



**Agenda Date: 07-11-16**  
**CITY COUNCIL MEMO**

**Agenda Item: Public Hearing for the City of Woodland's Stormwater Pollution Prevention Plan**

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

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

A link to the current SWPPP can be found on the City's website at the top of the Clean Water page.



## Agenda Date: 07-11-16 CITY COUNCIL MEMO

### **Agenda Item: Public Hearing and First Reading of Ordinance O05-2016, Amending Chapter 9 of the City Code Regarding Temporary Family Health Care Dwellings**

**Summary:** On May 12, 2016, Governor Dayton signed into law a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. The resulting legislation sets forth a short-term care alternative for a "mentally or physically impaired person," by allowing them to stay in a "temporary dwelling" on a relative's or caregiver's property. Unless a city opts out by **September 1, 2016**, the new law will require cities to allow temporary family health care dwellings. If the city council desires to opt out of the new law, an ordinance is attached for the council's review.

#### **Timeline:**

- 07-11-16 Public Hearing, City Council considers 1st reading of the ordinance (may make revisions).
- 07-14-16 If 2nd reading is waived, ordinance is submitted to the Sun Sailor for publication.
- 07-21-16 If 2nd reading is waived, the ordinance is published in Sun Sailor (goes into effect on this date).
- 08-08-16 City council considers 2nd reading of the ordinance (may make revisions).
- 08-11-16 If 2nd reading is not waived, ordinance is submitted to the Sun Sailor for publication.
- 08-18-16 If 2nd reading is not waived, the ordinance is published in Sun Sailor (goes into effect on this date).

#### **City Council Action:**

- A. Introduce the ordinance by First Reading, amending Chapter 9 of the City Code.
- B. City ordinance requires that every ordinance have two readings prior to adoption. The Council may elect to waive the second reading of the ordinance by majority. If the second reading is not waived, the ordinance will be placed on the February agenda.

Possible motions on ordinance O05-2016...

1. I move that the City Council waive the second reading and adopt ordinance O05-2016, an ordinance amending Chapter 9 of the Woodland Code, regarding Temporary Family Healthcare Dwellings, as written.
2. I move that the City Council waive the second reading and adopt ordinance O05-2016 an ordinance amending Chapter 9 of the Woodland Code, regarding Temporary Family Healthcare Dwellings, as amended.
3. I move that the City Council maintains the current ordinance regulations.

ORDINANCE O05-2016

AN ORDINANCE RELATING TO TEMPORARY FAMILY HEALTH CARE DWELLINGS,  
AMENDING CHAPTER 9 OF THE WOODLAND CODE

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minnesota statutes section 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, subdivision 9 of Minnesota statutes section 462.3593 allows cities to “opt out” of those regulations;

The City Council of Woodland, Minnesota, ordains:

**Section 1.**

Section 900.04, Subd. 4 - Uses Prohibited is amended to add the following:

“(d) Temporary Family Health Care Dwellings. Pursuant to authority granted by Minnesota statutes section 462.3593, subdivision 9, the City of Woodland opts out of the requirements of Minnesota statutes section 462.3593, which defines and regulates temporary family health care dwellings.”

**Section 2. Effective Date.** This ordinance shall be effective as of its date of publication.

Adopted by the Woodland City Council on \_\_\_\_\_, 2016, and published in the paper of MN Sun Publications on \_\_\_\_\_, 2016.

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

ATTEST:

\_\_\_\_\_  
Kathryne A. McCullum, City Clerk

## Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

### Introduction:

On May 12, 2016, Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.<sup>1</sup> Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.<sup>2</sup>

### Where can I read the new law?

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

### Does the law require cities to follow and implement the new temporary family health care dwelling law?

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

### Considerations for cities regarding the opt-out?

These new temporary dwellings address an emerging community need to provide more convenient temporary care. Cities may want to consider the below when analyzing whether or not to opt out:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.
- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that

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<sup>1</sup> [2016 Laws, Chapter 111](#).

<sup>2</sup> Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.

individual's power of attorney sign the permit application or a consent to release his or her data.

- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties<sup>3</sup>. Cities should consider whether there is an interplay between these two statutes.

### **Do cities need to do anything to have the new law apply in their city?**

**No**, the law goes into effect September 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances. By September 1, 2016, however, cities will need to be prepared to accept applications, must have determined a permit fee amount<sup>4</sup> (if the city wants to have an amount different than the law's default amount), and must be ready to process the permits in accordance with the short timeline required by the law.

### **What if a city already allows a temporary family health care dwelling as a permitted use?**

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

### **What process should the city follow if it chooses to opt out of this statute?**

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.<sup>5</sup>

### **Does the League have a model ordinance for opting out of this program?**

**Yes.** Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

### **Can cities partially opt out of the temporary family health care dwelling law?**

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<sup>3</sup> See Minn. Stat. §394.307

<sup>4</sup> Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

<sup>5</sup> For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

**Not likely.** The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

### **Can a city adopt pieces of this program or change the requirements listed in the statute?**

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

### **What is required in an application for a temporary family health care dwelling permit?**

The mandatory application requests very specific information including, but not limited to:<sup>6</sup>

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life;”<sup>7</sup>
- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

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<sup>6</sup> New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

<sup>7</sup> This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as “activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.”

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

### **Who can host a temporary family health care dwelling?**

Placement of a temporary family health care dwelling can only be on the property where a “caregiver” or “relative” resides. The statute defines caregiver as “an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.” The definition of “relative” includes “a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships.”

### **Is this program just for the elderly?**

**No.** The legislature did not include an age requirement for the mentally or physically impaired dweller.<sup>8</sup>

### **Who can live in a temporary family health care dwelling and for how long?**

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as “mentally or physically impaired,” defined as “a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state.” The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

### **What structures qualify as temporary family health care dwellings under the new law?**

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;

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<sup>8</sup> The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means<sup>9</sup>);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter 1360 (prefabricated buildings) or 1361 (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”<sup>10</sup>; and
- Must contain a backflow check valve.<sup>11</sup>

### **Does the State Building Code apply to the construction of a temporary family health care dwelling?**

**Mostly, no.** These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

### **What health, safety and welfare requirements does this new law include?**

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

### **What local ordinances and zoning apply to a temporary health care dwelling?**

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings. However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city’s other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

### **What permit process should cities follow for these permits?**

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame for which the local governmental unit has to make a decision on granting the permit. Due to the time sensitive

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<sup>9</sup> The Legislature did not provide guidance on what represents “other comparable means”.

<sup>10</sup> ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

<sup>11</sup> New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

nature of issuing a temporary dwelling permit, the city has only 15 days (rather than 60 days) (no extension is allowed) to either issue or deny a permit. The new law waives the public hearing requirement and allows the clock to restart if a city deems an application incomplete. If a city deems an application incomplete, the city must provide the applicant written notice, within five business days of receipt of the application, telling the requester what information is missing. For those councils that regularly meet only once a month, the law provides for a 30-day decision.

### **Can cities collect fees for these permits?**

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

### **Can cities inspect, enforce and ultimately revoke these permits?**

**Yes**, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

### **How should cities handle data it acquires from these permits?**

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state “that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living”, without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

### **Should the city consult its city attorney?**

**Yes.** As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

### **Where can cities get additional information or ask other questions.**

For more information, contact Staff Attorney Pamela Whitmore at [pwhitmore@lmc.org](mailto:pwhitmore@lmc.org) or LMC General Counsel Tom Grundhoefer at [tgrundho@lmc.org](mailto:tgrundho@lmc.org). If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.

LOCAL

# Suburbs opt to go their own way on state's 'drop home' law

Facing a new state requirement to allow tiny trailers on residential lots, many cities are saying no.

By Erin Adler (<http://www.startribune.com/erin-adler/195633361/>) and Emma Nelson (<http://www.startribune.com/emma-nelson/261800211/>) Star Tribune staff writers

JULY 5, 2016 — 8:41AM

Metro suburbs are bypassing a new state law that would require them to allow tiny, portable houses on residential properties, saying the state mandate doesn't work for them.

The statute is intended to provide access to temporary "drop homes" for people — mostly older adults — with health care needs that require them to be close to a caregiver.

But worries about resident complaints, conflicts with local zoning ordinances and timing concerns have spurred cities to opt out of the law. Some say they already have the resources they need to meet the needs of aging residents, while others want to pass their own laws allowing temporary structures tailored to their city.

The League of Minnesota Cities fought for an opt-out provision in the statute so local governments could still have control over their own zoning.

Bill sponsor Rep. Roz Peterson, R-Lakeville, struggled to find a place for her elderly father to live when he got sick two years ago. It's disappointing that cities are opting out, she said, but she acknowledged that the law isn't one-size-fits-all.

"It's always difficult to accept change and innovation," Peterson said. "This won't solve everybody's problem — this is one tool in the toolbox, so to speak."

Drop homes, sometimes called granny pods, are trailers under 300 square feet that are billed as an affordable and temporary alternative to sending sick, injured or elderly family members to a nursing home.

The new law was based on similar, but less restrictive, laws in North Carolina and Virginia.

In Minnesota, the law allows homeowners to have a drop home on their property for six months by paying for a \$100 permit, unless their city has a specific ordinance against the homes.

The Burnsville City Council voted unanimously on June 21 to opt out. Drop homes don't meet city codes, said Mayor Elizabeth Kautz, and the city already has temporary housing options.

Those options include spare bedrooms, apartments, assisted living facilities, short-term health care facilities, hotels and group homes, according to a meeting agenda report.

"It's not that we don't have it," Kautz said. "We want control of what happens here in Burnsville."

Some cities want to allow accessory dwelling units but are choosing to do so on their own terms.

The Crystal City Council will likely vote to opt out at its next meeting, said Council Member Jeff Kolb. The decision stems largely from the nature of residential properties in Crystal, many of which may be too small to qualify for drop homes under the statute, he said.

The City Council will try to pass an ordinance in the future that allows for accessory units that are better tailored to the city, Kolb said.

"There was a concern that it would be perceived that by opting out, we were saying we don't want this kind of thing around here, that it was kind of a cold-hearted decision," he said. "The reality is it's not that at all."



([http://stmedia.startribune.com/images/1467684122\\_08+678634](http://stmedia.startribune.com/images/1467684122_08+678634))  
ELIZABETH FLORES, STAR TRIBUNE

John Louiselle, left, and Jesse Lammi are a pair of young New Brighton entrepreneurs that have started NextDoor Housing, a company...

In Lakeville, the City Council agreed to opt out last week but also sent the issue to city staff for further review.

There were multiple concerns, said Mayor Matt Little, including aesthetics, property values and the difficulty city staff would face in having to make judgments about residents' illnesses.

"Every single city in this country is going to need to figure out a way to start taking care of our seniors," Little said. "There's just a lot of issues we need to ... make fair and clear."

Meanwhile, city staff in Woodbury are recommending that city officials vote to opt out in order to have more time to figure out what local needs are, said Jason Egerstrom, Woodbury's spokesman.

Under the statute, cities have until Sept. 1 to opt out.

John Louiselle, co-owner of NextDoor Housing, a New Brighton-based drop home company that helped craft the law, said he doesn't mind if cities choose a different direction. "What's worrisome to us is when we see cities opting out and offering no alternative solution," he said.

Peterson said she would like to see cities try out the statute and see how it works. The biggest challenge, she said, is that people aren't familiar with the drop home idea.

"This is new — nobody's really done this before," she said. "Let's have a conversation with the community before we just choose to abandon the idea."

Erin Adler • 612-673-1781

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## Agenda Date: 07-11-16 CITY COUNCIL MEMO

### Agenda Item: Review DRAFT Mandatory Update of Floodplain Ordinance

**Background:** FEMA had updated their Flood Insurance Rate Maps for Hennepin County. As a part of this update, FEMA is requiring that cities update their Floodplain Ordinance to be in compliance with new federal language. The new ordinance is required to be updated by November 4, 2016. FEMA has stated that "without exception" any community that has not adopted new language will be suspended from the National Flood Insurance Program.

The Minnesota DNR is the state agency in charge of administering the National Flood Insurance Program at the state level. The Minnesota DNR has created a model ordinance for cities to adopt. To keep the process moving towards the November 4, 2016 timeline, the Minnesota DNR has requested that cities submit a draft ordinance to them by August 4, 2016. This will allow time for review and approval by the Minnesota DNR as well as getting a certified copy to FEMA by the November 4, 2016 deadline.

**Summary:** Staff has formatted the attached draft ordinance for city council review. A public hearing for the ordinance will be held at the 09-12-16 City Council meeting. In the meantime, the draft ordinance will be submitted to the DNR for their review. As presented here, the ordinance contains only the mandatory language, with all optional language shown in gray. The city council may choose to incorporate any optional language, however all mandatory language must be retained.

Staff has enclosed a 21-page supplementary model ordinance with commentary provided by the DNR, to help guide you through details within the ordinance.

#### Timeline:

- 07-11-16 City council reviews draft ordinance prior to submission to the DNR.
- 09-12-16 City council considers 1st reading of new floodplain ordinance (may make revisions)
- 09-15-16 If 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 09-22-16 If 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 10-10-16 City council considers 2nd reading of the ordinance (may make revisions).
- 10-13-16 The ordinance is submitted to the Sun-Sailor for publication.
- 10-20-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**City Council Action:** No formal action is required. This ordinance was prepared so that the City Council may review the DRAFT floodplain ordinance prior to submission to the DNR. Council should direct staff to submit ordinance as presented, or with suggested changes. Suggest motions ...

1. I move the City Council directs staff to submit the draft Floodplain ordinance to the DNR as presented (with the following changes: \_\_\_\_\_).
2. Other motion?

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF JULY 11, 2016

**Agenda Item 7. B.**

**New Business**

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Report from Kurt Larson regarding the City's odd-year septic inspections.

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**Background**

Woodland's septic inspector, Kurt Larsen conducts a visual inspection of about half of the septic systems each year. A notice was mailed to residents in mid-June regarding the reviews. Kurt makes every effort to meet with homeowners during the review period. During the inspection Kurt opens tank covers, when possible, to measures sludge levels, examines baffles, filters and the overall tank condition. He also examines the drain field.

The annual review process educates residents on their septic systems and keeps the City informed with regard to situations that may need the homeowner's attention.

Kurt will be at the meeting to provide a brief update on the inspections that he has completed to date.

**Recommendation**

None. Informational only.

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF JULY 11, 2016

**Agenda Item 7. C.**

**New Business**

TO: Honorable Mayor and Members of the City Council  
FROM: Kathyne McCullum, City Clerk  
SUBJECT: Discussion relating to a potential Geese Management Policy

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**Background**

As Council Members know, there are several properties in the City where geese are prolific, especially along the lakeshore. Staff was contacted by a resident who would like to remove several geese from his property. This property owner has removed geese from the property in the past; however, the Minnesota Department of Natural Resources (MnDNR) has changed the approval process, and with that change, the City is required to have a management policy and participate in the permit process.

The property owner would like to begin harvesting the geese as soon as possible. This is because the geese must be moved during molting season, or when they are not able to fly, and molting season started early this year.

The attached policy addresses all items required by the MnDNR. Items that are covered include:

1. The City will assist in processing the MnDNR application.
2. The applicant will pay for all expenses related to geese removal.
3. The City will provide geese management educational materials on the website.
4. Any removal of geese shall be carried out by a Minnesota Department of Natural Resources approved service.
5. Estimated goose population.

**Recommendation**

- A. Discuss the attached policy. A resolution is attached for use by the Council if it chooses to adopt the policy.
- B. If the Council adopts the resolution: direct staff to forward the policy to the Minnesota Department of Natural Resources.
- C. If the Council adopts the resolution: direct staff to place educational materials on the City's website.

CITY OF WOODLAND

Meeting Date: July 11, 2016  
Motion:

Resolution No. 17-2016  
Second:

**A RESOLUTION APPROVING NATURAL RESOURCES  
POLICY 4-3 GEESE MANAGEMENT**

**WHEREAS**, the City of Woodland has numerous miles of shoreline on the southern shore of Wayzata Bay. The habitat for geese and other waterfowl is along privately owned lakeshore properties on Lake Minnetonka, Lake Marion, and Shavers Lake; and

**WHEREAS**, an excessive Canadian goose population can deprive residents of the healthy use and enjoyment of their properties; and

**WHEREAS**, the City Council of the City of Woodland wishes to establish a policy that will assist residents in meeting the Minnesota Department of Natural Resources (MnDNR) requirements for the removal of resident/non-migratory geese from private property within the City of Woodland; and

**WHEREAS**, any removal of geese shall be carried out by a Department of Natural Resources approved service; and

**WHEREAS**, the cost of the removal of geese shall be borne by the property owner; and

**WHEREAS**, the City wishes to provide educational materials on the website to assist property owners with management techniques.

**NOW, THEREFORE BE IT RESOLVED** that the Woodland City hereby adopts Council Policy No. 4-3 Geese Management.

**ADOPTED BY** the Woodland City Council on July 11, 2016 upon the following vote:

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

State of Minnesota  
County of Hennepin  
CITY OF WOODLAND

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

I, Kathyne 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 July 11, 2016, 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 11<sup>th</sup> day of July, 2016.

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

**CITY OF WOODLAND  
COUNCIL POLICIES**

**CHAPTER 4 – NATURAL RESOURCES**

**POLICY 4-3 – GEESE MANAGEMENT POLICY**

**LOCALITY AND HABITAT**

The City of Woodland has numerous miles of shoreline on the southern shore of Wayzata Bay. The habitat for geese and other waterfowl is along privately owned lakeshore properties on Lake Minnetonka, Lake Marion, and Shavers Lake (see attached maps). The habitat of geese and other waterfowl is along privately owned lakeshore properties on Lake Minnetonka, Lake Marion, and Shavers Lake. As a result, there is a highly receptive Canada goose nesting and brood rearing habitat in Woodland. Low natural predation, no hunting, and abundant food resources (the lush green grass areas) create an ideal environment for high reproduction and survival. The challenge is to maintain an acceptable population level of geese through a management policy.

**PURPOSE**

To establish a City policy that will assist residents in meeting the Minnesota Department of Natural Resources (MnDNR) requirements for the removal of resident/non-migratory geese from private property within the City of Woodland.

**EDUCATION**

The City of Woodland will inform citizens of the management plan objectives, background, management and policies through the City website. A copy of a Technical Guide on Managing Canada Geese in Urban Environments will be made available on the City's website. This is a publication of Cornell Cooperative Extension, the University of Wisconsin, The Jack H. Berryman Institute, Utah State University, and the Wildlife Society. This publication is available from Cornell University on-line at:

<http://ecommons.library.cornell.edu/handle/1813/66>

A copy of the Minnesota Department of Natural Resources, Wildlife Section, Homeowners' Guide to Goose Problems will also be available for review on the City's website. This document is available on-line at:

[http://files.dnr.state.mn.us/assistance/backyard/privatelandsprogram/geese\\_control\\_homeowners.pdf](http://files.dnr.state.mn.us/assistance/backyard/privatelandsprogram/geese_control_homeowners.pdf)

**PRIVATE PROPERTY**

The City of Woodland will inform citizens of Canada Goose management techniques that may be employed to control the impact of geese on private property through the City's website. Private property owners are required to contact MnDNR approved Canada Goose management companies to help with goose problems, including removal of problem geese. The resident or management company shall apply for the permit through the City of Woodland. The City of Woodland will not pay for removal or control costs on private property. Removal or control costs will be entirely at the private property owner's expense.

## POPULATION

Given the extensive amount of shoreline in the City at approximately 5.9 miles, the City estimates the goose population to be 200 to 300 geese spread along the shoreline.

## PROCEDURE

1. Any removal of geese shall be carried out by a Minnesota Department of Natural Resources approved service.
2. Private property owners shall complete the Minnesota Department of Natural Resources application for geese removal and submit the application to the City.
3. The City will forward the application to the Minnesota Department of Natural Resources.
4. For private property owners with recurring conflicts, the City may require the applicant to develop and submit a long-term geese management plan to the City.
5. All costs for the removal of geese shall be borne by the property owner.

Attachments: City of Woodland Street Map  
Location of the City of Woodland on Lake Minnetonka

Adopted by the Woodland City Council on \_\_\_\_\_  
Resolution No. \_\_\_\_\_

# EXAMPLE



## LANDOWNER APPLICATION FOR A WILDLIFE CONTROL PERMIT

Last Revised 09/06/13

Permit request for: **Deer** **Goose Adult/gosling** **Goose Nest/egg**

Other \_\_\_\_\_

INSTRUCTIONS TO LANDOWNERS: The following information is required to make a decision on any request for a permit to remove wildlife doing damage. Please fill out the form and return to your Area Wildlife Manager listed below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone-Work: \_\_\_\_\_ Home: \_\_\_\_\_ Cell: \_\_\_\_\_

Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

Legal Description:

County \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Sec \_\_\_\_\_ Qtr \_\_\_\_\_

Additional locations listed on reverse.

Description of Damage: \_\_\_\_\_

LONG-TERM DAMAGE MANAGEMENT PLAN: (CHECK ALL THAT APPLY)

\_\_\_\_ Permanent Fence Schedule \_\_\_\_\_

\_\_\_\_ Portable Energized Fence Schedule \_\_\_\_\_

\_\_\_\_ ~~Hunt Management~~ Schedule \_\_\_\_\_

\_\_\_\_ Other - Describe \_\_\_\_\_

Number of animals requested to take on permit:

\_\_\_\_\_

LIST ALL INDIVIDUALS WHO WILL BE DOING THE REMOVAL (Name, Address, and Phone):

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Additional individuals listed on separate page.

**Agreement:**

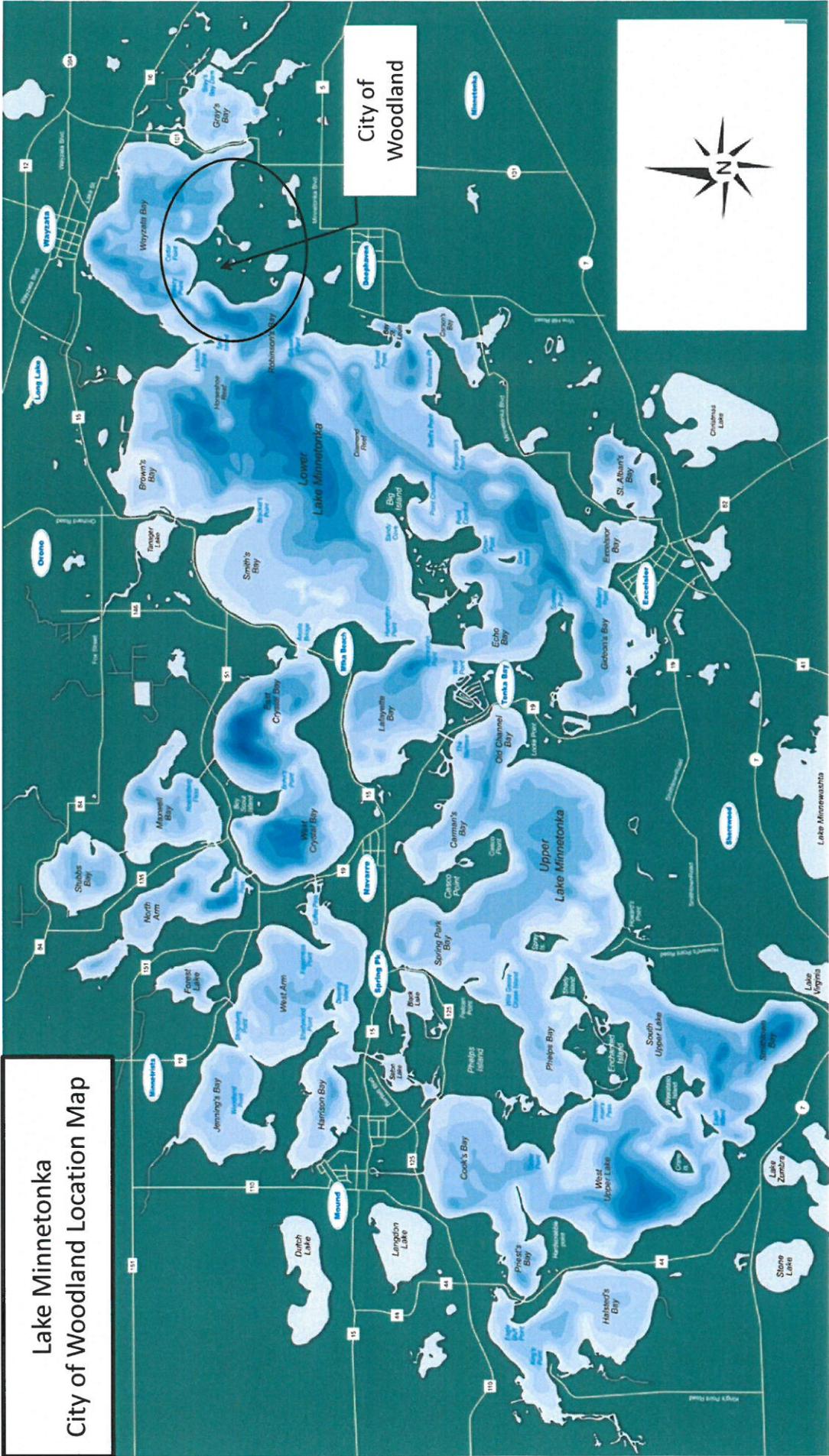
If a permit is granted, I will undertake the abatement actions listed above and will abide by all permit restrictions.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Additional Removers (Name, Address, and Phone):**

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Lake Minnetonka  
City of Woodland Location Map

City of  
Woodland



# City of Woodland

## LEGEND

-  LOCAL PUBLIC/PRIVATE STREET
-  LOCAL COLLECTOR STREET
-  COUNTY ROAD
-  WETLANDS

Lake Minnetonka  
Wayzata Bay

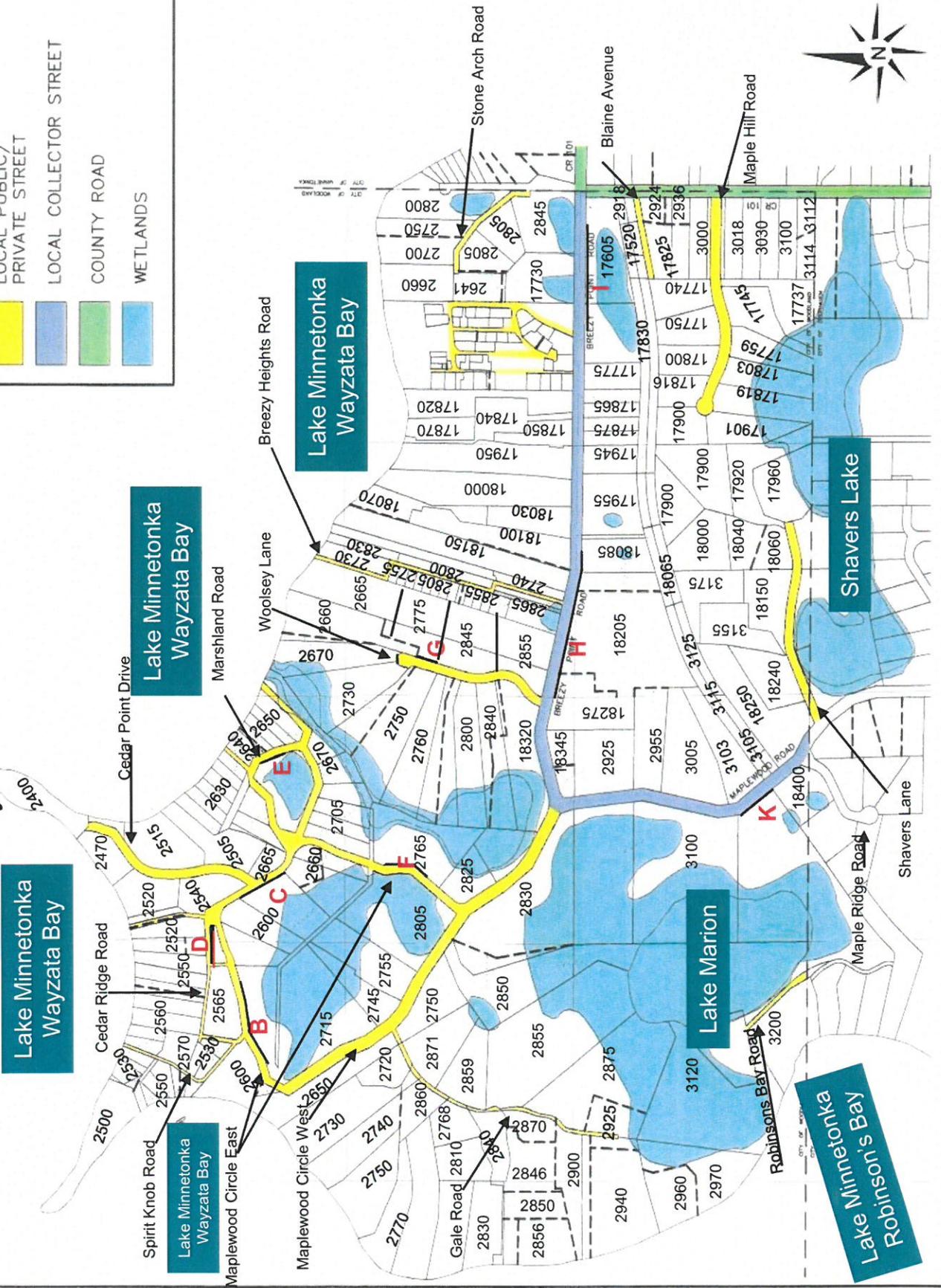
Lake Minnetonka  
Wayzata Bay

Lake Minnetonka  
Wayzata Bay

Lake Marion

Shavers Lake

Lake Minnetonka  
Robinson's Bay



CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF JULY 11, 2016

<b>Agenda Item 7. D.</b>
<b>New Business</b>

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Discussion Relating to the 2017 Preliminary Draft General Fund and Enterprise Fund Budgets

**Summary**

The General Fund is the general operating fund of the City. It is used to account for all financial resources except the Enterprise Funds (Water & Sewer).

The City Council oversees the policies and procedures of Woodland and is charged with approving a City budget to ensure current operating needs and ongoing maintenance are met while maintaining core services at a level consistent with Woodland's goals and policies.

**BUDGET - Expenditures**

The City of Deephaven has indicated that there may be increased health insurance costs in 2017. In the past, the City was able to participate in a large group program, LOGIS, which is a consortium of Metro area cities. Due to changes in the Affordable Care Act (ACA), cities that employ less than 50 cannot participate in the large group programs. The Deephaven City Administrator is looking into other consortiums where Deephaven would be allowed to participate under the ACA law. However, that process may take until mid-to-late September to complete. Therefore, the attached draft budget contains both a proposed budget and a proposed budget with the Deephaven higher estimate. A summary is as follows:

<b>2017 Proposed Preliminary General Fund Budget</b>		<b>2017 Deephaven Higher Estimate General Fund Budget</b>	
2017 Proposed Budget	\$387,152	2017 Proposed Budget with Higher Estimate	\$388,773
2016 Budget	\$387,073	2016 Budget	\$387,073
\$ Increase from 2016	\$ 79	\$ Increase/Decrease from 2016	\$ 1,700
% General Fund Increase	0.02%	% General Fund Increase	0.44%

***Proposed Preliminary General Fund Budget***

The proposed 2017 General Fund **Budget** expenditures are estimated to be \$387,152, an increase of \$79, or 0.02% from the 2016 budget. The draft preliminary budget includes modest increases for police, fire, clerical, assessing, and snow plowing. The 2017 primary and general election expenditures have been deleted from the General Government expenditures for next year. The proposed draft budget also includes an increase in funds for the Deer Management Program.

***Proposed With Deephaven Higher Estimate***

The higher estimate includes increases for Clerical Services, Police Services, Zoning Coordinator, and Public Works which are all affected by the ACA and the lack of opportunity to participate in the LOGIS program. The total proposed preliminary budget with the higher estimate is \$388,773, an increase of \$1,700, or 0.44% from the 2016 budget.

**Other Increases/Decreases**

There are a few other increases in the budget:

- The Deer Management Program increase is approximately 6% which is due to the ACA, in that part-time employees must now receive health insurance through their employer.
- There will be a 2% increase in the Waste Management recycling services as part of the ongoing contract.
- The Lake Minnetonka Conservation District has increased its dues by \$507 for 2017.
- An additional \$3,000 has been added to the snow plowing budget to cover potential costs associated with sidewalk plowing on the new County Road 101 sidewalk. As part of the agreement with Hennepin County, the City of Woodland did not have to pay for the new sidewalk, but did agree to maintain the sidewalk in the winter months.
- The Assessor’s contract has been increased by 2%. This percentage increase in the Assessor’s fee has generally coincided with the percentage that the Police Department and City staff receive each year.

Decreases in the budget include the following:

- There is a significant decrease in 2017, as no elections are scheduled.
- The website budget line item has been decreased. The additional funds are no longer needed.
- Pending City Council discussion, the Street Improvement Fund ‘transfer out’ has been reduced by \$3,000.
- There is a \$4,624 decrease in the fire department fee from \$21,698 to \$17,074. The percentage that Woodland pays is based on the number of calls in the preceding three-year period. The City charges residents for each fire call. The first call is \$250 and second and subsequent calls are \$500 each. The City collected \$4,250 in 2015 (three of the charges were certified to taxes for non-payment). There have been 14 fire calls so far in 2016 with total fees expected to be received to date of \$4,000.

**TAX LEVY - Revenues**

The City has very limited sources of revenue leaving the majority of the funds necessary to balance the budget to be provided by property taxes (tax *levy*). The tax *levy* will provide approximately 95% of the revenue necessary to operate the City.

<b>2017 Proposed Levy</b>		<b>2017 Deephaven Higher Estimate Levy</b>	
The total tax <i>levy</i> required to fund the 2017 budget	\$363,552	Total tax <i>levy</i> required to fund the 2017 budget with higher estimate	\$365,173
2016 Levy	\$356,775	2016 Levy	\$356,775
Levy Increase from 2016	\$6,777	Levy Increase from 2016 with higher estimate	\$8,398
% Levy Increase	1.9%	% Levy Increase with higher estimate	2.35%

**Adoption of the Preliminary Budget and Levy**

The City is required to adopt a preliminary budget and tax levy, so that the levy can be certified to the County by September 30. After adoption of the proposed levy, the levy cannot be increased. The levy may be reduced prior to adoption of the *final* budget and levy in December. Because the actual amounts for the ACA will not be available until after the adoption of the preliminary budget, it is recommended that the Council adopt the higher estimate. The Council may adopt the lower amount final budget in December if necessary.

**Recommendation**

Review the draft preliminary budget and direct staff to place it on the September 10, 2015 City Council agenda for consideration.