

AGENDA
CITY COUNCIL
CITY OF WOODLAND

MONDAY, MAY 9, 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. Approval of the April 11, 2016 City Council Minutes.
- B. Approval of the April 11, 2016 Board of Review and Equalization Minutes.
- C. Resolution No. 11-2016 appointing the 2016 State Primary and General Election Judges and establishing Hennepin County as the Absentee Ballot Board.
- D. Adoption of Resolution No. 08-2016 designating Hennepin County or its designee as the central count location, approving the use of the new e-poll books equipment, authorizing execution of the agreement for the use of e-poll books, and for the use of the central counter for absentee ballots for the 2016 State Primary and General elections.
- E. Adoption of Resolution No. 10-2016 approving variances for a septic system and a driveway entrance structure at 2400 Cedar Point Drive.
- F. Adoption of Resolution No. 12-2016 approving a 3030 County Road 101 variance request to construct an attached garage.
- G. Adoption of Resolution No. 13-2016 approving an addition to a non-conforming structure for the property located at 2800 Stone Arch Road in order to construct an enclosed sport court.

4. PUBLIC COMMENT

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

5. PUBLIC HEARINGS - None

6. NEW BUSINESS

- A. Resolution No. 14-2016 awarding the construction contract for certain street improvements in the City of Woodland.

7. OLD BUSINESS

- A. Discussion regarding the potential placement of pedestrian warning signs in the area generally located in the vicinity of 3100 Maplewood Road.

8. MAYOR'S REPORT

9. COUNCIL REPORTS

- A. Carlson –Enterprise Finance and Operations, Intergovernmental Relations, and MCWD
- B. Massie – Road right-of-way maintenance, Trees, Deer Management
- C. Newberry – Ordinances, Septic Ordinance, and Inspections
- D. Weiner – Public Safety, Police and Fire, General Finance

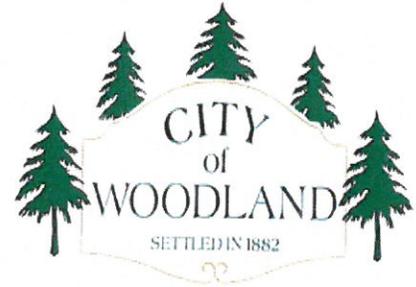
10. ACCOUNTS PAYABLE

11. TREASURER'S REPORT

12. ADJOURNMENT

- 15 minutes will be allotted for public comment. If the full 15 minutes is not needed, the Council will continue with the agenda
- The next City Council meeting will be held on June 13, 2016

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, APRIL 11, 2016

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Doak called the meeting to order at 7:18 p.m. and dispensed with the Pledge of Allegiance, as it was recited prior to the previous meeting that began at 7:00 p.m.

2. ROLL CALL

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

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

3. CONSENT AGENDA

A. Approval of the March 14, 2016 City Council Minutes

Massie moved, seconded by Newberry to approve the March 14, 2016 City Council minutes. Motion carried 5-0.

4. PUBLIC COMMENT - None

5. PUBLIC HEARINGS

Mayor Doak announced for the record that the City Council held a special meeting on Saturday, April 9th to view the properties where variances were requested.

A. Public hearing for a variance request to encroach into the minimum required side yard setback to construct a new attached garage at 3030 County Road 101.

Zoning Coordinator Cooney explained that the applicants, Dean and Kari Breitbach, have an existing non-conforming detached garage that is situated 1 foot, 2 inches off of the south property line. He indicated that the Breitbach's would like to remove the existing non-conforming garage and replace it with an attached garage that would be placed 10 feet, 1 inch off of the south property line.

Mr. Breitbach, applicant, approached the Council and described his request. He asked that the Council approve his request.

Mayor Doak opened the public hearing.

No one present wished to speak.

The public hearing was closed.

Newberry moved, seconded by Carlson to approve a variance request to encroach into the minimum required side yard setback to construct a new attached garage at 3030 County Road 101 based on the following findings:

1. 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 structure and replace it with a new non-conforming structure that reduces the side yard encroachment by 8 feet, 11 inches.

2. 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.

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

The proposal puts the property to a reasonable use. Apart from the setback variance, the proposal is otherwise zoning code compliant.

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

The existing non-conforming structure sits 1 foot, 2 inches off of the property line. The proposal would reduce the encroachment.

5. 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 only a modest increase from existing conditions while also reducing the side yard encroachment.

Motion carried 5-0.

- B. Public hearing for a variance for a septic system and a driveway entrance structure on the property located at 2400 Cedar Point Drive.

Zoning Coordinator Cooney explained that the ordinance states that no accessory structure shall be erected or located within any required setback or utility easement. He said that the applicant is requesting a variance of 25 feet into the minimum required lake yard setback for the placement of the septic system.

Mr. Cooney said that the proposed septic system is sited in generally the same area as the previous septic system. He noted that the property limitations severely restrict the placement of the system, and the proposed system has been reviewed by Metro West and is otherwise compliant with state and local regulations.

Mr. Cooney said that he recently became aware of a wall that was constructed near the driveway at the entrance to the property. He noted that the wall was constructed without City approvals, and is 4 feet tall. Mr. Cooney said that the applicant is proposing to reduce the height of the wall to 30 inches tall.

Mr. Cooney said that staff recommended approval with conditions of the variance request to encroach 25 feet into the required lake yard setback to build a septic system; and to encroach 8 inches into the required front yard setback, to encroach 18 feet into the west lake yard setback, and to encroach 40 feet 3 inches into the required east lake yard setback to build a driveway entry wall.

In response to a question from the Council, Mr. Cooney indicated that the surrounding property owners were notified of the requests.

Travis Van Lieve, landscape architect for the property owner, stated that the wall was added to identify the property and to provide for a formal entrance to the property. He said that address numbers would be added to the wall along with landscaping and landscape lighting. Mr. Van Lieve said that the goal of the wall is to delineate the entrance and to carry the aesthetic from the entrance to the house. In response to a Council question Mr. Van Lieve stated that a gate was not included in the planned landscaping.

Mayor Doak opened the public hearing.

Brent Magid, 2505 Cedar Point Drive, stated concern for the placement of the septic system and its proximity to the lake. Mr. Cooney explained that the City's inspector approved the design of the system and there are no structural encroachments into the setbacks. He noted that the Minnesota Department of Natural Resources and the Minnehaha Creek Watershed District also approved the design as it meets all requirements.

The public hearing was closed.

Mayor Doak reviewed the conditions of approval:

- a. The wall on the east side of the driveway shall encroach no further than 40 feet, 3 inches into the east lake yard setback.
- b. No part of the wall shall be taller than 30 inches from the existing adjoining grade prior to the start of construction.
- c. A sign at the intersection of Maplewood Circle East and Cedar Point Drive shall be installed identifying the road as a private drive and indicating that there is not an area to turn a vehicle around.

Newberry moved, seconded by Weiner to approve a variance for a septic system and a driveway entrance structure on the property located at 2400 Cedar Point Drive based on the following findings:

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

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

When those goals are in conflict with the limitations of the property, a variance may be granted. In this case, the property is severely constrained by the narrowness of the peninsula and the lake yard setback requirements for three sides of the property. It is challenging to create any improvements that do not impact the lake yard setbacks.

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

Reducing the width of the east wall, as conditioned with this approval motion, would make the request consistent with the comprehensive plan.

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

The proposal puts the property to a reasonable use in that the septic system is a required improvement to make the property livable. The driveway entry wall, reduced in width as conditioned with this approval motion, is reasonable in that it is a common improvement within the city.

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

The property is severely constrained by the narrowness of the peninsula, and the lake yard setback requirements for three sides of the property.

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

The wall, as proposed, would have altered the essential character of the locality by creating a significant lake yard encroachment of a scale and character not found elsewhere in the city. By reducing the east lake yard encroachment from 64 feet 3 inches to 40 feet, 3 inches, a driveway entry wall can be created that both serves the needs of the homeowner and maintains the essential character of the locality.

And with the following conditions:

- a. The wall on the east side of the driveway shall encroach no further than 40 feet, 3 inches into the east lake yard setback.
- b. No part of the wall shall be taller than 30 inches from the existing adjoining grade prior to the start of construction.
- c. A sign at the intersection of Maplewood Circle East and Cedar Point Drive shall be installed identifying the road as a private drive and indicating that there is not an area to turn a vehicle around.

Motion carried 5-0.

- C. Consider a request for an addition to a non-conforming structure for the property located at 2800 Stone Arch Road in order to construct an enclosed sport court.

Mr. Cooney stated that the proposed addition would be 25 feet, 10 inches off the property line. He said that since the proposed addition does not encroach any farther than the existing non-conforming main building, the request should be for an alteration of a non-conforming structure rather than a variance, as originally submitted. The City will adjust application fees accordingly.

Mr. Cooney said that staff recommended approval of the request to alter an existing non-conforming structure for the construction of an addition on the front of the home.

Mayor Doak opened the public hearing.

No one present wished to speak.

The public hearing was closed.

Massie moved, seconded by Carlson to approve the request for an addition to a non-conforming structure for the property located at 2800 Stone Arch Road in

order to construct an enclosed sport court based on the following findings that are based on the review and approval process as stated in Section 900.06 of the City of Woodland Code of Ordinances:

- a) The alteration will maintain the general character of the community;
- b) The magnitude of the proposed alteration is consistent with the surrounding area;
- c) There will be no negative impact on the use and enjoyment of surrounding properties;
- d) The alteration is the only available site to create an enclosed space of this size for the addition;
- e) There is reasonable separation between the proposed alteration and structures on adjoining properties;
- f) There would be no effect on the light and visibility available to the adjoining properties;
- g) The screening is sufficient to screen the proposed alteration;
- h) The proposal would not have a negative impact on property values;
- i) There are no concerns related to fire safety in regard to the proposal;
- j) There are no alternate locations on the property for the proposed alteration which would not require a variance; the location, between the driveway/pond area and the side yard is the only reasonable location for the proposed addition;
- k) The pond area creates an unusual limitation on the ability to locate the improvements elsewhere on the property; and
- l) The existing/proposed front yard encroachment is 25 feet, 10 inches, which matches the greatest encroachment of the proposed structure.

Motion carried 5-0.

The City Council reordered the agenda to consider Item 7. A. – Old Business at this time.

7. OLD BUSINESS

- A. Second reading of an Ordinance O03-2016 amending Chapter 9 of the City Code, Zoning – relating to home occupations.

Mayor Doak explained that the Council received input from Groveland Homeowner's Association residents and held a public hearing as required by ordinance. He noted that additional time was provided to ensure that all residents had an opportunity to speak regarding the revisions to the ordinance.

The Council agreed that the ordinance amendment should move forward.

Carlson moved, seconded by Weiner to adopt Ordinance O03-2016 amending Chapter 9 of the City Code, Zoning – relating to home occupations. Motion carried 5-0.

6. NEW BUSINESS

- A. Discussion regarding the potential placement of pedestrian warning signs in the area generally located in the vicinity of 3100 Maplewood Road.

Mayor Doak introduced them item stating that there is a blind curve in the vicinity of 3100 Maplewood Road that can be dangerous to pedestrians. He asked for input from the Council Members regarding the potential placement of signage to alert drivers to watch for pedestrians.

The full Council agreed that signage should be placed and asked that examples be forwarded to the Council for consideration at the May meeting.

8. MAYOR'S REPORT

Mayor Doak reported on the following:

- County Commissioner Jan Callison held a meeting of the Lake Minnetonka area Mayors where the following items were discussed:
 - The City of Wayzata will be removing ash trees because of the expected emerald ash borer infestation. The treatment that is used only prolongs the inevitable fact that the tree will die whether it's treated or not. The cost to remove and replace the trees is less than the cost to treat them and then remove the trees later.
 - The Lake Minnetonka Water Patrol will be better prepared for the Independence Day celebration this year. The first responders will have a new staging areas that will help them quickly react to emergencies.
- The transition from TCF Bank to First Minnetonka City Bank is complete and went very smoothly. The Council complimented the City Clerk for her management of this process.

- The City Council Members need to take the Board of Appeal and Equalization Training prior to next April. Staff will contact the Council when the training becomes available.
- There may be a proposal coming before the Council for a reconfiguration of properties that are located on Gale Road.
- The Case family estate on Gale Road was sold. It is expected that the three properties will be the site of a single, large home.
- Mayor Doak, Council Member Massie, and City Engineer Martini toured the City to inspect the roads to find areas that need repair in 2016. Several areas were identified to be repaired with mill and overlay which will provide for a longer lasting repair.
- There was a court ruling that restricts cities' ability to regulate door to door solicitations. Such restrictions are seen to violate First Amendment rights.
- In the past, the City has inquired about restricting the placement of business advertisements in tubes designed for newspaper deliveries. Restricting this material has usually been ruled to violate First Amendment rights. There is, however, no requirement that residents provide newspaper tubes.
- The Senate State and Local Government Committee and the Senate Health, Human Services, and Housing Committee each heard, amended, and passed a bill that requires local governments to permit certain types of recreational vehicles as temporary family dwellings. The main motivation behind the bill is to provide transitional housing for seniors. For example, if a family wanted to keep a close eye on a grandmother while she recuperates from surgery, they could have her stay in a temporary family health care dwelling placed in the yard or driveway. At this time, there is a provision that cities may pass an ordinance opting out of allowing these types of dwellings.

9. COUNCIL REPORTS

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

Council Member Carlson suggested that the document that was sent to the Groveland Homeowner's Association regarding the changes to the utility bills be placed on the City's website. The Council agreed.

Council Member Carlson stated that there are discussions with the Governor and the legislature regarding railway safety – potential spills and emergency response. The Council asked Council Member Weiner to call the Fire Chief and ask him for details.

The Minnehaha Creek Watershed District is ready to distribute a report of the status of the next ten-year plan. Council Member Carlson will forward the document to the City Clerk to distribute to Council Members.

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

Council Member Massie reported that the Council should expect to see consideration of the 2016 road repairs on an upcoming agenda. The repairs would probably occur in June, if approved by the City Council.

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

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

10. ACCOUNTS PAYABLE

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

11. TREASURER'S REPORT

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

12. ADJOURNMENT

Carlson moved to adjourn the regular City Council meeting of April 11, 2016. Motion carried by consensus. The meeting adjourned at 8:51 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor

MINUTES
BOARD OF APPEAL AND EQUALIZATION
CITY OF WOODLAND



MONDAY, APRIL 11, 2016

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Council Present: Mayor Doak, Council Members Carlson, Massie, Newberry, and Weiner

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

Guest: County Assessor Duane Scheurer

3. ASSESSOR PRESENTATION

Mayor Doak presented an overview of the Board of Appeal and Equalization's three main functions:

- 1) Review the assessors list to ensure all taxable property has been properly placed on the list.
- 2) Review the Assessor's valuations, striving to standardize the ratio between market value and adjusted market value for each property.
- 3) Must hear and settle complaints of individual property owners regarding the valuation of their property.

Mayor Doak introduced City Assessor Dan Distel and County Assessor Duane Scheurer.

Mayor Doak asked that the record show that two members of the City Council received Board of Review and Equalization certification.

Mr. Distel provided an overview of the market values throughout the City. He described the history of market values and noted that there was a rapid increase in market values between 1993 and 2006. Mr. Distel noted that the real estate market had a significant

decrease in market values starting in 2007, but began to recover in 2013 and continue to rise.

Mr. Distel said that Woodland's median valuation increases for taxes payable in 2017 are:

Off Lake	3.7%
On Lake	2%
Overall.....	2.7%

Mayor Doak noted that over the past decade Woodland's market value changes have been comparatively gradual when compared to the volatility experienced by some Lake Minnetonka communities.

4. PUBLIC HEARING

Mayor Doak opened the public hearing.

No one in attendance wished to speak.

The public hearing was closed.

5. ADJOURNMENT

Newberry moved, seconded by Massie to adjourn the meeting of the Local Board of Appeal and Equalization. Motion carried by consensus. The meeting adjourned at 7:17 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 9, 2016

Agenda Item 3C

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathrynne McCullum, City Clerk

SUBJECT: Resolution No. 11-2016 appointing the 2016 State Primary and General Election Judges and establishing Hennepin County as the Absentee Ballot Board

Background

Minnesota Election Law 204B.21 requires that the governing body of the municipality appoint Election Judges to administer the polling places. The Primary Election will be held on August 9, 2016 and General Election will be held November 15, 2016.

The attached resolution lists the persons intended to serve as election judges. When assigning the judges to a precinct, the City must maintain the party balance as required by statutes. The Election Judge pool for the City of Woodland has that balance. In addition, Hennepin County will be acting on behalf of the City as our Absentee Ballot Board so they are named in our appointing resolution.

Recommendation

Adopt Resolution 11-2016 appointing the 2016 State Primary and General Election Judges and establishing Hennepin County as the Absentee Ballot Board.

CITY OF WOODLAND

Meeting Date: May 9, 2016
Motion:

Resolution No. 11-2016
Second:

A RESOLUTION APPOINTING THE 2016 STATE PRIMARY AND GENERAL ELECTION JUDGES AND ESTABLISHING HENNEPIN COUNTY AS THE ABSENTEE BALLOT BOARD

WHEREAS, Minnesota Election Laws 204B.21 requires the certification of Election Judges for the State Primary Election and General Election to be appointed by the governing body of the municipality.

WHEREAS, the City of Woodland has one voting precinct and the City Hall will serve as the absentee ballot center for the residents of Woodland; and

WHEREAS, Minn. Statute Section 203B.121 states that an Absentee Ballot Board must be established by the City to facilitate the absentee process for an upcoming elections;

NOW, THEREFORE BE IT RESOLVED that the Woodland City Council hereby appoints the individuals named below to officiate at the State Primary and General Elections:

Mary Adriaens	Sylvia (Sliv) Carlson
Jo Henriksen	Sara Skalle – Head Judge
Kristen Kohls	Debra Harper
Marcy Shilling	

BE IT FURTHER RESOLVED the City Clerk is, with this, authorized to make substitutions and additions to the Election Judge Roster, as deemed necessary, in order to fill vacancies and meet party splits;

BE IT FURTHER RESOLVED Minn. Statute Section 204B.31 states payment of a wage for each hour spent performing election duties at the polling place and in attending sessions required for election judge training, plus mileage in the same amount as allowed pursuant to section 471.665, subd. 1 to conduct the 2016 Primary & General Election; and

Election Judges: \$9.00 per hour
 Head Judges: \$9.50 per hour
 Mileage: Set by City Council Resolution

BE IT FURTHER RESOLVED the Woodland City Council also appoints City Election Officials and approves all members appointed to the Hennepin County Absentee Ballot Board as authorized under Minn. Stat. 204B.21, Subd. 2, under the direction of the Election Manager to serve as the Woodland Absentee Ballot Board as required by Minn. Stat. 203B.121.

ADOPTED BY the Woodland City Council on May 9, 2016 upon the following vote:

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

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 May 9, 2016, 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 10th day of May, 2016

Attest: _____
Kathryn A. McCullum, City Clerk

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 9, 2016

Agenda Item 3. D.

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathyryne McCullum, City Clerk

SUBJECT: Adoption of Resolution No. 08-2016 designating Hennepin County or its designee as the central count location, the use of the new e-poll books, approval of the execution of an agreement between the City and the County for use of the e-poll books, and for the use of the Hennepin County central counter for absentee ballots for the 2016 state primary and general elections

Background

As Council members know, the City of Woodland participates in the centralized processing and counting of absentee ballots. This process saves time and is efficient in counting the ballots. City staff is coordinating the process again for the upcoming election cycle with the Hennepin County Elections staff. The process has worked well for the past few elections.

In addition, the County purchased new e-poll books that intended to help election judges through each step of the process, including election day registration. Because the City will be using new equipment, the City Council must approve its use in addition to approval of the execution of an agreement with the County. The agreement outlines the number of devices as well as roles and responsibilities. The attached resolution addresses these issues.

Recommendation

Adopt Resolution No. 08-2016 designating Hennepin County or its designee as the central count location, the use of the new e-poll books equipment, approval of the execution of an agreement between the City and the County for use of the e-poll books, and for the use of the Hennepin County central counter for absentee ballots for the 2016 state primary and general elections

CITY OF WOODLAND

Meeting Date: May 9, 2016
Motion:

Resolution No. 08-2016
Second:

RESOLUTION DESIGNATING HENNEPIN COUNTY OR ITS DESIGNEE AS THE CENTRAL COUNT LOCATION, THE USE OF THE NEW E-POLL BOOKS EQUIPMENT, APPROVAL OF THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE COUNTY FOR USE OF THE E-POLL BOOKS, AND FOR THE USE OF THE HENNEPIN COUNTY CENTRAL COUNTER FOR ABSENTEE BALLOTS FOR THE 2016 STATE PRIMARY AND GENERAL ELECTIONS.

WHEREAS, the passage of Session Laws Ch 194 (HF 3111) in the 2010 Minnesota legislative session provided for centralized processing and counting of absentee ballots in Minnesota counties and cities, and

WHEREAS, in order to permit the timely and effective processing and counting of absentee ballots, the City of Woodland requires the use of an electronic central ballot counter, and

WHEREAS, Hennepin County has leased Elections Systems and Software Inc. central ballot counters for the 2016 election season

WHEREAS, the Elections Systems and Software Inc. central ballot counter has been approved by the Secretary of State pursuant to Minnesota Statutes, Section 206.57, and

WHEREAS, pursuant to Minnesota Statutes, Section 206.58, subd. 1, the governing body of a municipality may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, subject to approval by the county auditor, and

WHEREAS, the county auditor has approved the use of the Elections Systems and Software Inc central ballot counter in the precincts of Hennepin County,

WHEREAS, e-poll books have been purchased by Hennepin County and will be used in the 2016 Primary and General elections.

NOW, THEREFORE BE IT RESOLVED that the Woodland City Council hereby designates Hennepin County or its designee as the central count location, the use of the e-poll books, execution by the City Clerk of an agreement between the City of Woodland and the County for use of the e-poll books, and the use of the Hennepin County central ballot counter for all absentee ballots.

ADOPTED BY the Woodland City Council on May 9, 2016 upon the following vote:

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

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 May 9, 2016, 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 10th day of May, 2016.

Attest: _____
Kathryn A. McCullum, City Clerk

AGREEMENT

THIS AGREEMENT, made by and between the COUNTY OF HENNEPIN, a political subdivision of the State of Minnesota ("County"), and the CITY OF WOODLAND ("City").

1. TERM OF THE AGREEMENT

This Agreement shall commence on June 6, 2016 and expire on February 28, 2023, unless cancelled or terminated earlier in accordance with the provisions of this Agreement.

2. EQUIPMENT LICENSE

During the term of this Agreement and subject to the terms herein, County hereby provides to City and grants City a limited, revocable, non-exclusive, royalty-free license to use 2 KNOWiNK Poll Pad Hardware and Software units, and 1 Verizon Jetpack Hotspot(s) (the "Election Equipment") exclusively for official election use. Unless County otherwise agrees in writing, said license is restricted to access and use of the Election Equipment by City's employees, contracted personnel and duly authorized election officials performing election duties and responsibilities on behalf of City.

The parties may agree by written addendum executed by all the parties to modify the quantity or definition of the Election Equipment included within the scope of this agreement. County hereby delegates authority to execute such an addendum to the Hennepin County Elections Manager. City hereby delegates authority to execute such an addendum to its _____.

Unless the parties otherwise agree, City shall provide and/or maintain, at City's sole cost and expense, secure wireless and other telecommunications necessary for the operation of the Election Equipment. Further and as necessary, City shall acquire or otherwise provide all subscriptions, accounts or other licenses necessary for the operation of the Election Equipment.

City shall secure, safeguard and control the Election Equipment, including but not limited to system authentication and passwords, in the same manner that City secures, safeguards and controls its own critical or confidential equipment, systems, software, data, passwords or other information. While the Election Equipment is in City's possession, custody and/or control, City shall exercise best efforts to (i) use and handle the Election Equipment in a manner that avoids damage or harm to the Election Equipment; (ii) use and handle the Election Equipment in accordance with County direction and any third-party specification; and (iii) safeguard and secure the Election Equipment from theft, loss or other damage.

City shall be responsible for implementation of the Election Equipment.

Unless the parties otherwise agree, County or its designated third-party vendor shall be perform all maintenance and repair of the Election Equipment. City shall not repair, change, modify or alter the Election Equipment unless expressly authorized by County or its designee. If any Election Equipment needs repair or maintenance, City shall follow the direction and process provided by County. City acknowledges and agrees that, as directed by County, (i) City may be required to deliver, at City's sole cost and expense, Election Equipment to County or its designee for maintenance and repair; and (ii) City may be required to provide access to the Election Equipment for inspection, maintenance or repair during City's regular business hours, including but not limited to granting the right to enter into and upon the premises where the Election Equipment is located.

Upon reasonable notice, County shall have the right to enter into and upon the premises where the Election Equipment is located for the purposes of inspecting the Election Equipment or observing its use. On an annual basis, during the term of this Agreement, City shall comply with County's request for verification of Election Equipment inventory.

Upon the express written permission of County's Election Manager, or her/his designee, City may sub-license Election Equipment to a school district within City's territorial boundaries. Said sub-license shall be made pursuant to a written agreement, between City and the school district and shall include substantially the same terms as those contained herein.

3. OWNERSHIP

County represents and warrants and City acknowledges and agrees that County is duly authorized to grant the license herein exclusively for use by City in its official elections. Pursuant thereto, use of the Election Equipment for any other purpose other than that authorized herein is strictly prohibited absent express written consent of County.

City acknowledges and agrees that the Election Equipment may contain proprietary and trade secret information that is owned by a third party and is protected under state and federal patent, copyright law or other laws, rules, regulations and decisions. City shall protect and maintain the proprietary and trade secret status of the Election Equipment.

4. DISCLAIMER, LIABILITY AND LIMITATION OF LIABILITY

COUNTY, BY AND THROUGH ITS DULY AUTHORIZED VENDOR, IS PROVIDING THE ELECTION EQUIPMENT ON AN AS-IS BASIS WITH NO SUPPORT WHATSOEVER. THERE IS NO WARRANTY OF MERCHANTABILITY, NO WARRANTY OF FITNESS FOR PARTICULAR USE, NO WARRANTY OF NON-INFRINGEMENT, NO WARRANTY REGARDING THE USE OF

THE INFORMATION OR THE RESULTS THEREOF AND NO OTHER WARRANTY OF ANY KIND, EXPRESS OR IMPLIED.

CITY ACKNOWLEDGES AND AGREES THAT COUNTY DOES NOT OWN OR CONTROL THE DATA SOURCE/SYSTEM NECESSARY FOR OPERATION OF THE ELECTION EQUIPMENT. WITHOUT LIMITING THE FOREGOING, COUNTY DOES NOT WARRANT THE PERFORMANCE OF THE ELECTION EQUIPMENT OR RELATED COMMUNICATIONS OR CONNECTIONS TO ANY DATA SOURCE/SYSTEM, THAT THE DATA SOURCE/SYSTEM WILL BE UNINTERRUPTED OR ERROR FREE, THAT THE DATA IS ACCURATE, COMPLETE AND CURRENT OR THAT DATA DEFECTS WILL BE CORRECTED, OR THAT THE DATA SOURCE/SYSTEM IS FREE OF HARMFUL CODE.

IN NO EVENT SHALL COUNTY BE LIABLE FOR ACTUAL, DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL DAMAGES OR LOSS OF PROFIT, LOSS OF BUSINESS OR ANY OTHER FINANCIAL LOSS OR ANY OTHER DAMAGES EVEN IF COUNTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. COUNTY'S SOLE LIABILITY AND CITY'S SOLE AND EXCLUSIVE REMEDY FOR ANY DAMAGES RELATED TO THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO LIABILITY FOR ELECTION EQUIPMENT NONPERFORMANCE, ERRORS OR OMISSIONS, SHALL BE LIMITED TO RESTORING OR CORRECTING THE ELECTION EQUIPMENT TO THE EXTENT AND DEGREE COUNTY IS CAPABLE OF PERFORMING THE SAME AND AS IS REASONABLY POSSIBLE UNDER THE PERTINENT CIRCUMSTANCES.

Subject to the foregoing limitation of liability and to the provisions (below) regarding responsibility for the costs related to lost, stolen, destroyed or damaged Election Equipment, each party shall be responsible for their own acts and omissions and the results thereof to the extent authorized by law. The parties are not agreeing, in any manner whatsoever, to be responsible for the acts or omissions of the other party. As applicable, County's liability is governed by the provisions of Minnesota Statutes, Chapter 466 and City's liability is governed by the provisions of _____ . The statutory limits of liability for the parties may not be added together or stacked to increase the maximum amount of liability for either or both parties.

5. ROYALTY FREE LICENSE - OTHER COSTS

Except as expressly set forth below, City shall not pay County any amount for the license granted herein.

City shall be responsible for the cost and expense of Election Equipment delivery from and to a location as directed by County.

Except for routine wear and tear resulting from use in conformance with the terms herein, City shall be responsible for and shall pay all costs, including but not limited to

shipping costs, necessary for the repair or replacement of lost, stolen, destroyed or damaged Election Equipment.

Upon expiration or termination of this Agreement for any reason, City shall, at City's sole cost and expense, deliver, or have delivered, the Election Equipment to County or its designee, complete and in good order and working condition, except with respect to Election Equipment with defects attributable to County's vendor or supplier.

6. TERMINATION

This Agreement may be terminated by either party upon seven (7) day written notice to the other. Termination of this Agreement by either party and for any reason shall not relieve City of any duties or obligations hereunder including but not limited to the obligation to safely and securely return and deliver the Election Equipment as set forth above.

7. DATA PRACTICES

The parties, their officers, agents, owners, partners, employees, volunteers and subcontractors shall abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13 (MGDPA) and all other applicable state and federal laws, rules, regulations and orders relating to data privacy or confidentiality, which may include the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

8. ADDITIONAL PROVISIONS

The parties shall comply with all applicable federal, state and local statutes, regulations, rules and ordinances currently in force or later enacted including but not limited to the MGDPA, Minnesota Statutes section 16C.05, subd 5 and Minnesota Statutes section 471.425, subd. 4a and, as applicable, COUNTY's Affirmative Action Policy.

No delay or omission by either party hereto to exercise any right or power occurring upon any noncompliance or default by the other party with respect to any of the terms of this Agreement shall impair any such right or power or be construed to be a waiver thereof unless the same is consented to in writing. A waiver by either of the parties hereto of any of the covenants, conditions, or agreements to be observed by the other shall not be construed to be a waiver of any succeeding breach thereof or of any covenant, condition, or agreement herein contained. All remedies provided for in this Agreement shall be cumulative and in addition to, and not in lieu of, any other remedies available to either party at law, in equity, or otherwise.

This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. Except as expressly provided herein, any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties hereto.

City shall not assign, sublicense or transfer this Agreement or the rights, duties and obligations herein, either in whole or in part, without the prior written consent of County, and any attempt to do so shall be void and of no force and effect.

It is expressly understood and agreed that the obligations and warranties of City and County hereof shall survive the completion of performance and termination or cancellation of this Agreement.

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APPROVAL

Reviewed by the County
Attorney's Office

Date: _____

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By: _____
County Administrator

Date: _____

CONTRACTOR

CONTRACTOR warrants that the person who executed this Agreement is authorized to do so on behalf of CONTRACTOR as required by applicable articles, bylaws, resolutions or ordinances*.

CITY OF WOODLAND

Printed Name: _____

Printed Title: _____

Date: _____

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 9, 2016

Agenda Item 3. E.

Consent Agenda

TO: Honorable Mayor and Members of the City Council
FROM: Kathyne McCullum, City Clerk
SUBJECT: Resolution No. 10-2016 approving the construction of a septic system and a front entry wall for the property located at 2400 Cedar Point Drive.

Background

The City Council held a public hearing on this item at its meeting on April 11, 2016 and approved the requests based on findings and with certain conditions as noted in the attached resolution.

Recommendation

Adopt Resolution No. 10-2016 approving the construction of a septic system and a front entry wall for the property located at 2400 Cedar Point Drive.

WOODLAND RESOLUTION NO.10-2016

IN RE: The application for variance request of Streeter and Associates to construct a septic system that encroaches 25 feet into the lake yard setback and to build an front entry wall that would encroach 8 inches into the required front yard setback, 18 feet into the required west lake yard setback, and 64 feet, 3 inches into the required east lake yard setback at 2400 Cedar Point Drive (PID No. 07-117-22-24-0001)

LEGAL: REG. LAND SURVEY NO. 0402

WHEREAS, the applicant has made application to the City for variances to encroach into the required lake yard setback for a septic system and to encroach into the required front yard setback and lake yard setbacks for a wall; 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 April 11, 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 2400 Cedar Point Drive (PID No. 07-117-22-24-0001) is a single lot of record located within the R-1 zoning district. This property is used for single family residential purposes.
2. The applicant submitted an application for a variance to encroach into the minimum required lakeyard setback in order to install a septic system on the property.

Ordinance Section 900.04(b)(5) requires that accessory structures meet the required setbacks for main buildings. The applicant proposes a lake yard setback of 50 feet and is requesting a variance to encroach 25 feet into the required lake yard setback.

The proposed location of the septic system is in approximately the same location as the system from the previous house. The site is very constrained and there are not sites available to build beyond the setback requirements.

3. City staff became aware of a driveway entry wall that had been constructed within the front setbacks and lake yard setbacks of the property. Staff informed the applicant that a variance would be required for the wall.
4. Subsequently, the applicant submitted an application for a variance to encroach into the minimum required front yard setback and east and west lake yard setbacks.

Ordinance Section 900.12(4)(b) requires that fences shall not be placed within the required setback for structures from any lakeshore, and that all fences shall be set back from the property line a distance equal to at least two-thirds of the height.

As proposed, the 30 inch tall wall would be located 1 foot off of the front property line and would encroach 8 inches into the required front yard setback.

As proposed, the wall would sit 57 feet from OHWL on the west side of the property, and would encroach 18 feet into the required 75 foot west lake yard setback.

As proposed, the wall would sit 10 feet, 9 inches feet from OHWL on the east side of the property, and would encroach 64 feet, 3 inches into the required east lake yard setback.

5. It has been the policy of the City of Woodland to allow walls near a front entry to help demarcate a property, provided the wall meets the fence setback requirements. The narrowness of the property at this point would justify some kind of variance. However, it has also been the policy of the city to strictly guard the lake yard from the encroachment of new structures, walls, and fences. The City's comprehensive plan states as one of its goals "The protection of the natural shoreland from inordinate development and hardcover. Specifically protect the shore impact zone from structures and adverse effects of development." Walling off a portion of the lake from adjacent residents would alter the essential character of the locality that the residents of Woodland have worked diligently to preserve.
6. The desire of the applicant to demarcate the front entry should be balanced with the severe encroachment into the east lake yard setback. Some degree of encroachment would be warranted, but the proposed encroachment brings the wall much too close to the lakeshore. Reducing the width of the wall to 12 feet (which would be equal to the width of the wall to the west of the driveway) would be reasonable. Thus, the proposed wall should be reduced from 36 feet wide to 12 feet wide, and the encroachment would be decreased from 64 feet, 3 inches to 40 feet, 3 inches from the OHWL of the lake.

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

Council Member Newberry moved the Council accept the recommendation of staff to approve the application for variances of Woodland Ordinance Section 900.04(b)(5) to encroach 25 feet into the required 75 foot lake yard setback for the proposed septic system; and Section 900.12(4)(b) to encroach 8 inches into the required front yard setback, and to encroach 18 feet into the required 75 foot west lake yard setback, and to encroach 40 feet, 3 inches into the required east lake yard setback for the proposed driveway entrance wall on the property located at 2400 Cedar Point Drive.

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

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

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

When those goals are in conflict with the limitations of the property, a variance may be granted. In this case, the property is severely constrained by the narrowness of the peninsula and the lake yard setback requirements for three sides of the property. It is challenging to create any improvements that do not impact the lake yard setbacks.

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

Reducing the width of the east wall, as conditioned with this approval motion, would make the request consistent with the comprehensive plan.

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

The proposal puts the property to a reasonable use in that the septic system is a required improvement to make the property livable. The driveway entry wall, reduced in width as conditioned with this approval motion, is reasonable in that it is a common improvement within the city.

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

The property is severely constrained by the narrowness of the peninsula and the lake yard setback requirements for three sides of the property.

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

The wall, as proposed, would have altered the essential character of the locality by creating a significant lake yard encroachment of a scale and character not found elsewhere in the city. By reducing the east lake yard encroachment from 64 feet 3 inches to 40 feet, 3 inches, a driveway entry wall can be created that both serves the needs of the homeowner and maintains the essential character of the locality.

And with the following conditions:

- (a) The wall on the east side of the driveway shall encroach no further than 40 feet, 3 inches into the east lake yard setback.
- (b) No part of the wall shall be taller than 30 inches from the existing adjoining grade prior to the start of construction.
- (c) A sign at the intersection of Maplewood Circle East and Cedar Point Drive shall be installed identifying the road as a private drive and indicating that there is not an area to turn a vehicle around.

Council Member Weiner seconded the motion. Motion carried 5-0.

ADOPTED BY the Woodland City Council on May 9, 2016 upon the following vote:

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

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 May 9, 2016, 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 10th day of May, 2016

Attest: _____
Kathryn A. McCullum, City Clerk

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 9, 2016

Agenda Item 3. F.

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Resolution No. 12-2016 approving a variance request to build a new attached garage at 3030 County Road 101.

Background

The City Council held a public hearing on this item at its meeting on April 11, 2016 and approved the requests based on findings as noted in the attached resolution.

Recommendation

Adopt Resolution No. 12-2016 approving a variance to construct a new attached garage at 3030 County Road 101.

WOODLAND RESOLUTION NO.12-2016

IN RE: The application of variance request of Dean and Kari Breitbach to build a new attached garage that would encroach 19 feet, 11 inches into the side yard setback at 3030 County Road 101, Woodland, Minnesota (PID No. 18-117-22-11-0014)

LEGAL: GROVELAND ACRES LOT 007

WHEREAS, the applicant has made application to the City for a variance to encroach into the required south side yard setbacks; 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 April 11, 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 3030 County Road 101, Woodland, Minnesota (PID No. 18-117-22-11-0014) is a single lot of record located within the R-1 zoning district. This property is used for single family residential purposes.

2. The applicant submitted an application for a variance to encroach into the minimum required south side yard setback.

Ordinance Section 900.09(4)(a) requires a minimum side yard setback of 30 feet. Applicant proposes a side yard setback of 10 feet 1 inch and is requesting a variance to encroach 19 feet, 11 inches into the required side yard setback.

3. The existing non-conforming detached garage sits 1 foot, 2 inches off of the side property line. The side yard setbacks for the proposed addition are improved from existing conditions.

The proposed addition meets the remaining requirements of the zoning ordinance.

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

Council Member Newberry moved the Council accept the recommendation of staff to approve the application for variances of Woodland Ordinance Section 900.09: to encroach 19 feet, 11 inches into the required 30 foot side yard setback, as presented for the proposed garage at 3030 County Road 101.

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

- (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 structure and replace it with a new non-conforming structure that reduces the side yard encroachment by 8 feet, 11 inches.

- (b) 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 a reasonable use. Apart from the setback variance, the proposal is otherwise zoning code compliant.
- (d) There are circumstances unique to the property not created by the landowner. The existing non-conforming structure sits 1 foot, 2 inches off of the property line. The proposal would reduce the encroachment.
- (e) The variance 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 only a modest increase from existing conditions while also reducing the side yard encroachment.

Council Member Carlson seconded the motion. Motion carried 5-0.

ADOPTED BY the Woodland City Council on May 9, 2016 upon the following vote:

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

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 May 9, 2016, 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 10th day of May, 2016

Attest: _____
Kathryn A. McCullum, City Clerk