

WOODLAND
CITY COUNCIL MINUTES
Monday, July 9, 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 Tom Newberry, Jim Doak, Michael Jilek and Mark Evenstad

Staff: Police Chief Cory Johnson, City Planner Gus Karpas and Clerk Shelley Souers

CONSENT AGENDA

A. Council Minutes – June 11, 2007

B. Adopt Uniform Building Code – Ordinance No. 07-05

C. 2007 Road Seal Coat – Approve Bid

Councilmember Doak moved approval of the consent agenda and approved the items and resolution contained within it. Councilmember Newberry seconded the motion. Motion carried 4-0.

PUBLIC HEARING

A. Zoning Ordinance No. 9-08, Amending Language Relating to Accessory Structures

Mayor Stark opened the public hearing at 7:05 P.M. to review Ordinance No. 09-08 to amend certain sections of the zoning code regarding accessory structures.

Zoning Coordinator Karpas summarized the proposed language addressing accessory structures. The proposed language in Section 900.04 (2)(b)(8) and Section 900.04 (2)(b)(9) amends the ordinance so that a variance is required to exceed the maximum permitted number and square footage of accessory structures permitted on a lot. The amendment to 900.04(2)(b)(8) removes the special use allowance to exceed the maximum permitted accessory structures by changing it to a variance requirement. The amendment to 900.04(2)(b)(9) limits the accessory structures to a maximum of 1,000 square feet and removes the special use allowance to exceed the 1,000 square feet of accessory structure area.

Zoning Coordinator Karpas stated that he is concerned that at-grade structures, like tennis courts and patios, will be subject to more scrutiny with the amendments. The placement of zoning restrictions on accessory structures is often to limit massing on a property. At-grade structures do not necessarily create a visual mass.

Councilmember Newberry noted that a tennis court is a structure under the ordinance.

Zoning Coordinator Karpas noted that he would be more inclined to deny requests for variance for swimming pools and tennis courts based on the variance criteria. In answer to a question by Mayor Stark, Zoning Coordinator Karpas stated that the Ordinance requires two readings of zoning ordinances, however, Council has the option of waiving the second reading and adopting

the ordinance as written if they are comfortable with the amendments and make no other changes.

Councilmember Doak noted from a statutory point of view, hardship is often difficult to establish and variance requests would be denied. However, based on the City Attorney's comments regarding court interpretations as to reasonableness have modified the concept of "hardship" significantly and that is where the Council's review comes in. Requests will be reviewed accordingly for variance and zoning approval.

There being no public comments, Mayor Stark closed the public hearing at 7:07 P.M.

Councilmember Doak moved to adopt Ordinance No. 09-08 as written, adopting sections 900.04(2)(b)(8) and 900.04(2)(b)(9) pertaining to accessory structures and to waive the second reading and hearing of the Ordinance language. Councilmember Jilek seconded the motion. Motion carried 4-0.

B. Zoning Ordinance No. 9-09, Amending Language Relating to Impervious Cover
Mayor Stark opened the public hearing at 7:09 P.M.

Zoning Coordinator Karpas summarized the proposed amendment to Ordinance 900.10 stating the change defines and clarifies the lots of 16,500 square feet or less, served by sewer and water would be permitted a greater amount of impervious surface and permitted to exceed the impervious surface limit subject to a special use permit. The amendment clarifies that all other lots over 16,500 square feet and not served by municipal sewer and water would require a variance to exceed the allowed impervious limits.

There being no public comments, Mayor Stark closed the public hearing at 7:13 P.M.

Councilmember Jilek moved to adopt Ordinance No. 09-09 amending Section 900.10 regulating impervious cover and to waive the second reading and hearing of the ordinance, adopting the language as written. Councilmember Doak seconded the motion. Motion carried 4-0.

C. Zoning Ordinance No. 09-10, Amending Language Relating to the Scope of the Variance

Mayor Stark opened the public hearing at 7:15 P.M. to review Ordinance No. 09-10 to amend certain sections of the zoning code regarding the scope of variance requirements.

Zoning Coordinator Karpas summarized that the proposed amendment to Section 900.14 clarifies that any deviation from the ordinance that is not specifically permitted with a special use permit would require a variance.

There being no public comments, Mayor Stark closed the public hearing at 7:17 P.M.

Councilmember Newberry moved approval and adoption of Ordinance No. 09-10 and to waive second reading and hearing of the ordinance. Councilmember Doak seconded the motion. Motion carried 4-0.

OLD BUSINESS:

A. Recreational Fire Ordinance No. 04-09

Council reviewed Ordinance No. 04-09, amending Section 400.03 of the City Code dictating recreational fires.

Clerk Souers reported that the proposed amendments add more definition and restrictions to permitted recreational fires.

Councilmember Doak suggested that the dimensional restrictions be clarified so that the fuel source (wood) not be stacked more than two feet high as it will be easier to regulate the wood pile than the flame height.

Councilmember Doak moved to adopt Ordinance No. 04-09 with the amendment to Section 1, Subd. 1(c) to read fire wood rather than fire. Councilmember Newberry seconded the motion. Motion carried 4-0.

Councilmember Evenstad arrived.

NEW BUSINESS:

B. Septic Reviews for 2007

Mayor Stark introduced Kurt Larsen, the septic system reviewer for Woodland.

Mr. Larsen reported that the 2007 reviews are underway. He stated that he has been reviewing the systems for the past seven years and is developing relationships with the residents. The City sends a notice in advance of his site visit. He stated that he always knocks on the door to speak with the homeowner and identifies himself prior to going on the property to review the system. Mr. Larsen noted that he wears a badge and has added a sign to his vehicle for identification.

Councilmember Jilek asked if the systems that are reviewed are compliant or if there are issues.

Mr. Larson stated that there are some residents that still need to install a manhole cover or riser.

Councilmember Newberry noted that if a system is identified as failing the City notifies the resident in writing of the situation and necessary remedial action.

Councilmember Doak asked if the City can enforce pumping if a tank is in need of pumping.

Mr. Larson noted that if the system is not leaking on the surface or appears to be creating a problem, there is not much the City can do. Mr. Larson stated that his notice to the homeowner identifies if a systems is in need of pumping. He noted that he is seeing some solids in several lift tanks and also notifies the resident of this situation because this can cause the pump to fail or send solids into their drainfield.

Councilmember Doak noted that he was surprised to learn that several properties have holding tanks and no drainfield.

Mayor Stark noted that a study was done several years ago identifying a variety of systems in the City.

Councilmember Newberry stated that a compliance inspection is not required at the point of sale, however, many mortgage lenders will require an inspection. The City requires a compliance inspection if a bedroom addition or variance is requested.

A. 2008 Contract with the City of Deephaven for Services

Council reviewed the 2008 agreement for services between Woodland and Deephaven.

Mayor Stark reported that she will meet with the City Administrator Dana Young regarding the contract before the August Council meeting. This matter will be on the agenda in August.

MAYOR'S REPORT

A. Newsletter

Council reviewed the draft newsletter. Staff will add the Councilmember's names to the newsletter before mailing it out.

Mayor Stark stated that Dr. Shilling will report on the well water testing at the August meeting.

COUNCIL REPORTS

A. Public Safety

Councilmember Evenstad reported that he had a resident express concern with weeds throughout the community.

Police Chief Johnson reported that a traffic study was completed over a seven day period at the end of June. There were 4500 cars that went through the City in the seven day period.

Approximately 100 vehicles per day were traveling at 40 mph. Chief Johnson reported that he will have an officer stationed in Woodland twice each day for 20 minutes intervals. Chief Johnson stated that there has been an increase in traffic through the City; however, he believes the police presence is having an impact on the traffic speeds.

B. Roads and Signs

Councilmember Doak noted that the bid for the seal coat was approved. The bid was 40% over the engineer's estimate and Councilmember Doak has expressed concern to the engineer regarding the difference. The seal coat project will cost over \$15,000 and will complete the road improvement cycle, but not leave enough budgeted money to repair the low spot in Breezy Point Road. The engineer has suggested that in 2008 the City conduct a comprehensive rework of Breezy Point Road including improvements, seal coating, and striping. Councilmember Doak stated that he has asked the engineer to provide an estimate for next year's Breezy Point Road project so the Council can budget accordingly. Councilmember Doak noted that there is significant economy in scale of the material costs by doing a larger scale project. Woodland is penalized by its relatively small project size. Combining with neighboring cities will be explored for cost savings. Councilmember Doak also suggested that going forward the Council may want to consider building a reserve fund for road improvements and completing a larger road project every other year.

Councilmember Doak stated that he has asked the engineers to obtain bids from contractors in addition to Pearson brothers and Allied blacktop in the future. If the road improvement project is bigger, a third party contractor may be interested in bidding on the project.

Councilmember Doak noted that any surplus funds budgeted for public improvements will be needed to remove several large dead trees.

Councilmember Doak stated that he has been working with the residents on Breezy Point Road to trim hedges and improve visibility along the road. Councilmember Doak noted that he will also be reviewing street signs this summer.

Councilmember Evenstad stated that he will check into whether the City can establish a road improvement fund to be used at a future date for large projects.

C. Website and Deer Management

No report

D. Ordinances

No report

Mayor Stark stated that cities are required to update their Comprehensive Plans periodically and asked Councilmember Newberry to review Woodland's Comprehensive Plan and work with staff on any suggestions for updates.

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 8:01 P.M.

Respectfully submitted,
Shelley Souers