

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, SEPTEMBER 8, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL

PRESENT: Mayor Doak, Council Members Carlson, Massie, Newberry, and Rich

STAFF: Planner Gus Karpas, City Clerk Kathyne McCullum

3. CONSENT AGENDA

- A. Minutes of the August 14, 2014 Regular City Council meeting
- B. Consideration of an Alteration Permit Extension for John and Lynn O'Neil at 2650 Maplewood Circle East

Carlson moved, seconded by Massie to approve the consent agenda as presented. Motion carried 5-0.

4. PUBLIC COMMENT - NONE

5. PUBLIC HEARINGS

- A. Public Hearing on a request for variances of Ordinance Section 900.09, minimum required lake yard setback to construct a new single family structure which would encroach into the east and west lake yard setback, a variance of Ordinance Section 900.09, minimum required lake yard setback to reconstruct a non-conforming boathouse which would encroach into the minimum required lake yard setback and variances of Ordinance Section 900.17 (4)(a) maximum grade alteration, to exceed the maximum permitted grade alteration of three feet on multiple locations around the house foundation for Streeter & Associates for the property located at 2400 Cedar Point Drive.

Mayor Doak introduced the item and requested the staff report from Zoning Coordinator Gus Karpas.

Mr. Karpas presented an overview of the request stating that Streeter and Associates requested variances for the property located at 2400 Cedar Point Drive. The variances were to allow for the encroachment into the minimum required east and west lake yard setback, a variance to exceed the maximum

permitted grade alteration, and a variance to encroach into the minimum required east lake yard setback – all for the construction of a new single family home.

Mr. Karpas stated that staff recommended approval based on the following findings:

- a) The proposed single family home and boathouse will not have a negative impact on any of the goals and standards outlined in the Comprehensive Plan. The placement mimics the location of the existing structures and has no impact on sensitive environmental areas. The applicants intend to maintain the wooded nature of the lot with the existing vegetation and by adding additional tree coverage.
- b) The design of the structures and intended use of the property is consistent with the Comprehensive Plan in that they maintain the single family residential nature of the neighborhood. The existing flow of traffic will remain unimpeded by the improvement and the proposal will maintain the existing tree coverage on the property.
- c) The proposal puts the property to a reasonable use by replacing an older residential structure and deteriorating boathouse with the newer structures while slightly reducing the current encroachments and maintaining the natural residential character of the property.
- d) The lot is a narrow point which extends into the lake and has a width of 180' at its widest dimension. The application of the required setbacks leaves a 30' wide building pad which is not practical given the size and nature of the lot.
- e) The essential character of the neighborhood would not be impacted since placement of the improvements would remain primarily within the same location and there are no immediate adjacent neighbors that would be impacted by the improvements.

Mayor Doak introduced the applicant, Steven Streeter, Streeter and Associates, Andrea Swan from Swan Architects, and landscape architect, Travis Van Liere from TVLS, LLC.

Ms. Swan indicated that the goal of the project was to be respectful to the character of Woodland. She said that she spoke with the long-term caretaker of the property to find historical information on the property. Ms. Swan introduced the following items for Council review:

1. 1898 atlas that showed the footprint of the first home that was constructed on the property. (Note: Four structures were constructed on the property over the years.)
2. Two books related to the property and the Morrison family (property owners)
3. Images that represented the property from 1911 to 1952.

4. An illustration of the style and color of the cedar facing of the proposed home.

Ms. Swan stated that the original house was reviewed for comparison of massing and size on the property. She stated that the original house was much larger than that proposed at this time.

Ms. Swan stated that the current, existing home design was developed based on the fact that the person who owned the property was handicapped and a large house was not needed. Ms. Swan stated that the applicants wish to improve upon the existing condition by moving the structure to the west and keep the driveway roundabout in the current location to ensure that there is room for safety vehicles.

Mr. Van Liere indicated the grade variance is required to eliminate remnant walls that remain from past structures. He said the walls impede the eastern setback.

Ms. Swan explained the boat house at one time was the butler's quarters. She stated the structure is currently unsound and needs to be removed. Ms. Swan noted the new structure will be in line with the house and will not be as high. It will also have a green roof to blend with the surroundings.

Mr. Streeter stated the riprap along the shoreline has eroded and the riprap along the entire peninsula will be replaced with natural looking materials that are in character with the area.

Mr. Streeter indicated that all of the hardwood trees 6" or larger will be preserved and additional trees will be added to the property. He noted that the property owner wishes to keep all of the existing vegetation healthy and has contracted with an arborist who will work on the health of all vegetation. Mr. Van Liere noted the buckthorn will be removed from the property.

In response to a question from Council Member Massie, Mr. Van Liere stated that the existing tree that is located in the driveway will remain. Mr. Van Liere also indicated that three large oaks will be lost due to placement of a new septic system.

Council Member Carlson stated that the plan indicates an incorrect number for the Ordinary High Water Mark (OHWM). It was noted that the incorrect number was a typo and should be corrected.

Resident Edith Thorpe said there will be a lot of construction in the area and stated concern about the condition of the private access road. She noted that several properties share the private driveway and a maintenance agreement is in place. She said that the property owners who share the driveway and participate in the maintenance agreement should not be responsible for damage to the driveway due to the construction of the two new homes.

Mr. Streeter said that he will be meeting with representatives from Lecy Construction (the contractors for the adjacent property) to work on an agreement to share in the cost of maintenance and repair of the road. He indicated he would share the information with the other property owners.

Council Member Newberry stated concern regarding the impact on open space because of the height of the new house. He stated he supported the setback variances and grade alteration, but did not support the height of the structure as it impeded open space views.

Council Member Rich clarified that the height of the building conforms to ordinance requirements. Mayor Doak stated that the issue of shoreline impact was used whenever variances from sensitive lakeshore were requested. In such cases, the Council could condition the granting of setback variances with restrictions on structure height. Such restrictions, if necessary, would protect the scenic quality of the lakeshore.

Mayor Doak asked for the ceiling height on the living areas and was told 10' on the first level and 8' on the second. Mayor Doak also asked for comment from the architect on alternative roof designs that might reduce the height of the home. He presented alternative options for lowering the roofline to make it less imposing on surrounding properties.

Ms. Swan stated that there was little reduction in height available from alternative roof designs and that appearance of the structure would be less attractive.

Council Member Rich explained the property is constrained by the width and the space for the home could only be on additional floors.

Mayor Doak thought that a two story home on the property was reasonable.

Council Member Massie stated a solution would be to raise the grade and place the home on a slab so there would be no garage under the first level. He noted this option would not be reasonable because of the amount of fill that would need to be placed and the difficulty in placing a garage on the property.

Mayor Doak explained that large homes on the lake are the norm in the area. He said the proposed home appeared to be in keeping with the community standard.

Councilor Massie stated concern regarding the exposure of the base level and thought that planting additional vegetation to soften the appearance of that level should be required.

Council Member Newberry stated that the ordinance height limitation of 35' assumes that all setbacks are met. If variances are requested, then the height may be taken into account when considering approval or denial of the variances. He thought that the house could be made larger without adding height.

Mr. Streeter indicated that additional trees would need to be removed and more variances would be needed if the house were made larger on the lot rather than the two story design.

Council Member Carlson explained that it is important to have the garage on the ground floor because of moisture problems on the Lake. She thought the ceiling heights on all floors were reasonable as was the two story living area.

Council Member Rich agreed that the base (first level) of the home would need additional vegetation to make the foundation less visible and would result in a less massive house view from the lake and surrounding properties.

Mayor Doak said a condition could be placed on the approval that mature trees needed to be preserved and vegetation be added to soften the look of the ground floor/garage.

Doak moved, seconded by Rich to accept the staff recommendation to approve the variances and alteration with the condition that the ground level of the house appearance be softened by the placement of vegetation and architectural amenities, and all tall trees be preserved where possible.

Mayor Doak called for a roll call vote:

Accept the staff recommendation and approve the requests: Carlson, Massie, Rich, and Doak

Deny the requests: Newberry

Motion carried 4-1.

6. NEW BUSINESS

- A. First Reading of an Ordinance No. O06-2014 Amending Chapter 7, Section 705 - Subsurface Sewage Treatment Systems (SSTS).

Mayor Doak stated that the Council reviewed the ordinance on several occasions and is familiar with the history of the revisions. He requested a motion from the Council.

Newberry moved, seconded by Rich to adopt Ordinance No. O06-2014 amending Chapter 7, Section 705 – Subsurface Sewage Treatment Systems (SSTS) and waive the second reading. Motion carried 5-0.

- B. Discussion relating to the City's recycling program

Mayor Doak explained that Waste Management has worked with the City for many years and has done a good job. He noted that Waste Management has the lower price over the proposed three year contract and thought that the City should extend the contract. The Council concurred with the Mayor's appraisal.

Carlson moved, seconded by Massie to authorize the execution of an agreement between the City of Woodland and Waste Management for a three year contract for recycling services. Motion carried 5-0.

- C. Discussion concerning a homeowner questionnaire letter for the Lake Marion property owners

Mayor Doak noted that the Council had discussed a request from a resident who lives on Lake Marion to consider a lake setback of 100'. The Council He believed that 100'

would be inconsistent with that required for Lake Minnetonka and that a change from 50' to 75' would be reasonable. All agreed that it was very important to obtain input from all residents who own property on Lake Marion. Mayor Doak referred to the proposed questionnaire was that would ask for feedback from residents.

In response to questions from resident Mark Anderson, Mayor Doak explained that the wetlands setback is 25' and the City does not have a "buffer zone" requirement, as required by the Minnehaha Creek Watershed District.

All Council members agreed that the questionnaire should be mailed to residents on September 26, 2014 with a request that it be returned to City Hall by October 10, 2014. The item would be included on the October City Council agenda.

- D. Consideration of Resolution No. 34-2014 adopting a policy relating to fire hydrant maintenance inspections and repairs

Mayor Doak explained that the Council had reviewed the issue of fire hydrant maintenance inspections and repairs at the August meeting. He noted that the policy is to ensure a planned maintenance approach, rather than a reactive approach. Policies should be helpful to future City Councils.

Carlson moved, seconded by Rich to adopt of Resolution No. 34-2014 adopting a policy relating to fire hydrant maintenance inspections and repairs. Motion carried 5-0.

- E. Resolution No. 33-2014 authorizing entering into an agreement between the City of Woodland and Metro West Inspections for septic system inspection services

Massie moved, seconded by Carlson to adopt of Resolution No. 33-2014 authorizing entering into an agreement between the City of Woodland and Metro West Inspections for septic system inspection services. Motion carried 5-0.

- F. Resolution 32-2015 approving the 2015 Lake Minnetonka Communications Commission Budget

This item was pulled from the agenda and will be considered at the October Council meeting.

- G. Items pertaining to the 2015 Preliminary Budget and Levy

1. Resolution No. 30-2014 Adopting the 2015 Preliminary Budget
2. Resolution No. 31-2014 Adopting the 2015 Preliminary Levy

Mayor Doak explained that the Council reviewed a preliminary budget and levy at its August meeting and decided that additional funds should be placed in the Street Improvement Fund. He noted the packet items included revisions were made to the budget and levy documents based on Council discussion.

The Council agreed with the revised documents.

Carlson moved, seconded by Massie to approve Resolution No. 30-2014 adopting the 2015 Preliminary Budget and Resolution No. 31-2014 Adopting the 2015 Preliminary Levy. Motion carried 5-0.

7. OLD BUSINESS - NONE

8. MAYOR'S REPORT

Mayor Doak stated that he and the City Engineer visited a property where basement flooding had occurred. He noted that the City Engineer explained to the residents that there were record level rainfalls, the ground had been saturated, the water table was well above average, and therefore, the basement flooded. The residents seemed satisfied with the explanation. The City Engineer said that he would give the residents names of companies who could provide assistance.

Mayor Doak indicated that the Police Chief had stated that there have been several daytime burglaries in the area, but Woodland had not been affected. He noted that the burglaries have taken place between 10:00 a.m. and 12:00 p.m. and in most cases, the residents have left their doors unlocked and garage doors open.

Mayor Doak noted that there are several trees that should be removed because they are rotting and are hazards. He said that it would be more cost effective to remove the trees now than to wait until they fall and become an emergency. Council Member Rich said that he would talk to the tree contractor and have the trees removed.

Mayor Doak mentioned that complaints were received because of the noise and music reverberating from the Wayzata, James J. Hill event. He said that he would speak to the Mayor of Wayzata and ask that in the future, the speakers be turned toward the City of Wayzata rather than toward Lake Minnetonka.

9. COUNCIL REPORTS

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

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

Council Member Rich said that Northwest Asphalt will begin the reconstruction of the flooded area on Breezy Point Road on September 15. He noted that it is expected to be completed in one week.

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

Council Member Carlson reported that the Enterprise Fund is looking healthy. She said that the City is staying ahead of expenses and is ready for issues that may arise.

Council Member Carlson noted that the Minnehaha Creek Watershed District is looking at transparency issues and concerns have been raised regarding the governance by the District Board. It was noted that the Council may wish to have County Commissioner Jan Callison attend a Council meeting to discuss the issue.

D. Massie – Public Safety and Deer Management

Council Member Massie said that he has secured three properties for placement of deer traps.

10. ACCOUNTS PAYABLE

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

11. TREASURER'S REPORT

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

12. ADJOURNMENT

Doak moved to adjourn the September 8, 2014 meeting. Motion carried by consensus. The meeting adjourned at 9:05 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor