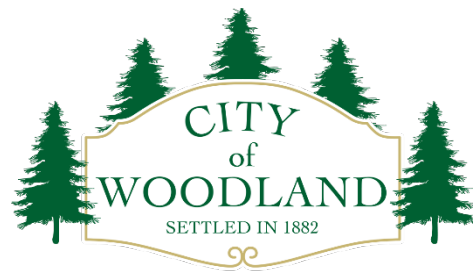


MINUTES
CITY COUNCIL
CITY OF WOODLAND

MONDAY, JUNE 14, 2021



1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present were Mayor Suerth, Council Members Daniels, Massie, Newberry, and Vazquez

Staff present included Clerk Sara Skalle, Planning Director Pat Smith, and Deephaven Police Chief Cory Johnson.

Guests included: Matthew Erickson from TEA2 Architects, Cooper Ashley, John and Pat Case, Becky Reed Farha, Ann James, John O'Neill, Kay Erickson, Brent and Mitzi Magid, Nancy Nordmeyer, Kathleen Daniels, Ben and Lynn Oehler, Justin Kelly, Mark Anderson, and Bill Upjohn.

3. CONSENT AGENDA

A. Approval of the May 10, 2021, City Council Meeting Minutes

Council Member Daniels moved, Council Member Vazquez seconded, the Consent Agenda as presented. Motion carried 5-0.

4. PUBLIC COMMENT - None

5. PUBLIC HEARINGS

A. Accessory structure variance request for 2770 Gale Road

Mayor Suerth invited Planning Director Pat Smith to present his staff report.

Mr. Smith reported that on November 13, 2018, the City Council approved variances to exceed the maximum number of accessory structures (applicant reduced the number of accessory structures from eight to six) and exceed the maximum footprint of accessory structures from 1,000 square feet to 4,511 square feet. This allowed the property owner to build four new accessory structures on the property, including two guesthouses, a pool house, and a pool, and renovate two existing accessory structures, a boat house and a pavilion. The applicant is now planning to add a generator, which is considered an accessory structure in Woodland. While the total number of accessory structures remains the same from the 2018 variance because the pool house was added to the house, a variance is still needed as the plans have changed from when the City Council approved the resolution in 2018.

On May 3, 2021, the applicant and John Case, the neighbor on Gale Road, met on site to discuss possible alternative locations for the proposed generator. After the meeting with Mr. Case, the applicant submitted plans to locate the generator next to the pool house. The City Council denied that request at the May 10 Council Meeting.

The applicant has now submitted a variance application to place the two generators approximately 190 feet from the house located at 2830 Gale Road and approximately 210 feet from the house located at 2810 Gale Road. The two generators will be placed on a 90-square-foot pad, thus bringing the total accessory square footage from 3,360 square feet to 3,645 square feet.

Mr. Smith reviewed the criteria necessary to approve a variance:

1. *Is the variance in harmony with the purpose and intent of the ordinance?*
The intent of limiting the number of accessory structures to three per property is to prohibit the proliferation of accessory structures on residential properties. However, it is common to have more than three accessory structures (e.g. generator, pool, an air conditioning unit, and a satellite dish).
2. *Is the variance consistent with the comprehensive plan?*
The request is consistent with the Comprehensive Plan in that it maintains the single-family nature of the neighborhood.
3. *Does the proposal put property to use in a reasonable manner?*
Generators are a reasonable use in Woodland, and the applicant has chosen a site that will have the least impact to the neighbors.
4. *Are there unique circumstances to the property not created by the landowner?* Yes, currently, the landowner has five accessory structures (two guest houses, a pool, a boat house and a pavilion). The landowner was granted a variance for six accessory structures, but has since connected the pool house to the house. Since the generator was not included on the original survey, a variance for a sixth accessory structure is required.
5. *Will the variance, if granted, alter the essential character of the locality?*
No, the proposed location of the two generators will have the least impact to neighbors.

Council Member Massie asked neighbor John Case if he approved of this location. Mr. Case was in favor of this location.

Council Member Vazquez corrected the applicant on the noise level of the generators and asked for more accurate representation in the future. TEA2 said it was an extrapolation, calculated on distance.

Mayor Suerth opened the Public Hearing.

TEA2 clarified that would be a couple transformers housed in the utility corral. It will be fenced and screened with vegetation.

Hearing no more comments, the Mayor closed the Public Hearing.

Council Member Newberry moved, Council Member Vazquez seconded, for adoption of the findings of fact as stated in the staff report, and moved approval of the variance subject to the conditions outlined in the staff report. Motion carried 5-0.

B. Accessory structure variance request for 2800 Breezy Heights Road

Mayor Suerth introduced the topic and invited Planning Director Pat Smith to present his staff report.

Staff approves this revised location for the shed because it only requires one variance, not two.

The Mayor opened the public hearing, but hearing no comments, the public hearing was closed.

Council Member Newberry moved, Council Member Massie seconded, adoption of the findings of fact presented in the staff report and approval of the variance. Motion carried 5-0.

C. Public Hearing to address safety and security in Woodland

Mayor Suerth introduced Deephaven Police Chief Cory Johnson.

Chief Johnson said he appreciated this opportunity, saying that he used to attend all the Maplewood Housing Association meetings. He has been in the community for 23 years and the crime rate has always been very low. He has five officers that work 24-hours, 7-days a week. They are adding another officer. They are looking at upgrading equipment.

He shared a report of all serious crime since 2018. The biggest issue in Woodland is residents not having a locking mailbox and identity theft. He emphasized that if you see something or hear something, call 911, so they can check it out and resolve any situations.

Mayor Suerth opened the public hearing.

John O'Neill, resident on Maplewood Circle W., said that there are 50 to 100 trades people rolling through Maplewoods and those are people we need to be concerned about. Ben Oehler, resident on Gale Road, countered that the high level of building activity is not long-term. He asked at what time the break-in on Maplewood Road in Deephaven occurred. Chief Johnson replied 3 a.m. Another neighbor asked if it was construction related. Chief Johnson replied no it was not.

Chief Johnson agreed with Mr. O'Neil that there is a lot of activity. In his experience, very few of the crimes that they've solved have been related to delivery people or construction workers. He cited one instance and, in that instance, the resident left a door unlocked.

He shared information on the house that was recently broken into on Maplewood Road in Deephaven. The criminals hit Wayzata the night before and were caught in Rogers the night after. There's no rhyme or reason on where or when, they are crimes of opportunity. For that reason, he strives to keep an officer visible at the edge of town so people with bad intentions just keep going on past.

His officers can't do it alone. Residents need to:

- Lock doors.
- Keep a light on.
- Use an alarm system if you have it.

- Lock vehicles and don't leave valuables in them.
- Get a locking mailbox.
- Call 911 if they see or hear anything suspicious

Kathleen Daniels, resident on Maplewood Circle, asked if they apprehended the people who broke into the Deephaven home. Chief Johnson answered yes, within 24 hours.

Hearing no further comments, Mayor Suerth closed the public hearing and thanked Chief Johnson and his officers for all that they do.

D. Public Hearing to consider amending ordinance section 900.23 on lighting

Mayor Suerth asked that anyone wanting to participate in the lighting discussion come to the podium, introduce themselves, and they'll have 3 minutes to speak. He asked that comments be specific to the lighting ordinance language.

Planning Director Pat Smith summarized that last year the City Council adopted the 2040 Comprehensive Plan. In it is a policy to maintain light, sounds, and smells consistent with the natural setting of the City, while minimizing unnatural or man-made light, sounds, and smells. The lighting ordinance discussion began in March 2020 and through nine subsequent meetings to November. In January, the main aspects of the ordinance were published in the city newsletter and followed by five public hearings to receive resident input. Mr. Smith emphasized that each time the ordinance language had been changing. He presented the latest version of the ordinance (attached).

Mayor Suerth opened the public hearing.

Justin Kelly, resident at 3100 Maplewood Road, thanked the Council for its efforts to compromise. He disagrees on what the City defines as security lighting. He argued that all properties are different, driveways are different lengths for instance, many are longer than 50 feet. He also asked that the whole ordinance be a recommendation for one year.

John O'Neill, resident on Maplewood Circle W., asked that these be recommendations rather than ordinance so not to over-burden the police. Chief Johnson clarified that this would be enforced on a complaint basis. Mr. Smith added that complaints would result in a series of three (if needed) letters sent to the property owner which typically takes 2-3 months before a citation is made. Mr. O'Neill reiterated his hope that the City adopt a recommendation rather than an ordinance. Council Member Massie stated that the ordinance is directed at new construction not existing lighting.

Mr. Kelly made the case that his existing lighting is being affected. He installed Dark Sky compliant fixtures to light his trees at the end of the driveway. They shine upward. Ben Oehler, resident on Gale Road, asked if all of Mr. Kelly's up-lighting was security lighting. The answer was no. Mr. Oehler made the point that one thing (up-lighting) was actually two things, some security, some decorative, and suggested it would comply to the ordinance as such. Mr. O'Neill and Mr. Kelly both argued that that was confusing.

Brent Magid, resident on Cedar Point Drive, said that he supports the ordinance saying that light levels have crept up in this country affecting the environment and believed that many residents came to Woodland because of its natural aspects. He shared his observation that in the past few years lighting, particularly landscape lighting and seasonal lighting, has increased on the properties visible from his home. In his opinion, ordinance is appropriate.

Cooper Ashley, resident on Maple Hill Road, spoke on behalf of himself, wife Barbara, Peter and Mary Davis next door, Jeanne and Keith Summers. They all strongly support the ordinance and believe that it is important to Woodland.

Mr. Oehler argued for staying quiet, dark and unknown in Woodland, that more light makes us less safe, flaunting wealth and attracting criminals.

Kathleen Daniels, resident on Maplewood Circle, thanked the Council for listening for years on this issue. Her point was that indiscriminate landscape lighting is visual noise. She encouraged continued coverage in the newsletter to inform new residents.

Nancy Nordmeyer, resident on Spirit Knob Road, thanked the Council and said she is in favor of the ordinance. She added that most Woodland residents are never frightened. We have no street lights, but that's why we moved here.

Mark Anderson, resident on Robinsons Bay Road, expressed his support for the proposed lighting ordinance and thanked the Council Members for the time, effort, thought, patience and perseverance they have put into it to bring it to this point. He thanked Pat Smith for his research and crafting of the language. He would like to request the curfew be adjusted for the seasons: 10 p.m. for daylight savings time and 9 p.m. for standard time. Mr. Anderson, who has lived in Woodland for 60 years, and his family since 1930, said he feels safe and secure in Woodland. He appreciated that new residents may have had other life experiences in other places. He thanked the Deephaven police for all that they do for us.

Mayor Suerth closed the public hearing.

Mayor Suerth asked that the calendar exemption for holiday lighting be eliminated.

Council Member Daniels moved, Council Member Vazquez seconded, to adopt Ordinance 02-2021 amending Ordinance Section 900.23, as read with the deletion of the calendar exemption in subdivision 3(b), and to waive the second reading and publish in the next edition of the *Sun Sailor* newspaper. Motion carried 5-0.

7. OLD BUSINESS

A. Drainage project on Maplewood Circle

Mayor Suerth reported that there have been significant issues with the construction of the Maplewood Circle drainage project. They are being resolved and work is nearing completion.

B. Street Improvements

Mayor Suerth reported that CenterPoint Energy is finishing up service connections and plans to be out of the city by the end of June. Molnau Trucking will deliver a schedule next week. We will get it done this summer.

8. MAYOR'S REPORT

- Brent Matter has been contracted to be Woodland's SSTS Inspector. He thanked Clerk Skalle and Council Members Vazquez and Newberry for their efforts in this selection process.
- The City has filed for a goose management permit with the MN-DNR, Chip Ray is the resident lead on this.
- Matter of note, we did a bit of work locating water mains on Stone Arch Road, but CenterPoint will delay replacement of gas lines there for 4-5 years due to a potential archeological dig in that area.

9. COUNCIL REPORTS

- A. Daniels – Environmental Concerns and MCWD Liaison -- none
- B. Massie – Road Right-of-way Maintenance, Trees, Deer Management
- C. Newberry – Ordinances, Septic Program
- D. Vazquez – Public Safety, Enterprise Finance and Operations
Acknowledged Ms. Skalle's work and the importance of the SSTS Program.

10. ACCOUNTS PAYABLE

Council Member Newberry moved, Council Member Massie seconded, to approve the Accounts Payable as presented. Motion carried 5-0.

11. TREASURER'S REPORT

Council Member Newberry moved, Council Member Daniels seconded, to approve the Treasurer's Report as presented. Motion carried 5-0.

12. ADJOURNMENT

Council Member Newberry moved, Council Member Daniels seconded, to adjourn the meeting. Meeting was adjourned by consensus at 8:20 p.m.

Vince Suerth, Mayor

ATTEST:

Sara Skalle, Clerk