accredited Minnesota Assessor issued by the Minnesota State Board of Assessors. Assessor will keep current in property assessment practices and techniques, and will maintain all necessary professional memberships.
2. Each assessment year, Assessor will reappraise 20% of all taxable property within the City in accordance with State requirements. Of the property physically reappraised in each assessment year, the appraisals shall be completed by December 31, exclusive of partial values.
3. All partial values and aggregate value increases will be determined by February 1st of each assessment year, or by such earlier date as is required by Hennepin County. All market and other property values shall be submitted to Hennepin County on or before the date established by the Office of the Hennepin County Assessor.
4. Each assessment year, Assessor will attend all local Board of Review meetings and will represent the City in all tax petitions, abatements or appeals of property values determined by Assessor. All attendance at Board of Review meetings and all involvement in tax abatement proceedings or appeals by Assessor will be covered by the annual professional fee herein provided and will be without additional payment to Assessor by the City.
5. Throughout each assessment year, Assessor will keep all half-section maps of the City current with regard to all property divisions, property combinations and new plats. Assessor will divide property valuations as required, will be available on a reasonable basis to meet with residents of the City, and will perform all administrative duties required for a complete assessment program.
6. Assessor will be responsible for the cost of any additional personnel necessary to complete the assessment process, other than as provided in Section 13 of this agreement.
7. Assessor shall be responsible for the cost of all transportation, auto expenses, equipment required for field appraisals, such as cameras and tape measures, and for the cost of all

conferences and luncheons. It is agreed that there will be no reimbursement or allowances paid by the City for mileage or travel expenses, or for any other expenses except as specifically provided.

8. Assessor will perform all of the duties of an assessor for the City as required by State law and as are customary and appropriate for assessors in the State of Minnesota.

9. Upon appointment of the Assessor by the City Council, the Assessor will take and subscribe an oath that he will be diligent, faithful and impartial in performance of the duties enjoined on him by law and under this agreement.

10. Assessor will assume all responsibility for damage and claims for damage caused or allegedly caused by him to any private or public property in the performance of this service under this agreement. Assessor hereby agrees to indemnify and hold the City and its Councilmembers, officers and employees harmless against all claims, damages, costs, and expenses, including reasonable attorney's fees for the defense thereof, arising out of services to be performed under this agreement. Assessor will carry the following insurance coverage:

- (a) Worker's Compensation insurance if required by State worker's compensation laws.
- (b) General liability insurance and automobile liability insurance covering all claims, demands and damages for death, bodily injury and property of not less than \$500,000.
- (c) Hold harmless or indemnity coverage covering Assessor's agreement to indemnify the City as herein provided.

Prior to commencement of the term of this agreement and appointment of Daniel R. Distel as Assessor for the City, Assessor shall submit to the City executed policies or certificates of insurance evidencing the coverage required above. The insurer shall provide the insurance policies to the City not less than 10 days before the insurance is canceled or modified.

11. As reimbursement for the service outlined above, the City shall pay to the Assessor from September 1, 2016 to August 31, 2017, according to the scale identified and attached hereto as Exhibit A. This agreement shall not cover the assessment of tax-exempt property within the City. During those assessment years in which tax-exempt values must be determined and submitted to Hennepin County, the City and Assessor shall negotiate a supplement agreement for the provision of such services.

12. The City shall be responsible for the cost of all tax runs, maps and other computer data secured by the City from Hennepin County.

13. The City shall provide office space at the City Hall, office equipment and office supplies necessary to adequately perform assessing services. The City shall provide telephones and personnel to assist the Assessor in providing information to the public regarding real estate tax and other related matters. The City of Woodland, through coordination by the Assessor, will be responsible for the Homestead application process, follow-up correspondences, and coordination with Hennepin County regarding corrections to ownership records, name changes, mailing addresses and corrections to Homestead records.

14. This agreement shall run from September 1, 2016 to August 31, 2017.

15. This agreement may be terminated by either party upon 120 days prior written notice to the other.

This agreement may be terminated at any time by the City if Assessor is no longer qualified under State law to act as an assessor for the City. This agreement shall terminate upon the death of the Assessor, and may be terminated by the City upon the disability of Assessor if such disability does not permit the performance of the assessing services for the City. If this agreement is terminated, the annual fee for the final 12-month period of the agreement shall be prorated according to the number of days this agreement is in effect during that 12-month period.

16. It is understood and agreed that Assessor is an independent contractor and is not an employee of the City. Assessor shall receive from the City only the professional fee herein provided and shall receive no other compensation or benefits. The City shall provide no health insurance, worker's compensation insurance or other benefits for or on behalf of Assessor.

The parties have caused this agreement to be executed as of the day and year first above written.

CITY OF WOODLAND

By _____
James S. Doak, Mayor

And _____
Kathryne A. McCullum, City Clerk

Daniel R. Distel, Assessor

Approved by the Woodland City Council on the 11th day of July, 2016.

**EXHIBIT A
ASSESSOR CONTRACT**

COMPARISON FOR PREVIOUS YEARS

Year	Annual Charge	Monthly Charge
2001-2002	\$ 6,804	\$ 570.00
2002-2003	7,008	584.00
2003-2004	7,260	605.00
2004-2005	7,478	623.00
2005-2006	7,702	642.00
2006-2007	7,932	661.00
2007-2008	8,172	681.00
2008-2009	8,417	701.00
2009-2010	8,669	722.00
2010-2011	8,669	722.00
2011-2012	8,842	736.00
2012-2013	9,019	751.50
2013-2014	9,199	766.50
2014-2015	9,429	785.75
2015-2016	9,617	801.42
2016-2017	9,809	817.42

(Increased payment starts with September payment.)

WOODLAND RESOLUTION NO. 16 - 2016

IN RE: The application for variance requests of Alexander Design Group to build a new house that would encroach 25 feet into the east side yard setback, 18 feet into the west side yard setback, to exceed the maximum permitted impervious surface area by 1.8%, and to alter the existing grade by more than 3 feet, for the property at 2830 Breezy Heights Road, Woodland, Minnesota (PID No. 07-117-22-43-0026)

LEGAL: COM AT SW COR OF GOVT LOT 3 TH ELY ALONG S LINE THOF DIST 569.34 FT TH N 14 DEG 58 MIN E 475 FT ON A LINE DEFLECTING LEFT 75 DEG 02 MIN SAID LINE HEREINAFTER REFERRED TO AS LINE A AND PT OF BEG OF LAND TO BE DESC TH W 1.98 FT TH N 14 DEG 40 MIN 18 SEC E 7.5 FT TO N 75 DEG 19 MIN 42 SEC W 27.2 FT TH S 14 DEG 40 MIN 18 SEC W 14.62 FT TH WLY PAR WITH S LINE THOF TO A LINE PAR WITH AND DIST 55 FT W OF THE NLY EXTS OF SAID LINE A TH NLY PAR WITH SAID NLY EXTS TO SWLY SHORE OF LAKE MINNETONKA TH SELY ALONG SHORE TO A PT WHICH IS N 14 DEG 58 MIN E FROM PT OF BEG TH SLY TO BEG

WHEREAS, the applicant has made application to the City for a variance to encroach into the required east and west side yard setbacks, exceed the maximum permitted impervious surface area, and alter the existing grade on the property by more than 3 feet; and

WHEREAS, notice of public hearing was published; notice given to neighboring property owners; and a public hearing held before the City Council to consider the application; and

WHEREAS, public comment was taken at the public hearing before the City Council on June 13, 2016; 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 property located at 2830 Breezy Heights Road, Woodland, Minnesota (PID No. 07-117-22-43-0026) is a single lot of record located within the R-1 zoning district. This property is used for single family residential purposes.
2. 2830 Breezy Heights Road is a long, narrow property that is only 55 feet wide. There is currently an existing non-conforming house on the property, and variances would be required to construct any kind of new house on the property.
3. The applicant submitted an application for a variance to encroach into the minimum required east side yard setback. Section 900.09, Subd. 4 of the zoning code requires a side yard setbacks of 30 feet. The applicant is proposing an east side yard setback of 5 feet and is requesting a variance of 25 feet.

The proposed encroachment would be the same as the existing east side yard encroachment.

4. The applicant submitted an application for a variance to encroach into the minimum required west side yard setback. Section 900.09, Subd. 4 of the zoning code requires a side yard setbacks of 30 feet. The applicant is proposing a west side yard setback of 12 feet and is requesting a variance of 18 feet.

As proposed the main body of the proposed house would not encroach any further than the existing structure. However, as proposed, the stairway off of the screened in porch is 12 feet from the west lot line. The stairway is an open stairway and adds very little impact on the massing of the house. Apart from the stairs, the magnitude of the overall encroachment for the proposed house is very similar to that of the existing house.

5. The applicant submitted an application for a variance to exceed the maximum permitted impervious surface area. Section 900.10, Subd. 1

of the zoning code limits the impervious surface area on lots greater than 16,500 square feet in size to 25% of the lot area. The applicant is proposing an impervious surface area of 26.8% and is seeking a variance to exceed the limitation by 1.8%.

The hardcover increase is due to the additional 1396 square feet driveway area proposed for the property. Apart from the driveway, the remainder of the proposed hardcover on the property is slightly less than existing conditions since hardcover in other areas will be reduced. These reductions primarily come from the removal of a shed and reductions in the size of the paver walk. The property will still see a net increase in impervious surface area of 990 square feet.

6. The applicant submitted an application for a variance to alter the existing grade by more than 3 feet. **Section 900.17, Subd. 4** of the zoning code limits changes to existing grades to less than three feet. Applicant is proposing to alter the grade by more than three feet in some areas on the west side of property.

The area above 3 feet of grade change is minimal and will be managed by the drainage swales on this side of the property.

7. The proposed house meets the remaining requirements of the zoning ordinance.

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

Councilmember Newberry moved the council accept the recommendation of staff to approve of the variance requests of Alexander Design Group for the property at 2830 Breezy Heights Road, to encroach 25 feet into the required east side yard setback, to encroach 18 feet into the required west side yard setback, to exceed the maximum allowable impervious surface area on the property by 1.8%, and to alter the existing grade on the property by more than 3 feet in order to build a new house on the property, as proposed.

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

Findings:

a. The variance will be in harmony and keeping with the spirit and intent of the zoning ordinance:

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

The proposal seeks to remove an existing non-conforming house and replace it with a new non-conforming house that has similar encroachments to the existing house. Since a conforming house is not possible on this lot, the spirit and intent of the ordinance is met by limiting undue impacts on neighboring properties, while also allowing a reasonable house to be built on the property.

b. The variance request is consistent with the comprehensive plan:

The request is consistent with the Comprehensive Plan in that it maintains the single family nature of the neighborhood.

c. The proposal puts the property to use in a reasonable manner:

The proposal puts the property to a reasonable use. Apart from moving the home closer to the lake, the manner of use of the property will be very similar to its current use.

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

The lot is 55 feet wide, and it would not be possible to build a zoning code compliant house on the property. The length of the lot creates practical difficulties in providing access to the property while still meeting the hardcover restrictions.

e. The variance(s) will not alter the essential character of the locality:

The essential character of the neighborhood would not be impacted by

the proposal since the proposal is similar to the existing conditions on the property and similar in scope and scale to other houses within the area.

Councilmember Massie seconded the motion. Motion carried 4-0.

The approval is conditioned that the property owners install a raingarden on the property to manage that portion of impervious area that exceeds 25%.

ADOPTED THIS 13th DAY OF JUNE, 2016 BY THE CITY COUNCIL OF WOODLAND, MINNESOTA.

James S. Doak, Mayor

ATTEST:

Kathryne A. McCullum, City Clerk

CITY COUNCIL
CITY OF WOODLAND
MEETING OF JULY 11, 2016

Agenda Item 3. C.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathryn McCullum, City Clerk

SUBJECT: Authorization from the City Council to approve the use of funds by the Lake Minnetonka Communications Commission for new audio/video equipment in the Deephaven City Hall Council Chambers.

Background

The attached bids were been received from Tierney and Alpha Video on a wired and wireless solution for the Council Chambers. Funding for upgrades to the City Council Chambers system is coming from each LMCC Member City's A/V Support Allocations.

The list below is based on the number of subscribers in each Member City. A City's allocation is based on the percentage of subscribers a Member City has. The total LMCC dollars allocated was \$80,000. Woodland's percentage of subscribers of 2% or $\$80,000 \times .02 = \$1,600$. Because the three cities share the Council Chambers and the money can only be used for A/V improvements, the Deephaven, Greenwood, and Woodland allocated amounts were combined. The *combined* total available for Deephaven, Greenwood, and Woodland is \$15,576.

LMCC Member City A/V Support Program Allocations

City	*Subscriptions	% of Funding	At \$80,000
Deephaven	671	14.37%	\$11,496
Excelsior	595	12.74%	\$10,192
Greenwood	143	3.10%	\$ 2,480
Independence	187	4.06%	\$ 3,248
Long Lake	301	6.53%	\$ 5,224
Loretto	122	2.65%	\$ 2,120
Maple Plain	320	6.95%	\$ 5,560
Minnetonka Beach	107	2.03%	\$ 1,624
Shorewood	1,313	28.50%	\$22,800
Spring Park	352	7.64%	\$ 6,112
St. Bonifacius	404	8.77%	\$ 7,016
Woodland	92	2.00%	\$ 1,600
Totals:	4,607	99.34%	\$79,472

*Based on March 2014 Mediacom Data

Comment

The LMCC representatives held a meeting with Deephaven, Greenwood, and Woodland representatives on June 9th to discuss the options for both wired and wireless systems. The group concluded that the best option would be the wireless system as presented by Alpha Video with an amount "not to exceed" \$19,500. Council Members will note that the total amount for the system exceeds the amount available, and the City of Deephaven has agreed to pay the difference of approximately \$4,000.

Recommendation

By motion, authorize the use of funds by the Lake Minnetonka Communications Commission for new audio/video equipment in the Deephaven City Hall Council Chambers.

Deephaven, Greenwood, Woodland Wireless Audio/Presentation System Vendor Bid Comparison

Alpha Video:		Tierney Brothers		Qty:		Total:	
Item:	Mfg:	Part #	Mfg:	Part #	Qty:	Cost Each:	Total:
Wired Audio	Symatrix Prism DSP	80-0116	Tesira FORTE DSP	TesiraFORTE AVB CI	1	\$ 2,181.82	\$ 2,181.82
	Revolabs Exec 8 channel	01-HDEXEC-NM	Revolabs Exec 8 channel	01-HDEXEC-NM-3Y	1	\$ 5,383.22	\$ 5,383.22
	Revolabs Wearable Mics	01-HSEXECMIC-11	Revolabs Wearable Mics	01-HSEXECMIC-11	8	\$ 283.39	\$ 2,267.12
	Sennheiser Wireless Mic	EW 135 G3-A	Revolabs Remote Antenna Kit	01-ANTEXEC8-KIT	1	\$ 323.99	\$ 323.99
	Sennheiser Rack Mount Kit	GA-3	Sennheiser Wireless Mic	EW 135 G3	1	\$ 584.49	\$ 584.49
			Sennheiser Antenna Kit	AM2	1	\$ 44.36	\$ 44.36
			Sennheiser Rack Mount Kit	GA-3	1	\$ 38.35	\$ 38.35
			Whirlwind Mic Stand w/Boom	STNDMTB	1	\$ 40.96	\$ 40.96
			Custom Dual XLR Output	Custom	1	\$ 29.35	\$ 29.35
							\$ 10,893.66
			Custom Cables, etc.				\$ 300.00
			Custom Design				\$ 552.00
			Installation - State Contract				\$ 822.00
			Program/Configure				\$ 588.00
			1 year Warranty				\$ 810.00
							\$ 3,072.00
Presentation	Samsung 75" LED Smart TV	J6300	Sharp 80" Aquos HD LED TV	LC80LE661U	1	\$ 3,704.65	\$ 3,704.65
	Chief Wall Mount	LTM1U	Chief Custom Wall Mount	Custom	1	\$ 152.74	\$ 152.74
	Kramer Presnetation Hub	VIA CONNECT PRO	Kramer Presnetation Hub	VIA CONNECT PRO	1	\$ 639.99	\$ 639.99
	RCI Custom Panels	Custom					\$ 4,497.38
			Custom Cables, etc.				\$ 562.37
	Installation		Custom Design				\$ 360.00
	Custom Cables, etc.		Install - State Contract				\$ 332.00
	1 Year Warranty		Non-State Contract Install				\$ 225.00
			1 Year Warranty				\$ 630.00
							\$ 2,109.37
Wall Mount Rack	Middle Atlantic Rack	EWR-8-225D	WRP Wall Mount Rack	WRP-6	1.00	321.24	321.24
	Power Supply	PD-920C-20	Power Supply	Custom	1	\$ 96.83	\$ 96.83
	RCI Custom Panel	Custom					\$ 418.07
	Optional Roll Cart	\$ 495.00					
	Total Parts, Labor, Warranty		Total Parts, Labor, Warranty				\$ 20,990.48

Deephaven, Greenwood, Woodland **Wired Audio**/Presentation System Vendor Bid Comparison

Alpha Video:		Tierney Brothers							
Item:	Mfg:	Part #	Qty:	Total:	Mfg:	Part #	Cost Each:	Qty:	Total:
Wired Audio	Symatrix Prism DSP	80-0114	1	\$ 1,150.00	Tesira FORTE DSP	TesiraFORTE AVB CI	\$ 2,181.82	1	\$ 2,181.82
	Symatrix 1U Rack Tray	80-0107	1	\$ 45.00	Tesira Expansion Card	Tesira EX-MOD	\$ 1,113.92	1	\$ 1,113.92
	Atterotech Dist. Amps	900-00185-B-U	2	\$ 630.00	Tesira 4ch Input Card	Tesira EIC-4	\$ 208.86	2	\$ 417.72
	Shure Lav Mics	MX150B/C-XLR	8	\$ 2,200.00	Shure Lav Mics	MX183	\$ 40.25	8	\$ 322.00
	Sennheiser Wireless Mic	EW 135 G3-A	1	\$ 535.00	Extron AAP Mount Frame	70-131-01	\$ 40.25	8	\$ 322.00
	Sennheiser Rack Mount Kit	GA-3	1	\$ 35.00	Extron AAP w/XLR Connect	70-419-11	\$ 28.75	8	\$ 230.00
	RCI Custom Panel	Custom	1	\$ 185.00	Custom Dual XLR Output	Custom	\$ 51.65	1	\$ 51.65
				\$ 5,410.00	Sennheiser Wireless Mic	EW 135 G3	\$ 584.49	1	\$ 584.49
					Sennheiser Antenna Kit	AM2	\$ 44.36	1	\$ 44.36
									\$ 5,267.96
									\$ 6,601.96
					Custom Cables, etc.				\$ 367.20
					Custom Design				\$ 744.00
					Installation - State Contract				\$ 1,032.00
					Non-State Contract Install				\$ 150.00
					Program/Configure				\$ 588.00
					1 year Warranty				\$ 810.00
									\$ 3,691.20
Presentation	Samsung 75" LED Smart TV	J6300	1	\$ 2,350.00	Sharp 80" Aquos HD LED TV	LC80LE661U	\$ 3,704.65	1	\$ 3,704.65
	Chief Wall Mount	LTM1U	1	\$ 195.00	Chief Custom Wall Mount	Custom	\$ 152.74	1	\$ 152.74
	Kramer Presnetation Hub	VIA CONNECT PRO	1	\$ 640.00	Kramer Presnetation Hub	VIA CONNECT PRO	\$ 639.99	1	\$ 639.99
	RCI Custom Panels	Custom	1	\$ 185.00					\$ 4,497.38
				\$ 3,370.00					
					Custom Cables, etc.				\$ 562.37
	Installation			\$ 3,750.00	Custom Design				\$ 360.00
	Custom Cables, etc.			\$ 415.00	Install - State Contract				\$ 332.00
	1 Year Warranty			\$ 645.00	Non-State Contract Install				\$ 225.00
				\$ 4,810.00	1 Year Warranty				\$ 630.00
									\$ 2,109.37
Wall Mount Rack	Middle Atlantic Rack	EWR-8-22SD	1	\$ 320.00	WRP Wall Mount Rack	WRP-6	\$ 321.24	1	\$ 321.24
	Power Supply	PD-920C-20	1	\$ 170.00	Power Supply	Custom	\$ 96.83	1	\$ 96.83
	RCI Custom Panel	Custom	1	\$ 50.00					\$ 418.07
				\$ 540.00					
				\$ 14,130.00					\$ 15,983.98
	Total Parts, Labor, Warrany				Total Parts, Labor, Warrany				\$ 17,317.98

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, JUNE 13, 2016

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Acting Mayor Carlson called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Acting Mayor Carlson, Council Members Massie, and Newberry

Excused: Mayor Doak and Council Member Weiner

Staff Present: Dale Cooney, Zoning Coordinator and Kathy McCullum, City Clerk

3. CONSENT AGENDA

A. Approval of the May 9, 2016 City Council minutes.

Massie moved, seconded by Newberry to approve the Consent Agenda as presented. Motion carried 3-0.

4. PUBLIC COMMENT – None

5. PUBLIC HEARINGS

A. Public Hearing to consider the requests of Alexander Design Group for the property at 2830 Breezy Heights Road for variances from the minimum required side yard setbacks, and to exceed the maximum permitted impervious surface area.

Acting Mayor Carlson opened the public hearing.

Acting Mayor Carlson requested that the applicant, Kathy Alexander from Alexander Design Group, present information on the request. Ms. Alexander explained that the property owners' goal is to maintain the "old world feel" of the existing home with the new design. She noted that the house is designed to allow the applicants to age in place, and includes a space for an elevator that will be installed in the future.

Ms. Alexander explained that the house was constructed in 1903 and is in disrepair. She presented drawings of the exterior of the new house and also pictures of the deterioration within the house. Ms. Alexander said that the house was designed to maintain the existing building width and the same setback. She

noted that there is additional hard surface coverage because of the new driveway design that includes a turnaround.

Property owner, Penelope Horning, approached the Council and explained that the house was constructed in 1903 and it was constructed without air ducts. Therefore, there is no central air conditioning and some of the rooms are not heated. Ms. Horning said that she and her family have lived in the house for 32 years, they have improved the building throughout the years, but it is deteriorating. She said the new home's design will allow her and her husband to stay in Woodland.

Acting Mayor Carlson requested the staff report from Zoning Administrator Dale Cooney.

Mr. Cooney said that 2830 Breezy Heights Road is a long, narrow property that is 55 feet wide. There is currently an existing non-conforming house on the property, and the property owners would like to build a new house closer to the lake. Mr. Cooney noted that the new house would be built as close as 75 feet from the Ordinary High Water Level and a variance for grading over three feet on the west side is also requested.

Mr. Cooney said that staff recommended approval of the requests.

Council Member Massie requested information regarding drainage on the west side of the property. Mr. Cooney said that the grading plan maintains the existing drainage patterns. He said that a new drainage swale is part of the landscape plan which will direct runoff to the lake.

Acting Mayor Carlson thought that a rain garden would help mitigate runoff from the addition of hard surface coverage. Ms. Horning said that she always tries to ensure that anything she places on her property is environmentally sensitive. She agreed that a rain garden would be helpful and she would be willing to install one on the property.

In response to a question from Council Member Massie, Mr. Cooney clarified that the shed that is currently on the property will be removed which will reduce the hardsurface coverage.

The public hearing was closed.

Newberry moved, seconded by Massie to approve the requests of Alexander Design Group for the property at 2830 Breezy Heights Road for variances from the minimum required side yard setbacks, and to exceed the maximum permitted impervious surface area based on the following findings:

- a. The variance will be in harmony and keeping with the spirit and intent of the zoning ordinance:

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

The proposal seeks to remove an existing non-conforming house and replace it with a new non-conforming house that has similar encroachments to the existing house. Since a conforming house is not possible on this lot, the spirit and intent of the ordinance is met by limiting undue impacts on neighboring properties, while also allowing a reasonable house to be built on the property.

- b. The variance request is consistent with the comprehensive plan.

The request is consistent with the Comprehensive Plan in that it maintains the single family nature of the neighborhood.

- c. The proposal puts the property to use in a reasonable manner:

The proposal puts the property to a reasonable use. Apart from moving the home closer to the lake, the manner of use of the property will be very similar to its current use.

- d. There are circumstances unique to the property not created by the landowner:

The lot is 55 feet wide, and it would not be possible to build a zoning code compliant house on the property. The length of the lot creates practical difficulties in providing access to the property while still meeting the hardcover restrictions.

- e. The variance(s) will not alter the essential character of the locality:

The essential character of the neighborhood would not be impacted by the proposal since the proposal is similar to the existing conditions on the property and similar in scope and scale to other houses within the area.

The Council discussed whether a condition of approval should be added to require a rain garden and agreed that it should be part of the approval.

Newberry moved, seconded by Massie an *amended* motion to approve the requests based on the findings as noted above and with the following condition:

1. The applicant shall install a rain garden on the property which is designed to mitigate storm water runoff.

Motion carried 3-0.

6. NEW BUSINESS – None
7. OLD BUSINESS – None
8. MAYOR’S REPORT – None
9. COUNCIL REPORTS

- A. Carlson –Enterprise Finance and Operations, Intergovernmental Relations, and MCWD

Acting Mayor Carlson presented information relating to the Governor’s veto of a tax bill. The bill would have benefitted some cities in the State of Minnesota, however, would not have had any impact on the City of Woodland.

- B. Massie – Road right-of-way maintenance, Trees, Deer Management

Council Member Massie reported that he will be keeping a close watch on the County Road 101 reconstruction in the vicinity of the Breezy Point curve to ensure that is completed properly.

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

- D. Weiner – Public Safety, Police and Fire, General Finance – None

10. ACCOUNTS PAYABLE

Massie moved, seconded by Newberry to approve the Accounts Payable as presented.
Motion carried 3-0.

11. TREASURER’S REPORT

Newberry moved, seconded by Massie to approve the Treasurer’s Report as presented.
Motion carried 3-0.

12. ADJOURNMENT

Newberry moved, seconded by Massie to adjourn the regular meeting of June 13, 2016.
Motion carried by consensus. The meeting adjourned at 7:20 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

Sylvia Carlson, Acting Mayor



Agenda Date: 07-11-16
CITY COUNCIL MEMO

Agenda Item: Public Hearing to consider the requests of Robert and Deborah Johnson for 2800 Woolsey for variances from the minimum required lot size, the minimum required lot width and minimum required septic setback.

Summary: Copies of the application materials and staff report are attached for the City Council's reference. Notice of public hearing was published in the Sun-Sailor newspaper on June 30, 2016. The City Council will hold a public hearing at their July 11, 2016 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 August 8, 2016. Potential motions ...

Denial Motion: *I move the council accept the recommendation of staff and **deny** the variance requests of Robert and Deborah Johnson for 2800 Woolsey for variances from the minimum required lot size, the minimum required lot width and minimum required septic setback, as proposed, based on the following findings:*

Findings:

a. The variance will not be in harmony and keeping with the spirit and intent of the zoning ordinance:

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

Varying from the required lot size is not in harmony and keeping with the spirit and intent of the zoning ordinance in that it does not help with the preservation of open space, scenic views, or natural topography.

b. The variance request is not consistent with the comprehensive plan:

The request is not consistent with the Comprehensive Plan in that it does not maintain the required 2 acre minimum lot size.

c. The proposal puts the property to use in a reasonable manner:

The proposal puts the property to a reasonable use. A single family home on the proposed lots is a reasonable use and would not be inconsistent with other substandard lots within the city.

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

There are not circumstances unique to the property not created by the homeowner that would justify the variance request. Allowing such a request would set a precedent for a number of similarly sized parcels within the city.

e. The variance(s) will alter the essential character of the locality:

Taken individually, the variance would not alter the essential character of the locality since there are a number of substandard parcels in the city of a similar size. However, the precedent set by making such an allowance could impact the long-term character of the locality by allowing substandard lots to further proliferate.

Approval Motion: *I move the council approve the variance requests of Robert and Deborah Johnson for 2800 Woolsey for variances from the minimum required lot size, the minimum required lot width and minimum required septic setback, as proposed, based on the following findings:*

- a) The variance(s) will be in harmony and keeping with the spirit and intent of the zoning ordinance:
- b) The variance(s) will be consistent with the comprehensive plan:
- c) In proposal will put the property to use in a reasonable manner:
- d) There are circumstances unique to the property not created by the landowner:
- e) The variance(s) will not alter the essential character of the locality:

Motion for Additional Time: *I move the Council directs staff to draft written notice stating the City Council will extend the 60-day time limit to take action on the request until October 7, 2016 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).



Agenda Date: 07-11-16
CITY COUNCIL MEMO

Agenda Item: Public Hearing Consideration of a Preliminary Plat – “Johnson Woolsey Addition” (2800 Woolsey Lane)

Summary: Copies of the application materials and staff report are attached for the City Council's reference. Notice of public hearing was published in the Sun-Sailor newspaper on June 30, 2016. The City Council will hold a public hearing at their July 11, 2016 meeting. The Council shall consider the public comments, applicant's comments, application materials, staff report and should address city code Section 800.10, "Criteria", as well as any conditions prior to taking any official action in the form of a motion.

Council Action: Action required by October 7, 2016. Potential motions ...

Denial Motion: *I move the council accept the recommendation of staff and **deny** the subdivision request of Robert and Deborah Johnson for 2800 Woolsey, as proposed, based on the following findings:*

FINDINGS BASED ON THE CRITERIA FOUND IN SECTION 800.09 OF THE SUBDIVISION ORDINANCE:

- (a) **Compliance of the subdivision with Section 800.09 and the zoning provisions of this code.**
(Section 800.09)
- (a) **Every subdivision must comply with all applicable provisions of State law, including without limitation the provisions of Minn. Rules 6120.3500, as from time to time revised and this code.**
 - (b) **Every subdivision which requires the dedication of a new street or a change in an existing street, must also show the grade of all streets and the mean grade of the front and rear lines of each lot.**
 - (c) **Every subdivision must provide for dedication of public streets and easement for drainage and public utilities as is determined by the Council to be desirable or necessary.**

The proposal would **not** comply with the zoning provisions of the code. The application does comply with Section 800.09 of the code.

(b) The suitability of the subdivision from the standpoint of community planning.

The subdivision is **not** suitable from the standpoint of community planning. The proposal would set a precedent that would run directly counter to the large lot, estate properties found throughout the R-1 zoning district. There are numerous properties that could be subdivided within the city based upon having a minimum of 1.38 acres of upland area.

The proposal is also counter to the stated land use goals of the comprehensive plan which are a) To preserve and maintain open space, natural features such as lakes, ponds, wetlands, slopes, woodlands, natural drainage courses and other environmental features which serve vital functions in the city; and b) Maintain the current 2 acre zoning and minimum structure setbacks which will continue to enhance the natural wooded feature and quiet residential neighborhood.

(c) The adequacy of streets and conformity with existing and planned streets in surrounding areas.

The existing streets are adequate for the proposed subdivision.

(d) The suitability of street grades in relation to the grades of lots.

The existing streets are appropriate for the grades of the lots.

(e) The estimated cost (including engineering and inspection expenses) of grading, graveling and permanently surfacing streets, installing street signs, and construction of curb and gutter and any storm sewers which may be necessary.
Not applicable.

(f) Compliance with the requirements of Minnesota Statutes, Chapter 505.

Final approval would be required to meet the requirements of Minnesota Statutes, Chapter 505 related to Plats.

(g) The suitability and adequacy of the subdivision from the standpoint of flooding, drainage, water supply or sewage treatment facilities.

The proposal is suitable from the standpoint of flooding, drainage, water supply. Sewage treatment facilities encroach into the setbacks and will be subject to additional state regulations. Additional relevant and necessary conditions may be put on the application prior to final approval or prior to the issuance of a building permit to further ensure the suitability of the properties to support the proposed development.

Approval Motion: *I move the council preliminarily approve the subdivision request of Robert and Deborah Johnson for 2800 Woolsey, as proposed, based on the following findings:*

- (a) Compliance of the subdivision with Section 800.09 and the zoning provisions of this code.
- (b) The suitability of the subdivision from the standpoint of community planning.
- (c) The adequacy of streets and conformity with existing and planned streets in surrounding areas.
- (d) The suitability of street grades in relation to the grades of lots.
- (e) The estimated cost (including engineering and inspection expenses) of grading, graveling and permanently surfacing streets, installing street signs, and construction of curb and gutter and any storm sewers which may be necessary.
- (f) Compliance with the requirements of Minnesota Statutes, Chapter 505.
- (g) The suitability and adequacy of the subdivision from the standpoint of flooding, drainage, water supply or sewage treatment facilities.

Note: MN statute 462.358 Subd. 3b requires a council decision on a Preliminary Plat within 120 days unless an extension of the review period has been agreed to by the applicant, and requires a council decision on a Final Plat within 60 days. City Code Section 800.11 requires the city to hold a public hearing within 60 days of receipt of an application for a subdivision, but it does not require a decision within 60 days.



**Agenda Date: 07-11-16
STAFF REPORT**

Agenda Item: Public Hearing pertaining to 2800 Woolsey Lane for Robert and Deborah Johnson:

1. Consideration of variance requests from minimum required lot size, minimum required lot width, and minimum required septic setback.
2. Consideration of a Preliminary Plat – “Johnson Woolsey Addition”

Summary:

Robert and Deborah Johnson, property owners at 2800 Woolsey Lane, have submitted variance requests that would enable them to subdivide their property. Simultaneously, they have also submitted a subdivision request for the property. Both requests will be addressed as a part of this public hearing, and as part of this staff report.

Variance Requests:

The property at 2800 Woolsey Lane is 3.95 gross acres in size, but only 2.75 acres excluding that portion of the property that lies beyond the Ordinary High Water Level of Woolsey Pond. The applicants seek to subdivide the property into two separate buildable lots, and are seeking a variance from the minimum required lot area, and minimum required lot width. As proposed, the septic sites on the property are also within the minimum required setbacks.

Required Lot Area: Section 900.07 of the zoning code states that, except for the Assembly Grounds, no main building shall be constructed, erected, established, or structurally altered, upon a lot containing an area of less than two acres. The section also states that, lot area measurements will not include land below the ordinary high water level, wetlands or easements for road or driveway purposes.

Thus, for the purposes of this request, the lot area in question will be evaluated based upon 2.75 acres of upland area. While the 3.95 acre gross lot area might give the impression that the property is just short of the 2 acre minimum in order to subdivide, in actuality the property would require an additional 1.25 acres of upland area.

Proposed lot sizes, setbacks, and hardcover are shown below:

	Lot Size	Front Yard	Side Yards	Wetland Setback	Impervious Surface
Permitted/Required	2 acres	50	30	25 ft	25%
Proposed Lot 1	<u>1.44 acres</u>	>50 ft	30 ft	>25 ft	16.37%
Proposed Lot 2	<u>1.31 acres</u>	>50 ft	30 ft	>25 ft	14.39%

As proposed, Lot 1 would require a variance from the minimum lot size of .56 acres, and Lot 2 would require a variance from the minimum lot size of .69 acres.

Required Lot Width: Section 900.08 of the zoning code states that, except in the Assembly Grounds, and except for reconstruction permitted under Section 900.09, Subdivision 4(i), no main building may be constructed, erected or established upon a lot which is less than 100 feet in width. The lot width standards must be met at both the front building line and the ordinary high water level.

The applicants are requesting a lot width at the front building line of 73 feet for Lot 1 and 75 feet for Lot 2. The lots would require a variance from the required lot width of 27 feet and 25 feet, respectively. The lots meet the required minimum at the Ordinary High Water Level of Woolsey Pond

Septic Setbacks: For any subdivision, the City requires that the applicant show that the property can support one primary septic site, and one alternate septic site. The septic fields must meet the setback requirements of the R-1 district. As proposed, both the primary and alternate sites for both lots would encroach into the side yard setbacks for both lots. The alternate septic field for lot 2 also slightly encroaches into the front setback. Any motion to approve the variance requests would need to include language allowing the septic fields to encroach into the setbacks as proposed.

Discussion: Both variance requests shall be reviewed based upon the review criteria in Section 900.14 of the zoning code. The "Practical Difficulties" standard shall apply, and the variances must also be in harmony with the general purposes and intent of the ordinance and be consistent with the comprehensive plan.

The Practical Difficulty standard can be found in Section 900.14 Subd. 3, and the application must meet all requirements listed. For requirement (b) of the practical difficulty standard, the applicant claims to meet the standard by virtue of the fact that the property was purchased prior to the current lot size standards. However, the practical difficulties standard asks the question if there are circumstances unique to the property, not created by the homeowner. The circumstances referenced are not unique to the property since the lot size requirements apply to every R-1 property within the City of Woodland. The existing substandard lots within the city are considered legal non-conformities. The city ordinances are put in place to avoid creating any more substandard lots via the subdivision process.

Section 900.14 Subd. 4 of the zoning code states that a variance to the requirements of the zoning code shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. However, the comprehensive plan states in its Land Use Goals and Policies "Maintain the current 2 acre zoning and minimum structure setbacks which will continue to enhance the natural wooded feature and quiet residential neighborhood." The proposed subdivision is in opposition to the stated goals of the comprehensive plan.

STAFF RECOMMENDATION:

Staff recommends **denial** of the requests of Robert and Deborah Johnson for the property at 2800 Woolsey Lane, for variances from the minimum required lot size and minimum required lot width, as proposed.

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

Findings:

- a. **The variance will not be in harmony and keeping with the spirit and intent of the zoning ordinance:**
Section 900.01 outlines the purpose and intent of the ordinance as the principal means of attaining the goals and standards set forth in Woodland's Comprehensive Plan, including preservation of open space, scenic views, natural topography and habitat, wetlands, lakes, indigenous vegetation and trees, and rehabilitation of existing housing units on their present location.

Varying from the required lot size is not in harmony and keeping with the spirit and intent of the zoning ordinance in that it does not help with the preservation of open space, scenic views, or natural topography.
- b. **The variance request is not consistent with the comprehensive plan:**
The request is not consistent with the Comprehensive Plan in that it does not maintain the required 2 acre minimum lot size.
- c. **The proposal puts the property to use in a reasonable manner:**
The proposal puts the property to a reasonable use. A single family home on the proposed lots is a reasonable use and would not be inconsistent with other substandard lots within the city.
- d. **There are not circumstances unique to the property not created by the landowner:**
There are not circumstances unique to the property not created by the homeowner that would justify the variance request. Allowing such a request would set a precedent for a number of similarly sized parcels within the city.
- e. **The variance(s) will alter the essential character of the locality:**
Taken individually, the variance would not alter the essential character of the locality since there are a number of substandard parcels in the city of a similar size. However, the precedent set by making such an allowance could impact the long-term character of the locality by allowing substandard lots to further proliferate.

Subdivision Request:

The applicant has also submitted application for subdivision of the properties. The proposed subdivision can only take place if the City Council authorizes the requested variances above. If those variances are granted, the City Council will need to make a ruling on the subdivision application. The Council may: a) grant preliminary approval with or without modification; b) grant final approval with or without modification, and subject to appropriate conditions; c) refer the subdivision to the appropriate city officials and city attorney for further investigation and reporting; d) deny approval.

The subdivision will be reviewed based upon the criteria listed in Section 800.10 of the City Code. City Code requires a public hearing to be held within 60 days of application. State Law requires a decision within 120 days of application for a preliminary plat.

Zoning Considerations: The proposed house and driveway locations on the preliminary plat are shown merely to demonstrate the viability of the lots to meet the zoning code requirements. Final house design, tree replacement and other considerations will likely be different than what is shown on the survey. However, in the opinion of staff, future variance requests for these lots would be met with skepticism since those shortcomings should have been identified and vetted as a part of this process.

Grading: Proposed grading is not shown for the property. Applicant will be required to stay under the 3 foot limitation for altering existing grades for each of the proposed houses.

Wetland Setback: As shown the survey indicates a 75 foot setback from Woolsey Pond. The zoning code regulates Woolsey Pond as a wetland with only a 25 foot required setback. The Minnehaha Creek Watershed District does not regulate subdivisions of less than 3 lots. However, applicants will be required to comply with any applicable Minnehaha Creek Watershed District regulations.

Park Dedication: Since there is no public park system, the City of Woodland does not require park dedication land or fees for subdivision requests.

STAFF RECOMMENDATION:

Staff recommends denial of the request of Robert and Deborah Johnson to subdivide the property at 2800 Woolsey Lane, as proposed.

FINDINGS BASED ON THE CRITERIA FOUND IN SECTION 800.09 OF THE SUBDIVISION ORDINANCE:

(a) Compliance of the subdivision with Section 800.09 and the zoning provisions of this code.

(Section 800.09)

- (a) Every subdivision must comply with all applicable provisions of State law, including without limitation the provisions of Minn. Rules 6120.3500, as from time to time revised and this code.**
- (b) Every subdivision which requires the dedication of a new street or a change in an existing street, must also show the grade of all streets and the mean grade of the front and rear lines of each lot.**
- (c) Every subdivision must provide for dedication of public streets and easement for drainage and public utilities as is determined by the Council to be desirable or necessary.**

The proposal would not comply with the zoning provisions of the code. In staff's opinion, the application would comply with Section 800.09 of the code.

(b) The suitability of the subdivision from the standpoint of community planning.

The subdivision is not suitable from the standpoint of community planning. The proposal would set a precedent that would run directly counter to the large lot, estate properties found throughout the R-1 zoning district. There are numerous properties that could be subdivided within the city based upon having a minimum of 1.38 acres of upland area.

The proposal is also counter to the stated land use goals of the comprehensive plan which are a) To preserve and maintain open space, natural features such as lakes, ponds, wetlands, slopes, woodlands, natural drainage courses and other environmental features which serve vital functions in the city; and b) Maintain the current 2 acre zoning and minimum structure setbacks which will continue to enhance the natural wooded feature and quiet residential neighborhood.

(c) The adequacy of streets and conformity with existing and planned streets in surrounding areas.

The existing streets are adequate for the proposed subdivision.

(d) The suitability of street grades in relation to the grades of lots.

The existing streets are appropriate for the grades of the lots.

(e) The estimated cost (including engineering and inspection expenses) of grading, graveling and permanently surfacing streets, installing street signs, and construction of curb and gutter and any storm sewers which may be necessary.
Not applicable.

(f) Compliance with the requirements of Minnesota Statutes, Chapter 505.

Final approval would be required to meet the requirements of Minnesota Statutes, Chapter 505 related to Plats.

(g) The suitability and adequacy of the subdivision from the standpoint of flooding, drainage, water supply or sewage treatment facilities.

The proposal is suitable from the standpoint of flooding, drainage, water supply. Sewage treatment facilities encroach into the setbacks and will be subject to additional state regulations. Additional relevant and necessary conditions may be put on the application prior to final approval or prior to the issuance of a building permit to further ensure the suitability of the properties to support the proposed development.

Key Dates:

Application complete:	June 9, 2016
Notice of Public Hearing published:	June 30, 2016
City Council Consideration/Public Hearing:	July 11, 2016
60 Day Public Hearing Deadline for Subdivision/Variance Decision Deadline:	August 8, 2016
120 Day Preliminary Plat Deadline/Variance Decision Deadline(if necessary):	October 7, 2016

Note 1: MN statute 15.99 requires a council decision for a variance request 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).

Note 2: MN statute 462.358 Subd. 3b requires a council decision on a Preliminary Plat within 120 days unless an extension of the review period has been agreed to by the applicant, and requires a council decision on a Final Plat within 60 days. City Code Section 800.11 requires the city to hold a public hearing within 60 days of receipt of an application for a subdivision, but it does not require a decision within 60 days.

6/9

Variance Application

City of Woodland

20225 Cottagewood Road

Deephaven, MN 55331

952-474-4755

www.cityofwoodlanmn.org



Applicant is (circle one) Owner Developer Contractor Architect Other _____

Property address for which variance is requested 2800 Woolsey Lane, Woodland

Applicant (individual or company name): Robert & Deborah Johnson

Contact for Business: _____ Title: _____

Address: 2800 Woolsey Lane City: Woodland State: MN Zip: 55391

Wk Phone: 612-382-9293 Hm Phone: 952-476-1550

Email address: robertjohnson094@gmail.com Fax: _____

Present use of property: residential

Property acreage: 3.95 ± Acres _____ Square Feet

Existing Variances: Yes _____ No X

If yes, please explain _____

Describe Request: Build New _____ Add On _____ Remodel _____ Replace _____

What is the Variance being requested for: Subdivision for 2 new homes

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
<u>X</u> Other	_____ feet	_____ feet
If other, please explain	<u>Total Area, Dry area, Street frontage, lot width at front line</u>	

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:

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:

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

3. The variance, if granted, will not alter the essential character of the locality because:

SEE FOLLOWING SEPARATE SHEET

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning Ordinance because:

The variance is not for a change in use, but for lot area calculation. As such, the property will remain residential and the proposed use as two residential sites will not change the character of the neighborhood. The gross acreage for the existing parcel is 3.95 acres (equating 1.97 acres for each new parcel), net 2.75 acres existing, with 1.38 acres proposed (exclusive of wetlands). The proposed building sites will be setback compliant. A current non-compliant setback on the north side of the existing dwelling will be eliminated, as the existing dwelling would be torn down.

The proposed use as two residential building sites does not frustrate the goals and purposes of the City's Zoning Ordinance nor the City's 2030 Comprehensive Guide Plan, as the proposed use as two estate style parcels will remain as large residential sites. Open space, natural features, wetlands, slopes, are and will remain features of the property.

The proposed use would not place a burden on city services. Access to both parcels to Woolsey Lane will be by way of a shared driveway.

New septic systems will be installed, each will be compliant with current rules and regulations.

1. The landowner's (Applicant's) property cannot be put to reasonable use if used under conditions allowed by the official controls because:

Nearly one acre of residentially zoned property would remain vacant and will not be put to residential use. It is not reasonable to saddle the Applicant with the burden of maintaining nearly one acre of vacant land. All functional and aesthetic concerns related to the construction of two residences can be addressed on the site plans and the use will be compliant with City Code, except for the net acreage requirements.

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

The applicant's plight was not self-created. A sizable portion of the existing 3.95 acre parcel (1.2 acres) is wetlands. The City zoning ordinance, coupled with the change in the zoning ordinance (that occurred after the Applicant purchased the property in 1983) each serve to limit the ability to subdivide the property under the current zoning ordinance.

The property is unique in shape (long and narrow) as is common in the neighborhood and will remain the same.

3. The variance, if granted, will not alter the essential character of the locality because:

Currently there are 234 residential tax parcels within the City of Woodland. Only 68 of the parcels meet the 2 acre minimum. The proposed variance will create two lots or more acreage than 2/3 of the existing residential properties. Wetlands and shoreland will remain intact. The access to Woolsey Lane will not be altered.

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:

CURRENT HOME IS WITHIN 30' SETBACK ON
NORTH PROPERTY. NEW HOME TO COMPLY WITH 30' SETBACK

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.

NONE

Describe the effect of the variance, if granted, on traffic congestion in the public street.

NONE

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

NONE

Describe the effect of the variance, if granted, on the danger to public safety.

NONE

Describe the effect of the variance, if granted, on established property values in the surrounding area.

NONE

Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare.

NONE

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 within 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: Robert Johnson **Date:** 6/9/16

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: Robert Johnson **Date:** 6/9/16

Owner's Signature: Debra W. Johnson **Date:** 6/9/16

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

City of Woodland



20225 Cottagewood Road
Deephaven, MN 55331
952-474-4755 fax: 952-474-1274
www.cityofwoodlandmn.org

Subdivision Application

Date Received:	_____
Staff:	_____
Council Meeting:	_____
Filing Fee Paid:	_____
Receipt #	_____

Property address 2800 Woolsey Lane, Woodland, Mn 55391

Property Identification Number (PIN) 07-117-22 34 0007

Date Property Acquired 1983 (Check one) Abstract or Torrens _____

Applicant is (circle one) Owner Developer Contractor Architect Other _____

Applicant (individual or company name): Robert & Deborah Johnson

Contact for Business: _____ Title: _____

Address: 2800 Woolsey Lane City: Woodland State: Mn Zip: 55391

Phone (work): 612-382-9293 Phone (home): 952-476-1550

Email address: robertjohnson994@gmail.com Fax: _____

Existing Variances: Yes _____ No

If yes, please explain _____

EXISTING LAND USE:

Current Number of Tax Parcels: 1 I (Do) (Do Not) also own other adjacent parcel land

Current Lot Size:

119,790 Square feet Dry Land

52,272 Square feet Wet Land

172,062 TOTAL Square feet, all parcels

PROPOSAL FOR:

_____ Division for Tax Purposes

_____ Lot Line Rearrangement Only (no new building sites)

Subdivision for New Building Sites

2 Total Number of Building Sites Created by Subdivision

Lot Size (Square Feet) of Dry Buildable Land for Each Site

62,726 Lot 1 57,064 Lot 2 Lot 3

Square Feet of Wetland for Each Site

23,348 Lot 1 29,011 Lot 2 Lot 3

Street Access for each lot: Woolsey Lane

Road Frontage of Each Lot (feet)

64 Lot 1 64 Lot 2 Lot 3

Lot Width of Each Lot at the Front Building Line (Ord. 900.08) 100 feet minimum

75 Lot 1 75 Lot 2 Lot 3

Lot width of Each Lot at the Ordinary High Water Level (929.4) Lake Frontage (Ord. 900.08) 100 feet minimum

160 Lot 1 120 Lot 2 Lot 3

Applicant's Acknowledgement & Signature(s)

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. Ord. 805.05 (Copy of City Ordinance, Chapter 8, has been provided)

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.

Applicant's Signature: [Signature] Date: 6/9/16

Applicant's Signature: _____ Date: _____

Owner's Acknowledgement & Signature(s)

The owner further acknowledges and agrees to this application and further authorizes reasonable entry onto the property by City Staff, Consultants, agents and Council Members for purposes of investigation and verification of this request.

Owner's Signature: [Signature] Date: 6/9/16

Owner's Signature: [Signature] Date: 6/9/16

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

Dale Cooney

Dale,

I have completed review of the information submitted. Following are my comments for City consideration:

1. Septic reports should be submitted for review to ensure sites have adequate space for septic systems.
2. A land alteration variance or a temporary grading easement from Lot 2 may be needed for Lot 1 in order to construct a turn-around area in the front of the proposed house.

If you have any questions or comments, please contact me to discuss.

Thanks,

Robert E. Bean, Jr, P.E.

LEED Green Assoc.

Bolton & Menk, Inc.

P:(952) 448-8838, ext 2892

F:(952) 448-8805

email: bobbe@bolton-menk.com

RESIDENT COMMENT FORM - This form will become part of the public record and therefore may be viewed by anyone. If you prefer, you may call members of the City Council – phone numbers are available at www.cityofwoodlandmn.org or by calling the Zoning Administrator at 952-358-9938.

GENERAL COMMENTS ON REQUEST:

NEGATIVE

SPECIFIC ISSUES or CONCERNS:

THE PROPOSED PROPERTY IS NARROW AND DEEP. WE ARE CHALLENGED TO SEE HOW ONE COULD GET 2 BUILDABLE "2 ACRE" ?? LOTS ON THE PROPERTY WITHOUT NEGATIVELY AFFECTING PROPERTY VALUES OF THEIR NEIGHBORS

Name: DEWY & MARY NEWELL
Address: 2670 MARSHLAND Rd 55391

Please return completed form to the attention of Dale Cooney at 20225 Cottagewood Road, Deephaven, MN 55331 or fax to (952) 474-1274.

Copy of email sent regarding Subdivision of Johnson Property

to: Sliv Carlson and John Massie,

We have pulled the "property map" from Hennepin County of the Johnson parcel #07117223400007

Mary and I are hard pressed to see how you can get 2 "build-able" / "2-acre" lots on this property???

The lot is narrow and deep:

- 1) How do you get road access off Woolsey for both properties.....some type of easement / common driveway?
- 2) How do you *aesthetically* site the buildings to give both "lake access" on this narrow lot?
- 3) With these types of geographical restrictions, what "type" / "style" of homes are you going to have to build? Will the new homes be comparable to their neighbors?

We think sub-dividing this uniquely shaped property could negatively effect the property values of the neighbors on Woolsey Lane and additionally, over-populate Woolsey Pond with more boat canopies and boats.

Sincerely,

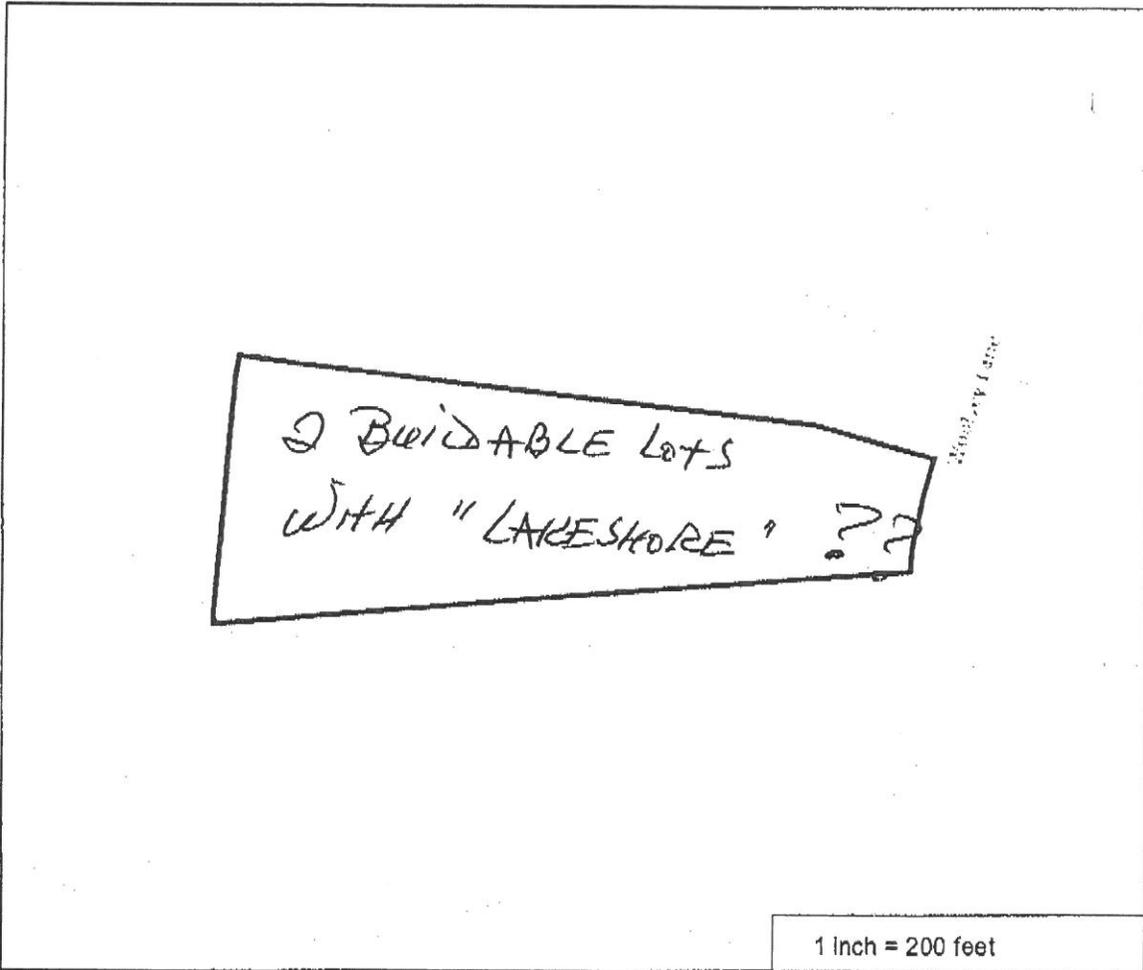
Denny & Mary Newell

Another question: many of the property owners on Woolsey Pond own the land under water. **Of the 3.96 acres owned by the Johnsons, how much of that property is above the water table?**



Hennepin County Property Map

Date: 7/3/2016



1 Inch = 200 feet

PARCEL ID: 0711722340007

OWNER NAME: D Johnson & R Johnson Trstes

PARCEL ADDRESS: 2800 Woolsey La, Woodland MN 55391

PARCEL AREA: 3.96 acres, 172,344 sq ft

A-T-B: Abstract

SALE PRICE: \$175,000

SALE DATA: 10/1975

SALE CODE:

ASSESSED 2015, PAYABLE 2016

PROPERTY TYPE: Residential Lake Shore

HOMESTEAD: Homestead

MARKET VALUE: \$1,767,000

TAX TOTAL: \$24,107.30

ASSESSED 2016, PAYABLE 2017

PROPERTY TYPE: Residential Lake Shore

HOMESTEAD: Homestead

MARKET VALUE: \$1,821,000

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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Joseph Olson D.B.A.
Rusty Olson's--Soil and Percolation Testing

Joseph J. Olson--MPCA License #810
11481 Riverview Rd. NE, Hanover, MN 55341
(763) 498-8779 Fax (763) 498-8290

June 27, 2016
Johnson Woolsey Addition
Robert Johnson
Proposed lot 1
2800 Woolsey Lane
Woodland, Hennepin County

This on-site Sewage Treatment System is partially designed for a Type 1, five-bedroom home in accordance with the Minnesota Pollution Control Agency Chapter 7080 and local ordinances.

Once the house location and size is chosen this design can be completed.

The periodically saturated soils were not located to a depth of 78 inches

This system is designed as a pressurized bed system with 6 inches of rock.

All neighboring wells are located greater 100' away from the proposed treatment area.

Use 7/32 inch perforations on the laterals.

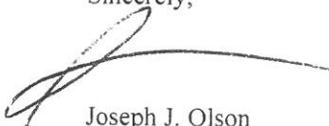
Clean outs on the end of the laterals need to be installed.

A 1250 gallon pumping chamber will need to be installed to lift the effluent to the treatment area. The power supply and switches must be located outside the manhole and pumping chamber in a weatherproof enclosure. A warning device must be installed with light and sound devices; this is in case of a pump failure. A flow measurement device must be installed. Including but not limited to a water meter, event counter, running time clocks or electronically controlled dosing.

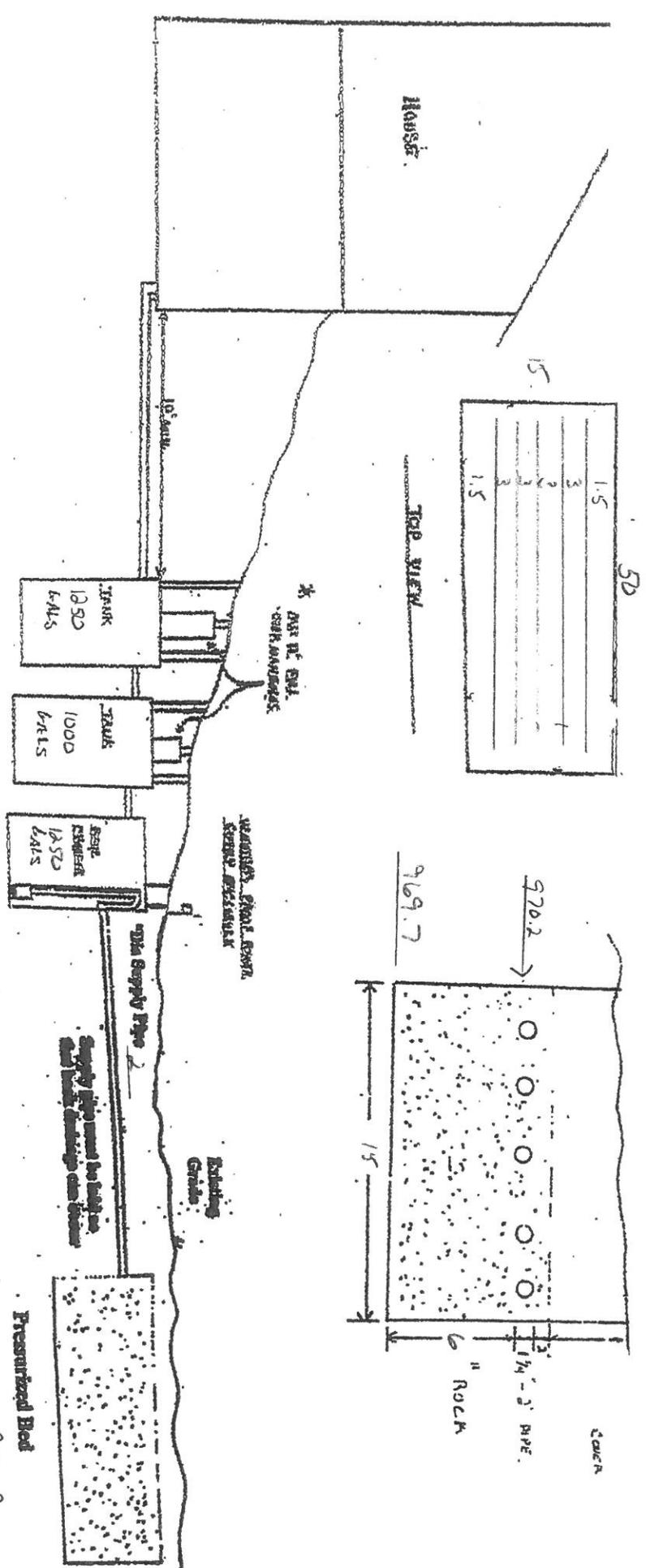
Keep all heavy equipment off of the proposed treatment areas before, during and after construction. The contractor must fence off the treatment area before any construction begins. This design is not valid & the system will need to be relocated if failure to protect the areas proposed for on-site sewage treatment occurs.

With proper installation and maintenance, this system should have no problem in treatment septic effluent effectively. Nothing other than gray water, (laundry, showers, ect.) human water & toilet tissue should be disposed of into the septic tanks. Garbage disposals are not recommended. Additives must not be used; they may cause harmful damage to your septic system. It is recommended that you pump the tank every other year for 2 tanks.

Sincerely,



Joseph J. Olson



PRESSURIZED BED SYSTEM DESIGN

Type 1 Bedroom, Average percolation rate 5 MPI, SLR 1.2 0.5 1.0

250 gal/day 250 sq. ft. of treatment area 250 / 15 ft. Bed width = 50 ft. length of bed area with 6 inches of rock.

Clean rock needed plus 20% 23 cu. yds.

Number of tanks 2, 1st tank 1250 gals., 2nd tank 1000 gals., Pump chamber capacity 1250 gals.

17 gals. /100 lineal feet of 2 " dia. Supply pipe, lineal feet needed = Gals.

Distribution pipe 2 " dia. 240 lineal feet, 7/32 dia. Perforations 3/16 " apart

Float set at gals., times per day Pump curve / min. @ feet head pressure.

SETBACKS

System must be:

Tank from property lines

50 " from walls

10 " from bldgs.

Treatment area 50 ' from lakes, ' streams

Treatment area 10 ' from property lines

50 ' from wells

30 ' from bldgs

TH.#1 EL. 970.9

TH.#2 EL. 972.2

TH.#3 EL. 972.2

TH.#4 EL. 971.6

TH.#5 EL.

TH.#6 EL.

PROPERTY OF: ROBERT JOHNSON
2800 WOOLSET LAKE
PARSED LOT 1
WOODLAND, HENRIER COUNTY

Date: 12/11/16, Ph. 763-498-8779

Rusty Olson's Soil and Percolation Testing
 Designed by: