

Greenwood City Council Meeting

Tuesday, September 1, 2009

Council Chambers 20225 Cottagewood Road Deephaven, MN 55331 #952.474.6633

AGENDA

Welcome to the Greenwood City Council meeting. We are glad you are here! Members of the public are invited to address the Council regarding any item on the agenda. If your topic is not on the agenda, you may speak during Matters from the Floor. See the back of this page for Public Comment Guideline.

And as a friendly reminder, please turn off your cell phones.

- 7:00 PM 1. Call to Order - Roll Call - Approve Agenda
- 7:00 PM 2. Approve Consent Agenda
- A. Recommendation: Approve 8-4-09 Assessor meeting minutes
 - B. Recommendation: Approve 8-6-09 budget work session minutes
 - C. Recommendation: Approve 8-6-09 Council meeting minutes
 - D. Recommendation: Approve July treasurer's report
 - E. Recommendation: Approve August payables **\$34,685.18**
- 7:05 PM 3. Matters from the Floor
- This is an opportunity for the public to address the Council regarding matters not on the agenda. The Council will not engage in discussion or take action on items presented at this time. However, the Council may ask for clarification and may include items on a future agenda. Comments are limited to three minutes. (see back for Public Comments Guidelines).*
- 7:10 PM 4. Announcements, Presentations and Staff Reports
- A. Announcement: Beautiful Boulevards Award Winners
 - B. Announcement: League of Women Voter's Mayor's Form "Lively Issues" 7:00 PM September 10, 2009, Shorewood City Hall
 - C. Dick Osgood/Rob Roy: Milfoil presentation
- 7:30 PM 5. Public Hearings
- A. Public Hearing regarding an amendment to the liquor code section 820.15 to add a food/liquor sales ratio requirement.
- 7:45 PM 6. Unfinished Business
- A. Remove from table: Variance Request, William Brand 21290 Excelsior Blvd.
- 8:00 PM 7. New Business
- A. Consider appointment of Brian Malo to Planning Commission Alternate seat 2
 - B. Review Greenwood's 2010 Preliminary Budget
 - 1. Recommendation: Adopt resolution #17-09 approving tax levy collectable in 2010
 - 2. Recommendation: Motion to approve proposed 2010 budget
 - C. Set date for public hearing for adoption of 2010 levy & budget (12-01-09)
 - D. Consider requesting Planning Commission review of fence ordinance
 - E. Consider requesting Planning Commission review of pervious surface materials
 - F. 1st Reading: Ordinance #174 amendment to the liquor code section 820.15 to add a food/liquor sales ratio requirement
 - G. 1st Reading Ordinance #175 amending Chapter 12 Penalties, Separability, Name and Citation of Code and/or Definitions
 - H. Approve winter use permit for Three Rivers Park District
 - I. Review City recycling proposals
 - J. Review proposals for preparation of 2009 City audit
 - K. Consider including load limit fees in building permit applications
- 9:00 PM 8. Other Business
- A. Discuss community survey
- 9:15 PM 9. Council Reports
- A. Page: Lake Minnetonka Conservation District Report
- 9:20 PM 10. Adjournment

Greenwood City Council Work Session Minutes
20225 Cottagewood Road Deephaven, MN 55331 952-474-6633
Tuesday, August 4, 2009

9:00 AM

1. Call to Order/Roll Call/Approve Agenda

Mayor Kind called the meeting to order at 9:03 AM
Members present: Page, Rose, Fletcher, Kind and Quam
Staff present: Administrator Whipple
Hennepin County Assessors: Bill Effertz and Nate Stulc
Councilmember Page moved to approve the agenda. Second by
Councilmember Fletcher. Motion carried 5-0

9:00 AM

2. Discussion with City Assessors

Assessors reviewed questions that had been submitted by the Council.
At the 2009 Board of Appeals meeting, the Council received an information packet that included 2008 sales with 2009 Estimated Market Values (EMV's)
Mayor Kind question why 2008 EMV's were not used. Assessor Stulc said those figures are used to show the current assessment. The Assessors will try to include same year sales and EMV's next year.
Stulc went on to say, all taxing districts use the same information to determine property values.

The Mayor noticed a slight difference in the sales study vs. what the City is being assessed.

The assessors stated that sales don't always match assessed value.

The assessment period for information presented at the 2009 meeting went from October 2007 through September 2008.

The Mayor said she believed the sales study most accurately reflects the property values.

Stulc explained that when a property sells, they may get more information that they ever had before. For example, if they have not been granted access to a home, they may not learn until after the sale, that the homeowner had finished the basement in the last couple years. That will affect the assessment of a home. Councilmember Page felt identically comparable properties were impossible to find and did not understand this discussion over 1%. A property owner has the option of hiring an appraiser and bringing his case to tax court if they don't agree with their assessed value.

Market will dictate whether Greenwood's zoning limitations have an impact the value of Greenwood's properties.

There was discussion comparing Deephaven to Greenwood valuations. Given the few sales in Greenwood, one sale can change the dynamics of a neighborhood.

Councilmember Page excused himself at 10:10

Each fall, all assessors working the Lake Minnetonka area meet to review land values. The effective front footage vs. lake footage formula will likely not change to determine land value. It's used to assess each City on the lake.

The Assessors stated they try to do a good job for Greenwood don't want an adversarial relationship.

Councilmember Quam suggested avoiding the phrase 'effective front footage' as it's confusing to property owners.

Councilmember Rose moved to adjourn at 10:25. Second by Councilmember Quam. Motion carried 4-0.

Respectfully submitted,

Roberta Whipple
City Administrator

GREENWOOD CITY COUNCIL BUDGET WORKSESSION
Tuesday, August 6, 2009 6:00 p.m.
Council Chambers 20225 Cottagewood Road Deephaven MN 55331

1. CALL TO ORDER- ROLL CALL - APPROVAL OF AGENDA

Mayor Kind called the meeting to order at 6:00 p.m.

Members present: Mayor Kind, Councilmembers Quam, Fletcher, Rose, and Page

Others present: City Administrator Whipple, City Attorney Kelly, and Recording Secretary Link

Motion by Rose, seconded by Quam to approve the agenda as presented. Motion carried unanimously.

2. DISCUSS PROPOSED 2010 GREENWOOD CITY BUDGET

Councilmembers and staff discussed the proposed budget expenses for 2010. The contingency was increased from 3% to 5%. Kind reviewed the proposed bridge project with Excelsior. It is assumed the Federal government will pay 80% of the total costs. She proposed \$20,000 be saved per year. Quam noted if we decided to go for state funding, we would need all the engineering work completed before the application could even be submitted. Quam believed Excelsior would bond for the project. The Council concurred that \$20,000 was an appropriate amount of money to save per year.

Council discussed the proposed training budget of \$300. It was felt it should be raised to have enough funding to send new Planning Commissioners to the League training. Whipple suggested it be placed under Zoning rather than Training. Council felt it should stay where it is and be raised to \$600. Election expenses will remain as proposed.

Kind noted the proposed wage for Whipple includes the insurance credit. She noted the auditors have lowered their fee for 2010. The police budget reflects a .75% increase in 2010. Zoning, Engineering, and Public Works fee changes were also reviewed. The proposed expenses for 2010 are \$720,730.

Councilmembers reviewed the draft budget revenue. The tax levy is \$682,795. Kind stated she would like to reduce the amount that is transferred from the Marina Fund, so that the Marina Fund can be built up in anticipation of dock replacements needed in about 10 years. The final proposed revenue of \$748,030 reflects a decrease in revenue.

3. ADJOURNMENT

There being no further business, it was moved by Quam to adjourn the meeting at 6:50 p.m. Rose seconded the motion. Motion carried.

Respectfully submitted,

Clare T. Link
Recording Secretary

GREENWOOD CITY COUNCIL MEETING
Tuesday, August 6, 2009 7:00 p.m.
Council Chambers 20225 Cottagewood Road Deephaven MN 55331

1. CALL TO ORDER- ROLL CALL - APPROVAL OF AGENDA

Mayor Kind called the meeting to order at 7:00 p.m.

Members present: Mayor Kind, Councilmembers Page, Rose, Fletcher and Quam

Others present: City Administrator Whipple, City Attorney Kelly,
And Recording Secretary Link

Page moved to approve the agenda as submitted. Quam seconded the motion. Motion carried unanimously.

2. APPROVE CONSENT AGENDA

Councilmember Page moved to approve the following Consent items with the exception of Item E, Approve July payables \$164,833.15. Items so approved include the following:

- A. Recommendation: Approve 7/7/09 Budget worksession minutes
- B. Recommendation: Approve 7/7/09 Council minutes
- C. Recommendation: Approve 7/21/09 Special Council meeting
- D. Recommendation: Approve June treasurer's report

Councilmember Rose seconded the motion. Motion approved.

3. MATTERS FROM THE FLOOR

None

4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS

A. Dick Woodruff: LMCC Presentation - Consider Approving Resolution #15-09

Dick Woodruff, representing the LMCC discussed the LMCC's plans to provide wireless technology to the communities on Lake Minnetonka. He explained how the network is designed. He discussed the application process in detail which is needed to request funding for the project. He stated the LMCC needs to have 100% commitment from all of the member cities. A resolution was provided for the Council's approval. He explained how the fiber optics are installed in the streets. He also noted twelve of the twelve cities have adopted the resolution.

Rick Ambrose, 5130 Curve Street asked if they contract with someone for program provision. Woodruff explained how the LMCC contracts with Mediacom to provide cable service. The LMCC is the franchisor for Mediacom for seventeen cities through a joint powers agreement.

Motion by Quam to adopt Resolution #15.09 to support the LMCC's application for Federal stimulus money for the installation of fiber optics technology. Rose seconded the motion. Ayes 4-0-1. Fletcher abstained from voting. Motion carried unanimously.

B. Chief Litsey: Police Funding Proposal

Bryan Litsey, SLMPD discussed the proposed 2010 budget which he noted has been refined several times at the request of the SLMPD Coordinating Committee. The budget reflects a revenue loss of 8.75%. He discussed the need to build up the dwindling building fund. He stated the proposed budget will sustain the department for the short term.

Rose asked why the police department couldn't come up with a zero percent increase like the fire department was able to do for 2010. Litsey noted the fire department is not as personnel-driven as the police department. He stated the budget would have gone down if there hadn't been a loss in revenue. He noted eighty percent of the budget is for personnel. He stated it was fortunate that they had some personnel retire this year, or the budget would have been much higher.

Fletcher was concerned the budget might be too tight. He felt there should have been some kind of increase given the increase in insurance rates. Litsey hoped that things will start to improve after 2010. Fletcher asked if time spent applying for grants should be allocated to time on the street. Litsey stated he prepares the majority of the grant applications.

Quam stated public safety is our top responsibility as a city. We have 1.1 officers per 1000 residents. It was not acceptable to him that at times there is only one officer on duty.

Motion by Fletcher to approve the 2010 SLMPD funding proposal. Page seconded the motion. Motion carried 3-2. Quam and Rose voted against the motion.

C. Whipple: Lakeshore Market Landscaping Bid

Whipple stated the bid for landscaping bid for Lakeshore Market was reviewed with the contractor at the site, and there was some confusion on the exact location of landscaping. The low bid was from Minnesota Lawn and Landscape. Whipple recommended the bid be approved contingent on the contractor agreeing about the location of the landscaping. Kind suggested Whipple be given a dollar amount to work with.

Motion by Rose to authorize the City Administrator to spend up to \$1950 on landscaping at Lakeshore Market. Quam seconded the motion. Ayes 5. Fletcher asked how the landscaping be maintained after the work is completed. Whipple stated Deephaven would charge to water the landscaping. Motion carried unanimously.

D. Whipple: Update on litter clean-up at St. Alban's Bay Channel

Whipple stated the work was completed on the 27th by the Sentence to Serve program at no cost to the City.

5. PUBLIC HEARINGS

None

6. UNFINISHED BUSINESS

A. Social Host Ordinance #171

Bryan Litsey, SLMPD gave a report on the statistics on drinking habits of high school students and the proposed social host ordinance. The intent is to reduce the number of under-age drinking parties. The ordinance would allow the SLMPD to hold those legally-aged residents to be held accountable for providing liquor to under-aged residents. Minnetonka has recently adopted the ordinance. He stated the proposed ordinance is one more tool which can be used to enforce underage drinking.

Page asked why government agencies wouldn't be included. Litsey stated there are different laws in effect for liquor license holders. The social host ordinance doesn't deal with liquor license holders.

Fletcher asked if there have been situations in Greenwood where this type of activity has taken place. Litsey stated he could review consumption

citations for specific examples.

Page stated "knowing" or "knowledge" need to be defined in the ordinance. Litsey stated it could be recommended to be included. He discussed the ordinance enforcement.

Motion by Quam to remove this item off the table. Page seconded the motion. Ayes 5. Motion carried unanimously.

Motion by Page to reject the proposed ordinance. Rose seconded the motion. Ayes 4-1. Kind opposed the motion. Motion carried.

Fletcher suggested the Council move down to New Business at this point.

Motion by Fletcher, seconded by Rose to table Items 6B through 6G. Ayes 5. Motion carried.

7. **NEW BUSINESS**

A. **Consider: Appointments to Alternate Planning Commission Seats**

Kind noted there are two applicants for alternate positions on the Planning Commission. Bill Cook was present as one of the applicants. Brian Malo was not present.

Bill Cook, 5195 Greenwood Circle was present to answer any questions.

Motion by Page to appoint Bill Cook as Alternate Seat #1 on the Planning Commission. Quam seconded the motion. Ayes 5. Motion carried.

B. **Consider: Variance Request, William Brand, 21290 Excelsior Blvd.**

Kind stated the applicant is seeking a variance from surface coverage for a building addition. She noted the property is unique in that it is very narrow and steep. The deadline for Council action is August 12. The applicant is not present; however, the architect is present.

Mr. Storlien, architect discussed the proposed project and the purpose for the variance.

Page asked Storlien if he was aware that areas with wood chips and gravel

are included in the hardcover calculation. Storlien stated the surveyor provided all the calculations. Page explained why he believed they are at fifty percent hardcover. He indicated the owner has given Storlien the authority to request a 60-day extension. Kelly discussed the legal requirements for an extension. A signed authorization was presented for the record. Kelly asked that the applicant provide email confirmation before August 12.

C. Consider: Resolution #14-09 Public Right-of-Way Use Permit, Sean and Kristi Conrad, 21780 Fairview Street

Motion by Quam to adopt Resolution 14-09. Fletcher seconded the motion. Ayes 3-2. Rose and Page voted against the motion. Motion carried 3-2.

The Council recessed at 9:02 p.m. and reconvened at 9:07 p.m.

D. Discuss: Lakeshore Market Request to Allow Hot Food Preparation and venting

Fletcher stated Lakeshore Market has requested a zoning ordinance change in order to allow hot food preparation and venting. The applicant believes food service is vital to the success of his business. Residents across the street oppose the use. Residents are also concerned about allowing venting and odor issues. The Planning Commission has asked for the Council's direction on the request.

Rose asked if there are any updates on the proposed use. Muhamed Kwara, owner stated many of the residents in the area support the proposal. He stated he is trying to work out the venting solution. There are some companies that can offer indoor venting. He is still waiting for additional information. He stated he would like to stock cold sandwiches now until information on ventilation can be provided.

Kind asked if they have grandfathered rights for food service. Kelly stated there has been some limited food service in the past which involves pre-packaged food. We have allowed packaged food but not prepared food. The question is whether a conditional use permit might be required.

Kind opened the item to the floor for public comments. Gene Dahlin, 21350 Excelsior Blvd stated he was opposed to the request. He was also opposed to any kind of change in the zoning ordinance to add food service. He had

concerns about traffic congestion.

Gretta Palmberg, 21320 Excelsior Blvd. opposed any change to the zoning ordinance. She has a hard time getting out of her driveway. She was opposed to any venting or restaurant smells. She stated the Council needs to uphold the current ordinance.

Jeff Sagal, 21420 Excelsior Blvd. opposed any venting on the site. He stated there is a problem with a noisy cooling unit on the site. Many of the neighbors who could not attend this evening also oppose the use. Approving the request would set a very dangerous precedent for the other businesses in the area.

Kwara stated traffic counts have decreased on Highway 7. He stated he needs to make a living. He stated it is the Health Department's decision what he can sell. He stated the previous owner did not keep the area as clean as he does.

Quam stated he did not support having outside venting. He was concerned about the effects on the neighboring properties.

Kind stated we are willing to improve the look of the area, but she did not believe that exterior venting should be allowed. The interior venting is very intriguing. She opposed the exterior venting. She believed there is a precedent to allow food at that location.

Rose opposed exterior venting. He discussed his concerns about traffic in the area. The purpose of a gas station is to grab something and go.

Page stated he was not in favor of amending the ordinance for one business. He saw no grandfathering documentation in any of the files relating to this property. He believed the lot could be cleaner. He was not opposed to the sale of pre-packaged sandwiches. There has, however, been several improvements to the upkeep in the past couple years.

Fletcher asked for Council input on whether cold sandwiches can be prepared on site. He believed this would open up the area to more requests. The Council concurred that the ordinance would not be changed.

E. First Reading: Outdoor Lighting Ordinance #173

Kind stated the proposed ordinance includes reduction in foot candle measurement, a change in ornamental lighting, and that all outdoor lighting be downcast.

Fletcher reviewed changes to the ordinance and how it differs from the existing ordinance. He noted it would be complaint-driven.

Motion by Quam to table this item to the November meeting. Rose seconded the motion. Page asked if those who have lighting that is in violation of the new ordinance would have to change them. It was noted they would be grandfathered in. Councilmembers discussed the current and proposed lighting ordinances. Page stressed the need for community feedback. Ayes 5. Motion carried 5-0.

F. Discuss Revision to the Greenwood Code Limiting Restaurant Liquor Sales to a Percent of Total Sales

Kind stated the current Greenwood code does not have a percentage of total sales in restaurants selling liquor. Most cities do have percentages. A public hearing is required to make a change to the liquor ordinance.

Motion by Page to hold a public hearing in September to consider revision of the city code limiting restaurant liquor sales to a percent of total sales, and direct the City Attorney to prepare the ordinance language with a 60/40 ratio. Rose seconded the motion. Ayes 5. Motion carried 5-0.

G. Consider Directing the Planning Commission to Review Parking Requirements and Hardcover Limits for Commercial Property

Fletcher stated there is a need to have parking requirements and hardcover limits for commercial property be reviewed. Quam and Kind agreed it was a good idea. Page stated he opposed the change, because he felt it was focused on one property.

Motion by Fletcher to direct the Planning Commission to review parking requirements. Quam seconded the motion. Ayes 3-2. Page and Rose opposed the motion. Motion carried 3-2.

Motion by Fletcher to direct the Planning Commission to review hardcover

limits for commercial property. Quam seconded the motion. Ayes 3-2. Page and Rose opposed the motion. Motion carried 3-2.

6. UNFINISHED BUSINESS (CONTINUED)

B. Second Reading: Construction Management Ordinance #168

Kind stated a couple changes were made following the first reading.

Motion by Fletcher to approve Ordinance #168. Page seconded the motion. Ayes 5. Motion carried unanimously.

C. Second Reading: Construction Site Runoff Control Ordinance #172

Kind reviewed the changes.

Motion by Quam to approve Ordinance #172. Fletcher seconded the motion. Ayes 5. Motion carried unanimously.

D. Administrative Hearing Process

Kind noted the first step has been completed to determine who will enforce. It will be handled by SLMPD. Information on city courts is provided this evening.

Kelly stated an ordinance can be drafted, and fines need to be established. Fletcher asked if Minnetonka would be willing to hold the hearings for Greenwood. Whipple indicated they would.

E. Discuss: Community Survey

Kind stated the Council discussed the survey at the July meeting. The survey will go out with the October utility bills. Councilmembers reviewed the draft survey.

Motion by Page to continue discussion to the September meeting. Quam seconded the motion. Motion carried 5-0.

8. OTHER BUSINESS

A. Review July payables of \$164,833.15

Fletcher pulled this item from the Consent Agenda for coding recommendations.

Motion by Fletcher to approve the July payables in the amount of \$164,833.15. Quam seconded the motion. Ayes 5. Motion carried unanimously.

9. COUNCIL REPORTS

A. Quam: Road Report, Recycling Hauler Report

Quam stated the road projects have been completed, and adjacent landowners are pleased. He reported RFPs have been mailed for recycling hauler services, and we are waiting for them to be returned.

B. Kind: Police Report

Kind reported a Coordinating Committee meeting was held the previous week and she discussed what occurred.

C. Fletcher: Milfoil Report, Planning Commission Report (Georgetown Garages, Tree Ordinance, etc.)

Fletcher stated the money has been raised for the milfoil study at St. Alban's Bay. Fletcher stated the Georgetown garages meet code. He reported the Planning Commission asked for a response to the proposed tree ordinance in writing from the City Council. He prepared a statement and asked the Council to sign off.

D. Page: Lake Minnetonka Conservation District

Page indicated the DNR is taking action on the flowering rush in areas around the lake.

The Council recessed at 10:30 p.m.

10. CLOSED SESSION

A. Consider Strategies for Labor Negotiations with City Administrator

11. ADJOURNMENT

There being no further business, the meeting adjourned at 11:31 PM

Respectfully submitted,

Clare T. Link
Recording Secretary

City of Greenwood Treasurer's Report

July 2009

	Fund	Assets	Liabilities	Total Fund Balance
101	General	-\$257,213.51	\$25,836.19	-\$283,049.70
401	Park Improvement	\$27,054.92	-	\$27,054.92
402	Road Improvement	\$40,752.21	\$520,235.83	\$40,752.21
602	Sewer *	\$842,402.78		\$322,166.95
605	Marina	\$37,149.65	-	\$37,149.65
		\$690,146.05	\$546,072.02	\$144,074.03
	*sewer cash	\$354,423.00		
	Bridgewater Bank - Ckg.	\$244,686.13		
	Bridgewater Bank - MM	\$250,364.64		
		\$495,050.77		
	2008 Ending Reserve Fund Bal	\$130,336.00		
	2007 Ending Reserve Fund Bal	\$90,125.00		
	2006 Ending Reserve Fund Bal	-\$1,787.00		
	2005 Ending Reserve Fund Bal	-\$55,378.00		
	2004 Ending Reserve Fund Bal	-\$61,445.00		
	Money Market Balance	250,364.64		
	General Fund Cash	-193,820.63		
	= amount borrowed from sewer fund to General Fund	56,544.01		

20

2E

Check Issue Date(s): 08/01/2009 - 08/31/2009

Per	Date	Check No	Vendor No	Payee	Amount
08/09	08/17/2009	9714	10	AMERICAN SOLUTIONS / BUSINESS	81.96
08/09	08/17/2009	9715	51	BOLTON & MENK, INC.	4,775.50
08/09	08/17/2009	9716	660	CLARE T. LINK	200.00
08/09	08/17/2009	9717	262	HENNEPIN COUNTY RECORDER	46.00
08/09	08/17/2009	9718	75	HENNEPIN COUNTY TREASURER	55.48
08/09	08/17/2009	9719	678	KAYLENE KICKHAFER	67.91
08/09	08/17/2009	9720	99	LAKE MTKA CONSERVATION DISTRIC	1,528.35
08/09	08/17/2009	9721	742	Marco, Inc.	195.27
08/09	08/17/2009	9722	105	METROPOLITAN COUNCIL ENV SERV	3,113.87
08/09	08/17/2009	9723	68	ONE CALL CONCEPTS	82.65
08/09	08/17/2009	9724	701	Popp Telecom	117.39
08/09	08/17/2009	9725	38	SOUTH LAKE MINNETONKA POLICE	12,519.00
08/09	08/17/2009	9726	136	Sun Newspapers	550.55
08/09	08/17/2009	9727	717	VISI	60.00
08/09	08/17/2009	9728	145	XCEL	591.71
08/09	08/24/2009	9729	9	CITY OF DEEPHAVEN	2,841.80
08/09	08/24/2009	9730	578	Minnesota Life	3.45
08/09	08/24/2009	9731	136	Sun Newspapers	797.23
08/09	08/24/2009	9732	600	Union Security Insurance Compa	112.25
08/09	08/25/2009	9733	596	BARBER CONSTRUCTION, INC.	5,122.16
08/09	08/25/2009	9734	734	Midwest Trenchless Technologies	1,822.65
Totals:					<u>34,685.18</u>

2E

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount
101-41200-322	GENERAL FUND - COUNCIL - ELECTIONS - POSTAGE-ELECTION						
	75	HENNEPIN COUNTY TREASURE	Postal Verification Cards	0809		08/11/2009	55.48
101-41400-139	GENERAL FUND - COUNCIL - ADMINISTRATION - CLERKS INSURANCE						
	578	Minnesota Life	Clerk's Life Insurance	0909		08/14/2009	3.45
	600	Union Security Insurance Compa	Clerk's short-term disability	0909		08/17/2009	13.50
	600	Union Security Insurance Compa	Clerk's long-term disability	0909		08/17/2009	98.75
							115.70 *
101-41400-202	GENERAL FUND - COUNCIL - ADMINISTRATION - DUPLICATING						
	9	CITY OF DEEPHAVEN	COPIES	809		08/21/2009	1.70
101-41400-310	GENERAL FUND - COUNCIL - ADMINISTRATION - CLERKS CONTRACTURAL						
	9	CITY OF DEEPHAVEN	DEPUTY CLERK	809		08/21/2009	34.07
	660	CLARE T. LINK	Council Minutes	0809		08/07/2009	200.00
							234.07 *
101-41400-311	GENERAL FUND - COUNCIL - ADMINISTRATION - OFFICE-RENT						
	9	CITY OF DEEPHAVEN	RENT & EQUIPMENT	809		08/21/2009	942.68
101-41400-321	GENERAL FUND - COUNCIL - ADMINISTRATION - COMMUNICATIONS-TELEPHONE						
	701	Popp Telecom	Local, Long dist. & DSL	1802555		07/31/2009	117.39
	717	VISI	POP mailbox/copier	1731864		07/21/2009	60.00
							177.39 *
101-41400-322	GENERAL FUND - COUNCIL - ADMINISTRATION - POSTAGE						
	9	CITY OF DEEPHAVEN	Postage	809		08/21/2009	59.92
101-41400-351	GENERAL FUND - COUNCIL - ADMINISTRATION - PRINTING-LEGAL NOTICES						
	136	Sun Newspapers	Ord #167	060914810		06/02/2009	464.75
	136	Sun Newspapers	Legal Notices	1189101		06/25/2009	361.08 -
	136	Sun Newspapers	Legal Notices	1190488		07/02/2009	42.90 -
	136	Sun Newspapers	Legal Notices	1190489		07/02/2009	35.75 -
	136	Sun Newspapers	Legal Notice - Liquor	1190490		07/02/2009	42.90 -
	136	Sun Newspapers	Hearing-Lakeshore Market	1190490		07/02/2009	42.90 -
	136	Sun Newspapers	Legal Notices	1190490		07/02/2009	42.90 -
	136	Sun Newspapers	Hearing Notice-Lakeshore Mkt	1190490		07/02/2009	42.90 -
	136	Sun Newspapers	Ord #169	1196013		07/30/2009	57.20
	136	Sun Newspapers	Public Hearing Notice	937921		08/13/2009	28.60
							60.78 -*
101-41400-411	GENERAL FUND - COUNCIL - ADMINISTRATION - RENTALS-OFFICE EQUIPMENT						
	742	Marco, Inc.	Copier lease	131006132		08/10/2009	195.27
	Total COUNCIL						1,721.43
101-42100-310	GENERAL FUND - LAW ENFORCEMENT - LAW ENFORCEMENT - LAW ENFORCEMENT-CONTRACT						
	38	SOUTH LAKE MINNETONKA POL	September Operating Budget	0909		08/17/2009	12,519.00
101-42400-308	GENERAL FUND - LAW ENFORCEMENT - ZONING - ZONING CONTRACT						
	9	CITY OF DEEPHAVEN	ZONING	809		08/21/2009	320.35
101-42400-309	GENERAL FUND - LAW ENFORCEMENT - ZONING - PUBLIC NOTICES						
	136	Sun Newspapers	Legal Notice - zoning	1189101		06/25/2009	361.08
	136	Sun Newspapers	Legal Notice - zoning	1190488		07/02/2009	42.90
	136	Sun Newspapers	Legal Notice - zoning	1190489		07/02/2009	35.75
	136	Sun Newspapers	Legal Notice - Lakeshore Market	1190490		07/02/2009	42.90
	136	Sun Newspapers	Legal Notice - zoning	1190490		07/02/2009	35.75
	136	Sun Newspapers	Hearing-Lakeshore Market	1190490		07/02/2009	42.90
	136	Sun Newspapers	Hearing-Lakeshore Market	1190490		07/02/2009	14.30

2E

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount
	136	Sun Newspapers	Legal Notice - zoning	1190490		07/02/2009	42.90
	136	Sun Newspapers	Hearing-Lakeshore Market	1190490		07/02/2009	7.15 -
	136	Sun Newspapers	zoning ord-Const. sites	1200304		08/20/2009	196.63
	136	Sun Newspapers	zoning ord.-Const site runoff	1200305		08/20/2009	600.60
							1,408.56 *
101-42400-438	GENERAL FUND - LAW ENFORCEMENT - ZONING - MISCELLANEOUS-SALES TAX						
	262	HENNEPIN COUNTY RECORDER	County Recorder Fee	5613		07/17/2009	46.00
101-42500-381	GENERAL FUND - LAW ENFORCEMENT - CIVIL DEFENSE - UTILITY SERVICES-ELECTRIC						
	145	XCEL	SIREN	282255473		07/24/2009	3.52
101-42600-303	GENERAL FUND - LAW ENFORCEMENT - ENGINEERING - ENGINEERING FEES						
	51	BOLTON & MENK, INC.	STREET-Engineering	0125982		06/30/2009	8,882.00 -
	Total LAW ENFORCEMENT						5,415.43
101-43100-381	GENERAL FUND - CONTRACT UTILITY AND ROADS - CONTRACT UTILITY AND ROADS - S&R-UTILITY SERVICES-ELE						
	145	XCEL	Street Light -Meadville	282255376		07/24/2009	9.03
	145	XCEL	Street Lights	283223355		08/02/2009	381.55
							390.58 *
101-43900-310	GENERAL FUND - CONTRACT UTILITY AND ROADS - PUBLIC WORKS - STREETS-CONTRACTURAL						
	9	CITY OF DEEPHAVEN	STREET	809		08/21/2009	76.06
101-43900-311	GENERAL FUND - CONTRACT UTILITY AND ROADS - PUBLIC WORKS - STORM SEWER-CONTRACTURAL						
	9	CITY OF DEEPHAVEN	STORM SEWERS	0709		07/27/2009	304.22 -
101-43900-313	GENERAL FUND - CONTRACT UTILITY AND ROADS - PUBLIC WORKS - TREE/WEED-CONTRACT						
	9	CITY OF DEEPHAVEN	WEED & TREE	809		08/21/2009	1,368.99
	Total CONTRACT UTILITY AND ROADS						1,531.41
101-49000-433	GENERAL FUND - MISCELLANEOUS - MISCELLANEOUS - MISC.-DUES & SUBSCRIPTION						
	99	LAKE MTKA CONSERVATION DIS	3rd Quarter levy pmt.	3 QTR		08/06/2009	1,528.35
	678	KAYLENE KICKHAFFER	City Parade Expenses	0709		07/15/2009	67.91
							1,596.26 *
	Total MISCELLANEOUS						1,596.26
	Total GENERAL FUND						10,264.53
402-43200-303	ROAD IMPROVEMENT FUND - STORMWATER FUND EXPENSES - ROAD FUND EXPENSES - ENGINEERING-ROADS						
	51	BOLTON & MENK, INC.	STREET-Engineering	0125982		06/30/2009	8,882.00
	51	BOLTON & MENK, INC.	Roads Engineering	0126653		07/31/2009	1,111.00
	51	BOLTON & MENK, INC.	Road Engineering	026655		07/31/2009	1,427.00
							11,420.00 *
	Total STORMWATER FUND EXPENSES						11,420.00
402-45100-303	ROAD IMPROVEMENT FUND - 402-45 - 402-45100 - PROF. SVCE.-ENGINEERING F						
	596	BARBER CONSTRUCTION, INC.	Pay request #2 GW Circle	0809		08/24/2009	5,122.16

2E

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	
Total 402-45							5,122.16	
Total ROAD IMPROVEMENT FUND							16,542.16	
502-43200-319 STORMWATER FUND - STORMWATER FUND EXPENSES - STORMWATER FUND EXPENSES - EQUIPMENT MAINTEN.								
	9	CITY OF DEEPHAVEN	STORM SEWERS	0709		07/27/2009	304.22	
	9	CITY OF DEEPHAVEN	STORM SEWERS	809		08/21/2009	38.03	
							342.25 *	
Total STORMWATER FUND EXPENSES							342.25	
Total STORMWATER FUND								342.25
602-43200-214 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - OPERATIONAL SUPP-FORMS/PR								
	10	AMERICAN SOLUTIONS / BUSIN	LASER PAPER	00304085		07/30/2009	81.96	
602-43200-303 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - ENGINEERING-SEWER								
	51	BOLTON & MENK, INC.	Sewer Engineering	0126654		07/31/2009	2,237.50	
602-43200-309 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - PROFESSIONAL SVCS-METRO W								
	105	METROPOLITAN COUNCIL ENV	Monthly wastewater Charge	0000905885		08/04/2009	3,113.87	
602-43200-319 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - EQUIPMENT MAINTENANCE-OTH								
	734	Midwest TrenchlessTechnologies	Sewer improvements	0809		08/21/2009	1,822.65	
602-43200-381 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - UTILITY SERVICES-ELECTRIC								
	145	XCEL	Lift Station 2	282322745		07/26/2009	34.99	
	145	XCEL	Lift Station 4	282323653		07/26/2009	31.62	
	145	XCEL	Lift Station 1	282330195		07/26/2009	32.70	
	145	XCEL	Lift Station 3	282338691		07/26/2009	24.14	
	145	XCEL	Lift Station 6	282362206		07/26/2009	74.16	
							197.61 *	
602-43200-439 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - MISCELLANEOUS								
	68	ONE CALL CONCEPTS	Gopher State One Call	9070535		07/31/2009	82.65	
Total SEWER FUND EXPENSES							7,536.24	
Total SEWER FUND								7,536.24
Grand Total:							34,685.18	

2E

CITY OF GREENWOOD

Check Register

Page: 1

Check Issue Date(s): 08/01/2009 to 08/25/2009

Aug 25, 2009 07:35am

<u>Pay Per Date</u>	<u>Jrnl</u>	<u>Check Date</u>	<u>Check Number</u>	<u>Payee</u>	<u>Emp No</u>	<u>Amount</u>
08/02/09	PC	08/03/09	9707	Debra J. Kind	34	277.05
08/02/09	PC	08/03/09	9708	Fletcher, Thomas M	33	84.70
08/02/09	PC	08/03/09	9709	H. Kelsey Page	35	184.70
08/02/09	PC	08/03/09	9710	Quam, Robert	32	184.70
08/02/09	PC	08/03/09	9711	WHIPPLE, ROBERTA L.	21	1,484.25
08/02/09	PC	08/03/09	9712	William Rose	36	184.70
08/16/09	PC	08/17/09	9713	WHIPPLE, ROBERTA L.	21	1,573.00
Grand Totals:						<u>3,973.10</u>

2

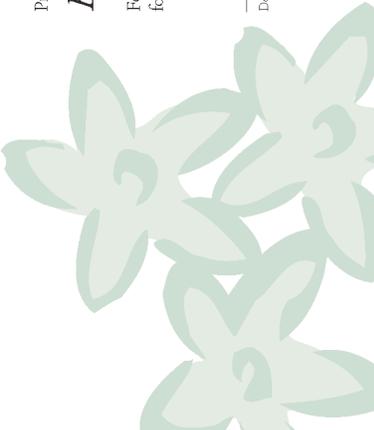


BEAUTIFUL BOULEVARDS AWARD 2009

Presented to
Bridgewater Bank

For the garden along Highway 7. Thank you for helping make Greenwood beautiful!

Debra J. Kind, Mayor _____ Date _____



4

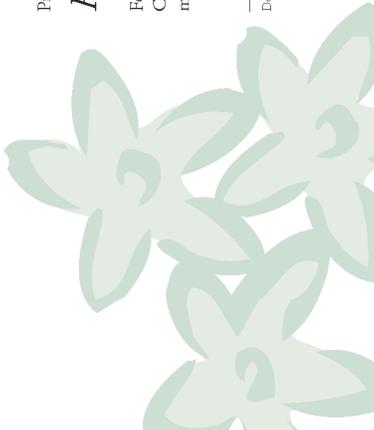


BEAUTIFUL BOULEVARDS AWARD 2009

Presented to
Roger & Janice Creamer

For the garden by the Greenwood sign at Christmas Lake Road. Thank you for helping make Greenwood beautiful!

Debra J. Kind, Mayor _____ Date _____



1

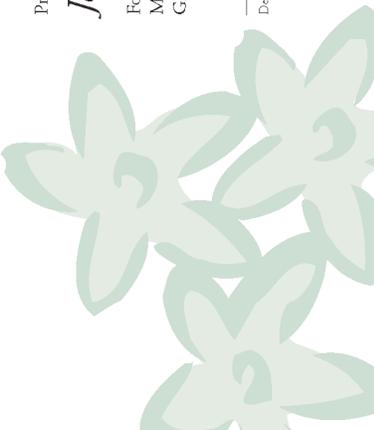


BEAUTIFUL BOULEVARDS AWARD 2009

Presented to
Jeannie Bren

For the garden by the Greenwood sign on Manor Road. Thank you for helping make Greenwood beautiful!

Debra J. Kind, Mayor _____ Date _____



3

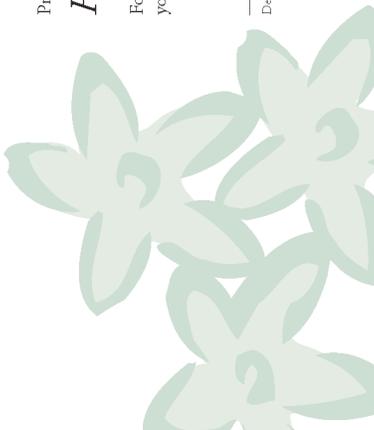


BEAUTIFUL BOULEVARDS AWARD 2009

Presented to
Frank & Susie Brixius

For the garden along Fairview Street. Thank you for helping make Greenwood beautiful!

Debra J. Kind, Mayor _____ Date _____





BEAUTIFUL BOULEVARDS AWARD 2009

Presented to

Greta Palmberg

For the garden along Excelsior Blvd. Thank you for helping make Greenwood beautiful!

Debra J. Kind, Mayor

Date



BEAUTIFUL BOULEVARDS AWARD 2009

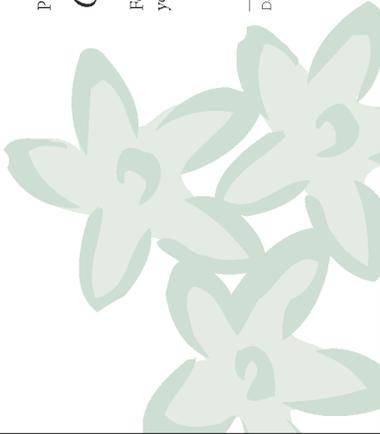
Presented to

Gene & Carol Dablin

For the garden along Excelsior Blvd. Thank you for helping make Greenwood beautiful!

Debra J. Kind, Mayor

Date



BEAUTIFUL BOULEVARDS AWARD 2009

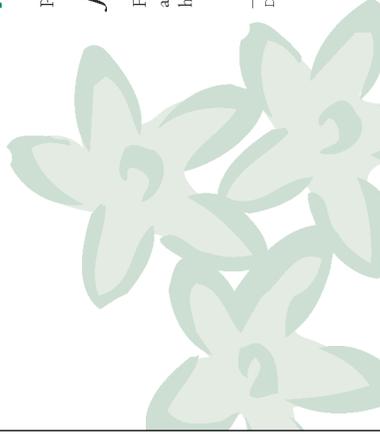
Presented to

Joan Slattery

For the gardens by the Greenwood sign and along Minnetonka Blvd. Thank you for helping make Greenwood beautiful!

Debra J. Kind, Mayor

Date



BEAUTIFUL BOULEVARDS AWARD 2009

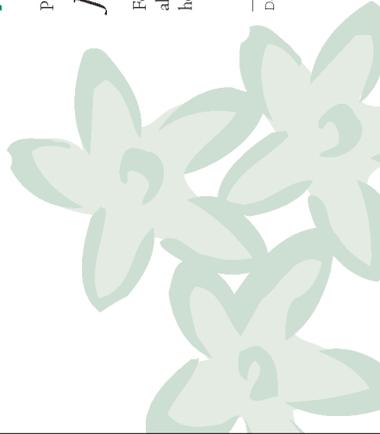
Presented to

Jeff & Malana Schmidt

For the gardens by the Greenwood sign and along Minnetonka Blvd. Thank you for helping make Greenwood beautiful!

Debra J. Kind, Mayor

Date





**BEAUTIFUL
BOULEVARDS
AWARD 2009**

Presented to

*Jamie Wolfe &
Idona Holbrook*

For the garden along Meadville Street. Thank
you for helping make Greenwood beautiful!

Debra J. Kind, Mayor

Date



AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING THE INTOXICATING LIQUOR ORDINANCE, CODE SECTION 820:15 *Persons and Places
Ineligible for License*, BY THE ADDITION OF A FOOD/LIQUOR SALES RATIO REQUIREMENT.

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, DOES ORDAIN:

SECTION 1.

“Section 820:15. Persons and Places Ineligible for License. No license shall be issued to:

1. A person not citizen of the United States or resident alien.
2. A person under 21 years of age.
3. A person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested.
4. A person not of good moral character and repute.
5. A person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.
6. No new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division or licensing authority may require that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes of a criminal history check.
7. A person who is not a real party in interest.
8. Foreign corporations, a corporation not chartered in the State of Minnesota, and not otherwise licensed to do business in the State.
9. No license may be issued unless the applicant makes a bona fide estimation that at least 50 percent of the gross receipts of the establishment during its first year of business will be attributable to the sale of food.”

SECTION 2.

Effective Date. This ordinance shall be effective upon publication according to law.

ENACTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS ____ DAY OF _____, 2009.

Ayes____, Nays_____.

CITY OF GREENWOOD

Attest:

By:

Debra J. Kind, Mayor

Roberta L. Whipple, City Administrator

City of Greenwood
 20225 Cottagewood Road
 Deephaven, MN 55331
 952-474-4755
 www.greenwoodmn.com

Variance Application

Applicant is (circle one) Owner Developer Contractor Architect Other _____

Property address for which variance is requested 21290 EXCELSIOR BLVD.

Applicant (individual or company name): RDS ARCHITECTS

Contact for Business: RICK STORLIEN Title: OWNER

Address: 10135 47th AVE City: PLYMOUTH State: MN Zip: 55442

Wk Phone: 612-810-9628 Hm Phone: _____

Email address: rstorlien@comcast.net Fax: 763-550-2919

Present use of property: SINGLE FAMILY RESIDENTIAL

Property acreage: 19,880 SQ. FT .457 ACRES

Existing Variances: Yes _____ No X

If yes, please explain _____

Describe Request: Build New _____ Add On X Remodel X Replace _____

What is the Variance being requested for: RELOCATION OF EXISTING GARAGE & NEW FRONT ENTRY ADDITION

Variance for:

		Required	Proposed
Side Yard		_____ feet	_____ feet
Front Yard		_____ feet	_____ feet
Rear Yard		_____ feet	_____ feet
Lake setback		_____ feet	_____ feet
Building height		_____ feet	_____ feet
Structure height		_____ Feet	_____ feet
Wetland		_____ feet	_____ feet
<u>X</u> Impervious Cover	<u>30%</u>	<u>5964</u> sq ft	<u>7844</u> Sq ft
Shoreland		_____ feet	_____ feet
Massing		_____ volume	_____ volume
Other		_____ feet	_____ feet
If other please explain			

39.46% DRIVEWAY
5557 WITHOUT
27.95% DRIVEWAY

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

STATE LAW: Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause an undue hardship because of circumstances unique to the individual property under consideration, and, B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Undue hardship" as used in connection with the granting of a variance means: 1) the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls; 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, and 3) the variance, if granted, will not alter the essential character of the locality.

NOTICE: Simple inconvenience of a landowner or occupant, including self-created situations, are not considered undue hardships under Minnesota case law.

Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the ordinance. (MN Statutes 462.357.)

If you have difficulty in establishing an undue hardship please consider alternatives to your construction plans that may remove the need for a variance.

The Applicant must respond fully and in detail to each of the following questions and data requests or the application may be rejected as incomplete.

Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code:

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

WE ARE REDUCING EXISTING HARDCOVER & IMPROVING SITE ACCESS

Establishing Undue Hardship:

1. The landowner's (Applicant's) property cannot be put to a reasonable use if used under conditions allowed by the official controls because:

LONG & NARROW LOT W/ UNUSUAL GRADE CHANGE & CONDITIONS

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

HOUSE & GARAGE ARE EXISTING & REQUIRE LONG DRIVEWAY FOR ACCESS & RETAINING WALLS FOR ELEVATION CHANGE TO STREET & LAKE

3. The variance, if granted, will not alter the essential character of the locality because:

NEW GARAGE LOCATION & ENTRY ADDITION ARE EQUAL IN SIZE & SCALE TO EXISTING & ARE ARCHITECTURALLY COMPATABLE W/ EXISTING HOME

Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:

WILL NOT ALTER NEIGHBORHOOD IN APPEARANCE &

WILL IMPROVE DRIVEWAY ACCESS & EGRESS TO STREET

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.

NEW STRUCTURE IS WITHIN SETBACKS & SAME SIZE

AS EXISTING, SO NO EFFECT ON LIGHT OR AIR QUALITY

Describe the effect of the variance, if granted, on traffic congestion in the public street.

WILL MAKE EGRESS FROM LOT SAFER & PROVIDE

OFFSTREET PARKING FOR FAMILY VEHICLES

Describe the effect of the variance, if granted, on the danger of fire.

NO CHANGE TO FIRE DANGER

Describe the effect of the variance, if granted, on the danger to public safety.

IMPROVE ACCESS TO STREET. ELIMINATES

BACKING ONTO PUBLIC ROAD

Describe the effect of the variance, if granted, on established property values in the surrounding area.

IMPROVE VALUES DUE TO MORE COHESIVE LOOK

TO HOUSE & BETTER USE OF PLAN & ACCESS

Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare

NO IMPAIRMENT TO PUBLIC SAFETY. DRIVEWAY

CONFIGURATION IMPROVES SAFETY ISSUES

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

____ LMCD # 952-745-0789

____ Watershed District # 952-471-0590

Applicant's Acknowledgement & Signature(s)

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application. The applicant certifies that the information supplied is true and correct to the best of his/her knowledge.

The undersigned also acknowledges that she/he understands that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 15 business days of application.

I am the authorized person to make this application and the fee owner has also signed this application.

Applicant's Signature: Richard Storker Date: 6/15/09

Signature: _____ Date: _____

Owner's Acknowledgement & Signature(s)

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, Planning Commission Members, and City Council Members for purposes of investigation and verification of this request.

Owner's Signature: Will J. Brider Date: 6/15/09

Owner's Signature: _____ Date: 6/15/09

Note – Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.



10135 47th AVE. PLYMOUTH, MN
612-810-9628
763-550-2919 FAX

Memo

To: City of Greenwood
From: Rick Storlien
Date: 6/23/2009
Re: Brands project

Volume calculations for Brands Residence @ 21290 Excelsior Blvd.

Volume by areas

Basement level exposed area (AHFF to grade)	837 Sq. Ft. x 7	= 5859 Cu.Ft.
New Garage	804 Sq. Ft. x 10	= 8040 Cu.Ft.
First Floor	3258 Sq. Ft. x 8.75	= 28508 Cu.Ft.
Second Floor	1179 Sq. Ft. x 8.75	= 10316 Cu.Ft.
Roof area above second floor	2093 Sq. Ft. x varies	= 6618 Cu.Ft.
Detached Garage	457 Sq. Ft. x 8.5	= 3886 Cu.Ft.
Detached Garage Roof	457 Sq. Ft. x varies	= 1371 Cu.Ft.
Total Volume of structures		= 64,598 Cu.Ft.

Allowable Volume per Ordinance

Lot area over 15,000 Sq.Ft. 67,500 Cu.Ft. +(19880-15000)x2 =77,260 Cu.Ft. allowed

Actual Volume = 64598 Cu.Ft. Therefore only 84% if allowable

Prepared by Richard Storlien

RDS Architects



10135 47th AVE. PLYMOUTH, MN
612-810-9628
763-550-2919 FAX

Memo

To: City of Greenwood
From: Rick Storlien
Date: 6/23/2009
Re: Brands project

Tree list for Brands Residence @ 21290 Excelsior Blvd.

Existing significant trees on site

8" Red Maple	28" Black Oak
10" White Cedar	9" Mullberry
22" Green Ash (To be removed for construction)	10" Red Cedar
27" Black Oak (To be removed for construction)	8" Green Ash
10" Cherry (To be removed for construction)	10" Apple
8" Maple (To be removed for construction)	3"x6" River Birch

4 trees to be removed for new addition and construction access

Black Oak and Maple to be removed under code allowing owner to harvest 2 trees.

Cherry removed considered decorative tree

Green Ash removed as potential disease tree

Prepared by Richard Storlien

RDS Architects

STAFF REPORT

Gus Karpas, Zoning Coordinator

Greenwood City Council, THURSDAY August 6, 2009 @ 7:00 p.m.

APPLICANT INFORMATION

Property Owner(s): William Brands
Property Address: 21290 Excelsior Boulevard
P.I.D. #: 35-117-23 12 0007
Zoning District: R-1A, Single Family Residential
Shoreland District: Yes
Wetlands: No

REQUEST

The applicant is proposing to remove the existing attached garage and construct a new garage and front entryway which would exceed the maximum permitted impervious surface area.

CITY CODE REQUIREMENTS

	Required	Existing Home	Proposed Garage
Front Yard Setback	30'	96'	83'
Side Yard Setback			
East:	15'	9'-3"	28'-10"
West:	15'	3'-9"	15'-3"
Lake Yard Setback	50'	61' (To deck)	139'
Permitted Structure Volume	77,536 c.f.	Unknown	64,598 c.f.
Lot Area	15,000 s.f.	19,880 s.f.	19,880 s.f.
Building Height	28'	26'	22'-4"
Structure Height	42'	36'	25'-2"
Impervious Surface	30%	40.41%	39.46%

- The applicant is requesting a variance from Section 1176:04(3); maximum permitted impervious surface area.
 - The maximum permitted impervious surface area is 30%.
 - The applicant proposes an impervious surface area of 39.46%.

- The applicant is requesting a variance to exceed the maximum permitted impervious surface area by 9.46%.
2. The applicant's survey indicates that they would be in compliance with the required front, lake and side yard setbacks.
 3. The applicant has submitted documentation that the proposed structure complies with the required building/structure height and maximum permitted structure volume.

REQUEST SUMMARY

The applicant is seeking to remove the existing garage and construct a new garage and front entryway. They explain this is necessary to facilitate better access to the garage. The applicant is seeking to exceed the maximum permitted impervious surface area by 9.46%.

The applicant has indicated the property cannot be put to a reasonable use under the existing ordinance requirements because it is a long and narrow lot which requires a longer driveway, thereby increasing the amount of impervious surface on the property.

STRUCTURE SETBACKS

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty (30) feet. The survey submitted by the applicant indicates the proposed alteration would be set back eighty-three (83) feet from the front property line. As presented, the proposed front yard setback complies with the city's ordinance.

Section 1120:15 of the Zoning Ordinance requires a minimum east side yard setback of fifteen (15) feet. The survey submitted by the applicant indicates the proposed structure would be set back twenty-eight feet, ten inches (28'-10") from the east property line. As presented, the proposed east side yard setback complies with the city's ordinance.

Section 1120:15 of the Zoning Ordinance requires a minimum exterior side yard setback of thirty (30) feet along the west property line. The survey submitted by the applicant indicates the proposed structure would be set back fifteen feet, three inches (15'-3") from the west property line. As presented, the proposed west side yard setback complies with the city's ordinance.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty (50) feet. The survey submitted by the applicant indicates the proposed structure would be set back one hundred and thirty nine (139) feet from the rear property line. As presented, the proposed lake yard setback complies with the city's ordinance.

IMPERVIOUS SURFACE AREA

1176:04(3) permits a maximum impervious surface area of thirty percent in the Shoreland District. The survey submitted by the applicant indicates the proposed impervious surface area on the property is 39.46%. ***As presented, the proposed impervious surface requires a variance to exceed the maximum permitted impervious surface area by 9.46%.***

The survey submitted by the applicant indicates the existing impervious surface area on the property is 40.41%. The proposal would reduce the impervious surface on the property by approximately one percent.

LOT AREA

Section 1120:10 requires a minimum lot area of 15,000 square feet in the R1-A Residential District. The survey submitted by the applicant indicates a lot area of 19,880 square feet. The applicant has a lot area that exceeds the minimum required by the city's ordinance.

BUILDING/STRUCTURE HEIGHT

Section 1120:20 of the Zoning Ordinance permits a maximum building height of twenty-eight (28) feet for a principal structure. Building height is defined as the vertical distance measured between the building perimeter grade and the roof line of a building or structure. The structural elevations submitted by the applicant indicate a proposed building height of approximately twenty-two feet, four inches (22'-4"). As presented, the proposed building height complies with the city's ordinance.

Section 1140:15(3) of the Zoning Ordinance permits a maximum principal structure height of forty-two (42) feet. Structure height includes the sum total of building height and the vertical height above the roof line of all structure. The structure elevations submitted by the applicant indicates a proposed structure height of twenty-five feet, two inches (25'-2"). As presented, the proposed structure height complies with the city's ordinance requirement.

TREE REMOVAL

The survey submitted by the applicant indicates a total of twelve (12) significant trees located on the subject property and shows there would be the removal of four trees considered "significant" by Section 1140:80(2)(d). Section 1140:80(5)(c)(1) permits the removal of a maximum of 10% of the existing trees on a property in conjunction with the construction of a new home addition.

Two of the trees are permitted by the annual tree harvesting permit, leaving ten (10) significant trees. The applicant proposes to remove two (2) trees or twenty percent, unless it is agreed that the Cherry tree is decorative in nature and not considered a significant tree or the applicant submits a determination by a licensed arborist that the Ash Tree is in fact diseased.

If the Commission deems the aforementioned trees as significant, Section 1140:80(4) permits a property owner the approach the city for a permit to exceed the annual permitted tree harvest. ***As presented, the applicant requires permission to harvest three significant trees in a calendar year.***

ACCESSORY STRUCTURES

Section 1120:20(2) limits accessory structures to one private garage and on tool house shed or similar storage building per principal structure. Section 1120:20(3) permits a maximum combined accessory structure area of 1,000 square feet or 60% percent of the total at grade, main floor square footage of the principal structure, whichever is less. In

this case the applicant is permitted maximum accessory structure area of 1,000 square feet. There is an existing 458 square foot garage located near the road, the applicant intends on keeping this structure as is.

MASSING

Section 1140:18(3) establishes the maximum permitted above grade building volume in residential zones based on lot size. The survey submitted by the applicant indicates the property contains an area of 19,880 square feet. Section 1140:18(3)(3) regulates above grade building volume for lots greater than 15,000 square feet, permitting a volume equal to 67,500 cubic feet, plus a volume of cubic feet equal to a two times the lot area minus 15,000 square feet.

In the case of the applicants property, the permitted above grade building volume would be 67,500 cubic feet plus $2(19880 - 15,000)$ 9,760 cubic feet for a total allowable above grad building volume of 77,260 cubic feet. The calculation submitted by the applicant indicates an above grade building volume of 64,598 cubic feet, based on the entire footprint multiplied by the largest structure height. As presented, the proposed above grade building volume complies with the city's ordinance.

The applicant has included the cubic foot area of the detached garage in their calculations.

PLANNING COMMISSION RECOMMENDATION

Motion by Commissioner Beal to recommend that the City Council approve the variance request to exceed the maximum permitted impervious surface area by 9.46% for the demolition and reconstruction construction of a new attached garage and entryway, as presented at 21290 Excelsior Boulevard. A hardship exists in that the placement of the existing garage creates a safety issue by requiring the applicants to back down the driveway onto Excelsior Boulevard and that the configuration of the lot requires an extensive driveway, preventing compliance with the impervious surface standards. The motion is conditioned that the concrete pad located on Excelsior Boulevard be removed as proposed. Commissioner Spiers seconded. Motion carried 3-0-1. Commissioner Palmberg abstained.

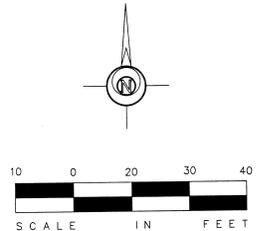
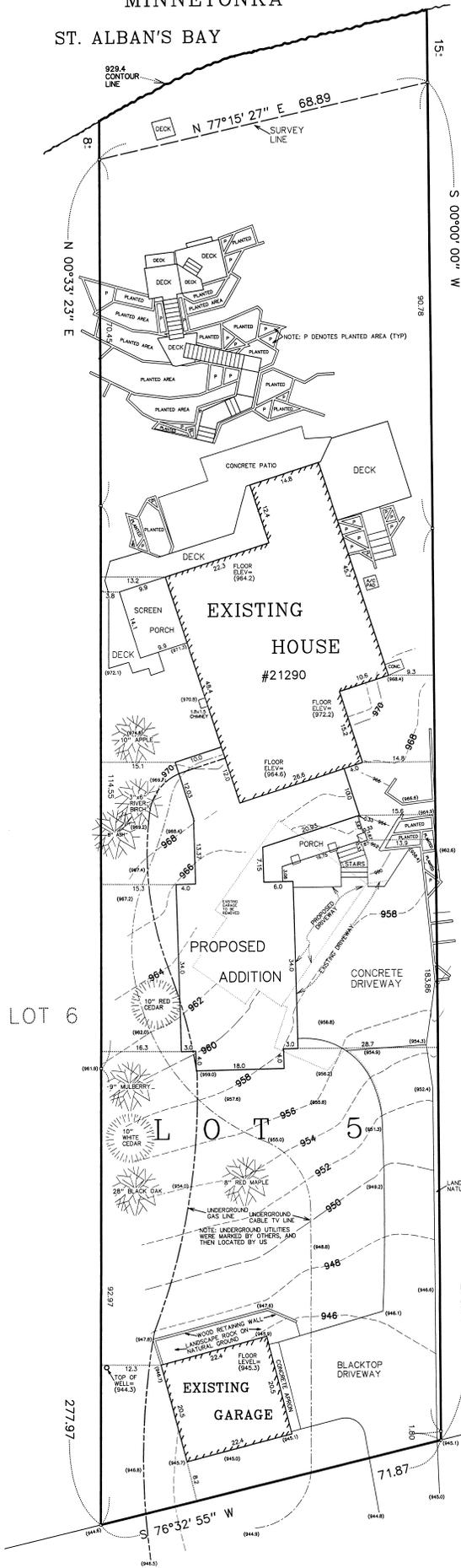
CITY COUNCIL ACTION REQUIRED

City Council Action Required: State Statute 15.99 requires a decision by the governing body within 60 days, unless the applicant is notified in writing the initial 60 days that the time period for a decision is extended. The City Council must approve, modify or deny the request by **August 12, 2009**.

LAKE MINNETONKA

ST. ALBAN'S BAY

PROPOSED CONDITIONS SURVEY FOR
WILLIAM J. BRANDS
OF LOT 5, PARTRIDGE HEIGHTS
HENNEPIN COUNTY, MINNESOTA



PROPOSED HARDCOVER CALCULATIONS :
Lot area = 19,880 Sq. ft.

- Existing house = 1823 sf
 - Proposed addition = 1419 sf
 - Proposed porch and stairs = 156 sf
 - Concrete and blacktop driveway = 2287
 - Southerly garage = 458 sf
 - Northwest deck = 277 sf
 - Concrete patio = 358 sf
 - Decks and steps at northeasterly house corner = 292 sf
 - Deck, steps and landings North of house = 308 sf
 - Deck near shore = 14 sf
 - Screen porch = 140 sf
 - Wood retaining walls = 295 sf
 - A/C Pad = 6 sf
 - Concrete slab = 8 sf
 - Chimney = 3 sf
- Total hardcover = 7844 Sq. ft.
7844 / 19,880 x 100 = 39.46%

- NOTES :
- 1) Planted areas on fabric = 571 sf not listed as hardcover in city ordinance.
 - 2) Landscape rock on natural ground is not counted as hardcover.

LEGAL DESCRIPTION OF PREMISES :
Lot 5, PARTRIDGE HEIGHTS

- o : denotes iron marker
 - (908.3) : denotes existing spot elevation, mean sea level datum
 - 917--- : denotes existing contour line, mean sea level datum
- Bearings shown are based upon an assumed datum.

This survey shows the boundaries of the above described property, the location of an existing house, two existing garages, eleven trees between the house and southerly garage, and the location of all visible "hardcover" thereon. It does not purport to show any other improvements or encroachments.

EXCELSIOR BOULEVARD

REVISIONS		REMARKS
DATE	BY	
8-18-09	PPF	PROPOSED ADDITION AND HARDCOVER CALC
8-13-09	ES	PLANTED AREAS AND LANDSCAPE ROCK NOTES ADDED

DESIGNED: I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly registered Civil Engineer and Land Surveyor under the laws of the State of Minnesota.
DRAWN: EOD
CHECKED: MSG
Mark S. Gronberg Minnesota License Number 12755

PROJECT

DATE: 5-22-09
SCALE: 1"=10'
SHEET: 09-102
PROJECT: 952-473-4141

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE, LONG LAKE, MN 55356

City of Greenwood Planning Commission Application Questionnaire

Name: Brian Malo

Address: 5070 Greenwood Circle

Email: brian.malo@mchsi.com Phone: (952) 474-7467

Employment: Wells Fargo Advisors (Brokerage) – Application Systems Engineer (programmer)

The following questionnaire is designed to obtain specific information as to your interests and qualifications for serving on the City of Greenwood Planning Commission. The submission of this questionnaire does not obligate you to volunteer for any city service.

Please return your application by mail: 20225 Cottagewood Road, Deephaven, MN 55331, by email: greenwood @visi.com, or by fax: 952-401-7587

How long have you lived in the Lake Minnetonka area? 13 years Greenwood? 13 years

Would you have difficulty attending the meetings on the 3rd Wednesday of each month? No

Why do you want to serve on the Planning Commission? While there may be several ways to serve the City of Greenwood, the Planning Commission is one opportunity that I have interest in. I have no plans to leave the city and would like to offer meaningful input with regards to planning decisions that help shape the future of Greenwood.

What specifically qualifies you to fill this position or why do you think you would serve Greenwood well in that capacity? I do not have any specific skills that I can offer the Planning Commission. I am sure there are and will be members that are much more knowledgeable than I am in the field of construction. I can offer an honest opinion and a get-it-done attitude on any issue that I am asked to participate on. I had an Urban Studies class in college. ☺

Have you attended Planning Commission or City Council meetings? Yes

Have you followed Greenwood’s development issues? Only to the extent issues are published.

How familiar are you with the City’s ordinances? Not very, but I am willing to perform the necessary research as required.

What do you consider the most important role of the Planning Commission? To make thoughtful recommendations to the city council with regards to planning and zoning requests for the City of Greenwood.

What would be your main goal as a member of the Planning Commission? To actively participate in the discussion at the city planning commission meetings. To listen to both sides of the issue and arrive at a logical outcome that will serve the City of Greenwood and its residents.

2010 Greenwood PRELIMINARY Budget Expenses

			2008 Actual	2008 Budget	YTD 8/09	2009 Budget	2010 Budget	% Change	% of Budget
Council									
1	101-41100-103	Council Salaries (gross)	12,600	13,200	8,800	13,200	13,200	0.00%	
2	101-41100-122	FICA Contributions (6.2%)	781	975	546	975	818	-16.06%	
3	101-41100-123	Medicare Contributions (1.45%)	183	220	128	220	191	-13.00%	
4	101-41100-209	Office Supplies (nameplates)	90	50	0	150	150	0.00%	
5	101-41100-309	Misc Professional Services	0	0	0	0	0		
6	101-41100-371	Training/Conference Registration (League of Minnesota Cities Training)	40	300	855	1,325	600	-54.72%	
7	101-41100-372	Meals/Lodging (LMCD Banquet, Mayor's Breakfast)	10	110	0	110	50	-54.55%	
8	101-41100-433	Misc. Dues & Subscriptions (Mayor's Association)	0	50	0	50	0	-100.00%	
9	101-41100-439	Misc. Other	0	0	0	0	0		
10		Total Council	13,704	14,905	10,329	16,030	15,010	-6.36%	2.17%
11									
Elections									
12									% change from 08 actual
13	101-41200-103	Election Salaries (part-time election judge salaries)	1,354	1,700	0	0	1,500	11%	
14	101-41200-214	Operational Support - Forms (ballots, voter reg. rosters)	209	500	0	0	300	44%	
15	101-41200-219	Election Operations/Support (Deeplaven Public Works)	330	135	0	0	350	6%	
16	101-41200-249	Minor Equipment - Other/Supplies (pens, ink, etc.)	0	80	0	0	25		
17	101-41200-309	Professional Services	0	0	0	0	0		
18	101-41200-319	Equipment Maintenance (ES & S Maintenance Agreement/Programming)	0	292	161	400	400		
19	101-41200-322	Postage Election (Mailing AB's County Postal Verification Cards)	81	360	55	40	100	23%	
20	101-41200-372	Meals Lodging (Election judge snacks)	58	35	0	0	75	29%	
21	101-41200-439	Misc. Other	183	0	0	0	200	9%	
22		Total Elections	2,215	3,102	216	440	2,950	33%	0.43%
23									
Administration									
24									% change from 09 actual
25	101-41400-101	City Administrator Salary (includes insurance credit of \$1719)	61,652	63,000	41,413	71,000	65,676	0.00%	
26	101-41400-102	City Administrator Salary (overtime)	0	0	0	0	0		
27	101-41400-121	PERA Contributions (7%)	3,969	4,095	2,789	4,795	4,597	-4.12%	
28	101-41400-122	FICA Contributions (6.2%)	3,786	3,906	2,568	4,410	4,072	-7.67%	
29	101-41400-123	Medicare Contributions (1.45%)	885	914	600	1,030	952	-7.54%	
30	101-41400-125	Other Retirement	0	0	0	0	0		
31	101-41400-139	City Administrator Insurance (LTD \$99, STD \$14, Life \$5.55 = \$118.55/mo.)	1,529	1,430	936	1,440	1,423	-1.21%	
32	101-41400-201	Office Supplies (Credit Card)	671	800	162	800	600	-25.00%	
33	101-41400-202	Duplicating	1,768	5,000	144	500	400	-20.00%	
34	101-41400-203	Office Supplies/Computer	0	0	0	0	0		
35	101-41400-204	Stationary	276	300	425	400	300	-25.00%	
36	101-41400-209	Office Supplies - Other (dog tags)	13	0	40	200	0	-100.00%	
37	101-41400-214	Forms/Printing (Am Bus Forms, I-9, W-2)	54	200	17	150	100	-33.33%	
38	101-41400-249	Minor Equip - Other	70	100	0	100	100	0.00%	
39	101-41400-309	Professional Services - Other (ISP, IT consult, Web site, email)	4,417	820	740	3,500	3,500	0.00%	
40	101-41400-310	Clerk's Contractual (minutes, part-time help)	695	800	1,575	8,500	3,250	-61.76%	
41	101-41400-311	Office - Rent/Equipment	11,072	11,100	7,541	11,500	11,580	0.70%	
42	101-41400-313	Professional Services - (Civic Accounting, 4.25%)	3,666	3,710	3,760	3,900	4,100	5.13%	
43	101-41400-319	Equipment Maintenance Other	0	0	0	300	100	-66.67%	
44	101-41400-321	Communications - telephone	1,667	1,550	1,029	1,500	1,500	0.00%	

2010 Greenwood PRELIMINARY Budget Expenses

			2008 Actual	2008 Budget	YTD 8/09	2009 Budget	2010 Budget	% Change	% of Budget
45	101-41400-322	Postage	1,179	1,300	799	1,400	1,400	0.00%	
46	101-41400-329	Other	0	0	0	0	0		
47	101-41400-331	Transportation/Travel expenses	391	275	83	300	400	33.33%	
48	101-41400-339	Other (recognition, gifts)	10	0	0	25	25	0.00%	
49	101-41400-351	Newspaper Legal Notices (all publications)	2,385	2,200	5,252	2,000	2,500	25.00%	
50	101-41400-359	Other	0	0	0	0	0		
51	101-41400-371	Training (Clerk mtgs./MFCOA annual conference)	200	300	0	0	250		
52	101-41400-372	Meals/Lodging	207	450	0	50	50	0.00%	
53	101-41400-411	Rentals - office equipment (Copier Lease)	1,340	0	1,642	2,280	2,280	0.00%	
54	101-41400-433	Misc Dues/subscriptions (MCFOA Dues/notary fee)	70	100	35	100	100	0.00%	
55	101-41400-437	Bank Services	0	50	0	50	50	0.00%	
56	101-41400-439	Misc. Other COMPUTER Software/Hardware	3,888	2,200	284	400	400	0.00%	
57	101-41400-570	Office Equipment & Furnishings	214	300	0	0	0		
58		Total Administration	106,074	104,900	71,834	120,630	109,705	-9.06%	15.83%
59									
60		Assessor							
61	101-41500-209	Assessor's Supplies (Henn Co. TNT Notices)	62	100	0	100	100	0.00%	
62	101-41500-309	Assessor's Contract (Hennepin Co.)	12,860	13,400	0	13,500	14,000	3.70%	
63	101-41500-439	Assessor's - Other (Henn Co. Processing, Tax Rolls)	11	50	12	25	25	0.00%	
64		Total Assessor	12,933	13,550	12	13,625	14,125	3.67%	2.04%
65									
67		Legal Services							
68	101-41600-304	Legal Services - General (regular)	22,855	25,000	15,721	20,000	20,000	0.00%	
69	101-41600-308	Legal Services - Projects	0	0	0	0	0		
70	101-41600-309	Legal Services - Special	0	0	0	0	0		
71		Total Legal Services	22,855	25,000	15,721	20,000	20,000	0.00%	2.89%
72									
73		Auditing							
74	101-41700-301	Auditing	11,000	10,000	12,855	13,000	11,500	-11.54%	
75		Total Auditing	11,000	10,000	12,855	13,000	11,500	-11.54%	1.66%
76									
77		Law Enforcement							
78	101-42100-304	Legal Services - Prosecution	4,032	6,000	4,129	6,000	6,000	0.00%	
79	101-42100-310	Law Enforcement - Contract monthly	141,756	139,500	112,671	150,232	151,352	0.75%	
80	101-42100-311	Police Side Lease (facilities quarterly)	47,396	46,000	35,736	47,649	47,901	0.53%	
81	101-42100-439	Police Side Safety Other (reserve officer's fund)	1,058	700	3,112	0	1,000		
82		Total Law Enforcement	194,242	192,200	155,648	203,881	206,253	1.16%	29.75%
83									
84		Fire							
85	101-42200-309	Fire Protection (operations quarterly)	51,986	51,986	43,799	58,314	63,990	9.73%	
86	101-42200-311	Fire Side Lease (facilities quarterly)	53,642	53,642	40,728	55,825	58,520	4.83%	
87		Total Fire	105,628	105,628	84,527	114,139	122,510	7.33%	17.67%
88									
89									
90									

2010 Greenwood PRELIMINARY Budget Expenses

			2008 Actual	2008 Budget	YTD 8/09	2009 Budget	2010 Budget	% Change	% of Budget
91		Zoning							
92	101-42400-308	Zoning Contract	4,457	2,400	2,146	4,000	4,000	0.00%	
93	101-42400-309	Public Notices	0	0	1,409	0	0		
94	101-42400-310	Building Inspections - Contract (elec & bldg)	21,402	57,000	9,218	30,000	6,500	-78.33%	
95	101-42400-438	Misc. (duplicating)	0	400	46	400	200	-50.00%	
96		Total Zoning	25,859	59,800	12,819	34,400	10,700	-68.90%	1.54%
97									
98		Civil Defense							
99	101-42500-310	Civil Defense (new siren)	21,484	25,000	0	0	0		
100	101-42500-381	Utility Services - Electric (siren)	40	350	25	100	100	0.00%	
101		Total Civil Defense	21,524	25,350	25	100	100	0.00%	0.01%
102									
103		Engineering							
104	101-42600-303	Engineering Fees (beginning 2010, charge excess of \$5000 to sewer and stormwater fund)	15,547	6,000	15,153	8,000	5,000	-37.50%	
105		Total Engineering Fees	15,547	6,000	15,153	8,000	5,000	-37.50%	0.72%
106									
107		Animal Control							
108	101-42700-309	Animal Control (part of police contract)	0	3,600	0	0	0		
109		Total Animal Control	0	3,600	0	0	0		0.00%
110									
111		Contract Utility & Roads							
112	101-43100-229	Repair & Maintenance Supplies - Other	0	0	0	0	0		
113	101-43100-309	Professional Services - Other (Const. Bulletin)	431	500	0	500	500	0.00%	
114	101-43100-381	S&R - Utility Services - Elec	4,442	4,400	2,817	4,600	3,500	-23.91%	
115	101-43100-409	Other - Road Fund	0	75,000	0	75,000	100,000	33.33%	
116		Total Contract Utility & Roads	4,873	79,900	2,817	80,100	104,000	29.84%	15.00%
117									
118		Public Works (Deephaven Public Works)							
119	101-43900-226	Signs	927	1,025	329	1,000	2,000	100.00%	
120	101-43900-309	Professional Services - Other (culvert cleaning)	0	2,000	0	2,000	2,000	0.00%	
121	101-43900-310	Streets - Contractural (sweeping, charge excess of \$5000 to stormwater fund beginning 2010)	8,832	8,000	4,556	8,350	5,000	-40.12%	
122	101-43900-311	Storm Sewer - Contractural (charge to stormwater fund beginning 2010)	2,166	2,750	532	2,750	0	-100.00%	
123	101-43900-312	Snow Plowing - Contractural	10,806	12,875	9,679	12,500	13,000	4.00%	
124	101-43900-313	Tree/Weed - Contractural	19,553	7,500	8,717	12,000	12,000	0.00%	
125	101-43900-314	Tennis Courts - Contractural (pressure wash)	138	200	0	200	200	0.00%	
126	101-43900-315	Tar Bike Path - Contractural	1,542	1,000	342	1,000	1,000	0.00%	
127	101-43900-438	Maintenance - Contractural	0	0	0	0			
128		Total Public Works	43,964	35,350	24,155	39,800	35,200	-11.56%	5.08%
129									
130		Outside Contractors							
131	101-45100-225	R&M Supplies - Landscaping (trail beautification)	11	0	0	0	0		
132	101-45100-309	Parks - Professional Services	0	0	0	0	0		
133	101-45100-310	Tree/Weed/Mowing	330	1,000	0	1,000	1,000	0.00%	
134	101-45100-311	Tennis Courts - Contractural	0	0	0	0			
135		Total Outside Contractors	341	1,000	0	1,000	1,000	0.00%	0.14%

2010 Greenwood PRELIMINARY Budget Expenses

			2008 Actual	2008 Budget	YTD 8/09	2009 Budget	2010 Budget	% Change	% of Budget
136		Miscellaneous							
137	101-49000-000	Misc. (Baggy Jo, etc.)	0	200	0	0	100		
138	101-49000-310	Recycling Contract	9,771	8,400	7,901	13,185	14,000	6.18%	
139	101-49000-311	Spring Clean-Up Day	3,978	4,500	2,330	4,500	4,000	-11.11%	
140	101-49000-369	Misc. Insurance (LMCIT Ins: Work Comp/Liability)	6,407	6,800	618	7,000	7,500	7.14%	
141	101-49000-433	Misc. Dues & Subscriptions (SoShore \$1200, LMC \$780, LMCD \$6344, 4th July \$1200)	8,129	8,100	5,853	11,213	9,524	-15.06%	
	101-43900-439	Contingency expenses (Meadville Fire Lane Pad Lock)			100				
	101-49000-720	Transfer to Road Fund			75,000				
142		Total Misc.	28,285	28,000	91,802	35,898	35,124	-2.16%	4.70%
143									
144		Total Operating Budget	609,044	708,285	497,913	701,043	693,177	-1.12%	
145									
146	101-49000-439	Other - 5% contingency	1,200	23,000	100	22,757	34,659	52.30%	
147	101-49000-440	Reserve Replenishment	0	57,500	0	57,500	0	-100.00%	
148	101-43100-409 ???	Other - Bridge Fund	0	0	0	0	20,000		
150									
151		Total Expenses	610,244	788,785	498,013	781,300	747,836	-4.28%	

2010 Greenwood PRELIMINARY Budget Revenue

7B

			2008 Actual	2008 Budget	8/09 YTD	2009 Budget	2010 Budget	% Change
	Taxes							
1	101-31010	Current Ad Valorem (Tax Levy)	621,067	641,696	344,962	687,057	682,601	-0.65%
2	101-31020	Delinquent Ad Valorem	4,325	1,000	0	1,000	1,000	0.00%
3	101-31040	Fiscal Disparities	4,923	3,500	2,461	2,200	2,200	0.00%
4	101-31800	Sur Charge Revenue	32	34	14	25	25	0.00%
5	101-31910	Penalties	41	200	342	100	50	-50.00%
6		Total Taxes	630,388	646,430	347,779	690,382	685,876	-0.65%
7	Licenses & Permits							
8	101-32110	3.2 Beer, Liquor, Cigarette License	7,735	7,302	3,250	2,965	3,250	9.61%
9	101-32180	Other Business Licenses/Permits (Rental, Peddler, Comm. Marina, Trash)	1,724	1,500	2,034	1,600	3,355	109.69%
10	101-32210	Building Permits	26,307	68,500	10,672	28,000	12,000	-57.14%
11	101-32211	Electric Permit	2,279	3,000	659	2,000	1,200	-40.00%
12	101-32215	Management Review - Bldg	0	1,000	0	200	0	-100.00%
13	101-32240	Animal License	100	0	75	0	100	
14		Total License & Permits	38,145	81,302	16,690	34,765	19,905	-42.74%
15	Intergovernment Aid							
16	101-33402	Homestead Credit (Market Value Credit)	610	0	0	0	0	
17	101-33423	Other State Grants/Aids (Recycle Grant)	4,845	2,000	0	2,000	0	-100.00%
18	101-33610	Hennepin County Road Aid (CAM)	1,775	1,675	0	1,675	0	-100.00%
19	101-33630	Aid from Other Local Government (LGA)	2,442	4,884	0	0	0	
20		Total Intergovernmental Aid	9,672	8,559	0	3,675	0	-100.00%
21	Public Charges for Services							
22	101-34103	Zoning & Subdivisions (Variances)	2,400	5,000	1,300	1,500	2,500	66.67%
23	101-34107	Assessment Fee	0	0	0	0	0	
24	101-34207	False Alarm Fee	0	50	50	50	50	0.00%
25	101-34304	Load Limits	3,800	3,500	75	3,500	1,000	-71.43%
26	101-34409	Recycling Fees	11,971	12,094	9,734	13,478	13,480	0.01%
27	101-34960	Refunds	1,055	0	0	0	0	
28		Total Public Charges for Service	19,226	20,644	11,159	18,528	17,030	-8.09%
29	Fines & Forfeitures							
30	101-35101	Court Fines (St of MN - Henn Dist. Ct.)	7,120	5,300	4,123	5,300	5,000	-5.66%
31	Special Assessments							
32	101-36100	Special Assessments	1,375	0	0	1,500	0	-100.00%
33	101-36101	SA Principal	0	0	0	0	0	
34	101-36102	Interest	4,665	7,000	1,735	7,000	5,000	-28.57%
35	101-36201	Copies (Labels)	53	50	0	50	25	-50.00%
36	101-36220	Other Income: Marina Fund Transfer	341	19,500	20,100	20,100	15,000	-25.37%
37	???	Other Income: Sewer & Stormwater Fund Transfers	0	0	0	0	0	
38	101-36230	Donations	0	0	0	0	0	
39		Total Special Assessments	6,434	26,550	21,835	28,650	20,025	-30.10%
40								
41		Revenue Total	710,985	788,785	401,586	781,300	747,836	-4.28%

7B1

City of Greenwood, Minnesota
Resolution #17-09

A RESOLUTION APPROVING THE 2009 PROPOSED TAX LEVY, COLLECTABLE IN 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD:

That the following sum of money be levied for the current year, collectible in 2010, upon taxable property in the City of Greenwood, for General Fund Activities

TOTAL LEVY \$ 682,601

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Hennepin County, Minnesota.

Adopted this 1st day of September, 2009.

_____ Ayes _____ Nays

ATTEST:

Debra J. Kind, Mayor

Roberta Whipple, Administrator

To: Greenwood City Council
From: Roberta Whipple, City Administrator
Date: August 27, 2009

RE: Set date for final 2010 levy/budget adoption

The 2009 legislative session made some changes to the Truth in Taxation (TNT) process with taxes payable in 2010.

- The requirements to hold a special TNT public hearing, continuation hearing, and levy adoption have been repealed.
- The requirement to publish a notice of a TNT hearing and proposed property taxes has been repealed.

At tonight's meeting (9-1-09) we must announce:

- The time and place of the council's next regularly scheduled meetings at which the budget and levy will be discussed. (These meetings must not be held before 6 PM)
- The date and time of the regularly scheduled meeting at which a final budget and levy will be determined.
- That the public will be allowed to speak at these subsequent meetings.

Action required: Determine the date of the final levy/budget adoption (12-1-09) and discuss whether the Council wants to hold a special levy/budget meeting prior to adoption.

Section 1140:00

- b. In Side Yards: Overhanging eaves and gutters projecting into the yard for a distance of two (2) inches per foot of required side yard.
- c. In Rear Yards: Enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory structures, tool rooms, and similar buildings or structures for domestic storage; balconies; breezeways and open porches; one story bay windows projecting two and one-half (2 ½) feet or less into the yard; and overhanging eaves and gutters projecting two and one-half (2 ½) feet or less into the yard.

Section 1140:25. Fences.

Subdivision 1. Fences, Accessory Structure. Fences shall be deemed an accessory structure and as a permitted exception to standard yard setback for structures as specifically provided hereunder.

Subdivision 2. Maximum Permitted Heights and Sideyard Setback Requirements.

The maximum permitted height for fences in the City of Greenwood and the required sideyard setbacks are as set forth in the table below.

	Maximum Permitted Height	Requisite Yard Setback
Front Yard	36"	6"
Side Yard	72"	6"
Rear Yard	72"	6"
Lakeside*	36"	6"

*Lakeside yard fences are permitted by Variance only.

Subdivision 3. Shore Impact Zone and Bluff Impact Zone. No fence shall be constructed in the Shore Impact Zone or the Bluff Impact Zone without variance first obtained. In no event shall any fence be authorized in such zone greater than three (3) feet in height.

Subdivision 4. Public Right-of-Way. No fence shall be placed or extend into a public right-of-way.

Subdivision 5. Lake Minnetonka and Wetlands. No fences shall be permitted within 50 feet of the ordinary high water mark of a wetland or Lake Minnetonka except by variance first obtained and in no event shall such fences be greater in height than three (3) feet.

Subdivision 6. Buffers. No fence shall be constructed between a city mandated or zoning code mandated landscape buffer and public street.

Subdivision 7. Boundary Line Fences. All fences shall be located entirely upon the property of the fence owner unless owners of all abutting properties agree in writing that the fence may be erected on the property line for the benefit of both properties. A written agreement to that effect between the property owners shall be submitted to the City at the time of the zoning approval application. In the absence of such an agreement, the fence shall comply with the side yard setback requirements set forth in Subdivision 2 above.

Subdivision 8. Finished Appearance of Fences. With the exception of fences which are identical in appearance on both sides, all fences shall be constructed so that the side containing framing, supports, and cross pieces face the fence owner's lot interior and that the finished side or "face" is viewed by the abutting property.

Subdivision 9. Preservation of Public Health, Safety and Welfare. Any fence which is determined to endanger the public health, safety and welfare shall be considered a public nuisance and, if after ten (10) days advance written notice by the City to the property owner such fence has not been repaired or the nuisance related thereto otherwise abated, the City may take such action as it deems necessary to cause the removal of the fence. Chain link fences shall be constructed in the manner such that no barbed ends are exposed. No barbed wire or electric fences are permitted.

Subdivision 10. Corner Lot Restrictions. The required front yard of corner lot shall be unobstructed above a height of two and one-half (2-1/2) feet above road grade in a triangular area, two sides of which are lines running parallel with and at the edge of the surface roadway, a distance of 50 feet from the point of intersection, the third side of which is a line between the later two points.

Subdivision 11. Signage on Fences. With the exception of an address sign not greater than two square feet in area identifying the street address and/or property owner/resident thereof, no signage or written message shall be posted on any fence.

Subdivision 12. Fences Required for Commercial Screening or Storage Purposes. When a commercial zone abuts a residential zone an opaque fence of not less than 6 feet nor greater than 8 feet shall be placed between the residential and the commercial zone by the owner of the commercial property as a condition of permitted use if the City determines that a commercial use conflicts with the neighboring residential use or the commercial property is used for the outdoor storage of goods, equipment, refuse, or debris.

Subdivision 13. Tennis Courts. Chain link fences to a maximum height of ten (10) feet may be permitted within a side or rear (but not lakeside) yard by Conditional Use Permit if associated with a tennis court or other accessory necessitating a fence for security or sport. In no event, however, shall any such fence be constructed in the lakeside yard or between the principal structure and the ordinary high water mark of a navigable water.



20225 Cottagewood Road
Deephaven, Minnesota 55331
(952) 474-6633
Fax (952) 401-7587

7D

August 11, 2009

Burt McGlynn
21650 Fairview Street
Greenwood, MN 55331

Dear Mr. McGlynn,

I followed up on the fence issue with Mayor Kind and also reviewed the city's fence ordinance in more detail. The ordinance does not specify how to measure the six foot maximum height, from the ground or the fence panel itself. Since six feet is the standard height for a fence panel, it can be assumed that the intent of the ordinance is for the panels to be six feet high.

The height of the posts also is not specifically addressed in the ordinance. Here too, it is reasonable to assume that standard fence posts/finials are allowed. The Council will consider clarification of the code at a future date.

In the meantime, I have determined that you have complied with the spirit and intent of the code with the use of the standard six foot fence panels with standard posts and finials.

Sincerely,

A handwritten signature in black ink, appearing to read "Gus Karpas". The signature is stylized with a large initial "G" and a long, sweeping underline.

Gus Karpas
Zoning Coordinator

Cc: Mayor Kind and City Councilmembers
Mark Kelly, City Attorney
Tom and Joan Moser
File

9/1/09 - Prepared by Deb Kind

REPORT: FENCE ORDINANCE

Recently the city received a complaint regarding the height of a neighbor's fence. As a result Gus and I reviewed our fence ordinance in detail. The ordinance does not specify how to measure fences -- from the ground, or the fence panel itself. Since fence panels come in standard heights of 6 ft. and 3 ft., it can be assumed that the intent of the ordinance is for residents to be able to use standard materials. But the ordinance does not say so. The height of fence posts is not addressed in the ordinance at all. Here too, it is reasonable to assume that standard fence posts/finials are allowed. But the ordinance does not say so. After consulting with Gus, we both believe it would be a good idea to have the Planning Commission review the fence ordinance and clarify the height measurement issue.

RECOMMENDED MOTION:

I move the City Council directs the Planning Commission to review the fence ordinance to clarify measurements so residents can use standard fence materials.

9/1/09 - Prepared by Deb Kind

REPORT: PERVIOUS SURFACES

An ongoing issue in Greenwood is hardcover. There have been many variance requests to exceed hardcover and there have been many water issues related to increased hardcover. Our new Surface Water Management Plan (approved by the City Council in February 2009) mentions Pervious Pavement as a Low Impact Development (LID) technique that the city will implement when feasible. Creating an ordinance that gives property owners credit towards their hardcover percentage will encourage the use of pervious surface materials for driveways and patios and thereby help us achieve our surface water management goals and reduce variance requests for hardcover.

RECOMMENDED MOTION:

I move the City Council directs the Planning Commission to create an ordinance that designates the appropriate amount of hardcover credit for various pervious surfaces.

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING THE INTOXICATING LIQUOR ORDINANCE, CODE SECTION 820:15 *Persons and Places
Ineligible for License*, BY THE ADDITION OF A FOOD/LIQUOR SALES RATIO REQUIREMENT.

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, DOES ORDAIN:

SECTION 1.

“Section 820:15. Persons and Places Ineligible for License. No license shall be issued to:

1. A person not citizen of the United States or resident alien.
2. A person under 21 years of age.
3. A person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested.
4. A person not of good moral character and repute.
5. A person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.
6. No new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division or licensing authority may require that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes of a criminal history check.
7. A person who is not a real party in interest.
8. Foreign corporations, a corporation not chartered in the State of Minnesota, and not otherwise licensed to do business in the State.
9. No license may be issued unless the applicant makes a bona fide estimation that at least 50 percent of the gross receipts of the establishment during its first year of business will be attributable to the sale of food.”

SECTION 2.

Effective Date. This ordinance shall be effective upon publication according to law.

ENACTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS ____ DAY OF _____, 2009.

Ayes____, Nays_____.

CITY OF GREENWOOD

Attest:

By:

Debra J. Kind, Mayor

Roberta L. Whipple, City Administrator
Ordinance xxx liquor

Ordinance # _____

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING CHAPTER XII, PENALTIES, SEPARABILITY, NAME AND CITATION OF
CODE AND /OR DEFINITIONS.**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, DOES ORDAIN:

SECTION 1.

Greenwood Ordinance Code Chapter XII is hereby amended to read as follows:

“CHAPTER XII.

GENERAL PROVISIONS; PENALTIES

SECTION 1200. TITLE; GENERAL PROVISIONS.

1200.00. Title.

This codification of the ordinances of the city of Greenwood is known as “The 1996 Ordinance Code of Greenwood” or “the city code.” It may also be referred to within this codification as “this code,” or “the code,” or “the ordinance code.”

1200.10. Interpretation.

1. This code must be construed liberally to carry out its purposes. The rules of statutory construction contained in Minn. Stat. §§ 645.08 through 645.43 apply to the interpretation of this code.
2. Use of the words “chapter” or “section” is a clear reference to all the sections, including paragraphs and subparagraphs, that have the same number appearing before the decimal point. Use of the words “chapter” or “section” does not expand the meaning of the citation unless the meaning clearly refers to more than one chapter or section.
3. All headings used in divisions of this code are not part of the subject matter of the code and are intended for convenience only.
4. Grammatical errors do not negate an ordinance. A transposition of words and clauses may be used when a sentence is without meaning as written. Words and phrases that may be necessary for the proper interpretation of an ordinance may be added if they do not conflict with its obvious intent and do not affect its scope and operation.
5. The singular includes the plural, and all pronouns include the masculine, feminine and neuter.

1200.15. Adoption by Reference.

Various state laws and rules and certain codes are adopted by reference into this code. At least one copy of the adopted item will be kept for public review by the city clerk or the clerk’s designee. Adoption of a state law or rule includes any subsequent amendments.

1200.20. Relation to State Law.

When this code imposes a more stringent rule or standard of conduct than contained in similar provisions in state laws or rules, the provisions of this code will prevail to the extent permitted by law.

1200.25. Inconsistent Provisions.

The regulatory provisions of this code are minimum requirements. If the provisions in one section of this code differ from those in any other section, the provisions that are more restrictive or that impose the higher standard will prevail.

1200.30. Separability.

Every section, subdivision, paragraph, and subparagraph of this code is separable from every other code provision. If a provision of the code is held invalid, it will not affect any other code provision.

SECTION 1205. DEFINITIONS.

1205.00. Definitions.

1. Unless the context clearly indicates otherwise, the words and phrases below are defined for the purpose of this code as follows:

- a. "City" and "municipality" means the city of Greenwood, located in Hennepin County, Minnesota, including all territory lying within its boundaries.
- b. "Clerk" means the Greenwood city clerk.
- c. "Council" means the city council of the city of Greenwood.
- d. "County" means Hennepin County, Minnesota.
- e. The term "et seq." following a section or subsection means the sections or subsections designated, together with the following sections or subsections that pertain to the same subject matter or that are related.
- f. [Reserved].
- g. "Intersection" has the same meaning as that contained in Minn. Stat. § 169.01.
- h. "Administrator" means the Greenwood city administrator.
- i. "This ordinance" means the chapter or section in which it appears and related sections, subsections, paragraphs and subdivisions under the same chapter or section.
- j. "Person" means a natural person of either sex, a firm, partnership, limited liability company, corporation, any other association of people, and includes the manager or agent of that person or organization.
- k. "Public property" and "public place" means any place or property dedicated to public use, or owned or occupied by the city or any other governmental agency.

1. "Private property" means all property not included within the definition of public property or public place.
 - m. "State" means the state of Minnesota.
 - n. "Street" has the same meaning as that contained in Minn. Stat. § 169.01.
2. In addition to the definitions in paragraph 1, the definitions contained in Minn. Stat. § 609.02 are adopted by reference as the definitions for words or phrases in this code, unless the context clearly indicates otherwise.
3. References to elected or appointed city officials and employees include their duly authorized representatives.

SECTION 1210. PENALTIES.

1210.00. Prohibited Acts.

1. A person must not do any of the following:
 - a. violate, fail to comply with, or assist, authorize or permit the violation of a provision of this code;
 - b. violate, fail to comply with, or assist, authorize, or permit the violation of the terms and conditions of a city approval, including permits and licenses, required and granted under this code;
 - c. knowingly make or submit a false statement, document, or material omission in connection with an application or procedure required by this code; or
 - d. perform an act or takes an action which requires a city issued permit or license, (variance, condition use permit, license, permit, or other city approval) without the necessary permit or license first obtained and fees paid.
2. No section or part of this code designating the duties of an official, employee, or appointee of the city may be construed to make that person liable for the penalties provided below.

1210.10. Penalties.

1. A person who violates section 1210.00 is guilty of a misdemeanor and upon conviction will be punished in accordance with state law; provided, that if a different punishment is stated in this code, that provision governs the punishment for the violation.
2. Designation as a petty misdemeanor or a petty offense means that upon conviction the sentence will be in accordance with state law. If not designated as "petty misdemeanor" or a "petty offense," a violation is a misdemeanor (penal offense) as set forth above in paragraph 1. Any reference in this code to a "penal offense" shall mean a misdemeanor offense as defined by state law.
3. Each calendar day that section 1210.00 is violated constitutes a separate offense.
4. A person who violates section 1210.00 must pay twice the applicable fee related to the violation.

5. A violation of section 1210.00 constitutes sufficient grounds for denial of an application required by this code that is related to the violation.
6. A violation of section 1210.00 constitutes sufficient grounds for revocation of the license or permit issued under this code that is related to the violation.
7. Action prohibited by section 1210.00 may, at the option of the city, void a city approval that is related to the violation.
8. The city attorney may institute a legal proceeding in the name of the city of Greenwood to prevent, restrain, remedy, or abate a violation of section 1210.00.
9. Nothing in this section prevents the city from taking other action permitted by law, and the penalties and remedies provided here and under other law are cumulative.

1210.15. Administrative Citations and Civil Penalties.

Sections 1210.15 through 1210.55 govern administrative citations and civil penalties for violations of the city code.

1210.20. Purpose.

The city council finds that there is a need for alternative methods of enforcing the city code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for city code violations.

1210.25. General Provisions.

1. A violation of a provision of the city code or the acts prohibited in section 1210.00 is an administrative offense, which may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
2. An administrative offense may be subject to a civil penalty set forth in Section 510 of the code.
3. The city council must adopt by resolution a schedule of fines for offenses initiated by administration citation. The city council is not bound by that schedule when a matter is appealed to it for administrative review. The city council may adopt a schedule of fees to be paid to administrative hearing officers.
4. The city administrator must adopt procedures for administering the administrative citation program.

1210.30. Administrative Citation.

1. A person authorized to enforce provisions of the city code may issue an administrative citation upon belief that a code violation has occurred. The citation must be issued in person or

by mail to the person responsible for the violation or attached to the motor vehicle in the case of a vehicular offense. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation.

2. The person responsible for the violation must either pay the scheduled fine or request a hearing within seven (7) days after issuance. Payment of the fine constitutes admission of the violation. A late payment fee in the amount set forth in Section 510 may be imposed under section 1210.50.

1210.35. Administrative Hearing.

1. The city council will periodically approve a list of lawyers, from which the city administrator will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The accused will have the right to request no later than five (5) days before the date of the hearing that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the city administrator. A subsequent request must be for good cause directed to the assigned hearing officer who will decide whether he or she cannot fairly and objectively review the case. The city enforcement officer may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the city administrator will assign another hearing officer. The hearing officer is not a judicial officer but is a public officer as defined by Minn. Stat. § 609.415. The hearing officer must not be a city employee. The city administrator must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and city staff. These reports must be provided to the city council.

2. Upon the hearing officer's own initiative or upon written request of an interested party demonstrating the need, the officer may issue a subpoena, (using the form approved and available from for download at www.mncourts.gov) for the attendance of a witness or the production of books, papers, records or other documents that are material to the matter being heard. The party requesting the subpoena is responsible for serving the subpoena in the manner provided for civil actions and for paying the mileage fees and witness fees due a witness as prescribed by statute. A person served with a subpoena may file an objection with the hearing officer promptly but no later than the time specified in the subpoena for compliance. The officer may cancel or modify the subpoena if it is unreasonable or oppressive. A person who, without just cause, fails or refuses to attend and testify or to produce the required documents in obedience to a subpoena is guilty of a misdemeanor. Alternatively, the party requesting the subpoena may seek an order from district court directing compliance.

3. Notice of the hearing must be served in person or by mail on the person responsible for the violation at least 10 days in advance, unless a shorter time is accepted by all parties. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing and receive testimony and exhibits. The officer must receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

4. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:

- a. the duration of the violation;
- b. the frequency or reoccurrence of the violation;

- c. the seriousness of the violation;
- d. the history of the violation;
- e. the violator's conduct after issuance of the notice of hearing;
- f. the good faith effort by the violator to comply;
- g. the economic impact of the penalty on the violator;
- h. the impact of the violation upon the community; and
- i. any other factors appropriate to a just result.

The hearing officer may exercise discretion to impose a fine for more than one day of a continuing violation, but only upon a finding that (1) the violation caused a serious threat of harm to the public health, safety, or welfare or that (2) the accused intentionally and unreasonably refused to comply with the code requirement. The hearing officer's decision and supporting reasons must be in writing.

5. Except for matters subject to administrative review under section 1210.40, the decision of the hearing officer is final without any further right of administrative appeal. In a matter subject to administrative review under section 1210.40, the hearing officer's decision may be appealed to the city council by submitting a request in writing to the city clerk within 10 days after the hearing officer's decision.

6. The failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness and intentional delay.

1210.40. Administrative Review.

1. The hearing officer's decision in any of the following matters may be appealed by a party to the city council for administrative review:

- a. an alleged failure to obtain a permit, license, or other approval from the city council as required by an ordinance;
- b. an alleged violation of a permit, license, other approval, or the conditions attached to the permit, license, or approval, that was granted by the city council; and
- c. an alleged violation of regulations governing a person or entity who has received a license granted by the city council.

2. The appeal will be heard by the city council after notice served in person or by registered mail at least 10 days in advance. The parties to the hearing will have an opportunity to present oral or written arguments regarding the hearing officer's decision.

3. The city council must consider the record, the hearing officer's decision, and any additional arguments before making a determination. The council is not bound by the hearing officer's

decision, but may adopt all or part of the officer's decision. The council's decision must be in writing.

4. If the council makes a finding of a violation, it may impose a civil penalty not exceeding the amount set forth in Section 510, and may consider any or all of the factors contained in section 1210.35(4). The council may also reduce, stay, or waive a fine unconditionally or based on reasonable and appropriate conditions.

5. In addition to imposing a civil penalty, the council may suspend or revoke a city-issued license, permit, or other approval associated with the violation, if the procedure in city code section 400:25-400:35, inclusive has been followed. The hearing required in that section will be satisfied by the hearing before the hearing officer with the right of appeal to the city council.

1210.45. Judicial Review.

An aggrieved party may obtain judicial review of the decision of the hearing officer or the city council by proceeding under a writ of certiorari in district court.

1210.50. Recovery of Civil Penalties.

1. If a civil penalty is not paid within the time specified, it will constitute:
 - a. a lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation; or
 - b. a personal obligation of the violator in all other situations.
2. A lien may be assessed against the property and collected in the same manner as taxes.
3. A personal obligation may be collected by appropriate legal means.
4. A late payment fee in the amount set forth in Section 510 shall be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.
5. During the time that a civil penalty remains unpaid, the provisions of city code section 400 et. seq. apply to a license, permit, or other city approval sought by the violator or for property under the violator's ownership or control.
6. Failure to pay a fine is grounds for suspending or revoking a license related to the violation.

1210.55. Criminal Penalties.

The following are misdemeanors, punishable in accordance with state law:

1. failure, without good cause, to appear at a hearing that was scheduled under section 1210.35;
2. failure to pay a fine imposed by a hearing officer within 30 days after it was imposed, or such other time as may be established by the hearing officer, unless the matter is appealed under section 1210.40; and
3. failure to pay a fine imposed by the city council within 30 days after it was imposed, or such other time as may be established by the city council.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the city may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the city from pursuing a criminal conviction for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

SECTION 1215. ORDINANCES.

1215.05. Ordinance Enactment.

Ordinances must be enacted in accordance with state law, city charter and this code. Ordinances will be integrated into this code in accordance with this chapter.

1215.10. Form.

An ordinance amending this code must specify the number of the provision to be amended. Only the text of a separately identified provision need be included for an amendment; the larger section of which it is a part may be omitted.

1215.15. Integration into Code.

1. Matters omitted. When an ordinance is integrated into this code, the following may be omitted:
 - a. title;
 - b. enacting clause;
 - c. section numbers;
 - d. validation and repealing clauses;
 - e. validating signatures and dates;
 - f. penalty provisions; and
 - g. punctuation and other matters not an integral part of the ordinance text.
2. Post-adoption changes. When integrating ordinances into the code, the city clerk may:
 - a. correct obvious grammatical, punctuation, and spelling errors;
 - b. change reference numbers to conform with applicable sections of the code;
 - c. substitute figures for written words and vice versa;
 - d. substitute the actual date for the words "the effective date of this ordinance"; and
 - e. take other similar actions to ensure a uniform code of ordinances if they do not alter the meaning of the ordinances enacted.

3. Source notes. When an ordinance is integrated into the code, a source note should be added at the end of the section affected. The note should indicate the action taken, the ordinance that authorized the action, and the effective date of the ordinance.

4. Other standards. The city clerk may establish and implement other standards to ensure the expeditious integration of ordinances into this code. He/she may also establish and implement further policies regarding the preparation, editing and format of ordinances.

1215.20. Recordkeeping; Special Ordinances.

The city clerk is responsible for the safe and orderly keeping of ordinances. The clerk must maintain a current record of ordinances that have been adopted. An ordinance not included in this code is a special ordinance. Examples of special ordinances are those that rezone property, name streets, and grant franchises. The council may direct that a special ordinance be included in an appendix to this code.”

SECTION 2.

Effective Date. This ordinance shall be effective upon publication according to law.

ENACTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS ____ DAY OF _____, 2009.

Ayes____, Nays_____.

CITY OF GREENWOOD

Attest:

By:

Debra J. Kind, Mayor

Roberta L. Whipple, City Administrator



Three Rivers

PARK DISTRICT

Memo**DATE:** August 7, 2009**TO:** Roberta Whipple**FROM:** Margie Walz, Associate Superintendent
Division of Parks and Natural Resources**SUBJ:** Regional Trails – 2009-2010 Winter Trail Activities Permit**PLEASE RESPOND TO THIS REQUEST BY SEPTEMBER 18, 2009**

Enclosed is a copy of the 2009-2010 Winter Use Permit request form for regional trail segments located within your community. Please determine the level of winter use you are requesting, fill out the application form and follow the procedures outlined below. If your community does not plan to authorize any winter use activities, please indicate (none) in the box at the top of the permit and return it.

The Winter Use Permit ultimately authorizes your City to utilize the section of trail for the use you request. Permitted activities are determined by individual communities, contingent upon approval from the Park District's Board of Commissioners. **An updated Certificate of Insurance, naming Three Rivers Park District as an additional named insured, should be submitted with the permit application. Coverage will need to show inclusive dates from November 15, 2009 and March 31, 2010. Please include proposed rules and regulations for winter use, as well.**

Permit requests should be submitted to Janet Haben, Administrative Assistant, and **include verification of formal City Council action approving the proposed activities (a copy of appropriate meeting minutes)**. Some cities have elected to pass board motions authorizing multi-year Winter Trail Activities Permit applications. This is completely acceptable to the Park District and may save you administrative time. If your city has already pre-authorized multi-years, please submit an updated Winter Use Permit and Certificate of Insurance.

If you have questions regarding this, please contact me at 763/559-6746. Thank you.

c: Boe Carlson, Associate Superintendent of Administration
Brian Brown, Senior Manager of Parks and Trails Maintenance
Jonathan Vlaming, Senior Manager of Planning

**THREE RIVERS PARK DISTRICT
REGIONAL TRAIL SYSTEM
2009-2010 WINTER USE PERMIT**

Name of City <u>Greenwood</u>	City Hall Phone <u>952-474-6633</u>
Contact Person <u>Roberta Whipple</u>	Phone _____
Contact Person Email Address <u>administrator@greenwoodmn.com</u>	
Maintenance Contact Person <u>Jerry Hudlow</u>	Phone <u>952-474-4755</u>
Maintenance Contact Person Email Address _____	
Regional Trail From <u>Deephaven</u> to <u>Excelsior</u>	
Authorized 2009-2010 Winter Activities <u>cross country skiing and walking</u>	
Regional Trail From _____	to _____
Authorized 2009-2010 Winter Activities _____	
Regional Trail From _____	to _____
Authorized 2009-2010 Winter Activities _____	
Regional Trail From _____	to _____
Authorized 2009-2010 Winter Activities _____	
Regional Trail From _____	to _____
Authorized 2009-2010 Winter Activities _____	

Authorization is hereby requested from the Park District Board of Commissioners to use portions of the Regional Trail Corridor for winter use activities between November 15, 2009 and March 31, 2010, as determined by each municipality within guidelines set forth herein on District property located within individual City boundaries.

It is understood and agreed that approval from the Park District Board of Commissioners is contingent upon the following conditions:

1. The City agrees to defend, indemnify, and hold harmless the Park District, its officials, officers, agents, volunteers, and employees from any liability, claims, causes of action, judgments, damages, losses, costs or expenses, including reasonable attorney's fees, resulting directly or indirectly from any act or omission of the City, its respective contractors, anyone directly or indirectly employed by the, and/or anyone for whose acts and/or omissions they may be liable for related to the winter use of the Regional Trail Corridor. Nothing in this Agreement constitutes a waiver by the City of any statutory or common law defenses, immunities, or limits on liability. The City cannot be required to pay on behalf of itself and Three Rivers Park District, any amounts in excess of the limits on liability established in Minnesota Statutes Chapter 466. If City maintains general liability insurance at the time this permit is issued, City shall provide the Park District with a Certificate of Insurance, naming Three Rivers Park District as an additional named insured.

2. The City agrees to maintain the trail, including, but not limited to, any plowing, sweeping, sanding, packing, trash pick-up, and sign replacement, between November 15, 2009 -March 31, 2010. For ice control on aggregate trails, Cities agree to use **buff colored**, 3/8" clear limestone chips from Edward Kramer and Sons, Burnsville, MN. Edward Kramer and Sons is the only aggregate pit that supplies the buff colored limestone that has been specified for use on these trails. Paved trails can be treated with a salt/sand mixture or other approved chemical treatments. The City further agrees to immediately address all safety issues on or adjacent to trails.
3. The City will provide signage at locations approved by the Park District, notifying the public of authorized winter activities within its city limits; activities may include, but are not limited to, hiking, biking, cross-country skiing, snowshoeing, or pet walking. Winter use signs must be installed by the City at designated locations prior to November 15, 2009 and removed by the City no later than April 15, 2010. These signs are totally the responsibility of each municipality.
4. Snowmobiling is not allowed on Park District regional trails. Permitted use for snowmobiles will be limited to *direct crossings only*. The Hennepin County Regional Railroad Authority (HCRRA) does not allow snowmobiling or other motorized use within its corridors. The Lake Minnetonka LRT Regional Trail, Minnesota River Bluffs LRT Regional Trail, and the Dakota Rail Regional Trail are located on HCRRA corridor property and permission for a snowmobiling crossing of either corridor must be obtained from the HCRRA prior to requesting permission from the Park District for a snowmobile crossing of the regional trail within the corridor. If a snowmobile crossing is permitted, cities must take steps to keep snowmobiles from damaging paved trails, bridges and other property.
5. The City agrees to enforce rules and regulations established by the municipality as part of its request for a Winter Use Permit.
6. The City agrees to repair all trail surface damage that occurs as a result of winter trail activities and/or maintenance, including, but not limited to, bituminous/concrete repair, bridge deck repair, grading or adding aggregate pursuant to guidelines established by the Park District.
7. The City agrees that winter trail use will be available to all persons, regardless of residence.

Each City is required to submit its annual permit requests, including proposed rules and regulations, by September 18, 2009, after which the Park District may take up to 45 business days to process. Each permit request must be submitted as a result of formal City Council action, with accompanying verification, agreeing to the terms and conditions outlined by the Park District's Winter Use Permit. It should be further understood that no winter activity will be allowed on segments of the Regional Trail Corridor where municipalities do not request and receive permits.

The Park District reserves the right to terminate a permit at any time, if the conditions set forth herein are not followed.

Signed: _____ Date: _____

Title: _____
 (Authorized Representative of the City)

To: Greenwood Council
From: Roberta Whipple, City Administrator
Date: August 25, 2009

RE: recycling proposals

Information on the Requests for Proposals was sent to Greenwood's 6 licensed trash haulers: Vintage Waste, Allied Waste, Randy's Sanitation, Waste Technology, Waste Management, and Blackowiak Disposal.

The RFP was also posted on the League of Minnesota Cities website.

Only one vendor submitted a recycling proposal by the August 18, 2009 deadline.

Allied Waste proposes to offer single sort recycling beginning January 13, 2010 at \$4.10 per month or \$12.30 per quarter (the City bills quarterly). That is an .80 cents per quarter increase over the rate charged by the current recycler, Vintage Waste.

The Allied Waste proposal is for a three-year contract, not the two one-year renewals as requested.

A COPY OF
THE PROPOSAL
IS AVAILABLE
@ THE CITY OFFICE

Roberta Whipple

From: Corey Metcalf [Vintage@frontiernet.net]
Sent: Monday, August 24, 2009 5:31 PM
To: Roberta Whipple
Subject: Vintage Waste

Roberta,

We need to know the change over timeline. We are looking at removing the carts like Oct. 1st. September would be better if possible. The September and on charges will need to include disposal if the city wants us to continue past the one year mark. I have already lost money since January. These extra charges have been \$300-350 per month and have been rising because the tonnage continues to increase. I heard AW has placed the bid and were looking at Jan. 1st. If this is true we need to meet as this would not work for Vintage. The cart removal in the middle of winter won't work for us as we do not have anywhere to place them when snow is present. This could just be a rumor, they spread fast in this business. Let us know what to do as soon as you are able. Thanks

Corey A. Metcalf
Vintage Waste Systems, Inc.
www.vintagewaste.com
Office: 952.472.0401
Cell: 952.452.1146
Fax: 952.472.0185

The City of Greenwood, Minnesota, population 800, is seeking proposals for its residential recycling program.

Collection operations shall begin no earlier than 7:00 AM and end by 6:00 PM on Thursdays (the designated recycle day).

Currently, the City of Greenwood provides weekly, single sort recycling pick up for approximately 274 single family homes and one 17-unit apartment complex. Commercial properties arrange for private recycling. Proposal shall show a breakdown of cost per unit. The proposal also shall show the cost with and without door-side residential recycling service for approximately 10 homes.

Early in 2009, the Greenwood City Council, along with all City-licensed trash haulers, agreed to adopt the following business practices:

1. Thursday will be trash and recycling pick-up day except for normal holiday adjustments.
2. The maximum total load weight of trucks will be 11 gross tons. Trucks with one wheel per side of the rear axle can weight up to 5 tons per axle. Trucks with two wheels per side of the rear axle can weigh up to 7 tons per axle.

Materials eligible for recycling must include: aluminum cans, steel cans, glass jars and bottles, plastic bottles, newspapers, magazines, boxboard, phone books, paperback books, notebooks, household office paper and mail , and corrugated cardboard. The City will accept recommendations for additional recycling materials from Proposers.

As per City Code, all trash and recycling vendors must meet the application requirements for the annual trash haulers license.

At the end of each year, the vendor shall provide the City with a written report detailing types of recycling and tonnage as required by the Hennepin County Residential Recycling Program.

The term of the contract will be for two one-year renewals if agreed to by both the City and the Proposer.

There will be no obligation for the City of Greenwood to reimburse the responding firms for any expenses incurred in preparing proposals in response to this request.

Final selection of the vendor may take place September - November, 2009. Please submit an original and SIX copies of the proposal by 3:00 PM August 18, 2009 to:

City of Greenwood
Roberta Whipple, City Administrator
20225 Cottagewood Road
Deephaven, MN 55331
952-474-6633
administrator@greenwoodmn.com

Section 740.00 - Truck Routes and Load Limitations

Subd. 1 - Definitions. For the purpose of this Section the term “truck” means a vehicle designed and used for carrying things other than passengers with

a) a weight classification “F” or greater (9001 pounds total gross weight or greater) as specified by Minnesota Statute Section 168.013, Subd. 1e,

or

b) imposing a load on the street, at the time of testing by law enforcement, in excess of four tons per axle, whichever is less.

Subd. 2 - Operation Limitations. A person must operate a truck only on streets that are designated as truck routes. Truck routes consist of the following streets:

- A. All United States highways within the City;
- B. All State highways within the City; and
- C. All County highways within the City.

Subd. 3 - Exempt Vehicles. The requirements of Subdivision 2 do not apply to the following vehicles:

- A. School buses when engaged in the act of transporting pupils to or from school;
- B. Buses and intercity buses as defined by Minnesota Statutes Section 168.011 Subd. 9
- C. Emergency vehicles;
- D. Trucks belonging to the City of Greenwood or its municipal service providers;
- E. Trucks belonging to utility companies when actually engaged in the construction or repair of utility company facilities;
- F. Trucks delivering retail merchandise to homes; and
- G. Trucks with a special operating permit to travel on City streets from the City Clerk as provided in Subdivision 4, below.

Subd. 4 - Special Operating Permits. Special operating permits may be obtained from the City Clerk’s office by persons for travel on City streets by prohibited trucks. The applicant must be the owner or a person with written authorization to act as agent for the owner in making the application. The owner or its agent must submit to the City Clerk an application containing the following information:

- A. Name and address of the person who owns and operates the truck;
- B. Vehicle description and license plate number of the truck including gross weight of the (loaded) truck;
- C. Street or streets (*including address of destination)for which the permit is desired; and

- D. Time and dates on which the desired trip(s) are to be made.

Upon submission of:

- i. A completed application;
- ii. Payment of the fee/bond (as set by City Council Resolution and memorialized in Chapter Five of the City Code); and
- iii. A signed agreement between the owner of the truck and the City of Greenwood (by which the owner of the truck agrees to pay for any damage caused to the City street by the truck's operation);

the City Clerk may issue a special operating permit when the total round trips of the given truck are not more than one (1) in any one week period.

In the event the total number of trips to be undertaken by a given truck or trucks is a) greater than one (1) round trip in any one week period, b) during March or April, or c) in conjunction with a duly authorized building permit, the City may require the truck owner post a bond in an amount to be determined by the City Engineer after the City has been fully advised, in writing, the nature, and type of loads to be carried, the total number of loads anticipated, the proposed route, and loaded weights for all vehicles including but not limited to, concrete trucks, lumber delivery trucks, supply trucks, specialty construction equipment, cranes, excavation hauling and/or soil delivery or other related construction traffic. The City Engineer shall set the bond in an amount necessary to fully indemnify the City, and insure monies necessary to rebuild any damaged portion of public streets will be available. In lieu of a bond, a cash deposit with the City Clerk's Office may be made. In no event, however, shall the City be obligated to pay interest thereon. All bonds and/or cash deposits shall remain on deposit with the City Clerk and effective for a term of not less than 1) two (2) years from the date of the Certificate of Occupancy, if the permit has been issued in relation to a construction project for which a building permit was issued, or 2) two (2) years from the last date of travel authorized by the permit.

A general contractor may make application on behalf of the homeowner for a general project related special operating permit and may post the necessary bond and/or cash deposit in accordance with the terms of this ordinance without need for each individual trucking firm/owner servicing a construction site to make individual separate applications. The general contractor shall identify all trucks, their owners (name, address, phone), type of truck, and type of loads.

Subd. 5 - Hours of Trucking.

- 1) Special Operating Permits may be issued by the City Clerk valid for the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, only. No Special Operating Permits shall be issued valid for Saturday or Sunday travel.
- 2) No person shall operate a truck on City streets, other than designated truck routes as defined at subdivision 2 above, outside the hours of 8:00 a.m. to 6 p.m. Monday through Friday.

Subd. 6 - City Engineer Designation of Streets. The City Engineer shall define the load limits of City streets and, in cooperation with the Public Works Department, cause signs as necessary to designate the established truck routes and otherwise give notice of load limitations on City streets.

Subd. 7 - Enforcement. The operation of a truck without a duly authorized and valid Special Operating Permit to travel on City streets shall constitute a misdemeanor for each unauthorized trip. Violation of subdivision 5, Hours of Trucking, shall constitute a misdemeanor.

PROPOSALS FROM
AUDITOR COMPANIES ARE
AVAILABLE TO VIEW AT
CITY HALL

Section 740.00 - Truck Routes and Load Limitations

Subd. 1 - Definitions. For the purpose of this Section the term “truck” means a vehicle designed and used for carrying things other than passengers with

a) a weight classification “F” or greater (9001 pounds total gross weight or greater) as specified by Minnesota Statute Section 168.013, Subd. 1e,

or

b) imposing a load on the street, at the time of testing by law enforcement, in excess of four tons per axle, whichever is less.

Subd. 2 - Operation Limitations. A person must operate a truck only on streets that are designated as truck routes. Truck routes consist of the following streets:

- A. All United States highways within the City;
- B. All State highways within the City; and
- C. All County highways within the City.

Subd. 3 - Exempt Vehicles. The requirements of Subdivision 2 do not apply to the following vehicles:

- A. School buses when engaged in the act of transporting pupils to or from school;
- B. Buses and intercity buses as defined by Minnesota Statutes Section 168.011 Subd. 9
- C. Emergency vehicles;
- D. Trucks belonging to the City of Greenwood or its municipal service providers;
- E. Trucks belonging to utility companies when actually engaged in the construction or repair of utility company facilities;
- F. Trucks delivering retail merchandise to homes; and
- G. Trucks with a special operating permit to travel on City streets from the City Clerk as provided in Subdivision 4, below.

Subd. 4 - Special Operating Permits. Special operating permits may be obtained from the City Clerk’s office by persons for travel on City streets by prohibited trucks. The applicant must be the owner or a person with written authorization to act as agent for the owner in making the application. The owner or its agent must submit to the City Clerk an application containing the following information:

- A. Name and address of the person who owns and operates the truck;
- B. Vehicle description and license plate number of the truck including gross weight of the (loaded) truck;
- C. Street or streets (*including address of destination)for which the permit is desired; and

- D. Time and dates on which the desired trip(s) are to be made.

Upon submission of:

- i. A completed application;
- ii. Payment of the fee/bond (as set by City Council Resolution and memorialized in Chapter Five of the City Code); and
- iii. A signed agreement between the owner of the truck and the City of Greenwood (by which the owner of the truck agrees to pay for any damage caused to the City street by the truck's operation);

the City Clerk may issue a special operating permit when the total round trips of the given truck are not more than one (1) in any one week period.

In the event the total number of trips to be undertaken by a given truck or trucks is a) greater than one (1) round trip in any one week period, b) during March or April, or c) in conjunction with a duly authorized building permit, the City may require the truck owner post a bond in an amount to be determined by the City Engineer after the City has been fully advised, in writing, the nature, and type of loads to be carried, the total number of loads anticipated, the proposed route, and loaded weights for all vehicles including but not limited to, concrete trucks, lumber delivery trucks, supply trucks, specialty construction equipment, cranes, excavation hauling and/or soil delivery or other related construction traffic. The City Engineer shall set the bond in an amount necessary to fully indemnify the City, and insure monies necessary to rebuild any damaged portion of public streets will be available. In lieu of a bond, a cash deposit with the City Clerk's Office may be made. In no event, however, shall the City be obligated to pay interest thereon. All bonds and/or cash deposits shall remain on deposit with the City Clerk and effective for a term of not less than 1) two (2) years from the date of the Certificate of Occupancy, if the permit has been issued in relation to a construction project for which a building permit was issued, or 2) two (2) years from the last date of travel authorized by the permit.

A general contractor may make application on behalf of the homeowner for a general project related special operating permit and may post the necessary bond and/or cash deposit in accordance with the terms of this ordinance without need for each individual trucking firm/owner servicing a construction site to make individual separate applications. The general contractor shall identify all trucks, their owners (name, address, phone), type of truck, and type of loads.

Subd. 5 - Hours of Trucking.

- 1) Special Operating Permits may be issued by the City Clerk valid for the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, only. No Special Operating Permits shall be issued valid for Saturday or Sunday travel.
- 2) No person shall operate a truck on City streets, other than designated truck routes as defined at subdivision 2 above, outside the hours of 8:00 a.m. to 6 p.m. Monday through Friday.

Subd. 6 - City Engineer Designation of Streets. The City Engineer shall define the load limits of City streets and, in cooperation with the Public Works Department, cause signs as necessary to designate the established truck routes and otherwise give notice of load limitations on City streets.

Subd. 7 - Enforcement. The operation of a truck without a duly authorized and valid Special Operating Permit to travel on City streets shall constitute a misdemeanor for each unauthorized trip. Violation of subdivision 5, Hours of Trucking, shall constitute a misdemeanor.

2009 COMMUNITY SURVEY



Your opinions are needed to help guide the future of Greenwood. Please complete this quick survey and return to: Greenwood City Office, 20225 Cottagewood Road, Deephaven, MN 55331. Deadline: September 14, 2009. Your input is appreciated!

	TAXES		POLICE		ROADS		DOCKS		MISC.
		Greenwood city taxes are about 18% of your property tax bill. In other words, for every \$1,000 paid in property taxes \$180 goes to the city (\$77 police/fire, \$44 admin/legal/auditor, \$31 roads, \$28 reserve replenishment/misc.).							
		I get good value for my city tax dollar.							
		The South Lake Minnetonka Police Department's strategic plan indicates a need for phasing in two police officers, increasing the overtime budget to manage scheduling issues, and increasing the fund balance in order to keep pace with technology. Note: Currently there are times when one officer is on duty.							
		I support raising taxes \$26-\$54 per property, per year to implement the police department's strategic plan.							
		Greenwood feels like a safe community.							
		My road is in acceptable condition.							
		I support the city paying cash to improve 1-3 roads each year.							
		I support city bonding (getting a loan) to improve all roads now.							
		I am satisfied with the quality of snow plowing on my road.							
		The 2009 slip fee for the city's public marina on St. Alban's Bay is \$750, same as 2007 and 2008. In 2010 the fee will be \$850. There are 26 slips and 38 people on the waiting list. Note: Marina Fund money may be used for any city purpose.							
		The \$850 slip fee is too high.							
		The slip fee should be the average of Excelsior, Deephaven, and Tonka Bay rates (approx. \$1,400).							
		I support using \$890 (\$5 per foot frontage at the public marina) from the Marina Fund to help pay a portion of the costs for bay-wide milfoil treatment on St. Alban's Bay. Note: The \$900 currently spent on milfoil next to the public marina also would go towards bay-wide treatment for a total of \$1790.							
		I support tight regulation of tree trimming/removal in Greenwood.							
		Current outdoor lighting in my neighborhood is too bright.							

Your Name (optional)

Phone (optional)

Email Address (optional)

Please add my email to the list to receive city council agendas and news

Your Age Group 18-39 40-64 65 plus

I have included written comments on the back ...

9/1/09 - Prepared by Deb Kind

COMMENTS REGARDING THE LIGHTING ORDINANCE

This item has been tabled until November so the council can consider feedback from the Community Survey. In the meantime, I have some thoughts for the council to consider. Overall, I think our current lighting ordinance is too vague and that a new ordinance is needed. I think staff and the planning commission have done a great job of getting the ball rolling. But of course I have a few revisions I would like to see (see attached revision of the proposed ordinance) ...

- 1) Add a statement that says the purpose of the lighting ordinance is to balance the desire to see the night sky with the desire for safety and security, and the need to light after-dark activities.
- 2) Property owners can control the lighting up to their property line, but they cannot control the location of their neighbor's structures, so I would delete the part about having a stricter foot-candle rule within 25 feet of structures. Also, I added parens that make it clear that the foot-candle rule applies to ALL lighting -- including decorative lighting, spotlights, and floodlights. And moved the method of measuring to the end of the paragraph.
- 3) Creates a paragraph specific to floodlights and spotlights. This is the main problems we are trying to solve. The complaints have been about floodlights and spotlights, not about garage and entryway lighting. So I am proposing a paragraph that is specific to floodlights and spotlights with limitations to illumination based on the time of night. I am suggesting a 1 hour limit from sunset to 11 PM and a 5 minute limit from 11 PM to 6 AM. Note: In my proposed revision of the ordinance, there is no time limit for garage and entryway lights, so residents can "leave the porch light on" for kids who are out late.

Old 3) Moved to end of paragraph 2.

Old 4) Parts have been moved to other paragraphs and I deleted the part about requiring hooded fixtures so they cannot be viewed at eye level. The vast majority of garage and entryway lighting currently used in Greenwood and currently available in stores do not comply with being fully shielded so the light bulb is not visible at eye level. The complaints have not been about garage and entryway lighting -- so I believe requiring fully shielded lights for all lighting is overkill. I also believe it is impossible to direct high-mounted floodlights in such a way so the bulb is not visible at eye level. Having limitations on foot candles at the property line and lights out at 11 PM is the best way to restrict floodlights.

4) Moves all the information about decorative lighting to one paragraph. This is the other area where we have had complaints. Our current code states that the light source (bulb) cannot be visible beyond the property from which it originates. So technically holiday lights are not allowed with our current code, because all of the bulbs are visible. I think holiday lights should be allowed, so our code needs to be revised. I think having a lights-out rule between 11 PM and 6 AM is a good way to balance the fun of having holiday lights, with the desire to have a dark sky during sleeping hours.

**9/1/09 PROPOSED REVISIONS TO
ORDINANCE NO. 173**

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ZONING CODES LIGHTING REGULATIONS
SECTION 1140:60, SUBDDIVISION 3**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA,
DOES ORDAIN:

SECTION 1.

Greenwood Ordinance Code Section 1140:60, Subd. 3 is hereby amended to read as follows:

"Section 1140:60,

Subdivision 3. Lighting.

(1) Purpose.

To balance the desire to see the night sky with the desire for safety and security, and the need to light after-dark activities.

(2) Limitations on Illumination.

Within all Zoning Districts, sources of artificial light (including floodlights, spotlights, and decorative lighting) shall be so fixed, directed, designed, or sized that the sum total of their illumination at the property line is less than or equal to .5 foot candles. The foot-candle level of a light source shall be taken not earlier than one hour after sunset employing a light meter held 6" above the ground facing the light source.

~~will not increase the level of illumination on neighboring property by more than 0.1 foot candle in or within twenty five (25) feet of a dwelling or adjacent commercial structure, nor more than 0.4 foot candles on any other portion of an adjacent property as measured as provided hereunder.~~

~~(3) Method of Measuring Light Intensity.~~

~~The foot-candle level of a light source shall be taken not earlier than one hour after sunset employing a light meter held 6" above the ground facing the light source.~~

(3) Restrictions on Floodlights and Spotlights.

Spotlights and floodlights shall not be directed at neighboring properties or public right-of-way, nor shall they be permitted to cause direct or sky reflected glare. Time permitted for lighting of floodlights and spotlights:

Sunset to 11 PM – 1 hour
11 PM to 6 AM – 5 minutes

~~(3) Restrictions on Lighting Use and Decorative Lighting.~~

~~With the exception of a) landscape lighting employed for pedestrian safety, or b) spot or flood lighting, regulated by five minute motion or heat activated sensors, all lighting including decorative lighting, shall not be employed or lit between the hours of 11 PM and 6 AM daily. In no event shall decorative lighting employ bulbs greater than a brightness equivalent of 7 watts incandescent each.~~

~~(4) Shielded Lighting Required.~~

~~With the exception of decorative lighting as defined below, all light sources shall employ hooded fixtures or be controlled in a manner so that the incandescent or fluorescent light bulb cannot be viewed at eye level from adjacent property or public right of way. Spot or flood lights shall not be directed at neighboring properties or public right-of-way, nor shall they be permitted to cause direct or sky reflected glare.~~

(4) Restrictions on Decorative Lighting. Definition.

~~Decorative Lighting.~~ For the purpose of this ordinance, “decorative lighting” means string lights, icicle lights, rope lighting, or other lighting commonly used for holiday or seasonal decoration or celebration also commonly known as “Christmas or holiday tree lights.” **In no event shall decorative lighting employ bulbs greater than a brightness equivalent of 7 watts incandescent each. Decorative lighting shall not be lit between the hours of 11 PM and 6 AM.**

SECTION 2.

Effective Date. This ordinance shall be effective upon publication according to law.

ENACTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD,
MINNESOTA, THIS ____ DAY OF _____, 2009.

Ayes____, Nays_____.

CITY OF GREENWOOD

Attest:

By: _____
Debra J. Kind, Mayor

Roberta L. Whipple, City Administrator