

WOODLAND
CITY COUNCIL MINUTES
Monday, January 8, 2007
7:00 P.M.

CALL TO ORDER

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

OATH OF OFFICE

City Clerk Souers administered the Oath of Office to newly elected Councilmembers Jim Doak and Tom Newberry.

ROLL CALL

Present: Mayor Jean Stark; Councilmembers Jim Doak, Michael Jilek, and Tom Newberry.
Absent: Councilmember Mark Evenstad
Staff: Police Chief Virgil Gustafson, City Attorney Andrea McDowell Poehler,
Zoning Coordinator Gus Karpas and Clerk Shelley Souers
Guests: Sarah Henriksen, Joy and Bill Fruen, Bill Carlson, Herb Suerth, Cynthia Scheer,
and Fred and Elizabeth Weiner and Arne Henriksen.

CONSENT AGENDA

- A. Council Minutes – December 11, 2006
- B. Set Date for Annual Board of Appeals and Equalization – April 9, 2007

Councilmember Doak moved to approve the items contained within consent agenda. Councilmember Jilek seconded the motion. Motion carried 4-0.

PUBIC HEARING

- A. Continuation - Sarah Henriksen, 2830 Inner Road - Request a variance of the required minimum separation between structures to construct a new single-family home, according to Ordinance 900.09, Subd. 3 (a). - Resolution No. 02-2007

Mayor Stark opened the public hearing at 7:03 PM.

Zoning Coordinator Karpas summarized the request for a variance of the structure separation setback. The applicant submitted a modified plan. The scope and amount of variance did not change. The Groveland Board approved the proposal. The proposed home meets the required setbacks of the individual lot. A practical difficulty is created by the proximity of the adjacent property structure. Staff recommends the variance be approved.

Joy Fruen, 2820 East Road, reported that the Groveland Architectural Committee did not support the proposal due to the overall “mass” of the house and façade along Inner Road. Ms. Fruen stated that the three residents that will be most affected by the proposed house do not support the proposed plan. The Groveland Architectural Committee received comments from all three adjacent residents.

Zoning Coordinator Karpas confirmed that he received written comments from Ms. Sydney Anderson, but that he has not received written or verbal comments from the other neighbors.

Ms. Henriksen, 2830 Inner Road, thanked the Council for their patience with the request and stated that she has submitted three separate proposals in an attempt to modify her home to accommodate the concerns of the Groveland community. The final plans have been approved by the Groveland Board.

Herb Suerth, 2850 West Road, reiterated that the three residents that will have the most direct visual impact are opposed to the proposal due to the mass of the house. Mr. Suerth suggested that the third garage could be removed without the loss of living square footage. Removing the third-stall garage would reduce the overall length to 64 feet. The proposed length is 72 feet and with the lakeside decks, the overall length would be 82 feet. Mr. Suerth stated that the third-stall garage has been a concern from the beginning and could be eliminated to address the overall mass.

Bill Fruen, 2820 East Road, expressed concern with fire safety issues due to proximity of the homes. Mr. Fruen noted that the homeowner must prove that the property cannot be put to reasonable use without the variance.

Zoning Coordinator Karpas stated that, in his opinion, strict enforcement of the structure separation setback would cause undue hardship. The Uniform Building Code allows structures to have a six foot separation when constructed to fire code specifications. The structure separation will be increased from what currently exists with the proposed plan.

Mayor Stark closed the public hearing at 7:22 PM.

Councilmember Doak stated that he supports the staff recommendation and that a legitimate hardship has been demonstrated. He also cited the approval of the project by the Groveland Board as support for a conclusion that the variance will not alter the essential character of the locality.

Councilmember Newberry moved approval of Resolution 02-2007, approving the variance of the structure separation setback to construct a new home. Councilmember Doak seconded the motion. Motion carried 4-0.

B. Cindy Scheer, 2865 Center Road - Request a Special Use Permit to exceed the allowable impervious cover according to Ordinance 900.10, to construct a deck addition.
Resolution 03-2007

Mayor Stark opened the public hearing at 7: 25 PM

Zoning Coordinator Karpas summarized the request for special use permit to construct a deck addition to an existing above grade deck. The Special Use Permit allows properties up to 45% of impervious cover within the Groveland Grounds. The owners are remodeling the

interior and would like to create a new egress to the deck. The existing impervious cover is at 45.9%. The applicant proposes to remove 1.3% of impervious surface to bring the property into compliance. The deck addition will comply with the building setbacks. The Groveland Board unanimously approved the request.

Mayor Stark closed the public hearing at 7:28 PM.

Councilmember Doak moved approval of Resolution 03-2007 for a special use permit for impervious cover. Councilmember Jilek seconded. Motion carried 4-0.

C. Fred & Elizabeth Weiner, 2875 Gale Road and Ronald & Debra Lauer, 2925 Gale Road - Request to subdivide equal portions of their property and combine it with the adjacent lot, according to Ordinance 800.07.

Mayor Stark opened the public hearing at 7: 29 PM

Zoning Coordinator Karpas summarized the request for subdivision, noting that the applicants are requesting to subdivide and exchange equal square footage of property and waive platting requirements. The division adjusts the property lines by exchanging 382.7 square feet from each property and combining it to the adjacent property. The property exchange will allow future modification to the structure at 2875 Gale Road without the need for a variance of the setbacks.

Zoning Coordinator Karpas reported that the Lauer property, 2925 Gale Road, does not comply with the minimum lot area. The proposed subdivision/combination does not reduce the current lot area. The division brings the Weiner property, 2925 Gale Road, into compliance with regard to structure setbacks. There are no streets proposed or altered. Staff recommends approval.

City Attorney Andrea McDowell Poehler stated that City should get a signed application from both applicants. The division can be approved conditioned upon that stipulation.

Zoning Coordinator Karpas stated that Grace Norris 2855 Gale Road, whose property abuts the Weiners', responded to the public hearing notice, but had no issues with the proposal.

Mayor Stark closed the public hearing at 7:35 PM.

Councilmember Jilek moved to approve the Subdivision / Combination of property at 2925 and 2875 Gale Road, subject to obtaining all the necessary signatures of the land owners prior to filing the subdivision with Hennepin County. Councilmember Newberry seconded the motion. Motion carried 4-0.

NEW BUSINESS

A. Adopt Ordinance 13-01 - CenterPoint Energy Gas Franchise

CenterPoint representative Arne Henriksen was present to request the City renew the Gas Franchise Agreement with CenterPoint Energy. The current agreement had been in effect for

five years and expires in January 2007. State Statues dictate utility access; however, CenterPoint also prefers to have an agreement with each City they serve. The agreement is the “model franchise agreement” created by the League of Minnesota Cities. Mr. Henriksen stated that there are 174 customers in Woodland that use natural gas service. Mr. Henriksen requested the Council approve a 15-year franchise agreement.

Councilmember Doak stated that Woodland does not collect any franchise fees. Councilmember Doak reported that CenterPoint made borings and cut out a section of pavement at the intersection of Maplewood Road and Maplewood Circle East. Despite CenterPoint’s commitment to high quality restoration of excavations, as stated in its franchise agreement, he did not believe the excavation was adequately repaired. In addition, a shutoff valve at the same intersection has sunk well below the surface of the roadway, forming a growing pothole.

Mr. Henriksen asked staff to contact him with the location and he will have it looked at and report back to the city.

Councilmember Doak moved to adopt Ordinance 13-01 and waive the second reading of the ordinance, approving the Gas Franchise Agreement for 15 years with the assurance that city streets will be properly repaired following work by CenterPoint. Councilmember Jilek seconded the motion. Motion carried 4-0.

B) Adopt Resolution 1-2007, Annual Appointments and Assignments.

Councilmember Newberry moved to approve Resolution 1-2007, Annual Appointments and Assignments. Councilmember Doak seconded the motion. Motion carried 4-0.

C) Review Ordinance 305 - Fee Schedule

Council reviewed the fee schedule and considered adjustments for 2007.

Mayor Stark suggested increasing zoning application fees to \$250 to better cover staff time and related expense.

Councilmember Newberry moved approval of changing the fee schedule, per staff recommendation with the exception of increasing the fee for variance to \$250. Councilmember Doak seconded the motion. Motion carried 4-0.

MAYOR’S REPORT

Mayor Stark reported that the Department of Revenue will be conducting a training session on January 18 for local councils on board of review procedures. The City must have at least one trained councilmember and a quorum of members in order to conduct the board of review meeting.

COUNCIL REPORTS

Finance & Public Safety - no report

Road & Signs – Councilmember Doak reported that the snowplowing is going well and the 50/50 sand/salt ratio is working. There is no curb-side Christmas tree collection. Residents will need to make arrangements for disposal of their trees with their own trash haulers. Staff will put a notice in the 2007 winter newsletter.

WebSite & Deer Management – Councilmember Jilek reported that only one deer has been trapped to date.

Ordinances – no report.

TREASURER’S REPORT

Councilmember Doak moved to approve the Treasurer’s Report. Councilmember Jilek seconded the motion. Motion carried 4-0.

ACCOUNTS PAYABLE

Councilmember Jilek moved to approve the Accounts Payable as presented. Councilmember Doak seconded the motion. Motion carried 4-0.

ADJOURNMENT

Councilmember Doak moved and Councilmember Jilek seconded the motion to adjourn the regular meeting at 8:17 PM. Motion carried 4-0.

Respectfully submitted,
Shelley Souers