

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF JUNE 9, 2014

**Agenda Item 6. A.**

**New Business**

TO: Honorable Mayor and Members of the City Council  
FROM: Kathyne McCullum, City Clerk  
SUBJECT: Request from Richard Henry, 17960 Shavers Lane, regarding the City of Woodland Noise Ordinance Section 455 and Nuisance Ordinance Section 415.

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**Background**

Mr. Henry will be attending the June 9 meeting to make a request to the City Council regarding the City's Noise Ordinance Section 455 and Nuisance Ordinance Section 415. Sections 455 and 415 of the City's Code of Ordinances relating to noise and nuisances are attached for Council information.

## SECTION 455 NOISE CONTROL

### 455.01 GENERAL NOISE STANDARDS

Subd. 1. Incorporation by Reference. The MPCA Noise Rule, Chapter 7010.010 through 7010.008, and all amendments thereof and supplements thereto are hereby referred to, adopted, incorporated by reference, and made a part of this Section 455. A current copy shall be available for public inspection through the City Clerk's Office.

Subd. 2. Definitions. Except as provided in this Section, words or phrases used in this Section 455 and defined in the rules of the Minnesota Pollution Control "Agency Noise Section, Chapter 7010, shall have the meanings given in those rules.

- (a) A-Weighted. A specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting and characteristics and tolerances are those given in American National Standards Institute § 1.4-1983, Section 5.1.
- (b) Cut-Out or By-Pass. Mechanism which varies the exhaust system gas flow so as to discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the system including all exhaust system sound attenuation components.
- (c) dB(A). A unit of sound level expressed in decibels (dB) and A-weighted.
- (d) Exhaust System. Combination of components which provides an enclosed flow of exhaust gas from engine parts to the atmosphere.
- (e) L10. The sound level, expressed in dB(A) which is exceeded 10% of the time for a one-hour period, as measured by test procedures approved by the Director of the MPCA.
- (f) L50. The sound level, expressed in dB(A) which is exceeded 50% of the time for a one-hour period, as measured by test procedures approved by the Director of the MPCA.
- (g) MPCA. Minnesota Pollution Control Agency
- (h) Noise Control Officer. The Noise Control Officer shall be the person appointed as such by the Woodland City Council.

Subd. 3. Maximum Noise Levels by Receiving Land Use Districts. No person shall operate or cause to be operated any source of noise in such a manner as to create a noise level outdoors, as measured from the property line, exceeding the dB(A) limits set forth in the following Table:

<u>DAY (7 A.M.-10 P.M.)</u>		<u>NIGHT (10 P.M. - 7 A.M.)</u>	
<u>Sound Level</u>	<u>Maximum</u>	<u>Sound Level</u>	<u>Maximum</u>
L10	65 dB(A)	L10	55 dB(A)
L50	60 dB(A)	L50	50 dB(A)

455.02 Exemptions. The levels prescribed in the Table in Section 455.01 above do not apply to noise originating on public streets and alleys, but such noise shall be subject to other ordinances

455.03 Noises Prohibited.

Subd. 1. General Prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of the following paragraphs.

Subd. 2. Home, Audible and Signaling Devices, Etc. No person shall sound any signaling device on any vehicle (i) except as a warning of danger, or (ii) in violation of Minn. Stat. § 169.68.

Subd. 3. Engine Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws, regulations and this Section 455.

No exhaust system on any engine shall be modified, altered, or repaired in any manner, including the use of a muffler cut-out or by-pass, that shall amplify or otherwise increase noise above that emitted by the device as originally equipped.

Subd. 4. Radios, Phonographs, Televisions, Paging Systems, Etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, television, paging system, machine or other device for production or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such device between the hours of 10 P.M. and 7 A.M. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of violations of this subdivision.

Subd. 5. Social Gatherings. No person shall participate in any party or other gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property. When a police officer determines that a gathering is creating such noise disturbance, the officer shall order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall cooperate with police officers and shall make every reasonable effort to see that the disturbance is abated.

A violation of this subdivision shall be deemed to be the act of the owner of the residential dwelling unit wherein it occurs as well as the persons on the premises who violate the subdivision except that the owner of the dwelling unit occupied by other shall be liable only for those violations occurring after a written notice of the violation of this subdivision shall have been received.

Subd. 6. Loudspeakers, Amplifiers for Advertising, Etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public for any purpose whatsoever.

Subd. 7. Human Noise. No person shall engage in yelling, shouting, screaming, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, in or on any residential property.

Subd. 8. Animal Noises. It shall be unlawful for any owner to fail to exercise proper care and control over his or her animals to prevent them from engaging in excessive noise such as to bark excessively, continuously or untimely. Failure on the part of the owner or custodian to prevent his or her animals from engaging in excessive noise shall subject the owner or custodian to the penalty hereinafter provided.

The phrase "to bark excessively, continuously, or untimely" includes, but is not limited to, the creation of any noise by any dog which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period.

#### 455.04 Hourly Restriction For Certain Operations

Subd. 1. Domestic Power Equipment. No person shall operate a garden or lawn tractor, power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, power device for bug eradication, drill, or other similar domestic power maintenance equipment except between the hours of 7 A.M. and 8 P.M. on any week day or between the hours of 9 A.M. and 6 P.M. on weekends. Snow removal equipment is exempt from this provision.

Subd. 2. Construction Activities. No person shall engage in or permit construction activities involving the use of any electric, diesel, or gas powered machine or other power equipment except between the hours of 7 A.M. and 6 P.M. week days or between the hours of 9 A.M. and 6 P.M. any weekends.

455.05 Exception For Emergency Work. Noise created exclusively in the performance of emergency work preserve the public health, safety or welfare, or in the performance of emergency work necessary to restore public service or eliminate a public hazard shall be exempt from the provisions of this Section for a period not to exceed 48 hours after the work is commenced. Persons responsible for such work shall inform the Noise Control Officer of the need to initiate such work or, if the work is commenced during non-business hours of the City, at the beginning of business hours of the first day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise and the duration thereof.

#### 455.06 Portable And Stationary Power Generators.

Subd. 1. Noise from public and private portable and stationary power generators and equipment used during power outages or other emergencies shall be exempt from the restrictions under this subsection.

#### 455.07 Powers And Duties of Noise Control Officer.

Subd. 1. Administration Officer. The noise control program established by this Section 455 shall be administered by the Police, Noise Control Officer, Building Inspector, Zoning Coordinator and City Clerk.

Subd. 2. Noise Impact Statements. The Noise Control Officer may require any person applying to the City for a change in zoning classification, permit, license for any structure, operation, process, installation, or alteration or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the officer. Each such statement shall be reviewed to ascertain whether the granting of such change would result in the violation of any provision of this Section. Reviews of noise impact statements shall be made by the Zoning Coordinator, and Planning Commission (if appropriate), and recommendations shall be made to the City Council.

Subd. 3. Other Powers and Duties. The Noise Control Officer shall exercise such other powers and perform such other duties as are reasonable and necessary to enforce the provisions of this chapter.

#### 455.08 Enforcement and Penalties.

Subd. 1. When the Noise Control Officer, after appropriate testing has been done, determines that a noise exceeds the maximum sound level permitted under this Section or otherwise constitutes a nuisance, the Noise Control Officer shall give written notice of the violation of the owner or occupant of the premises where the noise originates, and order such persons to correct or remove each specified violations within such reasonable time as is prescribed in the notice.

In all other cases, the Noise Control Officer or a City law enforcement officer may demand immediate termination of the excessive noise. Failure to adhere to such demand shall subject the violator to appropriate criminal enforcement of such violation.

Subd. 2. Penalties. Any person violating this Section shall be guilty of a misdemeanor and in addition shall be subject to injunctive enforcement which the City may pursue through a court of competent jurisdiction or state administrative agency as may be appropriate. Each day that a violation continues shall constitute a separate violation.

## SECTION 415 NUISANCES

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

- (a) Construction activity, as defined in Section 415.01, Subd. 2, and commercial property maintenance activity as defined in Section 415.01, Subd. 3, at any time other than the hours of 7:00 a.m. to 6:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays and no such activity is permitted on Sundays or on the following public holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Noise from equipment used during the removal of snow and generators and equipment used during power outages or other emergencies shall be exempt from the restrictions under this subsection.
- (b) Use of any public or private street or easement for fishing.
- (c) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
- (d) All unnecessary noises and annoying vibrations.
- (e) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law.
- (f) Radio aerials or television antennae erected or maintained in a dangerous manner.
- (g) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk.
- (h) All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as required by this Code.
- (i) Any barbed wire fence.
- (j) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- (k) Wastewater cast upon or permitted to flow upon streets or other public property.
- (l) Accumulations in the open of discarded or disused machinery, household furniture and appliances, automobile bodies or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation or which endangers the health, safety or welfare of the public or adversely affecting the peaceful enjoyment of neighboring properties.

- (m) The leaving of any unused ice box, refrigerator or other box or appliance, with a door on it which will effectively exclude air when shut, in any public place or on any private property.
- (n) Any well, hole or similar excavation which is left uncovered, or in such other condition as to constitute a hazard. Any construction in or adjacent to any street or sidewalk must be secured by a metal or wooden fence at least 4 ½ feet in height with posts no more than 6 feet apart, and must be illuminated with red or yellow lights from sunset to sunrise.
- (o) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials.
- (p) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance.
- (q) The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
- (r) Any gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. No person may visit or remain in or about a residential dwelling wherein such a party or gathering is taking place, except persons who reside at that dwelling or have gone there for the sole purpose of abating the disturbance.
- (s) The parking, storing or keeping on any public or private property of any automobile or truck which is not currently licensed under the laws of the State or other state or federal law, excluding, however, vehicles kept within a fully enclosed garage or other building, and excluding impounded vehicles held by the City.
- (t) All other conditions or things which are likely to cause injury to the person or property of anyone.
- (u) Use or possession of fireworks by any person.
- (v) Aiding, abetting, facilitating or causing the escape of a person by force or fraud from the custody of a police officer.
- (w) Removal, damage or other interference with any barricade erected to protect any excavation, grading, paving, construction or other work.
- (x) The first 30 feet back from the public right-of-way upon any property which exists noxious weeds as defined in Minnesota Statutes, Section 18.77, Subd. 8 or poisonous vegetation such as poison ivy, or weeds, grass, brush or other plants which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.
- (y) The length of grasses commonly used in lawn areas including blue grass, fescue or rye grass blends of similar grasses shall not exceed eighteen (18) inches in length, excluding grasses on steep slopes or adjoining ponds, wetlands and lakes.

415.05 Abatement. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer may issue a citation for the violation and/or may give written notice to the owner or occupant of the premises of that fact

and order that the nuisance be terminated and abated. The notice may be served in person or by mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. If such order is given, it will specify the steps to be taken to abate the nuisance and the time, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer will report that fact to the Council. The Council may then, after notice to the owner or occupant and an opportunity to be heard, provide for abatement of the nuisance by the City. The notice will be served in the same manner as notice by the enforcing officer is served and will be given at least 10 days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least 30 days must elapse between the day of posting and the hearing. The giving of such notice and the abatement of the nuisance by the owner will have no effect on the City's ability to prosecute the owner or occupant of the property for violation of this ordinance.

#### 415.06 Recovery of Cost.

Subd.1. Personal liability. The owner of premises on which a nuisance has been abated by the City is personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Clerk or other official designated by the Council will prepare a bill for the cost and mail it to the owner. The bill will be immediately due and payable at the office of the Clerk.

Subd.2. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks or paths, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the Clerk will, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The Council may then assess the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.



CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF JUNE 9, 2014

**Agenda Item 6. B.**

**New Business**

TO: Honorable Mayor and Members of the City Council

FROM: Kathryn McCullum, City Clerk

SUBJECT: Discussion of an Ordinance No. O07-2014 relating to the addition of language to Chapter 4 regarding showcase, open house, and estate sale events.

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**Background**

As Council members know, the City of Woodland has experienced some difficulties with special events such as estate sales, Parade of Homes, and similar events throughout the City. Specifically, the difficulties relate to parking in the vicinity of the events. Many times, City streets have been inundated by persons wishing to park their vehicles near the events and this has caused issues with residents who reside on the street where the event is taking place.

At the May 12, 2014 meeting, the Council received an ordinance document that states regulations on showcase events that is currently used by the City of Deephaven. After discussion at that meeting, the Council agreed that additional discussion should occur on the subject and asked that it be placed on the June agenda.

**Recommendation**

The Council is requested to review and discuss the attached ordinance, make necessary revisions, and request staff to place the item on the July City Council agenda for action.

# DRAFT

## CITY OF WOODLAND HENNEPIN COUNTY, MINNESOTA

### AN ORDINANCE NO. 007-2014 AMENDING CHAPTER 4 OF THE CITY OF WOODLAND CODE OF ORDINANCES

THE CITY OF WOODLAND, MINNESOTA ORDAINS:

Section 1. Chapter 4, Section 466 is added to the City of Woodland Code of Ordinances:

466.01 Purpose and Objectives. The purpose of this Section is to establish standards to protect the health, safety and general welfare of the public from the undesirable effects associated with the showcasing of residential property to the general public.

466.02 Definitions. The term Showcase Event as used in this Section means the opening of a residential property for viewing by the general public for the purpose of marketing goods or services for commercial or charitable purposes. A Showcase Event shall not include an open house in connection with the sale of a residential property by a private owner. Examples of Showcase Events shall include, but shall not be limited to, the Parade of Homes, Remodeler's Showcase, Luxury Home Tour, estate sales, or other similar events.

466.03 Permit Required. No Showcase Event may occur at a residential property unless a Showcase Event permit has been procured from the city. A person seeking issuance of a permit shall file an application with the City. The application shall be accompanied by the fee provided in Chapter 3 of this Code. To ensure an orderly approval process, a permit application should be filed not less than sixty (60) days before the first date of the Showcase Event. The application shall set forth all such information as the City shall find necessary to properly evaluate the application. Failure to file a complete application in a timely manner may be grounds for denial of the permit.

466.04 Limits on Showcase Events. Showcase Events may be held Thursdays through Sundays over a consecutive three-week period. Applicants are limited to obtaining one Showcase Event permit per calendar year at the same street address.

466.05 Procedure

Subd. 1. Notice. The City shall send mailed notice of the date of the Council meeting at which the application will be heard at least ten days before the meeting. The notice will be published in the official city newspaper and mailed to all property owners within 350 feet of the property in which the proposed Showcase Event is to be held.

Subd. 2. Public Hearing. The Council shall hold a public hearing on the application at any regularly scheduled or special meeting. The public hearing may be continued after this first regular meeting to a subsequent regular or special meeting, but the continuance may not be more than 60 days after the first regular meeting at which the application was heard.

Subd. 3. Council Decision. After the public hearing, the Council will grant or deny the application by resolution. The resolution shall be supported by specific findings of fact. If a permit is approved, the resolution shall also include any specific conditions imposed in connection with the issuance of a Showcase Event permit.

1355.06. Required Submittal Information

- (a) A site plan that identifies buildings, driveways, local streets, parking locations for employees and the public, temporary structures, temporary restrooms, any cordoned off area(s) and the location of all proposed on-site and off-site signage.
- (b) Proposed shuttle pick-up point and route to the showcase property.
- (c) A letter of approval from the Police Department stating that all of their conditions have been met.
- (d) A Certificate of General Liability Insurance – The applicant shall provide public liability insurance in the amount of at least \$300,000 for injury of one person, \$500,000 for injury of two or more individuals, and \$50,000 for property damage. The city, its agents and employees must be named as additional insured.

Review and Approval Process. The City shall consider the following criteria before issuing a permit:

- (a) the Showcase Event will not endanger the public health, safety or general welfare of its residents; and
- (b) the Showcase Event will not cause undue traffic hazards, congestion or parking shortages; and
- (c) the Showcase Event will not impose an excessive burden on the City or its residents or cause damage to private property, parks, streets, rights-of-way, or other public property.

Conditions. The City may impose additional conditions upon the permit holder as deemed necessary for the protection of the public including the properties located in the vicinity of the Showcase Event and to ensure compliance with the requirements of this Section.

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 JUNE 9, 2014

Agenda Item 6. C.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathryne McCullum, City Clerk

SUBJECT: Resolution No. 26-2014 approving the 2015 agreement for services and authorizing execution of the letter of understanding between the City of Woodland and the City of Deephaven.

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**Background**

The City of Deephaven provides clerical, police, zoning, building inspection, and public works services to the City of Woodland. Each year, the City Council reviews the contract and costs for services. The contract for services and the resolution are attached for Council review.

**City Clerk Services**

The proposed annual cost to Woodland for 2015 clerical services is \$43,739. The 2015 fee proposes an 11.9% reduction in the Clerical Services fee from 2014 to 2015. The reason for this significant decrease is due to difference in salary and benefits between the current and former Woodland City Clerk.

**Police Services**

Deephaven is proposing a 3.0% increase in contract fees for 2015 Police Services to reflect a proposed 2.5% salary increase in 2015 and a mandatory PERA pension increase from 15.3% to 16.2% for the members of our Police Department. The proposed annual cost to Woodland for 2015 Police Services is \$109,554 compared to \$106,363 in 2014.

**Zoning Administrator**

Deephaven is proposing a 2.7% increase in the hourly fee for Zoning Coordinator Services in 2015 due to a proposed 2.5% salary increase for all Deephaven employees in 2015 and a mandatory 0.25% increase in PERA.

**Building Inspection Services**

Deephaven has proposed no changes to the fees for building inspection services. Building permit fees, plan check fees and all other fees collected in connection with the issuance of building permits up to a maximum of \$10,000.00 are paid to the City of Deephaven. All fees in excess of \$10,000.00 are divided 60%-40% with 60% payable to Woodland and 40% payable to Deephaven, and the City of Deephaven pays Woodland's portion of the State Surcharge Fee.

**Public Works Services**

Public Works Services are provided solely upon the request of the City of Woodland. In the event that services are provided, the City of Woodland will be billed an hourly labor rate of \$36.35 per public works employee and an hourly vehicle rate of \$53.90. The 2014 rates were \$34.04 for labor and \$51.83 for the hourly vehicle rate.

**Recommendation**

Adopt Resolution No. 26-2014 approving the 2015 contract for services and authorizing execution of the contract between the City of Woodland and the City of Deephaven.

## CITY OF WOODLAND

Meeting Date: June 9, 2014  
Motion:

Resolution No. 26-2014  
Second:

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### RESOLUTION NO. 26-2014 APPROVING THE 2015 AGREEMENT FOR SERVICES AND AUTHORIZING EXECUTION OF THE LETTER OF UNDERSTANDING BETWEEN THE CITY OF WOODLAND AND THE CITY OF DEEPHAVEN.

**WHEREAS**, the City of Deephaven will provide **Clerical Services** to the City of Woodland that will be compensated in the amount of \$43,739. The 2015 fee covers the Clerk's hourly salary (\$24.98 per hour x 24 hours per week x 52 weeks = \$31,175 and pro-rated benefits associated with that salary (PERA, FICA, Medicare, health, dental, and life insurance = \$12,564). Deephaven Staff will provide clerical services on Mondays and Fridays to the City of Woodland at no additional charge; and

**WHEREAS**, the City of Deephaven will provide **Police Services** to the City of Woodland as described in the Agreement for Police and Administrative Services and will be compensated in the amount of \$109,554.00. This amount will be payable to the City of Deephaven in the amount of \$9,129.50 month; and

**WHEREAS**, the Deephaven **Zoning Coordinator** will be a full-service provider to the City of Woodland for all matters relating to zoning, building permits, planning, shoreland ordinance compliance issues, and enforcement of those Woodland ordinances that specify specific action by the Zoning Coordinator. The City of Deephaven will be compensated at a rate of \$36.54 per hour for these services; and

**WHEREAS**, building permit fees, plan check fees and all other fees collected in connection with the issuance of building permits up to a maximum of \$10,000.00 shall be paid to the City of Deephaven. All fees in excess of \$10,000.00 shall be divided 60%-40% with 60% payable to Woodland and 40% payable to Deephaven. The City of Deephaven shall pay Woodland's portion of the State Surcharge Fee; and

**WHEREAS**, **Public Works Services** may be provided solely upon the request of the City of Woodland. In the event that services are provided, the City of Woodland will be billed an hourly labor rate of \$36.35 per public works employee and an hourly vehicle rate of \$53.90; and

**WHEREAS**, payments will be made monthly to the City of Deephaven; and

**WHEREAS**, the Joint Board will consist of the Mayors from each City; and

**WHEREAS**, the term of the Agreement is for one year and will expire on December 31, 2015.

**NOW, THEREFORE BE IT RESOLVED** that the City Council for the City of Woodland hereby adopts Resolution No. 26-2014 approves the 2015 contract for services and authorizes execution of the contract between the City of Woodland and the City of Deephaven.

**ADOPTED BY** the Woodland City Council on June 9, 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 June 9, 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 10<sup>th</sup> day of June, 2014.

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

**AGREEMENT FOR POLICE AND ADMINISTRATIVE SERVICES  
BETWEEN  
THE CITY OF DEEPHAVEN AND THE CITY OF WOODLAND**

This Agreement is made and entered into the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the CITY OF DEEPHAVEN (“Deephaven”), a Minnesota municipal corporation, and the CITY OF WOODLAND (“Woodland”), a Minnesota municipal corporation.

*WITNESSTH:*

*WHEREAS*, the parties hereto are authorized by law to provide police protection and administrative services to their residents; and

*WHEREAS*, Deephaven has the staff capabilities to provide police protection and administrative services to both residents of Deephaven and Woodland; and

*WHEREAS*, Woodland is desirous of entering into an agreement with Deephaven for the performance of law enforcement, police protection, emergency management, animal control services, zoning and building code enforcement and clerical services within Woodland or on behalf of Woodland by the City of Deephaven; and

*WHEREAS*, both parties have each determined that it will be in the best interest of their respective cities to jointly and cooperatively exercise such powers in the manner provided therein, and that the same shall be for the mutual benefit of both cities; and

*WHEREAS*, pursuant to Minnesota Statutes Section 471.59, the parties may by agreement provide for the exercise of powers by one of the parties on behalf of the other party.

*NOW, THEREFORE*, the parties hereto agree as follows:

*1. Police Officers.*

(a) Deephaven Police Officers shall be designated as police officers of Woodland and shall enforce Woodland ordinances and shall have full authority and responsibility to provide police protection in accordance with all enabling legislation by the laws of the State of Minnesota. The Deephaven Police Officers shall serve as Woodland Animal Control Officers. The Deephaven Police Chief is designated the Woodland Police Chief.

(b) The Deephaven Police Department shall provide Woodland with law enforcement and police protection services, which shall be essentially the same as the services provided in Deephaven.

(c) The Deephaven Police Officers shall provide the Woodland Animal Control Officer services on an “On Call” basis without patrolling responsibility. The service shall be provided in accordance with

Woodland Ordinance No. 405. The impound fees owing under Woodland Ordinance No. 405 for animals impounded by the Deephaven Police Officers shall be collected by and retained by the City of Deephaven. Deephaven shall collect any boarding charges owing for an animal impounded by Deephaven under the Woodland ordinance, and shall pay the impound facility the

amount owing. If an animal impounded under Woodland ordinances is not claimed, Woodland shall pay any amounts owing to the impound facility for the animal. Deephaven shall give Woodland a written report as to any animal impounded by Deephaven under the Woodland ordinance.

(d) The law enforcement, police services and animal control services rendered to Woodland by Deephaven will be under the sole direction of Deephaven. The standards of performance, the hiring and discipline of officer's assigned and other matters relating to regulation and policies related to police enforcement, services and activities will be within the exclusive control of Deephaven. Enforcement policies of Deephaven will prevail as to enforcement policies within Woodland. A written statement of the current enforcement policies of Deephaven will be provided to Woodland.

(e) Woodland agrees to pay the cost of prosecution for all offenses charged within its corporate boundaries. Woodland shall be responsible for all costs incurred either before or after trial for confinement of prisoners. Investigations and preparations for trial by police officers, as well as attendance in court by such officers, shall be included within the cost of services established by Section 5 of this agreement. LEAA Funds and confiscated drug funds will be retained by Deephaven. Fine revenue will be paid to Woodland.

## *2. Zoning and Building Code Enforcement.*

The Deephaven Zoning Coordinator shall be designed as the Zoning Coordinator of Woodland and shall enforce Woodland ordinances pertaining to zoning, subdivisions and public nuisances. The Deephaven Zoning Coordinator shall have full authority and responsibility to provide code enforcement in accordance with the State Building Code and the Woodland City Ordinances.

## *3. City Clerical Services.*

A member of the Deephaven City Staff shall be designated as the Woodland City Clerk and shall perform all duties and responsibilities described in Exhibit A. The responsibilities of the Woodland City Clerk may be changed by common consent over time and the number of hours specifically devoted to this position will be established by annual resolution between the two cities.

## *4. Term.*

The term of this agreement shall commence on January 1, 2015 and continue for twelve months ending January 1, 2016, unless the parties mutually agree to terminate or modify this agreement or unless either party gives the other twelve months written notice of termination.

## *5. Cost of Services.*

Deephaven and Woodland shall adopt a joint resolution each year establishing the cost of service owing to the City of Deephaven. The cost of service shall be payable in monthly installments upon receipt of an appropriate invoice from Deephaven.

## *6. Insurance.*

Woodland shall be named as an additional insured party on the Deephaven public liability policy.

*7. Communication, Equipment and Supplies.*

Deephaven will furnish all communication equipment and any necessary supplies required to perform the services which are to be rendered by Deephaven to Woodland under this Agreement.

*8. Cooperation and Assistance Agreements.*

Woodland will be included in all cooperative agreements entered into by the Deephaven Police Department with other police services units.

*9. Employees of Deephaven.*

Deephaven Police Officers and other Deephaven employees providing services to Woodland under the Agreement will at all times be employees of Deephaven. All obligations with regard to workers compensation, PERA, withholding tax, insurance and similar personnel and employment matters will be the obligation of Deephaven. Woodland will not be required to furnish any fringe benefits or assume any other liability of employment to any Deephaven Police Officer and other Deephaven employees providing services to Woodland under this Agreement.

*10. Indemnification.*

Deephaven agrees to indemnify and defend Woodland, its Councilmembers, officers and employees and to save and keep them harmless from all claims, losses and expenses incurred or alleged as a result of any claim, demand, action or cause of action arising out of Deephaven's performance or failure to perform the work covered by this agreement and to be performed within Woodland or for its benefit by Deephaven or its employees, or otherwise arising in connection with this agreement, including reasonable attorneys' fees, subject to the limits of liability under Minnesota Statutes, Chapter 466. Deephaven shall not be required to pay on behalf of itself and other parties any amounts in excess of the limits on liability established in Minnesota Statutes, Chapter 466 applicable to any one party. This Section shall survive termination of this agreement.

*11. Assignment.*

The rights and obligations of the parties under this Agreement will not be assigned, and Deephaven will not subcontract for any services to be furnished to Woodland (except as otherwise provided in this Agreement), without the prior written consent of the other party.

*12. Administrative Committee.*

An Administrative Committee consisting of the mayor of each municipality shall administer this Agreement. The Committee shall be responsible for reviewing all matters pertaining to this Agreement, and making recommendations for any changes or modifications of the Agreement to their respective city councils.

*IN WITNESS WHEREOF*, the parties have executed this agreement in duplicate as of this day and year first above written.

**CITY OF DEEPHAVEN**

**CITY OF WOODLAND**

BY \_\_\_\_\_

BY \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**CITY OF WOODLAND & CITY OF DEEPHAVEN  
LETTER OF UNDERSTANDING FOR YEAR 2015**

**1. Clerical Services**

The City of Deephaven will provide clerical services to the City of Woodland that will be compensated in the amount of \$43,739.00 per year or \$3,644.92 per month. This represents clerical services provided 8 hours per day on Tuesdays, Wednesdays and Thursdays at \$35.05 per hour for both wages and benefits. Deephaven Staff will provide clerical services on Mondays and Fridays to the City of Woodland at no additional charge. This represents an 11.9% annual decrease.

**2. Police Services**

The City of Deephaven will provide police services to the City of Woodland as described in the Agreement for Police and Administrative Services and will be compensated in the amount of \$109,554.00. This amount will be payable to the City of Deephaven in the amount of \$9,129.50 per month. This represents a 3.0% annual increase.

**3. Zoning Coordinator**

The Deephaven Zoning Coordinator will be a full-service provider to the City of Woodland for all matters relating to zoning, building permits, planning, shoreland ordinance compliance issues, and enforcement of those Woodland ordinances that specify specific action by the Zoning Coordinator. The City of Deephaven will be compensated at a rate of \$36.54 per hour for these services. This represents a 2.7% annual increase.

**4. Building Inspection Services**

Building Permit Fees, Plan Check Fees and all other fees collected in connection with the issuance of building permits up to a maximum of \$10,000.00 shall be paid to the City of Deephaven. All fees in excess of \$10,000.00 shall be divided 60%-40% with 60% payable to Woodland and 40% payable to Deephaven. The City of Deephaven shall pay Woodland's portion of the State Surcharge Fee.

**5. Public Works Services**

Public works services may be provided solely upon the request of the City of Woodland. In the event that services are provided, the City of Woodland will be billed an hourly labor rate of \$36.35 per public works employee and an hourly vehicle rate of \$53.90. This represents a 6.8% annual increase in labor rates and a 4.0% increase in vehicle rates.

**6. Payments**

Payments will be made monthly to the City of Deephaven.

**7. Joint Board**

The Joint Board will consist of the Mayors from each City.

**8. Term of Agreement**

The term of the Agreement is for one year and will expire on December 31, 2015.

Adopted by the Council of the City of Woodland this 9<sup>th</sup> day of June, 2014 and by the Council of the City of Deephaven this 16<sup>th</sup> day of June, 2014.

**CITY OF WOODLAND**

**CITY OF DEEPHAVEN**

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

\_\_\_\_\_  
**Paul A. Skrede, Mayor**

Attest: \_\_\_\_\_  
**Kathryne McCullum, City Clerk**

\_\_\_\_\_  
**Dana Young, City Administrator**

May 20, 2014

To: Honorable Mayor Jim Doak & Woodland City Council  
From: Dana H. Young, Deephaven City Administrator  
Re: Proposed 2015 Contract for Services

I am pleased to present this summary of the proposed 2015 Contract for Services between the City of Deephaven and the City of Woodland for your review. The 2015 contract proposes that Deephaven would provide services to Woodland in the following five areas:

- **Clerical Services.**
- **Police Services.**
- **Zoning Coordinator Services.**
- **Building Inspection Services.**
- **Public Works Services, upon request.**

**Clerical Services**

Deephaven's 2015 proposal for clerical services would continue to provide Kathyne McCullum as Woodland City Clerk for 8 hours per day from Tuesday through Thursday. We have heard nothing but excellent feedback on the job that Kathyne has done as the Woodland City Clerk and we look forward to having her continue in that same capacity in 2015.

- **The proposed annual cost to Woodland for 2015 clerical services is \$43,739.** The 2015 fee proposes a 11.9% reduction in the Clerical Services fee from 2014 to 2015. The fee covers Kathyne's hourly salary (\$24.98 per hour x 24 hours per week x 52 weeks = \$31,175) and pro-rated benefits associated with that salary (PERA, FICA, Medicare, health, dental & life insurance = \$12,564). The reason for this significant decrease is due to difference in salary and benefits between the current and former Woodland City Clerk.

Similar to previous years, Deephaven Staff would continue to provide on-going phone, permit and license assistance to Woodland residents on Mondays, Fridays and during those days when Ms. McCullum is either on vacation or sick leave. Ms. McCullum's clerical responsibilities are described in Exhibit A. A summary of historic, current and proposed costs for clerical services are shown below:

Clerical Services	2010 Actual	2011 Actual *	2012 Actual	2013 Actual	2014 Contract	2015 Proposed
Annual Cost	\$37,591	\$45,276	\$45,655	\$48,257	\$49,664	\$43,739

\* The increase beginning in 2011 was due to Woodland paying the prorated cost of the Woodland City Clerk's health insurance premium.

**Police Services**

Deephaven proposes a 3.0% increase in contract fees for 2015 Police Services to reflect a proposed 2.5% salary increase in 2015 and a mandatory PERA pension increase from 15.3% to 16.2% for the members of our Police Department. Police responsibilities are defined in Exhibit B, in the proposed January 1, 2015 Agreement for Police and Administrative Services between the City of Deephaven and the City of Woodland. **The proposed annual cost to Woodland for 2015 Police Services is \$109,554.** A summary of historic, current and proposed costs for police services is shown below:

<b>Police Services</b>	<b>2010 Actual</b>	<b>2011 Actual</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Contract</b>	<b>2015 Proposed</b>
<b>Annual Cost</b>	<b>\$98,615</b>	<b>\$101,321</b>	<b>\$102,230</b>	<b>\$104,278</b>	<b>\$106,363</b>	<b>\$109,554</b>

**Zoning Coordinator Services**

Deephaven proposes a 2.7% increase in the hourly fee for Zoning Coordinator Services in 2015 due to a proposed 2.5% salary increase for all Deephaven employees in 2015 and a mandatory 0.25% increase in PERA. Zoning Coordinator responsibilities are defined in Exhibit C.

**The proposed annual cost to Woodland for 2015 Zoning Coordinator Services is estimated at \$2,100, although actual costs will vary according to the number of hours provided to Woodland.** A summary of historic, current and proposed hourly rates and costs for Zoning Coordinator services are shown below:

<b>Zoning Services</b>	<b>2010 Actual</b>	<b>2011 Actual</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Contract</b>	<b>2015 Proposed</b>
<b>Hourly Rate</b>	<b>\$29.80</b>	<b>\$33.85</b>	<b>\$34.19</b>	<b>\$34.88</b>	<b>\$35.58</b>	<b>\$36.54</b>
<b>Annual Cost</b>	<b>\$1,214</b>	<b>\$1,710</b>	<b>\$1,221</b>	<b>\$2,086</b>	<b>\$2,100</b>	<b>\$2,100</b>

**Building Inspection Services**

Deephaven proposes to pay for all costs relating to Building Inspection Services including Deephaven staff time and the cost of Minnetonka’s plan review & inspections, Building Permit State Surcharge Fees, plus a variety of other administrative costs that are not reflected in the Clerical Services Fee. This would include costs for city hall office & storage space, office equipment rental and charges for phone, software & technical support, copies and postage. The following building permit formula is proposed for 2015, which proposes to retain the existing formula that has been used since 2007:

- 1<sup>st</sup> \$10,000 in Woodland Building Permit Fees is kept by Deephaven and the balance of the fees are split 60% to Woodland and 40% to Deephaven

The purpose and design of the building permit formula is to enable Deephaven to recover two costs while enabling Woodland to retain the remaining balance of the permit revenues. The costs include:

- The cost of Minnetonka’s plan review & inspection services provided on behalf of the City of Woodland, which has averaged \$9,544 per year since 2006.
- Woodland Building Permit fees also reimburse Deephaven for a number of administrative costs and services that Woodland uses but is not charged a direct fee. These costs would include the use of city hall & storage space, office equipment, phone service, copier use, coping costs, software & technical support, postage, utilities, janitorial services, and salaries to administer permits. The annual cost for these services has been estimated at \$21,171 and is shown in more detail in Exhibit D.

In summary, the design of the building permit formula enables Woodland to retain a significant portion of its building permit revenue, reimburses Deephaven for the services provided to Woodland by Minnetonka, and also reimburses Deephaven for a number of administrative costs and services provided by Deephaven to Woodland at no direct cost. Over the last five years, Woodland’s share of its building permit revenue has averaged \$15,001 per year and Deephaven’s share of Woodland’s permit revenue has averaged \$12,916 per year after deducting the fees paid to the City of Minnetonka for Woodland inspection services. This latter amount reimburses Deephaven for the administrative costs and services that are not directly charged to Woodland.

A summary of 2009 – 2013 building permit revenues are shown below.

<b>Building Permits</b>	<b>2009 Actual</b>	<b>2010 Actual</b>	<b>2011 Actual</b>	<b>2012 Actual</b>	<b>2013 Actual</b>
<b>Total Permit Revenue</b>	<b>\$10,530</b>	<b>\$57,566</b>	<b>\$19,025</b>	<b>\$27,483</b>	<b>\$60,402</b>
<b>Woodland’s Share</b>	<b>\$ 318</b>	<b>\$28,540</b>	<b>\$5,415</b>	<b>\$10,490</b>	<b>\$30,241</b>
<b>Deephaven’s Net Share *</b>	<b>\$ 856</b>	<b>\$23,078</b>	<b>\$6,545</b>	<b>\$11,911</b>	<b>\$22,191</b>

\* Deephaven’s share after payments to Minnetonka for plan review and inspection services in Woodland.

<b>Public Works Services</b>
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Public Works Services are only provided only *upon request* from the City of Woodland. Deephaven proposes a 6.8% increase in the hourly rate for 2015 public works labor and a 4% increase in the hourly rate for 2015 public works vehicle usage. The increase in the hourly labor and vehicle rates are necessary to cover actual costs. A summary of historic, current and proposed hourly rates for public works services on the next page:

<b>Public Works Services</b>	<b>2010 Actual</b>	<b>2011 Actual</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Contract</b>	<b>2015 Proposed</b>
<b>Hourly Labor</b>	<b>\$29.64</b>	<b>\$31.46</b>	<b>\$32.40</b>	<b>\$33.37</b>	<b>\$34.04</b>	<b>\$36.35</b>
<b>Hourly Vehicle</b>	<b>\$43.86</b>	<b>\$46.98</b>	<b>\$48.86</b>	<b>\$50.81</b>	<b>\$51.83</b>	<b>\$53.90</b>

<b>Summary</b>
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On behalf of the City of Deephaven, I would like to thank the Woodland City Council for the many years of cooperative service between our two communities and look forward to continuing to provide Woodland and her residents with exceptional service in 2015.

## EXHIBIT A

### CLERICAL SERVICES

- A. **Services to be performed.** The City of Deephaven will perform the following services on behalf of the City of Woodland.
1. Deephaven will provide one clerical staff member to work 8 hours per day on Tuesdays, Wednesdays and Thursdays who will work exclusively on behalf of the City of Woodland in performing the services described in this Exhibit.
  2. Deephaven City Staff will assist the Woodland clerical staff when needed or on special projects and will perform the duties described in items No. 3 through No. 5 in this Exhibit.
  3. Deephaven will maintain a physical City office in which residents of Woodland may come for assistance and to obtain all the necessary licenses, applications, homestead exemptions, utility billing payments and building permits required by the City of Woodland.
  4. Provide personal and telephone assistance during normal business hours for the citizens of Woodland.
  5. Keep available forms for applications for permits and licenses to be issued by the City of Woodland, including applications for building permits, and provide routine clerical assistance to individuals in completing such applications.
  6. Perform the utility billing based upon the individual charges for utility service, including the preparation and mailing of statements and receipt of an accounting for payments from Woodland residents.
  7. Perform routine bookkeeping services for the City of Woodland, including the making of bank deposits, preparation of monthly and annual financial reports.
  8. Assist the designated City Auditor in preparing the annual audit of City financial statements.
  9. Administrate local, state and federal elections for the City of Woodland.
  10. Provide the appropriate meeting space in which to conduct monthly meetings of the Woodland City Council and other meetings as appropriate.
  11. Attend all City Council meetings and record Council minutes.

12. Development and administration of administrative policies, resolutions and ordinances.
13. Provide clerical assistance in matters relating to public improvement projects.
14. Represent the City of Woodland on matters pertaining to the state and federal governments and other governmental units or agencies.
15. Perform any additional duties, tasks or responsibilities as directed by the Mayor or City Council.
16. Maintain all records of the City of Woodland as recommended by the Record Retention Program provided by the Minnesota Department of Administration.

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF JUNE 9, 2014

**Agenda Item 6. D.**

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

**Discussion Item**

SUBJECT: Discussion relating to the Lake Minnetonka Conservation District Draft Budget

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**Background**

The Lake Minnetonka Conservation District (LMCD) has submitted its 2015 draft budget, and is asking all cities to review and comment. The LMCD has invited all interested parties to attend its meeting to provide input on the budget on June 5 at 11:00 a.m. at the LMCD offices. The LMCD Board is expected to approve the budget at its June 11 meeting. Any comments from the City Council will be forwarded to the LMCD representatives prior to final approval by the LMCD Board.

The LMCD has proposed an amount of \$6,564 in 2015 which represents a -2.0% decrease from 2014 (2014 total was \$6,698).

**Recommendation**

Review the draft budget and provide input to be forwarded to the LMCD prior to final approval on June 11, 2014.



# LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085  
Gregory S. Nybeck, EXECUTIVE DIRECTOR

May 16, 2014

TO: LMCD City Administrators  
LMCD Board Members

FROM: Greg Nybeck, Executive Director 

SUBJECT: Draft 2015 LMCD Budget

Enclosed is a copy of the draft 2015 Lake Minnetonka Conservation District (LMCD) Budget. The invites you to attend a meeting scheduled for Thursday, June 5<sup>th</sup>, at 11 a.m. in the LMCD office to review and receive your input on it.

By state statute, the allocation of levy to the member cities is based on their percentage of the cumulative net tax capacity, with no member city paying greater than 20% of the overall levy. The LMCD Board has considered and recognized the economic challenges the 14 LMCD member cities are currently facing.

Highlights of the draft 2015 LMCD Budget include the following:

Draft 2015 LMCD Budget	
Budget Highlights	Details
Overall Levy Increase	0.6% increase (\$342,492 compared to \$340,615 in 2014).
Total Expenditures	1.1% decrease (\$582,492 compared to \$588,805 in 2014).
Personnel Services	2% increase (\$254,216 compared to \$249,143 in 2014). Compensation adjustments are proposed at up to 3% in Contingency and will be based on performance (see attached survey).
Office Lease & Storage	63.8% decrease (\$17,180 compared to \$47,409 in 2014). This is due to the relocation of the LMCD office last fall.
Eurasian Watermilfoil (EWM) Harvesting Program	\$95,000 for mechanical harvesting of public navigational areas for EWM (no increase).
Equipment Replacement Fund	A \$35,000 transfer from the AIS Reserve Fund for future replacement of EWM capital equipment (\$10,000 increase).
Aquatic Invasive Species (AIS) Prevention & Management	\$30,000 for unspecified AIS prevention and management projects (no increase). This has typically been spent on watercraft inspections and has been leveraged with additional stakeholder grant funds.
Media- Cable & Internet (new line item)	\$3,300 for 2015. This line item will pay for a contract producer and on-line viewing for LMCD Board meetings.

The LMCD values your review and input. Please let me know if you would like me to attend an upcoming city council meeting to discuss the draft 2015 LMCD Budget or to review LMCD activities and projects. Review and approval by the LMCD Board is planned for the June 11<sup>th</sup> meeting.



2015 BUDGET DETAIL (Draft)

	2012 Actual	2013 Budget	2013 Actual	2014 Budget	2014 Actual Projected	2015 Budget	Footnote # See Appendix A
<b>REVENUES</b>							
<b>1. Administration</b>							
a) LMCD Communities Levy	231,875	238,654	238,652	245,990	245,990	247,992	
b) Use from Administration Reserve	0	19,655	34,096	19,565	19,565	0	
c) Court Fines	105,036	55,000	55,611	55,000	55,000	55,000	
d) Licenses	110,128	115,000	110,382	115,000	115,000	115,000	
e) Other Public Agencies	0	0	696	0	0	500	
f) Interest	1,941	1,000	2,055	1,250	2,000	2,000	
g) Other Income	3,795	2,000	2,259	2,000	2,000	2,000	
<b>SUB-TOTAL ADMINISTRATION</b>	<b>452,775</b>	<b>431,309</b>	<b>443,751</b>	<b>438,805</b>	<b>439,555</b>	<b>422,492</b>	
<b>2. Aquatic Invasive Species</b>							
a) LMCD Communities Levy	90,331	91,950	91,951	94,625	94,625	94,500	
b) Other Public Agencies	50,750	32,800	51,893	30,000	57,798	30,000	
c) Use from AIS Reserve	0	0	0	0	0	0	1
d) Interest	379	250	484	375	500	500	
<b>SUB-TOTAL AQUATIC INVASIVE SPECIES</b>	<b>141,460</b>	<b>125,000</b>	<b>144,328</b>	<b>125,000</b>	<b>152,923</b>	<b>125,000</b>	
<b>3. Equipment Replacement</b>							
a) Transfers from Administration and AIS Reserves	45,856	25,000	25,000	25,000	25,000	35,000	
b) Receipt from LMCIT	32,500	0	0	0	0	0	
c) Use from Equipment Replacement Reserve	96,036	0	0	0	0	0	
<b>SUB-TOTAL EQUIPMENT REPLACEMENT</b>	<b>174,392</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>35,000</b>	
<b>TOTAL REVENUES</b>	<b>768,627</b>	<b>581,309</b>	<b>613,079</b>	<b>588,805</b>	<b>617,478</b>	<b>582,492</b>	
Total Levy	322,206	330,604	330,603	340,615	340,615	342,492	
<b>DISBURSEMENTS</b>							
<b>ADMINISTRATION</b>							
<b>1. Personnel Services:</b>							
a) Salaries- excludes EWM Project Management time	195,445	196,401	198,718	200,524	204,488	204,488	2
b) FICA & Medicare	14,945	15,025	15,199	15,340	15,643	15,643	3
c) Employer Benefit Contributions	29,811	32,015	31,802	33,279	32,297	34,085	4
<b>SUB-TOTAL PERSONNEL SERVICES</b>	<b>240,201</b>	<b>243,441</b>	<b>245,719</b>	<b>249,143</b>	<b>252,428</b>	<b>254,216</b>	
<b>2. Contractual Services:</b>							
a) Office Lease & Storage	44,032	45,112	39,143	47,409	16,761	17,180	5
b) Professional Services	3,202	2,700	2,130	2,500	2,500	2,500	6
<b>SUB-TOTAL CONTRACTUAL SERVICES</b>	<b>47,234</b>	<b>47,812</b>	<b>41,273</b>	<b>49,909</b>	<b>19,261</b>	<b>19,680</b>	

**2015 BUDGET DETAIL (Draft)**

	2012 Actual	2013 Budget	2013 Actual	2014 Budget	2014 Actual Projected	2015 Budget	Footnote # See Appendix A
<b>3. Office &amp; Administration:</b>							
a) Office, General Supplies	4,071	4,500	3,943	4,500	4,500	4,500	
b) Telephone	2,069	2,500	2,190	2,160	2,460	2,460	
c) Website, Internet, & E-mail					300	300	
d) Postage	3,800	5,000	3,637	5,000	5,000	5,000	
e) Printing, Publications, Advertising	9,927	10,000	9,996	10,500	10,500	11,000	7
f) Maintenance, Office Equipment	837	1,200	850	1,100	1,100	1,100	
g) Subscriptions, Memberships	1,550	1,000	1,611	1,700	1,700	1,700	
h) Insurance, Bonds	6,031	7,000	7,205	7,000	7,000	7,250	8
i) Public Information, Legal Notices	139	1,500	939	1,000	1,000	1,000	
j) Meeting Expenses	4,399	4,000	3,833	4,500	4,500	4,260	
k) Media (Cable & Internet)							
l) Mileage	1796	2000	1817	2000	2,438	3,300	9
m) Employee Training	0	400	0	400	2000	2000	
<b>SUB-TOTAL OFFICE &amp; ADMINISTRATION</b>	<b>34,619</b>	<b>39,100</b>	<b>36,021</b>	<b>39,860</b>	<b>42,898</b>	<b>44,270</b>	
<b>4. Capital Outlay:</b>							
a) Furniture & Equipment	948	1,500	0	1,000	1,000	1,500	
b) Computer Software & Hardware	1,553	2,000	543	2,000	2,000	2,000	10
<b>SUB-TOTAL CAPITAL OUTLAY</b>	<b>2,501</b>	<b>3,500</b>	<b>543</b>	<b>3,000</b>	<b>3,000</b>	<b>3,500</b>	
<b>5. Legal:</b>							
a) Legal Services	21,576	35,000	31,674	32,000	32,000	32,000	11
b) Prosecution Services	39,875	45,000	50,963	45,000	45,000	45,000	12
c) Hennepin County Room & Board	732	1,000	317	1,000	1,000	1,000	
<b>SUB-TOTAL LEGAL</b>	<b>62,183</b>	<b>81,000</b>	<b>82,954</b>	<b>78,000</b>	<b>78,000</b>	<b>78,000</b>	
<b>6. Contract Services/Studies:</b>							
a) Audit	6,850	7,056	7,050	7,268	7,268	7,486	
b) Information Technology	0	0	81	500	500	750	
<b>SUB-TOTAL CONTRACT SERVICES/STUDIES</b>	<b>6,850</b>	<b>7,056</b>	<b>7,131</b>	<b>7,768</b>	<b>7,768</b>	<b>8,236</b>	
<b>7. Code Enforcement Program</b>			<b>3,410</b>	<b>4,000</b>	<b>13,126</b>	<b>4,590</b>	
<b>8. Administration Reserve Fund</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>9. Equipment Replacement Fund</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>0</b>	
<b>10. Contingency</b>	<b>4,693</b>	<b>9,400</b>	<b>26,700</b>	<b>7,125</b>	<b>3,160</b>	<b>10,000</b>	
<b>TOTAL ADMINISTRATION</b>	<b>423,281</b>	<b>456,309</b>	<b>468,751</b>	<b>463,805</b>	<b>444,641</b>	<b>422,492</b>	

2015 BUDGET DETAIL (Draft)

	2012 Actual	2013 Budget	2013 Actual	2014 Budget	2014 Projected	2015 Budget	Footnote # See Appendix A
<b>AQUATIC INVASIVE SPECIES (AIS)</b>							
1. Eurasian Watermilfoil (EWM) Harvesting Program	84,863	95,000	79,428	95,000	95,000	95,000	13
2. Equipment Replacement Fund	0	0	0	0	0	35,000	14
3. AIS Reserve Fund	0	0	0	0	0	0	
4. Herbicide Treatment Program	0	0	0	0	0	0	
5. AIS Prevention & Management Programs	38,905	30,000	33,472	30,000	47,595	30,000	15
<b>EQUIPMENT REPLACEMENT FUND</b>							
1. Purchase of New Mechanical Harvester	174,392	0	0	0	0	0	
<b>TOTAL AQUATIC INVASIVE SPECIES</b>	<u>298,160</u>	<u>125,000</u>	<u>112,900</u>	<u>125,000</u>	<u>142,595</u>	<u>160,000</u>	
<b>TOTAL DISBURSEMENTS</b>	<u>721,441</u>	<u>581,309</u>	<u>581,651</u>	<u>588,805</u>	<u>587,236</u>	<u>582,492</u>	

**Lake Minnetonka Conservation District (LMCD)  
Draft 2015 LMCD Budget  
Appendix A**

**Other Public Agencies (Footnote #1)**

It is anticipated that the MN DNR will fund the LMCD with a grant of \$30,000 for the 2015 EWM Harvesting Program.

**Salaries (Footnote #2)**

Executive Director	2015 estimated actual
Administrative Technician (also serves as EWM Project Manager)	\$81,210.59 (*)
Less 1 pay period for EWM Project Manager	\$56,805.84 (*)
Administrative Assistant/Code Enforcement	-\$2,366.91
Administrative Clerk (part-time)	\$49,441.60 (*)
Seasonal Code Enforcement (part-time)	\$17,397.12
	<u>\$2,000.00</u>
	<b><u>\$204,488.24 (**)</u></b>

(\*) Salaries will be grossed up to pay for long-term disability insurance for full-time LMCD employees  
 (\*\*) Salary adjustments (including F.I.C.A., medicare, & P.E.R.A.) are included in Contingency (line-item 10)

**F.I.C.A. & Medicare (Footnote #3)**

Total Salaries- including EWM Project Management (7.65%)	\$15,824.42
Less 1 pay period for EWM Project Manager	\$181.07
	<u><b>\$15,643.35</b></u>

**Employer Benefit**

**Contributions (Footnote #4)**

P.E.R.A. (7.50%)	\$15,364.14
NCPERS Life Insurance	\$576.00
Medical & Dental Insurance	\$18,145.20
	<u><b>\$34,085.34</b></u>

**Office Lease & Storage (Footnote #5)**

Monthly Rate	Months
\$1,422.75	9
\$1,458.32	3
	<u><b>\$17,179.71</b></u>

**Professional Services (Footnote #6)**

Contracted Payroll & Taxes	\$2,000.00
Contracted Bookkeeping Consulting	\$500.00
	<u><b>\$2,500.00</b></u>

**Printing, Publications, & Advertising (Footnote #7)**

\$11,000 has been budgeted for two LMCD Newsletters, the re-printing of the Summer and Winter Rules brochures, and other LMCD literature.

**Insurance, Bonds (Footnote #8)**

\$7,250 has been budgeted with the League of Minnesota Cities for insurance for the LMCD.



**Lake Minnetonka Conservation District (LMCD)  
Salary and Hourly Rate Adjustments Survey (2010-2015)**

Public Agency	2010	2011	2012	2013	2014	2015
Deephaven	0%	2%	1%	2%	2%	2.50%
Excelsior	0%	2%	1%	2%	2%	2.5%- union employees (same anticipated for non union)
<b>Greenwood</b>	Contracts with the City of Deephaven					
LMCD	0%	2%	1.5%	2%	2%	Pending
MCWD	2%	2%	3%	5%	Pending Salary Survey	
Minnetonka	1.81%	1.56%	1.46%	1.44%	1.83%	Pending
	Increases in 2011 were split in January and July. This is the overall average (non-union). Every employee receives a 1% & based on a market analysis, some positions receive a market increase.					
Minnetonka Beach	2%	2%	1%	1%	3.50%	Pending
Minnetrista	1%	0%	2%	1%		
Mound	0%	1%	1%	\$ .50 per hour for all employees (\$1,040- full time)	\$ .50 per hour for all employees (\$1,040- full time)	Pending
Orono	1%	1%	1%	1%	2.0% (police) 1.5% (non union)	2.5% (police) Non union (pending)
Shorewood	2% budgeted each year from 2010-2013 for non-union employees. Funds were put in a pool & adjustments were based on performance & position in the market range for each employee. The average has been 1.5% the past couple of years (varies by position).					
Spring Park	2%	3%	3%	3.75%	3%	Pending
	(These numbers include COLA increases)					
Tonka Bay	0.83%	1%	1%	1%	2%	2% anticipated
Victoria	1%	1%	1%	2%	2%	Pending
Wayzata	0%	0%	1.5%	2%	2% COLA (non union) 2% COLA & 2% market adjustment (police)	2% on 4/1 (police) Non union (pending)
<b>Woodland</b>	Contracts with the City of Deephaven					

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF JUNE 9, 2014

**Agenda Item 6. E.**

**New Business**

TO: Honorable Mayor and Members of the City Council  
FROM: Kathryne McCullum, City Clerk  
SUBJECT: Adoption of Resolution No. 27-2014 appointing Police Chief Cory Johnson as the City of Woodland Animal Control Officer

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**Background**

As required by City Ordinance 405, Subd. 2, the City Council must designate an Animal Control Officer:

405 Animal Control, Subd. 2. Animal Control Officer. A person designated by the Council to perform the duties described in this Section.

After research, it was found that the Council had not appointed an Animal Control Officer. At this time, the Council is requested to appoint Police Chief Cory Johnson as the Animal Control Officer for the City. The City Council designates assignments and appointments at the first meeting each year – designation of an Animal Control Officer will be included on the assignment and appointment resolution next year.

**Recommendation**

Adopt Resolution No. 27-2014 appointing Police Chief Cory Johnson as the City of Woodland Animal Control Officer

**CITY OF WOODLAND**

Meeting Date: June 9, 2014  
Motion:

Resolution No. 27-2014  
Second:

**RESOLUTION NO. 27-2014 APPOINTING POLICE CHIEF  
CORY JOHNSON AS THE CITY OF WOODLAND ANIMAL CONTROL OFFICER**

**WHEREAS**, the City of Woodland Ordinance No. 405, Subd. 2 requires that the City Council designate an individual as the City's Animal Control Officer; and

**WHEREAS**, the City of Deephaven Police Chief has indicated that the Police Department has served as Animal Control in past years; and

**WHEREAS**, it is the desire of the Woodland City Council to officially appoint Police Chief Cory Johnson as the City's Animal Control Officer.

**NOW, THEREFORE BE IT RESOLVED** that the Woodland City Council hereby appoints Police Chief Cory Johnson as the City of Woodland Animal Control Officer.

**ADOPTED BY** the Woodland City Council on June 9, 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 June 9, 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 10<sup>th</sup> day of June, 2014.

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