

WOODLAND  
CITY COUNCIL MINUTES  
Monday, May 14, 2007  
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 Jim Doak, Michael Jilek, Tom Newberry and Mark Evenstad.

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

Guests: Peter and Eileen Heno, Stacy Marks, Brian Novak, Dale Gustafson, Bruce Shilling, M.D. and John Case.

**CONSENT AGENDA**

**A. Council Minutes – April 9, 2007**

**B. Resolution No. 5-07, Adopting the revised General Records Retention Schedule**

Councilmember Doak moved approval of the consent agenda approving the items contained in the consent agenda and adopting the Resolution therein. Councilmember Jilek seconded the motion. Motion carried 5-0.

**OLD BUSINESS**

**A. Xcel Energy Tree Trimming Policy**

Council reviewed the tree trimming policy statement from Xcel Energy.

**PUBLIC HEARING**

**A. Peter & Eileen Heno, 2665 Maplewood Circle East** - Request a variance of the required minimum side yard to construct a kitchen addition and a variance to exceed the allowed 10% structure impervious cover. Also request a special use permit to exceed the total maximum permitted impervious surface of 25%.

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

Zoning Coordinator Karpas summarized the request noting that the homeowners are requesting variance of the required rear yard setback to add a 13 x 7 kitchen addition and a variance of the permitted structure coverage to exceed the allowance by one (1) percent. The Heno's are also seeking a special use permit, to exceed the maximum permitted impervious surface area. The applicant is proposing a total impervious surface area of thirty-two (32) percent. The existing structure with, the addition, will encroach seven feet into the rear yard setback. The total structure coverage will exceed the 10% allowance by 1% and the total impervious coverage will exceed the 25% allowance by 7%.

The structure currently encroaches in to the rear yard setback by five feet and the addition will encroach two feet further. The addition complies with height restrictions. A bedroom addition would require a septic compliance inspection.

Zoning Coordinator Karpas reported that the lot is less than ½ acre and zoning setbacks were designed for two- acre lots. The request would not have a negative impact on the neighborhood. The house was built in late 1800's and modern appliances may not be retrofitted for the kitchen.

Councilmember Evenstad noted that most of the impervious cover is related to the driveway areas and large accessory building.

No further discussion, Mayor Stark closed the public hearing.

**Councilmember Doak moved to approve the request from Mr. and Mrs. Heno, 2665 Maplewood Circle East, for a variance of the rear yard setback and a variance to exceed the allowable structure coverage. Also to approve a special use permit to exceed allowable property impervious cover based on the findings and conditions in the staff report. Councilmember Evenstad seconded motion. Motion carried 5-0.**

**B. Curt & Stacy Marks, 2750 Gale Road** - Request a special use permit to exceed the maximum permitted impervious surface allowance to construct two new additions to the existing home. The existing impervious cover will be reduced, but still exceed the 25% limitation.

Mayor Stark opened the public hearing at 7:08 PM.

Zoning Coordinator Karpas summarized the request noting that the homeowners are requesting to remodel the structure, through the construction of a third stall addition on the northern portion of the home and a living addition on the southern portion of the home. In addition, the applicant is proposing to add a second story over the existing and expanded garage footprint. The proposed garage addition will add four hundred and one (401) square feet onto the garage, the proposed living addition add two thousand, three hundred and six (2,306) square feet of footprint area and the deck will add three hundred and twenty-six (326) square feet.

The ordinance permits a maximum impervious surface area of 25%. The existing impervious surface area on the property is 31.3%. There will be a minimal decrease in the overall impervious surface through the removal of existing impervious surface, in the form of a gravel driveway which currently serves the detached garage located on the south portion of the property. The proposed impervious surface area is 30.7%. The structure height and setbacks are in compliance with the ordinance. Trees will be added to the lakeside of the home to soften the view from the lake.

Zoning Coordinator Karpas reported that staff received an Email from the adjacent neighbors, Mr. & Mrs. MacHalec stating they have no objections to the request. Staff recommends approval based on the criteria set forth in the ordinance and recommends that any motion to approve should be conditioned on septic compliance.

No further discussion, Mayor Stark closed the public hearing at 7:15PM.

**Councilmember Newberry moved to approve the request from Curt and Stacy Marks, 2750 Gale Road, for a special use permit based on staff's findings and a septic system compliance meeting the requirements of the ordinance. Councilmember Doak seconded the motion.**

Mr. Dale Gustafson, landscape architect reported that the access road will be used for the construction and then will be removed at completion of the structure. Once the driveway is removed the road bed will be loosened to make the soil permeable. Mr. Gustafson also reported that trees will be added to the lakeside of the property.

City Attorney Jamnik, noted that the motion to approve be based on and include the findings in the staff report and subject to the conditions in the staff report.

**Councilmember Newberry amended the motion to approve the request, include the findings and conditions as spelled out in the staff report. And the hardcover be removed in an environmentally sensitive manner. Councilmember Doak moved approval of the motion as amended. Motion carried 5-0.**

#### **NEW BUSINESS**

##### **A) City Health Officer, Bruce Shilling, M.D. – Well Water Testing**

Woodland's Health Officer, Dr. Shilling addressed the Council regarding well water testing and stated that regardless of the source of a residential water supply it is important to monitor Coliform Bacteria, E-coli and Nitrate levels. Traces of lead in a water supply most commonly comes from the interior plumbing in the house.

Sixteen residents have requested kits to test their well water for Coliform, E-coli, Nitrate and Lead. Dr. Shilling reported that he will review the water test results from the lab and report back to the Council.

From a public health standpoint, Dr. Shilling noted that it would be beneficial to conduct an arsenic test on several wells in the city. Conducting random arsenic tests can identify whether there are any toxic levels of arsenic in the aquifer as well as serve as a proactive measure to document water quality.

Dr. Shilling recommended that three wells, constructed within the past ten years, be selected at random to conduct an arsenic test. Using well records on file, he will work with staff to select three wells for testing. The cost for the arsenic analysis of three wells should be under \$500.

**Councilmember Newberry moved to approve an arsenic test of three wells in the city.**

Councilmember Evenstad suggested Dr. Shilling seek volunteers to have an arsenic test done.

Dr. Shilling stated that he will speak directly with homeowners about volunteering to have the arsenic test. The intent is to identify any toxic levels of arsenic in the water samples.

Councilmember Doak agreed that a proactive approach to well water testing is a good policy because the city has predominance of septic systems. The Council has a public responsibility to be aware of health issues.

Councilmember Evenstad agreed with the proposed testing as long as there is a plan for communication of the findings.

**Councilmember Jilek seconded the motion. Motion carried 5-0.**

**B. Fog Lines – Breezy Point Road**

**C. Repaint the Centerline – Breezy Point Road & Maplewood Road**

Councilmember Doak requested items B and C be moved to Council Reports and discussed along with his report on roads and signs.

**D. Recreational Fires**

Clerk Souers reported that the fire department recently responded to a fire call that turned out to be a recreational fire. Typically the city sends the resident a charge for any fire call made to their residence. Given the circumstances of this fire call it is unclear if the resident should be billed for the call.

Councilmember Doak noted that recreational fires are permitted in the city. The policy regarding recreational fires is ambiguous and may be out of date.

Council suggested that staff gather some information regarding how other cities handle recreational fire matters. Council agreed that the resident not be charge for the fire call related to the recreational fire.

**MAYOR'S REPORT**

**County Road 101**

Mayor Stark asked Councilmember Doak to report on the recent County Road 101 construction meeting.

Councilmember Doak reported that he attended the recent County planning meeting where several strategies were presented relating to the south curve. The round-about concept was explained in greater detail and is one option being considered. Councilmember Doak stated that the round-about feature has merit. The County is also considering a round-about for the intersection south of the railroad bridge. There were multiple diagrams presented and discussion regarding medians and driveway access.

**Woolsey Channel**

Councilmember Doak reported that Councilmembers received an email expressing concern with a watercraft speeding in the channel. The water patrol has been contacted and will post signs at the mouth of the channel regarding the speed limit. Councilmember Doak stated that he will write a letter to all the residents along the channel as a reminder of the speed and no-wake area.

## **COUNCIL REPORTS**

### **Public Safety and Finance – Evenstad - no report.**

Police Chief Gustafson reported that the speed trailer has been set-up along Breezy Point Road and recording an average of 1000 cars per day, which is a 20% increase from a study in 1999. Chief Gustafson stated that 85% of cars were traveling under 41 MPH.

Chief Gustafson noted that the Water Patrol was in Woolsey Channel and putting up signs, per the Council request.

The police department has been made aware of two Pit Bull dogs living in Woodland. There have been no complaints to-date regarding these dogs. Chief reported that there are 21 dogs listed as dangerous within Deephaven and Woodland.

### **Roads & Signs – Doak**

Councilmember Doak reported that CenterPoint Energy has repaired the holes in Maplewood Road and Maplewood Circle.

Councilmember Doak thanked Councilmember Evenstad for landscaping the corner area of Cedar Ridge and Maplewood Road East. Also noted that Dr. Shilling improved the corner of Gale Road and Maplewood Road and replaced a wooden piling along the road.

Councilmember Doak stated that he and City Engineer Dave Martini are creating a road improvement plan for seal coating. They are also looking at options to improve the low area along Breezy Point Road, near the pond. The Engineer has recommended not repainting the center stripe on Breezy Point Road or painting fog lines. The center stripe is still reflective and Breezy Point Road is scheduled for seal coating in 2008. The Engineer felt that the roads are narrow and fog lines can subject the pedestrians to more risk by giving them a false sense definition. Fog lines would also alter the rural road appearance.

Councilmember Doak will inventory the street signs and review their reflectivity. He reported that he will have an estimate for seal coating at the June meeting.

Mayor Stark stated that a *Children at Play* sign was recently installed along Breezy Point Road. The city is unclear who installed the sign and Mayor Stark noted that no street signs should be installed without city approval.

### **Website & Deer Management – Jilek - no report**

### **Ordinances – Newberry - no report**

Councilmember Doak expressed concern that process outlined in the ordinance which makes it relatively easy for homeowners to exceed the hardcover restrictions and suggested that Council consider making the process a variance. Councilmember Doak also noted that there are no guidelines for fences around swimming pools and suggested that the Council consider adding restrictions.

City Attorney Jamnik reported that there are state regulations requiring pools to have a four-foot fence with child proof access. He will look into the rules and report back to the Council in June.

Councilmember Evenstad noted that a fence requirement for pools may encourage residents to fence in their entire property.

Councilmember Doak agreed that Council should explore fencing options relevant to swimming pools.

### **TREASURER'S REPORT**

Councilmember Evenstad moved approval of the Treasurer's Report as submitted.  
Councilmember Jilek seconded the motion. Motion carried 5-0.

### **ACCOUNTS PAYABLE**

Councilmember Evenstad moved approval of the Accounts Payable as submitted.  
Councilmember Doak seconded the motion. Motion carried 5-0.

### **ADJOURNMENT**

Council unanimously moved to adjourn the regular meeting at 8:37P.M.

Respectfully submitted,  
Shelley Souers