

**WOODLAND  
CITY COUNCIL MINUTES  
Tuesday, July 10, 2006  
7:00 P.M.**

**CALL TO ORDER**

Mayor Stark called the meeting to order at 7:02 P.M.

**ROLL CALL**

Present: Mayor Jean Stark; Councilmembers Steve Hornig, Jim Doak, Michael Jilek and Mark Evenstad

Absent: None

Staff: Police Chief Virgil Gustafson, Zoning Coordinator Gus Karpas, City Attorney Joel Jamnik and Clerk Shelley Souers

Others: Joel Stebbins, Grace Norris, Peter McDonald

**CONSENT AGENDA**

**A. Council Minutes – June 13, 2006**

Councilmember Doak moved and Councilmember Jilek seconded approval of the consent agenda, approving item A as submitted. Motion carried 5-0.

**PUBLIC HEARING**

**B. Amend Tree Removal and Vegetation Maintenance and Alterations**

Mayor Stark opened the public hearing at 7:05 P.M. to consider an amendment to Ordinance 900.19, Subdivision 8 regarding penalties for wrongful removal of trees and vegetation.

Councilmember Hornig noted that the current language limited the penalty amount for wrongful tree removal. Removing the penalty amount will allow penalties to be set, as deemed appropriate, based on the grievance.

City Attorney Jamnik stated that penalties are set by judges at the time of sentencing and determined on an individual basis. The current penalty of \$250 limits the offense to a misdemeanor. Removing the penalty amount will allow a judge to set a higher fine according to each offense.

Councilmember Evenstad asked if the ordinance restricted cutting to another's property.

City Attorney Jamnik noted that the ordinance and potential penalties, apply to an individual wrongfully removing trees on their own property or removal from another's property.

There being no public comments, Mayor Stark closed the public hearing at 7:10 P.M.

**ACTION:** Councilmember Jilek moved to approve Ordinance 900.19, as amended, waiving the second reading. Councilmember Doak seconded motion. Motion carried 5-0.

**A. Alteration of Nonconforming Structure – Fred & Elizabeth Weiner, 2875 Gale Road**

Mayor Stark opened the public hearing at 7:11P.M. to consider the request of Fred and Elizabeth Weiner, 2875 Gale Road, for alteration of a nonconforming structure.

Mr. Peter McDonald, contractor for the project, was present on behalf of the Weiners. Mr. McDonald presented an aerial photo of the property depicting the proximity to the adjacent property. The property slopes significantly towards the wetland area, limiting the area for construction of any addition. Mr. McDonald stated the proposal is to remove approximately 1/3 of the existing home and reconstruct in the same footprint. The portion to be removed is in disrepair. The current side yard setback of 30 feet encroaches on a portion of the existing home. The structure met the setback restriction prior to the 2000 zoning change. The side yard encroachment will be reduced two feet with the proposed reconstruction. Mr. McDonald noted that there is extensive established landscaping that they do not want to disrupt. The proposal is in keeping with structures in the neighborhood. There is no adjoining land in common ownership.

Zoning Coordinator Gus Karpas reported that the individual septic system was recently replaced and he has received a statement that the septic system is appropriate to accommodate a 5 bedroom house and was designed in anticipation of this reconstruction proposal.

Councilmember Doak noted that Mrs. Norris, the adjacent neighbor, was present and asked if she had any comments or concerns. Councilmember Doak asked whether there would be any trees removed to accomplish construction.

Mrs. Norris, 2855 Gale Road, stated that her only concern was regarding removal of any trees and had no other objections.

Mr. McDonald stated that the addition will be on the existing footprint and does not believe that a single tree will be removed.

Councilmember Evenstad noted that the original structure is in need of repair, at minimum, and replacement is a better option.

Councilmember Hornig asked how much additional floor plan would be added.

Zoning Coordinator Karpas stated that 279 square feet of additional footprint will be added with the proposal. The city ordinance allows an alteration of a nonconforming structure when there is no increased encroachment into the setback. The existing

structure height is 21 feet. The proposed addition will be 29 feet to the peak, which meets the ordinance restriction.

There being no further comments the public hearing was closed at 7:30 P.M.

**ACTION:** Councilmember Evenstad moved to approve the request for alteration of a nonconforming structure at 2875 Gale Road, as presented, including the findings of fact and recommendations by city staff. Doak seconded the motion. Motion carried 5-0.

## **NEW BUSINESS**

### **A. Conceptual Review of new construction – 3000 County Road 101**

Mr. Stebbins addressed the council stating that he proposes to construct a new home on the property and wanted feedback on a conceptual plan prior to preparing final plans or applying for any variances. Mr. Stebbins stated that the property is a corner lot and slopes to the west. The proposed building site would be at the bottom of the slope on the western portion of the lot and the front of the house would face Maple Hill Road. City Ordinance dictates the property address is deemed by the direction the front door faces. The front door would face Maple Hill Road, thereby making Maple Hill Road the front side and a 50 foot setback would apply. The building pad would be reduced to 30 feet wide and a variance would be required to construct the proposed house.

Councilmember Doak asked if Mr. Stebbins was aware of the lot restriction when he purchased the property.

Mr. Stebbins stated that he was aware of the limitation. The property is under a purchase agreement at this time.

Councilmember Doak noted that there are a number of narrow lots in the city and he believes there are many architectural styles that can accommodate narrow lots. A house should be designed to fit within the buildable area.

Mr. Stebbins stated that the house he is proposing fits with the character of the neighborhood and would like to construct a home with the front facing Maple Hill Road. The driveway would come off County Road 101 with a side-loading garage. The proposed house would fit within the minimum building pad, with County Road 101 deemed as the front yard setback. If the front door faces Maple Hill Road, the building pad is reduced to 30 feet.

City Attorney Jamnik reiterated that the front of the house establishes the front yard for purposes of setback restrictions.

Councilmember Doak reiterated that using Maple Hill Road as the front yard reduces the building pad to 30 feet wide, however; believes the ordinances are well thought out and is not supportive of modifying the current restrictions. The council must also consider the possible impact to the Maple Hill Road homeowners.

Councilmember Hornig asked if the property meets the minimum lot area once the house is removed.

Zoning Coordinator Karpas noted that there is in excess of one acre of land and it meets the ordinance.

City Attorney Jamnik stated that a variance of the lot area is not required, but the concept plan before them would need a variance from the required setbacks.

Mayor Stark stated that she believes the majority of council members would not be supportive of a variance and agree that options exist to construct a home that fits into the building pad.

Councilmember Doak stated that the City welcomes an attractive house on the property but does not believe that a hardship exists, and does not support granting a variance to facilitate new construction.

Councilmember Evenstad agreed that he would not be supportive of construction that did not meet the ordinance, unless it was an alteration of an existing structure that did not meet the current setbacks.

Mr. Stebbins thanked the Council for their time and consideration.

## **B. Preliminary Budget Review**

Council reviewed a preliminary budget for 2007 outlining revenues and expenditures. Councilmember Doak reported that he will have a plan next month regarding long-term road improvements after speaking with the engineer.

Council will review and offer feedback on the proposed 2007 budget again in August.

## **OLD BUSINESS**

### **A. Review Audit Proposal**

Councilmember Evenstad summarized the four audit proposals that were received and recommended that Abdo, Eick and Meyers, LLC be appointed as Woodland's audit firm, based on their overall proposal, experience with comparable sized communities, and three year cost proposal.

Councilmember Doak agreed that cost is one factor, and felt that Woodland should have a different audit firm than Deephaven uses, since the staff shares operating systems.

**ACTION:** Councilmember Hornig moved to appoint Abdo, Eick and Meyers, LLC to conduct the 2006, 2007 and 2008 audits, per their proposal. Councilmember Doak seconded the motion. Motion carried 5-0.

Staff will contact Mr. McDonald regarding the appointment and request that he attend a future council meeting.

## **MAYOR'S REPORT**

Mayor Stark asked the City Attorney to provide a follow up report regarding the status of the Bartus property.

City Attorney Jamnik reported that as of today, a third surveyor had not been engaged. The City's surveyor, Scott Soukup, had spoken with Mr. Bartus' surveyor, Frank Svoboda, regarding selection of a third surveyor. Mr. Svoboda has not been given the "green light" to go forward.

Mr. Newell's dock has been reset in Woolsey Channel. The staff contacted Mark Gronberg to confirm the location of the dock within the easement area.

### **Septic Inspection**

The septic system reviewer, Kurt Larsen, will be conducting the annual septic reviews of approximately ½ of the systems starting July 31. A summary of his findings will follow.

## **COUNCIL REPORTS**

**Public Safety and Finance** – Councilmember Evenstad reported that he will respond to Mr. Boller in writing, regarding his concern with traffic cutting through Woodland.

Chief Gustafson stated that the "No Through Traffic" signs are technically not enforceable by the Police, but are placed to serve as a deterrent.

Councilmember Doak noted that the increased traffic may be due to construction at the intersection of Minnetonka Boulevard and 101. Installing stop signs at various points along Maplewood Road and Breezy Point Road may deter drive-through traffic.

Councilmember Hornig suggested that speed bumps may also slow or deter drive through traffic.

Police Chief Gustafson stated that stop signs cannot be installed to regulate speed.

Councilmember Doak noted that there are locations where a stop sign would be appropriate for traffic safety.

Councilmember Evenstad suggested no action be taken until the road construction at Minnetonka Boulevard and County Road 101 is completed to determine if the volume of thru-traffic is reduced.

### **POLICE REPORT**

Police Chief Gustafson reported that by September 1, 2006, Mr. Sigfrid, 18320 Breezy Point Road, must start correcting the wetland at Woolsey Pond.

**Roads and Signs** – Councilmember Doak reported that signs throughout the city have been replaced or repaired. Next month he will report on the engineer’s suggestions regarding long-term road maintenance.

Councilmember Doak, on behalf of the city council, wanted to thank Tom and Sue Newberry for their work planting the flowers around the stone arch. The posts have been removed from the front of the arch.

**Website / Deer Management** – Councilmember Jilek reported that the website is getting more use.

**Ordinance** – Councilmember Hornig had no report.

### **TREASURER’S REPORT & ACCOUNTS PAYABLE**

Councilmember Evenstad moved to approve the Treasurer’s Report as submitted.

Councilmember Hornig seconded the motion. Motion carried 5-0.

Councilmember Evenstad moved to approve the Accounts Payable, subject to voiding check 5057 to Old Republic Surety for an employee bond. Councilmember Doak seconded the motion. Motion carried 5-0.

### **ADJOURNMENT**

Councilmember Doak moved, Councilmember Jilek seconded, adjourning the Regular City Council Meeting of July 10, 2006, at 9:00 P.M. Motion carried 5-0.

Respectfully submitted,  
Shelley Souers  
City Clerk