

WOODLAND CITY COUNCIL MINUTES
Monday, December 13, 2010
7:00 P.M.

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

ROLL CALL

Present: Mayor Jim Doak; Councilmembers, Michael Jilek, Tom Newberry, Sliv Carlson and Chris Rich.

Staff: Chief of Police Cory Johnson and City Clerk Shelley Souers.

Guests: John Massie, Brielle Wallace, Chuck & Jean Stark, and Mark Anderson

CONSENT AGENDA

A. Minutes of the Council Meeting, November 8, 2010.

Councilmember Jilek moved to approve the consent agenda, as submitted. Councilmember Carlson seconded the motion. Motion carried 4-0.

PUBLIC COMMENTS

No public comments.

PUBLIC HEARING

A) Truth and Taxation Hearing to Adopt the 2011 Tax Levy and Budget

Mayor Doak opened the public hearing at 7:04 PM to review and adopt the final budget and levy for 2011.

Mayor Doak presented an overview of the 2011 budget and levy. The loss of state and local government aid and greatly reduced interest earnings, coupled with declining building permit revenue has impacted the budget. The Council reduced overall expenditures for 2011 by 1%. A modest increase is expected in all contract services, which include snow plowing, tree removal, police and clerical services. Reductions were taken in road maintenance and election expenses declined. To balance the budget, the levy for 2011 will increase slightly by about 1% (\$707.00). Woodland's tax capacity decreased approximately 3% from 2010. The modest increase in the tax levy and the loss of tax capacity, results in a net increase in Woodland's tax rate from 8.46% in 2010 to 8.75% in 2011. This is one of the lowest tax rates in the metropolitan area.

Councilmember Newberry arrived to the meeting at 7:15PM

There being no public comments, Mayor Doak closed the hearing at 7:16PM

Councilmember Rich moved to approve Resolution No. 27-2010, adopting the 2011 budget.

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

Councilmember Carlson moved and Councilmember Rich seconded approval of Resolution No. 28-2010, adopting the levy for 2011. Motion carried 5-0.

OLD BUSINESS

A. Rate Analysis & Water & Sewer Fund Budget

Councilmember Carlson provided a brief history of the water and sewer enterprise funds. The enterprise funds were established with the intent that the benefitted properties share the responsibility for the costs to maintain the system. The fund balances have decreased due to a number of factors, including repair and maintenance costs that have exceeded projections and interest income that has been less than expected. The Council is considering a utility rate increase to ensure adequate funds to satisfy the payment of the bonds.

The City Council has been working with Woodland's Audit firm, Abdo, Eick and Meyer, to explore several options for a rate increase to achieve adequate balances in the water and sewer funds.

Council is considering two options:

Option #1: A small increase in the quarterly user fee and maintenance fee. All users directly cover the costs of their own curbside repairs and fire hydrant maintenance costs would be paid from the General Fund.

Option #2: a greater increase in the quarterly use fee and maintenance fee to cover all necessary maintenance expenses for the entire water and sewer system.

Councilmember Jilek suggested that the funds be monitored and adjusted, as needed, on an annual basis.

Councilmember Carlson agreed that the funds must be monitored to ensure payment of the bonds.

Mayor Doak stated that the City will consider options for early retirement of the water bonds and to save interest expense.

The auditor suggested a reallocation of the bi-annual assessment payments, distributing 75% of the allocation into the water fund and the remaining 25% into the sewer fund.

Councilmember Carlson suggested that the Council consider an ordinance or resolution naming the 1997 Water and Sewer Improvement Project as "Enterprise Fund 1" and maintaining the projects as separate from all future improvement projects which would presumably be self funding, that is, supported by the users of the system and not the general funds of the City. Councilmember Carlson suggested that a written resolution would serve to clarify the Council's intent.

Councilmember Carlson's verbatim Comments:

"The Enterprise Fund in operation for the water and sewer services currently offered to the 47 Woodland residents shall be identified in the Woodland City budget and whenever it comes up for discussion as Enterprise Fund #1.

This council encourages a future council, if water and sewer service becomes desirable or required, to accomplish funding for the system using a similar mechanism to Enterprise Fund #1 to maintain a separate, also paid for service by those receiving such new services.”

Jean Stark, 2880 West Road, encouraged on going financial review of the enterprise funds and questioned if creating separate enterprise funds is an acceptable accounting practice. Mrs. Stark stated that the water and sewer fund balances and possible rate increases were discussed during the Groveland Homeowners Association’s annual meeting.

The City distributed materials to all individual water and sewer system users and Council Members offered informal meetings to answer questions and share the findings of the rate study.

Mayor Doak stated that the Council has made every effort to keep residents informed regarding the fund discussions and rate study. Questions can be directed to the Council Members.

NEW BUSINESS

A. Resolution No. 29-2010 – Allocation of Sewer and Water Improvement Assessment.

Councilmember Jilek moved to approve Resolution No. 29-2010; providing for a change in the allocation of the municipal water and sewer assessment payments. Councilmember Rich seconded the motion. Motion carried 5-0.

B. Resolution No. 30-2010 – Increase in Municipal Water and Sewer Charges

Council reviewed the rate study and considered options for increases to the quarterly utility rate.

Council Member Carlson stated that the water service can be shut off in several locations, including inside the house, individual curbstops and the main gate valves throughout the project area. Carlson reported that she received comments from several residents in support of option 2 as denoted in the rate study.

Mayor Doak stated that Option 1 grew from a desire to make budgeted levels of enterprise maintenance expenditures more predictable and therefore lower by shifting risk to the homeowners served for their curbstops repairs and to the City for fire hydrant maintenance. This option was considered before the fund study determined that the fee increases need to restore financial health to the enterprise funds were moderate in size. The self supporting Option 2 became both feasible and desirable once the fee increases were known to be manageable.

Mayor Doak stated that he supported Option 2.

Council Member Jilek stated that several residents expressed their support of Option #1, with the users paying for their individual curbstops repairs and the General Fund paying for fire hydrant maintenance.

Mayor Doak stated that Option #1 (General Fund supporting the fire hydrant maintenance) could set a precedent for maintenance of curbstops and fire hydrant in future projects

Council Member Carlson moved to approve Resolution No. 30-2010; approving the utility rate increase as outlined in the rate study (page 9) Option #2, approving the rate increase effective for the January 2011 billing. (Minnetonka use rates are pending adoption for 2011). Council Member Rich seconded the motion. Motion carried 4-1, with Council Member Jilek dissenting.

C. Ordinance No. 12-4; Amending Chapter 12, Section 1210 regarding maintenance fees.
Council reviewed an ordinance amendment to Chapter 12 clarifying maintenance fees for the 1997 Sewer and Water Improvements are set forth in Section 305.

Council Member Jilek moved to adopt Ordinance No. 12-4. Council Member Carlson seconded the motion. Motion carried 5-0.

D. Ordinance No. 3-15; Amending Chapter 3, Section 305 Establishing Certain Fees.
Council Member Carlson moved and Council Member Jilek seconded the motion to adopt Ordinance No. 3-15. Motion carried 5-0.

Council agreed that the funds be monitored annually and fees be adjusted as necessary annually.

OTHER BUSINESS

A. No Fault Sanitary Sewer Insurance

Council considered augmenting the current insurance coverage to include no-fault sanitary sewer coverage for 2011. This could result in a considerable reduction in potential litigation expenses associated with future claims. The sewer system has been well maintained and the Council believes that qualification for the selective coverage will be achieved. The Council agreed to apply for no-fault sanitary sewer insurance effective 2011.

MAYOR'S REPORT

Mayor Doak expressed his appreciation to the Council and City staff for their thoughtfulness following his recent injury.

Mayor Doak reported that Woodland will be working with the Minnetonka School District leaders and the surrounding communities to consider shared service options.

COUNCIL REPORTS

Public Safety

No report.

Finance & Intergovernmental Relations

Councilmember Carlson reported that the Minnehaha Creek Watershed District has proposed an amendment to the 2007 Water Resource Plan to establish a district wide aquatic species program.

Councilmember Carlson reported that the League of Minnesota Cities is working on language to address the new judicial interpretation of criteria justifying variances.

Roads& Trees

Councilmember Rich reported that due to the recent volume of snow, Cornerstone has spent additional time to clear the snow banks from intersections to improve sight-lines.

Mayor Doak reported that Woodland's tree contractor has asked the City to consider a monthly retainer as part of the 2011 tree service agreement. Council will consider this option in 2011.

Ordinance

No report.

ACCOUNTS PAYABLE

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

TREASURER'S REPORT

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

ADJOURNMENT

Council adjourned by consent at 8:38PM

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor



Hennepin County Memo

5B

To: Shelly Souers, Woodland City Clerk
From: Bill Effertz, Assistant Hennepin County Assessor
Date: December 23, 2010
Re: 2011 Local Board of Appeal and Equalization

Monday
Day of the Week

April 11, 2011
Date

Minnesota Law requires that the County Assessor set the date for your Local Board of Appeal and Equalization Meeting. After reviewing previous meeting days and your suggestions from last year, the above date is being proposed. I sincerely hope that it is agreeable with your council.

Minnesota Statutes require that in order to hold a local board of appeal and equalization meeting in 2011 there must be a quorum and at least one of the voting members must have attended the approved training. I would suggest that an informal review of your members with a request that they mark their calendars would be appropriate. I have attached a summary of the duties and responsibilities of the local board of appeal and equalization. If your board has additional questions or need more information, please contact your local assessor.

Please confirm the date as set out above or if you wish to change the date, call me with your alternative date by January 18, so that our valuation notices can be prepared on time. We suggest starting times of 6:30, 7:00 or 7:30 p.m., but will discuss alternatives with you if you wish a different time. If you have any questions, please feel free to call me at (612) 348-3388.

Your early completion and return of the attached tear off strip will be appreciated and we will send your official notice for posting as required by law. Please return to JoDee Schinkel, A-2103 Government Center, Minneapolis, MN 55487 or fax to our office at (612) 348-8751.

CONFIRMATION

Municipality: _____

Date: _____

Time: _____

Place: _____

For selecting meeting dates in future years, the following information will be helpful

LOCAL BOARD OF APPEAL AND EQUALIZATION SUMMARY OF DUTIES AND RESPONSIBILITIES

Most of the responsibilities listed under the Local Board of Appeal and Equalization are statutory, primarily found in Minnesota Statutes 274.01.

- The first responsibility is attendance. The Local Board of Appeal and Equalization is an official public meeting similar to a City Council meeting and can not convene without a quorum. In addition to the local assessor, the county assessor, or one of his/her assistants is required to attend.
- At least one member must be present at each meeting of the Local Board of Appeals and Equalization (beginning in 2006) that has attended an appeals and equalization course as developed and approved by the Commissioner of Revenue.
- The valuation notices shall be in writing and be sent by ordinary mail at least ten calendar days before the meeting of the board. The valuation notice will include the dates, places and times set for the meetings of the Local Board of Appeal and Equalization as well as the Hennepin County Board of Appeal and Equalization.
- The meetings must be held between **April 1 and May 31** each year. The County Assessor shall fix a day and time when the Local Board of Appeal and Equalization shall meet. The board must complete its work and adjourn within 20 days from the time of convening stated in the notice of the clerk, i.e. calendar days – original night is day one.
- The clerk shall give published and posted notice of the meeting at least ten days before the date of the meeting.
- Local Boards of Appeal and Equalization must see that all taxable property is properly assessed, valued and classified for all current assessments. The board may consider both real and personal property.
- If any property has been omitted, the board must correct the assessment by adding it to the list of assessments along with its market value.
- The board may not increase or decrease by percentage all assessments in a district of a given class of property. Changes in the aggregate to assessments are by class and are made by the county board of equalization.
- Although the Local Board of Appeal and Equalization has the authority to increase or decrease individual assessments, the total of such adjustment must not reduce the aggregate assessment by more than one percent. If the total reductions would lower the aggregate assessments by more than one percent, none of the adjustments may be made. The assessor shall correct any clerical errors or double assessments discovered by the board without regard to the one percent limitation.

- The local board does not have the authority to reopen former assessments on which taxes are due and payable. The board only considers assessments in the current year.
- The board may find instances of undervalued properties. The board must notify the owner of the property that the value is going to be raised. The property owner may then appear before the board if they so wish.
- It is the primary duty of each local board to examine the assessment record to see that all taxable property in the assessment district has been properly placed upon the list and valued by the assessor. The local boards do not have the authority to address exemption issues. Only the county assessor has the authority to exempt property.
- A taxpayer may appear in person, by council, or written communication to present his or her objection to the board. The focus of the appeal must center on the factors influencing the estimated market value or classification placed on the property.
- All changes will be entered into the assessment books by the county assessor's office.
- Before adjourning, the local board should prepare an official list of the changes. The law requires that the changes be listed on a separate form. All assessments that have been increased or decreased should be shown as prescribed on the form along with their market values. The record must be signed and dated by the members of the Local Board of Appeal and Equalization.
- The Hennepin County Board of Appeal and Equalization begins meeting on:

June 14, 2010

- All appointments must be scheduled no later than Wednesday, May 26, 2010 by calling the Hennepin County Taxpayer Services Office at:

(612) 348-7050

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RESOLUTION NO. 02-2011

A RESOLUTION ESTABLISHING A SCHEDULE OF ADMINISTRATIVE FEES

WHEREAS, Section 305.03 of the Woodland City Code requires Woodland to establish a schedule of fees for miscellaneous item and administrative services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodland, Minnesota that the following schedule of administrative fees will be in effect for 2011

- a. Copies \$0.25 per page
- b. Copies (11" x 17") \$0.50 per page
- c. Computer labels \$1.00 per page
- d. Full City Code book \$60.00
- e. Police reports \$0.25 per page
- f. Accident Report \$5.00
- g. Return check \$25.00
- h. Video tape \$25.00
- i. Audio tape \$5.00 per cassette
- j. Photos \$2.00 per photo / \$15.00 minimum
- k. Road weight limit permit \$10.00 per trip
- l. Mileage reimbursement Standard IRS rate per mile

Adopted by the City Council of the City of Woodland this _____ day of _____, 2011.

James S. Doak, Mayor

ATTEST:

Shelley J. Souers, City Clerk

RESOLUTION NO. 03-2011

A RESOLUTION OF APPRECIATION TO TOM NEWBERRY
FOR OUTSTANDING SERVICE TO THE CITY OF WOODLAND

- WHEREAS, Tom Newberry has faithfully fulfilled the office of Council Member, serving 14 years for the City of Woodland; and,
- WHEREAS, during his tenure he has displayed exemplary initiative, leadership and ethical standards and has devoted countless hours and considerable energy to serving and improving the quality of life of the residents and community of Woodland; and,
- WHEREAS, Tom has been instrumental in the analysis and drafting of multiple ordinances over the years that will serve to benefit the safety and well-being of the residents of Woodland.
- WHEREAS, the Mayor and City Council wish to express their gratitude for his outstanding contribution to the City of Woodland.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOODLAND THAT:

On behalf of all Woodland residents, the Mayor and City Council hereby express their appreciation to Tom Newberry for his service and wish him and his family a happy and prosperous future.

ADOPTED this 10th day of January 2011 by the Council of the City of Woodland.

James S. Doak, Mayor

ATTEST:

Shelley Souers, City Clerk

7B COPY

PLEASE COMPLETE THE APPLICATION AND RETURN IT TO THE CITY HALL WITH THE PERMIT FEE OF \$25.00
The application will be placed on an upcoming Council agenda for review and the adjacent neighbors will be notified of the permit application.

CITY OF WOODLAND
20225 COTTAGEWOOD ROAD
DEEPHAVEN MN 55331

Date 12/16/10

Application for a permit for the keeping of more than two dogs over 90 days of age as provided in section 405.03 of the Woodland Ordinances.

APPLICANTS NAME(S): Houman Tehranchi

ADDRESS: 8825 Maplewood Cir E

HOME TELEPHONE NUMBER _____

WORK TELEPHONE NUMBER _____

LIST BELOW ALL ADULT DOGS LIVING ON THE PREMISES:

DOG'S NAME	BREED	SEX	AGE	Vaccination DATE
1. <u>Hampton Terrier</u>	<u>Terrier</u>	<u>M</u>	<u>9</u>	<u>June/10</u>
2. <u>Hunter</u>	<u>Pointer</u>	<u>M</u>	<u>2</u>	<u>June/10</u>
3. <u>Bijou</u>	<u>Poodle mix</u>	<u>F</u>	<u>2</u>	<u>June/10</u>

DESCRIBE HOW THE DOGS WILL BE CONFINED: Indoors and outside by electronic dog fence.

COUNCIL REVIEW Jan 10, 2011 Regular Council Meeting

PERMIT GRANTED _____

CONDITIONS and / or RESTRICTION: _____

Make Checks Payable to the City of Woodland

Fee Due \$25.00 Ord. 305.02 # 5 FEE PAID \$ 25 DATE 12/16/10

Check # _____ Cash \$25 Receipt # 830471

W-dog _____



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172

Phone (952) 448-8838 • Fax (952) 448-8805

www.bolton-menk.com

MEMORANDUM

Date: December 20, 2010
To: City of Deephaven, City of Greenwood, City of Woodland
From: David P. Martini, P.E.
Subject: Minnehaha Creek Watershed District Draft Plan Amendment Comments

On November 18th the Minnehaha Creek Watershed District (MCWD) sent a notice out to affected cities, counties, and state review agencies regarding their proposed Comprehensive Water Resource Management Plan (WRMP) amendment. The proposed amendment would replace the existing WRMP, Section 7.2, LGU Local Plan Implementation and Reporting, in its entirety with the amended version. The November 18th notice began the 45-day public comment period required by state statute for WRMP amendments.

We have reviewed the proposed amendment and offer the following comments that were prepared by our Water Resources Specialist Doug Carter. The comments are grouped together according the general theme and do not follow the document page by page. For your convenience I have color coded MCWD's draft and the sections referenced in our comments.

1. *Data requested from the LGU with no defined use.*

The following citations are generally requests by the MCWD for data that will be a burden for the LGU to collect, summarize, review, and distribute. The MCWD does not detail how, or if, they plan to use this data. In some instances the MCWD is requesting data that is in the planning stages and may never make it through the land-use process. Projects that are under development or consideration by the LGU do not need to be disclosed to the MCWD. On an annual basis the MCWD needs only to know about active or permitted projects. Unless the MCWD can provide compelling reasons as to why they feel they need this information it should not be required to be provided by the LGUs. The citations are as follows:

- a. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 2*
- b. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 3, Item #1*
- c. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 3, Item #4*
- d. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 3, Item #5*
- e. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 3, Item #6*



~~2. The use of undefined, subjective, qualitative and, at times, argumentative language~~

The following citations are generally instances where the MCWD has chosen to use language that is not appropriate for use in natural resource management plans. In a number of the citations the language appears to assume an adversarial and hierarchical relationship between the LGU and the MCWD. The use of terms similar to, “lagged, diligently, importantly, good, timely, adequate, and failing” need to be well defined, if used at all. What person, board, or entity will determine the definitions for these words? These terms have a very real possibility of being misapplied or misused and we would like to see them either well defined or removed from the document. The citations are as follows:

- a. *Section 7.2 – LGU Local Plan Implementation and Reporting, Paragraph 5*
- b. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 4, First Item*
- c. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 3, Item #1, (g)*
- d. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 6, 2nd sentence*
- e. *Section 7.2.2 – Review of LGU Plan Implementation, 2. Land Use, Item (a)*
- f. *Section 7.2.2 – Review of LGU Plan Implementation, 2. Land Use, Item (e)*
- g. *Section 7.2.2 – Review of LGU Plan Implementation, 3.Capital Program , Item (c)*
- h. *Section 7.2.2 – Review of LGU Plan Implementation, 3.Capital Program , Item (e)*
- i. *Section 7.2.2 – Review of LGU Plan Implementation, 4. Land Conservation, Item (a)*
- j. *Section 7.2.2 – Review of LGU Plan Implementation, 4. Land Conservation, Item (c)*

~~3. Use of language that is vague and open to interpretation~~

The following citations are generally where criteria have been identified that will be nearly impossible to objectively evaluate. There is also the potential for the collection and evaluation of the data to be a significant time and money burden for both the LGU and the MCWD staff. If there is no indication existing practices in which the LGU is operating are substandard as it references natural resource protection, why does the MCWD take the position of essentially auditing the LGU’s performance? The citations are as follows:

- a. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 3, Item #1, (c)*
- b. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 3, Item #1, (d)*



4. Funding and the overarching sense of cooperation and protection of natural resources.

The following citations generally foster an adversarial relationship between the LGU and the MCWD. In our experience if an LGU is unable to meet the water resource commitments identified in their local plans or their Capital Improvement Plans it is most often due to a lack of available budget and/or funding for the program. It seems as though the role of the MCWD should be to assist the LGU with funding shortfalls, if that is the issue. To have the MCWD remove its funding assistance and notify other agencies with the perceived hope of having them pull their funding assistance as well appears, on the surface, to be counterproductive to the overarching goal of protecting the water resources within the watershed. If the LGU believed that adding tax burden to residents with the goal of meeting the local plan objectives was feasible, it would undertake the program on its own. Adding an additional tax burden to residents is not a solution. Working with the LGU, in a cooperative manner, to jointly meet local plan objectives would be a much more sustainable approach. The citations are as follows:

- a. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 7, 4th, 5th, and 6th bullet*
- b. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 7, 7th bullet*

5. General Amendment Comments

- a. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 3, Item #1, (b)*
The sentence reads, “Do they conform to MWCD-approved standards?” The process of reviewing and approving the LGU’s local plans and associated ordinance has previously been defined as an iterative process between the LGU and the MCWD staff and Board. The MCWD could provide a model ordinance that would save all parties time and staff expenditure.
- b. *General Amendment Comments*
The overall tone of this amendment is not one that echo’s cooperation, trust, and mutual determination to accomplish complex natural resource management goals. The tone is more of an authoritative agency looking down upon the LGU actively looking for the opportunity to take over control of the local plan implementation. We don’t believe that if even one LGU gave over control of all aspects of their plan implementation the MCWD would have the staff and availability to accomplish the requirements; it becomes even less likely if more than one LGU did that. Working forward from that standpoint, it seems that that MCWD should be more interested in, and place more importance on, cooperatively working together with the LGU to protect the natural resources within the watershed and plan for the implementation of the local plan.
- c. This amendment to the original Section 7.2 did not do anything to close the open-ended nature of the original draft. The inclusion of so many subjective and qualitative words and phrases only magnifies the vague nature of the requirements of the memorandum of understanding. The very real possibility of being committed to unforeseeable obligations remains. If the MCWD wishes to solve this problem they need to work cooperatively with the LGUs to clarify the issues. Writing a minor plan amendment in isolation from the LGUs only exasperates the problem.



Date: November 18, 2010

To: Cities, Counties, State Review Agencies

From: Becky Houdek, Minnehaha Creek Watershed District

Re: Draft Plan Amendment – 45-Day Comment Period

In 2007, following an extensive planning and review process that involved citizens, cities, state agencies, and other stakeholders, the Minnehaha Creek Watershed District adopted a Comprehensive Water Resource Management Plan (WRMP). The Plan details the District's goals and implementation strategies for improving water quality and management in our communities. These strategies include District capital projects, city water resource projects, and District regulations. As required by MN Statute 103B.235, local government units (LGUs) must prepare and submit a Local Water Management Plan to the District for review and approval. As part of the approval of the Local Water Plan, the District has been using a Memorandum of Understanding (MOU) to outline specific obligations of both the LGU and the District. These requirements include that the LGU submit an annual report to the District that details progress toward implementing the Local Water Plan and an annual meeting with District staff to discuss the report.

During the review and approval process for Local Water Plans, many municipalities expressed concern that the requirements in the MOU were vague and therefore committed them to unforeseeable obligations. In response to those concerns, the District Board of Managers directed staff to develop a minor plan amendment that clearly outlines the expectations of the District regarding Local Water Plan annual reporting and meetings, and would eliminate the need for a MOU for those cities not implementing District regulations.

The attached draft plan amendment contains the following:

1. Purpose of annual reporting and meeting requirements
2. Minimum requirements for contents of LGU annual report
3. Items the District will consider when assessing Local Water Plan implementation
4. Steps the District Board may take if an LGU fails to implement its Local Water Plan
5. Steps the District will take to encourage a collaborative process toward achieving better water quality and management for our constituents

The Minnehaha Creek Watershed District is committed to a leadership role in protecting, improving and managing the surface waters and affiliated groundwater resources within the District, including their relationships to the ecosystems of which they are an integral part. We achieve our mission through regulation, capital projects, education, cooperative endeavors, and other programs based on sound science, innovative thinking, an informed and engaged constituency, and the cost effective use of public funds.

The annual reporting and meeting process outlined in the draft plan amendment will allow the District to carry out its responsibility to oversee Local Water Plan implementation by LGUs as required by statute. This approach will also improve how District and city staff coordinate efforts to meet water resource goals.

The Board of Managers has authorized staff to distribute the attached draft plan amendment for a 45-day public comment period to solicit input prior to a public hearing and adoption. Please submit your comments by Monday, January 3rd. We will notify you of the date and time of the public hearing once it is scheduled.

If you have any questions or concerns regarding the draft plan amendment, District staff would be happy to meet with you to answer questions and provide clarity on specific items within the amendment.

Please feel free to contact Becky Houdek at bhoudek@minnehahacreek.org or 952-641-4512.

DRAFT PLAN AMENDMENT: LOCAL PLAN IMPLEMENTATION

(10-7-10)

Present Section 7.2 is replaced by the following new section:

7.2 LGU Local Plan Implementation and Reporting

Minnesota Statutes §103B.235 establishes a process for watershed district review and approval of local water plans. Typically District staff will work with LGU staff through successive versions of the draft local plan until staff finds that the plan meets content requirements and standards of Section 7.1 and is recommended for approval. If an LGU is not able to satisfy District staff and believes nevertheless that its plan is entitled to District approval, it may request to have the plan brought before the District Board of Managers without a recommendation of approval.

The District's preference is that a local plan be revised as needed so that when it is presented to the Board of Managers it may be approved without the need for further revisions. However, if it requires only minor revisions when it comes before the Board or if the need for minor changes is identified during Board review, the Board's approval resolution may approve the plan conditioned on identified revisions. Otherwise, typically the resolution will contain only standard conditions that implement the terms of Section 7. The Board also may include conditions as needed to address the specific circumstances in a given case.

Minnesota Statutes §103B.235, subdivision 4, states that once the district approves a local plan, the LGU must adopt and implement it within 120 days, and must complete amendment of ordinances required by the local plan within 180 days.

After the local plan is adopted, the District and LGU will coordinate watershed and local plan implementation over the course of the 10-year planning cycle. Consistency between plans and coordinated implementation will help to ensure that capital spending, land conservation, public education, regulation and other activities will be carried out to best achieve shared water resource goals in a cost-effective and transparent way.

~~Under the watershed law, each metropolitan area watershed district is responsible to maintain awareness of local water plan implementation by LGUs within its boundaries. The District intends to carry out this responsibility through a process of LGU annual reporting and District monitoring of local plan implementation. The District has sought to create a framework that allows it to remain reasonably knowledgeable as to local implementation without being burdensome for LGUs. The framework also is designed so that any implementation issues are addressed through communication and collaboration to the extent possible. It seeks to respect the ability of the District and individual LGUs to make their own program and~~

~~funding decisions. But it preserves the District's ability to step in if water resource commitments and goals are not being met.~~

7.2.1 Annual Report and Meeting

Each LGU must provide a written report to the District by June 30 annually, describing how the LGU has implemented the local plan over the past report year (May 1 through April 30). The annual report date coincides with the submittal date for municipal separate storm sewer system (MS4) annual reports as set by the Minnesota Pollution Control Agency (MPCA). If the MPCA should change that date, the District would adjust its annual reporting date administratively.

An LGU may submit its MS4 report to the District as its annual report, with supplementation as needed to provide all of the information listed below. For efficiency, the District may develop a standard format that LGUs would be required to use. Until that time, an LGU may prepare a separate report using a format of its choosing.

LGUs are encouraged to use a concise format for the annual report. At the same time, LGUs need to provide information that is sufficient for District staff to be fully apprised of activities by, and within the boundaries of, the LGU that affect water resources and further water resource programming. At a minimum, the annual report must cover the following for the reporting year:

1. The status of capital projects identified in the local water plan and any other water resource projects under LGU development or consideration, and identification of any project on which the LGU is interested in partnering with the District.
2. Progress on each water resource issue identified in the implementation section of the local plan.
3. The status of each action identified in the local plan as a means to contribute to the LGU's allocated phosphorus/nutrient load reduction, the cause of any failures or delays, and any proposed changes to the LGU's strategy for meeting the load reduction.
4. A summary of LGU land use activity as it may affect water resources, including: (a) permit applications for land disturbance received; (b) actions taken, including any variances granted; (c) pending development or redevelopment activity not yet the subject of an application; (d) zoning changes made or requested.
5. Additional water quality, hydrologic, wetland and floodplain data developed within the LGU.
6. A description of stormwater conveyance/management facility construction, inspection, maintenance and repair activity, including identification of any

structural changes within the conveyance system affecting hydrologic/hydraulic modeling on greater than a parcel basis.

7. A summary of LGU housekeeping activities including salt/sand storage and use, hard surface sweeping and other public facility management activities to protect water resources.

8. An inventory of riparian, buffer, corridor, open space and other conservation land rights acquired through dedication, gift, purchase or any other means.

9. A summary of the LGU's budget as it pertains to local plan implementation.

Following District staff review of an LGU's annual report, a meeting between staff may be arranged to complete the review, bring each party up to date on the other party's activities, and coordinate activity for the next year.

~~District staff may have questions or need further information about matters contained in or omitted from the LGU report. If the District perceives that LGU implementation has lagged, this would be an opportunity to discuss this, identify causes of any failures or delays, and mutually consider adjustments. As well, LGU staff may require more information about District activities over the past year as they affect the LGU.~~

- This meeting is an opportunity for the two parties to anticipate the next year's activity. A mutual briefing can be provided concerning programmed or potential capital projects, land conservation interests, cost-sharing or grant opportunities, development activity and other matters that would benefit from coordination.
- Pending or necessary plan amendment can be reviewed. Minnesota Statutes §103B.235, subdivision 1, and Minnesota Rules 8410.0160 requires that each local plan be revised and approved by the District within two years of a District plan amendment that affects an LGU, or as otherwise specified in the District implementation program. The District has adopted the two-year standard of 8410.0160, except where the plan specifically states otherwise. Where an LGU lies partly within the District and partly within one or more other watershed management organizations, the District will require local plan revision and approval within two years for at least that part of the plan that concerns land within District boundaries.

The District will endeavor to maintain communication and flow of information between itself and its LGUs on an ongoing basis. The Board of Managers encourages opportunities for joint meetings with city councils on specific matters or for the purpose of general communication.

7.2.2 Review of LGU Plan Implementation

The District will maintain awareness of LGU plan implementation largely through the annual reporting and meeting framework. However, this will be supplemented through ongoing communication with LGUs and knowledge of developments within the watershed gained through other usual channels.

It is possible, then, that the District at any time may perceive that an LGU is not fully implementing its local water plan or meeting its commitments. In this case, the District will follow the course outlined here. This process is intended to ensure that the District has a full understanding of the LGU's water resource program, that the District respects the LGU's control of its own programs and its role in overseeing activity within its boundaries, and that the parties work collaboratively to ensure progress on mutual goals. At the same time, it is the District's responsibility under watershed law to maintain oversight of local water plan implementation and to take steps as necessary so that water resource goals are met.

The District will consider the following items when assessing LGU plan implementation:

1. Water Resource Permitting (this subject will be relevant primarily when the LGU, through the local planning process, has elected to assume sole authority for water resource permitting in one or more areas covered by District rules and/or has elected to serve as the Wetland Conservation Act (WCA) implementing authority):

(a) Have ordinances been adopted as described in the approved local plan and in response to any subsequent District rule revisions?

~~(b) Do they conform to MCWD-approved standards?~~

~~(c) Have the ordinances been applied as written?~~

~~(d) Where there is room for interpretation, has LGU discretion been exercised in a way that is sensitive to water resource protection?~~

(e) Has the MCWD been notified of variance requests per Minnesota Statutes §103B.211?

(f) Have technical expertise and program resources been maintained at levels described in the approved local plan?

~~(g) Has regulated activity been diligently monitored and have LGU ordinances and permits been diligently enforced?~~

(h) The same considerations, as applied to the LGU's actions as WCA-implementing agency.

2. Land Use:

(a) Has good progress been made to integrate Safe Drinking Water Act and other protections for wellheads and sensitive groundwater resources into the development code, as described in the approved local plan?

(b) Has the LGU worked carefully to integrate low-impact development concepts into the development code and development review process?

(c) Has the LGU met local plan commitments to reconcile development code setbacks and water resource protection goals?

(d) Has the LGU revised its development code as necessary to require stormwater facilities and wetlands in residential subdivisions to be located on outlots?

(e) Has the LGU ensured that the District timely receives proposed preliminary plats and revisions, in accordance with the approved local plan?

(f) Are local plan commitments otherwise being met?

3. Capital Program:

(a) Does the capital improvement program (CIP) continue to reflect the level of commitment toward water resource goals of the approved local plan?

(b) Is CIP implementation on schedule?

(c) Is the LGU making adequate progress toward achievement of phosphorus load reductions identified in the approved local plan?

(d) If issues have arisen that were unexpected or are beyond LGU control, has the LGU identified, and is the LGU pursuing, alternative strategies?

(e) Is the LGU diligently maintaining stormwater management facilities for which it is responsible?

4. Land Conservation:

(a) Have water resource protection priorities been integrated into parks, open space, recreation and land acquisition plans, and are those tools being diligently implemented?

(b) Are dedication and fee in lieu requirements under the development code being used to support water resource protection consistent with commitments in the approved local plan?

(c) Is the LGU diligently monitoring municipal open space lands, protected lands and vegetated buffer areas under its control?

5. Housekeeping Practices: Is the LGU meeting local plan commitments for street sweeping, snow plowing, salt and snow storage, right-of-way maintenance, stormwater management facility and vegetated buffer maintenance, public land management and other housekeeping matters with water resource impacts?

6. Other Commitments: Is the LGU otherwise meeting commitments assumed under the approved local plan?

If District staff, at the direction of the Board of Managers or on the basis of its own review, has concerns about local plan implementation, the District will generally follow a process that emphasizes communication and collaboration to assess these concerns and identify approaches to addressing any deficiencies. Presuming the LGU has a similar interest in this approach, initially the process will involve staff-to-staff communication and a process of staff collaboration. District staff will report back to the Board of Managers and the District will seek to memorialize any agreed outcomes in appropriate fashion.

If District or LGU staff believes that, for any reason, adequate progress in resolving concerns is not being made, the Board of Managers and city council may be asked to convene an informal joint meeting.

Ultimately, if the Board of Managers is not satisfied with a resolution of concerns, it may schedule the matter for formal consideration on its agenda. LGU representatives will be invited to attend; District staff, LGU representatives and interested members of the public will have an opportunity to address the issues; and the Board will make a finding as to whether it believes the LGU is failing to implement its plan in an important way.

If the Board makes such a finding, it may take further steps within its authority as it judges will foster improved local plan implementation or allow resources to be focused on areas where they are more likely to leverage effective efforts. Such steps may include the following:

- Requesting that the LGU engage in further discussions or provide written commitments.
- Reasserting District regulatory authority for proposed land-disturbing activity for which city approvals have not yet been issued.

- Reprogramming or reprioritizing District capital funds identified for expenditure within the city.
- Placing a hold on cost-share and other program funding within the LGU.
- Advising the Metropolitan Council, and other potential municipal grantors where watershed district approval is relevant, of the District's finding.
- Restricting eligibility for District-funded water/land use planning assistance or other forms of District cost- or technical-assistance.
- Establishment of one or more water management districts encompassing the LGU or parts thereof to fund District implementation of local plan commitments not being met.
- An action under Minnesota Statutes §103B.235, subdivision 4, requesting that the LGU be directed to implement its local plan.

At any time, an LGU may advise the District of further implementation steps taken and allow the Board of Managers to determine that the local plan is again being adequately implemented.

The Board also may take steps as outlined above where an LGU has not submitted or has not received approval of a local water plan in a timely way.

7.2.3 Applicability to Existing Approved Local Water Plans

Most LGUs wholly or partly within the District have completed and approved local plans responding to the District's 2007 plan. BWSR rules require these plans to be revised within two years of a District plan revision to maintain consistency. The reporting responsibility and procedures outlined in this revised Section 7.2 trigger this revision requirement and the specifics herein will apply to each LGU two years from the date of the District amendment or when the LGU plan revision is approved, if sooner. Until then, reporting and related procedures will apply to each LGU according to the terms of its prior local plan approval and any memorandum of understanding signed by the District and LGU in conjunction with that approval.

7 E

**CITY OF WOODLAND
RESOLUTION NO. 01-2011**

A RESOLUTION DESIGNATING ASSIGNMENTS AND APPOINTMENTS FOR 2011

BE IT RESOLVED, by the City Council of the City of Woodland that the following appointments and designations are approved for 2011:

Mayor: James S. Doak
The annual salary shall be \$80.00.

Council Members: Michael Jilek, Sliv Carlson, Chris Rich and John Massie
The annual salary for each Councilmember shall be \$40.00.

James Doak Deephaven & Wayzata Contracts
Weed Inspector

_____ Roads & Signs
Public Works operations (road repairs/mowing)
Trees

_____ Finance & Audit
Intergovernmental Relations

_____ Ordinances
Septic System Rules & Issues
Website
LMCC Liaison

_____ Public Safety - Police & Fire
Deer Management

_____ Mayor Pro Tem (serves in the absence of the elected Mayor)

RESOLVED: That the salaries of the coming year of 2011 are established for Council Members, such salaries to be payable in one sum at the time of the regular meeting of the City Council in December 2011.

Clerk/Treasurer: The City of Deephaven will provide clerical & treasurer services; the annual service charge, per the contract, will be paid to the City of Deephaven in monthly installments.

Police: The City of Deephaven will provide Police services; the annual service charge, per the contract, will be paid to the City of Deephaven in monthly installments.

Fire: The City of Wayzata Fire Department is designated as Woodlands' fire service agency; and will be paid an annual charge based upon the percentage of calls in Woodland for the preceding three-year period, calculated against the Wayzata Fire Department's operating budget for the contract year.

City Assessor: Dan Distel

City Attorney: Campbell Knutson – Joel Jamnik Lead Attorney

Prosecuting Attorney: Tallen & Baertschi – Steve Tallen Lead Prosecutor

City Auditor: Abdo, Eick and Meyers – Andy Berg Lead Auditor

City Engineer: Bolton & Menk, Inc. – Dave Martini

CITY OF WOODLAND
 TREASURER'S REPORT
 FUND CASH BALANCES
 12/31/2010

Fund	11/30/2010 Cash Balance	Monthly Revenues	Monthly Expenses	Monthly * Liabilities	12/31/2010 Cash Balance
General Fund	\$ 106,997.00	\$ 153,648.00	\$ 32,476.00	\$ -	\$ 228,169.00
Street Improvement	\$ 30,812.00	\$ -	\$ -	\$ -	\$ 30,812.00
Water * Water Loan - Principal	\$ (7,638.00)	\$ 2,633.00	\$ 848.00	\$ - \$ -	\$ (5,853.00)
Sewer * Sewer Loan - Principal	\$ 179,706.00	\$ 7,555.00	\$ 3.00	\$ - \$ -	\$ 187,258.00
Total	\$ 309,877.00	\$ 163,836.00	\$ 33,327.00	\$ -	\$ 440,386.00