

**CITY OF WILLERNIE  
COUNCIL MEETING  
SEPTEMBER 24, 2009**

**PRESENT:** Parent, Greeder, Bohnen, Marcellais, Attorney-Scott McDonald and Maintenance Superintendent-Rick Paulson.

**ABSENT:** Miller and Clerk-Vickie Keating

**ADOPTION OF AGENDA**

The order of the items under Old Business on the agenda was changed in order to accommodate the gentlemen presenting the 12-244 information. Item A was changed to County Rd. 12-244, item B was changed to the Chicken Ordinance and item C was changed to 420 Paddington. After the changes were made, Greeder moved to accept the agenda, Bohnen seconded the motion and the motion passed.

**MINUTES OF THE AUGUST MEETING**

Marcellais made the motion to approve the August minutes as pre-read, Bohnen seconded the motion and the motion passed.

**PUBLIC COMMENTS**

There were no public comments at the September meeting.

**LAW ENFORCEMENT OFFICERS**

The Washington County Officers did not attend the September meeting.

### **BRIAN BELL BUSINESS LICENSE**

Brian Bell introduced himself as the former owner of Brian Bell's Catering and Pizza that was part of Wildwood Bowl.

Mr. Bell is going to rent the building where TJT-Shirts is currently located. Mr. Bell will take possession of the building after October 1<sup>st</sup> and then he is going to remodel the building with the help of Jessica Rust from Rust Architects.

Mr. Bell is using local contractors to accomplish the remodeling; he did apply for a new health license since his old one expired.

The Business will be Wildwood Pizza with the same telephone number as previously used. The menu will consist of pizza, hamburgers, and tacos. He will be operating during evening hours only; there will not be a lunch menu.

The Council had no objections to Mr. Bell returning to Willernie as Wildwood Pizza and approved his business license.

### **COUNTY ROAD 12-244**

Jacob Gave introduced himself as the Design Engineer and Project Manager from Washington County. Cory Slagle is the Engineering and Construction Manager and Chuck Rickart is an employee of WSB and Associates and is acting as a Consultant Project Manager on the 12-244 road.

Mr. Gave explained the design review committee is composed of residents and business owners from both Mahtomedi and Willernie. This committee meets monthly and brings a community perspective to the project.

The project management team is composed of city, county and state staff that meets monthly presenting the technical perspective of the project.

The design review committee has met six times since September 2008 and the project management team has met five times since January.

They held an open house in November, 2008 where the input from citizens was taken into consideration and then both committees met and refined the concept program to four which will be presented at the next open house September 22, 2009 from 4 p.m. to 7 p.m.

There will be a third open house in the spring or summer of 2010 and the design of the project will continue through 2011 with construction beginning in the summer of 2012.

In the beginning nine concepts were on the table, however, they have been reduced to four at the present time.

The first one is 4F which includes a roundabout at the intersection of 12 and 244. The construction of this project would be approximately three quarters of a million dollars. It would not change any of the parking in the Triangle and would include a crosswalk at Ash and 244.

5A is the second proposal that would realign the intersection at County 12 and straighten it out. One of the big issues is the traffic from 244 to 12 coming from Mahtomedi. This proposal would cost about \$235,000.

5B is the third proposal that would create a one way onto 244. Traffic would go to Ash Street where a signal would be installed for the exit. The cost is \$655,000. There would be a pedestrian crossing at Ash Street for the walking residents.

Alternative 6 mainly consists of the County maintaining the project. It would cost \$25,000. They would remove some of the old pavement causing people to slow down and force the drivers to turn. A curb would be installed and a sidewalk.

MN Dot favors plan 5A.

All of the plans need to be refined to allow access to the Piccadilly Property.

If anyone has a question on the project they can look at the plans on the website. It is [www.co.washington.mn.us](http://www.co.washington.mn.us) then click on the Roads and Transit link, look for five-year road construction program 2009-2013 and find Stillwater Road – year 2012.

### **CHICKEN ORDINANCE**

The mayor explained that there are a number of urban areas that have adopted an ordinance allowing chickens in their cities. Restrictions for the chickens are cages, fed inside, no roosters, set backs, etc.

If chickens are approved, then other fowl such as ducks and pigeons could also be allowed and then some cities simply say no to chickens.

The attorney and council read and discussed several ordinances on chickens concerning slaughter, smell, set backs, cages and exercise limits.

The current Willernie ordinance does not address chickens. Willernie is looking at an ordinance that clearly says whether chickens are allowed or not. If chickens are declared pets then they could be allowed in Willernie, however farm animals or wild animals are not allowed under the current ordinance.

The residents at the meeting asked how long it will take for the Council to rewrite and decide on an ordinance concerning the chickens that are now housed in Willernie.

Scott explained that the chickens that now reside in Willernie can only be allowed if they are declared pets, however, if the council does not want to prohibit them then a new ordinance can be written allowing chickens with some restrictions.

Several residents attending the meeting asked that the chickens be outlawed due to the smell and the noise they make. The neighbors adjoining the house with the chickens feel that these chickens should be removed from the City.

The mayor then explained that the discussion on the chicken ordinance was not an open forum and questions would be allowed before the issue was addressed in order to keep the meeting running smoothly.

One resident of Willernie asked how many other citizens in Willernie have chickens other than the four in question. The Council does not know of any other chickens in the City. This resident also said that if the issue is not resolved as the neighbors would like it to be there will be litigation. This same resident asked that the Mayor read the current ordinance concerning pets in Willernie. After some discussion the Mayor copied and passed out the ordinance that is currently followed in Willernie.

Following the above discussion the mayor explained that because this issue has been brought up and the residents are concerned, the Council needs to decide how to deal with the chickens and ducks within the City of Willernie.

After the ordinances were handed out to the residents the Mayor summarized possible solutions to the issue.

1. No chickens be allowed in the City because they are not pets. Citations would be issued for a violation of the ordinance.
2. Write a chicken ordinance allowing chickens in the City of Willernie.

3. Some interpretations concerning chickens as pets or not. The Council Must decide on the issue. The current ordinance could be rewritten to allow chickens in the City.

The question of other animals that could be considered as a pet besides dogs and cats was also discussed by the Council and it was suggested that the ordinance might need to be rewritten so that it is more specific to the allowance of animals within the city limits.

Marcellais suggested tabling the issue until next month and gathering more information, however, this item has been tabled for two months and a decision needs to be made because the City will be liable for the decision.

A motion was made by Greeder that chickens are farm animals, not pets and should not be allowed in the City of Willernie. Marcellais seconded the motion and the motion passed. Miller was absent, Bohnen abstained.

Miller will be informed that the chickens have been declared as non-pets and he has 45 days to find homes for them as recommended by Scott.

The Mayor explained to the residents present that if Miller had been present, he would have recused himself from the vote.

#### **420 PADDINGTON**

Scott explained that the house on Paddington is a problem because the deed is still in the name of the deceased parties. The son is in a nursing home and the state has determined that he is not the owner of the property. The state lien is invalid because Dan Mahoney is not the owner. The owner would be any heir of Liz Mahoney and this will probably need to be published in the newspaper to find any relatives of Liz.

If the repairs are an emergency then it can be repaired and the publication can be done at a later date.

Scott will draft a notice to put on the door of the house to see if the residents will leave the residence. Rick will deliver the notice as soon as the Mayor and Clerk sign it.

### **RICK REPORT**

Everything is running smoothly at the current time in the City. Schifsky's called and would like the check for paving the streets. The Mayor checked and it is on the bill list to be approved at this meeting.

The leaf vac will be out after October 10<sup>th</sup> weather permitting and depending on the amount of the leaves that have been raked.

The street sweeper will be out again after the acorns have stopped coming down at such a fast rate.

The vines in Milnar Park in the woods were removed a few years ago and the Mayor would like to know if a crew needs to come in and cut it again. Rick suggested using a brushhog to clean out the area. The Mayor and Rick will look at this area in the next few weeks.

### **APPROVAL OF BILLS**

Greeder moved to approve the bills; Marcellais and Bohnen seconded the motion. The motion passed.

### **ADJOURNMENT**

Bohnen moved to adjourn the meeting at 9:35 p.m., Marcellais seconded the motion and the motion passed.

Respectfully Submitted,

Victoria R. Keating  
Clerk-Treasurer

