

# AGENDA

## Greenwood City Council Meeting

WEDNESDAY, January 4, 2012  
20225 Cottagewood Road, Deephaven, MN 55331



*The public is invited to address the council regarding any agenda item.  
If your topic is not on the agenda, you may speak during Matters from the Floor.*

- 7:00 PM 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00 PM 2. CONSENT AGENDA  
*Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.*
- A. Recommendation: Approve 12-06-11 City Council Minutes
  - B. Recommendation: Approve November Cash Summary Report
  - C. Recommendation: Approve December Verifieds, Check Register, Electronic Fund Transfers
  - D. Recommendation: Approve January Payroll Register
- 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 & REPORTS
- A. Presentation: Hennepin County Update from Commissioner Jan Callison
  - B. Presentation: Kristi Conrad, Ice Skating Rink at Greenwood Park
  - C. Announcement: Greenwood Night at the Old Log, 8 PM Friday, January 13, 2012
- 7:40 PM 5. PUBLIC HEARINGS
- A. None
- 7:40 PM 6. UNFINISHED BUSINESS
- A. Consider: Request for Compliance Extension, re: Right-Of-Way Encroachment, 21580 Fairview Street
  - B. Discuss: Old Log Rezoning (to allow cluster-style development in the future)
  - C. Consider: Resolution 01-12, Findings of Fact, Cook Variances, 5195 Greenwood Circle
  - D. 2nd Reading: Ordinance 199, Amending Code Section 1102, Definitions (adding illustrations and clarifying the definitions for yards) ~ Resolution 02-12, Summary of Ordinance 199
  - E. 2nd Reading: Ordinance 203, Amending Code Section 910, Prohibited Activities Affecting Health and/or Property (changing language to allow for the civil citation process)
  - F. 2nd Reading: Ordinance 204, Licensing of Commercial Tree Contractors
- 9:30 PM 7. NEW BUSINESS
- A. Consider: Resolution 03-12, Appointments & Assignments for 2012
  - B. 1st Reading: Ordinance 207, Amending Code Section 510, Fees (updating fees for variances, conditional use permits, and zoning code amendments)
  - C. Discuss: Temporary Parking Permits (note: current code does not allow for temporary parking in no-parking zones)
- 9:45 PM 8. OTHER BUSINESS
- A. None
- 9:45 PM 9. COUNCIL REPORTS
- A. Fletcher: Planning Commission, Excelsior Blvd. Water Project, Lake Minnetonka Communications Commission
  - B. Kind: Police, Administration, Updated Code Books
  - C. Page: Lake Minnetonka Conservation District
  - D. Quam: Roads & Sewer, Minnetonka Community Education
  - E. Rose: Excelsior Fire District
- 10:00 PM 10. ADJOURNMENT

*Agenda times are approximate. Every effort will be made to keep the agenda on schedule.*



**Agenda Item:** Consent Agenda

**Summary:** The consent agenda includes the most recent council minutes, cash summary report, verifieds report, electronic fund transfers, and check registers. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

**Council Action:** Required. Possible motion ...

1. I move the council approves the consent agenda items as presented.

**GREENWOOD CITY COUNCIL MEETING**  
**Tuesday, December 6, 2011, 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 7:01 P.M.

Members Present: Mayor Kind; Councilmembers Fletcher, Page, Quam and Rose

Others Present: City Attorney Kelly and City Zoning Administrator/City Clerk Karpas

Members Absent: None

**Quam moved, Rose seconded, approving the agenda as presented. Motion passed 5/0.**

**2. CONSENT AGENDA**

**Fletcher moved, Quam seconded, approving the items contained on the Consent Agenda.**

- A. November 1, 2011, City Council Meeting Minutes**
- B. October 2011 Cash Summary Report**
- C. November 2011 Verifieds and Check Register**
- D. December 2011 Payroll Register (This was moved to Item 8.A under Other Business.)**

**Motion passed 5/0.**

**3. MATTERS FROM THE FLOOR**

There were no matters from the floor presented this evening.

Discussion moved to Item 4.B on the agenda.

**4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS**

- A. Don Stolz and Jon Monson, Concept for the Old Log Theater Property**

This was discussed after Item 6.A on the agenda.

Mayor Kind explained that on November 14, 2011, Zoning Administrator/Clerk Karpas, Attorney Kelly and she met with the Don Stolz, the owner of the Old Log Theater property, and Jon Monson, the owner of Landschute. The purpose of the meeting was to discuss a concept Mr. Stolz and Mr. Monson are considering for that 11-acre property. The concept would require the property to be rezoned. Rezoning requires a public hearing and a recommendation from the Planning Commission. The attendees decided that Mr. Stolz and Mr. Monson should present their ideas to the Council to determine the next steps.

Mayor Kind explained that the Mr. Stolz and Mr. Monson would be presenting a concept at tonight's council meeting. It is not a formal application at this time. After hearing about the concept the Council could direct the Commission to place a general review and discussion of the concept on its next meeting agenda along with a discussion about the City potentially rezoning the property. The Commission would then report back to Council on the concept. After Council hears the Commission's report Council could decide whether or not to move forward with rezoning the property. If Council decides the property should be rezoned the next step would be for the Commission to work on the details of rezoning and prepare a draft ordinance. The Commission would then hold a public hearing on the ordinance to receive comment from the property owner and members of the public prior to forwarding its recommendation to Council.

Mayor Kind introduced Mr. Stolz.

Mr. Stolz explained that he had been asked the question, "If he had been offered as much money for his property as a developer did (in this case Mr. Monson) what would be his reaction." He stated he did not know what his reaction would be because he doesn't know what Mr. Monson would be able to build on the site. He noted that he is meeting with two other potential buyers this week. He stated that decision will be based on what is decided this evening. He noted some people, including himself, would like to have the Old Log Theater continue operations. Unfortunately, there are a few things that make that difficult. One of them is the absence of plays. A broker out of New York that he has been a customer of for over 50 years wants \$30,000 in advance for plays they are brokering. After discussion the advance was reduced to \$10,000. The reason for substantial advances is many theaters file bankruptcy and then brokers have to pay the royalties collected.

Mr. Stolz noted he doesn't know what he and others are going to do about the property. He also noted that he admires the things Mr. Monson has done around the City of Excelsior. He expressed that he is certain that anything Mr. Monson would do with the property would be a continuation of what is best for Greenwood. Mr. Stolz turned the presentation over to Mr. Monson.

Jon Monson, 20260 Lakeview Avenue, explained Mr. Stolz contacted him about one month ago. He knew that Mr. Stolz and his sons were trying to decide what the next chapter in their lives should be. He commented that he was honored to have received the call but also intimated because he did not know how to continue Mr. Stolz's legacy. He and Mr. Stolz met with the City shortly after he had been contacted. This evening he has some thoughts to present, noting things are in the early stage of conception. He stated he thought this property is the City's diamond in the rough.

Mr. Monson noted that 71 years ago Mr. Stolz started the Old Log Theater at what is now called the scene shop. He stated he thought the original Old Log Theater building could be saved. He commented that he is a history buff. He stated that a few years ago his company did something similar with the Pierce house across from the Post Office in Excelsior. That house was saved and construction was done around it.

Mr. Monson explained that he is approaching this site from the perspective of what it used to be, and how can he provide some thread of continuity. The place to start is with the original Old Log structure. The first sketch he displayed did not respect that at all. He said it is something that someone who doesn't want to do any creative problem solving might present. A developer's default mentality might be to level the site and build houses on it. He noted that is the last thing he would ever want to do with the property.

Mr. Monson displayed a second sketch. It included the original Old Log Theater building and the current Old Log Theater building which was constructed in 1960 and has been operating ever since. He stated the old building and the newer building create a nice compound feel. There is floating slab construction on a site where the soil is extremely questionable. He noted that he has spoken with representatives from the

Minnehaha Creek Watershed District (MCWD). Their reaction is there is wetland at the site, but it's likely that whatever would be done of the fringes of the property could be mitigated if there were to be any impact. Soils on the property are a concern. He has had a couple of preliminary soil borings done to get some indication of what the soils might be like. It's not great but it's also not disastrous. There would be premium site expense to correct the soils, but it's probably manageable.

Mr. Monson stated one question that has to be answered is what to do with the existing theater. One option is to repurpose it into a dozen condominium units that could either be sold or rented out. If the original building were to be saved and revitalized, he asked if it needs to be done for a private purpose or some public purpose. For example, if it is done privately and if it cost about \$1 million to do that it could mean there would be a \$50,000 premium on the cost of the units to save the old building. He commented that he would love to see Mr. Stolz back to where he started from [in the original building].

The revitalized old building could potentially be made into a community center. That begs the question of whether the area should be privately owned or become a park. He asked if the City is interested in having a park become its downtown, so to speak. He stated Council and the residents have to be an integral part of the process. People currently have the opportunity to go to the Old Log Theater and if the property becomes privatized it becomes the domain of the people who buy into the redeveloped property.

Mr. Monson displayed a site plan that was a little more developed than the first two sketches. It was drawn to scale somewhat. He stated that he and his wife, his design partner, have dreamed of constructing some quaint cottage neighborhood. This property would provide that perfect opportunity. The question is what people would be willing to pay for such a cottage. He believes there are a number of people who want a small cottage in that special area. The site plan depicts cottages where the parking lot is now (across the street from the Rose, Gray and Hurd properties). On the west side of the property there would be small cottages and an old house would be renovated. The cottages would be like the lake cottages that were historically typical of the area.

There is an open area that would front along the pond. Along the trail there is an existing storage building that would be turned into housing units and then more cottages would be built that would be accessed from the end of Covington Road. He's unsure if there is enough room in the current theater building to build twelve condominiums and still have the required parking for them. The area south of the existing theater and east of the old theater would have a gorgeous view through the buildings and on out to the wetland. That would be the first thing seen when coming on to the property. The site plan shows parking for 70 vehicles that would accommodate seating for 150 people in the revitalized old theater structure.

Mr. Monson noted that as a private developer it would be difficult to bump up the cost of the units on the site to pay for the revitalization of the original theater building. If the City wants that building to serve a public purpose then this might be a good reason for the City to create a tax increment financing (TIF) district. It may be in the City's best interest to do a TIF district because there are profound benefits to a community when that is done. But, there is a psychological barrier that has to be overcome first.

Mr. Monson reiterated that he is extremely honored that Mr. Stolz called him, while at the same time being extremely intimidated.

Mayor Kind stated when they met with Mr. Monson and Mr. Stolz on November 14 there were no sketches to look at. But she was intrigued by the overall concept of being able to save the historic buildings that carry a lot of meaning for residents in the City. She thought there would be merit to having Mr. Stolz and Mr. Monson come before Council to get Council's reaction to the concept and get a sense if this is something Council thinks the City should rezone the property for. The property is currently zoned

R-1A. The Old Log Theater is allowed today as a conditional use in that District. A clustered use would not be allowed. She asked for Councilmember's reactions.

In response to a question from Councilmember Quam, Mr. Monson explained everything would be detached single-family units with the exception of the old storage building and the reuse of the current theater building.

John Gray, 5170 Meadville Street, asked what size the square footage of the cottages would be. Mr. Monson responded 1400 – 2000 square feet with there being an ability to have a small loft space. They would appear as one-story structures with dormers in the roof. Councilmember Fletcher asked if they would be Cape Cod style, to which Mr. Monson responded they would be.

Ted Hanna, 4960 Meadville Street, asked what the land area is for the cottages. Mr. Monson stated he hasn't done the calculations. It would be a homeowners' association and a person would own the property under their unit and maybe 10 feet around it. The association would do the maintenance (e.g., residents wouldn't have to cut their grass). Mr. Monson explained if there are 18 single-family cottages and if there is 11 acres including the wetland, there could be less than 2 cottages per acre.

Mayor Kind stated she would like to know how many people are intrigued by being able to save the historic old buildings. About half of the attendees raised their hands indicating they would be.

John Beal, 5470 Maple Heights Road, asked if the property were to remain zoned as R-1A how many residential properties could be created? Mr. Monson responded he thought 10 – 12. Councilmember Fletcher explained a portion of the wetland could contribute to a lot's acreage. Mayor Kind stated as long as there would be a buildable pad on the lot wetland could be counted in the parcel size. Mr. Beal stated he thought people owed it to themselves to know what the other choice is.

Mr. Hanna stated there would be a change in traffic patterns and he didn't think the current residents would like having some of the units be accessed off of Covington Road. He then stated he thought Meadville Street could handle the traffic flow. He suggested maybe the entrance on to Minnetonka Boulevard could be improved. That entrance is a mess when people are leaving the Old Log Theater today. He expressed his preference to have a central entrance on to the property. Traffic is his biggest issue because residents in the area go for walks and they walk their dogs. Mayor Kind noted the proposed use would produce less intense traffic compared to current theater traffic.

Councilmember Quam stated the City has a water problem on Meadville Street today and the redevelopment would have an impact on that. He thought maybe drainage flow could be redirected into the drainage pond. Mr. Monson explained the pond is dammed up from the undersized culvert that is located under Meadville Street and water flows into the lake. Mr. Monson explained that he thought it is the MCWD's intention for the pond to be a detention pond that will hold water, but the water will eventually will flow into the Lake. As part of the proposed project the culvert should be properly sized. Mayor Kind stated Quam was talking about a drainage problem at a different location on Meadville Street near the Newman and Hurd properties, and this project could be a good time to address that. Quam noted that water wants to stay on the Old Log Theater property parking lot. Mr. Monson stated if the parking lot were redone the water could be redirected to the detention pond.

Julie Ekelund, 5135 Meadville Street, stated that two out of three years the water from the pond flows on to her property which is located on the southwest corner next to the Old Log Theater property. She asked how that would be addressed. Mr. Monson stated he thought that was in part caused by the problem at the outlet [the undersized culvert]. That would be addressed as part of the wetland mitigation effort.

Councilmember Quam stated part of the outlet problem is caused by the fact the pond is about the same level as the Lake. That would have to be addressed.

Ms. Ekelund stated it is way too early to react to any option. She asked what the process will be going forward. Mayor Kind stated prior to Ms. Ekelund arriving she explained the process. She reiterated the explanation she made at the start of this discussion.

Mayor Kind asked Council how it would like to proceed.

Councilmember Fletcher commented he preferred houses fronting Meadville Street rather than rear yards facing the Street. He stated if the wetland were to become a park he asked where the entrance to it would be. Mr. Monson stated it would be through the main entrance on to the redeveloped property. Fletcher stated if the old building were to be revitalized for a public purpose and if the wetland were to be a public park he asked what Mr. Monson wanted the City to contribute. Mr. Monson responded that is where TIF factors in. Mayor Kind explained the incremental amount the City would collect in taxes from the redeveloped property would help fund that redevelopment for a public purpose. Fletcher stated that additional tax revenue could not be spent for another City need. Kind clarified that is correct but only for a specified period of time. TIF districts have a life span.

Mr. Stolz noted he doesn't have to sell and the Old Log Theater is having the best month that it has had in several years. His intent is to continue to operate the Theater for some time regardless of what happens at this meeting. He stated he is 94 years old and at some point he and his sons will decide they have to sell the property. That is not what they need to do now.

Mayor Kind asked if there is an offer or agreement between Mr. Stolz and his family and Mr. Monson now that is contingent on the City approving this. The answer is "no." Mr. Stolz and Mr. Monson do not have a formal agreement. Mr. Monson stated he would prefer if the Old Log Theater could operate forever. Yet, he believes it's smart for the Stolzs to have an exit strategy. He thought it prudent to have a plan that could be executed at the time the Stolzs decide to sell. This is about planning.

Mayor Kind stated the question for Council is who is going to pay for that planning. It will cost the City money to rezone the property. At this time, there is no applicant paying for that cost. There would be attorney fees and staff time.

Mayor Kind again asked Councilmembers how they want to precede.

Councilmember Page stated he would like to continue this discussion to January. He then stated he doesn't have any particular thoughts because it's the first time he has heard much about this. He went on to state it would be premature to refer this to the Planning Commission at this time.

Mr. Stolz stated he doesn't live on Meadville Street any longer. He noted that the Old Log Theater is the oldest union theater in the United States. People out of the City of New York have been asking about the Theater's early years. The Theater is well known in London as well as New York.

Mayor Kind asked Mr. Stolz if he likes Mr. Monson's concept. Mr. Stolz responded absolutely. Kind stated that is important to her and members of the community.

**Rose moved, Fletcher seconded, continuing this discussion to the January 2012 meeting.**

Councilmember Fletcher stated it's his understanding there is no rush. From his vantage point the January meeting is an appropriate time to decide how Council wants to move forward.

**Motion passed 5/0.**

Discussion moved to Item 6.B on the agenda.

**B. Planning Commission Term Expirations**

This was discussed after Item 3 on the agenda.

Mayor Kind explained the Planning Commission holds public hearings and makes recommendations to the City Council regarding zoning issues including variances and conditional use permits. The Commission is comprised of five voting members and two alternate members. Each March three to four of the commissioners' terms expire. In 2012 the following terms expire: Brian Malo Seat A-1, John Beal Seat A-2, Dave Paeper Seat A-3, and Douglas Reeder Alternate 1. The City does not have term limits for commissioners so any of them can reapply. Anyone else who is interested in serving on the Commission also may apply. Those wishing to apply may stop by City Hall to pick up an application or they may download the form from the City's website [www.greenwoodmn.com](http://www.greenwoodmn.com). The next City newsletter will include an article seeking applicants to serve on the Commission. Applicants will be invited to the March 2012 Council meeting where Council will have the opportunity to ask the applicants questions, review the applications and make the final appointments.

**5. PUBLIC HEARING**

**A. None.**

**6. UNFINISHED BUSINESS**

**A. Second Reading: Ordinance 198 an Ordinance Amending Code Section 1135.05, C-2 Lake Recreation District**

Mayor Kind stated this is the second reading of Ordinance 198 amending the Ordinance Code Section 1135.05 regarding permitted uses. She explained the proposed amendment would remove "restaurant" from a permitted use status in the C-2 District and place it as a conditional use. It also removes "general offices" from being a conditional use and places it as a permitted use. Restaurant use tends to have a greater impact than an office use. The first reading occurred during the November 1, 2011, Council meeting. No changes have been made to the Ordinance since the first reading.

**Quam moved, Rose seconded, Approving Ordinance No. 198, "An Ordinance amending the Greenwood Ordinance Code Section 1135.05 to allow general office uses as a permitted use in the C-2 District and to allow restaurants as a conditional use in the C-2 District. Motion passed 5/0.**

Item 4.A was discussed after Item 6.A on the agenda.

**B. First Reading: Ordinance 199 an Ordinance Amending Code Section 1102, Definitions**

This was discussed after Item 4.A on the agenda.

Mayor Kind stated this is the first reading of Ordinance 199 amending the Ordinance Code Section 1102 clarifying the definitions of yards and adding illustrations. She explained Council directed the Planning Commission to discuss these and to craft a draft Ordinance to address these items.

Kind explained Council discussed the definitions proposed by the Planning Commission during its November 1, 2011 meeting. During that discussion a couple of issues were identified. They include: the measurement of the front yard from the “edge of the public right of way open and actually used for travel” since the way the Ordinance is enforced is that the measurement is taken from the front property line; and, the inclusion of “ordinary high water level” in the definition of rear setback since the Ordinance would consider any property abutting Lake Minnetonka as having a lakeside yard rather than a rear yard. The City Attorney reviewed the issues and a copy of his memorandum on them is included in the meeting packet. The meeting packet also includes a copy of the Ordinance discussed during the November 1 meeting as well as a revised Ordinance incorporating the City Attorney’s recommendations to the language.

**Fletcher moved, Quam seconded, adopting the first reading of Ordinance 199 amending the Ordinance Code Section 1102 regarding yard definitions and including the illustrations included in the December 6, 2011, City Council meeting packet. Motion passed 3/2 with Page and Rose dissenting.**

Councilmember Rose stated he thought the definitions should be left as they are.

Councilmember Page stated the side yards in the illustrations are minuscule and he doesn’t understand why that is. For example, in the illustration for a lakeside yard that has close to a triangular shape he asked why the side yard would not go to the tip of the principal structure. The small side yard concern applies to all of the illustrations. Mayor Kind stated a case could be made for that. That drawing could be amended for the second reading of the Ordinance or be eliminated. Zoning Administrator/Clerk Karpas stated the illustration Page is referring to can be confusing, but the other illustrations are appropriate.

Councilmember Quam stated the drawings are not intended to be to scale.

Councilmember Page explained there are prohibited uses in front yards. When the front yards are gigantic and the side yards are small based on the illustrations the property owner’s ability to put up accessory structures is limited. That is disturbing to him. Mayor Kind stated from her vantage point nothing is being changed; they reflect the way the City has been enforcing these definitions for years. Councilmember Quam stated because the drawing of the front yard is bigger doesn’t mean the front yard will actually be bigger. Kind agreed. Quam commented it is just a drawing. Page clarified it may be just a drawing but if approved it will be in the Ordinance. Quam stated the relationship of the setback boundaries will not be transformed onto an actual property.

Councilmember Fletcher explained the purpose for including illustrations was to help clarify yard definitions. He suggested Councilmember Page work with Zoning Administrator/Clerk Karpas to modify the illustrations before the next Council meeting.

Mayor Kind stated the purpose of the triangle shaped illustration is to show how the yards would be defined if a house was not parallel to the front yard. She again suggested eliminating that illustration. Councilmember Fletcher stated it should be clarified and be included in the Ordinance. Zoning Administrator/Clerk Karpas stated that the triangle shaped illustration should be changed based on how he enforces the location of a side yard.

Mayor Kind and Zoning Administrator/Clerk Karpas will review all of the illustrations and the new drawings will be included in the Ordinance for the second reading.

## 7. NEW BUSINESS

### A. Request for Right-of-way Encroachment Permit, 21580 Fairview Street

Mayor Kind explained the City received a complaint about a boat being stored in the public right-of-way (ROW) next to 21580 Fairview Street. She noted that the petitioner for the permit is not present, and wondered if Council should proceed with discussion of this agenda item or not.

Councilmember Page asked if the City has received a petition and if money has been paid.

Zoning Administrator/Clerk Karpas explained the fee is set by the Council. It's up to Council if it wants to issue the ROW Encroachment Permit.

Mayor Kind stated the meeting packet contains a request from Realtor Woody Love, on behalf of the Estate of Susan Morris, for permission to use the City ROW. Therefore, Council can take action on that written request. She noted she is fine with moving forward on this.

Councilmember Quam recommended waiting.

Councilmember Fletcher asked if the City has to take action this evening because it received a complaint and a request for a permit. Attorney Kelly stated it's within Council's purview to take additional time to act on the application. Kelly stated Council can take action this evening if it feels it has all of the information it needs. Fletcher stated this could also be tabled for a month.

**Page moved, Quam seconded, continuing this item until the January 2012 Council meeting. Motion passed 3/2 with Kind and Rose dissenting.**

Councilmember Fletcher asked if the public could speak regarding this issue since it was published on the agenda. Mayor Kind invited public comment.

Jeannie Bowers, 21600 Fairview Street, stated she was present this evening to talk about the impervious surface on the property located at 21580 Fairview Street. She then stated she thought this is a great opportunity for the Council to allow that land to go back to its original state. She explained in 1992 the Hennepin County Regional Rail Authority (HCRAA) and Hennepin County Parks made an arrangement to make this into a trail. It was quite contentious for the City at that time. That property had been pervious. At that time she agreed she would not contest the property owner being granted a variance for the setback for the garage. The then Council approved the variance request with some stipulations about the ROW. She distributed a copy of photograph of the pervious surface.

Ms. Bowers then stated she purchased her home in 1973. When the garage on the 21580 Fairview Street property was rebuilt it was moved further from the ROW. The property had been pervious so stormwater could flow down the street and saturate into the ROW. Where the boat is parked that section has been tarred from the edge of the garage to the Street; it was altered. Before it was altered the stormwater was absorbed by the soil and filtered. She has underground tubing so water can be filtered from the street to the lake. After the neighbor's ROW was made impervious the stormwater flow changed and it has caused her as a resident of the City a financial burden to keep the tubing clear of debris.

Ms. Bowers went on to state the City has spent a lot of money on Fairview Street. When she first purchased her home it was a gravel roadway. She distributed a copy of photograph showing the road maintenance and the culvert. Now that the area is impervious, there is an underground culvert the City has to maintain. Because of the hardcover impervious surface everything fills up the culvert. The stormwater ends up under Fairview Street and causes it to deteriorate. She distributed a copy of another photograph showing the same culvert and some of the deteriorated roadway surface, and a photograph showing the tarred surface. She explained how stormwater flowed down the Street.

Ms. Bowers explained the fourteen cities around Lake Minnetonka had to adopt the Shoreland Management State Statute into their city code of ordinances. Section 1176.08 Subd. 2.c.7. states *“Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby property.”* The tarred surface affects her property as well as City property. The City’s Comprehensive Plan states *“The protection of natural drainage ways and water courses from accelerated storm water run-off or constriction in conjunction with the development, redevelopment or expansion of housing and/or subdivision of land through use of restrictive easements, land use regulation and hard-surfacing regulations. Existing watercourses or drainage ways shall be maintained to handle storm water runoff.”* It goes back to the Minnesota Department of Natural Resources (DNR) and the Minnehaha Creek Watershed District (MCDW). It all relates to water issues and how agencies and government are trying to address erosion issues.

Ms. Bowers explained that when Zoning Administrator/Clerk Karpas did his research he was provided inaccurate information. That misinformation had to do with the contention that it was impervious. That it was left over construction from the garage. However, as is seen in the photographs, there had been a beautiful pervious surface with plantings and absorption that was.

Councilmember Fletcher asked when the photograph was taken that showed the pervious surface in the ROW. Ms. Bowers didn’t know.

Ms. Bowers then explained that on January 15, 1998, a legal notice was published in the Lakeshore Weekly Newspaper for what was then Section 425.35 Subd. 3 (now Section 425.40 Parking) which states *“It shall be unlawful to park any trailer or vehicle used in the transportation of boats upon any public parking space or adjacent to any public ground within the city, without obtaining written permission of the city council. Any vehicle used for the transportation of boats or any boat dock, trailer or fish house which shall be parked, placed, kept, or abandoned on, or which shall obstruct any public street, highway, or other public property, may be seized and impounded by any authorized officer or employee of the city.”*

Ms. Bowers stated Attorney Kelly was an advocate for addressing this issue of the law. She explained that in a memorandum from Kelly to Zoning Administrator/Clerk Karpas regarding the property located at 21580 Kelly cited that Section 710.15 General Parking Restrictions states *“No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of any street or highway in this municipality when it is practical to stop, park or so leave such vehicle off such part of the street or highway, but in every event a clear and unobstructed width of at least 20 feet of such part of the street or highway shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available for a distance of 200 feet in each direction upon such street or highway. No vehicle shall be parked continuously at any place in any public street for a period of more than 72 consecutive hours.”* In the memorandum Kelly stated *“It would be my advice that the owner of any vehicle including boats that are being stored in this public right of way of this ordinance be asked to remove the vehicle.”*

Ms. Bowers stated she thought the wording in Attorney Kelly's memorandum was really good. She asked for Council to be an advocate for residents and improve the character of their neighborhood. When Kelly writes to this particular person asking them to remove the boat he writes "*The intent of the R-1A District is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district.*" That is Section 1120.00 Purpose.

Ms. Bowers stated she thought it would be advantageous to everyone if Council will consider the safety issue. As elected officials one of your primary goals is the health, safety and welfare of the City's residents. Numerous times she has seen a school bus barely miss running into that boat. If you drive down Sleepy Hollow Road and you make that turn after the snowmelt has frozen and a driver is not aware of that, it's easy to end up in the driveway. She has done that. She asked Council to take safety into consideration and to be proactive about the character of the neighborhood.

Mayor Kind asked Ms. Bowers to put her thoughts in writing for the Council unless she is close to wrapping up.

Councilmember Quam asked Ms. Bowers to clarify what she is asking Council to do.

Ms. Bowers distributed a picture. She stated if Council does not look at this favorably for the City she asked someone to go to the HCRRA of the LRT. It carries the liability factor. If the City gives anyone permission to park on City ROW the City has to make sure people aren't harmed. The HCRRA has a statement that reads "*Permitter shall not be liable to permittee or those claiming by any injury, death or property damage occurring in or about the crisis based upon whatever nor the loss of damage by reason of present or future condition of repair.*" She thought that was very tight. If the City is giving residents' rights away Council has to make sure it is bound tight for the City. She noted the League of Minnesota does insure you (Council) and protect you. However, when people are killed, maimed or hurt they are going to go to anyone who has the money. The waiver between the HCRRA and Hennepin County Parks is tight.

Ms. Bowers asked Council not to approve the permit request for parking boat storage. She stated the altered topography of land on HCRRA property located at 21580 Fairview Street has diminished the integrity of HCRRA property. The encroachment into the ROW is in violation of public property. She requested the added hardcover be removed because it has adversely affected her property due to excess stormwater runoff. Prior to the added hardcover it was pervious. Stormwater was able to flow into an underground culvert where sediment was collected before it flowed underground. For safety reasons she asked that the boat and trailer be permanently removed.

Ms. Bowers thanked Council for allowing her the opportunity to come before it. She then thanked Attorney Kelly and Zoning Administrator/Clerk Karpas for being proactive.

In response to a question, Ms. Bowers explained her fence is on her property line and 30 feet back from the ROW as well as the HCRRA's ROW.

Mayor Kind noted the City has the right to deal with the HCRRA's ROW. There is no distinction between that and the City's ROW.

Councilmember Fletcher stated had Ms. Bowers' comments been heard before the vote was taken to continue this item to the first Council meeting in January 2012 he would not have voted to continue this item.

**Fletcher moved, Rose seconded, reconsidering continuing this item until the January 2012 Council meeting. Motion passed 3/2 with Page and Quam dissenting.**

Councilmember Fletcher asked if a permit was issued to black top part of the ROW.

Ms. Bowers stated the picture taken before part of the ROW was black topped was likely taken in 2000. The blacktop was put down in 2001. No permit was issued for that. She noted she called the City when that was done.

Councilmember Fletcher stated based on the information he knows now he doesn't support approving a permit to allow the boat to stay on the blacktopped portion of the ROW because a permit was not obtained for putting the blacktop down. Being the property is for sale, now is the time to deal with the impervious surface.

Mayor Kind echoed Councilmember Fletcher's comments and stated Council has the opportunity to make sure the ROW is used appropriately. She stated she could support a motion allowing the boat to remain where it is for a maximum of one year and that anyone who buys that property would have to get Council's authorization to be able to keep the paved surface and to store a boat in the ROW. She noted she did not know why she would grant permission to keep that impervious surface in the ROW.

Attorney Kelly explained the Ordinance states "*The City Council may grant the permit if it is determined the use applied for is incidental and not inconsistent with safe and efficient public use.*" In his memorandum he raised the question that perhaps the applicant needs to make a case that there is need not reasonably met within the confines of their own property. Council can take anything into consideration that it deems appropriate in its decision making. He stated the City is at a transition point. The owner of the 21580 Fairview Street property has passed away. If the City wants to redefine the world this is a very good time to do it.

Mayor Kind read an excerpt in Attorney Kelly's memorandum she thought was very good. It states "*Expectations are raised, a presumption of right to indefinite use can be created, and there is confusion of ownership and control rights.*" Those are her concerns with letting the ROW encroachment continue.

**Fletcher moved, Rose seconded denying the right of way encroachment permit request for 21580 Fairview Street and directing the property owner to remove the boat and paved area that is currently used for the boat pad located in the public right of way.**

Councilmember Page noted that up and down Sleepy Hollow Road residents are encroaching into the public ROW. He stated he thought it imprudent not to inform the property owner and it is a mistake not to provide the applicant an opportunity to have some input into this matter.

Councilmember Quam stated he agreed with Councilmember Page's comments and that he can't vote in favor of the motion without hearing from the property owner. He then stated Ms. Bowers has done a good job of explaining her point of view.

Mayor Kind stated the City hasn't received complaints about residents along Sleepy Hollow Road encroaching into the ROW. Code enforcement is complaint driven.

Councilmember Page stated the boat has been there for ten years. No one has complained until now. The boat has been stored on that spot for years.

Mayor Kind stated it's her understanding this has been an ongoing complaint. She then stated as Attorney Kelly points out this is the perfect time to address it because of the transition of ownership of the property located at 21580 Fairview Street.

Councilmember Fletcher stated now is the time to set the boundaries for what is and isn't allowed. He then stated he did not want to create a false impression for a potential buyer of that property.

Councilmember Rose stated if the blacktop and boat can remain in the ROW that could set precedent that anyone can blacktop part of the City ROW and park a boat on it.

Mayor Kind stated people may be parking / placing things in the ROW but it is without a permit. If Council approves this permit request it would be setting a precedent that she doesn't want to set for people to pave the ROW and then store their boats there.

Councilmember Page stated he interprets the request to be for a permit to keep the boat in the ROW. He asked how Council knows that in the public record there wasn't some authority given for the blacktop. He stated he didn't think a search was made of the public record in that regard.

Councilmember Quam asked what problem there would be in waiting until Council's January 2012 meeting to tack action on this. Mayor Kind responded there wouldn't be. Quam stated that would address Councilmember Page's concern and his concern about hearing from the other property owner. Maybe they can produce something counter to what has been heard this evening. Kind stated she assumes if there were such a document a permit application would not have been requested. Quam noted the City only told the applicant that he needed to apply for a permit to store the boat in the ROW. Nothing was said about the asphalt pad.

Councilmember Rose stated if this is continued then research can be done to see if a permit was issued for blacktopping a portion of the ROW then the permit request can be denied at the next meeting.

**Motion failed, with Page, Quam and Rose dissenting.**

**Fletcher moved, denying the right of way encroachment permit request for 21580 Fairview Street and directing the property owner to remove the boat and paved area that is currently used for the boat pad located in the public right of way unless the property owner can provide reasonable proof to the City that it has a permit for the boat storage or to have paved the area within 20 days.**

Councilmember Page stated Councilmember Fletcher's motion is the same as the one that failed with the exception that the 20-day response period for submitting proof of authorization is added.

**Rose seconded the motion.**

Councilmember Quam reiterated his concern that Council has not heard from the property owner.

Councilmember Page echoed Councilmember Quam's concern. He stated there is an estate situation for the 21580 Fairview Street property. He noted the pad has been there ten years. Therefore, it won't hurt anything to wait until Council's January meeting to take action on this.

Mayor Kind stated the 20-days allows for sufficient time to produce proof.

Councilmember Page stated the permit application request was made by Woody Love, a Sales Manager out of the Coldwell Banker Burnet Minnetonka real estate office, on behalf of the Estate of Susan Morris. He asked if Council knows who the heirs of the Estate are. He asked if the heirs received the notice of need for a permit to park the boat in the ROW. Mayor Kind stated someone received it because Realtor Love applied for the permit. Page again stated he asked if the heirs received it, not if someone took it out of a mailbox at the property. Page stated there is no rush to take action. He stated if the motion passes and the heirs of the Estate have not been determined or if it goes to the mailbox and the heirs do not get it the heirs don't have an opportunity to provide proof or present their case. He noted that Realtor Love has removed his sign from the property, and that could be why he is not here this evening because he is no longer the agent. He stated he thought it prudent to find out who the responsible person for the property is.

**Motion passed 3/2, with Page and Quam dissenting.**

**B. Variance Request, Bill and Tish Cook, 5195 Greenwood Circle**

Mayor Kind explained that Bill and Tish Cook, 5195 Greenwood Circle, have applied for a variance to build a lakeside deck which would encroach into the minimum east and west side yard setbacks and exceed the maximum permitted impervious surface area. She stated the meeting packet includes a cover document, a staff report, site plans and a copy of City Ordinance Section 1155 Variances. She noted the Cooks are present this evening.

Zoning Administrator/Clerk Karpas explained the applicants want to build the deck they had received approval to build in 1999 when they originally constructed their home. The deck was never constructed for a variety of reasons. The variance approval for the deck has expired. The deck they are now proposing to build is approximately three feet further back from Lake Minnetonka (the Lake). The impervious surface will also be slightly less than the plans approved in 1999. The Cooks are seeking reaffirmation from Council that they can build their deck.

Mayor Kind noted the Planning Commission recommended approval of the variance request on a 4/0/1 vote with Mr. Cook abstaining.

Councilmember Quam stated a slightly larger deck was approved by a previous Council. Therefore, he can support granting the variance request.

Mr. Cook stated the windows on the south side of their home have to be replaced because they were installed improperly. Now would be an opportune time to build the deck because siding will have to be taken off for the window replacement project.

Councilmember Fletcher stated it appears that the house was clearly designed to have a deck on the side that fronts the Lake. Mr. Cook stated that is correct.

Mayor Kind expressed her agreement with Councilmember Fletcher's and Councilmember Quam's comments. The key thing for her is the Cooks are improving the nonconformity. With an approved variance the Cooks still will have improved the situation from what it had been before they bought the property. The Cooks would have had the legal right to rebuild a house with the same footprint as the house that had been on the property when they bought it. The previous house had a larger footprint than the one they built. After the proposed deck is factored in, the impervious surface on their property will be less than what it was when they brought the property and the encroachments into the setbacks will be less. She supports granting the variance.

Mr. Cook noted the original house had 46 percent hardcover.

Councilmember Page stated there has been no discussion about how the criteria for granting a variance will be met.

Mayor Kind explained how the Cooks request satisfies those questions listed in Section 1155.10 Requests for Variances from the Literal Provisions of the Ordinance Subd. 5. Findings.

- a. *Is the variance in harmony with the purposes and intent of the ordinance?* – It reduces the amount of hardcover and setbacks from the Lake.
- b. *Is the variance consistent with the comprehensive plan?* – The City’s Comprehensive Plan does talk about improving nonconforming uses and this does do that.
- c. *Does the proposal put property to use in a reasonable manner?* – A deck is a reasonable use for a property that fronts the Lake.
- d. *Are there unique circumstances to the property not created by the landowner?* – The property is small and the previous structure limited the space the applicants had to work with. What they are doing improves what was there before.
- e. *Will the variance, if granted, alter the essential character of the locality?* – It will not affect anyone in the area and from her vantage point it improves the area.

Kind then explained the Cooks request meets the requirements listed in Section 1155.10 Subd. 6 Additional Requirements for Grants of Variance Requests which states “*The board, in considering all requests for a variance, shall determine that the proposed variance, if granted, will not:*”

- a. *Impair an adequate supply of light and air to adjacent property.* – The deck will not affect the adjacent property with regard to light and air.
- b. *Unreasonably increase the congestion in the public street.* – The deck does not affect the traffic on the street.
- c. *Increase the danger of fire or endanger the public safety.* – The deck does not increase the danger of fire or endanger public safety.
- d. *Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.* – Having a deck on the home would improve the home values of the area.

Councilmember Fletcher stated the house will look better and fit in better if there is a deck on it. It will be an improvement to the locality.

**Quam moved, Fletcher seconded, approving the variance requests by Bill and Tish Cook, 5195 Greenwood Circle, to construct a lakeside deck that encroaches 21 feet 6 inches into the required exterior side yard setback, encroaches 2 feet 3 inches into the east side yard setback, and exceeds the maximum permitted impervious surface area by 2% as presented and based on the findings as previously presented by Mayor Kind.**

Councilmember Fletcher asked Attorney Kelly if he prefers written findings be prepared for Council approval during its next meeting.

Mayor Kind stated there should be a second motion to direct Staff to prepare findings of fact for approval during the next Council meeting.

**Without objection from the maker or seconded, the motion was amended to include and directing Staff to prepare findings of fact for approval during the next Council meeting. Motion passed 5/0.**

**C. Resolution 23-11, Approving Final Levy for Taxes Payable in 2012**

Mayor Kind stated the copy of the final 2012 General Fund Budget included in the meeting packet reflects a 2011 tax levy payable in 2012 of \$644,719. That amount is the same as the preliminary levy certified with Hennepin County in September 2011. The 2012 General Fund Budget is \$727,549. She explained Resolution 24-11 will only adopt the 2012 General Fund Budget; not the other budgets. It has been Council's past practice to only approve the General Fund Budget.

Councilmember Fletcher stated Council has recently just started to have the other budgets.

**Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 23-11, "A Resolution Approving the 2012 Tax Levy, Collectible in 2012 in the amount of \$644,719." Motion passed 5/0.**

**Fletcher moved, Rose seconded, Adopting RESOLUTION NO. 24-11, "A Resolution Approving the 2012 City Budget in the amount of \$727,549." Motion passed 5/0.**

**D. Resolution 24-11, Approving Final 2012 Budget**

This was discussed as part of Item 7.C above.

**Mayor Kind recessed the meeting at 8:59 P.M.**

**Mayor Kind reconvened the meeting at 9:08 P.M.**

**E. 2012 Licenses: Liquor, Trash Haulers, Tobacco, and Marina**

Mayor Kind noted Staff is recommending approval of applications for a liquor license (Old Log Theater), trash hauler licenses (Allied Waste, Aspen Waste, Blackowiack Disposal, Randy's Sanitation, Vintage Waste, Waste Management, and Waste Technology), a tobacco license (Christmas Lake Gas), and commercial marina licenses (Bean's Greenwood Marina, Excelsior Bay Harbor, and Kreslin's Marina). Approval of them should be contingent upon the City receiving the applications and fee by December 31, 2011.

**Quam moved, Page seconded, approving the 2012 license applications listed above contingent upon the City receiving applications and fees by December 31, 2011. Motion passed 5/0.**

**F. First Reading: Ordinance 203, Amending Code Section 910, Prohibit Activities Affecting Health and/or Property (changing language to allow for the civil citation process)**

Mayor Kind stated this is the first reading of Ordinance 203, amending the Ordinance Code Section 910.60 Public and Private Properties / Prohibited Activities Affecting Health and/or Property. This amendment is to make the code consistent with the civil citation process.

**Fletcher moved, Page seconded, adopting the first reading of Ordinance 203 amending Section 910.60 Subd. 2 to allow for the civil citation process outlined in Chapter 12 to be implemented for Code violations of prohibited activities affecting health and/or property. Motion passed 5/0.**

**G. First Reading: Ordinance 204, Licensing of Commercial Tree Contractors**

Mayor Kind stated this is the first reading of Ordinance 204, amending Ordinance Code Chapter 4 to establish a requirement that commercial tree contractors be licensed and insured. They are required to obtain a permit to remove the trees. There have been instances when these uninsured tree contractors skip town after dropping a tree that damages a homeowner's or a neighbor's property. The cities of Woodland and Deephaven have adopted ordinances that require outside contractors to be licensed. A copy of a draft Ordinance is included in the meeting packet. In addition to amending Chapter 4, it establishes a fee in the amount of \$50 in Section 510, and it amends Section 1140.80 to include Subd. 16 to note a commercial tree contractor would have to be licensed. She noted there is nothing in the proposed Ordinance that prohibits a homeowner or their friends from trimming trees on their property.

Zoning Administrator/Clerk Karpas stated the \$50 fee is to cover administrative costs. He then stated he thought the insurance requirement is a good idea. He thought it would be a nice service to offer the residents to be able to tell them if a tree contractor is licensed.

Councilmember Quam asked if a resident could hire a contractor that isn't licensed. Zoning Administrator/Clerk Karpas responded they cannot hire a commercial contractor that is not licensed. Karpas stated it also requires the contractors to be in compliance with the State's workers compensation requirements. Quam asked if they are required to be licensed by the State. Karpas stated he thought licensing is done at the city level.

Councilmember Fletcher asked how many instances there have been in the City and in the Cities of Deephaven and Woodland of someone dropping a tree and then skipping town. Zoning Administrator/Clerk Karpas explained that the Deephaven Police Department which services Deephaven and Woodland will contact Deephaven City Hall if it appears to the officer that something doesn't seem right. If the tree cutter isn't licensed they will be issued a citation. That happens quite a bit during the beginning of the summer. Karpas stated he doesn't recollect any specific instance where there was damage.

**Rose moved, Page seconded, adopting the first reading of Ordinance 204 amending the Greenwood Ordinance Code in Chapters 4, 5 and 11 to require the licensing of commercial tree contractors within the City.**

Councilmember Fletcher stated he has spoken with a tree contractor and was told that one of the problems he has with similar ordinances in other cities is they require him to submit proof of insurance or workers compensation insurance when he renews them and that can be at different times. It ends up being a paperwork hassle when all he is doing is trying to earn a living trimming trees. He suggested changing the Ordinance to stipulate proof of insurance is required when the application is submitted.

Zoning Administrator/Clerk Karpas stated in Deephaven when insurance is renewed Deephaven often receives a copy of the renewal notice from the insurer.

Councilmember Fletcher asked what problem is trying to be solved. A contractor may do one or two jobs in the City and the City hasn't had a problem with damages.

**Motion passed 4/1 with Fletcher dissenting.**

**H. First Reading: Ordinance 205, Licensing of Gas Fitters**

Mayor Kind stated this is the first reading of Ordinance 205 amending Chapters 4 and 5 of the Ordinance Code regarding the licensing of gas fitters. It's also the first reading of Ordinance 206 amending Chapters 4 and 5 of the Ordinance Code regarding the licensing of plumbers.

Zoning Administrator/Clerk Karpas explained this is a way of protecting residents from contractors who are not insured. Many cities require separate licensing even though they are licensed by the State. They require the contractors to provide proof of insurance and workers compensation information as part of the licensing process. The fee for the license is minimal and it's to cover administrative costs. The Cities of Deephaven and Woodland have adopted ordinances that require gas fitters and plumbers to get a City license, to prove that they are licensed by the State and that they are insured. He stated he thought ordinances should be the same across the three Cities. He explained that in many cases when the contractor applies for the license they can apply for a license for each of the three Cities at the same time. It's not much more work to fill out three applications than two at the same time. He noted there is nothing in the proposed Ordinance that prohibits a homeowner or their friends from doing minor plumbing work at their own property. He also noted a homeowner can apply for a permit to do anything they want to their home without being licensed by the City. The license requirement is for commercial only.

Councilmember Page stated the proposed fee for the gas fitter license and the plumber license is \$40. Zoning Administrator/Clerk Karpas confirmed that.

Councilmember Quam stated if they are licensed by the State it seems redundant to require them to be licensed by the City. He asked if residents can call the State to find out if they are licensed and insured. Zoning Administrator/Clerk Karpas stated they could. Councilmember Fletcher stated you can go online to see if an electrical contractor was licensed. He assumes it's the same for gas fitters and plumbers. Quam stated he can understand licensing commercial tree contractors. But, from his perspective requiring redundant licensing is putting more government in people's lives.

Councilmember Fletcher asked what value would be added by requiring gas fitters and plumbers to be licensed by the City when they are already licensed by the State. There are only 300 lots in the City.

Mayor Kind stated the value is it's an easy phone call to the City to find out who is licensed in the City. It's a service to the City's residents.

Zoning Administrator/Clerk Karpas stated he receives calls from contractors at the beginning of each year asking if the City requires licensing. This is more of a protection for the residents to ensure the contractors are insured. The State may not pay as much attention to whether or not the contractors are insured. Councilmember Fletcher stated electricians have to fill out a lot of paper work with the State; the State pays attention.

John Gray, 5170 Meadville Street, stated the Ordinance Section 510.00 Fees: Licenses, Permits and Services Established shows the fee for a plumbing permit is \$410.25. Mayor Kind stated that is the section number in the Code. Kind explained that is to do plumbing work not for a plumber's license. Kind suggested the column headings be carried over to make it clear that it is a section number.

Zoning Administrator/Clerk Karpas explained the permit fee is \$8.50 per residential fixture and \$9.50 per commercial fixture.

There was consensus not to require gas fitters and plumbers to get a City license to provide services in the City.

**I. First Reading: Ordinance 206, Licensing of Plumbers**

This was discussed as part of Item 7.I on the agenda.

**J. Resolution 26-11, Establishing Fund Balance Policy in Accordance with GASB 54**

Mayor Kind explained the Governmental Accounting Standards Board (GASB) released Statement 54 "Fund Balance Reporting and Governmental Fund Type Definitions" on March 11, 2009. The City has to establish a Fund Balance Policy in accordance with GASB 54 by December 31, 2011. The GASB 54 statement applies to fund balances reported in the General Fund, Stormwater Special Revenue Fund, Park Special Revenue Fund, and the Bridge Capital Project Fund. It does not apply to the Sewer Enterprise Fund or the Marina Enterprise Fund. The City's Auditor recommends that the fund balances be reported in the following classifications – non-spendable fund balance, restricted fund balance, committed fund balance, assigned fund balance, and unassigned fund balance.

Kind then explained the meeting packet contains a copy of a draft resolution establishing fund balance policies as required by GASB 54. The memorandum and draft resolution have been approved by the City's auditor. The resolution classifies the four Funds listed above as follows: General Fund – unassigned; Park Special Revenue Fund – restricted; Stormwater Special Revenue Fund – committed; and, Bridge Capital Project Fund – committed.

**Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 26-11, "A Resolution Establishing Fund Balance Policies as Required by GASB 54" subject to changing "General Fund: Maintain 35% to 50% of the total General Operating Fund expenditures." to "General Fund: On December 31 of each year, maintain 35% to 50% of the total General Operating Fund expenditures budgeted for the following year."**

Councilmember Fletcher stated the amendment is intended to define what the benchmark is. During the course of a year the General Fund balance will drop below the 35-50% goal.

**Motion passed 5/0.**

**K. Year-End Fund Transfers**

Mayor Kind explained that each year Council approves year-end fund transfers. The following transfers were included in the budget.

- \$10,650 from the Sewer Fund (602-43200-720) to the General Fund (101-39202) to reimburse for administrative expenses
- \$1,650 from the Stormwater Fund (502-43200-720) to the General Fund (101-39203) to reimburse for administrative expenses
- \$20,000 from General Fund (101-49000-500) to the Bridge Fund (403-39200) to build up the Bridge Fund
- \$15,000 from the Marina Fund (605-49300-720) to the General Fund (101-39201) as an interfund operating transfer

Kind noted the meeting packet includes a copy of each of the budgets through October 31, 2011, for the City's Bridge Fund, General Fund, Marina Fund, Park Improvement Fund, Sewer Fund, and Stormwater

Fund. A copy of the October Cash Summary Report approved on the consent agenda is also included in the packet.

Kind explained that she and Councilmember Fletcher, as the members of the Administrative Committee, have reviewed the financials and believe there are funds to make the budgeted transfers. They recommend Council approve the transfers.

**Fletcher moved, Rose seconded, approving the 2011 year-end budgeted fund transfers. Motion passed 4/1 with Page dissenting.**

**L. Resolution 25-11, Setting Dates for 2012**

Mayor Kind explained that when she and Zoning Administrator/Clerk Karpas were preparing the meeting packet it became apparent that four of the regular Council meeting dates on Tuesday in 2012 and the first meeting in 2013 would have to be changed to a different day of the week. The changes would be needed because of party caucuses (February), Night to Unite (August), Election Day (November) and New Year's Day (January 2013). Since three of these conflicts occur every election year, it might be prudent for the Council to consider changing the regular council meeting day to first Thursdays of the month which has typically been an alternate day of the week. The meetings also could be changed to the first Wednesdays.

Zoning Administrator/Clerk Karpas noted that the Deephaven has a Committee meeting in the Council Chambers on the first Wednesday of the month. But the Committee could change its meeting schedule to accommodate the Greenwood Council if it wants to meet on the first Wednesday of the month.

Mayor Kind noted that in 2012 the first Wednesday of July is July Fourth so that would have to be changed if the council decides to go with first Wednesdays. If the regular meeting day is changed to Wednesday it would eliminate the need to change at least three meeting dates every other year to accommodate Night to Unite and election activities. She noted the meeting packet contains a copy of a meeting schedule with Council meetings on the first Tuesday of the month and another with them on the first Thursday of the month. She distributed a third option with them being on the first Wednesday of the month.

Councilmember Page stated the Lake Minnetonka Conservation District (LMCD) meets on Wednesday evenings twice a month. Councilmember Fletcher asked if it meets on the first Wednesday. Councilmember Rose stated the Excelsior Fire District (EFD) Board regular meetings are on Wednesdays.

Mayor Kind stated the LMCD meets on the second and fourth Wednesdays. She then stated after researching regular meeting dates for local government and other agencies in the larger community she determined there shouldn't be a problem meeting on the first Wednesday of the month.

Councilmember Quam stated he doesn't have any preference for one day over another. He then stated often when a change like this is made something unexpected comes up. So his instinct is to keep the first Tuesday of the month as the regular Council meeting day.

Councilmember Page stated his preference is to keep them on Tuesday.

Councilmember Fletcher stated he doesn't want to meet on Thursdays on a regular basis. He has no problem with meeting on Wednesdays and his fall back is Tuesdays.

Mayor Kind stated it bothers her that every other year at least three meeting dates have to be changed if they are held on Tuesdays.

Councilmember Fletcher stated the City's Planning Commission, EFD and LMCD all meet on Wednesdays. It might make it easier for Councilmembers to schedule other things if a lot of the meetings they attend fall on Wednesdays rather than various days of the week.

Councilmember Quam stated that although he would prefer leaving the meeting day on Tuesday, he will go along with whatever the other Councilmembers want to do.

Mayor Kind stated she favors the first Wednesday of the month.

**Fletcher moved. Rose seconded, Adopting RESOLUTION NO. 25-11 (option 3), to change council meetings to first Wednesdays and set other key dates for 2012. Motion passed 5/0.**

Mayor Kind noted the meeting schedule will be put on the City's website.

**M. Excess Water Flow at 20480 Channel Drive**

Mayor Kind explained that this past summer sewer workers noticed water rushing in the manhole near 20840 Channel Drive. While the City Engineer was in the area doing televising for the City of Deephaven this past month he televised the Channel Drive system. He determined that 20840 Channel Drive property has an internal plumbing issue. Clean water, which does not require treatment, is being discharged into the sanitary sewer system at a rate between 3 and 5 gallons per minute. A family currently renting the house allowed Zoning Administrator/Clerk Karpas to enter the home. Karpas was not able to see an obvious plumbing leak from a faucet or toilet. The City Engineer stands by the determination that the problem is coming from an internal plumbing issue at the home. A bank in Florida currently is paying the utility bills for the property. Staff has notified the bank of the situation, but given the recent history of bank responses to issues such as this, Staff believes it would be prudent for Council to take official action to bring the situation into compliance with City ordinances.

Kind noted the cover memorandum for this agenda item includes applicable Sections of the City Ordinance Code. They are Section 310.30 Use of Sewers Subd. 4(a) and 4(d), Section 310.70 Remedies Subd. 1 and Subd. 2, and Section 1205 Definitions: Slug. She explained the Code gives the City the authority to assess the property for the costs for televising the system and to treat the clean water. She stated there is additional information included in the meeting packet on this item.

Zoning Administrator/Clerk Karpas stated from an administrative standpoint he asked how those costs are to be assessed to the property. Mayor Kind explained they would be added to the property's utility bill that is being paid by a bank in Florida.

Councilmember Page asked who the renters are paying rent to. Karpas responded they aren't paying rent at this time because they don't know who to pay it to and no one has asked them to pay rent for months.

Councilmember Quam stated he thinks the costs should be charged to the property.

Councilmember Page stated it almost sounds like a sump pump is discharging the water. He noted the ground level is pretty low near Channel Drive.

Councilmember Quam stated the City Engineer could have determined if the sump pump is running. Mayor Kind explained it was her understanding that the City Engineer did not enter the house. Karpas noted he did not check to see if a sump pump was discharging when he was inside the house.

**Quam moved, Rose seconded, approving charging the property located at 20840 Channel Drive for all costs associated with excess clean water flow into the sanitary sewer system, including but not limited to the \$250 cost to televise the system and the \$10.38 daily cost to treat the excess flow of clean water beginning on November 17, 2011. Motion passed 5/0.**

## **8. OTHER BUSINESS**

### **A. December 2011 Payroll Register**

This was removed from the consent agenda at Councilmember Page's request.

Councilmember Page stated for the second time in recent history it looks like Councilmember Fletcher is not getting his full payment. Page stated he thought Fletcher should get the same amount that he gets.

Mayor Kind stated that Fletcher has been receiving lower pay every month, not just in recent history. Kind asked Fletcher to explain why he never receives the same amount as Councilmembers Page, Quam and Rose. Fletcher stated he has \$100 of his pay withheld for federal taxes.

**Quam moved, Page seconded, approving the December 2011 Payroll Register. Motion passed 5/0.**

## **9. COUNCIL REPORTS**

### **A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Excelsior Boulevard Street and Water Project, Xcel Energy LRT Project**

With regard to the Planning Commission, Councilmember Fletcher stated he has nothing additional to report.

With regard to the Lake Minnetonka Communications Commission (LMCC), Fletcher explained the LMCC is in franchise negotiations with Mediacom. He noted that he is Chair of the Franchise Renewal Committee. The Committee has talked about hiring a consultant to help them strategize for the negotiations; something he doesn't necessarily agree with. He also noted Mediacom cable television subscribers pay a \$0.85 PEG (public, educational and government) fee each month. That money goes to the LMCC to help fund the LMCC operations. He asked Councilmembers if they think the LMCC is doing enough programming and so forth. He noted there is franchise fee equal to 5 percent of the cable television portion of the Mediacom bill that also goes to help fund the LMCC.

Mayor Kind stated she doesn't want the PEG fee raised. She likes the level of programming provided.

Councilmember Quam stated he doesn't subscribe to cable television from Mediacom. He then stated he hears a lot of complaints about Mediacom and people tell him that they hope the franchise agreement with Mediacom is not renewed. He went on to state that Councilmember Fletcher had stated a survey conducted basically indicated residents in the LMCC community thought the service provided by Mediacom is okay. He asked if Mediacom is required to document complaints received.

Councilmember Fletcher stated if someone has a complaint about or an issue with Mediacom they should first call Mediacom. If they don't get any satisfaction they can call the LMCC at 952-471-7125 and enter 101 and that will forward the call to the Executive Director of the LMCC. The Director will take the complaint and call Mediacom herself. He noted that the Director gets about three complaints per month from unsatisfied cable television subscribers from the entire LMCC community. He then stated it's very unlikely that franchise agreement with Mediacom won't be renewed.

Councilmember Page stated the LMCC would have to demonstrate malfeasance.

Fletcher noted that another cable provider could over build in the LMCC community. But, no provider will do that because of the density in the community. CenturyLink may want to get more aggressive in the video market.

Councilmember Quam stated the only other option to Mediacom cable television service in the LMCC area is satellite service.

Councilmember Page stated he thought there could be more local programming. He would be okay with a modest (\$0.10 - \$0.15) increase in the PEG fee to support that. Councilmember Fletcher stated he could support that. Mayor Kind stated she could support that also.

With regard to the Xcel Energy LRT Project, Fletcher stated there was a meeting on November 4, 2011, with representatives from the Cities of Deephaven, Excelsior, Greenwood, and Minnetonka, the Three Rivers Park District, the Hennepin County Regional Rail Authority (HCRRA), the Minnehaha Creek Watershed District, and Xcel Energy to talk about tree removal that will occur as part of Xcel Energy's power line project. He explained that during the meeting Xcel Energy representatives were asked if they could bury the power line in the ground. The representatives stated it would cost ten times as much to do that. However they did indicate the tree trimming could be the same distance as what is done with the current power lines, if trees are trimmed more frequently once the new higher-voltage line is installed.

**B. Kind: Police, Administration, MS4 Update, Historic St. Alban's Bay Bridge, School District Lunch**

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind said she attended the November 29, 2011, SLMPD Coordinating Committee meeting. During that meeting SLMPD Chief Litsey reported on the SLMPD's first Citizens Law Enforcement Academy held this fall. The SLMPD is considering hosting one academy each year. She learned that one of the SLMPD Reserve Officers is a resident of Greenwood. The Safety Camp for children the SLMPD offers during the summer is very popular. No decision has been made on the replacement system for the SLMPD's current record management system. Committee Member Lizée approached the Committee about developing a consistent animal control ordinance for the four SLMPD member cities. The cities all get animal control services through the SLMPD. She updated the Committee about the Greenwood Council's decision to continue to get Greenwood's policing services through the SLMPD. During the meeting she did bring up Council's desire to have a SLMPD representative provide an update to Council. The Coordinating Committee agreed that it would be okay for the SLMPD to provide this service to Greenwood on a quarterly basis starting in February 2012.

With regard to MS4 (Municipal Separate Storm Sewer System), Kind explained that on November 10, 2011, she and the Mayors of Deephaven and Woodland attended a meeting about MS4 requirements. Bolton & Menk has completed an inventory of all ditches and ponds that flow into public waters in each of the three Cities. They were provided with a map of each City's ditches and maps to review to ensure

they are correct. She and Engineer Martini reviewed the map for Greenwood and made a few minor corrections to the report. The report will be made available at Deephaven City Hall for people look at.

With regard to the St. Alban's Bay Bridge, Kind stated she decided to research if there was a way to get the Bridge off of the historic list. She contacted Excelsior City Manager Luger to ensure she wasn't checking something that has already been researched. Luger recommended she contact their engineering services provider WSB & Associates. She was informed it would be a waste of her effort and learned the Bridge has been determined to be "eligible." It's not on the historic list, but it does satisfy the requirements for eligibility. There is nothing that can be done to take away the things that classify it as eligible. If something is on the historic list or if it is eligible to be on the historic list it has to be protected. If federal funds are being used Section 106 Rule of federal law regarding historic preservation applies. That means the City would have to prove the Bridge cannot be rehabilitated. The engineer she spoke with at WSB stated that is very difficult but not impossible to prove. If the City uses State bridge bond funds the Army Corps of Engineers would be involved because the Bridge crosses over water. If the Corps is involved then Section 106 Rule applies as well. The WSB engineer is going to draft a memorandum to the City of Excelsior Council and copy the Greenwood Council. In it he will recommend there be a pre-design phase that will cost \$10,000 – \$20,000 (it will be split between the two Cities) to determine what makes the most sense to do. To prove the Bridge can't be rehabilitated or to work with in the confines of the Section 106 Rule. He also will recommend a joint powers agreement be set up for the cost sharing between the two Cities. He thought the safety concern, both the Bridge and the waterway underneath it, is one argument in favor of replacing the Bridge. The engineer found the figure of 1310 motor vehicles using the Bridge on a daily basis to be helpful. That figure is based on information collected when the SLMPD speed trailer was put out near the Bridge. Councilmember Page stated from his vantage point the Bridge has no redeeming historical value other than it crosses water and allows drivers to get from Greenwood to Excelsior.

Mayor Kind stated she attended a quarterly meeting of the mayors of the cities in the Minnetonka School District coordinated by the District's Superintendent on November 23. The Eden Prairie City Manager reported that the Eden Prairie Fire Department has cut its response time from 10 minutes to 5 minutes by having a duty officer stay at the fire stations. That Department is primarily a volunteer paid-on-call organization. She stated she thought the Excelsior Fire District (EFD) had a duty officer as well. Councilmember Fletcher clarified the EFD does have rotating duty officers but they do not stay at an EFD fire station. There is an EFD vehicle that the assigned duty officer drives and the duty officer is required to respond to all calls during their shift. Kind stated she assumed that meant the EFD has quicker response to medical calls because of the duty officer, but it doesn't impact response time to fire calls. Mayor Kind explained that Decision Resources provides survey services. Some of the cities represented at the Mayors' luncheon use it to conduct comprehensive surveys for their respective city every two years.

Kind noted that the Met Council will be doing work on Excelsior Boulevard between Christmas Lake Road and Manor Road between the Christmas and New Year's Day holidays.

### **C. Page: Lake Minnetonka Conservation District**

Councilmember Page reported on Lake Minnetonka Conservation District (LMCD) activities. He stated the LMCD Board held a work session during which it adopted a resolution to agree to partner with the Minnehaha Creek Watershed District (MCWD) to develop an Aquatic Invasive Species (AIS) management plan. During that session the LMCD Board approved the process to purchase a new Eurasian Watermilfoil (milfoil) harvester. Some people volunteered to work with companies that manufacture harvesters to see if there is any beneficial customization that can be made, such as being able to spread chemicals from the back.

Page then state there is an LMCD AIS Task Force meeting scheduled for December 16. The hope is to receive the final three-bay milfoil herbicide treatment report for 2011 from the Army Corps of Engineers at that time.

Page went on to state there was a LMCD Public Safety Committee meeting on December 5. During that meeting there was discussion about the problems there are with bow fishing. Some of the municipalities surrounding the Lake have jurisdiction out into the water. The City of Orono considers the instrument used in bow fishing to be a dangerous weapon. There is a conflict between what is considered to be an acceptable form of fishing and Orono's Ordinance. The Committee discussed the idea of creating a common ordinance that would regulate the distance from a swimming area that bow fishing could occur.

**D. Quam: Roads & Sewer, Minnetonka Community Education**

Councilmember Quam stated he has nothing new to report.

**E. Rose: Excelsior Fire District**

Councilmember Rose stated he attended an Excelsior Fire District (EFD) Board work session on November 2 and a regular Board meeting on November 16. He explained during the November 16 meeting the Board discussed replacing Engine 22 with a new tanker/pumper truck. Engine 22 is scheduled for replacement in 2013. The replacement cost is estimated to be around \$500,000.

Mayor Kind asked what the cost difference is between buying new and rehabbing the current truck.

Councilmember Rose stated from his vantage point it would be cheaper to rehab Engine 22.

Mayor Kind asked if Council will have an opportunity to comment on this before any formal action takes place.

Councilmember Fletcher asked Councilmember Rose what the condition of Engine 22 is. Rose stated Engine 22 is 27 years old. It has over 50,000 miles on it. Fletcher asked if rehabilitation is being considered or replacement the only thing being considered. Rose stated the committee for this has ruled out rehabilitation.

Councilmember Quam stated the replacement of Engine 22 is part of the EFD's long-range plan. He asked if EFD Chief Gerber supports purchasing a new tanker/pumper truck as a replacement for Engine 22. Councilmember Rose stated he does. Quam questioned why members of this Council think they know what is needed better than Gerber. Quam stated the EFD hired a professional and it should expect him to do his job.

Councilmember Page stated the City of Dassel has the same scenario. It is also analyzing all options.

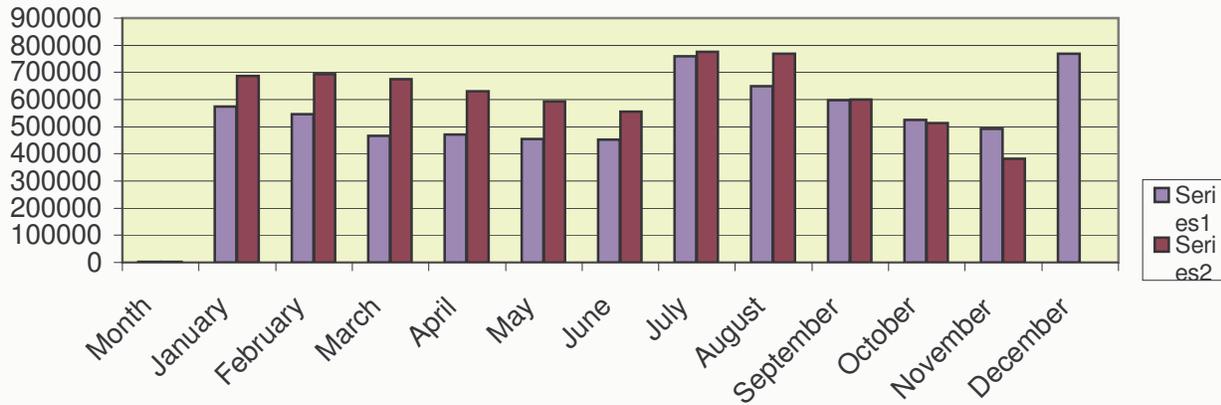
Councilmember Fletcher stated he is generally a supporter of spending money on public safety. He then stated he thought the public safety facility bonds will be paid of in 2023. From his vantage point a case could possibly be made to delay major equipment purchases until the bonds are paid off. He noted he is not opposed to considering rehabilitation versus purchase or at least delaying the purchase.

**10. ADJOURNMENT**

**Page moved, Rose seconded, Adjourning the City Council Regular Meeting of December 6, 2011, at 10:21 P.M. Motion passed 5/0.**

**RESPECTFULLY SUBMITTED,**  
**Christine Freeman, Recorder**

## City of Greenwood Monthly Cash Summary



Month	2010	2011	Variance with Prior Month	Variance with Prior Year
January	\$573,056	\$686,781	-\$80,855	\$113,725
February	\$545,897	\$693,859	\$7,078	\$147,962
March	\$466,631	\$675,719	-\$18,140	\$209,088
April	\$472,069	\$629,569	-\$46,150	\$157,500
May	\$454,955	\$593,928	-\$35,641	\$138,973
June	\$453,487	\$555,064	-\$38,864	\$101,577
July	\$759,701	\$776,650	\$221,586	\$16,949
August	\$648,560	\$768,223	-\$8,427	\$119,663
September	\$597,536	\$599,139	-\$169,084	\$1,603
October	\$523,980	\$512,188	-\$86,951	-\$11,792
November	\$491,216	\$380,946	-\$131,242	-\$110,270
December	\$767,636	\$0	-\$380,946	-\$767,636

Bridgewater Bank Money Market	\$231,643
Bridgewater Bank Checking	\$6,349
Beacon Bank Money Market	\$142,854
Beacon Bank Checking	\$100
	<b>\$380,946</b>

### **ALLOCATION BY FUND**

General Fund	\$109,300
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$39,970
Stormwater Special Revenue Fund	\$5,449
Sewer Enterprise Fund	\$337,075
Marina Enterprise Fund	\$37,474
	<b>\$380,946</b>

Check Issue Date(s): 12/01/2011 - 12/31/2011

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/11	12/08/2011	10460		Void Check	101-20100	.00 V
12/11	12/08/2011	10461		Information Only Check	101-20100	.00 V
12/11	12/08/2011	10462		Void Check	101-20100	.00 V
12/11	12/08/2011	10463		Void Check	602-20100	.00 V
12/11	12/08/2011	10464		Void Check	101-20100	.00 V
12/11	12/08/2011	10465		Void Check	101-20100	.00 V
12/11	12/08/2011	10466		Void Check	101-20100	.00 V
12/11	12/08/2011	10467		Void Check	602-20100	.00 V
12/11	12/08/2011	10468		Void Check	101-20100	.00 V
12/11	12/08/2011	10469		Void Check	101-20100	.00 V
12/11	12/08/2011	10470		Void Check	101-20100	.00 V
12/11	12/08/2011	10471		Void Check	101-20100	.00 V
12/11	12/08/2011	10472	738	AVENET, LLC	101-20100	350.00
12/11	12/08/2011	10473		Information Only Check	101-20100	.00 V
12/11	12/08/2011	10474	9	CITY OF DEEPHAVEN	101-20100	6,132.10
12/11	12/08/2011	10475	68	GOPHER STATE ONE CALL	602-20100	20.30
12/11	12/08/2011	10476	601	HENNEPIN COUNTY ASSESSORS OFF.	101-20100	7,000.00
12/11	12/08/2011	10477	766	HENNEPIN COUNTY TREASURER	101-20100	14.46
12/11	12/08/2011	10478	3	KELLY LAW OFFICES	101-20100	1,966.50
12/11	12/08/2011	10479	105	METROPOLITAN COUNCIL ENV SERV	602-20100	2,598.16
12/11	12/08/2011	10480	701	Popp Telecom	101-20100	41.88
12/11	12/08/2011	10481	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	13,223.00
12/11	12/08/2011	10482	745	Vintage Waste Systems	101-20100	1,568.40
12/11	12/08/2011	10483	145	XCEL	602-20100	186.29
12/11	12/21/2011	10484	10	AMERICAN SOLUTIONS BUSINESS	101-20100	146.19
12/11	12/21/2011	10485	51	BOLTON & MENK, INC.	602-20100	1,304.00
12/11	12/21/2011	10486	761	DEBRA KIND	101-20100	24.71
12/11	12/21/2011	10487	75	HENNEPIN COUNTY TREASURER	101-20100	60.93
12/11	12/21/2011	10488	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	94.48
12/11	12/21/2011	10489	136	Sun Newspapers	101-20100	108.68
12/11	12/21/2011	10490	145	XCEL	101-20100	393.02

Totals: 35,233.10

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Recorder: \_\_\_\_\_

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>AMERICAN SOLUTIONS BUSINESS</b>					
10	AMERICAN SOLUTIONS BUSINESS	INV00984025	LASER CHECKS	12/13/2011	146.19
Total AMERICAN SOLUTIONS BUSINESS					146.19
<b>AVENET, LLC</b>					
738	AVENET, LLC	29736	Annual web hosting, Mtce, Cust. Support	12/01/2011	350.00
Total AVENET, LLC					350.00
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0143819	2011 STREET IMPROVEMENT	11/30/2011	523.00
		0143820	MS4 INSPECTIONS & MAPPING	11/30/2011	158.50
		0143822	2011 SANITARY SWR REHAB	11/30/2011	622.50
Total BOLTON & MENK, INC.					1,304.00
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	NOV 2011	RENT & EQUIPMENT	11/30/2011	542.95
			Postage		19.20
			COPIES		6.40
			SEWER		627.52
			SNOW PLOWING/SANDING/SALT		1,171.90
			STREETS		156.88
			WEED/TREE/MOWING		549.08
			PARK MAINTENANCE		313.76
			Clerk Services		2,441.60
			ZONING		296.18
			Postage		6.63
Total CITY OF DEEPHAVEN					6,132.10
<b>DEBRA KIND</b>					
761	DEBRA KIND	120911	CHRISTMAS CARDS	12/09/2011	24.71
Total DEBRA KIND					24.71
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	26667	Gopher State calls	12/02/2011	20.30
Total GOPHER STATE ONE CALL					20.30
<b>HENNEPIN COUNTY ASSESSORS OFF.</b>					
601	HENNEPIN COUNTY ASSESSORS OFF.	1000009107	1ST 1/2 2012 ASSESSMENTS	11/23/2011	7,000.00
Total HENNEPIN COUNTY ASSESSORS OFF.					7,000.00
<b>HENNEPIN COUNTY TREASURER</b>					
766	HENNEPIN COUNTY TREASURER	120611	POSTAGE	12/06/2011	14.46
75	HENNEPIN COUNTY TREASURER	120711	TRUTH IN TAX NOTICES	12/07/2011	60.93
Total HENNEPIN COUNTY TREASURER					75.39
<b>KELLY LAW OFFICES</b>					
3	KELLY LAW OFFICES	5937	GENERAL LEGAL	12/01/2011	1,414.50
		5938	LAW ENFORCE PROSECUTION	12/02/2011	552.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total KELLY LAW OFFICES					1,966.50
<b>METROPOLITAN COUNCIL ENV SERV</b>					
105	METROPOLITAN COUNCIL ENV SE	0000976499	Monthly wastewater Charge	12/02/2011	2,598.16
Total METROPOLITAN COUNCIL ENV SERV					2,598.16
<b>Popp Telecom</b>					
701	Popp Telecom	991987654	Local, Long dist. & DSL	11/30/2011	41.88
Total Popp Telecom					41.88
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE DE	121211	Hennepin Co. Processing Fees	12/12/2011	94.48
		DEC 2011	OPERATING BUDGET	12/01/2011	13,223.00
Total SO LAKE MINNETONKA POLICE DEPT					13,317.48
<b>Sun Newspapers</b>					
136	Sun Newspapers	1082961	Ordinance #202	12/08/2011	34.32
		1084096	Ordinance #198	12/15/2011	74.36
Total Sun Newspapers					108.68
<b>Vintage Waste Systems</b>					
745	Vintage Waste Systems	112511	City Recycling Contract	11/25/2011	1,568.40
Total Vintage Waste Systems					1,568.40
<b>XCEL</b>					
145	XCEL	112511	SIREN	11/25/2011	3.80
			4925 MEADVILLE STREET *		9.26
			Sleepy Hollow Road *		9.23
			LIFT STATION #1		32.64
			LIFT STATION #2		28.70
			LIFT STATION #3		20.74
			LIFT STATION #4		28.06
			LIFT STATION #6		53.86
		120511	Street Lights *	12/05/2011	393.02
Total XCEL					579.31

Total Paid: 35,233.10

Total Unpaid: -

Grand Total: 35,233.10

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Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
01/01/12	PC	01/01/12	1011201	Debra J. Kind	34	277.05
01/01/12	PC	01/01/12	1011202	Fletcher, Thomas M	33	84.70
01/01/12	PC	01/01/12	1011203	H. Kelsey Page	35	184.70
01/01/12	PC	01/01/12	1011204	Quam, Robert	32	184.70
01/01/12	PC	01/01/12	1011205	William Rose	36	184.70
Grand Totals:						<u>915.85</u>

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**Agenda Item:** Request for Compliance Extension, re: Right-of-Way Encroachment, 21580 Fairview Street

**Summary:** The city received a complaint about a boat being stored in the public right of way next to 21580 Fairview Street. Upon investigation it was determined that the boat is located in the public right-of-way (ROW). A question regarding the paving of the ROW also has been raised. City code section 630 states, "The right to use publicly owned right-of-ways within the city for any private use or purpose other than the primary purpose of public travel, whether such use constitutes substantial or incidental use, may be acquired only through permit." The property owners have no such permit for the boat or the blacktop in the ROW.

Key dates:

- 11-08-11 – Staff sent letter to property owners stating the boat must be removed or they need to apply for a permit.
- 11-30-11 – Realtor Woody Love sent a written request on behalf of the property owners for a ROW Encroachment Permit.
- 12-06-11 – The council denied the request for a ROW Encroachment Permit.
- 12-12-11 – The property owners sent an email confirming that Woody Love is authorized to represent them.
- 12-13-11 – Mr. Love sent a written request for an opportunity to address the council regarding the ROW Encroachment.
- 12-22-11 – Mr. Love sent a written request for an extension for compliance.

In addition to section 630 (attached), below are additional code book sections for the council's reference:

Section 1140.60, Subd. 2(A) states, "Within all zoning districts, exposed ground areas surrounding a principal or accessory use including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental landscaping material. All landscaped areas shall be kept neat, clean and uncluttered."

Section 1140.46, Subd. 1 states, "All driveways within the city shall be treated or paved with oil, bituminous blacktop or Portland cement, in such a manner as to eliminate areas of open sand, gravel or dirt." Note: There is no limitation regarding the width of driveways in the city's code book, but a key aspect of the city's shoreland management ordinance (section 1176) is to limit the amount of hardcover in the city.

Section 510 specifies the minimum ROW Encroachment Permit fee is \$50, and that the actual fee will be determined by the council based on the intensity of the use.

Also attached is a 12-01-11 email from the city attorney and an overhead map from the county website showing the rough location of the ROW.

**Council Action:** None required. Possible motions ...

1. I move the council extends the date of compliance to \_\_\_\_\_(date) to remove the boat and blacktop in excess of a \_\_\_-foot wide driveway located in the public right-of-way at 21580 Fairview Street with the following conditions:
  - a) Per city code section 1140.60, subd. 2(A), the exposed ground area shall be landscaped with grass, shrubs, trees, or other ornamental landscaping material.
  - b) To limit the amount of hardcover, landscaping plastic may not be used in the right-of-way.
2. Do nothing.

*Note: Most cities (including Greenwood) enforce ordinances based on complaints rather than proactively looking for violations. The existence of other similar violations in the city does not relieve the property owner of the responsibility to bring their property into compliance with the ordinance once a complaint has been received, verified, and a notice has been sent.*

## **SECTION 630. PUBLIC RIGHT-OF-WAYS.**

### **Section 630.00. Purpose.**

The public welfare requires that the public right-of-ways within the city, including highways, roads, streets and alleys, be reserved for public purposes. Public use of the full width of the right-of-ways is necessary to public safety and the proper and efficient maintenance of the right-of-ways. However, it is recognized that limited private use or encroachment onto the right-of-ways is not necessarily inconsistent with public use. It is the purpose of this ordinance to provide for lawful incidental private use of publicly owned right-of-ways not inconsistent with public use.

### **Section 630.05. Permit.**

The right to use publicly owned right-of-ways within the city for any private use or purpose other than the primary purpose of public travel, whether such use constitutes substantial or incidental use, may be acquired only through permit granted pursuant to this ordinance. Any private property located within or encroaching upon publicly owned right-of-ways, which has not been authorized in accordance with this ordinance, shall be unlawful and subject to removal. The permit fee shall be determined by the city council and set forth in chapter 5 of this code book.

### **Section 630.10. Application.**

Any person may apply to the city council for a permit to keep or maintain private property within a publicly owned right-of-way. The application shall be in writing and must describe with specificity the private property and right-of-way involved, and the nature and extent of the requested encroachment. The city council may grant the permit if it is determined that the use applied for is incidental and not inconsistent with safe and efficient public use. However, no permit will be issued until the applicant has agreed in writing to waive any right to recover from the city for damage occurring to the property located within the right-of-way which may result from the performance of the city or its agents of its public duties required by law.

### **Section 630.15. Revocation.**

The city reserves the right to revoke any permit granted under this ordinance as may be required by the public interest.



# Hennepin County Property Locator

Zoom In Zoom Out Pan / Move Identify Clear Map



Parcel



City



County



Print



Overview



Legend



Help



[Search](#) [Results](#) [Layers](#) [Legend](#) [Help](#)

### Available Map Features:

Click on a check box below to turn on or off map features.

#### Map Features:

- [Property id #](#)
- [House #](#)
- [Municipal Names](#)
- [Water Names](#)
- [Park Names](#)
- [Street Names](#)
- [Twp-Rng-Sec-QQ #](#)

- [Street Dimensions](#)
- [Twp-Rng-Sec-QQ Grid](#)
- [Lot Dimensions](#)
- [Street Centerline](#)
- [Surveyed Parcels](#)
- [Water](#)
- [Park](#)
- [2009 Aerial Photos](#)

\* Features may not be available at certain map scales.

### About the application

Parcels updated on: 11/3/2011

Welcome to Hennepin County's Property Locator. To begin using the application either search by (PID, Address, Additon or Twp-Rng-Sec) using the "Quick Search" commands or simply navigate to the desired location using the "Map Tools". For more detailed information click on the Help Button!

Although extensive effort has been made to produce error free and complete data, all geographic information has limitations due to the scale, resolution, date and interpretation of the original source materials. You should consult available data documentation (metadata) for these particular data to determine their limitations and the precision to which they depict distance, direction, location or other geographic characteristics. These data may be subject to periodic change without prior notification.

On Dec 1, 2011, at 9:09 AM, Mark W. Kelly wrote:

**Mayor:**

**After review, the memo is fine. A fee should be considered and then adopted at the January meeting. Provided the Council agrees, the permit, if it is to be granted, should be subject to that fee.**

**While the code characterizes this as a permit, by permit the city is granting a license. Licensing is typically used to define rights, expectations, and responsibilities. In each instance a license document needs to be crafted to meet the facts and conditions. This is a real cost.**

**In setting the fee the City should consider the cost of permit processing and review, license documentation, filing of record costs and supervision.**

**While a property owner has a legal right to cross public right of way to reach the paved road, I question whether it is in the city interest to allow storage of private property on public right of way... expectations are raised, a presumption of a right to indefinite use can be created, and there is confusion of ownership and control rights.**

**Should not the property owner be required to show need that cannot be reasonably met within the confines of their own lot?**

**Mark W. Kelly  
Attorney at Law  
351 Second Street  
Excelsior, MN 55331  
o-952 474 5977; f-952 474 9575**

UETA NOTICE: If this communication concerns negotiation of a contract or agreement, the Uniform Electronic Transactions Act ("UETA") does not apply to this communication. Contract formation in this matter shall occur only with the mutually affixed original signatures on original documents.

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

November 8, 2011

Homeowner  
21580 Fairview Street  
Greenwood, MN 55331

Dear Homeowner,

You have a boat stored on a paved area located within the public right-of-way. Section 630.05 of the city code requires that you obtain a permit for the private use of a public right-of-way. I have attached a copy of the ordinance for your review.

An application must be submitted in writing and describe the specific use, including the nature and extent of the requested use of the right-of-way. The City Council will then review the written request and render a decision based on whether the proposed use is incidental and not inconsistent with safe and efficient public use. If the permit is approved, the council will set the fee based on the intensity of use (minimum of \$50).

In addition, no permit will be issued until the applicant has agreed in writing to waive any right to recover from the city for damage occurring to the property located within the right-of-way which may result from the performance of the city or its agents of its public duties required by law (i.e. damage due to snow plowing).

The permit is non-transferrable, so a new permit must be obtained by the new homeowner if the property is sold.

Please remove the boat currently parked in the right-of-way or make an application for a right-of-way permit within the next ten days, November 18<sup>th</sup>. Failure to do so will require staff to issue an Administrative Citation to remove the boat.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Gus Karpas". The signature is written in a cursive, somewhat stylized font.

Gus Karpas  
Zoning Coordinator

Cc: File

**From:** Love, Woody [mailto:WLove@CBBURNET.COM]  
**Sent:** Wednesday, November 30, 2011 10:51 AM  
**To:** [guskarpas@mchsi.com](mailto:guskarpas@mchsi.com)  
**Subject:** Re: 21580 Fairview St.

Gus,

I am writing on behalf of my client, The Estate of Susan Morris. Following your notice, we examined a survey and see that the boat pad is in the right of way. We are requesting permission, with a \$50 fee, to use the city right of way.

Respectfully,

Woody Love  
Sales Manager  
Coldwell Banker Burnet Minnetonka  
952-470-2552

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**From:** Woody Love  
**Sent:** Tuesday, December 13, 2011 2:21 PM  
**To:** Deb Kind  
**Subject:** Statement of Representation

I look forward to working out a solution to the issue discussed at your last council meeting.

In meeting with Mayor Kind and City Administrator Karpas asked that the family state that I am authorized to speak on their behalf.

The home is currently off the MLS listing service.

Our previous request was for a permit to use the right of way. We are now requesting an opportunity to address the council.

Best Wishes,

Woody Love

**From:** Cathy Maes [mailto:director@icafoodshelf.org]  
**Sent:** Monday, December 12, 2011 2:33 PM  
**To:** Woody Love  
**Subject:** Statement of Representation

To whom it may concern:

Woody Love represents myself, Steve, Scott and Robert Countryman (co-owners) at 21580 Fairview Street. He has our approval to speak on our behalf and questions should be directed through him. Thank you.

*Cathy Maes*

Executive Director

**ICA FOOD SHELF**

Direct: (952) 279-0291  
Cell: (952) 992-0000  
www.icafoodshelf.org

**From:** "Love, Woody" <WLove@CBBURNET.COM>  
**Subject:** Request for an extension  
**Date:** December 22, 2011 11:03:38 AM CST  
**To:** <dkind100@gmail.com>, <administrator@greenwoodmn.com>  
▶ 3 Attachments, 22.0 KB

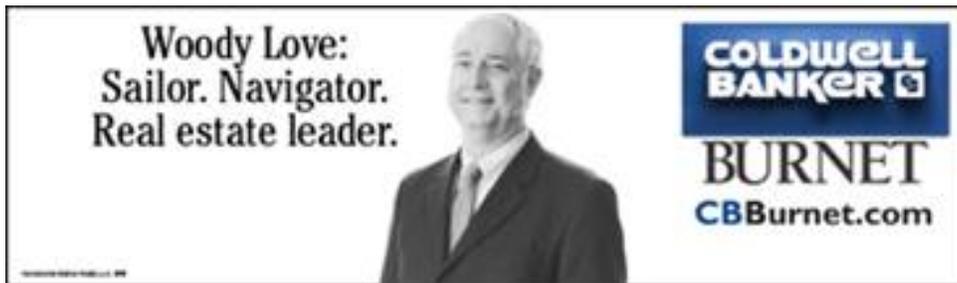
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We would be requesting that the council grant an extension at the January 4, 2012 council meeting.

Please contact me with any questions.

Best Wishes,

Woody Love



[WoodyLove.com](http://WoodyLove.com) | Minnetonka Office | 612.695.3001  
See what our agents have to say! visit: [JoinMtk.com](http://JoinMtk.com)



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**Agenda Item:** Discuss: Old Log Rezoning

**Summary:** At the 12-06-11 council meeting Old Log owner Don Stolz and Landschute owner Jon Monson presented a concept plan for a cluster-style development of the Old Log property. The property currently is zoned for single-family residential homes with a theater allowed as a conditional use. Don and Jon do not have an agreement or formal application at this time, but would like the city to consider rezoning the property to set the stage to allow for the possibility of a cluster-style development in the future. At the 12-06-11 council meeting the idea of sending the cluster-development concept to the planning commission for review and comment was raised. But the council wanted more time to think about things, so the Old Log rezoning discussion was continued to the January council meeting.

Questions for the January council discussion:

1. Should the city require an official zoning amendment application before considering rezoning? If so, does the application need to include a complete development site plan or only a concept? Note: costs for a zoning amendment request are paid by the applicant.\*
2. Should the city consider rezoning without an official zoning amendment application in order to set expectations for future development of the property? A simple idea is to amend the zoning code to allow cluster-development as a conditional use for the Old Log property to give it the flexibility to be developed as originally zoned or as a cluster-style development. This would be a way to set the expectations for the property without spending a lot of city time and money. Then, IF a conditional use permit application is received sometime in the future, the details would be hammered out between the city and applicant during the conditional use permit application process, and costs\* would be paid by the applicant at that time.
3. What is the best way to get community input? At a public hearing held by the planning commission, and at public comment opportunities at subsequent council meetings for a proposed zoning amendment? At an open house at the Old Log? Note: Don Stolz and Jon Monson are considering the idea of hosting an open house at the Old Log to create an opportunity for the community, council, and planning commission to learn and talk about the cluster-style development concept in an informal way. No open house date has been set yet.

*\*Note: Later on the agenda the council will be considering the first reading of an ordinance that makes is clear that the applicant pays consultant fees for variance, conditional use permit, and zoning amendment applications.*

**Council Action:** None required. Possible motions ...

1. I move the council directs staff to draft an ordinance to allow a cluster-development as a conditional use for the Old Log property and send to the planning commission for their review, a public hearing, and recommendation.
2. I move the council holds off on further discussion regarding rezoning of the Old Log Theater until an open house is held by the property owner.
3. I move the council holds off on further discussion regarding rezoning of the Old Log Theater property until the city receives an official application for a zoning code amendment.
4. I move the council holds off on further discussion regarding rezoning of the Old Log Theater property until the city receives an official application for a zoning code amendment, which includes a site plan of the proposed development.
5. Do nothing.



Agenda Number: **6C**

Agenda Date: 01-04-12

**Agenda Item:** Resolution 01-12, Findings of Fact, Cook Variances

**Summary:** At the 12-06-11 meeting the council approved the variance requests by Bill and Tish Cook requests to encroach 21 feet, 6 inches into the required 30-foot exterior side yard setback, to encroach 2 feet, 3 inches into the required 15-foot east side yard setback, and to exceed the maximum permitted impervious surface area by 2% based on verbal findings. The council directed that written findings be drafted for confirmation by the council. The attached findings were drafted by the city attorney.

**Council Action:** Required. Possible motions ...

1. I move the council approves resolution 01-12 setting out the findings of fact and conclusions of law regarding the Bill and Tish Cook variance requests.
2. I move the council approves resolution 01-12 setting out the findings of fact and conclusions of law regarding the Bill and Tish Cook variance requests with the following revisions \_\_\_\_.

**RESOLUTION NO. 01-12**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF GREENWOOD, MINNESOTA ACTING AS THE  
BOARD OF APPEALS AND ADJUSTMENTS**

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**IN RE: The Application of William B. Cook and Laticia A. Cook for East and West Side Yard Setback Variances and a Variance to Maximum Permitted Hardcover for Real Property Located at 5195 Greenwood Circle, Greenwood, Minnesota, PID No. 26-117-23-42-0041**

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The applicants have made application for variances to permit construction of a lakeside deck which would encroach upon the east and west side yard setbacks and a variance allowing hardcover in excess of 30%. The request is necessitated by a desire to now construct a deck originally planned for the house when first built in 2000; and

WHEREAS, Notice of Public Hearing was published, notice given to neighboring property owners, and a Public Hearing held before the Planning Commission where public comment was taken November 16, 2011, and

WHEREAS, notice of the requested variances and a copy of the site plan were provided to the Department of Natural Resources for review; and

WHEREAS, the City Council has received the staff report and recommendation of the Planning Commission and considered the application and comments of the general public.

NOW, THEREFORE, the City Council of the City of Greenwood, Minnesota, acting as the Board of Appeals and Adjustments, does hereby make the following:

FINDINGS OF FACT

1. The applicant's property is located at 5195 Greenwood Circle, Greenwood, Minnesota and is a single lot of record within the R-1A District used for single family residential purposes.
2. The applicants seek a variance to permit construction of a lakeside deck which would encroach upon the west side yard setback (an exterior side yard) 21 feet 6 inches leaving a proposed side yard of 8 feet 6 inches. This compares with the existing house west side yard

setback of 6 feet. In addition, the applicants require an east side yard setback variance of 2 feet 3 inches, leaving a proposed side yard of 12 feet 9 inches. This compares with the existing house east side yard setback of 13 feet. The deck would add hardcover necessitating a hardcover variance of 2% to the maximum permitted impervious surface area of 30%. If constructed, the property would meet the required front and lake yard setbacks.

3. The application shows no trees will be impacted by this project.
4. In support of the request, the applicant represents that although the property was originally issued a variance allowing a lakeside deck, when the city approved needed variance for the house constructed in 1999, the deck was not then constructed and the variance has since expired. The Cook homestead was a replacement of a home that had substantial encroachments on required side yards and greatly exceeded maximum permitted hardcover and the Cook home as built reduced and minimized those encroachments.
5. The applicant desires to now construct the deck to facilitate ingress and egress from the house via the sliding glass doors and to otherwise enjoy the lake view property.
6. The present proposed deck is slightly smaller than that originally approved by the City.
7. The applicant believes the lakeside deck to be a common and reasonable use to which lakeside properties are put in the City.
8. The applicants face practical difficulties in meeting the requisite side yards due to the narrow width of the lot and its small area. The sizable variance of 21 feet 6 inches required for the west side yard is necessitated by its status as an exterior side yard. The west side yard faces a fire lane which runs from Greenwood Circle to the public dock access area. On the opposite side are garages for the Georgetown apartment complex. But for the fire lane the required side yard would be 15 feet and the needed variance would be no more than 6 feet 6 inches.
9. The applicant represents that originally the variances for the section of the home allowed 33% hardcover. The applicants are proposing 32%, a 1% reduction from that originally permitted ten years ago.
10. The Planning Commission considered this application and recommended its approval.
11. A side yard deck is a reasonable and expected use of a shoreline residential property.
12. The existing house as built defines the City's reasonable expectation for west and east side yard setbacks.
13. The applicant's plight is not created by the applicant but a function of the size and dimensions of the lot.
14. The addition of a lakeside deck is in harmony with the essential character of the locality and if granted will not alter that character.

15. The variance, if granted, will not impact matters of light and air for adjacent properties and will not create traffic congestion, fire danger, or diminish or impact established property values in the locality.

#### CONCLUSIONS OF LAW

1. The applicant has demonstrated practical difficulties related to the lot.
2. The proposed side yard variances and hardcover variance are necessary to put the property to a reasonable use typical of a lakeside residential property, to-wit installation of a lakeside yard deck.
3. The need for the requested variances is due to circumstances related to the property and not created by the landowner; 1) the side yard variances are necessitated by the narrow width of the lot of record, and a west side yard which abuts a fire lane requiring additional side yard setback, 2) the hardcover variance is necessitated by the small area of the lot of record and is less than the earlier city approved deck. The proposed deck will create less hardcover and will not encroach on the side yard setbacks established by earlier city approved construction.
4. The proposed variance, if granted, will not alter the essential character of the locality as the addition of a deck to a lakeside home is typical throughout the City and does not impact the adjacent properties.

Based upon the foregoing Findings of Fact and Conclusions of Law, the City Council of the City of Greenwood, acting as the Board of Appeals and Adjustments, hereby grants the following variances for the benefit of the applicant's property at 5195 Greenwood Circle, Greenwood, Minnesota 55331, PID No. 26-117-23-42-0041:

1. A variance of 21 feet 6 inches to the required west (exterior) side yard setback of 30 feet under Greenwood Ordinance Code Section 1120:10;
2. A variance of 2 feet 3 inches to the required east (interior) side yard setback of 15 feet under Greenwood Ordinance Code Section 1120:10; and
3. A variance of 2% to the required 30% maximum impervious surface area required under Section 1176.04(3); all on the following conditions:
  - (a) the proposed deck shall be built as proposed and presented in the application; and

(b) a certified copy of this variance resolution be filed of record against the title of the subject property in the Office of the County Recorder in and for Hennepin County, prior to issuance of a building permit hereon.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012, BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

\_\_\_\_\_ Ayes, \_\_\_\_\_ Nays

**CITY OF GREENWOOD**

ATTEST:

By \_\_\_\_\_  
Debra J. Kind, Mayor

\_\_\_\_\_  
Gus E. Karpas, City Clerk

1\RESOLUTION cook



Agenda Number: **6D**

Agenda Date: 01-04-12

**Agenda Item:** 2nd Reading: Ordinance199, Definitions of Yards.

**Summary:** The city council directed the planning commission to consider amending the definition of yards included in section 1102 of the city code and to discuss the inclusion of illustrations showing the intent of the definitions.

*Planning Commission Action:* A public hearing notice was published in the Sun-Sailor on October 6 and the planning commission held the public hearing and reviewed the draft ordinance on October 19. The planning commission approved the following motion on a 5 to 0 vote: To recommend the city council adopt ordinance 199, amending Section 1102 of the zoning ordinance, redefining definitions of yards and suggested that multiple illustrations be inserted into the ordinance to show the yard locations on various lot types.

The council discussed the proposed ordinance to amend the definitions of yards at its 11-01-11 meeting. At that time a couple of issues were raised regarding the measurement of the front yards and the inclusion of "ordinary high water level" in the definition of rear setback. The city attorney and staff reviewed these issues and revisions were made to the definitions for the 12-06-11 council meeting. The council approved the 1st reading of the ordinance at the 12-06-11 meeting with the direction for staff and the mayor meet to revise the illustrations to reflect the intent of the definitions. The attached ordinance includes the revised illustrations. No other revisions were made.

A resolution for a summary of ordinance 199 for publication also is attached for the council's consideration.

**Council Action:** Optional. Possible motions ...

1. I move the council approves the 2nd reading of ordinance 199, amending section 1102 of the zoning ordinance regarding yard definitions and including illustrations as presented in the 01-04-12 council packet.
2. I move the council approves resolution 02-12, a summary of ordinance 199 for publication.
3. Do nothing.

ORDINANCE NO. 199

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 1102 REDEFINING DEFINITIONS OF YARDS**

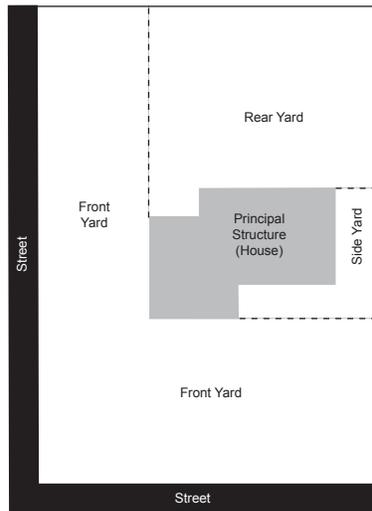
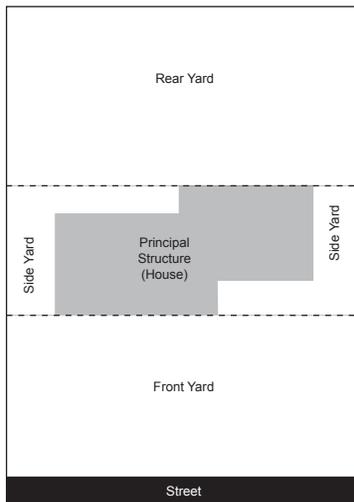
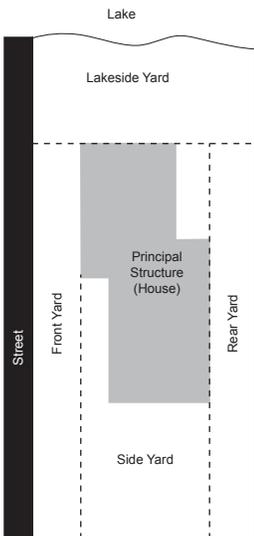
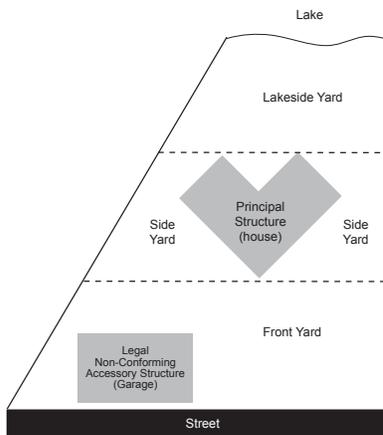
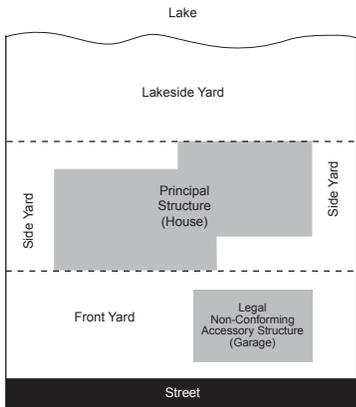
THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

**SECTION 1.**

Greenwood ordinance code section 1102, definitions of “Yard, Yard (Front), Yard (Lakeside), Yard (Rear), Yard (Side)” are amended to read as follows:

“Yard means an open space on the same lot with a building, lying between the principal structure and the lot line otherwise unobstructed or unoccupied from the ground to the sky, except for fences, permitted accessory structures, or trees and shrubs.

The following illustrations show examples of yard locations:



Yard (Front) means an open, unoccupied space, extending across the full width of the lot and lying between the edge of the public right-of-way open and actually used for travel and the nearest building line of the principal structure. The front property line, not the street pavement, shall be used for measuring the front yard setback. Corner lots must have two front yards.

Yard (Lakeside) means an open, unoccupied space extending the full width of the lot and lying between the ordinary high water mark of the lake and the nearest building line of the principal structure. In no event shall the lakeside yard be interpreted to coincide with definition of front yard contained herein.

Yard (Rear) means an open, unoccupied space between the rear property line and the nearest building line of the principal structure, for the full width of the lot. The rear yard typically is located opposite that of the front yard. The zoning administrator shall determine the location of the rear yard for lots that front on two or more streets.

Yard (Side) means an open, unoccupied space between the side property line of the lot and the nearest building line of the principal structure.”

**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 \_\_\_\_\_ 2012.

Ayes \_\_\_\_\_, Nays \_\_\_\_\_.

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Gus E. Karpas, City Clerk

**A RESOLUTION APPROVING PUBLICATION  
OF ORDINANCE NUMBER 199 BY TITLE AND SUMMARY**

**WHEREAS**, ON \_\_\_\_\_ 2012 THE CITY COUNCIL OF THE CITY OF GREENWOOD ADOPTED ORDINANCE 199 "AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE CODE SECTION 1102 REDEFINING DEFINITIONS OF YARDS";

**WHEREAS**, the city has prepared a summary of ordinance 199 as follows:

1. The purpose of this ordinance is to revise the definitions of yards to clarify the locations of "front," "lakeside," "side," and "rear" yards, and include illustrations to show the yard locations on various lot types.
2. The new definitions are as follows:

Yard means an open space on the same lot with a building, lying between the principal structure and the lot line otherwise unobstructed or unoccupied from the ground to the sky, except for fences, permitted accessory structures, or trees and shrubs.

Yard (Front) means an open, unoccupied space, extending across the full width of the lot and lying between the edge of the public right-of-way open and actually used for travel and the nearest building line of the principal structure. The front property line, not the street pavement, shall be used for measuring the front yard setback. Corner lots must have two front yards.

Yard (Lakeside) means an open, unoccupied space extending the full width of the lot and lying between the ordinary high water mark of the lake and the nearest building line of the principal structure. In no event shall the lakeside yard be interpreted to coincide with definition of front yard contained herein.

Yard (Rear) means an open, unoccupied space between the rear property line and the nearest building line of the principal structure, for the full width of the lot. The rear yard typically is located opposite that of the front yard. The zoning administrator shall determine the location of the rear yard for lots that front on two or more streets.

Yard (Side) means an open, unoccupied space between the side property line of the lot and the nearest building line of the principal structure."

3. The illustrations are available for viewing at the Greenwood office and at [www.greenwoodmn.com](http://www.greenwoodmn.com) by clicking on "code book" and then "chapter 11."

**NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD:**

1. The city council finds that the above title and summary of ordinance 199 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 199 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood office.

**ADOPTED** BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

Ayes \_\_\_\_\_, Nays \_\_\_\_\_.

CITY OF GREENWOOD

By: \_\_\_\_\_

Debra J. Kind, Mayor

Attest: \_\_\_\_\_

Gus E. Karpas, City Clerk



Agenda Number: **6E**

Agenda Date: 01-04-12

**Agenda Item:** 2nd Reading: Ordinance 203, Amending Code Section 910, Prohibited Activities Affecting Health and/or Property

**Summary:** The council discussed the need to amend section 910.60(2) to make it consistent with the civil citation process for the enforcement of code violations as they pertain to prohibited activities affecting health and/or property. The 1st reading of the ordinance was approved at the 12-06-11 council meeting. No changes have been made since the 1st reading.

**Council Action:** None required. Possible motions ...

1. I move the council approves the 2nd reading of ordinance 203 amending section 910.60, subd. 2 that allows for the civil citation process outlined in chapter 12 to be implemented for code violations of prohibited activities affecting health and/or property.
2. Do nothing.

ORDINANCE NO. 203

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 910 PERMITTING THE CIVIL CITATION PROCESS FOR  
VIOLATIONS OF PROHIBITED ACTIVITIES AFFECTING HEALTH AND/OR PROPERTY**

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

**SECTION 1.**

Greenwood ordinance code section 910.60 subd. 2 is amended to include the Civil Citation process for violations of prohibited activities affecting health and/or property to read as follows:

“Subd. 2. Remedy. When there exists on private property a condition that is in violation of section 910.60, a notice to remove the offensive matter shall be served by the city council or its agent upon the owner, agent or occupant. Such notice may be served personally or may be served by mail. In all cases where such owner is not in the city or cannot be found therein, then notice shall be sent to the last known address. Such notice shall describe the matter to be removed and require the removal thereof within 10 days, including Saturdays, Sundays and holidays. If at the end of said 10 days following service of such notice, the offensive matter has not been removed the offender shall be subject to the process outlined in chapter 12 of this code book.”

**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 \_\_\_\_\_ 2012.

Ayes \_\_\_\_\_, Nays \_\_\_\_\_.

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Gus E. Karpas, City Clerk



Agenda Number: **6F**

Agenda Date: 01-04-12

**Agenda Item:** 2nd Reading: Ordinance 204, Licensing of Commercial Tree Contractors

**Summary:** The city of Greenwood currently requires a permit process for the removal of trees within the city, but does not have a requirement that commercial contractors be licensed and insured. Attached is ordinance 204, which amends chapter 4 of the code by requiring commercial tree contractors to provide proof of insurance when they apply for an annual license, amends chapter 5 by establishing an annual fee of \$50, and amends chapter 11 to include the annual tree contractor's license in the city's tree ordinance. Note: There is nothing in the ordinance that prohibits a homeowner or their friends from trimming trees on their own property.

The council approved the 1st reading of the ordinance at the 12-06-11 council meeting. No revisions have been made to the ordinance since the 1st reading.

**Council Action:** None required. Possible motions ...

1. I move the council approves the 2nd reading of ordinance 204 amending chapters 4, 5 and 11 of the city code to require the licensing of commercial tree contractors within the city.
2. Do nothing.

ORDINANCE NO. 204

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 4 AND SECTION 1140.80 REQUIRING THE LICENSING  
OF TREE CONTRACTORS WORKING IN THE CITY

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

**SECTION 1.**

Greenwood ordinance code chapter 4 is amended to add the following new section:

**“SECTION 435. TREE CONTRACTORS.**

**Section 435.00. Tree Contractor License Required.**

No person may conduct or offer commercial (service for hire) tree trimming or removal services in the city without first obtaining a tree contractor license. The license shall be issued on an annual basis and licensees must pay the fee and provide proof of insurance in the amounts set forth in chapter 5 of this code book. (THIS PARAGRAPH ALSO INCLUDED IN SECTION 114.80, SUBD. 16)”

**SECTION 2.**

Section 510.00 is amended to add the following new license fee:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Tree Contractor License	435.00 & 1140.80	\$50	Annual. Proof of insurance also required: workers compensation insurance and liability insurance in the amounts of \$500,000 for injury or death of any one person, \$500,000 for injury or death of more than one person in any one accident, and \$100,000 for damage to property.

”

**SECTION 3.**

Section 1140.80 is amended to add the following new subdivision:

“Subd. 16. Tree Contractor License Required. No person may conduct or offer commercial (service for hire) tree trimming or removal services in the city without first obtaining a tree contractor license. The license shall be issued on an annual basis and licensees must pay the fee and provide proof of insurance in the amounts set forth in chapter 5 of this code book. (THIS PARAGRAPH ALSO INCLUDED IN SECTION 435.00)”

**SECTION 5.**

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 \_\_\_\_\_ 2012.

Ayes \_\_\_\_\_, Nays \_\_\_\_\_.

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Gus E. Karpas, City Clerk



Agenda Number: **7A**

Agenda Date: 01-04-12

**Agenda Item:** Resolution 03-12 Appointments and Assignments for 2012

**Summary:** This is a routine resolution that the council approves in January each year. Two changes have been made:

1. Jerry Hudlow retired from Deephaven Public Works last May. Certified Arborist Manuel Jordan has been filling in since Jerry's retirement, so Manuel's name now is on the list as the Forester / Tree Inspector for 2012.
2. Lake Bechtell resigned from the Lake Minnetonka Communications Commission, so his seat is listed as vacant in 2012.

The planning commissioner information will be updated when new appointments are made in March.

One observation for council discussion: Councilman Page has been listed as the fire board alternate, but the fire board meeting night is on fourth Wednesdays, which is a conflict with Page's Lake Minnetonka Conservation District meeting night. It may be prudent for the council to choose a different fire board alternate.

**Council Action:** Required. Possible motion ...

1. I move the council approves resolution 03-12 approving appointments and assignments for 2012.
2. I move the council approves resolution 03-12 approving appointments and assignments for 2012, with the following revision(s) \_\_\_\_\_.

## Resolution 03-12

### City of Greenwood Appointments and Assignments for 2012

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following appointments for January 1, 2012 through December 31, 2012

OFFICE & DESIGNATIONS	2011 HOLDER	2012 HOLDER
Mayor Pro-Tem	Bob Quam	Bob Quam
Administrative Committee	Tom Fletcher, Deb Kind	Tom Fletcher, Deb Kind
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Mark Kelly	Mark Kelly
Auditor	LarsonAllen	LarsonAllen
Bank Signatures	Kind, Quam, Courtney	Kind, Quam, Courtney
Building Official	Bob Manor	Bob Manor
Clerk	Gus Karpas	Gus Karpas
Depositories	Bridgewater Bank, Beacon Bank	Bridgewater Bank, Beacon Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wed (Jan, Mar, May, Jul, Sep, Nov)	Biff Rose, Alternate Kelsey Page	Biff Rose, Alternate Kelsey Page
Forester / Tree Inspector	Jerry Hudlow	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representatives – 1 must be elected official, meets 3rd Tues (Feb, May, Aug, Nov)	Tom Fletcher, Lake Bechtell	Tom Fletcher, Vacant
Lake Minnetonka Conservation District (LMCD) Rep – 2nd and 4th Wed	Kelsey Page (2/14)	Kelsey Page (2/14)
Milfoil Project Liaison	Tom Fletcher	Tom Fletcher
Minnetonka Community Education (MCE) Representative – 4th Mon	Bob Quam	Bob Quam
Newspapers	Sun-Sailor, Star Tribune (alt.)	Sun-Sailor, Star Tribune (alt.)
Planning Commissioners – 3rd Wed	A-1 Brian Malo (3/12)	A-1 Brian Malo (3/12)
	A-2 John Beal (3/12)	A-2 John Beal (3/12)
	A-3 Dave Paeper (3/12)	A-3 Dave Paeper (3/12)
	B-1 Pat Lucking (3/13)	B-1 Pat Lucking (3/13)
	B-2 Bill Cook (3/13)	B-2 Bill Cook (3/13)
	Alt-1 Douglas Reeder (3/12)	Alt-1 Douglas Reeder (3/12)
	Alt-2 Kristi Conrad (3/13)	Alt-2 Kristi Conrad (3/13)
Planning Commission Liaison – 3rd Wed	Tom Fletcher	Tom Fletcher
Prosecutor	Greg Keller	Greg Keller
Responsible Authority (Govt. Data Practices Act)	Gus Karpas	Gus Karpas
Road and Sewer Liaison	Bob Quam	Bob Quam
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative – Must be mayor, meets quarterly	Deb Kind, Alternate Bob Quam	Deb Kind, Alternate Bob Quam
Treasurer	Mary Courtney	Mary Courtney
Weed Inspector – Must be mayor	Deb Kind	Deb Kind
Zoning Administrator	Gus Karpas	Gus Karpas

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA** that any and all commissioners, appointees, representatives, delegates, or other non-elected officials of the city 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. This resolution is enacted pursuant to the codes of the city.

Adopted by the city council of the city of Greenwood this \_\_\_\_ day of \_\_\_\_\_ 2012. Ayes: \_\_\_\_ Nays: \_\_\_\_

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Gus E. Karpas, City Clerk



# LMCC

LAKE MINNETONKA COMMUNICATIONS COMMISSION

4071 SUNSET DRIVE ■ BOX 385 ■ SPRING PARK, MN 55384-0385 ■ 952.471.7125 ■ FAX 952.471.9151 ■ lmcc@lmcc-tv.org

DEEPHAVEN

Date: December 8, 2011

To: All LMCC City Members

EXCELSIOR

From: Sally Koenecke, LMCC Executive Director

Re: Appointment of 2012 Commissioners

GREENWOOD

INDEPENDENCE

Each city member of the LMCC is entitled to appoint two directors (commissioners) to the LMCC. These positions should be appointed by resolution of the council of each member, for a term of one calendar year. This is to be done in January or your earliest meeting in February so that the appointees can attend the first Full Commission Meeting February 15.

LONG LAKE

LORETTO

According to the Joint Powers Agreement, the directors must include, "at least one (director) of whom shall be a member of that (city) council and the other a qualified voter residing within that city. The City council of each member shall be entitled to appoint at least one alternate director." The alternate director must also be a voter residing within the city. Unless commissioners are on the Executive Committee they are only expected to attend the Quarterly Full Commission meetings.

MAPLE PLAIN

MEDINA

MINNETONKA BEACH

The Full Commission meets quarterly, the third Tuesday of the month at 5:30 PM with the first Full Commission meeting in February. The Executive Committee meets every month the Full Commission does not meet at 5:00. After receiving confirmation of your city appointees, I will mail all commissioners a schedule of meetings. The new commissioners will receive a copy of the Joint Powers Agreement so they are informed of their role as commissioner and the role of the commission as the regulatory authority for cable television. This year we will schedule a Commission Orientation prior to the Full Commission Meeting in February as an informational session on the commission and the responsibilities of commissioners.

MINNETRISTA

ORONO

ST. BONIFACIUS

SHOREWOOD

SPRING PARK

Please send me a copy of the minutes in which your city appointed the LMCC commissioner representatives and their addresses so that I can contact and provide them the information. Thank you for your city's participation in the LMCC.

TONKA BAY

We hope your holiday season is a wonderful one!

VICTORIA

Sincerely  
*Sally Koenecke*  
Sally Koenecke  
Executive Director

WOODLAND



December 2011

City of Greenwood  
City Council  
20225 Cottagewood Road  
Deephaven, MN 55331

Dear City Council Members:

The *Sun-Sailor* would like to be considered for designation as the legal newspaper for the City of Greenwood for the upcoming year.

The main benefit of publishing your legal notices with the Sun-Sailor is our free home delivery. Unlike the competing newspaper's bulk drop method of delivery, the Sun-Sailor is delivered directly to homes. Weekly home delivery makes the Sun-Sailor the most convenient and most timely method for Greenwood residents to obtain legal notices. Also, the Sun-Sailor is the primary source of community news in Greenwood.

All published legal notices are posted on our website ([www.minnlocal.com](http://www.minnlocal.com)) at no additional charge. This is an enhancement to the local news coverage already available on the Internet and will broaden the readership of your legal notices.

The rate structure for legals effective the first of the year will be:

1 column width: \$11.99 per inch for first insertion / \$5.99 per inch for subsequent insertions  
Columns: 11 lines per inch

Because price comparisons between newspapers are difficult due to differences in column width, font size, etc., we would be happy to provide a price quote on an e-mailed submission.

Two notarized affidavits on each of your publications will be provided with no additional charge. The *Sun-Sailor* is published every Thursday. The deadline for regular length notices is 2:00 p.m. the Thursday prior to publication. E-mailing the legal notices is an efficient and accurate way of getting the notices to us. The e-mail address for the legals department is [sunlegals@acnpapers.com](mailto:sunlegals@acnpapers.com). If you require more information to make your decision, please contact me or Lisa Smith, our Legals Representative, at 952-392-6829.

Thank you for considering the *Sun-Sailor* as the official newspaper for the City of Greenwood for the upcoming year. We appreciate the opportunity to serve the needs of your community.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Coolman", with a long horizontal line extending to the right.

Jeff Coolman  
Vice President and Group Publisher

**QUALIFICATIONS OF**  
**Manuel J. Jordan**  
**Consulting Arborist # MN 0206 A**

ARBORIST – an individual who is versed in the art and science of the cultivation, maintenance and preservation of trees and other woody plants

**EDUCATION**

BACHELOR OF SCIENCE (B.S.) DEGREE, Urban Forestry, Minors in Forest Resources and Economics,  
University of Minnesota, 1996

PROFESSIONAL DEVELOPMENT CERTIFICATE, Municipal Engineering Fundamentals,  
University of Wisconsin – Extension, Engineering Institute,  
Department of Engineering and Applied Science, 2005

PROFESSIONAL DEVELOPMENT CERTIFICATE, Improving Public Works Construction Inspection Skills,  
University of Wisconsin – Extension, Engineering Institute,  
Department of Engineering and Applied Science, 2005

**CERTIFICATIONS**

LANDSCAPE SPECIALIST – Minnesota Department of Transportation Certification, 2006 - 2009

CERTIFIED ARBORIST – International Society of Arboriculture, 1996 – Present

TREE INSPECTOR – Minnesota Department of Agriculture, 1995 – Present

PESTICIDE APPLICATOR – Minnesota Department of Agriculture, 2005 – Present

**EXPERIENCE**

CONSULTING ARBORIST – Heritage Shade Tree Consultants,  
St. Louis Park, Minnesota, 2008 – Present

CONSULTING ARBORIST – Top Notch Treecare,  
Plymouth, Minnesota, 1995 - 1996, 2000 - 2005, 2006 – 2008

CITY FORESTER - PUBLIC WORKS CONTRACT MANAGER – City of New Hope,  
New Hope, Minnesota, 2005 – 2006

REGIONAL URBAN FORESTER – Texas Forest Service,  
Corpus Christi, Texas, 1997 – 2000

ASSISTANT CITY FORESTER – City of St. Louis Park,  
St. Louis Park, Minnesota, 1994

Services as a Consulting Arborist have included 1) diagnosis of disease, insect and environmental stress problems, 2) preventative and corrective maintenance measure recommendations, 3) plant valuation support for real estate appraisals, 4) plant valuation for damage claims involving disfigurement or destruction due to fire, errant vehicles, excessive pruning, unauthorized removals, lightning and construction activities, 5) training of employees in general arboriculture and safety procedures

Duties as the City Forester and Contract Manager have included 1) developing contracts and specifications for public works, parks and forestry projects, 2) soliciting and receiving quotes and bids for public works, parks and forestry projects, 3) coordinating work, resolving disputes, negotiating changes and ensuring timely completion of contracts for public works, parks and forestry projects, 6) coordinating city forestry programs, including streetscapes, reforestation, tree disposal, disease and environmental public information programs.

Duties as Regional Urban Forester have included 1) providing technical assistance to local governments and non-profits on program development, tree planting and care, 2) promoting volunteerism and assisting local cooperators with volunteer recruitment and training, 3) monitoring performance of grant projects, 4) promoting urban forestry at the local level through various presentations, media releases, demonstrations, exhibits and written publications, 5) responding to requests for information from the general public.

### **PROFESSIONAL MEMBERSHIPS**

INTERNATIONAL SOCIETY OF ARBORICULTURE, 1995 – Present.

Chairperson and founding member of the Hispanic Issues Committee, 1999.

MINNESOTA SOCIETY OF ARBORICULTURE, 1995 - 1996, 2000 – Present.

Board Member, 2001 – 2002. Certification Liaison, 2002 – 2003. Tree Valuation Committee Chair 2010 - Present

TEXAS SOCIETY OF ARBORICULTURE, 1997 - 2000

SOCIETY OF COMMERCIAL ARBORISTS, 2009 – Present

SOCIETY OF MUNICIPAL ARBORISTS, 2005 – 2008

TEXAS URBAN FORESTRY COUNCIL, 1997 - 2000

MINNESOTA SHADE TREE ADVISORY COMMITTEE, 1995 - Present

## **PUBLICATIONS**

EL COMPAÑERO DEL TREPADOR (THE TREE CLIMBER'S COMPANION) – Jeff Jepson,

Sole Revising Editor, Spanish version 2002

PREVENTING STEM GIRDLING ROOTS VIDEO & DVD – Minnesota Society of Arboriculture,

Translator and Spanish voice-over, 2003

AMERICAN NATIONAL STANDARD FOR ARBORICULTURE OPERATIONS – SAFETY REQUIREMENTS ANSI Z133.1 – 2006 (SPANISH VERSION),

Revising Editor, 2006

ORIENTATION TO ARBORICULTURE DVD SERIES - International Society of Arboriculture & Tree Care Industry Association,

Revising Editor, 2006

## **AWARDS**

TEXAS FOREST SERVICE DIRECTOR'S AWARD,

First non-department head to receive award, 1999

TEXAS URBAN FORESTRY COUNCIL AWARD OF HONOR,

Outstanding Professional Category, 1999

## **REPRESENTATIVE CLIENTS**

Clients have included insurance companies, utility companies, municipalities, county agencies, independent claims adjusters, real estate appraisers, nurseries, tree services, attorneys, non-profits and private property owners.

Sites have included residential homesites and estates, apartment complexes, office and industrial complexes, farmsteads, school campuses, city and county parks, and undeveloped lots.

## **COMMUNITY LEADERSHIP ROLES**

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION,

Commissioner for the City of St. Louis Park, Minnesota, 2008 – 2009

## **PROFESSIONAL INSTRUCTION**

HENNEPIN TECHNICAL COLLEGE,

Urban Forestry Program Instructor, Minnesota, 2008 – Present

MINNESOTA NURSERY AND LANDSCAPE ASSOCIATION,

Arboriculture and Green Industry Event Speaker, Various, 2008 – Present



Agenda Number: **7B**

Agenda Date: 01-04-12

**Agenda Item:** 1st Reading, Ordinance 207, Amending Code Section 510, Fees

**Summary:** To ensure the city is reimbursed for costs incurred to process variance, conditional use permit, and zoning amendment applications, the city ordinance code section 510 fee schedule needs to be revised. A proposed ordinance is attached for the council's consideration.

**Council Action:** None required. Possible motions ...

1. I move the council approves the 1st reading of ordinance 207 amending the fees for variances, conditional use permits, and zoning code amendment applications listed in Greenwood ordinance code section 510.
2. I move the council approves the 1st reading of ordinance 207 amending the fees for variances, conditional use permits, and zoning code amendment applications listed in Greenwood ordinance code section 510 with the following revisions \_\_\_\_\_.
3. Do nothing.

ORDINANCE 207

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 510 TO UPDATE FEES FOR VARIANCES,  
CONDITIONAL USE PERMITS AND ZONING CODE AMENDMENT APPLICATIONS**

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

**SECTION 1.**

Greenwood ordinance code section 510.00 fees are amended as follows:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Zoning: Code Amendment Application Fee	1160.05	\$400 <u>plus consultant fees incurred by the city</u>	Per application
Zoning: Conditional Use Permit	1150.15	\$400 first item, \$300 per additional item <u>plus consultant fees incurred by the city</u>	Per application
Zoning: Variance Application Fee	1155.20	\$400 first item, \$300 per additional item <u>plus consultant fees incurred by the city</u>	Per application

”

**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 \_\_\_\_\_ 2012.

Ayes \_\_\_\_\_, Nays \_\_\_\_\_.

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Gus E. Karpas, City Clerk



Agenda Number: **7C**

Agenda Date: 01-04-12

**Agenda Item:** Discuss Temporary Parking Permits

**Summary:** Currently the city code requires a parking permit for on-street parking of construction vehicles at a price of \$50 per project (section 305.00 and section 510.00). The current city code does not allow for temporary parking permits in no-parking zones for parties and special events. However, in the past the city has issued such permits. If the city wishes to continue with the practice of issuing these types of temporary parking permits, the code should be revised accordingly. Attached are examples of what Deephaven and Woodland have in their ordinance code regarding temporary parking permits. Note: The Deephaven ordinance code has a temporary parking fee of \$5 per day, per vehicle. Woodland charges \$5 per day, per zone for residential and contractor vehicles. Woodland also has the option of paying a monthly fee of \$25 per zone.

**Council Action:** None required. Possible motions ...

1. I move the council directs staff to draft a temporary parking permit ordinance for a 1st reading at the February council meeting. I further move the ordinance sets the fee at \$\_\_\_ per vehicle, per day.
2. I move the council directs staff to draft an ordinance changing the section 510.00 fee for a construction parking permit to \$\_\_\_ per day, per vehicle or \$\_\_\_ per month, per vehicle.
3. Do nothing.

12-16-11

## DEEPHAVEN

Temporary daily parking fee \$5 per vehicle

450.01 Permit Required. No person may leave or park any vehicle on any street or municipally controlled land within the posted area adjacent to any public bathing beach, boat launching or docking area, or other public grounds within the City on any day of the week during the period from May 1 to October 1 of each year without having attached to the vehicle a permit authorizing such parking.

450.02 Permit Issuance Procedure. Permits will be issued without payment of a permit fee to employees of the City, residents of the City and owners of property in the City as shown by the City's tax records. Only one permit will be issued to a resident unless the resident provides the Clerk with the license number of each vehicle to be used by the permittee. Permits will be issued to others only upon payment to the Clerk of the fee stated in Section 405.05. The permit will entitle permittee to park a vehicle within the posted areas. The first sticker to be issued without payment of the permit fee will be mailed out without charge. A second sticker will be given free of charge at City Hall upon completion of appropriate forms. There will be a charge for any additional stickers in the amount stated in Section 405.05.

450.03 Temporary Permits. The Chief of Police may issue up to 10 temporary parking permits to an owner or resident for a gathering or function which would, in the opinion of the Chief, necessitate additional parking in an area where parking permits are required under this Section. The temporary parking permits will be issued for a specified period of time, not to exceed 24 hours, and the date and time of the permit will be indicated on the permit.

450.031. Guest Permits. A resident may request two guest parking permits to allow guests to park in a permitted parking zone directly in front, or as close as possible to the residents home for a period of not more than 48 continuous hours. The permits may be issued by the Chief of Police for a given calendar year.

450.04 Permit Display. The permit must be affixed to the lower rear corner of the rearmost left side window of the vehicle. The permit must be affixed so that it will remain in clear view at all times. When the period for which the permit is issued has expired, the permit must be removed.

450.05 Transfer. No person may sell, assign or otherwise transfer a permit to any other person.

## WOODLAND

\$5 per day, per zone (4-15 cars per zone) contractors or residents

\$25 per month contractors or residents

Subd. 4. Temporary On-Street Parking Permit. Upon request of a resident holding an event for which the resident has insufficient private parking to accommodate the expected number of guests, the Chief of Police may, but is not required to, issue a special parking permit allowing roadside parking, in designated permit parking zones subject to the following conditions:

- (a) The permit will specify the designated permit parking zone and the date and hours parking will be permitted.
- (b) Cars may be parked only in the specific area or areas designated in the permit.
- (c) Cars must at all times be parked sufficiently off the road so as to provide a lane wide enough for the unimpeded passage of emergency vehicles. If heavy snowfall or other conditions prevent off-pavement parking or otherwise make roadside parking unsafe, the Chief of Police will cancel the permit.
- (d) A resident granted a permit will post (and remove upon expiration of the parking permit) temporary signs clearly designating the permitted parking areas or provide an attendant or attendants to show guests where parking is and is not permitted, and will take all other steps required by the Chief of Police as a condition of the parking permit or that are otherwise necessary to insure that guest parking complies with the requirements of this Section 500.05.

Contractors with major construction or remodeling projects in the City may secure a monthly parking permit for a specified zone, providing that such monthly permit shall not apply to the hours for which any other permit under this subdivision is issued.



***Temporary Parking Permit***

**5330 Manor Road  
Greenwood, MN**

***Valid: Friday, June 4, 2011  
5:00 PM – 10:00 PM***

DISPLAY ON THE LEFT FRONT OF DASH

Authorized by Gus Karpas, Greenwood Administrator  
APRIL 26, 2011

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***Temporary Parking Permit***

**5330 Manor Road  
Greenwood, MN**

***Valid: Friday, June 4, 2011  
5:00 PM – 10:00 PM***

DISPLAY ON THE LEFT FRONT OF DASH

Authorized by Gus Karpas, Greenwood Administrator  
APRIL 26, 2011



Agenda Number: **FYI**

**Agenda Item:** FYI Items in Council Packet

**Summary:** The attached items are included in the council packet For Information Only.

**Council Action:** No council action is needed for FYI items.

**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, Bill Cook, Brain Malo and Alternate members Kristi Conrad and Douglas Reeder

Absent: Commissioner David Paeper

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

Due to the absence of Commissioner Paeper, Commissioner Conrad was a voting member of the Commission.

**2. APPROVE AGENDA**

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

**3. MINUTES OF October 19, 2011.**

Commissioner Reeder moved to approve the minutes of October 19, 2011. Commissioner Cook seconded the motion. Motion carried 5-0.

**4. OATH OF OFFICE**

City Attorney Kelly administered the Oath of Office to Commissioner Malo.

**5. LIAISON REPORT**

Council Liaison Fletcher informed the Commission that the actual increase in annual dock fees was \$100, not the \$150 he reported last month, that the Council extended the approval for Robert Schmitt for an additional year, voted 3-2 not to pursue Hennepin County in providing police services, held a first reading on the ordinance to amend the uses in the C-2 district and hired a private contractor to plow the LRT trail.

In response to a question about property taxes, Fletcher discussed the recent changes in the state's taxing process which has led to Hennepin County shifting a greater burden of the tax load to cities like Greenwood.

**6. PUBLIC HEARINGS**

**VARIANCE - Bill and Tish Cook, 5195 Greenwood Circle**, request to construct a lakeside deck which would encroach into the minimum west exterior side yard setback, required east side yard setback and to exceed the permitted impervious surface area by 2%.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, NOVEMBER 16, 2011**  
**7:00 P.M.**

Section 1120:10 of the Zoning Ordinance outlines the required setbacks. The applicants are seeking a variance to encroach twenty-one feet, six inches into the required thirty foot exterior side yard setback and a variance to encroach two feet, nine inches into the required fifteen foot east side yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicants are seeking a variance to exceed the maximum permitted impervious surface area by 2%.

Zoning Coordinator Karpas summarized his staff report, noting that the proposed deck previously received variance approval when the home was originally constructed but was never built. The dimensions of the proposed deck are smaller than what was originally approved by the Council in 1999.

Commissioner Cook recused himself from voting on this matter.

Chairman Lucking opened the public hearing. Hearing no comments the hearing was closed.

Chairman Lucking asked about the dimensions of the deck and the proposed hardcover. Mr. Cook said the deck would extend across the lakeside of the home, as to square off the structure. Lucking confirmed the home was built on the previous foundation. Mr. Cook said it was.

Commissioner Beal asked if there was a deck prior to the construction of the existing home in 1999. Mr. Cook said there was one that extended beyond the bump out on the lakeside of the home. Beal asked if that deck extended closer to the lake than the one that's being proposed. Mr. Cook said it did. Beal commented that the existing home and proposed deck created less hardcover than the previous development on the property. Mr. Cook agreed stating that the previous impervious surface area on the property was 45% and they received a conditional use permit in conjunction with the variance to have an impervious surface area of 32%.

Commissioner Beal discussed the criteria necessary for the granting of a variance and felt a lakeside deck on this property was a reasonable use noting that other homes in the neighborhood already have them. He said the deck was previously approved and this can be shown by looking at the design of the home which has a 2X10 running the length of the home and three sets of double doors opening onto a non-existing deck.

Commissioner Malo asked about the proposed dimensions of the deck in relation to the previously approved deck. Mr. Cook said it would be approximately three feet shorter extending towards the lake. Malo asked if it would not extend beyond the corners of the existing home. Mr. Cook said it would not.

Commissioner Reeder asked what type of historic action has taken on such requests. Zoning Coordinator Karpas said there have been a few, but they mostly relate to replacement of existing non-conforming deck and he referenced the recent Ostrander request. City Attorney Kelly noted another issue with that request was an encroachment into the required shore impact zone. He said the pivotal issue with this request is the change in the ordinance which required an additional variance.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, NOVEMBER 16, 2011**  
**7:00 P.M.**

Commissioner Malo asked if there would be basement area under the deck. Mr. Cook said there would be under a portion of it as there was in the previous plan.

Motion by Commissioner Beal to recommend that the City Council approve the variance request to encroach twenty-one feet, six inches into the required thirty foot exterior side yard setback and a variance to encroach two feet, nine inches into the required fifteen foot east side yard setback for the proposed deck construction as presented for 5195 Greenwood Circle. A practical difficulty exists in the location of the existing structure and the dimensions of the lot. It was noted the request is keeping in the spirit and intent of the ordinance and would not negatively impact the character of the neighborhood. Commissioner Malo seconded the motion. The motion passed 5-0.

**7. OTHER BUSINESS**

Zoning Coordinator Karpas informed the Commission that Don Stolz of the Old Log Theatre was going to approach the City Council at their December 6<sup>th</sup> meeting to discuss the potential development of his property. The Planning Commission is invited and encouraged to attend to gain knowledge on the issue.

**8. ADJOURN**

Motion by Commissioner Beal to adjourn the meeting. Commissioner Cook seconded the motion. The meeting was adjourned at 7:27 p.m.

Respectively Submitted  
Gus Karpas - Zoning Administrator

December 5, 2011

Naegele Outdoor Advertising Co.  
3225 Spring Street NE  
Minneapolis, MN 55413

To Whom It May Concern:

The billboards at 20900 Excelsior Boulevard in the City of Greenwood recently have been vandalized.

Section 1140:40(3)(4) requires that all signs within the city be properly maintained and kept in a safe condition. Signs which are rotted, unsafe, deteriorated or defaced shall be reprinted, repaired or replaced. Failure to comply constitutes a nuisance under the code.

Section 1140:40(9) outlines the enforcement procedures the city may take to bring the sign into compliance. This includes upon continued non-compliance after thirty days of receiving written notice of the violation, the city may take remedial action to correct the violation, the cost to do so will be charged to the owner of the property.

I have attached the pertinent ordinance sections along with a photograph of the site showing the vandalism.

Please contact me if you have any questions.

Sincerely,

Gus Karpas  
City Clerk/Zoning Administrator

Enc.

Cc: File  
City Attorney (w/o enc.)  
Mayor and City Councilmember (w/o enc.)



## Site Statistics

Use this reporting tool to see your site statistics for your public site for this month or the previous month. Statistics for the Administration (or "admin") side of your site are not included in this report. Additionally, visits you make to your own site while administering it are not included in these statistics. All data collected before the previous month has been purged from our system and is not available for use; therefore, we recommend printing this report each month for your records.

The first report - Page Views by Section - shows total page views for each section. The second report - Unique Visitors by Section - shows the total page views for each section without the return visitors (showing only views from unique IP addresses). For example, if you browse to a page today, and then browse to that same page tomorrow, your viewing of that page would only be counted once in the unique (second) report.

Each report lists sections in page view order (highest number of page views first) and only lists sections that have had traffic within the reporting period. It does not list those sections without traffic.

<b>Begin Date</b>	<input type="text" value="11/15/2011"/>
<b>End Date</b>	<input type="text" value="12/15/2011"/>
<b>Report Name</b>	<input type="text" value="Page Views (Default)"/>
<input type="button" value="Get Report"/>	

### Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	936	45.06%
<a href="#">Agendas, Packets &amp; Minutes</a>	253	12.18%
<a href="#">Mayor &amp; City Council</a>	71	3.42%
<a href="#">City Departments</a>	69	3.32%
<a href="#">Planning Commission</a>	61	2.94%
<a href="#">Welcome to Greenwood</a>	59	2.84%
<a href="#">Docks</a>	52	2.5%
<a href="#">Meetings</a>	42	2.02%
<a href="#">Search Results</a>	40	1.93%
<a href="#">Code Book</a>	37	1.78%
<a href="#">Assessments &amp; Taxes</a>	34	1.64%
<a href="#">Budget &amp; Finances</a>	34	1.64%
<a href="#">Photo Gallery</a>	32	1.54%
<a href="#">Forms &amp; Permits</a>	31	1.49%
<a href="#">What's New?</a>	30	1.44%
<a href="#">RFPs &amp; Bids</a>	30	1.44%
<a href="#">Comprehensive Plan &amp; Maps</a>	29	1.4%
<a href="#">Events</a>	28	1.35%
<a href="#">Email List</a>	24	1.16%
<a href="#">Meetings on TV</a>	23	1.11%
<a href="#">Garbage &amp; Recycling</a>	21	1.01%
<a href="#">Links</a>	20	0.96%
<a href="#">2011 Milfoil Project</a>	20	0.96%
<a href="#">Xcel Project</a>	16	0.77%
<a href="#">Well Water</a>	14	0.67%



### Quick Tips

The reports offered in your Site Statistics tool only track activity on the public side of your site.

In each report, a section named "Default" and a section named "Home" may appear.

A page view gets attributed to "Default" when a visitor to your site types your URL into his or her Web browser. In most cases, the "Default" section is your Home Page.

A page view gets attributed to "Home" each time a visitor clicks the "Home" button on your Web site.

In the Page View (Default) report, only sections with Web traffic are reported and they are listed in page view order.

In the Page View by Section report, sections are listed in the order they appear in the navigation menu and are reported regardless of their traffic level.

In the Referrers report, it is important to remember that your own site acts like a referrer. So, don't be surprised if you see your own Web address(es) listed -- this tracks the number of times people went from one part of your site to another.

<a href="#">Emergency Preparedness</a>	11	0.53%
<a href="#">Animal Services</a>	10	0.48%
<a href="#">Southshore Center</a>	9	0.43%
<a href="#">Community Surveys</a>	8	0.39%
<a href="#">Unsubscribe</a>	8	0.39%
<a href="#">Greenwood Exploring Police Options</a>	7	0.34%
<a href="#">2011 High Water</a>	5	0.24%
<a href="#">Swiffers NOT Flushable</a>	5	0.24%
<a href="#">Elections</a>	3	0.14%
<a href="#">2011 Spring Clean-Up Day</a>	2	0.1%
<a href="#">H1N1 (Swine Flu)</a>	2	0.1%
<a href="#">Greenwood Night at Old Log</a>	1	0.05%
<b>TOTAL</b>	<b>2077</b>	<b>100%</b>

### Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	344	31.39%
Agendas, Packets & Minutes	93	8.49%
City Departments	58	5.29%
Mayor & City Council	54	4.93%
Welcome to Greenwood	52	4.74%
Planning Commission	40	3.65%
Meetings	36	3.28%
Photo Gallery	28	2.55%
Docks	27	2.46%
What's New?	26	2.37%
Code Book	25	2.28%
Comprehensive Plan & Maps	24	2.19%
Forms & Permits	23	2.1%
Assessments & Taxes	22	2.01%
Events	20	1.82%
Meetings on TV	20	1.82%
Email List	20	1.82%
Links	18	1.64%
Garbage & Recycling	18	1.64%
2011 Milfoil Project	17	1.55%
Budget & Finances	16	1.46%
Xcel Project	14	1.28%
RFPs & Bids	14	1.28%
Search Results	12	1.09%
Well Water	12	1.09%
Emergency Preparedness	11	1%
Animal Services	10	0.91%
Community Surveys	8	0.73%
Southshore Center	8	0.73%
Swiffers NOT Flushable	5	0.46%
2011 High Water	5	0.46%
Greenwood Exploring Police Options	5	0.46%
Unsubscribe	5	0.46%
Elections	2	0.18%
2011 Spring Clean-Up Day	2	0.18%
H1N1 (Swine Flu)	1	0.09%
Greenwood Night at Old Log	1	0.09%
<b>TOTAL</b>	<b>1096</b>	<b>100%</b>

Generate Download File (.csv) for the current report: [Generate and Download](#)

Greenwood		MNCIS - Court						
VIBES - Violations								
2011	VIBES Revenue	Fines	Prosecution Costs	State Patrol Not Guilty Fines	State Patrol Not Guilty Forfeited Bail	Total MNCIS	Total Payment	
January	889.00	17.60	150.00			167.60	1,056.60	
February	537.20	380.00				380.00	917.20	
March	68.00	80.00	50.00			130.00	198.00	
April	24.00	110.00				110.00	134.00	
May	64.00	584.00	100.00			684.00	748.00	
June	53.60						53.60	
July	277.60						277.60	
August	103.00	240.00				240.00	343.00	
September	139.60	520.00	500.00			1,020.00	1,159.60	
October	250.88	480.00				480.00	730.88	
November	-	16.63	25.00			41.63	41.63	
December	2,406.88	2,428.23	825.00	-	-	3,253.23	5,660.11	