

**CITY OF WOODLAND  
COUNCIL AGENDA**

**MONDAY, MARCH 14, 2011  
7:00 P.M.**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. CONSENT AGENDA**

*All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no special discussion of these items unless a Councilmember or Citizen so requests, in which event will be removed from the Consent Agenda and will be considered separately.*

A. Minutes of February 14, 2011

B. Approve Street Sweeping Agreement with Allied Blacktop Company for 2011

**4. NEW BUSINESS**

A. Andy Berg; Abdo, Eick & Meyers - 2010 Annual Financial Report

B. Fire Chief Kevin Klapprich; Overview of 2010 Fire Services

C. City Engineer Doug Carter; MS4 Proposal, Street Sweeping, MCWD Rules Update

D. Resolution No. 04-2011; Resolution Restricting Transfer of Property (land divisions)

E. Approve Monetary Limits on Tort Liability Insurance

F. Discuss Ordinance No. 04-14; Amending Section 415 of the City Code, Prohibiting Depositing of Snow or Ice on City Streets and rights-of-ways.

G. Designated Parking Zones

**5. PUBLIC HEARING**

A. Storm Water Pollution Prevention Program (SWPPP) – Annual Public Hearing

**6. OLD BUSINESS**

A. LMCIT No-Fault Sewer Coverage; Resolution No. 05-2011

B. Waste Management – Optional Dial Out List (used if delays in recycling service)

C. Discuss Resolution for the Option of Separate Enterprise Funds for Future Improvements

**7. MAYOR'S REPORT**

**8. COUNCIL REPORTS**

A. Council Member Jilek – Ordinances, Website & LMCD

B. Council Member Rich - Roads, Signs & Trees

C. Council Member Carlson - Finance, Enterprise Funds, Intergovernmental Relations & MCWD

D. Council Member Massie - Public Safety & Deer Management

**9. ACCOUNTS PAYABLE**

**10. TREASURERS REPORT**

**11. ADJOURNMENT**

Next Council Meeting & Board of Appeals  
April 11, 2011

**CITY COUNCIL MINUTES**  
**Monday, February 14, 2011**  
**7:00 P.M.**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

Present: Mayor Jim Doak; Council Members, Michael Jilek, Sliv Carlson, Chris Rich and John Massie.

Absent: None

Guests: Tom Newberry

**CONSENT AGENDA**

**A. Minutes of the Council Meeting, January 14, 2011.**

*Council Member Carlson moved and Council Member Jilek seconded the motion to approve the consent agenda as submitted. Motion carried 5-0.*

**NEW BUSINESS**

**A. Resolution No. 3-2011; Recognizing outgoing Council Member Newberry**

On behalf of the City Council and residents of Woodland, Mayor Doak presented former Council Member Tom Newberry with a framed resolution recognizing his service and contributions to Woodland during his 14 year tenure.

*Mayor Doak moved to approve Resolution No. 03-2011. Council Member Rich seconded the motion. Motion carried 5-0.*

**OLD BUSINESS**

Council Member Carlson requested that the City seek the opinion of our legal consul regarding the current Council's desire to keep the existing enterprise funds separate from any future enterprise funds that might be created by the construction of new sewer and water systems.

**MAYORS REPORT**

Mayor Doak reported that the County continues to work on the improvements to County Road 101. Presently the County is in discussions with Burlington Northern Railroad regarding the potential of lowering the railroad track bed to reduce the grade leading to the overpass bridge.

Mayor Doak reported that he attended the Minnehaha Creek Watershed District (MCWD) meeting regarding the expected high water level of Lake Minnetonka when the snow and ice melt. The water level may exceed prior historical highs. The MCWD plans to open the dam in early April. The most significant impact of the snow and ice melt will be to the property along the Minnehaha Creek. The Lake Minnetonka Conservation District is expected to declare a high water emergency and low wake restrictions around the lake.

Mayor Doak reported that he and several area Mayors met with the staff of the Minnehaha Creek Watershed District (MCWD) in an effort to find a more collegial approach to rule creation. MCWD Board Members will serve as liaison to cities in the MCWD's boundaries to improve communication with elected City Officials. Council Member Carlson has been appointed to the

MCWD Citizen's Advisory Board and will help keep Woodland informed about rule amendments, invasive species, initiatives and Stormwater controls.

Mayor Doak reported that Senator Gen Olson sponsored a bill to rework the statutory authority of cities to grant variances. The City will continue to monitor this issue at the State level.

## **COUNCIL REPORTS**

### **Public Safety**

Council Member Massie reported that the City has been receiving calls regarding coyote sightings. Police Chief Johnson stated that coyotes have not been reported to be dangerous to people. They are difficult to trap and the process is costly and in effective in reducing coyotes on a permanent basis. The DNR has some suggestions to discourage coyotes in urban areas, but has no formal control program. A notice was placed in the City newsletter asking residents to report aggressive coyote behavior to the Police Department.

### **Roads, Signs and Trees**

Council Member Rich reported that he will be working with the City Engineer on 2011 street improvements. Council Member Rich noted that he will also be putting together an inventory of street signs throughout Woodland, noting their reflectivity.

Council discussed a monthly retainer for tree service. Council agreed to continue the current fee for service relationship with Aaron's Tree Service at this time.

### **Finance, Audit, Enterprise Funds and Intergovernmental**

Council Member Carlson reported that the Metropolitan Council is currently seeking five candidates for their Board. The Governor will conduct public interviews for these seats.

### **Ordinance and Website**

Council Member Jilek reported that Herb Suerth has agreed to continue as the LMCD liaison. He will speak with Mr. Suerth regarding attending Council meetings to provide LMCD updates on a regular basis.

### **ACCOUNTS PAYABLE**

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

### **TREASURER'S REPORT**

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

### **ADJOURNMENT**

*Council adjourned by consent at 8:40 P.M.*

### **ATTEST:**

\_\_\_\_\_  
Shelley J. Souers, City Clerk

\_\_\_\_\_  
James S. Doak, Mayor



**REQUEST FOR ACTION – Consent Agenda**

**WOODLAND CITY COUNCIL**

MEETING DATE: March 14, 2011  
FROM: Shelley Souers, City Clerk  
SUBJECT: Street Sweeping

**OVERVIEW/BACKGROUND**

The past few years the City of Woodland has teamed up with Deephaven and Greenwood for street sweeping services.

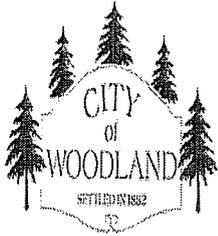
The City received 4 bids for sweeping.

The City of Deephaven, on Monday, March 7<sup>th</sup>, approved the low bidder of Allied Blacktop Company.

**COUNCIL ACTION:**

Approve the Consent Agenda which includes Allied Blacktop Company.  
\$74.00 per hour for sweeping in 2011.





## REQUEST FOR ACTION

### WOODLAND CITY COUNCIL

MEETING DATE: March 14, 2011  
FROM: Gus Karpas, Zoning Administrator  
SUBJECT: Resolution No. 4-2011; A Resolution of the City of Woodland Restricting the Transfer of Property Within the City.

#### **OVERVIEW/BACKGROUND**

Last month city staff learned that a 1982 State Statute was adopted that required counties accept all land transfers regardless if they were accompanied with an official resolution for the city approving them, unless the city has adopted a Resolution requiring that all land transfers receive city approval. As of this date, only 15 cities out of the 44 in the county have adopted such a resolution.

This is an issue because when property is transferred, the county sends a form for the city to sign approving the division, so the legal descriptions can be changed. If the city does not sign the document, the property owner who gained land still legally owns the land, but the other property owner must still pay taxes on it. This recently happened in the city of Greenwood and it took a lot of Council time to sort things out before they decided to sign the document.

The attached Resolution would require the county to differ any land transfer to the city. Once the city is contacted, it has twenty-four hours to notify the property owners if the proposed division complies with the city's ordinance or not. In the case of Woodland, no property can be transferred without city approval, therefore we would be able to easily respond to any request to transfer property.

**COUNCIL ACTION:** Staff highly recommends that the City Council approve Resolution No. 4-2011 and direct staff to file it with Hennepin County.

**CITY OF WOODLAND  
RESOLUTION NO. 4-2011**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, MINNESOTA  
RESTRICTING THE TRANSFER OF PROPERTY WITHIN THE CITY**

**WHEREAS**, Minn. Stat. § 272.162 provides that a municipality may choose to have the provision of Minn. Stat. § 272.162, which pertain to restrictions on transfers of parcels of land, applied to property within the municipality.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND**, as follows:

1. Pursuant to Minn. Stat. § 272.162, the City of Woodland hereby chooses to have the restrictions contained in that statute apply to the property within the City's boundaries.
2. The Hennepin County Auditor, Recorder and Registrar of Titles are hereby directed to reject any document for filing which does not comply with the restrictions on transfer set forth in Minn. Stat. § 272.162. These officials should not file any document which constitute a subdivision of land and which has not been approved by the City Council.
3. The City Clerk is hereby directed to file a certified copy of this resolution with the Hennepin County Auditor and Hennepin County Recorder.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF WOODLAND, MINNESOTA, THIS  
14th DAY OF MARCH 2011.**

Ayes \_\_\_\_\_, Nays \_\_\_\_\_.

By: \_\_\_\_\_  
James S. Doak, Mayor

Attest: \_\_\_\_\_  
Shelley J. Souers, City Clerk



## REQUEST FOR ACTION

### WOODLAND CITY COUNCIL

MEETING DATE: March 14, 2011  
FROM: Shelley Souers, City Clerk  
SUBJECT: Approve Monetary Limits on Tort Liability Insurance

#### **OVERVIEW/BACKGROUND**

Minnesota Statutes have established tort liability limits for municipalities that limit the amount an individual claimant can recover to no more than \$500,000 per claimant and the total amount that all claimants would be able to recover for a single occurrence in which the statutory limits apply are limited to \$1,500,000.

Every year the City must decide whether to waive or not waive monetary limits on tort liability. In the past Woodland had selected the option to not waive the monetary limits

**COUNCIL ACTION:** Motion to waive or not waive monetary limits on municipal tort liability established by Minnesota Statute 466.04.

History on waiving monetary limits on tort liability:

2005 – Do Not Waive  
2006 – Do Not Waive  
2007 – Do Not Waive  
2008 – Do Not Waive  
2009 – Do Not Waive  
2010 – Do Not Waive

Annual Insurance Cost:

2003 - \$2,752  
2004 - \$2,704  
2005 - \$3,100  
2006 - \$2,894  
2007 - \$3,078  
2008 - \$3,132  
2009 - \$2,805  
2010 - \$2,739

Most Cities do not waive the limits, so not waiving sets the limit, per claimant at \$500,000 and \$1,500,000 for all claimants per occurrence.

**SECTION I: LIABILITY COVERAGE WAIVER FORM**

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

- *If the city does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000. on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.*
- *If the city waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,500,000. on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000., regardless of the number of claimants.*
- *If the city waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.*

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

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\_\_\_\_\_ accepts liability coverage limits of \$ \_\_\_\_\_ from the League of Minnesota Cities Insurance Trust (LMCIT).

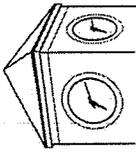
Check one:

- The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
- The city **WAIVES** the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council meeting \_\_\_\_\_

Signature \_\_\_\_\_ Position \_\_\_\_\_

*Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044*



LEAGUE OF  
MINNESOTA  
CITIES

CONNECTING & INNOVATING  
SINCE 1913

### LMCIT Liability Coverage Options

Coverage structure  If the city:	On a liability claim to which the statutory limits apply		On a liability claim to which the statutory limits do not apply
	This is the maximum amount a single claimant could recover on an occurrence.	This is the maximum total amount that all claimants could recover on a single occurrence.	
Does not have excess coverage & Does not waive the statutory limits	\$500,000	\$1,500,000	\$1,500,000
Does not have excess coverage & Waives the statutory limits	\$1,500,000	\$1,500,000	\$1,500,000
Has \$1,000,000 of excess coverage & Does not waive the statutory limits	\$500,000	\$1,500,000	\$2,500,000
Has \$1,000,000 of excess coverage & Waives the statutory limits	\$2,500,000	\$2,500,000	\$2,500,000

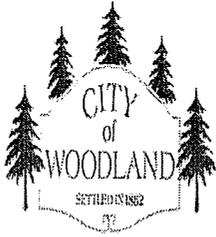
This is the maximum amount of damages which LMCIT would pay on the city's behalf for a single occurrence, regardless of the number of claimants.

LEAGUE OF MINNESOTA CITIES  
INSURANCE TRUST

145 UNIVERSITY AVE. WEST ST. PAUL, MN 55103-2044  
PHONE: (651) 281-1200 TOLL FREE: (800) 925-1122  
FAX: (651) 281-1298 WEB: WWW.LMC.ORG

# DISCUSSION

4F



## WOODLAND CITY COUNCIL

MEETING DATE: March 14, 2011  
FROM: Shelley Souers, City Clerk  
SUBJECT: Ordinance No. 04-14;

An Ordinance Relating To Public Nuisances Affecting Peace and Safety;  
Amending Section 415.01 and 415.04 of the City Code

### **OVERVIEW/BACKGROUND**

Snow removed from private property, by an owner or their agent, cannot be deposited on City property (fire alleys, public rights-of-way and public roadways).

The City Ordinance currently does not specifically include language to regulate or address this issue.

Staff prepared a draft ordinance for review and discussion. The ordinance amendment would be included in Chapter 4, addressing public safety issues, adding a new definition and subdivision.

### **COUNCIL ACTION:**

Council review and direct staff to prepare an Ordinance for a first reading at the April Council Meeting.

### **BUDGET IMPACT:**

Cost of publication of the ordinance once approved.

# *DISCUSSION*

ORDINANCE NO. 04-14

CITY OF WOODLAND  
HENNEPIN COUNTY, MINNESOTA

AN ORDINANCE RELATING TO PUBLIC NUISANCES AFFECTING PEACE AND SAFETY;  
AMENDING SECTION 415.01 and 415.04 OF THE CITY CODE

THE CITY COUNCIL OF THE CITY OF WOODLAND, MINNESOTA, ORDAINS:

Section 1. 415.01 is amended to add a new definition:

415.01 Definitions. For the purposes of this section, certain words and terms shall have the following meaning.

Subd. 4. Right-of-Way. Any property established for the use of the public for street, fire alley or highway purposes by any federal, state, county or local government, by dedication, gift or statutory use, whether developed or undeveloped, paved or unpaved.

Section 2. 415.04 is amended to read as follows:

415.04 Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety and shall be enforced by the police department and, or the zoning ~~coordinator~~ administrator:

(z) Subd. 5. Snow. It shall be unlawful for any property owner or their agent, not acting under specific direction from the City, to remove snow from private property, other public property regardless of the place of origin and to place the same upon a public street or other public property in such quantity, or in such manner, as to cause a hazard to travel, without adequate arrangement for the immediate removal thereof. The City requires removal of snow and ice deposited on public roads and right-of-ways within 24 hours. Any property owner or their agent violating this Subdivision shall be subject to an assessment equal to actual costs incurred for snow removal in order to reimburse the City for the cost of removing such snow from the public street or other public property. Such assessment shall be payable within 30 days of the date of billing by the City and, in default of payment, shall be extended as a special assessment against the property from which such snow was removed. Such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are so certified and collected. Alternatively, the City Clerk shall, upon direction from the City Council, bring suit in a Court of competent jurisdiction to recover such assessment and the costs and disbursements of said suit.

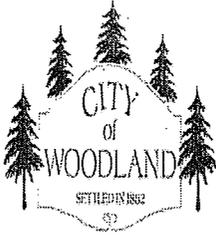
Section 2. Effective date. This ordinance shall become effective as of the date of publication.

Adopted by the City Council of Woodland on \_\_\_\_\_, 2011, and published in the Minnesota Sun Publications on \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
Shelley Souers, City Clerk

\_\_\_\_\_  
James S. Doak, Mayor



## REQUEST FOR ACTION

### WOODLAND CITY COUNCIL

MEETING DATE: March 14, 2011  
 FROM: Shelley Souers, City Clerk  
 SUBJECT: Designated Parking Zones

#### **OVERVIEW/BACKGROUND**

The City has 9 designated parking zones along certain public streets. These zones were established with the help of the City Engineer in the early 1990's to provide some parking options for resident's guests and contractors, as needed.

The City requires residents to obtain a permit from the city and post orange permit cards at the end of each zone to identify the permitted parking area. The permit is \$5 per day for one or multiple zones.

The City also encourages residents to work with neighbors for additional parking because many homes are not in close proximity to the designated parking zones.

When the zones were established, 4 foot high steel stakes were placed to mark the end of each zone. Over the years these stakes have been knocked out by snow plowing. The posts have never been replaced.

In the zones where no posts exist, residents must place their own stake or marker to affix their orange permit card to.

Questions regarding parking zones:

- 1) How many cars can fit in each zone?
- 2) Can the parking zone be expanded to accommodate more cars?
- 3) Will the city be plowing the right-of-ways in the designated parking zones to facilitate parking

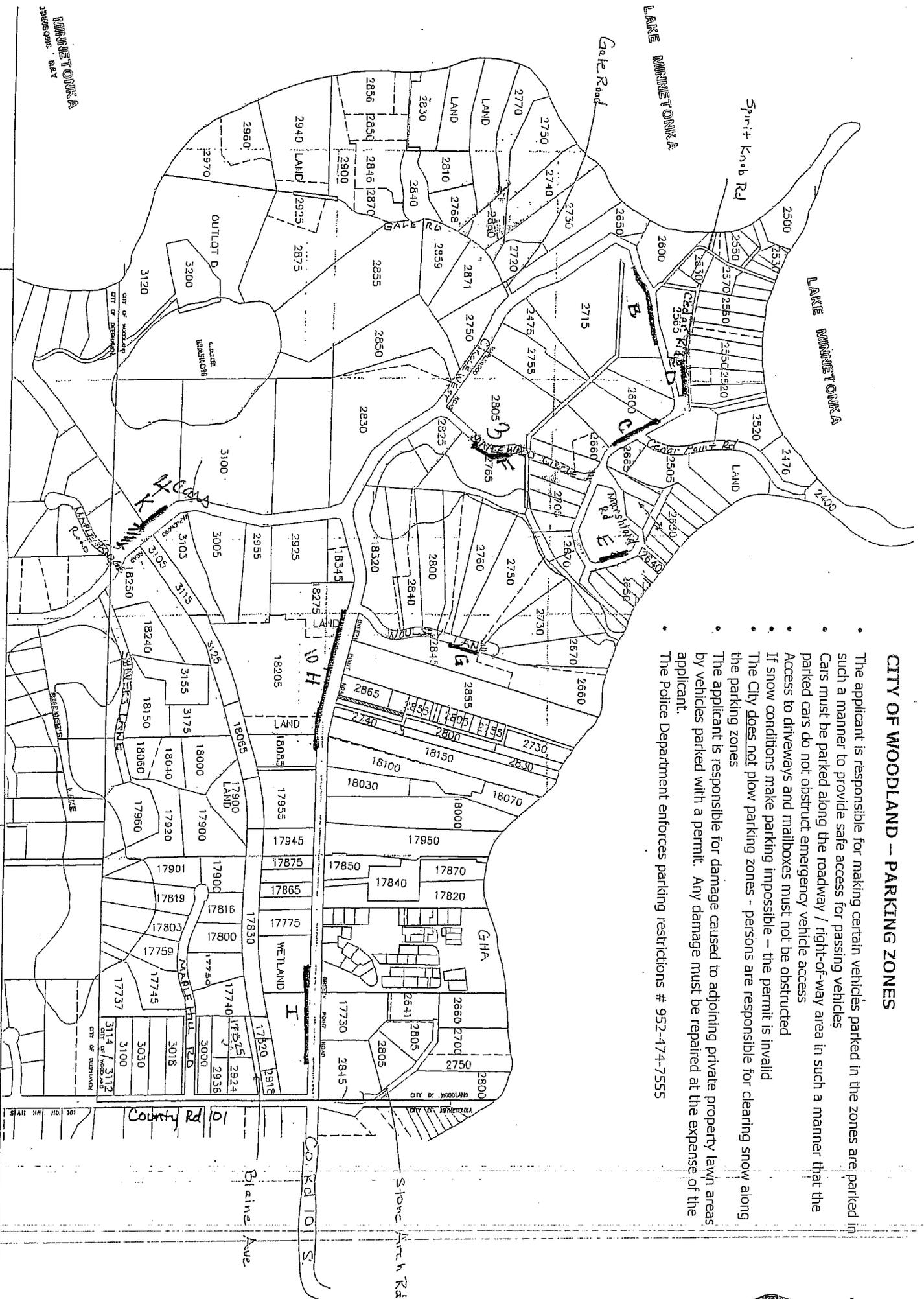
#### **BUDGET IMPACT:**

There would be a cost associated with the parking post replacement (materials and labor); depending on how many posts are missing.

**COUNCIL ACTION:** discuss the parking zones and direct staff for related action as needed.

**CITY OF WOODLAND -- PARKING ZONES**

- The applicant is responsible for making certain vehicles parked in the zones are parked in such a manner to provide safe access for passing vehicles
- Cars must be parked along the roadway / right-of-way area in such a manner that the parked cars do not obstruct emergency vehicle access
- Access to driveways and mailboxes must not be obstructed
- If snow conditions make parking impossible -- the permit is invalid
- The City does not plow parking zones - persons are responsible for clearing snow along the parking zones
- The applicant is responsible for damage caused to adjoining private property/lawn areas by vehicles parked with a permit. Any damage must be repaired at the expense of the applicant.
- The Police Department enforces parking restrictions # 952-474-7555



**BOLTON & MENK, INC.**  
 Consulting Engineers & Surveyors  
 HANOKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN  
 BURNSVILLE, MN CHASKA, MN AYER, IA  
 + Andrew Powell

CITY OF WOODLAND  
 ADDRESS MAP

**REQUEST FOR ACTION****WOODLAND CITY COUNCIL**

MEETING DATE: March 14, 2011  
FROM: Gus Karpas, Zoning Administrator  
SUBJECT: Annual Public Hearing For Woodland's Stormwater Pollution Prevention

**OVERVIEW/BACKGROUND**

In 2003, all cities in the metropolitan area were required to submit a Stormwater Pollution Prevention Plan (SWPPP) outlining the steps they would take to limit runoff into protected water bodies. This is done through the adoption of Best Management Practices (BMP's) in six categories; Public Education and Outreach on Stormwater Impacts, Public Participation/Involvement, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post-construction Stormwater Management in New Development and Redevelopment and Pollution Prevention/Good Housekeeping for Municipal Operations.

The MPCA is working on reissuance of the MS4 General Permit which will expire May 2011. The last MS4 General Permit issued was to address the new federal Phase II stormwater regulations for small MS4s. These federal rules identified an iterative process for improved stormwater management where MS4 programs are strengthened with each five year permit cycle. This permit reissuance will shift from the initial focus on permit program development to measuring implementation. Permit revisions will focus on main issues that have been identified for improvement from the existing permit with efforts to streamline and clarify permit requirements.

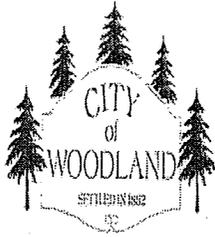
In addition, federal rulemaking is currently under way to overhaul the municipal stormwater program; USEPA plans to propose rules to control stormwater from, at minimum, newly developed and redeveloped sites. Final action on this rule is expected by December 2012. The MPCA will need to comply with the new federal rules with the 2016 MS4 General Permit reissuance."

As part of the program the city must hold annual public hearings to collect public input on the program and to document suggestions. The previous hearings have yielded no public comment.

I would encourage any Councilmember with a question to call me.

**COUNCIL ACTION:** Open Public Hearing and document comments received from the public.

6A



## REQUEST FOR ACTION

### WOODLAND CITY COUNCIL

MEETING DATE: March 14, 2011  
FROM: Shelley Souers, City Clerk  
SUBJECT: No Fault Sewer Backup Coverage

#### **OVERVIEW/BACKGROUND:**

Woodland has operated a sanitary sewer and water system since 1997. The City has liability insurance to cover damage to private property caused by a failure in the system. Consider additional No-Fault Sewer Backup Coverage. This coverage is used when there is no determination of fault for property damage.

The City applied for no-fault back up coverage through the League of Minnesota Cities Insurance Trust (LMCIT) and has been approved Woodland for coverage. The LMCIT has provided the City with three optional coverage limits and quotes.

The City's liability insurance coverage is renewed each May. Our Agent Representative, Carl Bennetsen with Northern Capital, has recommended that the City add the No Fault Backup Coverage **prior to** the renewal period. The premium will be prorated for the remaining portion of the policy to May 1 and as of the date the City approves the coverage. Beginning May 1, 2011 the City will have the coverage automatically included in the renewal policy effective May 1, 2011.

#### **Which sewer backups are covered?**

The "no-fault" coverage would reimburse the property owner for sewer backup damages or water main breaks, regardless of whether the city was legally liable, if the following conditions are met:

- The backup must have resulted from a condition in the city's sewer system or lines. A backup caused by a clog or other problem in the property owner's own line would not be covered.
- It's not a situation that is specifically excluded in the coverage.
- The coverage limit has not been exceeded.

#### **Which situations are excluded?**

The "no-fault" coverage will not apply in several "catastrophic" type situations. Specifically, these are:

- Any event, weather-related or otherwise, for which FEMA assistance is available;
- Any interruption in the electric power supply to the city's sewer system or to any city sewer lift station which continues for more than 72 hours; or
- Rainfall or precipitation that exceeds the amount determined by the National Weather Service to constitute a 100-year storm event.

**RESOLUTION NO. 05-2011**

**RESOLUTION ESTABLISHING LIMITED CLEAN UP AND  
PROPERTY DAMAGE PROTECTION FOR SEWER BACK-UPS AND  
WATER MAIN BREAKS FOR WATER AND SEWER CUSTOMERS**

WHEREAS, Woodland provides water and sanitary sewer services to property within its jurisdiction; and

WHEREAS, water main breaks may cause water to enter into property causing damage; and

WHEREAS, blockages or other conditions in Woodland's sanitary sewer lines may cause the back-up of sewage into properties that are connected to Woodland's sanitary lines; and

WHEREAS, water main breaks and sewer back-ups pose a public health and safety concern; and

WHEREAS, it is often difficult to determine the exact cause and responsibility for water main breaks and sanitary sewer back-ups, and

WHEREAS, the governing body of Woodland desires to encourage the expeditious clean-up of properties that have encountered damage from water main breaks and sewer back-ups; and

WHEREAS, the governing body of Woodland desires to minimize the potential of expensive lawsuits arising out of water main breaks and sanitary sewer back-up claims; and

WHEREAS, Woodland is a member of the League of Minnesota Cities Insurance Trust (LMCIT); and

WHEREAS, LMCIT has offered Woodland limited "no fault" sewer coverage and water main break coverage that will reimburse users of the water and sewer system for certain clean-up costs and property damage regardless of whether Woodland is at fault.

NOW THEREFORE, BE IT RESOLVED, as follows:

Woodland, as part of the contract for providing water and sewer services to the customers of Woodland, and in consideration of the payment of water and sewer bills, agrees to reimburse water and sanitary sewer customers for up to \$40,000 of clean-up costs and property damages caused by a water main break or sanitary sewer back-up, regardless of whether Woodland is negligent or otherwise legally liable for damages, subject to the following conditions:

I. Sanitary Sewer Back-Ups. For Sanitary sewer back-ups:

- A. The back-up must have resulted from a condition in Woodland sanitary sewer system or lines, and not from a condition in a private line.
- B. The back-up must not have been caused by catastrophic weather or other events for which Federal Emergency Management Assistance is available.
- C. The back-up must not have been caused by an interruption in electric power to Woodland's sewer system or to any Governmental Unit lift station, which continues for more than 72 hours.
- D. The back-up must not have been caused by rainfall or precipitation that would constitute a 100-year storm as determined by the National Weather Service.
- E. Neither Woodland nor LMCIT will reimburse any costs which have been or are eligible to be covered under a property owner's own homeowners' or other property insurance, or which would be eligible to be reimbursed under a National Flood Insurance Protection (NFIP) policy, whether or not the property owner actually has NFIP Coverage.
- F. The maximum amount that Woodland or LMCIT will reimburse is \$40,000 per building, per year. In this regard, a structure or group of structures served by a single connection to Woodland's sewer system is considered a single building.

II. Water Main Breaks. For water main breaks:

- A. LMCIT will pay for claims presented by Woodland for water main break damage to property of others which was not caused by Woodland's negligence.
- B. Neither Woodland nor LMCIT will pay for damages or expenses for which the property owner has been or is eligible to be reimbursed by any homeowners' or other property insurance.
- C. The maximum amount that Woodland or LMCIT will reimburse is \$40,000 to any claimant, regardless of the number of occurrences or the number of properties affected.
- D. Neither Woodland nor LMCIT will pay more than \$250,000 for water main break damages resulting from any single occurrence. All water main break damage which occurs during any period of 72 consecutive hours is deemed to result from a single occurrence. If the total water main break damage for all claimants in a single occurrence exceeds \$250,000, the reimbursement to each claimant will be calculated as follows:
  - 1. A preliminary reimbursement figure is established for each claimant, equal to the lesser of the claimant's actual damages or \$40,000.
  - 2. The sum of the preliminary reimbursement figures for all claimants will be calculated.
  - 3. Each claimant will be paid a percentage of his or her preliminary reimbursement figure, equal to the percentage calculated by dividing \$250,000 by the sum of all claimants' preliminary reimbursement figures.

IN WITNESS WHEREOF, Woodland, by action of its governing body, caused this Resolution to be approved on Monday, March 14, 2011.

**City of Woodland**  
Governmental Unit

By: \_\_\_\_\_

Its Mayor

And: \_\_\_\_\_

Its City Clerk

6B



March 7, 2011

Dear City of Woodland,

As you already know the delay in recycling service for the City of Woodland was caused by the weather. Waste Management out dials customers to notify them of these delays. Since the City of woodland recycling residents are not billed directly, we do not have phone numbers for each resident. We apologize for any inconvenience this may have caused.

Going forward we will be able to put all the residents on the out dial list to avoid this problem in the future. Waste Management would like to mail each resident a form to have them fill out their phone numbers and email addresses in order to get them on the list. Please let us know if you already have a phone number list otherwise we can send out the form.

Please feel free to contact me personally at (952) 895-7779 or at [ehuseman@wm.com](mailto:ehuseman@wm.com) with any additional questions or concerns. Thank you.

Best Regards,  
Eric Husemann



## Out Dial Set Up

Dear Waste Management Customer:

If you would like to receive an automated call when service may be delayed please fill out the portion below. Waste Management will notify you by phone when a delay in service may occur. This is not required, it is optional. However, you will not receive a call if Waste Management does not have the information below. Please fill out and return to Woodland City Hall.

Name: \_\_\_\_\_ (Requires for out dial)

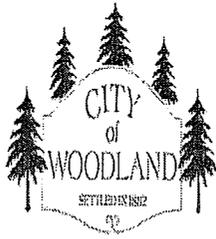
Address: \_\_\_\_\_ (Required for out dial)

Phone Number: \_\_\_\_\_ (Required for out dial)

Email Address: \_\_\_\_\_ (Optional)

# DISCUSSION

60c



## WOODLAND CITY COUNCIL

MEETING DATE: March 14, 2011  
FROM: Shelley Souers, City Clerk  
SUBJECT: Resolution Clarifying the Intent of the 1997 Enterprise Funds And Creation of Future Enterprise Funds

### **OVERVIEW/BACKGROUND**

The Sewer and Water Enterprise Funds were created at the beginning of the 1997 sewer and water system construction. These funds are separate from the General Fund.

When the 1997 sewer and water system was installed, there was a great deal of discussion regarding how all the costs would be covered and who would be responsible. It was decided that the benefitted properties would bear the full costs associated with the sewer and water construction and all subsequent operating expenses. The City assessed a portion of the costs to each user and the remaining costs were divided between users and applied to quarterly utility bills.

The sewer and water system continues to be self-supporting by the users with respect to purchased services, debt service and ongoing maintenance expenditures.

The present Council has expressed their intention that if future sewer and water improvements are created in other areas of the City, these improvements might be established by creating separate and additional enterprises for such improvements and the self funding character of the 1997 Enterprise Funds be considered as a possible model for the financial structure of any additional improvements.

### **COUNCIL ACTION:**

Review the DRAFT Resolution establishing the intent of the present Council with regard to future improvements.

RESOLUTION NO. \_\_\_\_\_-2011

**A RESOLUTION DELINEATING THE INTENT THAT COUNCIL CONSIDER SEPARATE ENTERPRISE FUNDS BE ESTABLISHED FOR FUTURE IMPROVEMENTS OF SEWER AND WATER**

**WHEREAS**, In 1997 the City of Woodland constructed a water and sewer system to serve residents located in the north eastern portion of the City; and

**WHEREAS**, the water and sewer utilities were organized as enterprises ("1997 Enterprises"), set apart from the general operation of the City of Woodland; and

**WHEREAS**, the 1997 Enterprises have been financially self supporting as to purchased services, debt service, and maintenance expenditures; that is, the enterprises have been funded by fees and assessments paid by the users of the utilities; and

**WHEREAS**, subsequent rate increase for water and sewer services were undertaken in 2011 to preserve the financially self supporting nature of the 1997 Enterprises; and

**WHEREAS**, in the future, the City of Woodland may create additional enterprises, should the need for water or sewer service arise in other areas of the City; and

**WHEREAS**, in the future, financial market conditions, regulatory requirements, and construction considerations may differ materially from current circumstances; and

**WHEREAS**, the Woodland City Council cannot mandate terms for the financing of future enterprises, but can offer suggestions;

**NOW THEREFORE BE IT RESOLVED** that the Woodland City Council requests that the self funding character of the 1997 Enterprises be considered as a possible model for the financial structure of enterprises undertaken by the City of Woodland in the future.

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

\_\_\_\_\_  
James S. Doak, Mayor

ATTEST:

\_\_\_\_\_  
Shelley Souers, City Clerk

**CITY OF WOODLAND TREASURERS REPORT**

**FEBRUARY 2011**

						<b>TOTAL</b>	
<b>FUND</b>		<b>ASSETS</b>		<b>LIABILITIES</b>		<b>FUND BALANCE</b>	
101	GENERAL	\$	180,840.93	\$	-	\$	180,840.93
401	STREET IMPROVEMENT	\$	30,843.91			\$	30,843.91
601	WATER	\$	195,629.90	\$	105,843.00	\$	89,786.90
602	SEWER	\$	707,379.73	\$	283,767.64	\$	423,612.09
		\$	<b>1,114,694.47</b>	\$	<b>389,610.64</b>	\$	<b>725,083.83</b>
EXCESS FUNDS				\$	725,083.83		
BALANCE				\$	<b>1,114,694.47</b>		
		<b>CHECKING ACCOUNT</b>		<b>SWEEP ACCOUNT</b>			
BEGINNING BALANCE		\$	(5,357.07)	\$	410,225.87		
TOTAL DEPOSITS		\$	2,418.46	\$	-		
COURT FINES - ACH DEP		\$	460.00				
ACH UTILITY PMTS		\$	2,690.60				
FEBRUARY INTEREST		\$	0.38	\$	-		
TRNFR - FUND TO CKG		\$	56,847.21	\$	(56,847.21)		
TRNFR -CKG TO FUND		\$	(4,387.06)	\$	4,387.06		
TOTAL CHECKS		\$	(50,745.39)	\$	-		
ACH UTILITY BILL SVC FEE		\$	(2.75)				
ENDING BALANCE		\$	<b>1,924.38</b>	\$	<b>357,765.72</b>		
GENERAL FUND CASH		\$	180,840.93				
STREET IMPROVEMENT		\$	30,843.91				
WATER FUND CASH		\$	(12,635.56)				
SEWER FUND CASH		\$	160,690.82				

CITY OF WOODLAND  
 TREASURER'S REPORT  
 FUND CASH BALANCES  
 2/28/2011

Fund	1/31/2011	Monthly	Monthly	Monthly	2/28/2011
	Cash Balance	Revenues	Expenses	* Liabilities	Cash Balance
General Fund	\$ 211,437.00	\$ 510.00	\$ 31,106.00	\$ -	\$ 180,841.00
Street Improvement	\$ 30,844.00	\$ -	\$ -	\$ -	\$ 30,844.00
Water * Water Loan - Principal	\$ (14,135.00)	\$ 1,742.00	\$ 242.00	\$ -	\$ (12,635.00)
Sewer * Sewer Loan - Principal	\$ 176,774.00	\$ 3,317.00	\$ 19,400.00	\$ - \$ -	\$ 160,691.00
Total	\$ 404,920.00	\$ 5,569.00	\$ 50,748.00	\$ -	\$ 359,741.00