

AGENDA
CITY COUNCIL
CITY OF WOODLAND



MONDAY, JUNE 9, 2014
7:00 P.M.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

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

3. CONSENT AGENDA

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

A. Minutes of the May 12, 2014 Regular City Council meeting

B. Resolution 17-2014 appointing the 2014 State Primary and General Election Judges and establishing Hennepin County as the Absentee Ballot Board

C. Adoption of Resolution No. 25-2014 designating Hennepin County or its designee as the central count location, approving the use of the new DS200 voting equipment, and for the use of the central counter 650 for absentee ballots for the 2014 state primary and general elections.

D. Adoption of Resolution No. 22-2014 approving of a variance and permit for alteration of a non-conforming structure for Mary Santiago for the property located at 2895 West Road.

E. Adoption of Resolution No. 23-2014 approving of a variance for Lecy Brothers Homes and Remodeling for the property located at 2515 Cedar Point Drive

4. PUBLIC COMMENT

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

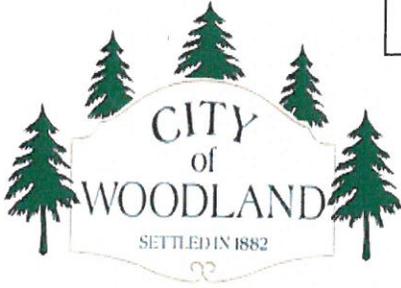
5. PUBLIC HEARINGS

A. Continued Public Hearing and consideration of variances for Aaron and Heather Melsness for the property located at 2800 Breezy Heights Road.

6. NEW BUSINESS
 - A. Request from Richard Henry, 17960 Shavers Lane, regarding the City of Woodland nuisance ordinance.
 - B. Discussion of an Ordinance No. O07-2014 relating to the addition of language to Chapter 4 regarding showcase, open house, and estate sale events.
 - C. Resolution No. 26-2014 approving the 2015 agreement for services and authorizing execution of the letter of understanding between the City of Woodland and the City of Deephaven.
 - D. Discussion relating to the Lake Minnetonka Conservation District Draft Budget
 - E. Resolution No. 27-2014 appointing Police Chief Cory Johnson as the City of Woodland Animal Control Officer
 - F. Resolution No. 19-2014 approving and authorizing the execution of an agreement between the City of Woodland and Hennepin County for the County Road 101 improvement project.
7. OLD BUSINESS
8. MAYOR'S REPORT
9. COUNCIL REPORTS
 - A. Newberry – Ordinances, Septic Ordinance, and Inspections
 - B. Rich – Roads, Signs, Trees, and Website
 - C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD
 - D. Massie – Public Safety and Deer Management
10. ACCOUNTS PAYABLE
11. TREASURER'S REPORT
12. ADJOURNMENT

- 15 minutes will be allotted for public comment. If the full 15 minutes is not needed, the Council will continue with the agenda
- The next City Council meeting will be held on June 9, 2014.

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, MAY 12, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

ROLL CALL

Present: Mayor Doak, Councilor Carlson, Councilor Massie, Councilor Newberry,
Councilor Rich

Excused: Councilor Rich

Staff: Zoning Administrator, Gus Karpas and City Clerk, Kathyne McCullum

3. CONSENT AGENDA

A. Minutes of the April 14, 2014 Regular City Council meeting

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

4. PUBLIC COMMENT

5. PUBLIC HEARINGS

A. Public Hearing and consideration of variances for Aaron and Heather Melsness for the property located at 2800 Breezy Heights Road.

Mayor Doak opened the public hearing.

Zoning Administrator Karpas presented an overview of the request and stated that Aaron and Heather Melsness, 2800 Breezy Heights Road, were requesting variances to encroach into the minimum required front yard setback, to exceed the maximum permitted accessory structure height, to exceed the maximum permitted accessory structure area and to encroach within the minimum required accessory structure separation in conjunction with the construction of a new detached garage and variances of the front yard setback to construct a new bay window and front entryway.

Mr. Karpas stated that staff recommended denial based upon the following:

(a) Are the variances in harmony with the purpose and intent of the ordinance?

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

The character of Woodland is that of a single family community with an exception for guesthouses on lots with two acres or more of lot area. The design of the proposed structure lends itself for future conversion into a guesthouse and such a designation is indicated on the plan. The use of this structure for a guesthouse would violate the ordinance in that it would exceed the allowable footprint for a guesthouse and the lot is less than two acres.

- (b) Are the variances consistent with the comprehensive plan?

The design and intended use of the structure is inconsistent with the comprehensive plan in that the potential for two housing units on a lot of less than two acres exists with the proposal. This situation is created by the additional height and accessory structure area requests.

- (c) Will the proposals put the property to use in a reasonable manner?

The scale of proposed structure is too large in dimensional area and height for the size of the lot and in comparison to other structures on the property. The extension of the front entryway creates a further encroachment into front yard setback and is unnecessary in the proposed configuration to achieve the desired protected entryway which could be done on a smaller scale.

- (d) Are there unique circumstances to the property not created by the landowner?

The plight of the homeowner is created by the design of the proposed structure in that it exceeds both the allowable accessory structure area and height requirements and is placed in a location that violates the structure separation provisions. The proposed front entryway also increases the current encroachment.

- (e) Will the variances, if granted, alter the essential character of the locality?

The essential character of the neighborhood would be negatively impact because the entryway looks disproportionate in its location so close to the road and the height of garage is out of scale when compared to the principal structure on the lot in addition to the surrounding residences.

Applicant Heather Melsness approached the Council and stated that the plans were not drawn up the way she would have liked. She said that the proposed additions to the house would not encroach any closer than the existing "eyebrow" extension of the home. Regarding the garage proposal, Ms. Melsness explained that more storage was needed on the property.

Mayor Doak thought that the plans that were submitted were difficult to read and the proposed additions and structures were not referenced to the lot lines.

Ms. Melsness requested an extension from the Council so she and Mr. Melsness could work with staff to reach a solution. She said that she understood that the height of the proposed garage is an issue and she hoped to find an option that would work. In response to a question from Mayor Doak, Ms. Melsness explained that she had not been able to

find a garage design that would be less than 19' tall, but would like to continue to look for one that would be acceptable. She explained that they would like to break ground yet this summer.

Resident Penelope Horning said that she understood the need for more space. She asked if the hardsurface coverage met ordinance requirements. Mr. Karpas responded affirmatively.

Mayor Doak explained that the City Council does not have enough information at this time; however, he believed that it was important that the applicants hear what the neighbors and Council members think about the project.

Ms. Horning explained that the proposal would make her and her husband feel "boxed in" or like they are in a tunnel because of the size of the garage structure and the nearness to the property line.

Resident Steven Hornig explained that he was concerned about the height and mass of the garage structure. He also said that the proximity to the property line was of great concern to him and Ms. Horning.

Ms. Horning said she hoped that there was another option so a compromise could be reached. She thought that a survey of the proposed structures should be available to review.

Mayor Doak asked for comments from the Council members.

Councilor Newberry said that he could not support the request without seeing better plans.

Councilor Massie thought that a smaller garage would be a good solution.

Councilor Carlson agreed with the Mayor and the other Council members.

Mayor Doak stated that the height of the garage structure was problematic. He asked that plans be developed that are sensitive to the context of the neighborhood.

Mr. Melsness explained that the lot is not ordinary. He noted that the lot is long and narrow, as is the house. He said that he would like to work with the City to reach a compromise.

The public hearing was closed.

Carlson moved, seconded by Newberry to direct staff to draft written notice to Aaron and Heather Melsness stating that the City Council will extend the 60-day time limit to take action on the request until August 1, 2014, as permitted by Minnesota Statute 15.99 Motion carried 4-0.

- B. Public Hearing and consideration of a variance and permit for alteration of a non-conforming structure for Mary Santiago for the property located at 2895 West Road.

Mayor Doak opened the public hearing.

Zoning Administrator Karpas presented the staff report and stated that Mary Santiago was requesting a variance to exceed the maximum permitted impervious surface area by 2% for the construction of a 192 square foot screened porch addition. Mr. Karpas noted that Ordinance Section 900.10(2) permits a maximum impervious surface area of forty-five (45) percent of the lot area for lots less than 16,500 square feet serviced by municipal

water and sanitary sewer with the issuance of a conditional use permit. The applicant proposed an impervious surface area of 47% and was seeking a variance to exceed the maximum permitted impervious surface area by 2.4%.

Mr. Karpas explained that the applicant currently has 45.2% impervious surface area on her property. This includes Groveland Homeowner Association (GHA) related impervious surface area consisting of a portion of a parking area and a walkway between the parking area and West Road. This constitutes approximately 300 square feet of impervious surface area.

Mr. Karpas stated that staff recommended conditional approval of the request.

Applicant Mary Santiago said that the proposed addition would provide for the betterment of the neighborhood.

Zoning Administrator Karpas explained that the neighborhood association had approved the request.

Applicant Dave Deutsch said that he reviewed the plans with the neighborhood residents.

Mayor Doak noted that notices were mailed to property owners and no comments were received.

Councilor Massie commended them on the plans and the fact that the applicants followed the process.

Councilors Calson and Newberry stated support for the request.

The public hearing was closed.

Carlson moved, seconded by Massie to conditionally approve a Permit for the Alteration of a Non-Conforming Structure for the construction of a 192 square foot porch addition onto an existing non-conforming home as presented at 2895 West Road. The proposed addition will maintain the greatest encroachment of four feet, two inches into the required front yard setback where it attaches to the existing non-conforming home.

The approval was conditioned that the screened porch not be enclosed and remain seasonal only and was based on the following findings:

The proposed addition will maintain the greatest encroachment of the existing structure into the required front yard setback where it attaches to the existing non-conforming home. The motion is based on the following findings:

- (a) the alteration will enhances the general character of the community;
- (b) the magnitude of the proposed alteration is consistent with the surrounding area;
- (c) there will no negative impacts on the use and enjoyment of surrounding properties;
- (d) there is reasonable separation between the proposed alteration and structures on adjoining properties;
- (e) there would be no effect on the light and visibility available to the adjoining properties;

- (f) the proposal would not have a negative impact on property values;
- (g) there are no concerns related to fire safety in regards to the proposal;
- (h) the size of the lot and the location of the structure creates a unique situation where the alteration of the home must take place on the front side of the home otherwise a variance would be required; and
- (l) the existing/proposed encroachment would be maintained.

Motion carried 4-0.

C. Public Hearing and consideration of a variance for Lecy Brothers Homes and Remodeling for the property located at 2515 Cedar Point Drive.

Mayor Doak opened the public hearing.

Zoning Administrator Karpas presented the staff report and stated that Lecy Brothers Homes and Remodeling, representing the property owner at 2515 Cedar Point Drive, were requesting variances to exceed the maximum permitted grade alteration and maximum permitted structure height in the conjunction with the construction of a new single family home.

Mr. Karpas stated that he recommended approval of the variances.

Andy Johnsrud, Lecy Brothers Homes and Remodeling, stated the following:

- He understands the delicate nature of the property and the house was designed to fit into the neighborhood.
- He developed a plan that would minimize variances.
- Only a small portion of the home is located in the lowest area which is creating the variance issue.
- The floor system is engineered to minimize the height of the building.
- The roof pitch was designed to keep the roof lower.
- A tree preservation plan was developed and most existing trees will remain.
- 12 additional trees will be planted on the property.
- The final grade of the property will be approved by the Minnehaha Creek Watershed District and the City Engineer.

Resident Edith Thorpe stated that she was concerned by the amount of fill that needed to be placed on the property. She said that her main concern was drainage and flooding onto her property. Ms. Thorpe stated support for the tree plan, but was concerned about the road damage that may occur during construction.

Mayor Doak explained that the City Engineer is very good with drainage issues. He noted that representatives from Lecy Brothers should be made aware of the fact that Cedar Point Drive is a private road and there should be an understanding between the company and the residents regarding responsibility relating to any road damage and repair as a result of the construction of the new house.

Kavon Kaspi, owner of the property at 2515 Cedar Point Drive, stated that he was excited about the process and he was looking forward to the home being constructed. He said that he and his family would be good stewards of the property.

In response to a question from Ms. Thorpe, Zoning Administrator Karpas said that the City allows 25% impervious surface and the proposal is 18%.

Resident Lou Baker stated that he had no objection to the house; however, he was concerned about the drainage and flooding. Zoning Administrator Karpas stated that the volume and velocity cannot change as a result of the new house construction and the City Engineer will review the issue closely. He noted that if there is a future problem, the City Engineer will continue to work on the issue until it is resolved.

Councilor Massie stated that he was skeptical when he first reviewed the plans, but after spending time walking the site and obtaining a thorough understanding of the project, he was in support of the plan.

Councilor Carlson stated that she visited the site last week and was concerned about the drainage. She noted that she was now in support of the project now that she understands that any drainage issues will be handled properly.

Councilor Newberry stated that he visited the property a week ago and he endorsed the findings listed in the staff report.

Mayor Doak thought that the proposal respects the neighboring properties and he appreciated the efforts to minimize the height of the house.

The public hearing was closed.

Newberry moved, seconded by Massie to approve the application of Lecy Brothers Homes and Remodeling for variances of Woodland Ordinance Code section 900.17(4)(a); to exceed the maximum permitted grade alteration of three (3) feet by two (2) feet, for a total alteration of five (5) feet and of Woodland Ordinance Code section 900.13(1) to permit a variance to exceed the maximum permitted structure height of thirty-five (35) feet, by three (3) feet, for a total height of thirty-eight (38) feet for the new single family structure located at 2515 Cedar Point, based on the following findings:

- (a) The variances are in harmony with the purpose and intent of the ordinance?

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

The proposal seeks to alter the topography which is currently low lying and using the alteration to create a buildable site. The alteration is done minimally and as a corrective measure to meet city standards outlined in Section 900.13(2) for lowest floor elevation.

The proposed alteration would be limited to the building area and low lying areas will remain undisturbed around the lakeside areas of the lot.

- (b) Are the variance consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan in that the alteration corrects the topography issues to permit construction of a reasonable home with all the other zoning requirements.

- (c) Will the proposal put the property to use in a reasonable manner?

The proposal puts the property to a reasonable use through the restoration of the grade to permit the construction of a new home. The applicant only seeks to elevate the grade three feet above what the city would deem the lowest allowed grade level. The proposed single family use is consistent with the uses surrounding the property and the size of the proposed home is not out of character which what is permitted by the ordinance.

- (d) Are there unique circumstances to the property not created by the landowner?

The plight of the homeowner is created by the need to move the proposed home into compliance with the lowest floor elevation and grade requirements. Even with the increase in grade, the applicant was able to maintain an actual structure height below the structure height they would have been permitted had the grade correction not been necessary.

- (e) Will the variances, if granted, alter the essential character of the locality?

The essential character of the neighborhood is not impacted as the home is designed a two story home without any type of look out or walk out. Most of the proposed grade correction brings the property in compliance with the city ordinance, while the remaining grading will not negatively impact the surrounding area.

Motion carried 4-0.

- D. Items pertaining to Ordinance No. O03-2014 amending the City of Woodland Code of Ordinances Chapter 2, Administration of Government; Chapter 4, Public Health and Safety; and Chapter 9, Zoning:

1. Introduction of Ordinance No. O03-2014 (First Reading) amending Chapter 2, Chapter 4, and Chapter 9.
2. Public Hearing relating to amendments to Chapter 9, Zoning, as stated in Ordinance No. O03-2014.

Mayor Doak opened the public hearing.

Mayor Doak introduced the item and explained that the Council had reviewed this item in great detail at the last meeting. Mr. Doak provided a brief overview of each amendment.

The public hearing was closed.

Newberry moved, seconded by Carlson to adopt Ordinance No. O03-2014 amending the City of Woodland Code of Ordinances Chapter 2, Administration of Government; Chapter 4, Public Health and Safety; and Chapter 9, Zoning and to waive the second reading.

Motion carried 4-0.

- E. Items pertaining to Ordinance No. O04-2014 amending the City of Woodland Code of Ordinances Chapter 5, Vehicles, Traffic and Streets; Chapter 9, Zoning; and Chapter 12, Sewer and Water:

1. Introduction of Ordinance No. O04-2014 (First Reading) concerning amendments to Chapter 5, Chapter 9, and Chapter 12 Sewer and Water.

2. Public Hearing relating to amendments to Chapter 9, Zoning, as stated in Ordinance No. O04-2014.

Mayor Doak opened the public hearing.

Mayor Doak stated that this item had been discussed at length by the Council at the last meeting. He provided an overview of each amendment and asked for a motion from the Council.

The public hearing was closed.

Newberry moved, seconded by Carlson to adopt Ordinance No. O04-2014 amending the City of Woodland Code of Ordinances Chapter 5, Vehicles, Traffic and Streets; Chapter 9, Zoning; and Chapter 12, Sewer and Water and to waive the second reading. Motion carried 4-0.

6. NEW BUSINESS

- A. Presentation by Nicholas Peterson from the Hennepin County Transportation Department regarding the County Road 101 improvement project.

Mayor Doak introduced Nicholas Peterson and Greg Brown from the Hennepin County Transportation Department.

Mr. Peterson stated that a municipal cooperative agreement would be forwarded to the City Council at its June meeting. He noted the elements of the agreement include responsibility for the maintenance of the sidewalk and prohibition of parking along the roadway.

Mr. Brown presented an overview of the timeline for the project. He noted that the project will be done in four stages:

Stage 1 – (late June) Excavation will start in the roundabout area and at Eastman Lane in Wayzata. Through traffic will be allowed during this stage.

Stage 2 – (begin mid to late August) – The road will be closed to through traffic. A strip of asphalt will be maintained and will be plowed – a passable surface will be available for local and emergency vehicles only. The railroad bridge will be removed and private utility work (undergrounding wires) will begin on the periphery. Storm sewer lines will be placed and work will begin on retaining wall construction.

Stage 3 – continuation of Stage 2 – all access will remain the same – road closed to through traffic – open to local traffic only.

Stage 4 – 2015 Season – Beginning in May, pavement will be removed, watermain and sanitary sewer placement and road construction and paving will begin. The east/west stretch from Grays Bay Boulevard to the roundabout will be completed in early June. In late 2015, the area north of the causeway will be completed. Some work could go into 2016, but it will be minor landscaping and general finishing.

Mayor Doak clarified that there will be no traffic detoured through Woodland.

In response to a question from Councilor Massie, Mr. Brown indicated that the signage would be placed that should deter traffic from traveling through Woodland.

Councilor Carlson asked if the project would mitigate silt discharge into Shavers Lake. Mr. Brown indicated that a fair amount of water will be redirected, pipe sizing would increase, and the water will be treated before it goes into the lake and into the wetland along Breezy Point Road.

- B. Consideration of an application to permit chickens, a coop, and a run for Kathy Dittmer and Doug Gustner at 2845 Stone Arch Road.

Mayor Doak introduced the item and said that he thought two conditions should be added to the approval. The first was that the structure must be screened and the second was that the site must be inspected after the coop and run are assembled.

Resident Lowell Weide asked if there was anything that could stop the permit from being approved. Mayor Doak said that the Council made a deliberate decision to not place language in the ordinance that would prohibit a permit based solely on resident objection. He noted that the ordinance contains significant protective conditions that must be met prior to approval. Mayor Doak explained that if there is a problem in the future, the Council may repeal the permit. He said that Mr. Weide should contact the City if there are any problems with the property.

Doak moved, seconded by Newberry to approve the issuance of the back yard chicken permit with the following conditions:

1. The coop and run be inspected by the City after they are assembled.
2. The coop and run be screened in a manner that is acceptable to the neighbors.

Motion carried 4-0.

- C. Introduction of Ordinance No. O02-2014 (First Reading) amending the City of Woodland Code of Ordinances Chapter 4, Sections 430 and 445 relating to false alarms for fire and police services.

Mayor Doak introduced the item and explained that the Council had reviewed the ordinance amendment at the last meeting. He asked for a motion from the Council.

Newberry moved, seconded by Massie to adopt Ordinance No. O02-2014 (First Reading) amending the City of Woodland Code of Ordinances Chapter 4, Sections 430 and 445 relating to false alarms for fire and police services and to waive the second reading.

Motion carried 4-0.

- D. Discussion relating to an Ordinance No. O06-2014 Amending Chapter 7, Section 705 relating to Individual Sewage Treatment Systems (ISTS).

Councilor Newberry stated that the draft ordinance mimics the ordinance that was developed and approved by the Hennepin County Board of Commissioners. He explained

that one difference in the Woodland ordinance was that language was added which relates to the City's maintenance inspection program.

Mayor Doak said that the Hennepin County ordinance was approved by the Minnesota Pollution Control Agency so the City's draft ordinance should be in line with what is required.

Councilor Newberry said that the next step would be to have the City Engineer review the draft ordinance.

The Council agreed that the City Engineer should review the draft ordinance and it should be placed on the next meeting agenda for consideration.

- E. Discussion relating to the potential of adding language to Chapter 4 relating to showcase, open house, and estate sale events.

Mayor Doak explained past difficulties with various events and associated parking issues. He asked the Council if they would like to consider review of an ordinance that is similar to that used by the City of Deephaven. He noted that the ordinance would require a permit prior to any event which will protect residents and control parking.

The Council agreed to move forward with review of a draft ordinance.

- F. Discussion concerning potential revisions to Chapter 9, Zoning, relating to wetlands within the City of Woodland (Ordinance O005-2014).

Mayor Doak presented an overview of the item and explained that items from the Comprehensive Plan and Stormwater Management Plan were incorporated into the wetland ordinance to provide for clarification.

Mayor Doak explained that the Council discussed lakeshore setbacks and wetlands buffers and setbacks at the last meeting. He thought that a resident survey could be sent to property owners asking their opinion about changing the setback measurements and adding a buffer strip.

The Council agreed that this item should be discussed in further detail.

- G. Consideration of a technology upgrade to the City's Water Enterprise System meter reader equipment.

Mayor Doak presented a brief overview of the item for the Council. He thought that the City should work with Minnetonka this year to upgrade the water meter reading equipment.

Carlson moved, seconded by Newberry to request that the City of Minnetonka include the City of Woodland in the request for proposals for the upgrade to the City's Water Enterprise System meter reader equipment. Motion carried 4-0.

H. Council review of the City of Woodland Official Depository (TCF Bank).

Mayor Doak explained the recent issues with the City's current bank. He recommended that the Council go out for bids to find a depository that would not charge service fees.

The Council agreed and recommendations for other banks were Beacon Bank, Wells Fargo, and US Bank.

7. OLD BUSINESS

8. MAYOR'S REPORT

Mayor Doak thanked Councilor Massie for working on the City's deer management this year.

Mayor Doak explained that Dr. Bruce Shilling, resident, volunteered to purchase, install, and paint the white posts in the Maplewood area if the City pays for the posts. Councilor Massie said that he would bring the item to the neighborhood association. All Council members welcomed Dr. Shilling's offer to restore the posts and agreed that the City should pay for the posts.

Mayor Doak said that he was approached by a resident who would like to have a wedding reception at his home with music which would extend into the early morning hours. He noted that the usual wrap-up time for events was 10:00 p.m. to 10:30 p.m. Mayor Doak said that he spoke with the City Attorney who explained that the City cannot selectively enforce the ordinance – the City must enforce its laws. If an exception is made for one resident then others may expect the same exception. The Council agreed that the nuisance ordinance should be enforced.

Mayor Doak reported that there was an article in the newspaper about a lawsuit where a resident was suing a city because he was compelled to remove a wind turbine from his property. He noted that the turbine apparently makes a lot of noise and on that basis, among others, the City asked that the resident remove it. Mayor Doak stated concern that a Woodland resident might request to place a turbine on their property and asked if the Council agreed that turbines should be separately noted as a source of noise in the City ordinance. The Council agreed and asked that the issue be placed on a future Council agenda for discussion.

Mayor Doak said that many cities are dealing with bee keeping. He thought that the Council should look into potential ordinance amendments on this issue.

Mayor Doak shared that he attended the area Mayor's meeting where the topics included the following:

- Scenic Byway Program: There seemed to be lukewarm reception to the program by the Mayor's group.
- Shorewood Community Center: The Center is still having difficulties.
- Hennepin County Emergency 911 Call Center: The Center is expected to open by fall of this year.
- Violent crime is down, but heroin has become a big problem in the metro area.

- Mayor Doak explained that many cities are not using Facebook anymore because of the potential for open meeting violations.
- Mayor Doak said that Hennepin County will be requiring cities to comply with new organics recycling regulations at some point in the near future.

Mayor Doak referred to a handout that was given to the Council regarding Metropolitan Council population and housing estimates and asked the Council members to let him know if they have any problems with the information.

9. COUNCIL REPORTS

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

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

Mayor Doak reported for Councilor Rich that the potholes in the roads have been filled. The Council agreed that improvements to Breezy Point Road will be upgraded after the County Road 101 project has been completed. The City will be in an even better position to save more money for the Breezy Point Road project in 2015.

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

Councilor Carlson reported that the State Legislature has forwarded a bill to the Governor that exempts new single family homes from being sprinklered. She noted that the Governor has stated that he will not sign the bill with that exception. Concern was stated by Council members that the bill includes new homes over 4,500 square feet, and new homes in the City of Woodland may be negatively affected by that requirement.

Councilor Carlson said that she will be attending a seminar on linking land use to clean water and she will report on the seminar at the next Council meeting.

Councilor Carlson reported that Lake Marion and several Lake Minnetonka bays received an “A” grade from the Minnehaha Creek Watershed District. She said that the lakes are graded for clarity, phosphorous content, and algae growth.

Councilor Carlson explained that the Metropolitan Council is reviewing the possibility of diverting water from the Mississippi River to White Bear Lake. She noted that the lake level has been declining in the last few years.

Councilor Carlson reported that Erick Evenson-Marden was recently relieved of his duties as the District Administrator at the Minnehaha Creek Watershed District.

D. Massie – Public Safety and Deer Management

Councilor Massie explained that he had been in contact with City staff regarding the 2014 Deer Management program.

Resident Mark Anderson was present and the Council asked if he would be amenable to the City placing a deer trap on his property. It was noted that the City should contact Mr. Anderson to discuss placement of the traps on his property in further detail.

10. ACCOUNTS PAYABLE

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

11. TREASURER'S REPORT

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

12. ADJOURNMENT

Massie moved, seconded by Carlson to adjourn the meeting. The meeting was adjourned by consensus at 9:55 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor

CITY COUNCIL
CITY OF WOODLAND
MEETING OF JUNE 9, 2014

Agenda Item 3. B.

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathryne McCullum, City Clerk

SUBJECT: Resolution No. 24-2014 appointing the 2014 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 at least 25 days before each election. The Primary Election will be held on August 12, 2014 and General Election will be held November 4, 2014.

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 24-2014 appointing the 2014 State Primary and General Election Judges and establishing Hennepin County as the Absentee Ballot Board.

CITY OF WOODLAND

Meeting Date: June 9, 2014
Motion:

Resolution No. 24-2014
Second:

A RESOLUTION APPOINTING THE 2014 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 at least 25 days before the election.

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 stated that an Absentee Ballot Board must be established by the City to facilitate the absentee process for an upcoming election;

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	Sharon Hawkins
Kristen Kohls	Nancy Nordmeyer
Marcy Shilling	Sara Skalle
Nancy Weide	

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 2014 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 June 9, 2014 upon the following vote:

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

State of Minnesota

County of Hennepin

CITY OF WOODLAND

By: _____
James S. Doak, Mayor

I, Kathryn A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on June 9, 2014, now on file in my office and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Woodland, Minnesota, the 10th day of June, 2014.

Attest: _____
Kathryn A. McCullum, City Clerk

CITY COUNCIL
CITY OF WOODLAND
MEETING OF JUNE 9, 2014

Agenda Item 3. C.

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathryn McCullum, City Clerk

SUBJECT: Adoption of Resolution No. 25-2014 designating Hennepin County or its designee as the central count location, the use of the DS200 voting equipment, and for the use of the central counter 650 for absentee ballots for the 2014 state primary and general elections

Background

As Council members know, the City of Woodland is a “non-delegated” City for absentee voting, which means that the City 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 and cities purchased new voting equipment (DS 200) to replace the M100 machines that were used for many years. Because the City has new voting equipment, the City Council must approve its use. The attached resolution addresses this issue.

Recommendation

Adopt Resolution No. 25-2014 designating Hennepin County or its designee as the central count location, the use of the DS200 voting equipment, and for the use of the central counter 650 for absentee ballots for the 2014 state primary and general elections.

CITY OF WOODLAND

Meeting Date: June 9, 2014
Motion:

Resolution No. 25-2014
Second:

**RESOLUTION NO. 25-2014 DESIGNATING HENNEPIN COUNTY OR ITS
DESIGNEE AS THE CENTRAL COUNT LOCATION, THE USE OF THE DS200
VOTING EQUIPMENT, AND FOR THE USE OF THE
CENTRAL COUNTER 650 FOR ABSENTEE BALLOTS FOR THE
2014 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 two Elections Systems and Software Inc. Model 650 central ballot counters for the 2014 election season

WHEREAS, the Elections Systems and Software Inc. Model 650 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. Model 650 central ballot counter in the precincts of Hennepin County,

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 DS200 voting equipment, and the use of the Model 650 central ballot counter for all absentee ballots.

ADOPTED BY the Woodland City Council on June 9, 2014 upon the following vote:

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

State of Minnesota

County of Hennepin

CITY OF WOODLAND

By: _____
James S. Doak, Mayor

I, Kathryn A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on June 9, 2014, now on file in my office and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Woodland, Minnesota, the 10th day of June, 2014.

Attest: _____
Kathryn A. McCullum, City Clerk

CITY COUNCIL
CITY OF WOODLAND
MEETING OF JUNE 9, 2014

Agenda Item 3. D.
Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Adoption of Resolution No. 22-2014 approving of a variance and permit for alteration of a non-conforming structure for Mary Santiago for the property located at 2895 West Road.

Background

On May 12, 2014, the City Council held a public hearing regarding the variance and alteration permit on a non-conforming structure for Mary Santiago. The Council unanimously voted to approve the requests.

Recommendation

Adopt Resolution No. 22-2014 approving of a variance and permit for alteration of a non-conforming structure for Mary Santiago for the property located at 2895 West Road.

WOODLAND RESOLUTION NO. 22- 2014

IN RE: The application of Mary Santiago for an a Variance and an Alteration of a Non-Conforming Structure Permit for the construction of a screened porch addition on the front of a non-conforming home at 2895 West Road, Woodland, Minnesota (PID No. 07-117-22 44 0156).

LEGAL: LOT 042, BLOCK 001, METHODIST LAKESIDE ASSEMBLY IN WOODLAND

WHEREAS, the applicant has made application to the City for a Variance to exceed the maximum permitted impervious surface area for the construction of a screened porch addition; and

WHEREAS, the applicant has made application to the City for an Alteration of a Non-Conforming Structure Permit for the construction of a screened porch addition on the front side of a non-conforming home; 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 May 12, 2014; and

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

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

FINDINGS OF FACT

1. That the real property located at 2895 West Road, Woodland, Minnesota (PID No. 07-117-22 44 0156) is a single lot of record located within the R-1 Single Family District. This property is used for single family residential purposes.
2. The applicant submitted an application for a Variance to exceed the maximum permitted impervious surface area for the construction of a 192 square foot screened porch addition onto an existing non-conforming home.
 - Ordinance Section 900.10(2) permits a maximum impervious surface area of forty-five (45) percent of the lot area for lots less than 16,500 square feet serviced by municipal water and

sanitary sewer with the issuance of a conditional use permit. The applicant proposes an impervious surface area of 47% and is seeking a variance to exceed the maximum permitted impervious surface area by 2.4%.

The applicant currently has 45.2% impervious surface area on her property. This includes Groveland Homeowner Association (GHA) related impervious surface area consisting of a portion of a parking area and a walkway between the parking area and West Road. This constitutes approximately 300 square feet of impervious surface area.

3. The applicant submitted an application for a Permit to Alter of a Non-Conforming Structure for the construction of a 192 square foot screened porch addition onto an existing non-conforming home. The proposed porch will encroach four feet, two inches into the required front yard setback which is less than the existing structure encroaches into the required setback.
 - Section 900.06(1) of the City Ordinances permits the alteration of non-conforming structures provided the alteration would not extend into the required setbacks by any distance greater than the existing main building.
4. The proposed alteration complies with the remaining setback requirements outlined in Section 900.09(4).
5. Ordinance Section 900.13(1) permits a maximum structure height of thirty-five feet as measure by Ordinance Section 900.02(19), which requires the measurement be based on the grade of the lot on June 14, 2010. The addition complies with the ordinance requirements.

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

FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTIONS 900.14 AND 900.06 OF THE ORDINANCE:

1. Councilmember Carlson moved the council accept the recommendation of staff to approve the **variance** application to exceed the maximum permitted impervious surface area by 2.4% and to **conditionally approve** the application for a Permit for the Alteration of a Non-Conforming Structure for the construction of a 192 square foot screened porch addition onto an existing non-conforming home. The proposed addition will maintain the greatest encroachment of four feet, two inches into the required front yard setback where it attaches to the existing non-conforming home:

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

- a) The spirit and intent of the ordinance is to minimize the impact of impervious surface area on the drainage in the city by limiting its percentage on a lot by lot basis. The subject property currently exceeds the maximum permitted percent by 1.2% (103 sq. ft.). The request would increase the non-conformity by adding an additional 192 sq. ft. of impervious surface area for a total percentage of 47.4%. The proposed increase would be contrary to the spirit and intent of the ordinance if there were an opportunity to remove an equal amount, or more, impervious surface area to maintain or comply with the required impervious surface requirements. Given the amount of impervious surface area on the property that is not controlled by the applicant would allow the percentage to be reduced to the allowable amount. There is not an opportunity for the applicant to comply with the ordinance. The proposed screened porch alteration would not have a negative impact on any of the goals and standards outlined in the Comprehensive Plan.
- 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 proposed use puts the property to a reasonable by creating additional, seasonal only, living space which would not increase the existing encroachment.
- d) There are circumstances unique to the property not created by the landowner. There is approximately 300 square feet of impervious surface area not controlled by the applicant. If this area could be removed, the applicant would no longer require a variance, rather a conditional use permit which has a lower approval threshold.
- e) The variance will not alter the essential character of the locality. The essential character of the neighborhood would not be impacted by the increase in impervious surface area or the placement of the proposed screened porch

ALTERATION PERMIT FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTION 900.06 OF THE ORDINANCE:

(a) the alteration will enhances the general character of the community; (b) the magnitude of the proposed alteration is consistent with the surrounding area; (c) there will no negative impact on the use and enjoyment of surrounding properties; (d) there is reasonable separation between the proposed alteration and structures on adjoining properties; (e) there would be no effect on the light and visibility available to the adjoining properties; (f) the proposal would not have a negative impact on property values; (g) there are no concerns related to fire safety in regards to the proposal; (h) the size of the lot and the location of the structure creates a unique situation where the alteration of the home must take place on the front side of the home otherwise a variance would be required; and (i) the existing/proposed encroachment would be maintained.

Subject to the following condition:

- ***The recommendation is conditioned that the screened porch not be enclosed and remain seasonal only.***

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

ADOPTED THIS 12th DAY OF MAY, 2014 BY THE CITY COUNCIL OF WOODLAND, MINNESOTA.

James S. Doak, Mayor

ATTEST:

Kathryne A. McCullum, City Clerk

CITY COUNCIL
CITY OF WOODLAND
MEETING OF JUNE 9, 2014

Agenda Item 3. E.

Consent Agenda

TO: Honorable Mayor and Members of the City Council

FROM: Kathrynne McCullum, City Clerk

SUBJECT: Adoption of Resolution No. 23-2014 approving variances for Lecy Brothers Homes at 2515 Cedar Point Drive

Background

On May 12, 2014, the City Council held a public hearing regarding the variances for Lecy Brothers Homes. The Council unanimously voted to approve the requests. At this time, the Council is requested to finalize the approval by adopting the attached resolution.

Recommendation

Adopt Resolution No. 23-2014 approving of a variances for Lecy Brothers Homes at 2515 Cedar Point Drive.

WOODLAND RESOLUTION NO. 23 - 2014

- IN RE:** The application of Lecy Brothers Homes for variances to exceed the maximum permitted grade alteration and principal structure height for the construction of a new single family home at 2515 Cedar Point Drive, Woodland, Minnesota (PID No. 07-117-22 31 0033).
- LEGAL:** **TRACT A, REGISTERED LAND SURVEY NO. 1526 HENNEPIN COUNTY, MINNESOTA**
- WHEREAS,** the applicants have made application to the City for variances to exceed the allowable grade alteration by two feet; and
- WHEREAS,** the applicants have made application to the City for variances to exceed the allowable principal structure height by three feet; and
- WHEREAS,** notice of public hearing was published; notice given to neighboring property owners; and a staff report prepared for the City Council for the consideration of the application; and
- WHEREAS,** public comment was taken at the public hearing before the City Council on May 12, 2014; and
- WHEREAS,** the City Council has received the staff report, and considered the application and comments of the applicant and the public.
- NOW, THEREFORE,** the City Council of the City of Woodland, Minnesota does hereby make the following:

FINDINGS OF FACT

1. That the real properties located at 2515 Cedar Point Drive, Woodland, Minnesota (PID No. 07-117-22 31 0033) is a single lot of record located within the R-1 Single Family District. The property is used for single family residential purposes.
2. The applicants would like to construct a new single family home which would require that the grade exceed the maximum permitted grade alteration of three feet.
 - Ordinance Section 900.17(4)(a) limits the maximum grade alteration to three feet without the issuance of a variance. The applicant is seeking to alter the

grade a maximum of five feet for the construction of a new home and is seeking a variance to alter the grade two feet above the permitted alteration.

The property is low lying with the low elevation in the building pad area of approximately 931. Section 900.13(2) requires the lowest floor elevation of a structure to be three feet above the Ordinary High Water Level (OHWL). The minimum required lowest floor elevation for the property is 932.4. The applicant proposes a high grade elevation at the southwest corner of the garage of 936.

3. The applicants would like to construct a new single family home which would exceed the maximum permitted principal structure height of thirty-five feet.
 - Ordinance Section 900.13(1) permits a maximum structure height of thirty-five (35) feet as measure by Ordinance Section 900.02(19), which requires the measurement be based on the grade of the lot on June 14, 2010. Based on the measurement procedure outlined in the ordinance, the applicant must seek a variance of three (3) feet of the required structure height.

The structure height measured from the proposed grade is thirty-three feet, four inches (33'-4"), but the overall height measurement is taken from the grade as it existed on June 14, 2010 and must take into account the additional grade added to the property. With these factors considered, the proposed structure height would be thirty-eight (38) feet. A portion of the grade change accounts for the need for a variance.

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

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

1. Councilmember Carlson moved that the council accept the recommendation of staff to approve the application of Lecy Brother Homes for variances of Woodland Ordinance Code section 900.17(4)(a); to exceed the maximum permitted grade alteration of three (3) feet by two (2) feet, for a total alteration of five (5) feet and of Woodland Ordinance Code section 900.13(1) to permit a variance to exceed the maximum permitted structure height of thirty-five (35) feet, by three (3) feet, for a total height of thirty-eight (38) feet for the new single family structure located at 2515 Cedar Point, based on the following findings:

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

- a) 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. The proposal seeks to alter the topography which is currently low lying and using the alteration to create a buildable site. The alteration is done minimally and as a corrective measure to meet city standards outlined in Section 900.13(2) for lowest floor elevation. The proposed alteration would be limited to the building area and low lying areas will remain undisturbed around the lakeside areas of the lot.

- b) The request is consistent with the Comprehensive Plan in that the alteration corrects the topography issues to permit construction of a reasonable home with all the other zoning requirements.
- c) The proposal puts the property to a reasonable use through the restoration of the grade to permit the construction of a new home. The applicant only seeks to elevate the grade three feet above what the city would deem the lowest allowed grade level. The proposed single family use is consistent with the uses surrounding the property and the size of the proposed home is not out of character which what is permitted by the ordinance.
- d) The plight of the homeowner is created by the need to move the proposed home into compliance with the lowest floor elevation and grade requirements. Even with the increase in grade, the applicant was able to maintain an actual structure height below the structure height they would have been permitted had the grade correction not been necessary.
- e) The essential character of the neighborhood is not impacted as the home is designed a two story home without any type of look out or walk out. Most of the proposed grade correction brings the property in compliance with the city ordinance, while the remaining grading will not negatively impact the surrounding area.

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

ADOPTED THIS 12th DAY OF MAY, 2014 BY THE CITY COUNCIL OF WOODLAND, MINNESOTA.

James S. Doak, Mayor

ATTEST:

Kathryne A. McCullum, City Clerk