

WOODLAND
CITY COUNCIL MINUTES
MONDAY, JUNE 8, 2009
7:00PM

CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Mayor Jim Doak, Councilmembers; Mike Jilek, Troon Dowds, Tom Newberry and Sliv Carlson

Absent: none

Staff: Zoning Administrator Gus Karpas, Chief of Police Cory Johnson, City Attorney Cynthia Kirchoff and City Clerk Shelley Souers.

Guests: Pat & Mary Louise Bowe, Monica St. Geme, Tom & Dawn Boice, Deborah & Jim Richards, Jason Williams, Robert Slocum, and Joy Fruen

CONSENT AGENDA

- A) Minutes May 11, 2009; Regular Council Meeting
- B) Resolution No. 11-2009; Approval of variances to construct a garage addition at 2830 Breezy Heights Road.
- C) Approve Memorandum of Understanding with Minnehaha Creek Watershed District

Mayor Doak noted that Mr. and Mrs. Pat Bowe are present and have requested to address the Council with regard to the consent agenda item (B), Resolution No. 11-2009; approving variances to construct a garage addition at 2830 Breezy Point Road.

Council agreed to move Item B of the Consent Agenda to Old Business as item 5. B) for discussion.

Councilmember Jilek moved and Councilmember Carlson seconded the motion to approve the consent agenda; items A and C and moving item B to Old Business. Motion carried 5-0.

PUBLIC COMMENTS

No comments.

5. OLD BUSINESS

A) Citizen Comments & Discussion on Lakeshore Setbacks

Mayor Doak reported that the City mailed a notice to all residents, outlining several courses of action, regarding the discussion relating to the protection of the lakeshore through zoning restrictions. The Council's intent was to solicit feedback from residents prior to making any changes to the ordinances.

Staff summarized the comments received by residents via mail, email and phone, in support and opposed to changes in the lake setbacks.

Councilmember Newberry stated that he was interested in the Council's view if a problem exists or if the current zoning could become problematic. Councilmember Newberry asked if the lake

setback was in need of review, due to “more glass and fewer trees” around the lake, noting the Comprehensive Plan requires tree preservation.

Councilmember Carlson noted that the ordinance was amended eight years ago. Councilmember Carlson stated that she would like additional time to review individual properties from the land and water, for a better understanding of impact to properties.

Councilmember Jilek noted that most residents would not be directly affected. Councilmember Jilek stated that preserving trees along the shoreline is beneficial, however; increasing the setback 25-feet may not make a huge difference. Residents he spoke suggested that no change be made to the ordinances.

Councilmember Dowds stated that he supports protection of the lakeshore, but questions whether more regulations would accomplish that. Councilmember Dowds stated that he would also like to view properties from the lakeside prior to the next meeting.

Mayor Doak stated that common concerns are visual massing of structures when viewed from the water and the ecological significance of continued development of the shoreline. The size of the lots and required setbacks of both the lake and side yards go a long way to help protect the ecology of the shoreline and property views of the lake. Mayor Doak stated that increasing the lake setback may have a positive impact, but believes to a lesser degree than the required 30-foot side yard setbacks. Increasing the setback to 100-feet will cause a number of homes to become nonconforming and could affect the values and buildable options of these properties.

Woodland has a great number of homes built over a period of many years on odd shaped lots. The Council wants to be certain that restrictions imposed on properties are only made after due diligence. Sight line restrictions protect homes built back from the lake; however, they can be difficult to impose given the irregular lot shapes, shoreline, topography and large legacy homes. The current ordinance language allows a home to encroach into the setback if the adjoining homes are also located within the 75-foot setback. Mayor Doak suggested Council consider eliminating this exception and maintain the 75-foot lake setback and 30-foot side yard setbacks.

Mayor Doak stated that he appreciated the time residents took to respond to the setback issue.

This discussion will continue to the July 13 Council meeting.

B) Resolution No. 11-2009; Variance approval for a garage addition at 2830 Breezy Heights Road

Mayor Doak stated that Mr. and Mrs. Bowe, 18150 Breezy Point Road, have asked to address the Council to request the Council reconsider approval of the variances to construct an addition to the existing garage at 2830 Breezy Heights Road.

Mrs. Bowe requested that the Council reconsider the setback approved for the garage addition [2830 Breezy Heights Road] to allow more space between the garage and lot line, suggesting 4

to 5-feet. Mrs. Bowe stated that they believe the proposed structure will affect the newly planted arborvitae trees along the property line.

Mr. Bowe noted that the Council's discussion seemed to focus on the driveway access, suggesting 25-feet would preclude a large vehicles from accessing the garage. Mrs. Bowe stated that their driveway is 25-feet in order to meet the side yard setback and believes the same standard should be applied to other properties.

Mr. Bowe stated that they have planted over 50 arborvitae trees and over 100 trees in total. The buckthorn was removed and oak trees were saved. The shoreline bank is being planted with native grasses and wildflowers. An old maple tree was saved and small maple trees are being protected along the shoreline.

Mr. and Mrs. Bowe requested the Council reconsider the approved side yard setback for the garage addition and consider the implication of a setback that is so close to the property line. Mr. Bowe stated that their concern is not with the painters and contractors, but the impact and risk to the new trees planted along the property.

Councilmember Jilek stated that a big factor in his decision was the turning radius of the driveway.

Mayor Doak stated that the discussion also focused on the whether the setback was sufficient to permit maintenance of a significant portion of the garage. The staff was supportive of the garage addition subject to an increased setback sufficient to permit the owners to repair and maintain the back of the garage. Mayor Doak noted that trespassing on an adjoining property was a significant matter in this case. Increasing the setback to 2½-feet was believed sufficient for the proposed addition and, in his opinion, the compelling force for his decision. Mayor Doak stated that he understands the need and desire for large vehicle turning radiuses, but the major consideration for approval was to permit sufficient distance for property maintenance.

Mrs. Bowe noted that the arborvitaes were planted prior to the proposed garage addition. They are concerned the new construction will affect the new plantings.

Mayor Doak noted that he believes that Mrs. Bowe was well heard at the public hearing. Trees must be planted so not to encroach on adjacent property.

Mayor Doak noted that the Council could move forward with their decision or move to introduce a motion to reconsider the variance as granted for 2830 Breezy Heights Road.

Mayor Doak stated that he spoke with the applicants via the phone and they elected not to attend the meeting tonight.

City Attorney Kirchoff stated if Council chooses to reconsider the item, the Council would be setting aside a previous decision and due to the 60 day provision would need to approve an extension of the 60-day limitation to act on zoning requests.

Mayor Doak suggested the Council first consider if there is an interest in reopening the variance approval for reconsideration.

Councilmember Newberry stated that he has no interest in reconsidering the variance.

Councilmember Carlson stated that she had given this a great deal of thought and understand the issues from both sides and believes the aesthetics of the garage will be impacted by moving the addition 4 to 5-feet.

Councilmember Jilek stated that his comments were predicated on the turning radius and the original setback of 1-foot. Given the maintenance issue, a setback of 2½-feet and the turning radius, the proposal made sense.

Councilmember Dowds noted that 2/3 of garage is at the lot line; the addition would be 2½-feet further. Consideration of the turning radius and the narrow lot were factors he considered and has no interest in reopening the variance.

Mayor Doak stated that he has no interest in reopening the variance.

Councilmember Newberry moved to uphold the variance and approve Resolution No. 11-2009; approving variances to permit the construction of a garage addition at 2830 Breezy Heights Road. Councilmember Dowds seconded the motion. Motion carried 5-0.

PUBLIC HEARING

A) Tom and Dawn Landon, 2845 Center Road, request a variance to demolish an existing structure and construct a new single family home.

Mayor Doak opened the public hearing at 7:50 P.M.

Zoning Administrator Karpas summarized the request for front and rear yard variances to construct a new single family home. The property cannot be put to reasonable use without variances, due to the narrow lot and limited building pad, which is a common situation in the Groveland Homeowners Association. The proposed house would not increase the amount of encroachment currently existing. No trees will be removed and the proposed plan is consistent with the Comprehensive Plan.

Zoning Administrator Karpas noted that Chuck and Jean Stark, 2880 West Road, called the City to express their support of the proposed structure. The Groveland Homeowners Association Board and Architectural Committee have reviewed the request and approved the proposed project.

General Contractor Jason Williams and owners Tom and Dawn Boice presented their request. Mrs. Boice stated that they have owned the property ten years and desire to preserve the character of the community. Structural issues with the existing house precluded significant remodeling and improvements.

Mr. & Mrs. Richards, 2840 Inner Road, were present and stated that they had no objection to the proposed plan.

In answer to Councilmember Newberry's question regarding land alteration, Zoning Administrator Karpas stated the project would maintain the original grade with less than 1-foot alteration.

Councilmember Jilek moved to approve the variance request, as presented, for 2845 Center Road, inclusive of four variance, and as recommended by staff. Councilmember Newberry seconded the motion. Motion carried 5-0.

NEW BUSINESS

D) Dangerous Dog Proposed Ordinance Language.

Chief of Police Johnson addressed the Council regarding adoption of ordinance language to reflect State Statutes addressing dangerous dogs. A dangerous dog classification is an administrative proceeding handled by the police department.

City Attorney Kirchoff stated that the City's Animal Control Authority is charged with determining the classification of potentially dangerous and dangerous dogs. Chief of Police Johnson is the City's Animal Control Authority.

Council will review the ordinance language again in July and establish necessary fees.

Chief of Police Johnson asked the Council to designate a hearing officer as provided in the statute. Councilmember Jilek volunteered for the assignment.

Mayor Doak moved to appoint Councilmember Jilek as the hearing officer for animal control issues and activities. Councilmember Newberry seconded the motion. Motion carried 5-0.

A) Herb Suerth, Lake Minnetonka Conservation District Representative

Mr. Suerth was not present and this item was moved to a future Council meeting.

B) Review of Zoning Definitions to include a Definition of Construction Activity

Council discussed amending the ordinance language regarding the definition of noise and adding a new definition for construction activity to create consistent in both Chapter 4; Nuisances and Chapter 9; Zoning.

Staff will prepare language for review at the July Council meeting.

C) Resolution No. 12-2009; Approving the Scope of the 2009 Road Improvements

Councilmember Dowds reported that he met with the City Engineer regarding the road improvements for 2009. The Engineer has recommended routine seal coating of several streets in addition to milling the low area along Breezy Point Road in preparation for a new sealcoat.

Mayor Doak noted that due the cost of major reconstructing of the low area along Breezy Point Road, coupled with the recent State and County funding cuts, the most effective plan for 2009 would be routine road maintenance. The City will continue to accrue funds for major repairs.

Councilmember Carlson moved to approve Resolution No. 12-2009; approving the Scope of the 2009 Road Improvements. Councilmember Dowds seconded the motion. Motion carried 5-0.

MAYORS REPORT

Mayor Doak reported that he attended a recent School District meeting. School Superintendant Dr. Dennis Peterson reported on the upcoming school expansion projects and the impact of open enrollment on the district.

Mayor Doak also reported that he attended the Maplewood Homeowners Association meeting and updated residents on current city issues.

COUNCIL REPORTS

Deer Management, Website and Public Safety

No report

Police Report

Chief of Police Johnson reported that Councilmember Carlson participated in the hiring interviews for the new police officer. Officer Josh Heasley was selected and has started working for the department.

Finance & Intergovernmental Relations

Councilmember Carlson reported that after July 1 new state laws would be available on the State's website.

Roads and Signs

No report.

Ordinances

No report.

TREASURER'S REPORT

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

ACCOUNTS PAYABLE

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

ADJOURNMENT

Council adjourned by consent. The next regular Council meeting will be held on Monday, July 13 and will start at 6:00P.M.

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor