

CITY COUNCIL MINUTES
Monday, December 11, 2006
7:00 P.M.

CALL TO ORDER

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

ROLL CALL

Present: Mayor Jean Stark; Councilmembers Steve Hornig Jim Doak and Michael Jilek
Absent: Councilmember Mark Evenstad.
Staff: Police Chief Virgil Gustafson, City Attorney Joel Jamnik, City Planner Zoning
Coordinator Gus Karpas and Clerk Shelley Souers
Guests: Sarah Henriksen, Dennis Henriksen, Bill Carlson, Dennis Peterson, Steven
Tallen, Dan Bartus and Tom Newberry.

CONSENT AGENDA

A. Council Minutes – November 13, 2006

B. Renewal of annual dog permits (Ciampa and Skalle)

C. Resolution No. 17-06, Variance for 18400 Maple Ridge Road

Councilmember Doak moved and Councilmember Jilek seconded the motion to approve the consent agenda as presented. Councilmember Jilek seconded the motion. Councilmembers Doak, Jilek and Stark voted aye. Councilmember Hornig voted nay. Motion carried 3-1-0.

Councilmember Doak moved to reconsider the main motion to approve the consent agenda and to remove item C for separate consideration. Motion carried 4-0.

Councilmember Doak moved to adopt Res. 17-06, approving the lot area variance for 18400 Maple Ridge Road. Councilmember Jilek seconded the motion. Councilmembers Doak, Jilek and Stark voted aye. Councilmember Hornig voted nay. Motion carried 3-1-0.

PUBLIC HEARING – Continued (Nov.13, 2006)

A. Sarah Henriksen, 2830 Inner Road – Request for a variance of the required minimum separation between structures for the Groveland Homeowners Association residential district to construct a new single-family home, according to Section 900.09, Subd. 3 (a).

Mayor Stark opened the public hearing at 7:05 PM to consider a variance of the structure separation setback to construct a new single-family home at 2830 Inner Road.

Sarah Henriksen, 2830 Inner Road, summarized the recent changes she has made to the house plans. No change was made to the footprint or setbacks. The north façade of the house has been tiered back and the overall roof pitch has been reduced from 8/12 to 6/12, reducing the height by five and one-half feet and visually reducing the height by eight feet. The Groveland Architectural Committee approved the modified plans, but the Groveland Board voted to deny the plans. Ms. Henriksen reiterated that the proposed house increases the structure setback from the adjacent structure to the west and is entirely within the allowable building footprint. A variance is required due to the separation restriction in the ordinance.

In answer to Councilmember Jilek's question, Ms. Henriksen stated that there has been no change regarding the setback, but she is considering several structural alterations by adding dormers and changing the third stall garage.

Councilmember Doak noted that the concern appears to be with the mass of the proposed home. The Groveland Assembly Grounds has developed into larger homes over the years. Councilmember Doak suggested that the Architectural Committee and Board work with the neighbors and Council to make changes to the ordinances to satisfy the concerns of the community. The current zoning ordinance does not confine the mass of a structure, other than by height and setback restrictions.

Mayor Stark stated that she supports the proposal and understands the challenge in Groveland given the smaller lots.

Joy Fruen, 2820 East Road, as the new Chairperson for the Architectural Committee, has been working with Sarah and believes they are close to a solution without reducing the square footage of living space. Ms. Fruen stated that she is not opposed to the variance, as presented, but requests that Sarah go through the architectural review once more with the alterations discussed to get board approval before the council acts on the request.

Bill Carlson, 2835 West Road, new President of the Groveland Association, stated that they have created guidelines and will provide a copy of those guidelines to the Council. Mr. Carlson asked how the Homeowners Association can enforce their rules regarding structures.

Mayor Stark asked the City Attorney if the City can issue a building permit if Association does not approve structure proposals.

Attorney Jamnik stated that the Groveland Associations' rules are independent from the City Ordinances and the Association would have to bring suit against a homeowner if their rules are broken. Attorney Jamnik cautioned the Council that the City is under a timeline to act on the request. The timeline has been extended an additional 60 days to February 3, 2007, However, beyond that there is no more time to act on the variance request without the applicant's consent.

Ms. Henriksen asked if the west footprint does not change but dormers are added to the east side, would a new variance be required.

Attorney Jamnik stated that once a Council decision is made on specific plans, any structural changes to the plans would require another variance.

Councilmember Jilek inquired to the urgency to start the project prior to going back to the Groveland Board meeting.

Ms. Henriksen stated that she would like to start construction before the ground freezes and to finish the project before summer so the beach goers do not have to listen to construction all summer. Also the longer the delay the more financial burden it presents.

Mr. Henriksen, 17720 Front Street, stated that the proposed house would be narrower and only several feet longer than the existing house. Mr. Henriksen expressed concern that the Groveland Board continues to come up with different changes at each meeting. Sarah is trying to accommodate the changes, but there are costs and time associated with changing the plans. The lot is conducive to a walkout and it makes sense to construct a walkout. Mr. Henriksen stated that Sarah has made multiple structural concessions, but does not believe that neighbors should be allowed to design another owner's home.

Ms. Fruen stated that she sent Ms. Henriksen an email regarding architectural changes to include dormers and the concern that the third stall garage was "over powering". The changed pitch and dormer will give an illusion that the house is shorter. Ms. Fruen stated that she liked the changes that have been made. The only change they are still asking for is the reduction of the third-stall garage.

Councilmember Doak stated that the request may have come before Council prematurely and feels Council is in a position of refereeing a neighborhood issue. Councilmember Doak suggested that Groveland review their structure restrictions and enforce them before homeowners seek a variance.

Ms. Henriksen stated that she likes the idea of dormers and wants to work with the Architectural Committee to make her plans work. Ms. Henriksen stated that she would like Council's approval tonight and will continue to work with the Architectural Committee and is willing to come back to Council if additional variances are required.

Mr. Carlson asked about a reduction to the third-stall garage.

Ms. Henriksen stated that she would consider a garage alteration but would like to work with the Architectural Committee on that option.

Councilmember Jilek stated that he understands the issue with construction timelines, but would prefer to see the process go sequentially through the Groveland Board and then to Council. Councilmember Jilek stated that he would be willing to meet in a special Council session prior to January if necessary.

Ms. Henriksen noted that the City Ordinance does not require the Homeowners Association approval prior to seeking variances or building permits.

Attorney Jamnik responded that the Council could recess the hearing if the Council can agree to another date to continue.

Mr. Carlson stated that the Board needs about nine days after the plans are received to hold another meeting.

Attorney Jamnik noted that the building permit is limited to the plans approved as part of the variance. Any change to those plans would require a new variance.

Councilmember Doak stated that he would prefer to see the final plans presented to the Architectural Committee and Board prior to the Council acting on the request.

Mayor Stark closed the public hearing.

Councilmember Doak moved to continue the Public Hearing for the variance request until the January 8, 2007 Council meeting. Councilmember Horning seconded the motion. Motion carried 4-0.

NEW BUSINESS

A. School District Superintendent – Dennis Peterson, Overview of School Dist 276 funding and 2007 updates

Mayor Stark introduced Mr. Dennis Peterson, Superintendent of Minnetonka Public Schools, and asked him to provide an overview of the district funding and 2007 updates.

Mr. Peterson stated that 11 communities are part of the Minnetonka School District. The annual report was recently mailed to each household. Mr. Peterson noted that there has been no increase in state aid over the past two years. Woodland has 96 students under the age of 18 and 32 of them attend a Minnetonka public school.

In response to Councilmember Doak's question about the levy, Mr. Peterson noted that the school levy is dictated by state law. The levy increased in part due to health benefit costs and safety issues which have increased significantly. A separate levy covers the costs of facilities maintenance and improvements and also increased this year but will not continue to go up.

Mr. Peterson reported that the student population is stable and the District is up 50 students over last year. Woodland has 95 school age children and 32 of those children attend one of the Minnetonka Schools.

In response to Mayor Stark's question regarding special education costs, Mr. Peterson stated that state and federal laws dictate special education needs and those have also increased. Parents look for high quality special education programs and move to those areas.

Mr. Peterson stated that Woodland taxes support approximately seven percent of the school district budget.

Mayor Stark thanked Mr. Peterson for his time and information.

B. Prosecution Services – Steve Tallen

Prosecution Attorney Steve Tallen requested an increase in the hourly rate for prosecution services. The flat rate would remain the same at \$100 a month and the hourly rate would increase from \$107 to \$111 per hour. Jury trials will be billed at the hourly rate. Mr. Tallen reported that from January to October, Woodland collected \$1299 in fines and the prosecution costs were \$830. Mr. Tallen stated that he goes to court for Woodland about twice each month and is able to keep costs down because he combines court related business for other cities at the same time.

Councilmember Hornig moved to approve the increase in prosecution fees for 2007. Councilmember Doak seconded the motion. Motion carried 4-0.

Council thanked Mr. Tallen for his update and his time.

C. Resolution No. 18-06, Adoption of the Final 2007 Budget

Councilmember Doak moved to adopt Resolution 18-06, approving the final City budget for 2007. Councilmember Jilek seconded the motion. Motion carried 4-0.

D. Resolution No. 19-06, Adopting the Final 2007 Tax Levy

Councilmember Jilek moved to adopt Resolution 19-06, approving the final tax levy of \$234,774 collectable in 2007. Councilmember Doak seconded the motion. Motion carried 4-0.

E. Resolution No. 20-06, A Resolution of Appreciation to Steve Hornig

Mayor Stark read Resolution 20-06, recognizing Councilmember Hornig for his eight years of exemplary service on the City Council.

Councilmember Doak moved to adopt Resolution 20-06 in appreciation of Councilmember Hornig. Councilmember Jilek seconded the motion. Mayor Stark, Councilmembers Doak and Jilek voted aye. Councilmember Hornig abstained. Motion carried 3-0-1.

Councilmember Jilek also thanked Councilmember Hornig for his attention to detail during his years of service on the Council.

Councilmember Hornig stated that it was a privilege and pleasure to serve on the Council.

MAYOR'S REPORT

Mayor Stark reported that the easement issues with the Newell property are not completed and Attorney Kozar is working on getting the final easements conveyed.

Mayor Stark reported that there is a government training session in St. Louis Park in January that is open for newly elected or current councilmembers.

COUNCIL REPORTS

A) Public Safety – none

B) Roads – Councilmember Doak reported that no trees will be trimmed on Maple Hill Road at this time. There are several dead elm trees throughout the community and the Council may want to consider a Dutch Elm awareness and removal program in 2007.

Mayor Stark reported that several parking signs are no longer reflective.

Councilmember Doak suggested that he will inventory the signs in the spring.

C) Website and Deer Management – Councilmember Jilek reported that the LMCC has tabled discussion on wireless service in the Lake Minnetonka area at this time due to the cost of a feasibility study and limited public interest.

Councilmember Jilek reported that to-date only two deer have been removed. Councilmember Jilek also reported that the numbers of Canada geese are increasing throughout Woodland. There is a program available to trap and remove geese and estimates that the cost would be several thousand dollars, this is an option if the Council wants to consider geese removal.

D) Ordinance – Councilmember Doak suggested that City consider adopting an ordinance controlling construction sites and establishing guidelines to minimize the impact to immediate neighbors. A contractor would provide a construction site management plan in conjunction with a building permit.

Council questioned the enforcement of the guidelines.

Councilmember Doak agreed that enforcement may be problematic however; the ordinance would provide guidance and boundaries to contractors and to clarify the expectations of the City.

Council agreed they would support adopting some language to help regulate construction projects.

TREASURER REPORT

Councilmember Hornig moved approval of the Treasurer's Report as submitted.
Councilmember Doak seconded the motion. Motion carried 4-0.

ACCOUNTS PAYABLE

Councilmember Doak moved approval of the accounts payable as presented. Councilmember Jilek seconded the motion. Motion carried 4-0.

ADJOURNMENT

Councilmember Doak moved and Councilmember Hornig seconded the motion to adjourn the regular meeting at 9:20 PM. Motion carried 4-0.

Respectfully submitted,
Shelley Souers
City Clerk