

Greenwood City Council Meeting

7 PM, Tuesday, June 1, 2010
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. 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. CONSENT AGENDA
Council members may request removal of consent agenda items for further discussion. Removed items will be placed under Other Business.
- A. Recommendation: Approve 04-29-10 Local Board of Appeal Reconvene Minutes
 - B. Recommendation: Approve 04-29-10 Work Session Minutes
 - C. Recommendation: Approve 05-04-10 Work Session Minutes
 - D. Recommendation: Approve 05-04-10 Council Minutes
 - E. Recommendation: Approve April Cash Summary Report
 - F. Recommendation: Approve May Payables
- 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.
- 7:10 PM 4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS
- A. City Engineer Dave Martini: 2010 Road Project Bids
 - B. Announcement: July 4th Parade, 10 AM, Meet at the City Park by Meadville & Covington
- 7:20 PM 5. PUBLIC HEARINGS
- A. None
- 7:20 PM 6. UNFINISHED BUSINESS
- A. First Reading: Ordinance #183 Regulation of Telecommunications Facilities, Code Section 1179
 - B. Second Reading: Ordinance #184 Amending Code Section 300.15, Survey Requirements
 - C. Consider: Resolution #08-10 Appointments and Assignments for 2010
- 7:30 PM 7. NEW BUSINESS
- A. Set Date: Code Book Work Session
 - B. Consider: Contribution to the South Lake Excelsior Chamber Fireworks Fund, \$1200 in 2010 Budget
- 7:35 PM 8. OTHER BUSINESS
- A. None
- 7:35 PM 9. COUNCIL REPORTS
- A. Kind: Police, Administration Transition Report
 - B. Rose: Fire
 - C. Quam: Roads
 - D. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Milfoil
 - E. Page: Lake Minnetonka Conservation District
- 7:50 PM 10. ADJOURNMENT

Agenda times are approximate. Please be ready 10 minutes prior to your agenda topic. Every effort will be made to keep the agenda on schedule.

Greenwood Board of Review Reconvene Meeting

Thursday, April 29, 2010 6:00 PM

Council Chambers 20225 Cottagewood Road Deephaven MN 55331 #952-474-6633

MINUTES

1. Call to Order/Roll Call/Approve Agenda

Mayor Kind called the meeting to order at 6:00 PM

Council present: Kelsey Page, William Rose, Tom Fletcher, Deb Kind, and Bob Quam

Staff present: Administrator Whipple

Hennepin County Assessor's office staff: William Effertz and Nate Stulc

Councilmember Quam moved to approve the agenda. Second by Councilmember Fletcher. Motion carried 5-0

2. Approve minutes from 4-15-10 Local Board of Appeal Meeting

Councilmember Fletcher moved to approve the Board of Review meeting from April 15, 2010 that were distributed via email. Second by Councilmember Page.

Motion carried 5-0

2. Review Appeals from 4-15-10

Mayor Kind listed the four appeals that would be reviewed tonight:

1. John Musgjerd 5145 Curve Street
2. Karen Koehnen 5200 Meadville Street
3. Robert Burns 5080 Meadville Street
4. Mike Farraher – 21230 Excelsior Blvd.

The agenda included 22 other Greenwood residents on which the Council will take no action. However, those 22 residents still have the option to continue their appeal to the Hennepin County Board of Appeal and Equalization.

#1 John Musgjerd 5145 Curve Street

Mr. Musgjerd felt his valuation should be \$1,024,000 but Hennepin County Assessor, Nate Stulc, felt no change should be made to Mr. Musgjerd's assessed value of \$1,035,000.

The Council compared neighborhood properties to Mr. Musgjerd's property. Councilmember Rose moved to reduce land value to \$749,000 for a total value of \$1,024,000. Second by Mayor Kind. Motion passed 3-2 with Page and Fletcher voting nay.

#2. Karen Koehnen 5200 Meadville Street

Mr. Stulc did inspect the Koehnen property and recommended a reduction in value from \$1,641,000 to \$1,470,000.

Councilmember Fletcher moved to accept the assessor's recommendation for land at \$1,445,000 and building \$25,000. Second by Councilmember Quam. Motion passed 3-1-1 with Rose voting nay and Page abstaining.

#3. Robert Burns 5080 Meadville Street

While the assessor recommended no change to the value of \$1,609,000, Fletcher moved to reduce the land to \$1,495,000 and the building to \$29,000 for a total value of \$1,524,000. Second by Kind. Motion passed 4-1 with Page voting nay.

#4. Mike Farraher 21230 Excelsior Blvd.

Mr. Stulc did not feel there should be any change to Mr. Farraher's land value of \$760,000 and building value of \$183,000.

Councilmember Fletcher moved to reduce the land value to \$740,000 and keep the house value at \$183,000 for a total of \$923,000. Second by Kind Motion carried 5-0.

Fletcher moved that the council take no action on roster numbers #5-26 on tonight's agenda. Second by Quam. Motion carried 5-0.

Quam moved to adjourn at 6:45 p.m. Second by Fletcher. Motion carried 5-0.

Respectfully submitted,

Roberta Whipple
Greenwood City Administrator

Greenwood City Council Work Session
7:00 pm, Thursday, April 29, 2010
Council Chambers ~ 20225 Cottagewood Road ~ Deephaven, MN 55331

MINUTES

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 6:55 pm.

Council present: Fletcher, Kind, Page, Quam, and Rose
Others present: City Attorney Kelly

Attorney Kelly advised that it would be permissible to amend the agenda to include a discussion regarding the city administrator's resignation.

Quam moved to approve the agenda with the amendment to include a discussion regarding the city administrator's resignation. Second by Fletcher. Motion carried 5-0.

2. City Administrator Resignation and Interim Services

The council discussed the resignation of Roberta Whipple and options for the future. A resolution for Deephaven to provide interim services will be on the May 4, 2010 council agenda.

3. Code Book Chapter 12

The council discussed the location of definitions. Options for consideration included:

- A. Put all definitions in chapter 12 and delete parentheses with references to specific sections of the code.
- B. Put all definitions in chapter 12 and put duplicate zoning definitions throughout chapter 11.
- C. Put zoning definitions together at the beginning of chapter 11 and definitions that apply to the entire code book in chapter 12.

Option C will be sent to the planning commission for their review and recommendation regarding the duplicate definitions. The council will continue with the review of the remaining chapter 12 definitions as well as the rest of chapter 12 at the 5:30 PM, May 4, 2010 work session.

4. Adjournment

Page moved to adjourn at 8:00 pm. Second by Fletcher. Motion carried 5-0.

Respectfully submitted by Deb Kind

Greenwood City Council Work Session

Tuesday, May 4, 2010 5:30 PM

Council Chambers 20225 Cottagewood Road Deephaven MN 55331 #952-474-6633

MINUTES

1. Call to Order / Roll Call / Approval of Agenda

Mayor Kind called the meeting to order at 5:31 PM

Council Present: Quam, Kind, Fletcher

Councilmember Rose arrived at 5:33 and Page at 5:52

Staff present: Attorney Kelly and Administrator Whipple

Councilmember Fletcher moved to approve the agenda. Second by Quam.

Motion carried 3-0.

2. Code Book Discussion

Mayor Kind suggested Chapters 1-5 be reviewed tonight and the Council agreed.

At 6:54 Councilmember Quam moved to recess the code book discussion to later tonight, after the council meeting had adjourned. Second by Rose motion carried 3-0 as Rose and Page had left the room.

At 8:25 Kind reconvened the work session.

The council continued the discussion of Chapter 5 fee schedule. Kind will get Zoning Administrator Gus Karpas' input on building and zoning-related fees and report back to the council at the next work session.

At 9:02 Rose moved to adjourn the meeting. Second by Page. Motion carried 5-0.

Respectfully submitted,

Roberta Whipple
Greenwood City Administrator

GREENWOOD CITY COUNCIL MEETING

Tuesday, May 4, 2010 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

Kind suggested adding an announcement under 4A and to move 6B to Item 8A. Councilmember Page moved to approve the as amended. Rose seconded the motion. Motion carried 5-0.

2. APPROVE CONSENT AGENDA

Councilmember Quam moved to approve the following Consent items:

- A. Recommendation: Approve 04-06-10 Assessor Work Session Minutes
- B. Recommendation: Approve 04-06-10 Council minutes
- C. Recommendation: Approve 04-06-10 Code Book Work Session Minutes
- D. Recommendation: Approve 04-22-10 Special Meeting minutes
- E. Recommendation: Approve March Cash Summary Report
- F. Recommendation: Approve April payables \$28,940.89

Councilmember Fletcher seconded the motion. Motion carried 5-0.

3. MATTERS FROM THE FLOOR

None

4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS

- A. Kind announced that the Council has received Administrator Whipple's letter of resignation. Her last day will be Thursday, May 20.

5. PUBLIC HEARINGS

None

6. UNFINISHED BUSINESS

A. Second Reading: Ordinance #182 Weight Restrictions, Code Section 730.00

Kind stated there have been no changes to the ordinance since the first reading.

Quam asked if the definition of operator refers to the person who operates the vehicle. He believed it should be clarified whether owner and operator is the same person.

Fletcher stated the operator could be more than one person. Kind suggested stating the name and address of the person who owns the truck. Page stated the operator could lease the truck from the owner. Number one was amended to make the language clearer.

Motion by Quam to move approval of Ordinance #182 as amended. Fletcher seconded the motion. Motion carried 5-0.

7. **NEW BUSINESS**

A. **First Reading: Ordinance #183 Regulation of Telecommunications Facilities, Code Section 1179**

Kind stated the Planning Commission reviewed this ordinance at their March meeting and have recommended approval.

Councilmembers reviewed the proposed language. Quam suggested this be tabled to allow the Council time to review additional information.

Motion by Fletcher to continue the item to the June meeting and incorporate the Minnetonka language and changes discussed this evening. Quam seconded the motion. Motion carried 5-0.

B. **First Reading: Ordinance #184 Amending Code Section 300.15, Survey Requirements**

Kind stated this is an idea that came from Woodland whereby an as-built survey would be required. The new ordinance would require this survey on a case-by-case basis. She reviewed other changes and the need to reference the tree ordinance.

Motion by Fletcher to approve the first reading of Ordinance #184 as amended. Rose seconded the motion. Motion carried 5-0.

C. **Consider: Excelsior Park & Dock Patrol Proposal**

Kind stated this is a routine request from the city of Excelsior for SLMPD to provide park and dock patrol services. Excelsior pays for all the services.

Motion by Quam to approve the SLMPD providing park & dock patrol services for the 2010 season. Fletcher seconded the motion. Motion carried 5-0.

D. **Consider: Light Rail Trail Crossing Resolution #05-10**

Kind stated Shorewood is asking neighboring cities to support their request relating to the light rail trail crossing. Councilmembers discussed the resolution. No action taken.

E. **Discuss: City Dock Extension or Reconfiguration**

Kind stated this idea came up during the dock seniority discussion a couple weeks ago. It was suggested that extending the docks ten feet or rotating the docks would improve navigation safety. Either of these options would require a variance from the LMCD. Page stated he would look into it for the city. Any changes would not take place until 2011.

F. **Set Date: Code Book Work Session**

Kind stated another work session should be held in June prior to the Council meeting.

G. **Consider: Tour de Tonka Request**

Kind stated this is also a routine request for permission to ride through Greenwood. The routes going through Greenwood go on the trail

Motion by Quam to approve the Tour de Tonka request. Rose seconded the motion. Motion carried 5-0.

H. Consider: Resolution #07-10 for Interim Clerical Services from Deephaven

Kind stated she contacted Deephaven to see if they would provide interim clerical services. The Deephaven City Administrator drafted a resolution outlining the services, and the resolution was approved at Deephaven's meeting on May 3.

Motion by Fletcher to adopt resolution #07-10 for interim clerical services from Deephaven. Rose seconded the motion. Motion carried 5-0.

8. OTHER BUSINESS

A. Consider: Resolution #06-10 Adding a Second Bank Designation

Kind stated this resolution should be revised to remove Roberta's name and replace with Gus Karpas. The date should be changed to May 17, 2010 when Deephaven takes over. Council decided Gus Karpas does not need to sign checks.

The Council discussed the rationale of having Gus Karpas appointed the City Treasurer. Whipple stated the appointments were recommended based on current workload. It was determined the appointments will be made as recommended and discuss again at the June meeting.

Council discussed adding a second bank designation. Kind stated the question is whether to make \$800 more by going out of town or staying local. The Council discussed the options.

Page stated he would prefer the money be invested locally where we know what is going on.

Motion by Page to designate Beacon Bank as the second bank and amend the resolution. Quam seconded the motion. Motion carried 4-1. Rose opposed the motion believing the bank in Lakeville is just as safe as Beacon Bank, and we are losing \$800 of interest.

9. COUNCIL REPORTS

A. Kind: Police, Mayors' Breakfast

Kind stated the two most recent police officers resigned during their probationary periods. The hiring process to replace them began with over 200 applicants and now has been narrowed down to two finalists who are going through psychological and medical evaluations.

Kind stated she attended a mayors' breakfast hosted by Commissioner Callison. Hennepin County issues were discussed as well as watershed and DNR issues. There are people at the state level who would also like to see changes at the LMCD level.

B. Rose: Fire

Rose stated work is progressing on the 2011 budget, and there will be a meeting on June 16 for all councilmembers who wish to attend.

C. Quam: Roads (Update of Schedule for Bids and Construction)

Quam discussed the road bid opening scheduled for May 25. At the next council meeting, the road project will be awarded.

D. Fletcher: Planning Commission, Lake Minnetonka Communications Commission

Fletcher discussed a letter sent to Lakeshore Market regarding zoning violations. There will be an information session regarding the proposed fiber project. He will meet with representatives from the DNR to take a look at milfoil treatment in the future.

E. Page: Lake Minnetonka Conservation District

Page stated the LMCD has come up with a proposal and it has been approved to move forward with the full hours of inspection at the launching ramps. He stated the 2011 budget has been drafted, and Greenwood and Tonka Bay are the only cities with a proposed increase.

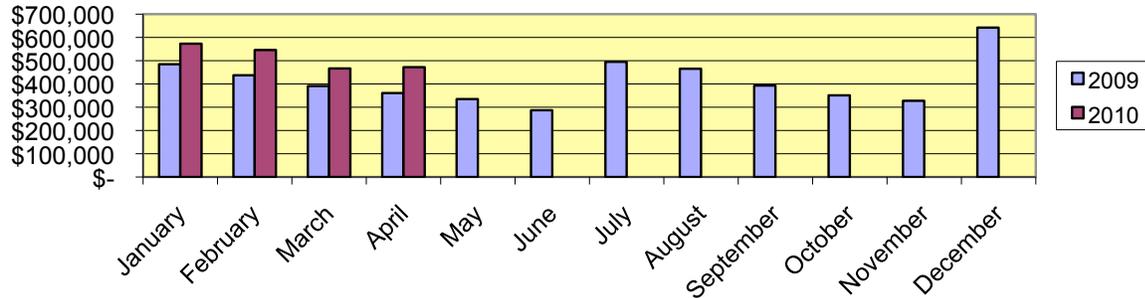
10. ADJOURNMENT

There being no further business, it was moved by Fletcher to adjourn the meeting at 8:12 p.m. Page seconded the motion. Motion carried 5-0.

Respectfully submitted,

Clare T. Link
Recording Secretary

City of Greenwood Monthly Cash Summary



Month	2009	2010	Variance with Prior Month	Variance with Prior Year
January	\$ 484,702	\$ 573,056	\$ (69,158)	\$ 88,354
February	\$ 437,334	\$ 545,897	\$ (27,159)	\$ 108,563
March	\$ 391,150	\$ 466,631	\$ (79,266)	\$ 75,481
April	\$ 360,843	\$ 472,069	\$ 5,438	\$ 111,226
May	\$ 334,929	\$ -	\$ (472,069)	\$ (334,929)
June	\$ 286,999	\$ -	\$ -	\$ (286,999)
July	\$ 495,051	\$ -	\$ -	\$ (495,051)
August	\$ 465,300	\$ -	\$ -	\$ (465,300)
September	\$ 393,080	\$ -	\$ -	\$ (393,080)
October	\$ 351,022	\$ -	\$ -	\$ (351,022)
November	\$ 327,615	\$ -	\$ -	\$ (327,615)
December	\$ 642,214	\$ -	\$ -	\$ (642,214)

Bridgewater Bank Money Market:	\$	\$ 441,458
Bridgewater Bank Checking:	\$	\$ 30,611
	\$	\$ 472,069

Check Issue Date(s): 05/01/2010 - 05/31/2010

Per	Date	Check No	Vendor No	Payee	Amount
05/10	05/11/2010	9977	615	Cardmember Services	38.33
05/10	05/11/2010	9978	660	CLARE T. LINK	200.00
05/10	05/11/2010	9979	68	Gopher State One Call	42.05
05/10	05/11/2010	9980	99	LAKE MTKA CONSERVATION DISTRIC	1,586.00
05/10	05/11/2010	9981	105	METROPOLITAN COUNCIL ENV SERV	3,007.42
05/10	05/11/2010	9982	701	Popp Telecom	143.52
05/10	05/11/2010	9983	38	SOUTH LAKE MINNETONKA POLICE	12,613.00
05/10	05/11/2010	9984	745	Vintage Waste Systems	1,568.40
05/10	05/11/2010	9985	145	XCEL	377.16
05/10	05/20/2010	9986	51	BOLTON & MENK, INC.	4,640.50
05/10	05/20/2010	9987	759	Conley's Wildlife Control	900.00
05/10	05/20/2010	9988	255	LMC INSURANCE TRUST	397.00
05/10	05/20/2010	9989	216	Quality Control & Integration	2,480.63
05/10	05/20/2010	9990	136	Sun Newspapers	96.52
05/10	05/20/2010	9991	745	Vintage Waste Systems	2,107.58
05/10	05/20/2010	9992	685	WHIPPLE, ROBERTA	24.00
Totals:					<u>30,222.11</u>

Report Criteria:
Invoice.Voided = false

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount
101-41400-201	GENERAL FUND - COUNCIL - ADMINISTRATION - OFFICE SUPPLIES	615 Cardmember Services	OFFICE SUPPLIES	0510		05/03/2010	38.33
101-41400-309	GENERAL FUND - COUNCIL - ADMINISTRATION - PROFESSIONAL SERVICES-OTH	136 Sun Newspapers	Street Bid	1250982		05/13/2010	96.52
101-41400-310	GENERAL FUND - COUNCIL - ADMINISTRATION - CLERKS CONTRACTURAL	660 CLARE T. LINK	Council Minutes	0510		05/05/2010	200.00
101-41400-321	GENERAL FUND - COUNCIL - ADMINISTRATION - COMMUNICATIONS-TELEPHONE	701 Popp Telecom	Local, Long dist. & DSL	1868336		04/30/2010	143.52
101-41400-331	GENERAL FUND - COUNCIL - ADMINISTRATION - TRANSPORTATION-TRAVEL EXP	685 WHIPPLE, ROBERTA	April. May '10 mileage	0510		05/19/2010	24.00
Total COUNCIL							502.37
101-42100-310	GENERAL FUND - LAW ENFORCEMENT - LAW ENFORCEMENT - LAW ENFORCEMENT-CONTRACT	38 SOUTH LAKE MINNETONKA POL	June Operating Budget	0610		06/01/2010	12,613.00
101-42500-381	GENERAL FUND - LAW ENFORCEMENT - CIVIL DEFENSE - UTILITY SERVICES-ELECTRIC	145 XCEL	SIREN	319417740		04/24/2010	2.15
101-42600-303	GENERAL FUND - LAW ENFORCEMENT - ENGINEERING - ENGINEERING FEES	51 BOLTON & MENK, INC.	ENGINEER FEES	0132178		04/30/2010	438.50
		51 BOLTON & MENK, INC.	ENG.-Roads	0132179		04/30/2010	4,202.00
							4,640.50 *
101-42700-309	GENERAL FUND - LAW ENFORCEMENT - ANIMAL CONTROL - ANIMAL CONTROL	759 Conley's Wildlife Control	wildlife control	121		05/15/2010	300.00
		759 Conley's Wildlife Control	wild life control	122		05/16/2010	300.00
		759 Conley's Wildlife Control	wild life control	96		05/13/2010	300.00
							900.00 *
Total LAW ENFORCEMENT							18,155.65
101-43100-381	GENERAL FUND - CONTRACT UTILITY AND ROADS - CONTRACT UTILITY AND ROADS - S&R-UTILITY SERVICES-ELEI	145 XCEL	Street Light -Meadville	319417728		04/24/2010	5.71
		145 XCEL	Street Light - Sleepy Hollow	319842777		04/27/2010	5.64
		145 XCEL	Street Lights	320382043		05/02/2010	235.80
							247.15 *
Total CONTRACT UTILITY AND ROADS							247.15
101-49000-310	GENERAL FUND - MISCELLANEOUS - MISCELLANEOUS - RECYCLING CONTRACT	745 Vintage Waste Systems	Spring Clean-up	0501		05/01/2010	2,107.58
		745 Vintage Waste Systems	City Recycling Contract	0510		04/29/2010	1,568.40
							3,675.98 *
101-49000-369	GENERAL FUND - MISCELLANEOUS - MISCELLANEOUS - MISCELLANEOUS-INSURANCE	255 LMC INSURANCE TRUST	Worker's Comp. Ins.	0510		05/13/2010	397.00
101-49000-433	GENERAL FUND - MISCELLANEOUS - MISCELLANEOUS - MISC.-DUES & SUBSCRIPTION						

99 LAKE MTKA CONSERVATION DIST 2nd Quarter Levy	0110B	05/05/2010	1,586.00
Total MISCELLANEOUS			<u>5,658.98</u>
Total GENERAL FUND			<u>24,564.15</u>
602-43200-309 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - PROFESSIONAL SVCS-METRO W			
105 METROPOLITAN COUNCIL ENV Monthly wastewater Charge	0510	05/05/2010	3,007.42
602-43200-381 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - UTILITY SERVICES-ELECTRIC			
145 XCEL LIFT STATION #2	319488275	04/24/2010	20.79
145 XCEL LIFT STATION #4	319488923	04/24/2010	20.44
145 XCEL LIFT STATION #1	319491382	04/25/2010	13.32
145 XCEL LIFT STATION #3	319502784	04/24/2010	12.18
145 XCEL LIFT STATION #6	319524366	04/25/2010	61.13
			<u>127.86</u>
602-43200-404 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - R&M-MACHINERY & EQUIPMENT			
216 Quality Control & Integration Lift Station #5 pump repair	22321	05/17/2010	2,480.63
602-43200-439 SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - MISCELLANEOUS			
68 Gopher State One Call Gopher State One Call	0040540	04/30/2010	42.05
Total SEWER FUND EXPENSES			<u>5,657.96</u>
Total SEWER FUND			<u>5,657.96</u>
Grand Total:			<u><u>30,222.11</u></u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City Treasurer: _____

Report Criteria:

Invoice.Voided = false

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
05/23/10	PC	05/24/10	9993	WHIPPLE, ROBERTA L.	21	1,908.54
05/24/10	PC	05/24/10	9994	WHIPPLE, ROBERTA L.	21	2,262.20
Grand Totals:						<u>4,170.74</u>

ORDINANCE NO. 183

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE, CHAPTER 11
TO ADD SECTION 1179 REGULATIONS FOR TELECOMMUNICATIONS FACILITIES**

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

SECTION 1.

Greenwood ordinance code chapter 11 is amended to add the following:

“SECTION 1179. TELECOMMUNICATIONS FACILITIES.**Section 1179.00. Purpose and Intent.**

The purpose of this section is to establish predictable and balanced regulations for the siting and screening of wireless telecommunication equipment in order to accommodate the growth of wireless communication systems within the city while protecting the public against any adverse impacts on the city's aesthetic resources and the public welfare. This section recognizes that these wireless communication systems provide a valuable service to the public but that they are not a public utility. This section creates two categories of support structures for antennas. The first category consists of existing towers, water towers, and high-density residential and non-residential buildings, which the ordinance favors in order to minimize the number of freestanding towers needed to serve the community. The second category consists of all other support structures. The structures in this second category are all classified as freestanding telecommunications towers even if they are intended to replace existing light poles, utility poles, or similar structures. Freestanding towers are subject to increased standards to minimize their visual impact. One such standard is that towers in residential and commercial zoning districts must use state-of-the-art stealth design techniques to disguise the towers and soften their views. A telecommunications company that does not currently use stealth technology will need to develop this capability in order to place freestanding towers in this city. This ordinance does not accept the lowest common denominator and challenges the telecommunications companies to improve their technology. This ordinance allows minimal use of the public right-of-way for telecommunication antennas because that space should be reserved for public utilities and should be free of safety hazards. In addition, telecommunications facilities located in the right-of-way have the potential of being very visible to the traveling public. In order to locate in a public right-of-way, telecommunications companies must use improved technology to reduce the size and visibility of their facilities.

Section 1179.05. Administrative Approval.

1. The zoning administrator may grant administrative approval of the following telecommunication facilities:
 - (a) Telecommunications facilities located on electric transmission towers carrying over 200 kilo volts of electricity.
 - (b) Telecommunication facilities located on an antenna support structure that has already been approved by a conditional use permit as the location for a telecommunication facility, if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the planning commission or city council.
 - (c) A one-time, 15-foot extension of an existing monopole telecommunications structure or one-time replacement of an existing monopole by a tower no greater than 15 feet taller than the existing monopole may be administratively approved if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the planning commission and city council.
 - (d) Telecommunication facilities that are attached to an existing public utility structure within a right-of-way if:
 - i. the telecommunication facility does not extend above the top of the existing utility structure and the height of the existing utility structure is not increased to accommodate the telecommunication facility;
 - ii. any replacement utility structure does not exceed the height of the existing utility structure, including the telecommunication facility, and does not exceed the diameter of the existing utility structure by more than 50 percent;
 - iii. the telecommunication facility is no larger than three cubic feet and has no individual surface larger than four square feet;
 - iv. the telecommunication facility extends outward from the utility structure by no more than two and one-half feet, except that an antenna no greater than one half inch in diameter may extend an additional six inches;
 - v. there is no ground mounted equipment;
 - vi. there is no interference with public safety communications or with the original use of the public utility structure; and
 - vii. the telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of the public utility structure.

2. Administrative review and approval is subject to the following:
 - (a) Submittal of a complete site and building plan review application, accompanied by a registered land survey, complete site plan, building elevations, and antenna elevations and be signed by a registered architect, civil engineer, landscape architect or other appropriate design professional.
 - (b) Submittal of an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of the applicant's system. The applicant also must pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis; and
 - (c) Submittal of any necessary easements and easement exhibits, which have been prepared by an attorney knowledgeable in the area of real estate and which are subject to the city attorney's approval.
3. The zoning administrator will render a decision within 30 days and serve a copy of the decision upon the applicant by mail.
4. Any person aggrieved by a decision of the zoning administrator may appeal the decision to the planning commission and city council pursuant to section 1155.05.

Section 1179.10. Conditional Use.

Telecommunications facilities that are not eligible for administrative approval under section 1179.05 are permitted only as a conditional use in all zoning districts and must be in compliance with the provisions of this section. Conditional use telecommunications facilities are subject to the following standards:

1. *Residential and Commercial Zoning Districts.*
 - (a) Telecommunication facilities may be located only on public property in the R-2 residential district or the C-1 commercial districts subject the standards listed in subparagraphs (b) through (e) that follow.
 - (b) An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis;
 - (c) A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The city council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant's reasonable capacity and coverage needs; and
 - (d) A telecommunications tower and antennas, including attachments other than lightning rods, must not exceed 75 feet in height, measured from grade. The city council may increase this height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.
 - (e) Telecommunications facilities may be located in public right-of-way of a major collector or arterial roadway as defined in the comprehensive plan, if they meet all of the following requirements:
 - i. The facility, including attachments other than lighting rods, may not exceed 60 feet in height measured from grade. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety;
 - ii. The facility must use as many stealth design techniques as reasonably possible. In particular, the antennas must be designed to minimize their size and appearance and may not project out from the side of the tower by more than two feet. Economic considerations alone are not justification for failing to provide stealth design techniques; and
 - iii. The facility is not located adjacent to residentially zoned property unless the applicant demonstrates by providing a study prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and no other location is feasible in a non-residential zone

Section 1179.15. General Standards.

The following standards apply to all telecommunications facilities.

1. *Vertical projection on antenna support structures.* Antennas mounted on an antenna support structure must not extend more than 15 feet above the height of the structure to which they are attached. Wall or facade-mounted antennas may not extend above the cornice line and must be constructed of a material or color that matches the exterior of the building.
2. *Horizontal projection.* Antennas must not project out from the side of the antenna support structure or tower by more than three feet, except if located in a commercial district.

3. *Setbacks.* A tower adjacent to a residential zoning district must meet the building setback that is established for the district where it is to be located, but only from the residential zone. This setback is not required for a tower in a right-of-way. The city may waive this setback requirement if necessary to implement stealth design techniques or if the residentially zoned property is public property. An accessory equipment cabinet that is greater than 120 square feet in size must be at least 10 feet from all property lines.
4. *Height.* The height of an antenna and tower must be the minimum necessary to meet the applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The city council may waive this requirement if additional height is appropriate for co-location opportunities.
5. *Exterior surfaces.* Towers and antennas must be galvanized steel and painted with a colored duplex coating applied in accordance with the American Galvanized Association standards consistent with the surrounding area in: blue, gray, brown, or silver.
6. *Ground-mounted equipment.* Ground-mounted accessory equipment or buildings must be architecturally designed to blend in with the surrounding environment, including the principal structure, or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. No more than one accessory building is permitted for each tower. Additional space needed for the co-location of antennas must be added to an existing accessory building in a manner to make it appear as one building. Design of the building or equipment cabinet, screening and landscaping are subject to a site plan review.
7. *Construction.* Telecommunications facilities must be in compliance with all building and electrical code requirements. A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code. Structural design, mounting and installation of the telecommunications facilities must be in compliance with the manufacturer's specifications.
8. *Co-location opportunity.* If a new tower over 60 feet in height is to be constructed:
 - (a) The tower must be designed to accommodate both the applicant's antennas and antennas for at least one additional comparable user;
 - (b) The tower must be designed to accept antennas mounted at additional heights;
 - (c) The applicant, the tower owner, the landowner, and their successors must allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, must submit a dispute over the potential terms and conditions to binding arbitration, and must sign the conditional use permit agreeing to these requirements. The city council may waive these co-location requirements if necessary to implement stealth design.
9. *Exterior maintenance.* The exterior finish of all towers shall be maintained by the owner/operator in a condition free of rust and surface coating deterioration.
10. *External messages.* No advertising message or identification sign larger than 2 square feet may be affixed to the telecommunications facilities.
11. *Lighting.* Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.
12. *Rights-of-way.* All telecommunication facilities in a public right-of-way must comply with the following:
 - (a) Telecommunications facilities located within a right-of-way must not negatively impact the public health, safety and welfare, interfere with the safety and convenience of ordinary travel over the right-of-way, or otherwise negatively impact the right-of-way or its users. In determining compliance with this standard, the city may consider one or more of the following factors:
 - i. The extent to which right-of-way space where the permit is sought is available, including the placement of the ground equipment;
 - ii. The potential demands for the particular space in the right-of-way;
 - iii. The availability of other locations in a right-of-way that would have less public impact;
 - iv. The extent to which the placement of the telecommunications facilities minimizes impacts on adjacent property; and
 - v. The applicability of ordinances or other regulations of the right-of-way that affect location of equipment in the right-of-way. ~~Telecommunications facilities approved within a city right-of-way must receive a right-of-way permit from the city engineer. Ground-mounted accessory equipment that is greater than 150 cubic feet is prohibited within any right-of-way.~~
 - (b) The facility, including attachments other than lighting rods, may not exceed 60 feet in height measured from grade in residential and commercial zones, or 75 feet in industrial zones. The city council may waive this height standard for a facility used wholly or partially for essential public services, such as public safety;

- (c) The support structure for the antennas cannot exceed the diameter of the closest public utility pole by more than 50 percent, but in no event may exceed 18 inches in diameter;
 - (d) Antennas and other components must not project out from the side of the support structure by more than two feet in residential and commercial districts or three feet in industrial districts;
 - (e) The support structure for the antennas must match the materials and color of the closest public utility structures in the right-of-way, if required by the director of planning;
 - (f) Ground mounted equipment will be allowed only if:
 - i. the equipment will not disrupt traffic or pedestrian circulation;
 - ii. the equipment will not create a safety hazard;
 - iii. the location of the equipment minimizes impacts on adjacent property; and
 - iv. The equipment will not adversely impact the health, safety, or welfare of the community;
 - (g) Ground mounted equipment must be:
 - i. set back a minimum of 10 feet from the existing or planned edge of the pavement;
 - ii. separated from a sidewalk or trail by a minimum of 3 feet;
 - iii. set back a minimum of 50 feet from the nearest intersection right-of-way line;
 - iv. set back a minimum of 50 feet from the nearest principal residential structure;
 - v. separated from the nearest ground mounted telecommunication facilities in a right-of-way by at least 330 feet;
 - vi. no larger than 3 feet in height above grade and 27 cubic feet in size in residential districts;
 - vii. no larger than 5 feet in height above grade and 81 cubic feet in size in non-residential districts; and
 - viii. screened by vegetative or other screening compatible with the surrounding area if deemed necessary by the director of planning;
 - (h) The antennas cannot interfere with public safety communications;
 - (i) The telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of public utility structures; and
 - (j) Telecommunications facilities within a right-of-way must receive a right-of-way permit from the city engineer.
13. *On-site employees.* There must be no employees on the site on a permanent basis. Occasional or temporary repair and service activities are allowed.
14. *Landowner authorization.* When applicable, the applicant must provide written authorization from the property owner. The property owner must sign the conditional use permit agreeing to the permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city's right to assess removal costs under paragraph 15 below.
15. *Removal.* Obsolete or unused telecommunications facilities and all related equipment must be removed within 1 year after cessation of operation at the site, unless an exemption is granted by the city council. Telecommunications facilities and related equipment that have become hazardous must be removed or made not hazardous within 30 days after written notice to the current owner and to any separate landowner, unless an exemption is granted by the city council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Hennepin county tax records. Telecommunications facilities and all related equipment that are not removed within this time limit are declared to be public nuisances and may be removed by the city. The city may assess its costs of removal against the property.
16. *Historic Places.* No telecommunication tower may be located within 400 feet of the boundary of any property that contains a facility or structure listed on the national register of historic places. Antennas may be located in this restricted area only if they are hidden from public view.

Section 1179.20. Definitions.

See section 1102 for definitions.”

SECTION 2.

Greenwood ordinance code section 1102 definitions is amended to add the following:

“Accessory Equipment means the wires, cables, and other equipment or facilities that are used with antennas.
(TELECOMMUNICATIONS 1179)

Antenna means a device used for transmitting or receiving telecommunication, television or radio signals that is used for personal wireless telecommunication service or any other purpose, except a device used for the private enjoyment of those on the premises where it is located, such as amateur radio antennas and antennas receiving television signals for viewing on site. “Antenna” also does not include a lightning rod. (TELECOMMUNICATIONS 1179)

Antenna Support Structure means an existing structure that is a telecommunications tower, high density residential or non-residential building, water tower, or electric transmission tower carrying over 200 kilo volts of electricity, that can be used for the location of antennas without increasing the mass of the existing structure. (TELECOMMUNICATIONS 1179)

Engineer means an engineer licensed by the state of Minnesota, or an engineer acceptable to the city if licensing is not available. (TELECOMMUNICATIONS 1179)

Stealth Design means state-of-the-art design techniques used to blend the object into the surrounding environment and to minimize the visual impact as much as reasonably possible. Examples of stealth design techniques include architecturally screening roof-mounted antennas and accessory equipment; integrating telecommunications facilities into architectural elements; nestling telecommunications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public, minimizing the size and appearance of the telecommunications facilities; and designing telecommunications towers to appear other than as towers, such as light poles, power poles, flag poles, and trees. (TELECOMMUNICATIONS 1179)

Telecommunications Facilities means antennas, accessory equipment, and telecommunications towers. (TELECOMMUNICATIONS 1179)

Telecommunications Tower or Tower means a free-standing, self-supporting lattice, guyed, or monopole structure constructed from grade intended to support antennas. (TELECOMMUNICATIONS 1179)"

SECTION 3.

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 _____, 2010.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Gus Karpas, Zoning Administrator & City Clerk

ORDINANCE NO. 184

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE, SECTION 300.15 REGARDING SURVEY REQUIREMENTS**

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

SECTION 1.

Greenwood Ordinance Code Section 300.15 is hereby amended to read as follows:

“Section 300.15. Certificate of Survey.

Subd. 1. Survey Required. Every application for building permit will be accompanied by a certified site survey (excluding interior remodels, re-roofs, re-siding and general maintenance) at a scale and in quantities deemed necessary by the zoning administrator. Because the survey will be used to determine whether an application is in conformance with city code, it will be the responsibility of the applicant to ensure information provided on the survey corresponds to submitted building plans (including existing and proposed topography). An issued building permit and/or land alteration permit will authorize only land alterations identified on a survey. Surveys will include all information as deemed necessary by the zoning administrator to provide for the enforcement of this chapter and the zoning chapter. An original signature is required on the certificate of survey. The survey shall provide the following information unless otherwise approved in writing by the zoning administrator:

1. Graphic scale of not less than 1 inch to 30 feet and north arrow;
2. Legal description of property;
3. Dimensions and bearing of front, rear, and side property lines;
4. Parcel size in acres and square feet;
5. Location and dimensions of all the existing improvements, including but not limited to; buildings, structures, retaining walls or timbers, riprap, seawall, steps, parking areas, driveways, storage areas, utilities, septic systems and wells; including but not limited to sanitary and storm manholes, hydrants, catch basins, power poles, phone boxes, fences, and any encroachments;
6. Location and dimension of all proposed buildings and structures;
7. Location of building corners on adjacent properties;
8. Outside dimensions of proposed structure(s) including decks, porches, retaining walls (include elevations at bottom of footing and top of wall), stoops, stairs, cantilevers, fireplaces, bay and bow windows, egress window wells;
9. Impervious surface calculations - existing and proposed - % and square footage;
10. “Building pad” setbacks on the survey according to the ordinance provisions and show the closest distance between the buildings and front lot line(s), side lot line(s), rear lot line(s), ordinary high water level (OHWL), elevation of 929.4 feet above sea level, and shoreline improvements, including but not limited to riprap, seawall, or retaining timber;
11. Distance between principal buildings and accessory buildings and structures, and shoreline improvements;
12. Delineate all wetland, OHWL of lakes, easements, driveways;
13. Location of all easements of record including but not limited to tree preservation, wetland conservation, cross-access, etc.;
14. Topographic contours at 2-foot intervals of existing and proposed elevations;
15. Lowest floor level, first floor elevation, top of block, and garage slab;
16. Indication of direction of surface water drainage by arrows;
17. Tree removal, tree preservation and grading plan if required by the city;
18. All significant trees ~~as described in section 1140.80; measuring a minimum of 10" in diameter (31" circumference) or greater for hardwood deciduous trees, 14" in diameter (44" circumference) or greater for softwood deciduous trees, or 12" in diameter (38" circumference) or greater for conifer/evergreen trees. The trunk diameter of significant trees shall be measured at 48" above grade;~~
19. Wetland boundaries with OHWL and 100-year flood elevation if applicable;
20. Driveway grade ~~(minimum 0.5%, maximum 10%);~~
21. Wetland buffer areas and wetland or lake setback dimensions;
22. Other information as required by the city;
23. Location and type of erosion and sediment control measures to be installed by permit holder.

Subd. 2. Additional Surveys or Measurements. The zoning administrator may require additional surveys or measurements to verify compliance with the ordinances throughout the duration of the project. Additional surveys and measurements may include, but are not limited to foundation survey, impervious surface survey, grading survey and structure height verification. The city will withhold the certificate of occupancy for any project in which additional survey(s) have been requested and not provided until such time the requested survey(s) have been submitted and approved by the zoning administrator.”

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 _____, 2010.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus Karpas, Zoning Administrator & City Clerk

Resolution 08-10
Appointments and Assignments for 2010
City of Greenwood, Minnesota

*Be it resolved that the City Council of the City of Greenwood
approves the following appointments for June 1, 2010 through December 31, 2010*

<u>Office</u>	<u>2009 Holder</u>	<u>2010 Holder</u>
Mayor Pro-Tem.....	Bob Quam	Bob Quam
Administrator Oversight Committee.....	Fletcher, Kind	Fletcher, Kind
Fire Board Representative – 3rd Wed (Jan, Mar, May, Jul, Sep, Nov)	Biff Rose.....	Biff Rose
Lake Minnetonka Conservation District (LMCD) Representative – 3rd Wed.....	Kelsey Page	Kelsey Page
Lake Minnetonka Communications Commission (LMCC) Representatives – 3rd Tues (Feb, May, Aug, Nov)	Bechtell, Vacant	Bechtell, Fletcher
Milfoil Project Liaison	Tom Fletcher	Tom Fletcher
Minnetonka Community Education (MCE) Representative – 4th Mon	Bob Quam	Bob Quam
Planning Commissioners – 3rd Wed	A-1 Palmberg (3/10)	A-1 Palmberg (3/12)
	A-2 Beal (3/10)	A-2 Beal (3/12)
	A-3 Paeper (3/10)	A-3 Paeper (3/12)
	B-1 Lucking (3/11)	B-1 Lucking (3/11)
	B-2 Spiers (3/11)	B-2 Spiers (3/11)
	Alt-1 Cook (3/10)	Alt-1 Cook (3/12)
	Alt-2 Malo (3/11)	Alt-2 Malo (3/11)
Planning Commission Liaison – 3rd Wed.....	Tom Fletcher	Tom Fletcher
Road and Sewer Liaison.....	Bob Quam	Bob Quam
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative – Must be mayor, meets quarterly	Deb Kind.....	Deb Kind
Weed Inspector – Must be mayor	Deb Kind.....	Deb Kind

Staff & Designations

Assessor	Hennepin County.....	Hennepin County
Attorney	Mark Kelly.....	Mark Kelly
Auditor	Virchow Krause	Larsen Allen
Bank Signatures	Whipple, Kind, Quam, Courtney.....	Kind, Quam, Courtney
Building Official.....	Bob Manor (Mtka).....	Bob Manor (Mtka)
Clerk/Treasurer/Administrator Clerk	Roberta Whipple	Gus Karpas
Depositories.....	Bridgewater Bank.....	Bridgewater Bank, Beacon Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Newspapers.....	Sun-Sailor, Star Tribune (alt.).....	Sun-Sailor, Star Tribune (alt.)
Responsible Authority (Govt. Data Practices Act)	Roberta Whipple.....	Gus Karpas
Treasurer	Roberta Whipple.....	Mary Courtney
Zoning Administrator.....	Gus Karpas	Gus Karpas

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD,
that any and all commissioners, appointees, representatives, delegates, or other non-elected officials of the City of Greenwood shall hold their official status or membership on a basis subject to resolution, subject to reconsideration, and/or removal at the insistence of the City Council of the City of Greenwood, Minnesota.

This resolution is enacted pursuant to the codes of the City of Greenwood, Minnesota.

Adopted by the City Council of the City of Greenwood this ____ day of _____, 2010.

Ayes: _____ Nays: _____

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus Karpas, City Clerk

May 6, 2010

TB

Dear Friends,

First and foremost, thank you very much for your past support of the **Lake Minnetonka 4th of July!** Last year's show was beyond description and scope. The \$500 increase in fireworks (over 2008) went a long, long way in impressing even the most seasoned fireworks fans!

We're so pleased to again employ the expertise of **RES Specialty Pyrotechnics** for our 2010 fireworks show. What makes RES so special? It's not *just* that they handle the home game fireworks for the Minnesota Twins and Vikings, or that they are the pyrotechnics team of choice for Green Day's 2010 European concert tour. What's truly special is that RES is a Minnesota-based company employing Minnesota residents and paying Minnesota taxes. The money you contribute to the fireworks stays in Minnesota!

For 2010, in celebration of our country's 234th birthday, we're thinking that **\$23,400** in fireworks is the goal to shoot for. Can we reach it? **YES!** We've got \$500 in the bank from Terry Roeser's live auction bid (March 5, Party of the Year) to officially "light up the lake."

Good start, but we need a little help from *friends and family*. That's where you come in. The 4th of July is a mere **60** days away. If you can make a contribution by **May 31st** we can let RES know how much power to pack into those shells! All pre-event donations will be acknowledged on a banner at Excelsior Commons. We will appreciate whatever you can do! Every dollar counts! Please consult our website www.southlake-excelsiorchamber.com for the schedule of events on Sunday, July 4th or pick up the June 30th edition of **Lakeshore Weekly News** for the official program.

One more favor: Please share with your friends and neighbors that the Lake Minnetonka 4th of July fireworks are not free and that we need everyone's support to hit our goal!

We hope to see you on **Sunday, July 4th** for our grand community get-together. We have a special surprise for everyone just before the Minnesota Orchestra tunes up at 8:25 p.m. Grab a good seat on land or water! Fireworks at dusk. (Fireworks rainedate: July 5)

Sincerely,

The Lake Minnetonka 4th of July Celebration Committee

Kelly & Troy Knewton, Knewton Health Group, Kids' Patriotic Parade Sponsor
Lynn Johnson, Firecracker 2-mile and 10K Run Race Chair
Matt Masloski, Lifetime Chiropractic, Kids' Fishing Contest Sponsor
Terry Roeser, American Family Insurance, Volunteer Co-coordinator
Nick Ruehl, Excelsior, Logistics Co-coordinator
Chris Lizée, Shorewood, Volunteer Co-coordinator
Woody Love, Coldwell Banker Burnet, Sponsor
Dick Osgood, Lake Minnetonka Association
Linda Murrell, Executive Director, South Lake-Excelsior Chamber

Checks payable to:	South Lake-Excelsior Chamber Fireworks Fund
	P.O. Box 32, Excelsior, MN 55331
	VISA and Mastercard accepted by phone: 952.474.6461

It's *Time* to Fund the 4th of July Fireworks!!

The SOUTH LAKE-EXCELSIOR CHAMBER OF COMMERCE hopes to launch a \$23,000 fireworks show on July 4th 2010 over Excelsior Bay. Please help us meet this *lofty* goal by selecting your preferred donation level below:

Each donation received before 6/10/10 guarantees your name listed on donor banners in Excelsior Commons on July 4th and in the **official 4th of July program in LAKESHORE WEEKLY NEWS on June 30.**

- SUPER STARS \$500 & above
- STARS \$250 - \$499
- STRIPES \$100 - \$249
- PATRIOTS \$ 25 - \$99
- CITIZENS \$ 5 - \$24

Please send your contribution today to

**4th of July Fireworks Fund
P.O. Box 32, Excelsior MN 55331.**

VISA, Mastercard, checks accepted	
_____ - _____ - _____ - _____	
Exp. Date: ____/____/____	
3-digit code: ____	Zip Code: _____
Name on Card: _____	
Address: _____	
City: _____	State: ____ Zip: _____
<input type="checkbox"/> Receipt Requested	

The Lake Minnetonka 4th of July Celebration is organized, managed and produced by the South Lake Excelsior Chamber of Commerce with your support. Thank you!

It's *Time* to Fund the 4th of July Fireworks!!

The SOUTH LAKE-EXCELSIOR CHAMBER OF COMMERCE hopes to launch a \$23,000 fireworks show on July 4th, 2010. Please help us meet this *lofty* goal by selecting your preferred donation level below:

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VISA, Mastercard & checks accepted	
_____ - _____ - _____ - _____	
Exp. Date: ____/____/____	
3-digit code: ____	Zip Code: _____
Name on Card: _____	
Address: _____	
City: _____	State: ____ Zip: _____
<input type="checkbox"/> Receipt Requested	

The Lake Minnetonka 4th of July Celebration is organized, managed and produced by the South Lake-Excelsior Chamber of Commerce with your support. Thank you!

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 21, 2010
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:00 p.m.

Members Present: Chairman Lucking and Commission members John Beal, Todd Palmberg, Mark Spiers and Alternate members Bill Cook and Brian Malo

Absent: Commissioner David Paeper

Others Present: City Attorney Mark Kelly, Council Liaison Tom Fletcher and Zoning Coordinator Gus Karpas.

Due to Commissioner Paeper's absence, Commissioner Cook was a voting member of the Commission.

2. APPROVE AGENDA

Commissioner Beal moved to accept the agenda for tonight's meeting. Commissioner Palmberg seconded the motion. Motion carried 5-0.

3. MINUTES OF Minutes of March 17, 2010 and Joint Work Session Minutes of February 24, 2010.

Commissioner Beal moved to approve the minutes of March 17, 2010 and the Joint Work Session Minutes of February 24, 2010. Commissioner Spiers seconded the motion. Motion carried 5-0.

4. LIAISON REPORT

Council Liaison Fletcher informed the Commission on a number of items from the Council. He said the Council approved an ordinance outlining an administrative hearing process to address ordinance violations, that the request from the Lakeshore Market to serve cook to order food was denied, that Georgetown Manor was inspected by the Building Inspector and Fire Marshal and was to be in compliance with their codes, that the lighting and tree ordinances were amended from what the Planning Commission recommended and approved by the Council and that the recommended amendments to permit 75% impervious surface area in commercial areas and increasing the number of required parking spaces required for office uses were passed by the Council.

Fletcher stated the Council has been working on codifying the city code and expects that the Planning Commission will be reviewing portions of it very soon. He said the Council approved a new ordinance pertaining to load limits and he discussed the road budget and potential road projects coming up this summer. He said the permit sought for milfoil control in St. Alban's Bay was denied by the DNR, but there are negotiations taking place to see if one could be issued next year.

Fletcher discussed issues related to potential Minnehaha Creek Watershed District rule changes and said the Lake Minnetonka Communications Commission has been

discussing the feasibility of installing broadband to fill the void created by Mediacom and Qwest in this area.

5. PUBLIC HEARINGS

ORDINANCE AMENDMENT – Discuss an amendment to the Zoning Ordinance, establishing provisions regulating the placement of telecommunications towers. The proposed ordinance amendment is necessary to ensure the city's compliance with the Telecommunications Act of 1996.

Chairman Lucking summarized the ordinance and opened the public hearing. Hearing no public comment, the hearing was closed.

Commissioner Beal said the only real change to the ordinance was the additional language regarding the exterior coating on a tower. City Attorney Kelly suggested a minor language change in Section 1179.15(5).

Commissioner Spiers reiterated his previous concern about the exterior coating and said that even with a duplex coating, if it is done incorrectly it will look bad. Commissioner Beal wants to see language that enforces maintenance.

Chairman Lucking suggested adding maintenance language that stresses regardless of the exterior coating, that towers must be maintained.

City Attorney Kelly asked if the Commission would like to send the ordinance to Council with additional language about maintenance. The Commission agreed it would.

Commissioner Spiers suggested language regarding using approved standards for duplex coating as outlined by the American Galvanized Steel Association. The Commission agreed to the language.

Commissioner Malo asked if any other Commissioners felt the language in Section 1179.15(14) regarding the removal of obsolete or unused towers was redundant. He felt the city should establish the same time requirement for removal regardless.

The Planning Commission discussed the difference between obsolete and unused. The Commission agreed to amend the language to reflect a one year requirement for removal for both obsolete and unused towers.

Council Liaison Fletcher said he had come across some changes the City of Minnetonka has made to their Telecommunications Ordinance and thought the Planning Commission may want to take a look at them since the proposed ordinance is modeled after Minnetonka's.

The Commission felt it would be better to pass the ordinance on to the Council and allow them to determine if Minnetonka's amendments should be incorporated into the ordinance.

Motion by Commissioner Beal to recommend the City Council adopt Ordinance 183, regulating the placement of telecommunications tower as amended. Commissioner Cook seconded the motion. Motion carried 5-0.

6. OTHER BUSINESS

ORDINANCE AMENDMENT – Discuss an amendment to the Zoning Ordinance, establishing provisions requiring as-built surveys to ensure construction projects in the city are being built in accordance to the approve building plans.

Zoning Coordinator Karpas summarized the ordinance, stating that it was amended based on the comments from Commissioners at their March meeting that they did not want additional surveys mandatory.

City Attorney Kelly thought the language should be amended stating that the Zoning Administrator may require additional surveys, instead of stating the city reserves the right.

Chairman Lucking thought the ordinance was going to state that the City Council and Planning Commission would have the authority to authorize additional surveys. Zoning Coordinator Karpas said Councilmembers and Commissions would have to ask staff to investigate any concerns they may have.

Commissioner Malo said that it appears sections 8 and 15, pertaining to impervious surface, are redundant, the same with sections 17 and 20, pertaining to locating trees on a survey.

City Attorney Kelly suggested that language be added to requiring the location of adjacent structures be shown on the survey to give additional perspective. The Commissioners agreed.

Commission Cook said he would like the language to include survey or measurement. Commissioner Beal would like titles on the subsections. Council Liaison Fletcher said that measurement of structure height should be included in the language.

The Commission agreed to all the proposed changes and directed staff to schedule the ordinance for a public hearing at the May meeting.

ORDINANCE AMENDMENT – Discuss an amendment to the Zoning Ordinance, establishing provisions regulating adult establishments.

Chairman Lucking commented this issue may not be one the city wants to raise. Commissioner Beal agreed. City Attorney Kelly said the way the ordinance is written there's nothing that would stop or regulate adult uses.

Council Liaison Fletcher feels the Commission may want to think about potential locations an adult use could be placed and amend the ordinance accordingly. He said the current ordinance is not a do all ordinance, but he would rather one in place than nothing.

The Commission discussed the potential of the Old Log Theatre property being used as a potential site for an adult business.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 21, 2010
7:00 P.M.

Chairman Lucking feels there's a difference between adult entertainment and adult "toy" shop. City Attorney Kelly said both have the same impact on a neighborhood.

Commissioner Cook felt the two hundred foot setback from a residential district would eliminate all potential locations in the city.

Chairman Lucking has no objection passing the ordinance on to the Council as written. Commissioners agreed that the city should pass an ordinance that is consistent with adjacent communities.

City Attorney Kelly said language could be added to prohibit placement of an adult use on any waterfront property, which would address any concerns about the vacant Boathouse Restaurant

Commissioner Spiers raised a concern about regulating potential use of the lake. City Attorney Kelly said the city currently has harbor regulations, but they don't address this issue. It was noted the city currently bans charter boats from docking at the marinas.

Commissioner Spiers asked if maybe the term "may" ought to be inserted in the purpose section of the ordinance, instead of just saying certain land uses have a direct and detrimental effect on the character of the community. He doesn't want to give the impression that the city is totally opposed to the use, even though it may be. City Attorney Kelly said the purpose section establishes the "community standard."

Commissioner Spiers asked if the proposed ordinance would protect the city if the use of the Old Log Theatre were to change. City Attorney Kelly said it does not, but that may be an area of focus for the Commission. He said that even though the setback requirement goes far to regulate, the Commission may want to look at establishing special regulation for that site.

Commissioner Spiers believes the Commission should work to put some teeth into the provisions.

Commissioner Beal commented the Old Log Theatre property was more likely to be developed as a real estate project than it would be for an adult use.

The Commission discussed whether the conditional use permit regulating the theatre would be enough to restrict an adult use. It was determined that it may not. Council Liaison Fletcher discussed the concept used by other cities of an Interim Use Permit, which regulates the use on a property more closely.

Commissioner Spiers is not sure the city should designate a particular spot for adult uses, but believes the ordinance needs to be as restrictive as possible. Council Liaison Fletcher thinks selecting a site would only create controversy.

City Attorney Kelly said the Commission might want to set up a subcommittee to review the ordinance and present additional regulations they think would be beneficial.

Commissioners Beal and Palmberg were in favor of the ordinance as written. Commissioner Malo was concerned that the ordinance would be useless if it wasn't written in a manner that allows the use somewhere in the city.

GREENWOOD PLANNING COMMISSION
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7:00 P.M.

Council Liaison Fletcher said he was not opposed to designating a suitable area for an adult use, but did not believe he would have any support on the Council to do so. He said he would be happy to bring up the issues discussed tonight to a City Council work session.

City Attorney Kelly said an ordinance regulating adult uses is worth doing. Chairman Lucking said the city can adopt an ordinance and tweak it later to give it more regulatory power. Kelly agreed stating the regulations in the proposed ordinance are still useful.

Commissioner Beal said adult uses are a business and the City of Greenwood isn't necessarily an attractive area for them.

Commissioner Spiers would like to hear some feedback from the City Council before determining what direction to go with the ordinance. The Commission agreed.

7. ADJOURN

Motion by Commissioner Spiers to adjourn the meeting. Commissioner Beal seconded the motion. The meeting was adjourned at 8:45 p.m.

Respectively Submitted
Gus Karpas - Zoning Coordinator

May 17, 2010

Tom Fritz
dba/ T. Fritz Enterprises, Inc.
21960 Minnetonka Blvd.
Greenwood, MN 55331

Kent Carlson
dba/ Greenwood Marina, LLC
PO Box 756
Excelsior, MN 55331



Dear Tom and Kent:

The Greenwood City Council in its meeting of April 6, 2010 authorized a refund of past sanitary sewer charges and a reduction in the future quarterly bill for the property located at 21960 Minnetonka Boulevard – St Albans Boathouse in Greenwood. The refund is based on the fact that the property has not been licensed by Hennepin County as a restaurant since January 1, 2009 and that the restaurant rate therefore no longer applies. The general commercial rate would instead apply to the property effective as of January 1, 2009. The City will reinstate the restaurant rate if the property is licensed to operate as a restaurant again in the future.

The property is estimated to have 5,975 square feet of gross building floor space, which is equivalent to 3 sanitary sewer units based on 2,000 square feet or fraction thereof per sanitary sewer unit. The quarterly sanitary sewer rate during the period in question was \$65 per unit (since raised to \$75 per unit). This results in a reduction of the quarterly charges from \$910 based on 14 units with the restaurant license to \$195 based on the general commercial rate.

The penalties of \$182 from June 30, 2009 and December 31, 2009 are also proposed to be abated since the account was actually overpaid during that period using the proposed rates above.

The City would propose a total refund of \$3,939.00 as shown on the attached spreadsheet. We would normally refund \$715.00 to Tom Fritz and \$3,224.00 to Kent Carlson based on the period that each party paid for. We can split the refund in another manner if you both agree to another division.

Could you each please sign a copy of this letter indicating your agreement with the total refund and your portion thereof as outlined above and return it to the City of Greenwood. If you both prefer a different split of the refund, please contact the City and we will send out a new letter with the new proposed division of the refund for you both to sign.

Per the Council resolution of April 6, the City cannot issue the refund until it has been agreed to by all parties.

Please feel free to contact either myself or Gus Karpas with any questions.

Sincerely,

Roberta Whipple
Greenwood City Administrator

Cc: Mayor Deb Kind
Councilmember Tom Fletecher
Councilmember Bob Quam
Councilmember H. Kelsey Page
Councilmember William Rose



I acknowledge receipt of the above letter dated May 17, 2010 and agree that a total payment of \$3,939.00 is the correct total sanitary sewer charge refund for the property located at 21960 Minnetonka Boulevard in Greenwood, MN and typically referred to as the St. Albans Boathouse for the period from January 1, 2009 through March 31, 2010. I further agree to the payment by the City of Greenwood of \$715.00 and \$3,224.00 of the refund amount to Tom Fritz and Kent Carlson respectively.

Sign and Print Name and Title

Date

Date	Sewer Amount	Sewer Amount	Billed Penalties	Adusted Penalties	Refund Amount
3/31/09	910	195	182	182	715
Total Refund to Fritz					715
6/30/09	910	195	182	0	897
9/30/09	910	195	0	0	715
12/31/09	910	195	182	0	897
3/31/10	910	195	0	0	715
Total Refund to Carlson					3224

EXCELSIOR FIRE DISTRICT

RESOLUTION # 10-003

RESOLUTION ON THE DESIGNATION AND UTILIZATION OF THE BUILDING FUND

BE IT RESOLVED that the Excelsior Fire District Board wishes to establish a Building Fund.

BE IT FURTHER RESOLVED, the purpose of the building maintenance fund will be to pay for emergency repairs of the buildings (South Lake Public Safety Building [EFD Fire Station #1] and EFD Fire Station #2) that are not covered by insurance.

BE IT FURTHER RESOLVED, that the Excelsior Fire District Fire Chief has the authority to spend up to \$5,000 out of that account without prior Excelsior Fire District Board approval.

ADOPTED by the Excelsior Fire District on June 2, 2010.

Chair

Scott M. Gerber, Fire Chief

ATTEST:

Secretary