

AGENDA
CITY COUNCIL
CITY OF WOODLAND
MONDAY, AUGUST 14, 2014
7:00 P.M.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL

Mayor Doak, Councilors Carlson, Massie, Newberry, and Rich
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 Council member or citizen so requests, in which event the item will be removed from the Consent Agenda and will be considered separately under New Business.

 - A. Minutes of the July 14, 2014 Regular City Council meeting
4. PUBLIC COMMENT

Individuals may address the City Council about any item not contained on the regular agenda. Comments should be limited to five (5) minutes. The Council may ask questions for clarification purposes, but will take no official action on items discussed with the exception of referral to staff or with the agreement of the Council may be scheduled on the current or future agenda.
5. PUBLIC HEARINGS – NONE
6. NEW BUSINESS
 - A. Continued discussion regarding a request from Richard Henry, 17960 Shavers Lane, relating to exceptions to the City of Woodland Noise Ordinance Section 455 and Nuisance Ordinance Section 415.
 - B. Introduction of an Ordinance No. O06-2014 (First Reading) amending Chapter 7, Section 705 relating to Individual Sewage Treatment Systems (ISTS).
 - C. Consideration of Resolution No. 29-2014 concerning the addition of Policy No. 3-3 relating to showcase events
 - D. First Reading of an Ordinance No. 08-2014 amending Section 407 relating to backyard chickens
 - E. Discussion relating to fire hydrant repairs and maintenance

- F. 2015 Budget and Levy Discussion
- 7. OLD BUSINESS – NONE
- 8. MAYOR’S REPORT
- 9. COUNCIL REPORTS
 - A. Newberry – Ordinances, Septic Ordinance, and Inspections
 - B. Rich – Roads, Signs, Trees, and Website
 - C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD
 - D. Massie – Public Safety and Deer Management
- 10. ACCOUNTS PAYABLE
- 11. TREASURER’S REPORT
- 12. ADJOURNMENT

- 15 minutes will be allotted for public comment. If the full 15 minutes is not needed, the Council will continue with the agenda
- The next City Council meeting will be held on September 8, 2014.

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, JULY 14, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL

Present: Mayor Doak, Council Members Carlson, Massie, Newberry, and Rich

Staff Present: Kathyne McCullum, City Clerk

3. CONSENT AGENDA

- A. Minutes of the June 4, 2014 Special City Council meeting
- B. Minutes of the June 9, 2014 Regular City Council meeting
- C. Resolution No. 21-2014 approving variances for Aaron and Heather Melsness for the property located at 2800 Breezy Heights Road.

Massie moved, seconded by Newberry to approve the consent agenda as presented.
Motion carried 5-0.

4. PUBLIC COMMENT – None.
5. PUBLIC HEARINGS – None.
6. NEW BUSINESS

- A. Request from Richard Henry, 17960 Shavers Lane, regarding the City of Woodland Noise Ordinance Section 455 and Nuisance Ordinance Section 415.

Mayor Doak introduced Richard Henry and asked him to present his request.

Mr. Henry explained that his daughter is getting married and would like to have the wedding and reception at his home. He indicated that the reception would have live music and may go until 2:00 a.m. which is past the 10:00 p.m. noise restriction. He thought the Council could grant an exception or revise the ordinance to allow for an appeals process where the restrictions could be lifted for special events, such as wedding receptions at residential properties. Mr. Henry thought that a petition process should be in place that would allow for exceptions based on special circumstances.

Council Member Newberry asked if the event could start earlier in the day and end at 10:00 p.m.

Mayor Doak asked if Mr. Henry had considered an alternate venue for the event. Mr. Henry replied that his daughter would like to be married at the home where she grew up and he did not wish to change the venue.

Mr. Henry asked if the Council would accept a petition signed by all surrounding residents in the cities of Woodland, Deephaven, and Minnetonka.

Council Member Massie explained that the loud noise is the problem and sound can travel for miles.

Mayor Doak explained that the City cannot selectively enforce the law -- all residents are entitled to equal protection under City ordinances. If there was a complaint, the City would be required to act even if a petition was signed by all surrounding property owners. He explained that the City needs to enforce the ordinance equally and this was confirmed by the City Attorney and representatives from the League of Minnesota Cities.

Mayor Doak asked if the Council felt that an ordinance amendment which would permit exceptions and include a Council hearing procedure would be appropriate.

Council Member Massie stated concern regarding how a definition of a "special event" could be developed. A special event may be defined differently by different people. Mayor Doak agreed and asked how the City would distinguish between a frivolous event and a meritorious event. He also stated that the Council needs to balance the rights of the property owners against the rights of the community as a whole.

Council Member Carlson thought that a precedent would be set if an exception was made for this request.

Mayor Doak suggested that Mr. Henry notify surrounding property owners of the event and that the music would end at 10:00 p.m. Council Member Rich agreed and thought that the live music could stop at 10:00 p.m. and the festivities could continue inside or elsewhere.

Mrs. Henry asked the Council to amend the noise ordinance to include an exception if a petition is submitted. The ordinance change could be rescinded if it does not work for the City.

Mr. Henry asked if the Council would review a draft petition. Mayor Doak answered that the Council should not get involved in drafting a petition until it has decided if this is a desirable course of action and evidences a willingness

to amend the noise ordinance. In response to a question from Mayor Doak, Mr. Henry stated that he would be speaking with the Councils of the cities of Deephaven and Minnetonka.

The Council decided that the item should be placed on the August agenda for additional discussion.

- B. Request from Mark Lovaas for a backyard chicken permit for the property located at 17840 Breezy Point Road

Mayor Doak indicated that Council Member Newberry inspected the coop and run and the structures meet the ordinance requirements in all respects. He said due to summer foliage, the structures cannot be seen by neighbors or from Lake Minnetonka and should be inspected again after the leaves fall to find if the neighbors request additional screening as defined in the ordinance.

Newberry moved, seconded by Rich to approve the request from Mark Lovaas for a backyard chicken permit for the property located at 17840 Breezy Point Road. Motion carried 5-0.

- C. Report from Kurt Larsen regarding the City's septic inspections.

Mayor Doak welcomed Mr. Larsen and asked how the inspections are going.

Mr. Larsen stated Woodland is heading in the right direction in providing education to residents along with the inspections. He said most of the systems are in good condition and there are several new systems in the City. Mr. Larsen indicated most residents are positive about the inspections.

Council Member Carlson said the City's inspection process is viewed very positively by the Minnehaha Creek Watershed District. She explained that no other city in the District performs inspections.

The City Council members thanked Mr. Larsen for his work.

- D. Authorization for the Mayor and City Clerk to execute an agreement between the City of Woodland and the City Assessor, Daniel R. Distel.

Rich moved, seconded by Newberry to authorize the Mayor and City Clerk to execute an agreement between the City of Woodland and the City Assessor, Daniel R. Distel. Motion carried 5-0.

- E. Discussion regarding a potential City Council policy relating to "showcase" events.

Mayor Doak provided a brief overview of the item. He stated that the policy would ensure that applicants are aware of the City's expectations and existing laws and they would be put on notice that the laws need to be followed.

The Council stated support for the new policy. It was noted that a resolution to adopt the policy needed to be approved by the Council and it was scheduled for the August meeting.

F. Discussion relating to potential revisions to Section 407 regarding backyard chickens.

Mayor Doak presented an overview of the proposed amendments. He stated that the current ordinance limits the maximum area for coops and runs to a total of 150 square feet, but specifically defines the square footages for each of the coop and the run. Mayor Doak stated that the ordinance revision would establish a maximum combined square footage area for both the coop and the run without setting separate dimensions for each.

Mayor Doak explained that the proposed ordinance language would also require Council approval of all coops and runs before they are built. Applicants would submit scaled drawings thirty days prior to Council consideration, and a permit to keep chickens would be issued prior to the construction of the structures.

The Council agreed that the revisions should be made and requested that the item be placed on the August agenda.

Mayor Doak explained that the Council placed a condition of approval on the Dittmer/Gustner backyard chicken request that additional vegetative screening be placed to screen the structures in the winter months. Ms. Dittmer and Mr. Gustner were present and agreed to placing plantings. Mr. Gustner noted that the plants could not be placed until the flood waters recede.

7. OLD BUSINESS – None.

8. MAYOR'S REPORT

Mayor Doak reported on the following:

The City Council candidate filing will begin on July 27.

The City's website has been substantially updated with new information.

The City's summer newsletter looked good.

There is a new 10-year Mediacom franchise contract.

A list of items that need to be accomplished on the Storm Water Management Plan has been drafted. The City Engineer has been asked to provide the status of each item on the list.

The 2015 budget has been drafted and the Council will be discussing it at the August meeting.

The Scenic Byway program continues to be discussed by some cities and other cities have stated that they will not be participating. The City of Woodland has not approved the program but is willing to be included in further discussions. Mayor Doak will be attending a Scenic Byway program meeting on July 30.

Work on the deer management program is proceeding.

The Council may wish to consider a revision to the City's tree policy to permit removal of Ash trees and replacing them with other hardwood trees of certain caliper size.

The City's official bank, TCF, has imposed substantial service fees on the City. The Council requested that staff look into other banks that have no or lower service fees.

9. COUNCIL REPORTS

A. Newberry – Ordinances, Septic Ordinance, and Inspections – NONE.

B. Rich – Roads, Signs, Trees, and Website

Council Member Rich reported that he and City Engineer Dave Martini visited the flooded area on Breezy Point Road. He noted the wetlands in that area are saturated and the water was not receding. Mr. Martini recommended the road be closed to delivery trucks because they are too heavy and may cause damage to that area of the road.

After discussion, the Council agreed that it should review the feasibility of raising the road to mitigate flooding in that area. This could be done along with the Breezy Point Road project next year.

Council Member Rich said that he would continue to work with the City Engineer to find the cost of adding this improvement to the Breezy Point Road overlay project.

C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD

Council Member Carlson reported on the following:

Bow hunting for carp is taking place on Lake Minnetonka. This is not legal and the police are enforcing the law when possible.

Stricter laws are in place for railroad companies that carry crude oil and other hazardous materials. It is expected that cities will need to address materials spills as part of emergency management.

Home sprinklers are required for homes over 4,500 [?] square feet beginning in January, 2015.

The Minnehaha Creek Watershed District Citizens' Advisory Board is reviewing the process that was used in the termination of the former District Administrator by the Board of Managers.

D. Massie – Public Safety and Deer Management

Council Member Massie reported that he is working with Mayor Doak and Gus Karpas on finding property owners who are willing to place traps on their properties. He said that he has found one resident who is willing, but noted that at least two more are needed.

Council Member Massie noted that the DNR and the City's deer management contractor has requested that the City consider suspending trapping, given the low yields in recent years.

10. ACCOUNTS PAYABLE

Newberry moved, seconded by Rich to approve the Accounts Payable as presented. Motion carried 5-0.

11. TREASURER'S REPORT

Newberry moved, seconded by Rich to approve the Treasurer's Report as presented. Motion carried 5-0.

12. ADJOURNMENT

Rich moved, seconded by Newberry to adjourn the meeting. Motion carried by consensus. The meeting adjourned at 9:00 p.m.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF AUGUST 14, 2014

Agenda Item 6. A.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Continued discussion regarding a request from Richard Henry, 17960 Shavers Lane, relating to exceptions to the City of Woodland Noise Ordinance Section 455 and Nuisance Ordinance Section 415.

Background

Mr. Henry attended the July 14, 2014 meeting and made a request to the City Council regarding exceptions to the City's Noise Ordinance Section 455 and Nuisance Ordinance Section 415. The Council decided that the item should be placed on the August agenda for additional discussion.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF AUGUST 14, 2014

Agenda Item 6. B.

TO: Honorable Mayor and Members of the City Council

FROM: Kathrynne McCullum, City Clerk

New Business

SUBJECT: Discussion relating to an Ordinance No. O06-2014 Amending Chapter 7,
Section 705 - Individual Sewage Treatment Systems (ISTS).

Background

The Minnesota Pollution Control Agency (MPCA) completed an update to Minnesota rules governing Subsurface Sewage Treatment Systems (SSTS) in 2008 and 2011. In March, 2014, the Hennepin County Board adopted an updated ordinance (No. 19) that coincides with the State Statute.

Review

Council Member Newberry reviewed the City's ordinance against the ordinance that was approved by the County Board and made necessary revisions based on the County requirements and the City's needs.

The Minnesota Pollution Control Agency reviewed the draft and had several comments (e-mail attached). The draft was then forwarded to the City Engineer for additional review and comment. The final draft from the City Engineer is attached.

Recommendation

Review the draft and direct staff to place the ordinance on the September 8 meeting agenda for First Reading.

CITY OF WOODLAND
HENNEPIN COUNTY, MINNESOTA
AN ORDINANCE NO. 006-2014 AMENDING CHAPTER 7, SECTION 705 OF
THE CITY OF WOODLAND'S CODE OF ORDINANCES

THE CITY OF WOODLAND, MINNESOTA ORDAINS:

Section 1. Repeal. Ordinance Chapter 7, Section 705, Individual Sewage Treatment Systems, of the Woodland City Code is hereby repealed in its entirety.

Section 2. Addition. The following ordinance language is added to the City of Woodland Code of Ordinances as Chapter 7, Section 705, Subsurface Sewage Treatment Systems:

SECTION 705 SUBSURFACE SEWAGE TREATMENT SYSTEMS

705.01 Purpose. This ordinance is enacted to provide minimum standards for the regulation of subsurface sewage treatment systems (SSTS) including: their proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair for the purpose of protecting surface water and groundwater from contamination by human sewage and waterborne household wastes; the protection of the public's health and safety; and the elimination and prevention of the development of public nuisances, pursuant to the authority granted under Minn. Stat. Chapters 115 and 145A and Minnesota Rules Chapter 7080, 7081 and 7082 as amended that may pertain to sewage and wastewater treatment. All sewage generated in unsewered areas of the City shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this ordinance or by a system that has been permitted by the MPCA.

Sewage discharge to ground surface or surface water. It is unlawful for any person to construct, maintain, or use any wastewater treatment system regulated under this ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted by the MPCA under the National Pollutant Discharge Elimination System program.

705.02 Objectives. The principal objectives of this Ordinance are as follows:

Subd. 1. The protection of lakes, wetlands, and groundwater essential to the promotion of public health, safety, welfare.

Subd. 2. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.

Subd. 3. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.

Subd. 4. The appropriate utilization of privy vaults and other non-water carried SSTS.

Subd. 5. The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through technical assistance and education, plan reviews, inspections, SSTS surveys and complaint investigation.

705.03 Definitions.

Subd. 1. "City". The City of Woodland and its designated agent who shall be a qualified employee or licensee.

Subd. 2. SSTS. Subsurface Sewage Treatment System as defined in Minn. R. 7080.1100, subp. 82.

Subd. 3. ISTS. An individual sewage treatment system as defined in Minn. R. 7080.1100, subp. 41.

Subd. 4. MSTS. A Mid-sized Subsurface Sewage Treatment System as defined in Minn. R. 7081.0020, subp. 3.

Subd. 5. Other Establishment. Any private or public structure, other than a dwelling, that generates sewage having characteristics other than residential-type waste or has an average waste flow greater than 2,000 gallons per day and discharges to a SSTS.

Subd. 6. "Owner". The fee owner(s) and, if applicable, the contract-for-deed purchaser. Ownership interests shall be determined by reference to the records of Hennepin County. The owner of each lot served by a SSTS is responsible for the lawful operation and maintenance of each SSTS.

Subd. 7 System Types.

- (a) Type I system. A SSTS designed according to Minn. R. parts 7080.2200 to 7080.2240, as may be amended.
- (b) Type II system. A SSTS designed according to Minn. R. parts 7080.2250 to 7080.2290, as may be amended.
- (c) Type III system. A SSTS designed according to Minn. R. 7080.2300, as may be amended.
- (d) Type IV system. A SSTS designed according to Minn. R. 7080.2350, as may be amended.
- (e) Type V system. A SSTS designed according to Minn. R. 7080.2400, as may be amended.

705.04 Standards Incorporated by Reference. This Ordinance hereby incorporates by reference Minnesota Rules Chapter 7080 and 7081, as may be amended.

705.05 Administration by the City.

Subd. 1. The City shall have the following duties and responsibilities:

- (a) To review all applications for SSTS.
- (b) To issue all required permits.
- (c) To conduct construction inspections and to perform all necessary tests to determine its conformance with this Ordinance.

- (d) To investigate complaints regarding SSTS.
- (e) To conduct compliance inspections and to issue Certificates of Compliance or Notices of Noncompliance where appropriate.
- (f) To issue Stop Work Orders and Notices of Violation pursuant to this Ordinance.
- (g) To take complaints to the Municipal or County Attorney for violations of this Ordinance.
- (h) To maintain proper records for SSTS including site evaluation records, design records including calculations and summaries for all system component sizings and as-builts, complaints on noncompliance, compliance inspections, site evaluations, applications and exhibits, variance requests, issued permits, Certificates of Compliance, and enforcement proceedings.
- (i) To submit annual reports to the MPCA to demonstrate enforcement of this Ordinance per Chapter 7082.0040 Subpart 5.

Subd. 2. Neither the issuance of permits, Certificates of Compliance nor Notices of Noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provision of these standards and regulations.

705.06 Permitting.

Subd. 1 Required Permits. A permit from the City is required before any SSTS in the City is installed, replaced, abandoned, altered, repaired, rejuvenated or extended, or if the addition of a bedroom to an existing home is proposed. Installation, replacement, alteration, repair, or extension of a SSTS or the addition of a bedroom to an existing home shall not begin prior to the receipt of a permit from the City for each specific installation, replacement, alteration, repair or extension pursuant to this Ordinance. Such permits are not transferable as to person or place. Such permits shall expire 12 months after date of issuance. Upon request of an inspector, permits shall be provided by the permittee at the time of inspection.

Subd. 2. Permits Not Required. Permits shall not be required for the following activities:

- (a) Repair or replacement of pumps, floats or other electrical devices of the pump.
- (b) Repair or replacement of baffles in the septic tank.
- (c) Installation or repair of inspection pipes and manhole covers.
- (d) Repair or replacement of the line from the building to the septic tank.
- (e) Repair or replacement of the line from the septic tank or pump chamber to the distribution box or lines.

Subd. 3. Permit Application. All applications for a SSTS permit shall include the following information:

- (a) Name and address of property owner.
- (b) Property identification number.

- (c) Legal description of the property.
- (d) SSTS Designer name, address, telephone number and State MPCA license number; (or City qualified employee name and number).
- (e) SSTS Installer name, address, telephone number and MPCA license number.
- (f) Site evaluation report on forms approved by the City.
- (g) System design with full information including applicable construction information on forms approved by the City.
- (h) The location of at least one designated additional soil treatment area that can support system as described in Minn. R. parts 7080.2200 through 7080.2230 or site conditions described in Minn. R. 7081.0270, subps. 3 through 7, on lots created after January 23, 1996.
- (i) A management plan as described in Minn. R. 7082.0600 and this ordinance; and
- (j) Any other information requested pertinent to the process.

Subd. 4. Operating Permit. An operating permit is required for all treatment systems installed under Minn. R. 7080.2290 (holding tanks), Minn. R. 7080.2350-2400 (Type IV & V Systems), and Minn. R. ch. 7081 (MSTS). Sewage shall not be discharged to a treatment system requiring an operating permit until the City certifies that the treatment system was installed in substantial conformance with the approved plans, receives the final record drawings of the SSTS, and a valid operating permit is issued to the owner.

The operating permit shall be valid for twelve months and renewed by the expiration date. The City shall review all required monitoring data submitted from the previous year and the renewal application before approving any subsequent operating permits. An operating permit shall include:

- (a) A detailed description of the operation, maintenance, and monitoring, reporting and compliance limits and boundaries necessary to ensure both continued system performance as designed and protection of public health and the environment for the life of the system;
- (b) A requirement that the person responsible for monitoring notify the City when monitoring plan requirements are not met;
- (c) A disclosure of the location and condition of the additional soil treatment and dispersal system;
- (d) A stipulation of acceptable and prohibited discharges; and
- (e) The signatures of the system designer and owner.

Subd. 5 Operating Permit Compliance Monitoring.

- (a) Performance monitoring of a SSTS with an Operating Permit shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the Operating Permit.

- (b) A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of the maintenance and servicing activities performed since the last compliance monitoring report as described below:
1. Owner name and address;
 2. Operating permit number;
 3. Average daily flow since last compliance monitoring report;
 4. Description of type of maintenance and date performed;
 5. Description of sample taken (if required), analytical laboratory used, and results of analyses;
 6. Problems noted with the system and actions proposed or taken to correct them; and
 7. Name, signature, license and license number of the licensed professional who performed the work.

705.07 License requirements. All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS located in the City must be completed by a business licensed by the state under Minn. R. ch. 7083, an appropriately certified qualified employee, or a person exempted under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I). Individuals exempt from a state SSTS license under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I) must follow all applicable local, state, and federal requirements.

705.08 Application Review and Determination. If after consideration of the application for a permit, the City determines that the proposed work complies with provision of this Ordinance, the City shall issue a written permit granting preliminary approval authorizing initiation of the work as proposed. If the City determines that the proposed work will not comply with the provisions of this Ordinance, the City shall deny the permit application. The permit application may be revised or corrected and resubmitted to the City for reconsideration.

705.09 Variances. Variances to wells and water supply lines require approval from the Minnesota Department of Health. The City may grant variances to the technical standards and criteria of Minnesota Rules, Chapter 7080 or this Ordinance. However, the City is prohibited from granting variances to:

- (a) Minn. R. 7080.2150, subp. 2.
- (b) Minn. R. 7081.0080, subps. 2 to 5, however, variances may be granted to Minn. R. 7081.0080, subp. 4(D)(1) for the replacement of MSTs serving existing dwellings or other establishments.
- (c) Flow determinations under Minn. R. 7081.0110 if the deviation reduces the average daily flow from more than 10,000 gallons to 10,000 gallons per day or less.

All requests for a variance shall be requested in writing to the City on forms approved by the City.

705.10 Periodically Saturated Soil Disagreements.

- (a) If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTS design or compliance purposes, all disputing parties must follow the procedure outlined in this subpart.
1. The disputing parties must meet at the disputed site in an attempt to resolve differences.
 2. If the provision does not resolve the differences, then
 - (i) Obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of, and agreed upon by, both parties.
 - (ii) If opinions rendered do not resolve the dispute, all initial and follow-up documents and information generated must be submitted to the City. The City shall take into consideration all information and opinions rendered and make a final judgment. The City shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions it renders.
- (b) If a documented discrepancy arises on the depth of the periodically saturated soil between a SSTS licensed business and the City for SSTS design or compliance purposes, all disputing parties shall follow the procedure outlined in this item.
1. A representative of the City and the licensed business must meet at the disputed site in an attempt to resolve differences.
 2. If the provision does not resolve differences, then the SSTS licensed business may obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of, and agreed upon by, both parties.
 3. If still unresolved, the City shall take into consideration all information and opinions rendered and make a final judgment. The Health Authority shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions they render.
- (c) Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the City and all other parties involved.

705.11. Construction Inspections

Subd. 1. Requirements. Compliance inspections shall be conducted by the City anytime a SSTS is installed, replaced, altered, repaired, or extended. The installation and construction of the SSTS shall be in accordance with the permit requirements and application design. If any SSTS component is covered before being inspected by the City, it shall be uncovered if so ordered by the City. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the City prior to construction. Inspections shall be conducted at least once during the construction that is prior to covering of the SSTS to assure that the system has been constructed per the submitted and approved design.

Subd. 2. Inspector. Compliance inspections for construction, replacement, alteration or repair work on SSTS shall be conducted by the City.

Subd. 3. Request for Inspection. It shall be the duty of the permittee to notify the City of the date and time the inspection is requested at least 24 hours (excluding weekend days and holidays) preceding the requested inspection time. If the permittee provides proper notice as described above and the City does not appear for an inspection within two hours after the time scheduled, the permittee may complete the installation and submit an As-built for the system.

Subd. 4. Access to Premises and Records. Upon the request of the City, the applicant, owner, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this Ordinance. If entry is refused, the City shall have recourse to the remedies provided by law to secure entry. No person shall hinder or otherwise interfere with the City in the performance of their duties and responsibilities pursuant to the enforcement of this Ordinance. Refusal to allow reasonable access to the City shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

Subd. 5. Stop Work Orders. Whenever any SSTS work is being done contrary to the provisions of this Ordinance, the City may order the work stopped by verbal or written notice served upon the installer or the owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the City.

Subd. 6. As-builts. As-builts shall be submitted to the City within five (5) working days of completion of the work on the SSTS on forms provided or approved by the City. The As-built shall include photographs of the system prior to covering and a certified statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects. If an As-built is not submitted, the City may require the uncovering of the system for inspection.

Subd. 7. Inspection Reports. A Certificate of Compliance or Notice of Noncompliance shall be prepared by the City following an inspection or review of As-builts submitted in accordance with Subd. 6. A Certificate of Compliance or Notice of Noncompliance shall include a signed statement by the inspector identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules. A copy of the Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner within 30 days of the compliance inspection and a copy kept on file with the City.

- (a) Certificates of Compliance issued by the City for new construction and replacement shall be valid for five (5) years from the date of the compliance inspection or As-built certification unless the City or licensed inspector identifies the system as an Imminent Public Health Threat.
- (b) Notices of Violation may be issued with Notices of Noncompliance when the Health Authority determines that new construction, replacement or repairs are not in compliance with this Ordinance.

705.12 Maintenance Inspections.

Subd. 1. Inspection; classification. For purposes of insuring continued proper use and maintenance of all systems, the City will cause each system to be inspected by and as often as the maintenance inspector deems appropriate, but in all cases at least once every two years. This applies to all systems in the City, including those operated under a management plan. Such maintenance inspections are not performed for the specific purpose of

determining system compliance, as described in Minn. R. 7080.1500, and a certificate of compliance will not be issued as a result of such maintenance inspections. However, if the maintenance inspector determines, based on the maintenance inspection, that a system is non-compliant, the City may issue a certificate of non-compliance.

Subd. 2. Right of Entry. The maintenance inspector shall have the free right of entry onto every property in the City at all reasonable times, for purposes of inspecting its system to determine the need for septic tank maintenance in accordance with Minn. R. 7080.2450. Failure of any party to grant the City access for this purpose shall be grounds to classify any system as not in compliance with this section. The City Attorney will thereafter take such action as is necessary to enable the maintenance inspector to perform the inspection and to enforce all the provisions of this section, Minn. Stat. Chapter 115 and Minn. Rules Chapter 7080 and 7081, and to assess the cost thereof against the property.

Subd. 3. Inspection Report. Within 7 days after the inspection of each system, the maintenance inspector will provide the results of said inspection in writing to the owner of the system, with a copy to the City. The report will contain measurements of the scum, water level and sludge in the septic tank and a statement as to the condition of the baffles in the tank if the system is already in use. The report will include orders for pumping, cleaning or other maintenance as appropriate.

Subd. 4. Pumping. The maintenance inspector will require each septic tank or holding tank to be pumped for the removal of septage whenever measurement of the tank indicates that the top of the sludge layer in the tank or any compartment thereof is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. Total sludge and scum volume must not be greater than 25% of the tank's liquid capacity. In addition, the maintenance inspector will require all holding tanks to be pumped as frequently as necessary to prevent overflowing, and will require that non-compliant systems be regularly pumped to limit or eliminate effluent discharge until satisfactory repairs have been completed, and a certificate of compliance has been issued. Pumping of tanks must be performed by a licensed maintenance business. Licensed maintenance businesses must abide by the requirements described in Minn. R. 7083.0770, subp. 2. All written reports required by Minn. R. 7083.0770, subp. 2 must be provided to the homeowner and the City within 30 days after any maintenance work is performed.

705.13 Existing Systems.

Subd. 1. Requirements. The City shall require a compliance inspection of an existing system whenever:

- (a) In designated Shoreland Management or Wellhead Protection Areas, an application for any type of building or land use permit is made.
- (b) The City deems a compliance inspection necessary, including, but not limited to, upon receipt of information of a potential SSTS failure or Imminent Health Threat.
- (c) An additional bedroom on the property is requested. If a request for an additional bedroom is received between November 1 and April 30, the governing municipality may issue a building permit immediately with the contingent requirement that a compliance inspection of the existing SSTS shall be completed by the following June 1 and the applicant submits a certificate of compliance by the following September 30.

Subd. 2. Inspector. Only the City or Licensed Inspector, shall conduct an inspection when a compliance inspection is required for an existing SSTS.

Subd. 3. SSTS built before April 1, 1996, outside of areas designated as shoreland areas or wellhead protection areas must have at least two feet of vertical separation between the bottom of the soil infiltrative surface and the periodically saturated soil and/or bedrock. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

Subd. 4. SSTS built after March 31, 1996, or SSTS located in a shoreland area or wellhead protection area must have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Unless otherwise determined by the City, existing systems that have no more than a 15 percent reduction to the minimum required 36 inch separation distance are considered compliant. (i.e., a separation distance no less than 30.6 inches). This reduction is to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

Subd. 5. Abandonment of Existing Systems. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose is prohibited.

Abandonment shall be completed in accordance with Minn. R. 7080.2500.

Subd. 6. Inspection Reports. A copy of the Certificate of Compliance or Notice of Noncompliance resulting from a compliance inspection shall be provided to the property owner and the City within 30 calendar days of inspection.

Subd. 7. Certificates of Compliance issued by a licensed SSTS Inspector for an existing system shall be valid for three (3) years from the date of the compliance inspection unless the City or licensed inspector identifies the system as an Imminent Public Health Threat.

Subd. 8. A Notice of Noncompliance shall be issued in the following circumstances and the conditions noted in violation of this Ordinance shall be remedied as follows:

- (a) A SSTS determined to be failing shall be upgraded, replaced, or repaired in accord with Minnesota Rules Chapter 7080 or 7081, within three (3) years, or its use is discontinued. The City, at its discretion, may grant an extension of an additional two (2) years.
- (b) A SSTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired within 10 months. The City will give consideration to weather conditions in determining compliance dates. If a SSTS is determined to be a public health nuisance by the City, the City may order the owner of the SSTS to cease use immediately and not allow use of the SSTS until it is corrected in accordance with the recommendations of the City.

705.14 Violations.

Subd. 1. Cause to Issue a Notice of Violation. Noncompliance with this Ordinance by an applicant, permittee, installer or other person, as determined by the City, shall constitute a violation.

Subd. 2. Serving a Notice of Violation. The City shall serve, in person or by mail, a Notice of Violation upon any person determined to be not in compliance with this Ordinance.

Subd. 3. Contents of a Notice of Violation. A Notice of Violation shall contain the following:

- (a) A statement documenting the findings of fact determined through inspections, reinspection or investigation.
- (b) A list of specific violation or violations of this Ordinance.
- (c) The specific requirements for correction or removal of the specified violation(s).
- (d) A mandatory time schedule for correction, removal and compliance with this Ordinance.

Subd. 4. Notification of MPCA. The City shall in accordance with state law notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed person or any pumping by a licensed pumper performed in violation of the provisions of this Ordinance.

705.15 Additional Standards for Health and Environmental Protection.

Subd. 1. Siting of a SSTS. Notwithstanding any state or federal requirements, the separation distance from a SSTS to a Type 3, 4, 5 or 6 wetland shall be no less than fifty (50) feet.

Subd. 2. SSTS in Flood Plains. No permit shall be issued for SSTS located in a floodway and wherever possible, located within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements of Minn. R. 7080.2270 and all relevant local requirements are met.

705.16 Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells as defined in the Code of Federal Regulations, title 40, part 144, are required to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property transfer disclosures.

705.17 Holding Tanks. Holding tanks may be used for the following applications only after it can be shown conclusively by the property owner that a SSTS permitted under this ordinance cannot be feasibly installed:

- (a) As a replacement for an existing failing SSTS;
- (b) For a SSTS that poses an imminent threat to public health or safety; or
- (c) For use with buildings with limited water use.

705.18 Determination of Hydraulic Loading Rate and SSTS Sizing. Table IX from Minn. R. 7080.2150, subp. 3(E) entitled Loading Rates for Determining Bottom Absorption Area for

Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions and Table IXa from Minn. R. 7080.2150, subp. 3(E) entitled Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests and herein adopted by reference shall both be used to size SSTS infiltration areas using the larger sizing factor of the two for SSTS design.

705.19 Administration. The provisions of this section will be administered by the City Clerk, who shall serve as the City, and the maintenance inspector, who together shall coordinate all permit applications and inspection services. The City will consult with and/or retain a professional engineer as appropriate with respect to review and evaluation of technical matters including system design and installation as provided herein.

705.20 Enforcement.

Subd. 1. Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both, as defined by law. Each day in violation may constitute a separate violation.

Subd. 2. In the event of a violation of this Ordinance, in addition to other remedies, the City or Municipal Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

705.21 Fees. The City shall from time to time establish fees for activities undertaken by the City pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the City.

705.22 Severability. If a provision or application of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

Section 3. Effective date. This ordinance shall become effective as of the date of publication.

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

ATTEST:

Kathryne McCullum, City Clerk

James S. Doak, Mayor

