

CITY OF WOODLAND

Meeting Date: April 14, 2014  
Motion:

Resolution No. 17-2014  
Second:

RESOLUTION NO. 16-2014 ESTABLISHING  
A MAILBOX REPAIR POLICY

**WHEREAS**, the City Council of the City of Woodland wishes to establish specific guidelines that the City of Woodland will use to determine responsibility for repair of mailboxes and associated mounting posts, damaged during snow plowing operations; and

**WHEREAS**, the City Council has determined that mailbox installation and support, on-going maintenance, and conformity with current US Postal standards are the responsibility of the homeowner.

**WHEREAS**, the City Council has determined that the City will not accept responsibility for damage to mailboxes and posts from the pressure of snow generated in the process of snow removal or storage.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Woodland, Minnesota hereby adopts Resolution 17-2014 establishing a mailbox repair policy.

**ADOPTED BY** the Woodland City Council on April 14, 2014 upon the following vote:

	Yes	No	Abstain	Absent
Mayor Doak				
Councilor Carlson				
Councilor Massie				
Councilor Newberry				
Councilor Rich				

State of Minnesota

County of Hennepin

CITY OF WOODLAND

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

I, Kathryn A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on April 14, 2014, now on file in my office and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Woodland, Minnesota, the 15<sup>th</sup> day of April, 2014.

Attest: \_\_\_\_\_  
Kathryn A. McCullum, City Clerk

CITY OF WOODLAND  
CITY COUNCIL POLICY  
DAMAGE TO MAILBOXES

**PURPOSE**

The purpose of this policy is to establish specific guidelines that the City of Woodland will use to determine responsibility for repair of mailboxes and associated mounting posts, damaged during snow plowing operations.

**POLICY**

The City has directed its snow plowing contractor to exercise special care when plowing snow in the vicinity of mailboxes located at the side of the road. Despite this standard of care, some mailboxes may be damaged during the snow removal season. The City has found that in most cases, it is the weight of the snow coming off the plow or wing blade which damages a mailbox or the post upon which it is set.

**GENERAL POLICY GUIDELINES**

- Mailbox installation and support, on-going maintenance, and conformity with current US Postal standards, are the responsibility of the homeowner. Recognizing the extreme nature of the Minnesota winter climate, homeowners should use materials when constructing mailboxes that will withstand the force of snow windrow off the end of a snowplow as well as the pressure of snow pushed to the shoulder of the road to provide safe passage and visibility in the roadway. Proper maintenance of mailboxes and posts is an obvious necessity..
- Although the City's contractor will make a reasonable effort to minimize snow accumulation in front of mailboxes, homeowners are primarily responsible for keeping their mailboxes clear of snow to facilitate delivery and pickup of mail.
- The City will not accept responsibility for damage to mailboxes and posts from the pressure of snow generated in the process of snow removal or storage.
- The City or its snow plowing contractor will assume responsibility for damage to mailboxes and posts when it can be clearly demonstrated that they have been struck by the City plow. In such case the City may, at its option, repair or replace the mailbox and supporting post.
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- The City's responsibility shall be limited to the cost of replacement with a standard U.S. Post Office approved, metal mailbox and a plain, sturdy post or the installed cost of these items. Decorative and premium priced mailboxes and posts will not be replaced in-kind.

Council Policy No.  
Adopted by Council:  
Resolution 17-2014

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF APRIL 14, 2014

**Agenda Item 3. E.**

**Consent Agenda**

TO: Honorable Mayor and Members of the City Council  
FROM: Kathryne McCullum, City Clerk  
SUBJECT: Resolution No. 18-2014 supporting the on-going discussions relating to the Scenic Byway Program

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**Background**

On March 10, 2014, the Council heard information relating to the Scenic Byway Program as proposed by the City of Wayzata. At the meeting, Mayor Doak recommended that the Council support the on-going discussions on the program, as the Council should hear more about the program before making a final decision. Mayor Doak also explained that the City has no obligation to participate in the program, but the City Council may wish to engage in the initial discussions in order to obtain more input from other communities so it may make an informed decision.

**Recommendation**

Adopt Resolution No. 18-2014 supporting on-going discussions relating to the Scenic Byway Program.

## CITY OF WOODLAND

Meeting Date: April 14, 2014  
Motion:

Resolution No. 18-2014  
Second:

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### RESOLUTION AUTHORIZING A FEASIBILITY STUDY FOR A LAKE MINNETONKA SCENIC BYWAY CONCEPT

**WHEREAS**, the State of Minnesota has a scenic byway system with twenty one (21) designated state scenic byways, but none of the roads around Lake Minnetonka are included in a state scenic byway; and

**WHEREAS**, the designation of a state scenic byway route imposes no financial or legal requirements on the participating jurisdictions, except the individual marketing and branding efforts determined by each jurisdiction, and that no new billboards are allowed along the route; and

**WHEREAS**, participating communities within a designed scenic byway may apply for funding through the Federal Transportation Alternatives Program (TAP) for eligible activities such as on-road and off-road trail facilities, historic preservation and rehabilitation efforts, and environmental mitigation, with a local match of twenty percent (20%); and

**WHEREAS**, there are fourteen (14) Lake Minnetonka area communities (City of Minnetonka Beach, City of Woodland, City of Deephaven, City of Tonka Bay, City of Minnetrista, City of Excelsior, City of Mound, City of Greenwood, City of Victoria, City of Spring Park, City of Minnetonka, City of Shorewood, City of Wayzata, and City of Orono; and

**WHEREAS**, representatives from some of the fourteen (14) Lake Minnetonka area communities, Minnesota Department of Transportation's (MNDOT) Office of Scenic Byway Programs, Three Rivers Park District, Hennepin County, and the Minnehaha Creek Watershed District (MCWD) met on February 24, 2014 to initiate a discussion and a fact finding effort on the potential of a Lake Minnetonka area state scenic byway; and

**WHEREAS**, at the conclusion of the February 24, 2014 meeting, the attendees agreed to bring forward a discussion of the Lake Minnetonka area scenic byway concept to their respective cities and jurisdictions to determine if there was support for pursuing the initiative further; and

**WHEREAS**, the attendees agreed to provide a response from their jurisdiction by June 1, 2014 on whether or not their jurisdiction was interested in further study of the feasibility of the Lake Minnetonka area state scenic byway; and

**WHEREAS**, this response on further studying the feasibility of the state level scenic byway concept does not formally commit a jurisdiction to a potential state-level scenic byway application at this time; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Woodland City Council supports the further study of the feasibility of the Lake Minnetonka area state scenic byway concept; and

**BE IT FINALLY RESOLVED**, that the Woodland City Council recommends that a stewardship group of interested members from the above listed jurisdictions be created to further study the feasibility of the Lake Minnetonka area state scenic byway, and report back to all interested jurisdictions periodically with their findings.

**ADOPTED BY** the Woodland City Council on April 14, 2014 upon the following vote:

	Yes	No	Abstain	Absent
Mayor Doak				
Councilor Carlson				
Councilor Massie				
Councilor Newberry				
Councilor Rich				

State of Minnesota

County of Hennepin

CITY OF WOODLAND

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

I, Kathryn A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on April 14, 2014, now on file in my office and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Woodland, Minnesota, the 15<sup>th</sup> day of April, 2014.

Attest: \_\_\_\_\_  
Kathryn A. McCullum, City Clerk

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF APRIL 14, 2014

**Agenda Item 6. B.**

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

**New Business**

SUBJECT: Discussion concerning potential ordinance amendments to Chapter 4 of the City's Code of Ordinances regarding false alarms

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**Background**

Chapter 4 of the City's ordinance references false alarms. There are many confusing cross references between fire call and false entry alarm fees and associated appeal and collection provisions. In addition, the ordinance does not differentiate between the police and fire departments. The attached draft ordinance language provides clarification on all of those points.

**Recommendation**

Discuss the draft ordinance amendments, and direct staff place the item on the May 12, 2014 agenda for potential adoption.

**CITY OF WOODLAND  
HENNEPIN COUNTY, MINNESOTA**

**AN ORDINANCE NO. 002-2014 AMENDING CHAPTER 4, SECTIONS 430 AND 445  
OF THE CITY OF WOODLAND CODE OF ORDINANCES  
THE CITY OF WOODLAND, MINNESOTA ORDAINS:**

**Section 1.** Chapter 4, Section 430 of the City Code is hereby amended. Additions are underlined and deletions are ~~stricken~~.

SECTION 430 FIRE CALL RESPONSE PREVENTION

430.01 Outside Fire Service. The officers and employees of a city, and any members of a volunteer fire department of a city, that the City of Woodland contracts with for fire service, are authorized to enter upon private property within the City of Woodland for the purpose of extinguishing any fire in response to a call.

430.02 Fire Call Service Fee.

(a) The City of Woodland shall collect from the owner of record of the property requiring a fire response a portion of whatever sum the City is obligated to pay to the city providing fire protection, whether the fire call was real, a false alarm, or an unintentional call.

(b) Fees for all fire calls (real, false alarm, or unintentional) are set by the City Council and specified in Section 305.02 of the City's Code of Ordinances.

(c) Upon receipt of a fire call notice from the city, providing fire service to Woodland, the City Clerk shall notify the owner of record of the property requiring a fire response that a fire call service fee is due.

(e) An owner of record charged a fire call service fee may make a written appeal to the Council within 10 days of receipt of notice from the City that a fire call service fee is due. The City Council, at its next meeting, shall make a determination as to whether the appellant is to be charged for the fire call.

(d) All fees charged to the property owner are due and payable to the City Treasurer 30 days after either a notice in writing from the Clerk or 30 days following a determination by the City Council that a fee is due, if a later date. If the required payment is not made within 60 days of such notice or determination, an additional delinquency charge of \$100 will be added and will be payable by the owner.

430.03 Certification of Delinquent Payments. All unpaid charges shall be a lien upon the premises when due. All charges which on September 30 of each year are more than 60 days past due shall be certified by the City Clerk to the County Auditor to be extended by the Auditor on the tax rolls against the premises in the same manner as other taxes, and shall be collected by the County and paid to the City.

430.034 Allocation of Costs Among Properties. If the Council determines that a property in the vicinity of a fire has been protected or saved from damage by the fire department of a city that the City of Woodland has a contract with, the City Council may allocate a portion of the fire call service fee to the property in the vicinity of the fire on whatever basis the City Council deems just and equitable. The owner of property against which a portion of the fee has been allocated will be obligated to reimburse the City of Woodland for whatever amount the City Council has allocated to the property, in the same manner as prescribed in Subsection 430.02.

**Section 2.** Chapter 4, Section 445 of the City Code is hereby amended. Additions are underlined and deletions are ~~stricken~~.

## SECTION 445 FALSE ALARMS – POLICE

445.01 General Definitions. For the purposes of this section, certain words and terms shall have the following meanings:

- (a) Alarm User. This means the person, firm, partnership, association, corporation, a company or organization of any kind in control of any building, structure, or facility where an alarm system is maintained.
- (b) Alarm System. This means and includes any alarm installation designed to be used for the prevention or detection of burglary, robbery, fire or a medical condition on a premises which contains the alarm installation. Auto alarm devices shall not be considered an alarm system under this section. An alarm which alerts an alarm user on the premises and requires the user to make a personal inspection of the premises and then a personal phone call to the Police or Fire Department (such as a smoke and CO detector or automobile alarm) is not considered an alarm system under this section.
- (c) False Alarm. This means an alarm signal eliciting a response by Police personnel when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence or deliberate act of the owner or lessee of the alarm system or of his/her employees or agent. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

445.02 False Alarm Fees. If an alarm user has been notified of an alarm system which reports three false alarms to the City in a single calendar year, the alarm user will be charged a user fee as specified in Section 305.02 (Establishment of Fee Amounts) of the City's Code of Ordinances.

445.03 Notice of False Alarm. Upon receipt of the first false alarm report at an address, the Police Department shall by mail attempt to notify the alarm user of the provisions of this ordinance. Upon receipt of the fourth and all subsequent false alarm reports at the address, the City Clerk shall notify the alarm user that an alarm user fee is due.

445.04 Appeal of Fee. Any alarm user charged the user fee under Section 445.02 as a result of false alarms may make a written appeal to the Chief of Police within 10 days of notice by the City of the false alarm fee. A decision by the Chief of Police may be appealed within 10 days of notice of the decision to the City Council, who will have authority to make a determination as to whether the appellant is to be charged with the false alarm.

445.05 Payment of Fees. Payment of user fees must be made to the City Treasurer within 30 days of either the date of notice by the City to the alarm user or the completion of the appeal process. Failure to pay the fee within 30 days will cause the alarm user to be charged an additional service fee as specified in Section 305.02 (Establishment of Fee Amounts) of the City's Code of Ordinances.

445.06 Certification of Delinquent Payments.. All delinquent charges for user's fees shall be a lien upon the premises. All charges which are on September 30 of each year more than 60s days past due; shall be certified by the City Clerk to the County Auditor to be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and shall be collected by the County and paid to the City.

445.07 Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the City may institute appropriate action or proceeding, including requesting injunctive relief to prevent, restrain, correct, or abate such violation or threatened violation.

445.08 Civil Action. In addition to all other legal remedies, if a person fails to comply with the provisions of this ordinance, the City may recover costs, damages, or alarm user fees in a civil action in any court of competent jurisdiction.

**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

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF APRIL 14, 2014

**Agenda Item 6. C.**

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

**New Business**

SUBJECT: Discussion concerning potential ordinance amendments

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**Background**

Mayor Doak has asked that the Council review and discuss any revisions it wishes to make on the attached ordinances.

**Discussion Item No. 1- Section 450 – Emergency Management**

450.01 POLICY AND PURPOSE

Subd. 1. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure or other major incidents, and in order to insure that preparations of the City will be adequate to deal with such disasters and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary.

- a) To establish a City emergency management organization responsible for City planning and preparation for emergency government operations in time of disasters.
- b) To provide for the exercise of necessary powers during emergencies and disasters.
- c) To provide for the rendering of Mutual Aid between the City, and other political subdivisions with respect to the carrying out of emergency preparedness functions.
- d) To comply with the provisions of Minnesota Statutes, Chapter 12, known as the Minnesota Emergency Management Act of 1996.
- e) To participate as a member of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee review and accept its emergency plan as the City's basic plan for responses to emergencies, disasters, major incidents, Mutual Aid and other projects consistent with this ordinance and Minnesota Statutes, Chapter 12.

## 450.02 DEFINITIONS

Subd. 1. "Emergency Management" means the preparation for and the carrying out of all emergency functions, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps or other major incidents. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical mitigation, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency Management includes those activities sometimes referred as "Civil Defense" or "Emergency Preparedness" functions.

Subd. 2. "Disaster" means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in major loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Subd. 3. "Emergency" means an unforeseen combination of circumstances, which calls for immediate action to respond, or prevent from developing or occurring.

Subd. 4. "Emergency Management Forces" means the total personnel resources engaged in city-level emergency management functions in accordance with the provision of this resolution or any rule or order thereunder. This includes personnel from City departments, authorized volunteers, and private organizations and agencies.

Subd. 5. "Emergency Management Organization" means the staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides City liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities, major incidents, Mutual Aid, and other projects consistent with this ordinance and assures implementation of federal, state, county and other program requirements.

Subd. 6. "Major Incident" means any incident which exhausts local resources.

Subd. 7. "Emergency Management Mutual Aid" means any disaster or major incident which requires the dispatching of City personnel, equipment or other necessary resources within or without the city limits.

Subd. 8. "Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee" (*L.M.R.E.M.P.P.R.C.*) means a committee made up of the Lake Minnetonka area emergency management directors which develops, renews and establishes a basic emergency plan, and identifies and coordinates training for member communities and reviews local plans, exercises, major incidents and disaster responses which are consistent with Section 450.

## 450.03 ESTABLISHMENT OF AN EMERGENCY MANAGEMENT ORGANIZATION

Subd. 1. There is hereby created with the City government an Emergency Management Organization, which shall be under the supervision and control of the Emergency Management Director, hereinafter called the "director". The director shall

be appointed by the Mayor. (*The L.M.R.E.M.P.P.R.C. recommends the Chief Law Enforcement Officer be appointed the director*). The director shall have

direct responsibility for the organization, administration and operation of the emergency preparedness organization.

#### 450.04 POWERS AND DUTIES OF THE DIRECTOR

Subd. 1. The director shall represent the City at any regional or state conference for Emergency Management. The director may develop additional Mutual Aid agreements with other political subdivisions of the state for reciprocal emergency management Aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the City for its action. Such arrangements shall be consistent with the Emergency Plan. The director shall also be the City's representative on the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee.

Subd. 2. The director shall make assessments of personnel, businesses and industries, resources and facilities of the City as deemed necessary to determine their adequacy for Emergency Management and to plan for their most efficient use in time of an emergency, major incident or disaster.

Subd. 3. The director shall prepare a comprehensive emergency plan for the emergency preparedness of the City and shall present such plan to the City for its approval. When the Council has approved the plan by resolution, it shall be the duty of all City agencies and all emergency preparedness forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the basic Emergency Management activities of the City to the end that they shall be consistent and fully integrated with the basic emergency plan of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee, and Federal and State Governments.

Subd. 4. In accordance with the Emergency Plan, the director shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the Emergency Plan when a disaster, major incident or Mutual Aid occurs.

Subd. 5. The director, during an Emergency, Major Incident or Mutual Aid, shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, cooperative with and extend such services and facilities to the Emergency Management organization. The head of each department or agency in cooperation with the director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

Subd. 6. The director shall, in cooperation with the existing departments and agencies affected, assist in the organizing, recruiting and training of such Emergency Management personnel that may be required on a volunteer basis to carry out the emergency plans. To the extent that such emergency personnel are recruited to augment a regular department or agency for emergencies, they shall be assigned to

such departments or agencies and shall be under the administration and control of said department or agency.

Subd. 7. The director shall carry out all orders, rules and regulations issued by the governing authority with reference to emergency management.

Subd. 8. The director shall prepare and submit such reports on emergency preparedness activities as may be requested by the governing authority.

#### 450.05 LOCAL EMERGENCIES

Subd. 1. The Mayor or their legal successors may declare a local Emergency, including a Disaster, Major Incident or Mutual Aid response. It shall not be continued for a period in excess of three days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local Emergency shall be given prompt and general publicity and shall be filed promptly by the clerk of the local records-keeping agency of the subdivision.

Subd. 2. A declaration of a local Emergency shall invoke necessary portions of the response and recovery aspects of applicable plans including fiscal expenditures, which are consistent with this ordinance.

Subd. 3. No other jurisdictional agency or official may declare a local Emergency unless expressly authorized by the agreement under which the agency functions.

#### 450.06 EMERGENCY REGULATIONS

Subd. 1. Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the City Council, the Council may by resolution promulgate regulations, consistent with the applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

Subd. 2. Every resolution of emergency regulations shall be in writing: shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the City Administrator, which copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the Administrator's office shall be conspicuously posted at the front of the city hall or other headquarters of the City or at such other places in the affected area as the Council shall designate in the resolution. By like resolution, the Council may modify or rescind any such regulation.

Subd. 3. The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent such conflict exists.

Subd. 4. During a declared emergency, the director is, notwithstanding any statutory or charter provision on the contrary, empowered through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The director may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

#### 450.07 EMERGENCY MANAGEMENT A GOVERNMENTAL FUNCTION

Subd. 1. All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

#### 450.08 PARTICIPATION IN LABOR DISPUTE OR POLITICS

Subd. 1. The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute. The director may express professional opinions on legislative or other legal regulations consistent with the areas found in Minnesota Statutes, Chapter 12.

#### 450.09 AUTHORIZING DISPATCH AND USE OF CITY EQUIPMENT AND SERVICES BY THE DIRECTOR IN EMERGENCY SITUATIONS (MUTUAL AID)

Subd. 1. The City finds it desirable and necessary to authorize the director to dispatch City equipment and personnel to local communities who request Aid to combat their emergency, disaster, or major incident consistent with Section 450.

Subd. 2. The director shall evaluate the internal needs of the City, and dispatch appropriate available Aid. The director shall immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists, or earlier, when it appears in the best interest of the City. Aid requested from outside the Lake Minnetonka Regional area, or extended local Aid within the Lake Minnetonka regional area, shall require Mutual agreement between the director and the city Manager/Administrator or their designee.

Subd. 3. The director shall be fully authorized to act on behalf of the City, and all provisions for compensation of personnel, rental of equipment, liability insurance coverage, workman's compensation insurance and all other safeguards and matters pertaining to the City, its equipment and personnel, shall apply in each case as if specifically authorized and directed at such time, whether or not the governing body or authority of the place in which the disaster, major incident, Mutual Aid, or other occurrence exists, has previously requested and provided for assistance and the use of equipment and personnel under a Mutual protection agreement or other type protection agreement within the City.

## ELECTED OFFICIAL'S ROLE IN EMERGENCY MANAGEMENT

When a disaster occurs or is imminent, the City responds by implementing our Emergency Operations Plan. The elected official's roles will vary. Management of a disaster includes keeping citizens and responders warned and informed, have basic public services quickly restored, and have the individual's needs met.

The Emergency Management Director (Police Chief) under the Mayor will be responsible for providing overall direction and control of City government resources involved in the response to an emergency, disaster or major incident.

Direction and control of a response to a disaster will be carried out at the Emergency Operations Center (EOC) or at the scene.

What are the Elected Officials duties?

1. In the event of an emergency you would be asked to meet at the EOC.
2. Officials May be asked to sign Emergency Declarations/Resolutions
3. The Mayor or other elected official may be asked to be the Public Information officer.
4. Elected officials provide community briefings. Sections of the city will be broken up and the official will meet with the citizens. Give citizens updates on the incident.
5. Assure Coordination of volunteers- set-up a meeting location. Advise them where to go.
  - could be volunteers from inside or outside the community. Register the volunteers, create logs.
6. Assist with logistical preparation. Such as supplies, food, and shelter for area residents.
7. Assist with financial considerations. Documentation of costs, claims and incident activity.
8. Confer with neighboring officials from other communities to assure coordination of services.
9. Organize community meetings and notifications - give updates to citizens.

In the event of an emergency you will be asked to meet at the EOC. The EOC will be an off-site/on-site location. The off-site location is currently South Lake Minnetonka Police/Fire station. Once there you will be given updates concerning the incident. You will be given status briefings from the incident commander.

**DISCUSSION:** Mayor Doak requested that the City Council members become familiar with the Emergency Management Ordinance and the duties of the Council in the event of an emergency.

**Discussion Item No. 2 - Chapter 5, Vehicles, Traffic and Streets**

a) 500.04. Seasonal weight restrictions. During the spring of each year, the Zoning Administrator will set a period of time, typically from March 1 to May 1, restricting the travel of vehicles in excess of 8,000 pounds gross weight per axle on any street within the City, unless a permit has been obtained from the Zoning Administrator or their authorized agent. The permit fee is established in Chapter 3 of this code. Said permit shall be issued subject to such restrictions and conditions as the Zoning Administrator deems appropriate, including the posting of a cash deposit or performance bond to guarantee the repair of any damages resulting the use of the City roadways. The dates and duration of the City's seasonal weight restrictions shall be as set by the Zoning Administrator. The only vehicles exempted from the provisions of this Section shall be those enumerated in Section 500.03.a.

The application must be in writing and the applicant must show good cause for the permit. In addition, the application must specifically describe the vehicle or vehicles, loads to be moved, particular streets for which the permit is requested and the period of time for which the permit is requested. If a permit is issued, limitations and conditions of operation of the vehicle or vehicles may be prescribed to prevent undue damage to streets. The permit must be carried in the vehicle to which it refers and the vehicle will be open to inspection by any police officer or authorized agent of the Chief of Police.

**DISCUSSION:** Should the City allow flexibility in the spring weight restrictions if the weather permits, e.g., consistently below freezing temperatures?

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**Discussion Item No. 3 - 500.05, Subd. 4. (c) – Parking Zones and Snow Plowing**

(c) Cars must at all times be parked sufficiently off the road so as to provide a lane wide enough for the unimpeded passage of emergency vehicles. If heavy snowfall or other conditions prevent off-pavement parking or otherwise make roadside parking unsafe, the Chief of Police will cancel the permit.

**DISCUSSION:** Should the ordinance better define that the City does not plow parking zones?

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**Discussion Item No. 4 – Zoning - 900.02 Definitions**

Subd. 46. Wetland means the areas crosshatched on the Wetland Maps dated March, 1988 on file with the City Clerk, and made a part of this Code by reference.

Section 900.09, Subd. 4 (g) – Setback from Wetlands

(g) The minimum distance between any portion of a structure and a wetland is 25 feet.

**DISCUSSION:**

- Should the definition of wetlands be modified?
- Should the ordinance include stricter setbacks from wetlands? (The setback from wetlands was amended from 35' to 25' on September 10, 2001.)

**Discussion Item No. 5 - Section 900.09, Subd. 4 (d) Lakeshore – Lake Minnetonka**

- (d) The minimum distance between any portion of a structure and the shore of Lake Minnetonka is the greater of:
  - a. 75 feet, measured from the Ordinary High Water Level.
  - b. 75 feet, measured from the elevation of 929.4 feet above sea level.
  - c. 70 feet, measured from any shoreline improvement, including but not limited to riprap, seawall, or retaining timber.

The measurement will be based on survey(s) submitted to the City of Woodland or Minnehaha Creek Watershed District on or after August 10, 2009. If such surveys show different locations for the Ordinary High Water Mark, elevation of 929.4 feet above sea level, or shoreline improvement(s), the survey resulting in the greatest setback shall be used.

**Section 900.09, Subd. 4 (e) Lakeshore – Shaver's Lake/Lake Marion**

- (e) The minimum distance between any portion of a structure and the shore of Shaver's Lake or Lake Marion is 50 feet measured from the ordinary high water line.

**DISCUSSION:** Should the setback for all lakes in the City be consistent?

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**Discussion Item No. 6 - 900.02 Definitions - Guesthouses**

Subd. 17. Guesthouse means a structure used as a dwelling for non-paying guests or persons employed on the premises.

**900.04 Permitted Uses, Subd. 2, (b)**

- (b) Accessory structures, uses and equipment necessary or incidental to a one-family dwelling, including public and private ways and easements, essential services, guesthouses complying with Section 900.12, Subd. 3, garages for use of the persons residing on the premises, pump houses, swimming pools, spas, hot tubs, recreational sports courts, and other structures for yard, garden and private recreational purposes or ornamentation subject to the following:
  - (1) An accessory use may not be dangerous, obnoxious or offensive to persons residing in the vicinity, or impair the use, enjoyment or value of any property.
  - (2) No accessory structure may be rented or leased for any purpose.
  - (3) No accessory structure may be constructed on a lot prior to construction of the main building on the lot.
  - (4) An accessory structure shall be considered as part of the main building if the connection between the accessory structure and main building is

above grade, fully enclosed with a full frost footing and has a minimum width equal to twenty five percent of the longest dimension of the accessory structure to be attached. In no case shall the length of the connection exceed fifty percent of the longest dimension of the accessory structure to be attached.

- (5) No accessory structure shall be erected or located within any required setback or utility easement. All minimum setback requirements shall be the same for accessory structures as they are for main buildings. All accessory structures shall be located on that side of the main building opposite the front lot line, except that in the case of a lakeshore lot, all accessory structures (except gazebos, hot tubs, pool houses, pump houses, spas and pools) shall be located on that side of the main building opposite the lakeshore.

900.12, Additional Requirements; Structures in Yards.

Subd. 3. Guesthouses. The following requirements shall be applicable to guesthouses:

- (a) a guesthouse is not permitted on any lot less than 2 acres in size;
- (b) a guesthouse must not cover more than 700 square feet of land surface and must not exceed 20 feet in height;
- (c) a guesthouse must be designed or located to reduce its visibility from public waters by use of vegetation, topography, increased setbacks or color (assuming summer leaf-on conditions).

**DISCUSSION:** Should 900.12, Subd. 3 include an additional clarification that guesthouses are accessory structures?

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**Discussion Item No. 7. – Zoning**

900.11 Minimum Floor Area. Except in the Assembly Grounds, no main building erected, constructed, established or structurally altered as a dwelling unit may have a first floor area (exclusive of garages or other accessory buildings) of less than 1,200 square feet for a one-story building or a first floor area of less than 800 square feet for a building one and one-half or more stories.

**DISCUSSION:** Should the minimum floor area of a main building be revised?

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**Discussion Item No. 8 – Sewer and Water – Responsibility Clarification**

Sewer

1205.08 Liability. Each user or owner is responsible for maintaining and cleaning the sewer connection from his house to the sewer main. The City will not be liable for any stoppages in the sewer system. Each user must provide a suitable back water valve to prevent flooding of basements in the event of sewer stoppage. The property owner is responsible for all

maintenance and repairs to the sanitary sewer service line between the street main and the building being served.

## Water

Subd. 5. Stop Cock. A stop cock accessible from the surface through a sleeve without digging must be placed outside in a box at the property line, and a shutoff or other stop cock with waste of the size and strength required must be placed close to the inside wall of the building, well protected from freezing. All stop boxes and cocks must be approved by the City. All stop boxes at the property line must be set in front of the building intended to be supplied or as approved by the City.

1205.08 Liability. Each user or owner is responsible for maintaining and cleaning the sewer connection from his house to the sewer main. The City will not be liable for any stoppages in the sewer system. Each user must provide a suitable back water valve to prevent flooding of basements in the event of sewer stoppage. The property owner is responsible for all maintenance and repairs to the water service line between the street main and the building being served.

**DISCUSSION:** Should the underlined language (or similar language) be added to the ordinance?

## **Recommendation**

Request staff to make appropriate revisions, prepare an ordinance for consideration at the May 12, 2014 City Council meeting, and publish for a public hearing on the Chapter 9 ordinance amendments.

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF APRIL 14, 2014

**Agenda Item 6. D.**

**New Business**

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Discussion relating to general housekeeping ordinance amendments

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**Background**

Staff reviewed the code of ordinances and found that there are several areas in the ordinance where the Council may wish to address to either fix grammatical or consistency issues or further clarify the intent of certain portions of the ordinance. These are considered general "housekeeping" amendments.

The following pages contain the ordinance language and comments that include questions that the Council may wish to discuss relating to each ordinance section. At this time, the Council is requested to review the ordinance language and comments and discuss any potential revisions that may be needed.

**Recommendation**

Request staff to make appropriate revisions, prepare an ordinance for consideration at the May 12, 2014 City Council meeting, and publish for a public hearing on the Chapter 9 ordinance amendments.

ORDINANCE – 200 – ADMINISTRATION OF CITY GOVERNMENT

SECTION 200.06 – SUBD. 2 – (MINUTES APPROVAL)

Subd.2. Approval. The minutes of each meeting will be reduced to typewritten form and will be signed by the Mayor and Clerk.

**COMMENT: To be consistent with current practice, the Council may wish to revise this paragraph to include the signature of the Mayor.**

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SECTION 210 OFFICES OF CLERK AND TREASURER

210.01 The Clerk-Treasurer The offices of Clerk and Treasurer of the City are combined in the office of Clerk-Treasurer and the duties of the Clerk-Treasurer will be performed as provided by City Code and State Law.

**COMMENT: Treasurer is not spelled correctly – May be changed administratively.**

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ORDINANCE – 200 – ADMINISTRATION OF CITY GOVERNMENT

SECTION 220 MORATORIUM ON BUILDING PERMITS

220.01. Purpose. Pursuant to applicable Minnesota Statutes and pursuant to authority and direction from the Council, the City will be conducting studies for the purpose of considering amendment of its official controls, as defined in Minnesota Statutes, Section 462.352, Subd. 15 relating to shoreland and floodplain management. The studies will consider what amendments of the City's Code of Ordinances may be appropriate in relation to structures and alterations of topography and vegetation within a specified distance of the lakes and wetlands within the City. The amendments and official controls being studied will consider, among other things, the need and desirability of regulating, controlling and restricting development within shoreland and floodplain areas, and the terms and conditions of such restrictions, regulations and controls. While the amendments and new official controls are being considered, the City may be asked to consider proposals for construction of buildings or other alterations and applications for permits. Therefore, in order to protect the planning process and the health, safety and welfare of the citizens of Woodland and without in any way restricting the City's power to amend its official controls in a matter consistent with Woodland's community interests, customs and values, it is necessary and desirable to impose the following moratorium pursuant to the authority granted by Minnesota Statutes, Section 462.355, Subd. 4.

220.02. Moratorium. From the effective date of this Ordinance to and including February 28, 1993, subject to earlier termination or extension by the City Council, the City Council, the Building Official, and the City staff of the City of Woodland shall not grant any permits, or accept any applications or requests for any permits, for the construction of any building, or addition to or alteration of any building, or for any grading, filling or other topographical alteration, which would be contrary to the shoreland management provisions of Minnesota Statutes, Section 103F.201

through 103F.221 and Minnesota Rules 6120.2500 through 5120.3900, and the floodplain management provisions of Minnesota Statutes, Section 103F.101 through 103F.155 or Minnesota Rules 6120.5000 through 6120.6200. Notwithstanding the fact that such State provisions are not a part of the City Code, and without limiting the City's power to enact only those shoreland and floodplain management provisions deemed suitable for Woodland, the City Council may during the time this Moratorium is in effect refuse to grant any such permits, applications, or requests unless the City Council has granted a variance from such State shoreland or floodplain management provisions using the same procedures and requirements as set forth in Section 900.14 of the City Code. If during the time this moratorium is in effect any such State provision is inconsistent with any provision of the City Code, the more restrictive provision will apply.

**COMMENT: The moratorium ordinance was adopted on June 8, 1992. The intent of the ordinance was to delay the issuance of building permits until the study on the Shoreland Ordinance (Ordinance 900.10) was completed. The moratorium ordinance was to terminate on February 28, 1993 "subject to earlier termination or extension by the City Council".**

**On November 2, 1992, the study was completed and the amended Shoreland Ordinance was adopted by the City Council. No action was taken to terminate or extend the moratorium.**

**If the Council agrees, this chapter may be deleted from the Code of Ordinances.**

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ORDINANCE – 400 – PUBLIC HEALTH AND SAFETY

405.02 – KEEPING PROHIBITED.

Subd. 2 Exempted Animals.

(a) small rodents under (15 pounds) housed indoors.

**COMMENT: Should this state "five (5) pounds"? A 15 pound rodent seems excessive.**

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SECTION 407 BACKYARD CHICKENS - 407.01, Subd. 5, Private Restrictions and Covenants on Property

Subd. 5. Private Restrictions and Covenants on Property. Notwithstanding the issuance of a license by the City, private restrictions or covenants on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, neighborhood association by-laws, and covenant declarations. A permit issued to a person whose premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

**COMMENT:**

**Covenants differ from zoning ordinances in that they are between private parties rather than between a governmental entity and a private party. Thus, a neighborhood association or single homeowner may enforce a covenant as against another homeowner, rather than**

a city enforcing a zoning ordinance against a private citizen. Another difference is that zoning ordinances are regulations recorded as local laws "on the books," whereas covenants are recorded in private deeds, either as deed restrictions or as neighborhood compacts between private parties. Because covenants are voluntary, they may be more restrictive than zoning ordinances.

The City is not in a position to enforce private residential covenants. The City cannot void a permit/license based on private covenants if all ordinance requirements are met. Covenants are contracts made between private parties as to how land may be used. The City should not take part in contracts made between private parties. It is a matter the association or private property owners must address as a private legal matter.

However, there is existing language found in the ordinances pertaining to setback requirements and screening of the chickens and this language inherently prohibits the keeping of chickens in certain areas in the City.

For the reasons above relating to covenants and the fact that existing ordinance language restricts the keeping of chickens by setback and screening requirements, Subd. 5 may be deleted as follows:

*Delete:*

~~Subd. 5. Private Restrictions and Covenants on Property. Notwithstanding the issuance of a license by the City, private restrictions or covenants on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, neighborhood association by-laws, and covenant declarations. A permit issued to a person whose premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.~~

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ORDINANCE – 900 – ZONING

900.02 – SUBD. 19 – HARDSHIP

Subd. 18. Hardship has the meaning given that term in Minnesota Statutes, Chapter 462.

Subd. 3. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:

- (a) That the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner;
- (c) The variance, if granted, will not alter the essential character of the locality.
- (d) Economic considerations alone do not constitute practical difficulties.
- (e) For existing developments, not served with municipal sewer and water, a complying

sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

**COMMENT: The word “Hardship” is stated in the definitions section. “Practical Difficulties” is stated in 900.14, but is not in the definitions section. The Council may wish to replace “hardship” with “Practical Difficulties” – however, placing “Practical Difficulties” in the definitions is not required.**

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#### **900.01 Purpose, Scope, and Interpretation**

Subd. 2. Scope. The use of all land and every ~~building~~ structure and the erection of any structural alteration of any building or portion of a building in the City shall be in conformity with the provisions of Chapter 9.

Subd. 38. Structure, Accessory means a subordinate building structure, the use of which is incidental to that of the main building located on the same lot.

**COMMENT: The Council reviewed and approved several amendments to Chapter 9 (zoning) last year. The intent of the Council at that time was to revise the above sentences to replace the word “building” with the word “structure”. The change at this time would be consistent with the actual Council approval.**

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#### **900.06 Permit for Alteration of Non-Conforming Structure.**

Subd. 5. Effect of Permit. If an alteration for which a permit is granted under this Section is not commenced within a period of 12 months after the permit is issued, the permit will expire. If the permit provided for in this Section is granted, and the alteration is commenced within 12 months, the permit will run with the title to the property for which it was granted so long as the alteration for which it was granted continues to exist. If that alteration is destroyed or removed, the permit will automatically expire. The City may impose additional conditions in specific instances to protect the health, safety, and welfare.

**COMMENT: Councilor Newberry asked that this sentence be added to Subd. 5 and will speak more on the item at the meeting.**

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#### **OTHER**

#### **900.04 – SUBD. 2. (b) (1) PERMITTED USES – ACCESSORY USE**

**“obnoxious or offensive”**

#### **900.04 Uses in the Residential Districts.**

Subd. 2. Uses Permitted. The following uses are permitted within the City:

- (a) One-family dwellings.
- (b) Accessory structures, uses and equipment necessary or incidental to a one-family dwelling, including public and private ways and easements, essential services, guesthouses complying with Section 900.12, Subd. 3, garages for use of the persons residing on the premises, pump houses, swimming pools, spas, hot tubs, recreational sports courts, and other structures for yard, garden and private recreational purposes or ornamentation subject to the following:
  - (1) An accessory use may not be dangerous, obnoxious or offensive as determined by the City Council, ~~to persons residing in the vicinity~~, or impair the use, enjoyment or value of any property.

**COMMENT:** There are a just few areas in the ordinance where an issue can be viewed different ways, depending on who is looking at it. The examples of words are above along with a recommended amendment. What is “obnoxious” to one person may be perfectly fine to another.

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## SECTION 420 TRESPASS

420.01 Definitions. For the purpose of this Section, the following words have the meanings given them in this Subsection:

Subd.1. Picnic or Picnicking. Eating a lunch or other meal consisting of food or bottled liquids prepared or obtained elsewhere than at the place of the picnic by one or more persons either in the open air or in a parked vehicle.

Subd.2. Private Premises. Private premises includes all property surrounding lakes, ponds, streams. In some cases, properties extend into the lake and although the property under the water is considered private, the water is considered public. ~~privately owned waters.~~

**COMMENT:** Waters are not privately owned; however, the property surrounding the water may be included in the ordinance. Clarification was added that in some cases, residents own the land under the water, but the water is considered public.