

AGENDA

Greenwood City Council Meeting

Wednesday, May 2, 2012
20225 Cottagewood Road, Deephaven, MN 55331



Welcome! 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. Agenda times are approximate.

- 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. Approve: 04-04-12 City Council Minutes
 - B. Approve: 04-04-12 City Council Worksession Minutes
 - C. Approve: 04-10-12 Greenwood-Excelsior Joint Worksession Minutes
 - D. Approve: 04-12-12 Board of Appeal and Equalization Minutes
 - E. Approve: 04-12-12 Special Meeting Minutes
 - F. Approve: March Cash Summary Report
 - G. Approve: April Verifies, Check Register, Electronic Fund Transfers
 - H. Approve: May Payroll Register
 - I. Approve: 2nd Reading, Ord. 209, Amending Code Section 1140.85, Subd. 2, Diseased Trees
 - J. Approve: Public Access Procedures, Code Section 125 (done annually)
 - K. Approve: Excelsior Park & Dock Police Services Proposal (done annually)
- 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, AND GUESTS
- A. City Engineer Dave Martini:
 - (a) Policy Regarding City Streets Located on Private Property
 - (b) 2012 Road Project Recommendations and Rough Estimates
 - B. Lieutenant David Pierson and Community Service Supervisor David Hohertz: Quarterly Police Report
 - C. Announcement: City Council / Planning Commission Worksession, Following 5/16 Planning Commission Meeting (approximately 8 PM)
- 8:00 PM 5. PUBLIC HEARINGS
- A. None
- 8:00 PM 6. UNFINISHED BUSINESS
- A. Discuss: Potential Excelsior Blvd. Water Project
- 8:15 PM 7. NEW BUSINESS
- A. Consider: Variance Requests, Keith and Stacy Carlson, 20965 Channel Drive
 - B. Discuss: Potential Support of Xcel Energy Alternate Route
 - C. Discuss: Potential Review of Hardcover and Setback Requirements for Lots Smaller than 15,000 sq. ft.
 - D. Discuss: Potential Clean Up of St. Alban's Bay Shoreline Along Minnetonka Blvd.
 - E. 1st Reading: Ordinance 209, Amending Code Section 310.30, Subd. 5(d) and (f), Use of Sewers (authorizing the council to institute programs to ensure compliance with ordinances that prohibit discharge of clean water into the sanitary sewer system)
- 9:00 PM 8. OTHER BUSINESS
- A. None
- 9:00 PM 9. COUNCIL REPORTS
- A. Fletcher: Planning Commission, Lake Mtka. Comm. Commission
 - B. Kind: Police, Administration, Mayor Meetings, Website
 - C. Page: Lake Minnetonka Conservation District
 - D. Quam: Roads & Sewer, Minnetonka Community Education
 - E. Rose: Excelsior Fire District
- 9:15 PM 10. ADJOURNMENT



Agenda Item: Consent Agenda

Summary: The consent agenda typically includes the most recent council minutes, cash summary report, verified report, electronic fund transfers, and check registers. The consent agenda also may include the 2nd reading of ordinances that were approved unanimously by the council at the 1st reading. 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.



MINUTES

Greenwood City Council Worksession

6 PM, Wednesday, April 4, 2012

Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

Mayor Kind called the meeting to order at 6 PM.

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

Others present: Assessors Melissa Potter and Robert Winge

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

2. PRE-BOARD WORKSESSION WITH ASSESSORS

Assessor Melissa Potter guided the council through the 2012 Assessment booklet provided to the council. Each year estimated market values (EMV) are analyzed along with sales data from the market. Adjustments, as appropriate for each property, are made. Each year one fifth of the properties in the city are reviewed and the records are updated. This year the east side of St. Alban's Bay was reviewed. The results of the adjustments for the 2012 assessment are as follows:

Residential	-3.2%
Residential Lakeshore	-2.9%
Condos	+3.3%
Commercial/Industrial	-0.8%

There are 351 taxable parcels in the city with a total market value of approximately \$276,069,600. This is down \$7,231,000. The overall value decrease for all property types in the city is -2.3%.

The city council and assessors discussed the assessment results and concerns including:

- There were 6 sales in the study to justify a .10% increase for Greenwood's lakeshore properties, but the assessors considered other factors and determined a -2.9% decrease instead.
- Most of the current sales listings are well below the 2012 EMVs, which seems to indicate that the 2012 assessment change should have included a bigger reduction.
- Some neighborhoods received adjustments, while others received minimal or no adjustments because there were no sales in those areas to support a change. There is concern that the "neighborhoods" are too small and may never experience change if there are no sales, or experience too much change if there is one sale.
- Greenwood's 2012 lakeshore assessment change is -2.9% compared -5.0% avg. for South Lake Minnetonka cities.
- The historic 1999-2012 Lake Minnetonka cities' lakeshore assessment change is 5.0% for Greenwood (highest historic change) compared to Woodland at 1.5% (lowest historic change).

The city council acting as the local board of appeal and equalization will hear appeals of residential EMVs on Thursday, April 12, 2012 at 6 PM. Any changes must be justified because they have the effect of shifting the tax burden to other properties in the city. The local board may not make an adjustment if the property owner refuses entry to the assessor. At least one local board member must complete training before the 2013 local board meeting to be in compliance with the requirement that one member has attended training in the previous 4 years.

3. ADJOURNMENT

Quam moved to adjourn at 6:50 PM. Second by Rose. Motion carried 5-0.

Respectfully submitted by Deb Kind

GREENWOOD CITY COUNCIL MEETING
Wednesday, April 4, 2012, 7:00 P.M.
Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

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

Mayor Kind called the meeting to order at 7:00 P.M.

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

Others Present: None

Also Present: City Tree Inspector Jordan and City Engineer Martini

Members Absent: None

Councilmember Fletcher asked that Item 7.B be discussed after Item 4.A.

Fletcher moved, Quam seconded, approving the agenda as amended. Motion passed 5/0.

2. CONSENT AGENDA

Mayor Kind reviewed the items on the Consent Agenda.

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

- A. March 7, 2012, City Council Meeting Minutes**
- B. March 7, 2012, City Council Work Session Minutes**
- C. February 2012 Cash Summary Report**
- D. March 2012 Verifieds, Check Register, Electronic Fund Transfers**
- E. April 2012 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. City Tree Inspector Manuel Jordan: City's Policy Regarding Tree Diseases & Insect Threats**

Mayor Kind stated that the Council had a worksession with City Tree Inspector Jordan in March. At that worksession Jordan asked the council to set a policy regarding tree diseases and insect threats. She

reviewed the options for Council's consideration this evening. They include: 1) tag affected trees for removal in response to complaints only; 2) tag affected trees for removal in response to complaints, and also tag any affected trees observed by the tree inspector while in the City; and, 3) tag affected trees for removal in response to complaints, tag any affected trees observed by the tree inspector while in the City, and establish a tree inventory program with ongoing maintenance surveys of public and private disease centers. She noted that Tree Inspector Jordan is present this evening.

Inspector Jordan suggested another option could be to canvass for disease centers and eliminate the inventory portion of third option. The inventory aspect would be very time consuming and expensive to do. The canvassing could be done multiple times during a year if desired. Councilmember Fletcher asked if Jordan had a guesstimate of what it would cost to canvass the City. Jordan stated the City isn't very large, and he noted the canvassing would be somewhat limited because many of the trees in the City are very high and it is difficult to see the top. Jordan clarified the trees canvassed would mainly be those along roadways. The canvassing would be done from inside of a car and each time a survey is done it should not take more than a day at a \$50 per hour rate. Jordan commented that an intern could possibly be hired to do that at a lower hourly rate.

Inspector Jordan suggested Council decide if it wants the City to be proactive or reactive.

Councilmember Quam stated he thought the City should approach this proactively.

Mayor Kind stated at a minimum she would like to have option 2 as a policy.

In response to a question from Councilmember Fletcher, Inspector Jordan stated the best time to conduct a canvassing would be in August.

Councilmember Page suggested establishing option 2 as the policy now and consider the modified option 3 (the canvassing option by the Tree Inspector) at a future date.

Page moved, Rose seconded, approving Option 2 as the City's policy regarding tree diseases and insect threats and to evaluate if the policy should be expanded at a future date. Motion passed 5/0.

Discussion moved to Item 7.B on the agenda.

B. City Engineer Dave Martini and Greenwood Resident "Expert" Bill Cook – Inflow & Infiltration Project and Potential Sump Pump Program

Mayor Kind explained that during its February 1, 2012, and March 7, 2012, meetings Council discussed the possibility of conducting a new sump pump program and whether or not the City's Inflow & Infiltration (I&I) projects have reduced the amount of stormwater that flows into the sewer system. Council decided to continue the discussion about the I&I projects to this meeting so that the Engineer Martini and resident expert Bill Cook could be present. Mayor Kind noted that Bill Cook is the director of engineering services for the Met Council.

Councilmember Page asked Engineer Martini to comment on the I&I projects. Martini stated the City is close to finishing all of the I&I improvement projects it had identified.

Engineer Martini explained that in 2011 the City bid out a project to make improvements to the City's sanitary sewer system. The City received bids that were substantially higher than the project estimate. So

the approximately \$70,000 was cut from the project. It's possible the pricing for the remaining work could be less this year.

Councilmember Quam asked Engineer Martini what he thought the urgency of the repairs is. Martini stated nothing has been identified that indicates there could be a backup in the system if the repairs aren't done this year. Martini then stated that anything that can be done to eliminate the flow of stormwater into the sewer system is a benefit. Quam stated there is always a possibility that additional grant funds will become available in a year or two and that could help offset the cost of doing the remaining repairs.

In response to a question from Councilmember Fletcher, Mr. Cook stated that most of the problem municipalities have with I&I is on private property. That is statistically the case throughout the country. That is especially true when a municipality has cleaned out its sewers, repaired manholes and so forth. Mr. Cook then stated periodically a municipality may inadvertently drain stormwater into the sewer system. Engineer Martini noted that when the sewer system was televised there was no indication of an inappropriate City connection.

Mayor Kind asked Engineer Martini and Mr. Cook if they thought the I&I projects have helped to reduce the flow of stormwater into the sewer system based on the Met Council's allocated wastewater volumes document for 2005-2012. She noted the meeting packet contains a copy of that information. She stated she interprets the data to mean the City's storm sewer system is not tight. Martini stated the regional flow indicates the City has less variability.

Mr. Cook explained the Met Council has been noticing a few trends. Flows are declining throughout the region, especially during dry weather events. Part of that is because new plumbing codes require lower flow water fixtures. The Met Council also believes ground water has declined. Ground water impacts infiltration.

In response to a comment from Councilmember Fletcher, Mr. Cook stated he estimated that there is an additional 250,000 gallons of flow from sump pumps during rain events based on the wastewater data provided by the Met Council.

Councilmember Quam stated because the City has in the last three years fixed its manhole covers the excess flow is likely to be coming from sump pumps. Mr. Cook stated with a small system the sump pump flow can overwhelm the flow information.

Mr. Cook stated the City of Forest Lake removed 200-300 sump pumps from the flow into its sanitary sewer system. Its flow went down dramatically. It did that by passing an ordinance and working with the public to get the sump pumps disconnected from the sewer system.

Councilmember Quam noted that about five years ago the City notified residents that they had to disconnect their sump pumps from the City's sewer system. The then city council chose not to move forward with inspections because it thought they would be too intrusive. He stated the City has no idea how many sump pumps are hooked up to the system.

Mr. Cook explained there are two sticking points with sump pump surveys. One of them is doing inspections. The other is requiring private property owners to do work on their infrastructure.

Mayor Kind stated she is aware that in some outstate areas residents can connect their sump pump to the municipal sewer system and pay a fee to do that. Mr. Cook stated he thought that approach is a way to try and encourage residents to disconnect their sump pumps from the system.

Kind explained that in 2006 residents had to certify to the City that their sump pumps were not connected to the sewer system. It was done on an honor system. She stated they City could do another certification programs and charge residents a surcharge until they send in their certification paperwork. Councilmember Quam stated that won't guarantee that the sump pumps aren't connected.

Councilmember Fletcher stated the City has made improvements to over 75 percent of its sanitary sewer infrastructure in the last few years. He asked if there is any indication that there has been a reduction in wastewater flow into the sewer system. Mr. Cook stated Met Council is still waiting for a large rain event to assess the impact sewer system repairs in the region have had.

Fletcher then stated it does not seem unreasonable to wait until Met Council can provide wastewater flow data from significant rain events before Council makes any decisions about whether or not to move forward with the remainder of the I&I improvements. Mr. Cook stated that could be a strategy. He then stated he thought what the City will likely find out that the repairs done so far have primarily affected infiltration. Fletcher asked if part of the reduction in flow over the last few years could be the results of the repairs. Mr. Cook stated it could be, but the peaks are still occurring.

Mr. Cook stated the Met Council is going to be asking cities to do more to reduce excessive flows. Similar to what it did a number of years ago.

Engineer Martini suggested Council view the repairs made the last few years as something it will need to do on a regular basis.

Councilmember Quam asked Council if it wants to move forward with the remainder of the repairs identified or does it want to wait for a while.

Mayor Kind stated it is her understanding that there may not be Met Council grant money available this year for improvements. Engineer Martini stated the City was not able to use all of the matching Met Council grant funds in 2011 because of the amount of the project cost. The Met Council chose not to allow municipalities to use those funds on future projects. Kind stated there is legislation being considered to provide grant funds again in 2013.

Councilmember Fletcher suggested holding off with doing the remaining improvements until there may be an opportunity to apply for matching grant funds.

Councilmember Page stated the City could send out a letter informing residents they cannot have their sump pumps connected to the City's sewer system for a relatively low cost. Doing that could reduce the flow into the system for a much lower cost than doing the remaining repairs. The City would be proactive. He then stated there would not be any harm done by asking residents to certify that their sump pumps are not connected to the sewer system and charging them and inspecting them if they don't certify.

Engineer Martini noted there are other things that contribute to excess flow and he suggested they be explained to the residents as well.

Councilmember Fletcher again asked Mr. Cook if it makes more sense to wait until data is available after a significant rain event before implementing another sump pump certification program.

Mayor Kind stated Councilmember Page's suggestion makes sense to do now because whether or not the I&I projects have been effective, the City does not want residents to have their sump pumps connected to

the sewer system. She noted the City Code already has a surcharge fee established, but the Code would have to be amended to implement a new sump pump program.

There was Council consensus to have Staff draft an ordinance to update the City Code allow the City to send out a certification letter and note that if residents do not certify that they do not have a sump pump connected to the City's sewer system they will be billed a surcharge, and to put this item on Council's May agenda.

Mr. Cook stated he could obtain Met Council flow records for the City from recent past storms and that can be compared to the next significant rain event.

There was Council consensus to hold off on the remaining I&I repairs for this year.

Mayor Kind thanked Engineer Martini and Mr. Cook from coming this evening.

**C. Dick Osgood: Lake Minnetonka Association Executive Director Dick Osgood:
Aquatic Invasive Species**

Mayor Kind stated Dick Osgood, Lake Minnetonka Association (LMA) Executive Director, is present to give a report on the herbicide treatment of Eurasian Watermilfoil (milfoil).

Mr. Osgood noted last week he emailed Staff a report titled *Assessment of the Lake Vegetation Management Plan Objectives* involving five bays in Lake Minnetonka (the Lake). He stated he assumed Council was provided with a copy of the report. He also noted that he provided a one-page summary of that report.

Mr. Osgood explained the LMA has been the project manager, along with other partners, for managing milfoil in five bays in the Lake. Carman, Gray's and Phelp's Bays were the original three bays in the project. In 2011 Gideon and St. Alban's Bays were added to the treatment project. Much of the monitoring data for the project is now available for the first four years of the treatment of milfoil.

Mr. Osgood stated that based on the data the LMA believes the demonstration project has been a success. It has met all of its objectives. The expanded project includes the treatment of 683 acres of the Lake. That acreage is double what the Lake Minnetonka Conservation District's (LMCD) harvesting program manages each year. Native plants and water quality have been protected throughout the project. The herbicide products used are safe. The treatment has resulted in substantial public benefit. The Minnesota Department of Natural Resources (DNR) has endorsed herbicide treatment of milfoil and has streamlined the permit application process to a "short-form." The protocol the DNR is allowing throughout the State is the protocol used for the Lake Minnetonka projects. The demonstration project was and still is intended to be a five-year project; 2012 will be the fifth year.

Mr. Osgood then stated the LMA believes it is time for the project to be operational. It believes there is a need for a comprehensive lake-wide invasive plant management plan for the Lake and a provision for some type of public funding formula. He explained one of the challenges there has been is the uneven funding from public versus private sources. Funding has come from a variety of sources. The public part of the funding has been variable (e.g., city to city and bay to bay). There would be a great benefit to have the public funding sources more reliable.

Mr. Osgood stated the LMA is asking the cities to support this becoming operational.

Mayor Kind thanked Mr. Osgood for his brief and nicely done report.

Councilmember Quam asked Mr. Osgood to elaborate on what he envisions the plan to be and what it may cost.

Mr. Osgood explained in general a management plan should identify the problem, evaluate alternative solutions, evaluate the feasible options, recommend fund sources, and identify an implementation strategy. For the Lake his answer would be the plan should include the problems for all invasive plants in the Lake. Currently there are three known – milfoil, curly leaf pondweed, and flowering rush. The plan should identify what problems the invasive plants cause and where they cause them. And, what could or should be done to control them. He noted that he did not think it is feasible to talk about eradication. He stated he does not know how much it would cost to prepare the plan. To develop it would involve some inventory work. The level of assessment will depend on some of the preliminary steps. How the problem is defined will help define the rest of the steps. If the problem is defined loosely then the inventory doesn't have to be as precise. If it is defined in very specific terms then the inventory and survey work will have to be more precise and costly. He stated because public meetings and public hearings would likely be involved it could take 3-6 months. As a consultant he would charge \$10,000-\$15,000 plus the inventory work. He noted because of all of the agencies with experience around the Lake he is not sure it would be necessary to hire a consultant.

Mayor Kind asked what the ballpark cost for an inventory would be. Mr. Osgood stated he has heard estimates from \$30,000-\$120,000. He noted the cost depends on the question that is being asked.

Mr. Osgood stated the inventory and plan could be phased. He stated some of the westerly bays in the Lake don't have a lot of invasive vegetation in them.

Mayor Kind noted Mr. Osgood talks specifically about invasive plants. Therefore, zebra mussels are not included. She asked if it would be possible to have one comprehensive plan that includes all invasive species. Mr. Osgood stated it would be possible but he would not advise that. He noted that generally speaking there are no controls for invasive animals at this time.

Mayor Kind stated if St. Alban's Bay is chemically treated there is no need to harvest the Bay. She asked Mr. Osgood if he knows how much it costs to harvest the Bay. Mr. Osgood stated the way the comparisons are typically done is on a per acre basis. He explained the cost to harvest is \$300-\$350 per acre for the acres harvested. He thought there had been about 100 acres to harvest in the Bay. He stated it is his recollection that the area harvested in the Bay was approximately 20 percent of the area that was chemically treated.

Mayor Kind stated she would like the LMCD to recognize there are some savings from not having to harvest bays that are chemically treated. Therefore, she would like the LMCD to put that savings toward the treatment of St. Alban's Bay and that she would like to see a comprehensive plan that includes both harvesting and chemical treatment.

Mr. Osgood stated the LMA would share Mayor Kind's sentiment. But, it comes back to what is an equitable formula. He explained the harvesting program is mostly fixed costs.

Councilmember Fletcher stated if the LMCD isn't harvesting in St. Alban's Bay it will likely be harvesting in some other bay. There would not be any cash savings.

Councilmember Page stated that in 2011 everything wasn't spent in the harvesting budget. The invasive plants didn't grow as much because of the high water. The cost to harvest varies from year to year.

Councilmember Fletcher asked what the LMCD's total budget is for 2012. Councilmember Page stated he didn't know. Mr. Osgood stated the harvesting portion of the budget is approximately \$95,000-\$105,000 annually.

Mayor Kind stated she would like to have the current LMCD resources reallocated to support some funding of chemical treatment.

Mr. Osgood stated it is in the LMA's interest and its members' interest to continue the chemical treatment program. He again noted the treatment program has treated more than double the acreage than has been harvested on average. Presumably the need for harvesting should go down. He explained the bays selected for treatment were selected because they had the greatest milfoil problem. Presumably by taking those out of the harvesting program there should be less acreage to harvest. That is unless the milfoil problem is much greater than the treatment and harvesting areas combined. The current estimate is there is between 3,000 and 5,000 acres of milfoil in the Lake, but no one knows for sure. The combined treated and harvested acreage is about 1,000 or one-fifth of the total milfoil acreage. He noted that he doesn't know if the other up to 4,000 acres are problem areas that need treatment.

Councilmember Fletcher stated the document in the packet for this item indicated that Mr. Osgood would like Council to direct the City's representative to the LMCD to support the development of a comprehensive aquatic-invasive species management plan for the Lake to evaluate the overall invasive species problems; to evaluate feasible, cost-effective management and control alternatives; to develop a comprehensive funding formula involving public and private funds; and, to implement a coordinated management program.

Councilmember Page stated the LMCD AIS Task Force does not share the rosy picture painted by Mr. Osgood of what has and has not been successful. The treatment model that was originally prepared was to have a more aggressive treatment followed by continuing less aggressive treatments until milfoil was at a very low, stable level and only low-cost treatments, if any, would be required. The activity to date has shown that to be a failure. That is the position of the Minnehaha Creek Watershed District (MCWD), the DNR and various other parties involved. It can only be classified a success if expectations are adjusted. He clarified he is not saying it has not worked well in the treated areas, but only that when compared to the original plan it has not been a success. He explained the current understanding is there would be a need for a very heavy treatment in year one, a lesser treatment in year two, and then most likely a heavy treatment in year three. That would bring the cost up when compared to what the original model projected. The cost would probably be double.

Page then stated when the idea of the LMCD developing a plan at a cost of \$70,000 and when the idea of public funding is discussed just for what is currently being chemically treated that would likely max out the LMCD's ability to levy. The LMCD has approximately \$150,000 to \$200,000 that it does not levy each year, noting that it could if it decided to. It doesn't levy that much more because the LMCD member cities don't want it to.

Mayor Kind stated there could potentially be a matching funds approach taken.

Councilmember Page stated the LMCD agreed to contribute up to \$10,000 per bay each year of the five-year demonstration project for the three bays. He then stated when he participates in LMCD AIS Task Force meetings he doesn't hear an overwhelming need expressed for a lake-wide management plan. He

also doesn't hear the DNR say that a lake-wide comprehensive plan is necessary. The DNR believes that those who want to chemically treat milfoil will use the short form to obtain authorization to do so and then pay for the treatment. He noted the DNR is not going to fund a comprehensive plan and implementation, and the MCWD has no interest in funding it either.

Mayor Kind stated she only hopes to get partial public funding for the treatment of St. Alban's Bay.

Mr. Osgood stated he would frame the success or lack of success differently than Councilmember Page did. He noted that he agreed that the original financial expectations fell apart. That was known the first year. He explained the original model was based on bench tests and it didn't work. The model was tweaked and now is successful when compared to the management objectives. He noted it is more costly than originally anticipated. He stated from his vantage point it is premature to judge that the increased cost is onerous. He then stated he agreed that the current model is to treat a bay heavy in year one, then have a one to two year reprieve, and then treat it heavily again. He went on to state there is enough good information now to develop plans and expectations. He noted it is unclear whether or not the DNR will pay for the management of the plan; it has just come out with new rules for its grant program for partial funding of treatments.

Mr. Osgood explained the difference between the harvesting program and the treatment program is funding as well. Harvesting is paid for solely through the LMCD from levy money and grant money. The funding formula for the chemical treatment has evolved. He would not have designed it the way it is in hindsight. It has evolved out of necessity. He then stated the LMA would like to make the chemical treatment program operational and that there is a significant public benefit to it. Therefore, there should be public financial participation on some formula basis. He clarified that no matter what funding formula is agreed to he still believes there will be a private element to funding. He stated he did not think the average of 60 percent private funding participation is sustainable. Nor does he believe it is totally equitable.

Councilmember Page stated harvesting will continue in conjunction with chemical treatment. Per the Army Corps there is no one program in general that will work on a lake the size of the Lake. He then stated he believes that chemical treatment works best on a closed bay with limited inflow or outflow. It does not work very effectively in larger, open bodies of water or in bays with an open mouth to a larger body of water. Mayor Kind noted that it worked relatively well in Gideon Bay. Page indicated the Army Corps was not overly impressed with the results of the treatment of Gideon Bay. He stated there is discussion occurring about whether or not to harvest milfoil around Big Island. He then stated there will be a balance between treatment and harvesting and the bottom line comes down to how much money there is to spend on the combined efforts.

Page then stated that the way he interprets the LMA's request is that it wants the City to send a message that it wants and is willing to live with a very substantial increase in the LMCD's budget in order to pay for more chemical treatment of milfoil and a management plan. If Council wants to do that he noted he will bring the message back to the LMCD that the City wants to have the levy increased in order to pay for chemical treatment of St. Alban's Bay and other areas of the Lake.

Mr. Osgood stated he personally along with the LMA is frustrated by the use of the words substantial increase because no one has any idea about what the cost is at this time.

Councilmember Page stated that is the problem. The LMA calls for public funding without there being any idea of what amount of funding is needed. He then stated the LMCD newsletter indicates \$507,000 was spent on the treatment of the original three bays over the four year period. That includes not treating

the equivalent of one bay because treatment of Gray's Bay was skipped on year and it was skipped in Carman's Bay another year.

Mr. Osgood stated that number is misleading. He asked why the numbers for 2008 would be included when both he and Councilmember Page agree that was a failure. It was a demonstration project and people understood that it was a project to learn from. He stated when you project into the future you don't project based on a project's failures. He explained the 2008 treatment which used the Army Corps protocol did not work. It makes no sense to include that in the formula for projecting into the future. There is proven information to now. That information can be part of a management plan and used to help project the costs of treatment and efficacy. Once the treatment costs are estimated then discussion can begin about how to equitably fund it. Until the management plan is developed it is difficult to estimate a cost. He stated that as a consultant he always talks about management in the concept of a plan. He noted he does not think it is responsible just to say something will not work or it will cost too much. The cost figures discussed have not been looked at with a critical eye, but they should be. The information is available to do that.

In response to a comment from Councilmember Quam, Mr. Osgood stated the LMA is requesting the LMCD initiate that effort. Mr. Osgood noted the LMA will help develop the plan and there are other agencies with expertise that he believes should help also.

Councilmember Page stated enough chemicals were not used in 2008. Therefore, the cost would have been higher. From his perspective the \$507,000 should be increased to provide a more realistic cost. He noted that Mr. Osgood is also a member of the AIS Task Force, and therefore he should know why the Task Force has not suggested developing a new management plan. He stated no one on the Task Force, other than the LMA, is convinced it is necessary to develop a plan at this point in time and they are not proponents of that expenditure. He explained various members of the LMCD Board attend the Task Force meetings as do representatives from the DNR, the Three Rivers Park District, and the fishing lobby. He noted that other than milfoil's impact on navigation the fishing lobby likes having milfoil in the Lake. He stated there is no consensus that a management plan is necessary at this time. The intent is to wait until year five (2012) of the demonstration project is completed and then analyze the costs and the efficacy. He then stated that everyone understands that harvesting is going to continue and some level of chemical treatment is going to continue in the areas where it works.

Councilmember Quam asked where the money for treatment will come from. Councilmember Page responded it will likely come from the existing sources. Mayor Kind stated she hopes the LMCD will be one of those sources. Page indicated he hopes the MCWD will start to contribute to the effort.

Councilmember Page stated last September he thought Mr. Osgood had thought the MCWD would develop a comprehensive invasive species management plan for the entire area within the MCWD which includes the Lake.

Mayor Kind stated that earlier this evening she forwarded an email stating there is consensus for the MCWD to move forward with AIS management efforts. The MCWD Board of Managers has started the process to formalize an approach. The MCWD has hired an AIS program director.

Councilmember Page stated that it is his understanding that plan will not be ready for a couple of years. Mr. Osgood indicated at least a couple of years. Page stated it is his understanding that for the next few years the MCWD has no intention of contributing anything to the effort. Mr. Osgood stated that is his understanding also. He stated that prior to his coming before Council last September he was told that the

MCWD has no intention of doing this kind of work. Page indicated that is disappointing to hear, and he questioned what the City's \$53,000 contribution to the MCWD is for.

Mayor Kind stated the City contributes \$6,260 to the LMCD. Mayor Kind reiterated she would like to see the resources reallocated.

Councilmember Page commented that he and Mr. Osgood debate the need for a management plan on a regular basis. He stated they both want the invasive species to be controlled.

Mr. Osgood stated based on how he interprets Councilmember Page's comments the LMCD will continue to fund harvesting, whatever that means, and the chemical treatment is somewhat of a forgotten effort. It sounds as if the harvesting will preempt any other consideration. He expressed that he agrees there needs to be a balance between chemical treatment and harvesting, but there is no indication of what that balance should be. He also agrees that treatment works better in some bays than others. That can be the essence of a plan now with minimal effort. He explained that harvesting addresses mainly navigation. Page stated that really means homeowners can get out from their docks and that areas around shore will be dealt with so the usable area of the Lake doesn't continue to shrink.

Mr. Osgood stated the AIS Task Force has never talked about what navigable means in the context of harvesting or what the objective of harvesting is. He suggested having that conversation. He then stated, for example, to exclude St. Alban's Bay from harvesting and include it in chemical treatment will be considered differently than if it were the other way around. That warrants a discussion. The LMA's interest is to formalize a combination plan approach for managing milfoil.

Mayor Kind stated she would support having the LMCD sending some amount of contribution to the chemical treatment of bays where people want that to occur. She commented that treating a bay does provide some contribution to the entire Lake.

Councilmember Fletcher asked who should be the lead agency for the management of AIS in the Lake. Councilmember Page stated the LMCD has always served in that capacity and still does. Fletcher asked Page, as the City's representative on the LMCD Board, what would be wrong with asking the LMCD as the lead agency to develop a milfoil and other invasive plant control program, including feasible costs and implementation methods. He noted that he did not include comprehensive in that statement. He then asked Page if he would do that as the City's representative. Page explained as long as Council understands that if that is a \$70,000 effort the levy will have to be increased. Mayor Kind stated what is being asked for is for the LMCD to develop a basic, not comprehensive, plan. Kind then stated a plan for where harvesting will be done, where chemical treatment will be done, and how much funding the LMCD will contribute toward the chemical treatment of St. Alban's Bay or any other bay for treatment.

Councilmember Page asked if a less than lake-wide plan is being asked for. Councilmember Fletcher explained he would love to have a comprehensive, lake-wide plan but he is realistic about the cost of doing that. Fletcher then stated there should be a push for a basic plan. Mayor Kind stated some of the LMCD's funding should go to chemical treatment; not just toward harvesting.

Councilmember Quam asked Councilmember Page if the LMCD could develop a plan on a per bay basis, or even just for the bays that have been chemically treated. Page stated the LMCD's attitude is everything has to be even. There is no special treatment. Page then stated the LMCD considers the harvesting program to be most equitable for all bays in the Lake because harvesting is done in each bay.

Mayor Kind stated St. Alban's Bay was not harvested in 2011 therefore from her vantage point the LMCD should contribute to the chemical treatment of the Bay in 2012 as compensation. She noted the DNR contributed over \$8,000 to the 2011 treatment of the Bay.

Fletcher moved, Quam seconded, directing the City's representative to the Lake Minnetonka Conservation District to encourage the LMCD to develop a milfoil and other invasive plant control program including feasible costs and effective implementation methods and to develop appropriate funding formulas giving realistic financial frameworks.

Councilmember Quam asked Councilmember Page if he could carry that message forward. Page responded absolutely. Page noted that a plan costs money. He encouraged the Council to understand what the meaning of this vote is. It could result in a levy increase to cover the cost to develop the plan and then implement the plan.

Councilmember Quam stated he assumes Council will be provided the cost to do that and then it can decide it doesn't want to have the LMCD, and ultimately the cities, spend the money. Quam expressed his confidence that Councilmember Page can convey what Council desires.

Councilmember Page stated he lobbied for the LMCD to contribute toward the treatment of St. Alban's Bay in 2011 and he was voted down 15 to 1.

Motion passed 3/0/2 with Page and Rose abstaining.

D. St. Alban's Bay Bridge Work Session with the Excelsior City Council

Mayor Kind noted there is a work session scheduled with the Excelsior City Council on April 10, 2012, at 7:00 P.M. to discuss the St. Alban's Bay Bridge. It will be held in this room.

Councilmember Page asked what the purpose of the meeting is. Mayor Kind explained the Excelsior City Engineer is going to present information about the historic nature of the Bridge and there will discussion about what type of arrangement the two Cities will need to enter in to before any improvements to the Bridge are made.

E. Local Board of Appeal & Equalization Meeting Dates

Mayor Kind noted the Local Board of Appeal and Equalization meeting dates are April 12th and April 26th, only if the second meeting is needed, and the start times are 6:00 P.M. The meetings will be held in this room.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Consider Resolution 04-12 Hennepin County Recycling Program

Mayor Kind stated there is nothing new to discuss about this. This item will be placed on Council's May 2, 2012, meeting agenda for consideration.

7. NEW BUSINESS

A. Consider Resolution 06-12 Update of Appointments and Assignments

Mayor Kind stated the meeting packet contains a draft resolution making three changes to the appointments and assignments for 2012. The changes are: 1) changing the name of the auditor from LarsonAllen to CliftonLarsonAllen; 2) updating the list of Planning Commissioners and their terms per the appointments made during Council's March 7, 2012, meeting; and, 3) adding Gus Karpas as the Assistant Weed Inspector. She noted State Statute requires the appointment of an assistant weed inspector.

Fletcher moved, Rose seconded, Adopting RESOLUTION NO. 06-12, "A Resolution Making Appointments and Assignments for 2012."

Mayor Kind noted there is a vacancy on the lake Minnetonka Communications Commission. She explained should there be an important vote it may be nice to have a second representative to cast the second vote. She stated if no other Councilmember is interested she will be willing to be the second representative with the understanding that she will not attend the meetings unless there will be an important vote taken.

Without objection from the seconded, the maker amended the motion to appoint Deb Kind as the second representative to the Lake Minnetonka Communications Commission. Motion passed 5/0.

Discussion moved to item 7.C on the agenda.

B. First Reading: Ordinance 209, Amending Code Section 1140.85 Subd. 2(4), Diseased Trees

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

Mayor Kind explained this is the first reading of Ordinance 209, amending Ordinance Code Section 1140.85 Subd. 2(4), Diseased Trees. She explained that when that Section of Code was reviewed a while back it became apparent that Subd. 2(4) does not give the City the authority to require the removal of trees affected by various insects (e.g., Emerald Ash Borers and Gypsy Moths) because those types of infestations are not diseases. Subd. 2(4) currently states "*Any living or standing tree infected by any other diseases determined to be harmful by the State of Minnesota.*" The proposed amendment states "*Any living or standing tree affected by any other pathogen determined to be harmful by the State of Minnesota.*"

Fletcher moved, Quam seconded, adopting the first reading of Ordinance 209 amending Section 1140.85 Subd. 2(4) Diseased Trees as presented.

Mayor Kind stated there is a name in Subd. 2(1) that is no longer correct. Inspector Jordan stated *Ceratocystis ulmi* is the old name for Dutch Elm disease fungus. Jordan explained that Dutch elm disease is now classified as two different diseases with different names. Jordan stated if Council wants to keep the name of the disease in the Ordinance he recommends it be changed to the two new names. Kind suggested removing the technical names for the disease.

Without objection from the seconded, Fletcher amended his motion to include amending Subd. 2(1) to state "Any living or standing elm tree or part thereof infected to any degree with Dutch elm

disease fungus, or which harbors any of the elm bark beetles.” and amending Subd. 2(3) to state “Any living or standing oak tree or part thereof infected to any degree with oak wilt.” Motion passed 5/0.

Discussion returned to Item 4.B on the agenda.

C. Potential Letter of Support for Inflow & Infiltration Project Grants

This was discussed after Item 7.A on the Agenda.

Mayor Kind stated the meeting packet contains a copy of an email City received from Metro Cities Government Relations Specialist Charlie Vander Aarde. She explained that according to the Metro Cities’ website, its *“primary objective is to be an effective voice for metropolitan cities at the State Legislature and Metropolitan Council, so as is to influence state legislation affecting metro area cities, and regional policies that accommodate the needs of metro area cities. Metro Cities lobbies on a wide range of policies, over 60 in all, including transportation, local government aids and credits, wastewater, redevelopment and housing. Legislative policies are developed each year by consensus of our membership.”* She noted that Metro Cities works closely with the League of Minnesota Cities and that the City of Greenwood is a member of the League of Minnesota Cities.

Kind explained that Mr. Vander Aarde is seeking support for Metro Cities’ \$8 million bonding request for inflow and infiltration (I&I) mitigation on local public sewer infrastructure. The Senate bill is SF1862 (sponsored by Senator Gen Olson) and the House bill is HF2286 (sponsored by Representative Loon). A copy of both bills is included in the meeting packet. Any bonding dollars secured this year would be available to cities through a grant process administered by the Metropolitan Council as was done with money received in 2010. The City received some of this grant money for I&I projects in 2011.

Councilmember Quam questioned why Council would not support it if there is a possibility the City could get some grant money. Mayor Kind stated because it is for \$8 million and the City would only get a very small portion of it. Kind then stated she is on the fence on this.

Councilmember Fletcher stated that although he doesn’t like these types of things he can support it because Senator Gen Olson, who represents the City, is a sponsor of the Senate bill.

Councilmember Rose stated he is against this.

Councilmember Page stated he supports this because the State and Metropolitan Council are forcing cities to make I&I improvements to their sanitary sewer systems. It would be nice to have them help pay for the improvements.

Fletcher moved, Quam seconded, authorizing Mayor Kind to send a letter expressing support for Senate bill SF1862 and House bill HF2286 to Senator Dave Senjem (Bonding Chair and Majority Leader), Senator John Pederson (Bonding Vice-Chair), Senator Gen Olson (bill author and SD33), Representative Larry Howes (Bonding Chair), Representative Jenifer Loon (bill author), and Representative Connie Doepke (33B). Motion passed 4/1 with Rose dissenting.

D. Auditor Services for 2013 - 2015

Mayor Kind explained the meeting packet contains a copy of an email the City received from CliftonLarsonAllen partner Jen Foley regarding a proposed 1 percent annual increase in the auditing

service fees for the next three years. The fee amounts would be: \$9390 for the 2012 audit to be completed in 2013; \$9480 for the 2013 audit to be completed in 2014; and, \$9570 for the 2014 audit to be completed in 2015. The fee for a half day meeting with Brady Hoffman in November of each year is \$740.

Kind then explained that Council put out a request for proposals (RFPs) for auditing services for 2009-2011. At that time the City chose to switch to LarsonAllen; the lowest bidder by far. The Administrative Committee (Kind and Fletcher) recommends Council continue to work with CliftonLarsonAllen through 2015.

Page moved, Rose seconded, approving the following costs for auditing services from CliftonLarsonAllen through 2015: \$9390 for the 2012 audit to be completed in 2013; \$9480 for the 2013 audit to be completed in 2014; and, \$9570 for the 2014 audit to be completed in 2015. And, approving a fee of \$740 each year for a half day meeting with Brady Hoffman in November. Motion passed 5/0.

E. Potential Extension of City Docks

Councilmember Page stated there was quite a bit of discussion at the last Lake Minnetonka Conservation District (LMCD) Board meeting about the possibility of declaring a low water emergency for Lake Minnetonka (the Lake). That can be declared when the Lake level falls below 928 feet. Prior to the meeting the level had fallen to just below 928 feet. By the time of the meeting it had risen to just above 928 feet. The Board concluded that the water level has to be below 928 feet before it can declare the low water emergency. The Board decided to wait until April 11 to make a decision. He suggested the City should wait until after the Board meeting to decide if the City should submit a request for a temporary low water variance to extend the City's docks.

Mayor Kind stated she had spoken with Tim Laturner from Dock & Lift, Inc. (the City's dock contractor) and he indicated he could extend the docks if the City wants. The cost for the extension would be \$1485 to \$1980 (3 to 4 sections at a cost of \$495 per section). The sections would not be floating dock sections.

Councilmember Page stated the LMCD is concerned about the impact on the usable surface area of Lake if property owners extended their docks out farther. The LMCD also has concerns about enforcing dock length regulations after the temporary extensions expire.

Mayor Kind asked if Council wants to call a special meeting to address this or if it wants to pass a motion in the event that the LMCD declares a low water emergency.

Councilmember Page stated he was not convinced that the docks would have to be extended out 32 feet.

Mayor Kind stated if the LMCD declares a low water emergency on April 11 it would be nice if the City could submit its request right away.

Councilmember Page suggested scheduling a special meeting after the Local Board of Appeal and Equalization work session on April 12 to address this item.

There was consensus to schedule a special meeting for immediately following the Local Board of Appeal and Equalization work session on April 12.

F. Potential Excelsior Boulevard Water Project

Councilmember Fletcher suggested skipping this item due to the time. He stated he will report on this during Council's next meeting.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Excel PRT Tree Project

With regard to the Planning Commission, Councilmember Fletcher stated the Planning Commission did not meet in March.

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Fletcher stated there is nothing significant to report.

With regard to the Xcel Energy LRT Project, Fletcher stated there is nothing significant to report.

B. Kind: Police, Administration, Freshwater Society Mayor Meetings, Website

With regard to the South Lake Minnetonka Police Department, Mayor Kind stated the SLMPD Coordinating Committee held a special meeting on March 16, 2012. The purpose of the meeting was to approve the 2012-2013 labor agreement and 2012 salary increases. She noted that she sent a letter on behalf of Council to the SLMPD thanking the SLMPD for its good work in resolving the attempted and actual burglaries in January.

With regard to administration, Kind stated the meeting packet contains copies of letters she wrote to Hennepin County Commissioner Jan Callison and County Assessor Jim Atchison.

With regard to mayors meetings, Kind noted she attended a mayors meeting hosted by the Minnetonka School District last month.

C. Page: Lake Minnetonka Conservation District

Councilmember Page stated the debate that occurred earlier on the agenda about aquatic invasive species (AIS) management and the need for a master plan and funding has been ongoing at the Lake Minnetonka Conservation District (LMCD) AIS Task Force meeting.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated earlier in the meeting Council discussed the City's sanitary sewer system. He noted the City's roadways will be inspected before the next Council meeting. During the May meeting recommendations for roadway repairs in 2012 will be presented.

E. Rose: Excelsior Fire District

Councilmember Rose stated there was an Excelsior Fire District (EFD) Board meeting on March 28, 2012. The replacement tanker truck bids were discussed. The first 2013 budget work session is scheduled for April 18 at 6:00 P.M.

10. ADJOURNMENT

Fletcher moved, Rose seconded, Adjourning the City Council Regular Meeting of April 4, 2012, at 9:00 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

Greenwood City Council
Excelsior-Greenwood Joint Worksession Minutes

7:00 pm, Tuesday, April 10, 2012
Council Chambers ~ 20225 Cottagewood Avenue ~ Deephaven, MN 55331

1. Call to Order/Roll Call/Approval Agenda

Greenwood Mayor Kind called the meeting to order at 7:05 pm.

Greenwood Councilmembers Present: Mayor Deb Kind, Tom Fletcher, Kelsey Page (7:22), Bob Quam, and Biff Rose

Excelsior Councilmembers Present: Mayor Nick Ruehl, Greg Miller (7:12), and John Olson

Others Present: Excelsior City Administrator Kristi Luger, Morgan Dawley and Barritt Lovelace of WSB Engineering, Greenwood City Attorney Mark Kelly, and Greenwood City Clerk Gus Karpas

Quam moved to approve the agenda. Second by Fletcher. Motion was approved by a majority of those present.

2. St. Alban's Bay Bridge Presentation and Discussion

Mayor Kind introduced Morgan Dawley, WSB Engineering who gave a presentation for the members of the joint worksession.

Mr. Dawley explained that the maintenance for the St. Alban's bridge has been shared jointly by the cities of Excelsior and Greenwood since possession of the bridge was turned back to the cities by Hennepin County at the same time it turned back Minnetonka Boulevard around 2005.

Mr. Dawley discussed the inspection process conducted by Hennepin County to evaluate the functionality and structural soundness of the bridge. He said the most recent inspection done in July 2011 has found the bridge to be functionally obsolete, indicating the bridge elements such as the shoulder width and rail heights do not meet the current minimum standards. He said the sufficiency rating of the bridge is at 51.5 on a scale of 0 to 100. He explained when a bridge is rated at below 50; it is categorized as "Structurally Deficient." As a way of example, Mr. Dawley said the bridge was rated 54.1 in 2009. He said the current rating does not necessarily require an immediate closure nor does it indicate imminent failure. He said the rating system is used to determine funding eligibility for rehabilitation or replacement projects. He said the current rating of the bridge requires a more in-depth inspection process which will provide more information on the bridge's current structural condition. Joint conversations between the cities began in 2007 due to the 2005 inspection status of the bridge and a design process was discussed but the cities decided to wait until after the 2009 inspection.

Mr. Dawley discussed the historical status of the bridge, noting it was constructed in 1941 as part of the Federal Works Progress Administration (WPA) which was part of President Roosevelt's "New Deal" program. He said the bridge is eligible for the National Register of Historical Places according to a study by Mn/DOT. He said when historical significance is identified, additional coordination with Mn/DOT's Cultural Resource Unit and the State Historic Preservation Officer is needed to arrive at a bridge replacement or rehabilitation alternative which is not cost prohibitive. He said typically, rehabilitation projects are more expensive than replacement. He said once a bridge is listed as historic or eligible to be historic it cannot be removed from the list.

Mayor Ruehl asked if historic status was based on the age of a bridge and questioned what was historically significant about the St. Alban's bridge. Mr. Dawley said the status is based on a list of aesthetic criteria. He suspects that since the bridge was constructed using WPA funds the government feels there are elements of the bridge that need to be preserved. Mayor Ruehl asked if those criteria were available for review. Mr. Dawley said ~~they were~~ and it is possible that they could be obtained with a little research. Mr. Lovelace noted that he was not sure there was a report done on this specific bridge. Mayor Ruehl said he needs some justification for spending additional dollars for a rehabilitation of the bridge and that he would like to see some background material supporting the historical claim. Mr. Lovelace said that just because the bridge is listed as historical doesn't mean it can't be replaced. Mr. Dawley agreed stating that it is possible that total replacement would be allowed or that just some of the historical aspects would have to be maintained.

Councilmember Quam asked if the bridge needed to be rehabilitated or replaced at this time. Mr. Lovelace said he was not sure but the bridge deck would need to be replaced even in a rehabilitation project. His feeling is that if a significant portion of the bridge needs to be removed in order to rehab it, the bridge might as well be replaced. Councilmember Fletcher asked if it was possible to have a more attractive bridge if totally replaced while maintaining some of the historic nature. Mr. Dawley said that concept would be available in a redesign.

Mr. Dawley discussed the funding options available and said since the cost of the project would be split between two cities, some type of joint powers agreement would have to be drafted for the project. He said in order to be eligible for federal funding; the bridge must have a sufficiency rating of less than 50 for replacement and less than 80 for rehabilitation. He said St. Alban's bridge does not qualify for replacement funding since its rating is still above 50. This being the case, he said federal funds will cover 80 percent of construction costs, with the remaining 20 percent of construction cost as well as 100 percent of the design and indirect costs the responsibility of the local authority. He said the selection process for federal funds is done by the Metropolitan Council and that the selection of projects is competitive. The next selection process will be in 2013, with the funds not available until 2017.

He said the bridge currently qualifies for State Bridge Bond Funds since the bridge is functionally obsolete and has a rating below 80. He said state funds are available for up to 100 percent of abutment-to-abutment costs for eligible rehabilitation and reconstruction projects, while the roadway approach, bridge removal costs and design costs would be the responsibility of the city. He said these funds can be used for the 20 percent local match for federal funds. He said there are currently no bridges waiting of the Bridge Prioritization List for use of State Bridge Bond Funds and cities have been encouraged to pass resolutions identifying their priority bridge projects to ensure funds are used and not reallocated to other priorities. He provided a sample resolution which would be the first step in applying for the funds.

Councilmember Olson asked why the cities would not want to wait until the bridge's rating dips below 50 so we could get federal funds. Mr. Dawley said he did some calculations using both the state and federal funding formulas and that the overall cost would still be about 80/20 in either scenario (80% paid by federal or state, 20% paid by the two cities). Councilmember Fletcher asked if it was easier to obtain state funding. Mr. Dawley said it was. Mr. Lovelace said the process to obtain federal funds is strict, while state funds are distributed by the Army Corp of Engineers who tends to be more flexible.

City Attorney Kelly asked what the chances were for replacement versus rehabilitation. Mr. Lovelace said about 50/50.

Councilmember Miller asked if the Bridge Bond Funds need to be paid back. Mr. Dawley said the funds were technically grants created in the state bonding bill. He said due to the 35W bridge collapse and closer scrutiny on bridges, more funds have become available. Miller asked if a combination of funds could be used for a project. Mr. Dawley said he was not sure. Miller

asked if there any other funding sources available. Mr. Dawley said these were the main ones that cover the bridge structure itself, but there are Township Bridge Funds available for cities that were not state aid cities like Excelsior and Greenwood. He said if these funds were deemed appropriate, they would cover design costs over \$10,000. Mr. Lovelace discussed Heritage Funds but doubted the bridge would qualify.

City Attorney Kelly asked if there was one funding process that gave the cities greater control over the design process. Mr. Dawley said the fact the bridge is eligible to be historical; any design would need to be approved the appropriate federal or state agency depending on which entity funds the project. Mr. Lovelace said dealing with the Army Corp of Engineers for state funding would allow for more flexibility.

Councilmember Fletcher asked about arguing for replacement based on safety concerns. Mr. Lovelace said safety could be a factor in making a case for replacement. He said the Sufficiency Rating will help determine the current safety condition of the bridge. He said Mn/DOT is currently conducting a load capacity test on the bridge and based on that outcome, the bridge cities may need to limit the weight capacity of the bridge. City Attorney Kelly asked if there was a load capacity in which the bridge has to be replaced rather than rehabbed. Mr. Lovelace said he was not sure, but the current bridge has a load rating of 12.6 and a new bridge would have a minimum load rating of 20. Councilmember Fletcher asked was what the original design capacity was for the bridge. Mr. Lovelace said it was designed for smaller loads and guessed it was designed around a 15 load rating.

Mr. Dawley presented a cost estimate for both the rehabilitation and replacement of the St. Alban's bridge. He noted the estimate included a 15 percent contingency and a 30 percent indirect cost to arrive at the total project costs for each alternative.

Mr. Dawley presented and distributed slides illustrations showing concepts of what the bridge might look like with rehabilitation and replacement. He said he was available to answer any questions.

Councilmember Fletcher asked if the space between the piers could be open to improve the sight lines for boats. Mr. Lovelace said they could and they even could be removed with a single span bridge.

Mayor Kind asked if reconstruction funds included widening of the road. Mr. Dawley said that the replacement cost estimate includes updating the bridge to today's standards (including widening the bridge), but that rehabilitation cost does not include widening the bridge road. Kind asked if the channel could be widened. Mr. Lovelace said it could be in a replacement scenario.

Councilmember Page commented that he felt the bridge has no aesthetic value. City Administrator Luger said the cities may have very little choice in the redesign of the bridge due to its designation. Councilmember Fletcher commented that the state funding process may allow a replacement of the bridge with the retention of some of the original historic design aspects. Mr. Lovelace said this may be true but cautioned the determination is totally subjective.

Councilmember Page asked if navigation would play a role in the decision since the channel needs to be widened to accommodate boat traffic. Councilmember Rose asked if a bridge posed a danger to the general public could it be removed from the list. Mr. Dawley said those concerns should be voiced along with structural concerns. Councilmember Miller noted that widening the channel would bring in other outside agencies into the process and increase the cost of the project.

Councilmember Fletcher asked if the construction costs would be cheaper if the bridge kept its structural components. Mr. Lovelace said the cheapest option would be a single span.

Councilmember Rose asked if there have been any previous construction on the bridge to update it. Mr. Lovelace said the records show only minor repairs over the years.

Councilmember Miller asked if the pedestrian bridge would be impacted. Mr. Dawley said it would be unaffected. Mr. Lovelace said the new bridge would match the height of the pedestrian bridge.

Councilmember Fletcher asked if there was any downside to adopting a resolution prioritizing the bridge if there were no immediate plans to address it. Mr. Lovelace said “no” and that, by law, the city is required to have a priority list. Mr. Dawley said it’s the city’s responsibility to identify the need within their community. Mayor Kind asked if the next step in the process was to adopt the resolution. Mr. Dawley said it would be if it’s the desire of the cities to move forward. He said another step would be the drafting of the joint powers agreement, then to start the design process based on the historical parameters.

Councilmember Fletcher asked what the expense would be to get a preliminary review by the Army Corp of Engineers. Mr. Dawley said between five and ten thousand dollars. Mr. Lovelace noted that once you meet with them, you have a pretty good idea what their attitude is regarding your design. Mr. Dawley said a preliminary meeting allows for an opportunity to refine the plan and more closely estimate the associated costs.

Mayor Kind asked Greenwood council members if they are comfortable using the services of WSB Engineering (Excelsior’s engineering firm) or whether the council wanted to involve Greenwood’s firm (Bolton & Menk). The consensus was that it made sense to use one engineering firm. City Attorney Kelly said that in lieu of a joint powers agreement a simple mutual agreement to share consultant costs between the cities should be sufficient. Mayor Kind indicated that one city should draft the document and send it to the other city for their review. Councilmember Fletcher suggested that Greenwood City Attorney Kelly draft the agreement since Excelsior has already assumed some expense for some preliminary engineering costs. Those in attendance agreed.

Councilmember Page suggested the cities may want to hold off on adopting any resolutions at this time. Mr. Lovelace said that would be fine since getting on the funding list early doesn’t matter because funding decisions are made once plan designs are completed.

Mayor Ruehl said the cities should not adopt any resolutions until they know what they need to do in terms of rehabilitation or replacement of the bridge. He said he’s cautious on spending taxpayer money and doesn’t want to assume that replacement is the path until there is a justification for doing so. He said if the bridge is not “historically significant” he doesn’t see the need to spend extra money in rehabilitating it. He also doesn’t see the need to spend upwards of ten thousand dollars to “find out” what direction the cities need to go in its planning and design process. Mr. Lovelace said they could meet with the Army Corp of Engineers for much less, but there’s always the possibility that calculations and the like may be necessary for them to make their determination. Mayor Ruehl is not interested in justifying to anyone why the bridge needs to be removed and replaced. Mr. Lovelace said the meeting is necessary to determine if it needs to be removed or rehabbed. Mayor Ruehl said the city first needs to know if and why the bridge is deemed historical. If there’s no justification the cities need to argue against the more expensive rehab project.

Councilmember Quam asked why there was a need to fix the bridge at this time. Mayor Ruehl agreed noting there are additional inspections being conducted. He doesn’t support spending money to find out the direction to go when we may not need to at this time. Councilmember

Rose said there needs to be an investigation on how the bridge may have gotten on the list and what the qualifications are to permit replacement.

Councilmember Page asked if there would be any advantage to having citizens approach the Army Corp of Engineers asking that the bridge be replaced. Mr. Lovelace said there would be none in the initial stages, but if the cities submitted a design and were denied, then they should voice their opinions. He reiterated that there is no clear definition on when the bridge must be replaced and that the process is dependent on a subjective decision.

City Attorney Kelly said there is a need to figure out the stages of the decision process to provide the cities a clear understanding of it.

Mayor Ruehl stated for the record that he's not trying to replace a bridge of historic significance, rather he trying to understand why it would be deemed historically significant.

City Attorney Kelly said the cities need to determine a list of what they want regarding the bridge so it could be passed on to WSB during the design process.

Councilmember Rose asked if the bridge is required to be rehabilitated would it be redone in the same manner as it currently exists or if it would need to meet today's load capacity standards which would make the bridge "beefier." Mr. Lovelace said the bridge would need to be rebuilt to the current required standards.

Mayor Kind summarized the discussion noting that City Attorney Kelly would draft a mutual agreement between the cities and that she and Excelsior City Administrator Luger would review the Historic Bridge Report to see if it includes information on why the bridge is eligible to be listed as historic. Mr. Dawley said they would provide the staging information to Mr. Kelly.

3. Adjournment

Rose moved to adjourn. Second by Quam. Motion was approved by a majority of those present. Meeting adjourned at 8:15 pm.

Respectfully submitted
Gus Karpas
Greenwood City Clerk

Greenwood City Council as Board of Appeal and Equalization
Thursday, April 12, 2012 - 6:00 PM
Council Chambers 20225 Cottagewood Road Deephaven, MN 55331

MINUTES

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

Mayor Kind called the meeting to order at 6:00 PM
Councilmembers present: Kind, Fletcher, Page and Rose
Councilmembers absent: Quam
Staff present: Clerk Karpas
Hennepin County Assessors: Rob Winge and Melissa Potter

Councilmember Page moved to approve the amended agenda. Second by Councilmember Fletcher. Motion carried 4-0.

2. Hear Resident Property Valuation Appeals

Mayor Kind reviewed the appeals process. She said there were two appeals before the Council.

- a. John Musgjerd, 5145 Curve Street, submitted a letter outlining his argument for a reduction which includes requesting that his reduction be equal to the five to seven percent average drop for other lakeshore properties on Lake Minnetonka, that a reduction is warranted since his home located on the north side of St. Alban's Bay which includes Curve Street, Greenwood Circle and West Streets was the only one not to receive a reduction in 2012 and that the loss of some significant trees have had an impact on the value of his land.

Mayor Kind asked Ms. Potter if she had the opportunity to visit Mr. Musgjerd's property. Ms. Potter said she had not but would like to.

Councilmember Page moved to continue the appeal of John Musgjerd to the April 26th board of appeal reconvene meeting to allow time for the Ms. Potter to schedule an appointment to review the inside of Mr. Musgjerd's home. Second by Councilmember Rose. Motion carried 4-0.

- b. Steve and Deb Kind, 5140 Curve Street, submitted a request to appeal their valuation but have since met with the assessor and have come to an agreement and therefore are withdrawing their request.
- c. Charles Wendle, 29000 St. Alban's Green, was unable to attend the meeting and submitted his appeal in writing. The letter outlined his concerns about the value of his property quadrupling over a 15 year period. His letter outlined his reasons for a reduction in his valuation.

Mayor Kind asked Ms. Potter if she had the opportunity to walk through Mr. Wendle's home. Ms. Potter said she had not, but would like to.

Councilmember Fletcher moved to continue the appeal of Charles Wendle to the April 26th board of appeal reconvene meeting to allow time for the Ms. Potter to schedule an appointment to review the inside of Mr. Wendle's home. Second by Councilmember Rose. Motion carried 4-0.

Councilmember Fletcher asked about the process since he was under the impression that this was the meeting to make your appeal and that the second meeting is when the assessors come back with their recommendation. He

questioned whether those appealing would have an opportunity to speak at the April 26th meeting. Councilmember Rose felt they should be able to. Ms. Potter said it was up to the Council serving as the board of appeal.

Councilmember Page commented that if a resident was serious about appealing their valuation, they should show up to the meeting and not submit their information at the last minute to give the assessors enough time to enter their property and conduct their necessary review prior to the meeting.

Mayor Kind asked if the assessors would follow up with those appealing to gain access prior to the next meeting. Ms. Potter said yes and if they aren't able to gain access, they would recommend no change but that doesn't prohibit them from going on to the County Board. Mayor Kind clarified that according to law, the local board cannot make a change benefiting a property owner who refuses access to the assessor. So if Ms. Potter and the property owners are unable to find a time for her to review their homes, the local board cannot take any action.

3. Recess

Councilmember Page moved to recess the Board of Review to April 26th at 6 p.m. Second by Councilmember Rose. Motion carried 4-0. The Board adjourned at 6:12 p.m.

Respectfully submitted,

Gus E. Karpas
Greenwood City Clerk

Greenwood City Council

Thursday, April 12, 2012 - 6:00 PM

Council Chambers 20225 Cottagewood Road Deephaven, MN 55331

MINUTES

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

Mayor Kind called the meeting to order at 6:12 PM

Council present: Kind, Fletcher, Page, Quam and Rose

Council absent: Quam

Staff present: Clerk Karpas

Councilmember Page moved to approve the agenda. Second by Councilmember Fletcher. Motion carried 4-0.

2. Discuss – Potential Expansion of City Docks

Mayor Kind discussed the low water situation and said Councilmember Page had some information for the Council.

Councilmember Page said that as the Greenwood representative to the Lake Minnetonka Conservation District's (LMCD) Board he made a motion that the LMCD issue a low water declaration. Doing so permitted applications for temporary dock extensions to allow for expansions to water levels conducive to boat storage. He said there are two types of applications, one for residential docks and one for multiple docks.

He said residential dock expansions are limited to twenty feet, any more would require a variance. He said the application process permits the LMCD to know who expanded their dock so they can be brought back into compliance once the water level rises.

He said the multiple docks application requires more mathematics. He said he had a conversation with the director of the LMCD regarding the recommendation given to the city that they extend their dock out an additional thirty-two feet and how he felt that seemed excessive. The director told him he didn't think that distance was out of line.

Mayor Kind discussed the current layout of the city's docks. She said the main dock portion extends one hundred feet from the Ordinary High Water Level (OHWL). Councilmember Page said the depth at the end of the dock is around three feet and the permit would allow for an extension to obtain a four foot depth. Kind said she visited a property adjacent to the city docks and measured a depth of three and a half feet at a distance of about sixty-three and feet from the shore.

Mayor Kind said she and Councilmember Page would conduct some measurements this weekend so the appropriate information can be gathered for the application.

The Council reviewed the application form.

Councilmember Page asked how much the extensions would cost the city. Councilmember Fletcher said \$1,980 installed. Mayor Kind noted that they could be resold after use. Page said he wouldn't want to install any docks until we're sure to what extent they would need to be extended. It was noted the official city dock season begins on May 15, so there is time to apply for the extension and install the docks.

Councilmember Page moved to direct staff to complete the necessary low water variance application to extend the city docks using the information obtained by Mayor Kind and Councilmember Page and submit it to the Lake Minnetonka Conservation

District for their consideration. If the variance is approved, the city clerk is authorized to order the installation of the city floating dock system from Dock & Lift, Inc. with the addition of a dock extension in an amount not to exceed \$1980 paid from the city's marina fund. Second by Councilmember Fletcher. Motion carried 4-0.

3. Adjourn

Councilmember Page moved to adjourn the special session. Second by Councilmember Fletcher. The motion carried 3-1. Councilmember Rose voted against the motion and did not provide his reasoning. Meeting adjourned at 6:37 pm.

Respectfully submitted,

Gus E. Karpas
Greenwood City Clerk

Check Issue Date(s): 04/01/2012 - 04/30/2012

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/12	04/12/2012	10549	245	ALLIED BLACKTOP, INC.	502-20100	1,216.00
04/12	04/12/2012	10550	799	AMERICAN ELECTRIC INC	101-20100	25.00
04/12	04/12/2012	10551	738	AVENET, LLC	101-20100	90.00
04/12	04/12/2012	10552	762	CATALYST GRAPHICS INC	101-20100	60.50
04/12	04/12/2012	10553		Information Only Check	101-20100	.00 V
04/12	04/12/2012	10554	9	CITY OF DEEPHAVEN	101-20100	10,984.05
04/12	04/12/2012	10555	757	CliftonLarsonAllen, LLP	101-20100	1,300.00
04/12	04/12/2012	10556	761	DEBRA KIND	101-20100	21.69
04/12	04/12/2012	10557	52	EXCELSIOR FIRE DISTRICT	101-20100	31,610.94
04/12	04/12/2012	10558	68	GOPHER STATE ONE CALL	602-20100	21.75
04/12	04/12/2012	10559	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,566.00
04/12	04/12/2012	10560	105	METROPOLITAN COUNCIL ENV SERV	602-20100	2,598.16
04/12	04/12/2012	10561	701	Popp Telecom	101-20100	8.28
04/12	04/12/2012	10562	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	25,743.58
04/12	04/12/2012	10563	136	Sun Newspapers	101-20100	148.36
04/12	04/12/2012	10564	745	Vintage Waste Systems	101-20100	1,568.40
04/12	04/12/2012	10565	145	XCEL	602-20100	585.25
04/12	04/23/2012	10566	51	BOLTON & MENK, INC.	602-20100	477.50
04/12	04/23/2012	10567	9	CITY OF DEEPHAVEN	101-20100	114.13
04/12	04/23/2012	10568	784	HERITAGE SHADE TREE CONSULT	101-20100	362.50
04/12	04/23/2012	10569	3	KELLY LAW OFFICES	101-20100	851.00
04/12	04/23/2012	10570	742	Marco, Inc.	101-20100	269.77
Totals:						<u>79,622.86</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
ALLIED BLACKTOP, INC.					
245	ALLIED BLACKTOP, INC.	16271	STREET SWEEPING	04/04/2012	1,216.00
	Total ALLIED BLACKTOP, INC.				1,216.00
AMERICAN ELECTRIC INC					
799	AMERICAN ELECTRIC INC	032612	ELEC PERMIT REFUND	03/26/2012	25.00
	Total AMERICAN ELECTRIC INC				25.00
AVENET, LLC					
738	AVENET, LLC	30515	DOMAIN NAME REGISTRATION	03/27/2012	90.00
	Total AVENET, LLC				90.00
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0146539	2011 SANITARY SWR REHAB	03/31/2012	27.50
		0146540	2011 MISC ENGINEERING FEES	03/31/2012	450.00
	Total BOLTON & MENK, INC.				477.50
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	77849	CITY NEWSLETTER	03/27/2012	60.50
	Total CATALYST GRAPHICS INC				60.50
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	033112	1ST QTR SURCHARGE REPORT	03/31/2012	114.13
		APRIL 2012	Clerk Services	04/01/2012	3,143.00
			Postage		37.35
			COPIES		4.90
			SNOW PLOWING/SANDING/SALT		1,456.75
			BIKE PATH		325.04
			STREETS		780.07
			WEED/TREE/MOWING		162.52
			PARK MAINTENANCE		325.04
			STORM SEWERS		81.26
			RENT & EQUIPMENT		542.95
			STREET SWEEPING		1,050.00
			ZONING		209.22
			1st Qtr Building Permits		2,827.30
			SCHOOL DISTRICT LUNCH		35.65
			SCHOOL DISTRICT LUNCH		3.00
	Total CITY OF DEEPHAVEN				11,098.18
CliftonLarsonAllen, LLP					
757	CliftonLarsonAllen, LLP	021972	2011 AUDIT	03/30/2012	1,300.00
	Total CliftonLarsonAllen, LLP				1,300.00
DEBRA KIND					
761	DEBRA KIND	040612	REIMBURSE - FEDEX	04/06/2012	21.69
	Total DEBRA KIND				21.69
EXCELSIOR FIRE DISTRICT					
52	EXCELSIOR FIRE DISTRICT	4/15/12	1st Quarter - Buildings	04/12/2012	15,001.20
			1st Quarter - Operations		16,609.74

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total EXCELSIOR FIRE DISTRICT					31,610.94
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	36355	Gopher State calls	04/05/2012	21.75
Total GOPHER STATE ONE CALL					21.75
HERITAGE SHADE TREE CONSULT					
784	HERITAGE SHADE TREE CONSULT	5207	TREE CONSULTATION	04/13/2012	362.50
Total HERITAGE SHADE TREE CONSULT					362.50
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	5975	GENERAL LEGAL	04/13/2012	333.50
		5976	LAW ENFORCE PROSECUTION	04/13/2012	517.50
Total KELLY LAW OFFICES					851.00
LAKE MTKA CONSERVATION DISTRIC					
99	LAKE MTKA CONSERVATION DIST	040412	2nd Quarter Levy	04/04/2012	1,566.00
Total LAKE MTKA CONSERVATION DISTRIC					1,566.00
Marco, Inc.					
742	Marco, Inc.	201172244	Copier lease	04/13/2012	269.77
Total Marco, Inc.					269.77
METROPOLITAN COUNCIL ENV SERV					
105	METROPOLITAN COUNCIL ENV SE	0000986131	Monthly wastewater Charge	04/03/2012	2,598.16
Total METROPOLITAN COUNCIL ENV SERV					2,598.16
Popp Telecom					
701	Popp Telecom	992015210	Local, Long dist. & DSL	03/31/2012	8.28
Total Popp Telecom					8.28
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE DE	040112	2nd quarter lease	04/01/2012	11,367.00
		APRIL 2012	OPERATING BUDGET	04/01/2012	14,376.58
Total SO LAKE MINNETONKA POLICE DEPT					25,743.58
Sun Newspapers					
136	Sun Newspapers	1096991	ASSESSMENT	03/29/2012	76.42
		1099500	CHANNEL DRIVE	04/05/2012	71.94
Total Sun Newspapers					148.36
Vintage Waste Systems					
745	Vintage Waste Systems	032612	City Recycling Contract	03/26/2012	1,568.40
Total Vintage Waste Systems					1,568.40
XCEL					
145	XCEL	032812	Sleepy Hollow Road *	03/28/2012	9.48
			4925 MEADVILLE STREET *		9.49

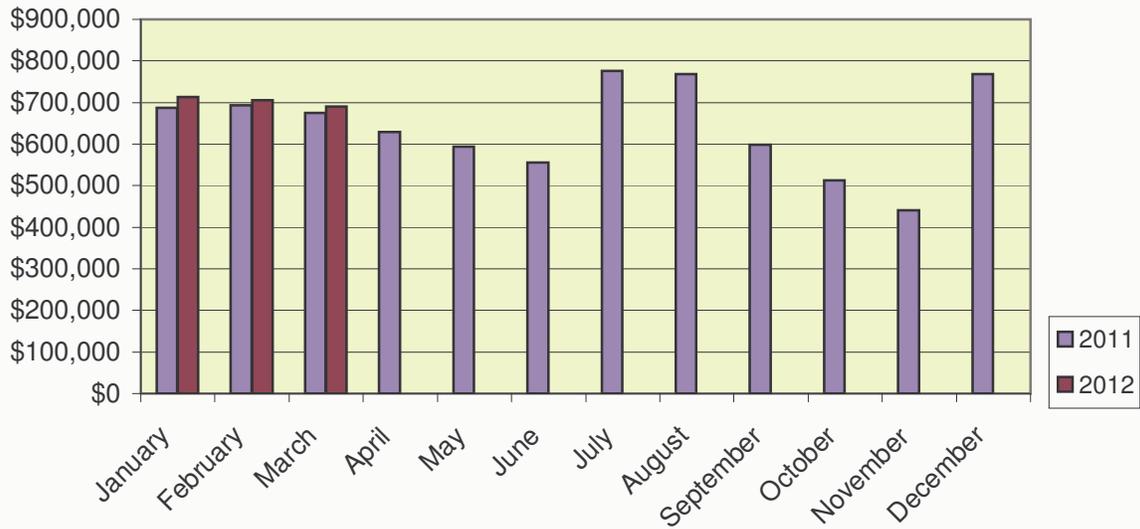
Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
			SIREN		3.59
			LIFT STATION #1		32.12
			LIFT STATION #2		27.54
			LIFT STATION #3		21.19
			LIFT STATION #4		26.33
			LIFT STATION #6		51.29
			Street Lights *		404.22
					<hr/>
	Total XCEL				585.25

Total Paid: 79,622.86

Total Unpaid: -

Grand Total: 79,622.86

City of Greenwood Monthly Cash Summary



Month	2011	2012	Variance with Prior Month	Variance with Prior Year
January	\$686,781	\$712,814	-\$56,305	\$26,033
February	\$693,859	\$704,873	-\$7,941	\$11,014
March	\$675,719	\$690,422	-\$14,451	\$14,703
April	\$629,569	\$0	-\$690,422	-\$629,569
May	\$593,928	\$0	\$0	-\$593,928
June	\$555,064	\$0	\$0	-\$555,064
July	\$776,650	\$0	\$0	-\$776,650
August	\$768,223	\$0	\$0	-\$768,223
September	\$599,139	\$0	\$0	-\$599,139
October	\$512,188	\$0	\$0	-\$512,188
November	\$440,946	\$0	\$0	-\$440,946
December	\$769,119	\$0	\$0	-\$769,119

Bridgewater Bank Money Market	\$484,629
Bridgewater Bank Checking	\$2,575
Beacon Bank CD	\$120,000
Beacon Bank Money Market	\$83,118
Beacon Bank Checking	\$100
<hr/>	
	\$690,422

ALLOCATION BY FUND

General Fund	\$180,266
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$59,970
Stormwater Special Revenue Fund	\$7,206
Sewer Enterprise Fund	\$369,001
Marina Enterprise Fund	\$46,924
<hr/>	
	\$690,422

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
05/01/12	PC	05/01/12	5011201	Void		.00
05/01/12	PC	05/01/12	5011202	Void		.00
05/01/12	PC	05/01/12	5011203	Void		.00
05/01/12	PC	05/01/12	5011204	Void		.00
05/01/12	PC	05/01/12	5011205	Void		.00
05/01/12	PC	05/01/12	501201201	Debra J. Kind	34	307.05
05/01/12	PC	05/01/12	501201202	Fletcher, Thomas M	33	104.70
05/01/12	PC	05/01/12	501201203	H. Kelsey Page	35	204.70
05/01/12	PC	05/01/12	501201204	Quam, Robert	32	204.70
05/01/12	PC	05/01/12	501201205	William Rose	36	204.70
Grand Totals:						<u>1,025.85</u>

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING
GREENWOOD ORDINANCE CODE SECTION 1140.85, SUBDIVISION 2 REGARDING DISEASED TREES**

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

SECTION 1.

Greenwood ordinance code section 1140.85, subdivision 2 is amended to read as follows:

“Subd. 2. Nuisance Declared. The following are public nuisances whenever they are found within the city:

1. Any living or standing elm tree or part thereof infected to any degree with Dutch elm disease fungus, or which harbors any of the elm bark beetles.
2. Any dead or dying elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed. Bark does not have to be burned (or otherwise effectively treated).
3. Any living or standing oak tree or part thereof infected to any degree with oak wilt.
4. Any living or standing tree affected by any other pathogen determined to be harmful by the state of Minnesota.”

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.

There were ___ AYES and ___ NAYS as follows:

Greenwood City Council	YEAS	NAYS	ABSTAIN	ABSENT
Mayor Debra Kind				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				
Councilman William (Biff) Rose				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



CITY OF GREENWOOD NOTICE

As required by ordinance code section 125, the Greenwood city council appoints city clerk Gus Karpas as the “responsible authority” for the city.

The responsible authority answers inquiries from the public concerning the provision or dissemination of government data. The responsible authority also is charged with creating an inventory of data that the city maintains.

All data is presumed public data unless specifically determined confidential or private by state or federal Law.

Updated May 2012



SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Serving Excelsior, Greenwood, Shorewood and Tonka Bay

BRYAN LITSEY
Chief of Police

24150 Smithtown Road
Shorewood, Minnesota 53331

Office (952) 474-3261
Fax (952) 474-4477

M E M O R A N D U M

TO: Gus Karpas, Greenwood City Clerk

FROM: Bryan Litsey, Chief of Police

DATE: April 19, 2012 - Thursday

RE: City of Excelsior - 2012 Seasonal Park and Dock Patrol Services

The South Lake Minnetonka Police Department (SLMPD) is once again planning to provide park and dock patrol services this summer for the City of Excelsior. The proposal prepared by the SLMPD is similar to last year and was approved by the Excelsior City Council at their meeting on April 16, 2012. Pursuant to the Joint Powers Agreement, as amended in 2006, each member city council needs to take action on this matter prior to services being provided. I would appreciate this item being included on your next council meeting agenda with a recommendation for approval. Once council action is taken, please let me know the outcome by e-mail. As always, please give me a call if you have any questions regarding this matter.

Recommended Motion:

Motion to approve the South Lake Minnetonka Police Department providing Park and Dock Patrol Services for the City of Excelsior in 2012 as mutually agreed upon by both parties.

Cc: Mayor Deb Kind, City of Greenwood



Park and Dock Patrol Services Initial Proposal (03/28/2012)

City of Excelsior 2012 Summer Season

Prepared by Chief Bryan Litsey

OVERVIEW

The focus of this proposal is on providing for the safe and orderly use of the Commons Park and Port of Excelsior as well as the security of the adjacent residential neighborhoods and business district. It is not profit driven as would typically be the case when such supplemental services are outsourced. The financial interest of the South Lake Minnetonka Police Department (SLMPD) is to recoup the direct expenses associated with providing these additional services specific to one member city. Taken into account is that the City of Excelsior is already contributing to the infrastructure of the SLMPD and that this increased presence during the busier summer months complements the overall delivery of services among all four member cities.

The approach taken for providing park and dock patrol services will essentially be the same as last year with no change in the allocation and number of hours between job classifications. The tentative schedule will span between Memorial Day and Labor Day weekends, unless extended through mutual agreement. Staffing will be more heavily weighted on weekday evenings and weekends. The schedule is subject to change due to the availability of personnel, weather conditions and park usage. These adjustments have historically kept costs below the budgeted amount with last season being no exception.

The personnel working this seasonal part-time employment will either be classified as a park police officer or a park service officer. The job classification of park police officer requires state licensure as a peace officer and thus is a more highly skilled position with additional duties and responsibilities. The job classification of park service officer is a civilian position with duties and responsibilities that do not require state licensure as a peace officer. The most current job descriptions for both classifications are included with this proposal. **See Appendix A.**

SEASONAL PART-TIME POSITIONS

Park Police Officer

There are two individuals currently affiliated with the SLMPD that maintain their licensure as a police officer and have worked this seasonal part-time employment in the past. Both individuals have expressed an interest in returning this season. Their patrol district includes the central business and residential areas bordered by the following streets: Lake Street, West Lake Street, Third Street and Morse Avenue. The focus within this district is on traffic and parking enforcement along with other nuisance complaints such as excessive noise.

Park and Dock Patrol Services - Initial Proposal (03/28/2012)
City of Excelsior - 2012 Summer Season
Page 2 of 3

Compensation for the job classification of park police officer follows the same self-adjusting hourly rate previously established by the SLMPD Coordinating Committee for fully-licensed police officers employed on a part-time basis. This hourly rate is based on the salary in the current labor agreement for an entry-level police officer. This is not only fair, but avoids a potential union issue. Benefits for this seasonal position are limited to providing uniforms and gear along with the training required to maintain their status as a licensed police officer.

Park Service Officer

Park service officers are civilian personnel with duties and responsibilities that do not require licensure as a police officer. Individuals working this seasonal part-time employment are normally already affiliated with the SLMPD as reserve officers and/or part-time community service officers. Park service officers are cross-trained so they can patrol the park, dock or both.

Compensation for the job classification of park service officer is determined through an annual review process. The determination has been made that the 2012 pay rate will be the same as the previous season. Benefits for this seasonal position are limited to providing uniforms and gear along with the required amount of training.

OTHER CONSIDERATIONS

SLMPD Coordinator/Community Liaison

An essential element of this proposal is having a person designated at the SLMPD to coordinate the daily operations of this seasonal program and to serve as a liaison with community members. David Hohertz will once again be taking on this seasonal role along with his many other duties and responsibilities as community service supervisor for the SLMPD. He has also maintained his licensure as a police officer and will be working one of the seasonal part-time positions of park police officer.

Field Supervision

One of the many benefits of having the SLMPD oversee park and dock patrol services is the direct supervision in the field. The on-duty patrol sergeant, or in his/her absence the senior on-duty patrol officer, will monitor the seasonal part-time personnel working on any given day. Such an arrangement is important not only for the effective delivery of these services, but from a risk management perspective as well. Governmental agencies are increasingly becoming the target of litigation when it comes to claims of negligent supervision of personnel, especially when it concerns law enforcement functions. The SLMPD assumes this supervisory role when providing park and dock patrol services for the City of Excelsior.

Training

Most, if not all, of the individuals that will be working this seasonal part-time employment are already affiliated with the SLMPD. This means they are familiar with SLMPD operations and have received training commensurate with their job classification of either park police officer or park service officer. They are allowed to carry certain self-defense equipment if properly trained and authorized by the SLMPD. Any training deficiencies will be addressed by the SLMPD. Prior to the start of the season, a meeting will be held with all the personnel working this detail to make sure everyone has a clear understanding of their duties and responsibilities.

Cost to Excelsior

All-inclusive hourly rates have been established for the job classifications of park police officer and park service officer. These are based on actual payroll costs plus a five percent administration fee. **See Appendix B.** Park police officers will receive a modest pay increase of 0.75 percent based on the new labor agreement. Park service officers will receive the same pay as the previous year. The percentage contribution toward payroll taxes remains the same with a slight decrease in the workers compensation rate. It should be noted there is no required contribution to the state pension fund since these are seasonal part-time positions. The five percent administration fee is intended to recapture the overhead costs associated with the SLMPD administrating and supervising these additional services along with providing vehicles and equipment (radios, cellular phones, etc.). Uniforms, gear and training expenses are an additional expense for the City of Excelsior. These expenses will be less for returning personnel and more for new personnel.

The attached spreadsheets show both the hourly rates for the aforementioned job classifications as well as the projected overall cost for the season based on the tentative work schedule. The SLMPD will work within a mutually agreed upon budget for providing these seasonal park and dock patrol services and will not exceed this amount by more than five percent without prior approval from the City of Excelsior. This is with the understanding, however, that the SLMPD has the discretion within this financial limitation to allocate personnel and resources as deemed necessary to achieve the desired results. It should be noted that the sponsor of a special event requiring expanded park patrol coverage is responsible for the additional cost.

CONCLUSION

A considerable amount of time and effort has gone into preparing this proposal so that it represents an excellent overall value for the City of Excelsior. The SLMPD is committed to working with representatives from the City of Excelsior along with affected residents, business owners and the general public in finding the right balance between the expense of providing these services and providing for the orderly use of the park, municipal docks and surrounding areas.



APPENDIX A

Job Descriptions

Park Police Officer

Park Service Officer

DEPARTMENT MANUAL

SOUTH LAKE MINNETONKA POLICE DEPARTMENT GENERAL ORDER	ISSUE DATE	EFFECTIVE DATE	NUMBER
	03/30/07	03/30/07	118
JOB DESCRIPTION for PARK POLICE OFFICER	DISTRIBUTION		RESCINDS
	ALL PERSONNEL		118 - (Dated 04/27/06)

REQUIREMENTS

- (1) Must be licensed or eligible to be licensed as a police officer through the Minnesota Board of Peace Officer Standards and Training.
- (2) Must meet selection standards as mandated by the Minnesota Board of Peace Officer Standards and Training.
- (3) Have CPR and first aid training with First Responder or Emergency Medical Technician certification preferred.
- (4) Participate in a selection process as deemed necessary by the Chief of Police. Preference will be given to personnel currently affiliated with the South Lake Minnetonka Police Department who meet the eligibility requirements with a history of exemplary performance.

NATURE OF DUTIES

Park Police Officer is a seasonal part-time position in the City of Excelsior that requires state licensure as a police officer. It is not a union position given the temporary nature of the assignment and the job classification. The normal duration of this seasonal position is between Memorial Day Weekend and Labor Day Weekend, but may be extended longer depending on the need. Work performed is in accordance with department policies and procedures. The primary service area includes the Excelsior Commons Park and adjacent roadways along with the central business district and adjoining neighborhoods. This primary service area is bordered by the following roads: Lake Street, West Lake Street, Third Street and Morse Avenue. Duties are carried out in a manner consistent with community oriented policing and include general patrol, maintenance of order, prevention of crime, enforcement of state statutes/local ordinances, medical assistance and calls for service. Stamina is needed in order to be outside for extended periods of time on foot and bike patrol. Good communication skills and common sense are essential parts of this position.

EXAMPLE OF WORK PERFORMED

- (1) Patrol the Excelsior Commons Park and adjacent roadways on foot, bike and in a police vehicle. Maintain high visibility as a deterrent to inappropriate behavior.

PAGE 2 - REVISED GENERAL ORDER NUMBER 118

- (2) Patrol the central business district and adjoining neighborhoods on foot, bike and in a police vehicle. Maintain high visibility as a deterrent to inappropriate behavior.
- (3) Assist the public as a goodwill ambassador for the City of Excelsior.
- (4) Enforce state statutes and local ordinances pertaining to criminal, traffic and nuisance violations.
- (5) Monitor and enforce parking meters.
- (6) Monitor and take appropriate action for the prohibited use and display of alcoholic beverages.
- (7) Take appropriate action to deal with boisterous and disorderly behavior as well as other inappropriate conduct.
- (8) Render medical assistance.
- (9) Account for lost and found property in the park.
- (10) Maintain daily activity logs and complete reports as required.
- (11) Testify in court when requested.
- (12) Perform such other work as directed or assigned by a supervisor.

DEPARTMENT MANUAL

SOUTH LAKE MINNETONKA POLICE DEPARTMENT GENERAL ORDER	ISSUE DATE	EFFECTIVE DATE	NUMBER
	03/30/07	03/30/07	146
JOB DESCRIPTION for PARK SERVICE OFFICER	DISTRIBUTION		RESCINDS
	ALL PERSONNEL		146 - (Dated 06/05/01)

REQUIREMENTS

- (1) High school graduate, with an interest in law enforcement preferred.
- (2) Physically able to perform job.
- (3) Have a valid Minnesota Driver's License with a good driving record.
- (4) No substantive criminal record.
- (5) Have CPR and first aid training with First Responder or Emergency Medical Technician certification preferred.
- (6) Participate in a selection process as deemed necessary by the Chief of Police. Preference will be given to personnel currently affiliated with the South Lake Minnetonka Police Department who meet the eligibility requirements with a history of exemplary performance.

NATURE OF DUTIES

Park service officer is a seasonal part-time position in the City of Excelsior. Assignments include park and dock patrol, which normally extend from Memorial Day Weekend through Labor Day Weekend unless extended further. Park service officers are cross-trained so they can work either assignment. It is a civilian position that will require the wearing of a uniform as approved by the department. Enforcement authority is limited to what is allowable under Excelsior City Code (Section 1-14). This includes ordinances dealing with parks, municipal docks, animals, parking and nuisance matters. Park service officers will be allowed to carry certain self-defense equipment if trained and approved by the department. They need to have the stamina to be outside on foot or bike patrol for extended periods of time. They should have good communication skills in order to present a positive image to the general public and be able to deter criminal and nuisance type violations. They need to use good common sense and be willing to call for assistance when situations warrant additional help from on-duty officers with the South Lake Minnetonka Police Department (SLMPD) and/or Water Patrol Deputies with the Hennepin County Sheriff's Department (HCSD).

PARK PATROL - EXAMPLE OF WORK PERFORMED

- (1) Patrol the Excelsior Commons Park and adjacent roadways on foot, bike and in a police vehicle. Maintain high visibility as a deterrent to inappropriate behavior.
- (2) Assist the public as a goodwill ambassador for the City of Excelsior.
- (3) Enforce local ordinances as authorized by Excelsior City Code (Section 1-14).
- (4) Monitor and enforce parking meters.
- (5) Monitor and take appropriate action for the prohibited use and display of alcoholic beverages.
- (6) Take appropriate action to deal with boisterous and disorderly behavior as well as other inappropriate conduct.
- (7) Render first-aid within skill level and call for assistance when needed.
- (8) Account for lost and found property in the park.
- (9) Maintain daily activity logs and complete reports as required.
- (10) Testify in court when requested.
- (11) Perform such other work as directed or assigned by a supervisor.

DOCK PATROL - EXAMPLE OF WORK PERFORMED

- (1) Direct commercial and private boat traffic use of the Excelsior Municipal Docks. Keep outer pier open for approved watercraft, which requires checking to make sure boats in this area have the proper authorization. Monitor inner pier for violations and issue written warnings and/or citations as authorized by Excelsior City Code (Section 1-14).
- (2) Foot patrol in the area of the Excelsior Municipal Docks (Port of Excelsior).
- (3) Assist the public as a goodwill ambassador for the City of Excelsior.
- (4) Take appropriate action to deal with boisterous and disorderly behavior as well as other inappropriate conduct.
- (5) Monitor and take appropriate action for the prohibited use and display of alcoholic beverages.

PAGE 3 - REVISED GENERAL ORDER NUMBER 146

- (6) Render first-aid within skill level and call for assistance when needed.
- (7) Notify HCSD Water Patrol Deputies of reported and/or observed water craft concerns on the lake.
- (8) Be well versed in communication equipment in order to monitor and be able to contact Hennepin County Dispatch, SLMPD Officers, HCSD Water Patrol Deputies and Charter Boat Employees.
- (9) Account for lost and found property in the park.
- (10) Maintain daily activity logs and complete reports as required.
- (11) Testify in court when requested.
- (12) Perform other duties as assigned by the Chief of Police and/or designee.



APPENDIX B

*Projected Cost to Excelsior
Year 2012*

Park and Dock Patrol Services

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

Excelsior Park and Dock Patrol Services

2012 Summer Season

Hourly Cost of Seasonal Part-Time Positions - Initial Proposal (03/28/2012)

Seasonal Part-Time Positions	Hourly Rate	Payroll Taxes	Workers Compensation	Administration Fee	Total
		(1)	(2)	(3)	
Park Police Officer	\$24.17	\$1.85	\$0.82	\$1.21	\$28.05
Park Service Officer	\$14.00	\$1.07	\$0.47	\$0.70	\$16.24

(1) Employer Social Security & Medicare Tax Rates - 7.65%

(2) Employer Workers Compensation Rate - 3.38%

(3) SLMPD Administration Fee - 5.0%

Notations: Additional Cost for Uniforms and Gear

Figures Rounded

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

Excelsior Park and Dock Patrol Services

2012 Summer Season

Projected Budget - Initial Proposal (03/28/2012)

Part-Time Seasonal Positions	Projected Hours 2012 Season	Hourly Rate Total	Total Amount
Park Police Officer <i>Licensed Police Officer Position - Patrol Commons Park and Central Business/Residential Areas</i>	272	\$28.05	\$7,630
Park Service Officer - Commons Park <i>Civilian Position - Patrol Commons Park and Adjacent Residential/Business Areas</i>	390	\$16.24	\$6,334
Park Service Officer - Municipal Docks <i>Civilian Position - Patrol Port of Excelsior and Municipal Docks</i>	317	\$16.24	\$5,148
Training			\$600
Uniforms and Gear			\$800
Total	979		\$20,512

Projected Budget - 2011 Season	979	Plus Training & Uniforms	\$20,473
Actual Total Cost - 2011 Season			\$17,082

Figures Rounded



Agenda Item: Discussion: Policy Regarding City Streets on Private Property

Summary: Resident Duane Kelm has requested that the city realigns the road so it is not on his property when Curve Street is repaired. This year it appears that Curve Street is a candidate for repair, so if it is to be considered for realignment, now is the time. Attached is the areal view of Curve Street from the Hennepin County website that shows the ROUGH property lines and current road alignment. According to the city engineer and city attorney, cities have "prescriptive easements" to keep roads where they currently are located, even if they are on private property. However, it is a matter of council discretion to relocate roads off of private property if desired, and it may be good public policy to do so when possible. It also is possible that a can of worms would be opened if Curve Street is realigned, since there probably are other situations where roads are located on private property in Greenwood.

Both Duane Kelm and Lake Bechtell (the property owner affected if Curve Street is realigned) were invited to the council meeting. Lake said he would not be attending the meeting, but that he was fine with whatever the council decides.

For the council's discussion, below are a couple policy options regarding city roads on private property ...

1. On a case-by-case basis, the city council will consider moving city roads off of private property if the following conditions are met:
 - a. The property owner requests the road be moved.
 - b. The request is made at the time the road is slated for major road repair.
 - c. The cost of realignment can be done within the road budget constraints.
 - d. The realignment does not create a safety problem.
2. The city has "prescriptive easements" to keep roads where they currently are located. To minimize the cost of road reconstruction, the city does not intend to make any changes to road alignments that currently are located on private property.

Council Action: None required. Possible motions ...

1. I move the council approves option ___ as the city's policy regarding city roads on private property.
2. Do nothing.



Property Map



NOTES:

Map Scale: 1" ≈ 50 ft.
Print Date: 4/11/2012



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

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Agenda Number: **4Ab**

Agenda Date: 05-02-12

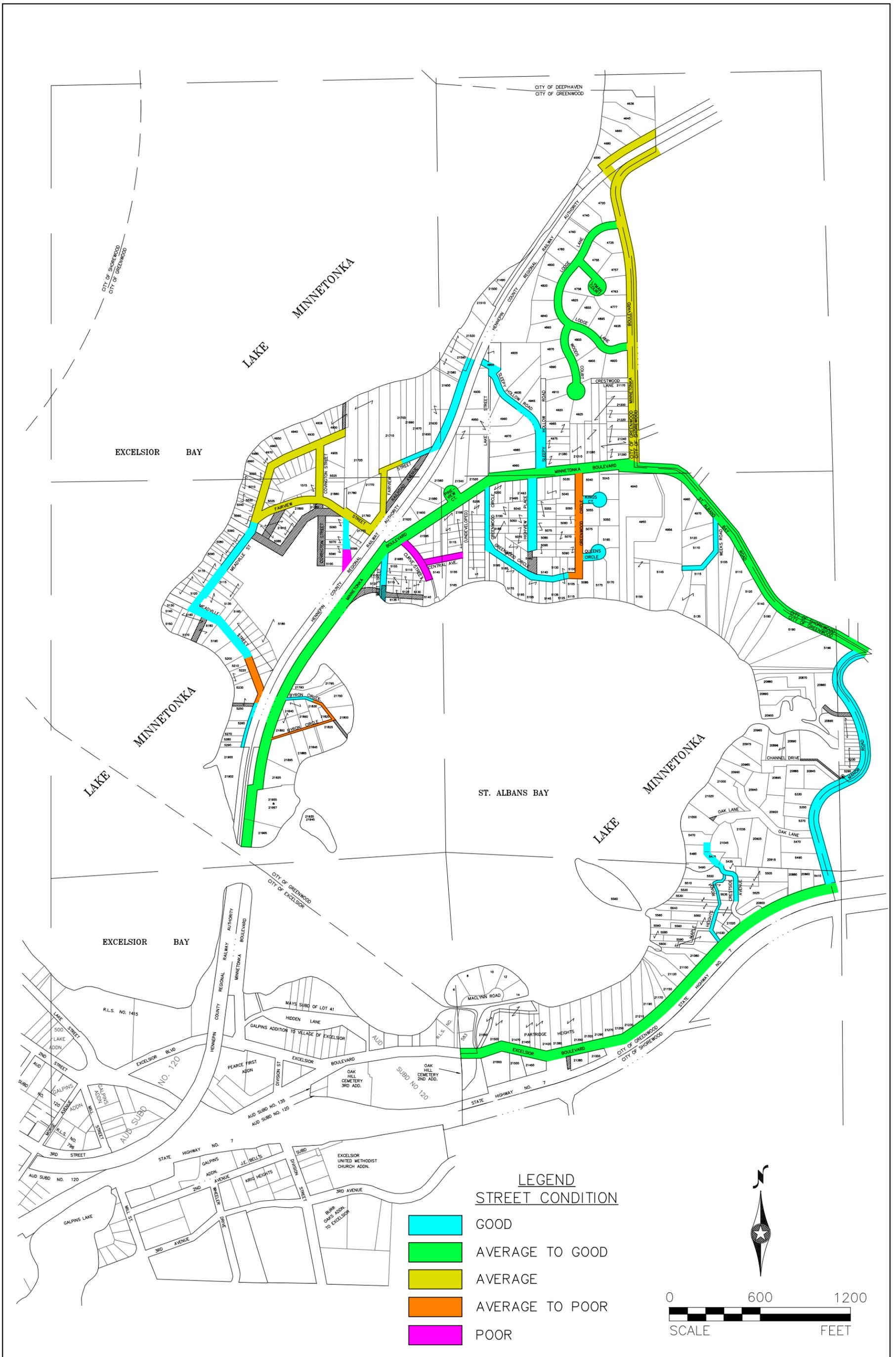
Agenda Item: 2012 Road Project Recommendations and Rough Estimates

Summary: Earlier this spring city engineer Dave Martini, councilmember Bob Quam, and mayor Deb Kind toured the city to review the current conditions of the roads and identify potential road projects for 2012. Based on the review, a list of recommended road projects was compiled and rough estimates are attached for the council's consideration. The 2012 road project budget is \$130,000 for construction and engineering. At the 05-02-12 meeting the council needs to choose the road projects to put out for official bids.

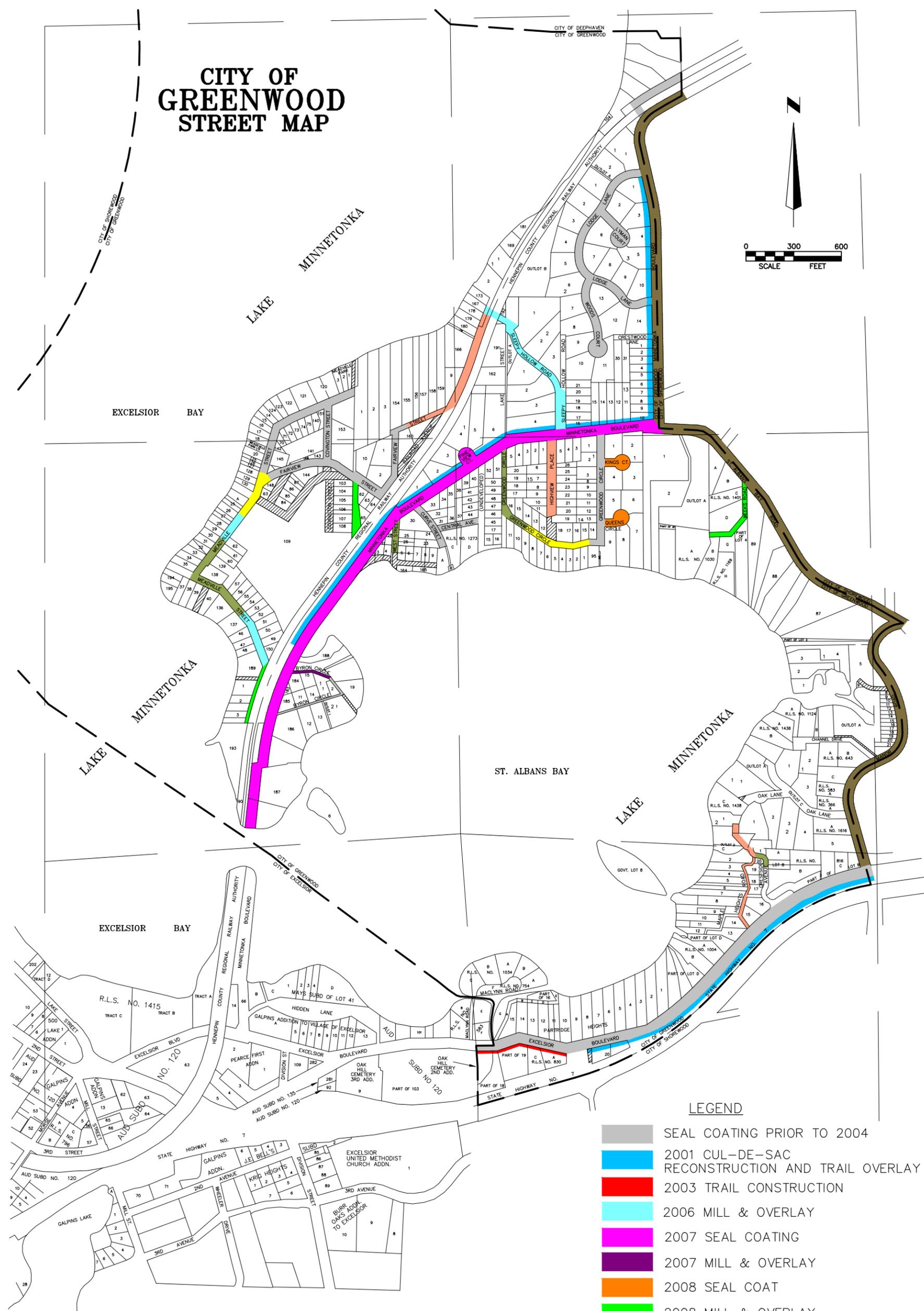
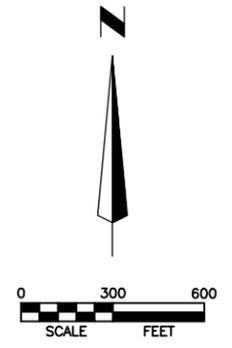
For the council's reference, attached are maps showing current road conditions and past road projects.

Council Action: None required. Possible motions ...

1. I move that the city council directs the city engineer to secure bids for the following road projects: _____.
2. Do nothing.



CITY OF GREENWOOD STREET MAP



LEGEND

- SEAL COATING PRIOR TO 2004
- 2001 CUL-DE-SAC RECONSTRUCTION AND TRAIL OVERLAY
- 2003 TRAIL CONSTRUCTION
- 2006 MILL & OVERLAY
- 2007 SEAL COATING
- 2007 MILL & OVERLAY
- 2008 SEAL COAT
- 2008 MILL & OVERLAY
- 2009 MILL & OVERLAY
- 2010 MILL & OVERLAY
- 2011 SEAL COATING
- 2011 MILL & OVERLAY

BOLTON & MENK, INC



CONSULTING ENGINEERS & SURVEYORS

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN
 BURNSVILLE, MN CHASKA, MN AMES, IA LIBERTY, MO

D:\GRVD\MAPS\STREET CONSTRUCTION 2012.dwg 3/14/12 10:45 am

MARCH, 2012

DRAWING NO. 1



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

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Phone (952) 448-8838 • Fax (952) 448-8805

www.bolton-menk.com

April 25, 2012

City of Greenwood
Attn: Bob Quam
20225 Cottagewood Rd.
Deephaven, MN 55331

RE: 2012 Street Improvements

Dear Mr. Quam:

Based on the condition of the City's streets as observed on our tour on April 9th, the following street segments are proposed for improvements in 2012:

- **Curve Street** from Minnetonka Boulevard to the south end. The recommended improvements include removing the existing bituminous pavement, re-grading and preparing the existing base, 3.5" of new bituminous surface, and turf and driveway restoration as needed. To the extent possible, the street will be widened to the west (approximately 2') to allow for additional room for traffic to maneuver.

The estimated cost for the recommended improvements is **\$31,226**

It should be noted that the property owner that is located on the east side of Curve Street at the intersection of Minnetonka Boulevard has expressed a concern that the paved street encroaches onto his property. After reviewing the situation, it does appear that the north portion of the street does not lie within the right of way. However, a boundary survey would be needed to confirm the actual limits of the right of way. I have reviewed the issues associated with moving the improved portion of the street to the west as requested by the property owner. Based on my review, I believe there are several reasons why the City should leave the street in its current location:

1. The road has been maintained in its current location for a long period of time. Therefore, the City has prescriptive rights to own and maintain it in its current location regardless of the exact limits of the right of way.
2. Due to the alignment of Minnetonka Boulevard, moving the road to the west will create an intersection that does not line up at a right angle. To correct this situation, the road will need to be curved to the west and then back to the east to square up the intersection. This will require the road to be moved a significant distance from its current location, which may cause issues for the property owners to the west.
3. The intersection of Curve Street with Minnetonka Boulevard is cut into the side slopes on both sides of the road. Therefore, if the road is moved to the west, it will require significant grading or the construction of a retaining wall. This may also be detrimental to the sight distances at the intersection.
4. Due to the manner in which the City has been developed, the Council should also consider the fact that there are likely several streets in the City that do not lie within the limits of right of way. Therefore, the Council should carefully consider the issues that may be created by moving the road to the benefit of one property owner but to the detriment of others.

H:\GRWD\13104925\1_Corres\1D. Docs\4-25-12 2012 Street Improvements.doc

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City of Greenwood

April 25, 2012

Page 2

- **Central Avenue** from Curve Street to the east end. The recommended improvements include removing the existing bituminous pavement, re-grading and preparing the existing base, 3.5" of new bituminous surface, and turf and driveway restoration as needed.

The estimated cost for the recommended improvements is **\$17,292**

- **Greenwood Circle – East Leg** from Minnetonka Boulevard to the improvements made in 2009. The recommended improvements include removing the existing bituminous pavement, re-grading and preparing the existing aggregate base, 3.5" of new bituminous surface, and turf and driveway restoration as needed.

The estimated cost for the recommended improvements is **\$72,614**

- **Greenwood Circle – Fire Lane** from Greenwood Circle to the south end. The recommended improvements include removing the existing bituminous pavement, re-grading and preparing the existing aggregate base, 3.5" of new bituminous surface, and turf and driveway restoration as needed. It is intended that this portion of the project be bid as an alternate so that it can be eliminated if it does not fit within the project budget.

The estimated cost for the recommended improvements is **\$26,737**

All cost estimates include contingency and soft costs. In total, the recommended improvements have an estimated cost of \$147,869. I will be at the City Council meeting on May 2nd to answer questions you may have regarding this information, however, please give me a call if you have any questions or need additional information before the meeting.

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer

**CITY OF GREENWOOD
2012 STREET IMPROVEMENTS**

**COST SUMMARY
April 25, 2012**

<u>STREET</u>	<u>ESTIMATED CONSTRUCTION COST</u>	<u>ESTIMATED CONTINGENCY & SOFT COSTS</u>	<u>TOTAL ESTIMATED COST</u>
Greenwood Circle (East Section)	\$ 55,857.00	\$ 16,757.00	\$ 72,614.00
Curve Street	\$ 24,020.00	\$ 7,206.00	\$ 31,226.00
Central Avenue	<u>\$ 13,301.00</u>	<u>\$ 3,991.00</u>	<u>\$ 17,292.00</u>
SUBTOTAL	\$ 93,178.00	\$ 27,954.00	\$ 121,132.00
Greenwood Circle Fire Lane	<u>\$ 20,567.00</u>	<u>\$ 6,170.00</u>	<u>\$ 26,737.00</u>
TOTAL	\$ 113,745.00	\$ 34,124.00	\$ 147,869.00

CITY OF GREENWOOD
2012 STREET IMPROVEMENTS
GREENWOOD CIRCLE (EAST SECTION)
PROJECT COST ESTIMATE
April 25, 2012

Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	1,750	SY	\$ 3.00	\$ 5,250.00
2	REMOVE BITUMINOUS DRIVEWAY	23	SY	\$ 12.00	\$ 276.00
3	SAW CUT BITUMINOUS	82	LF	\$ 3.00	\$ 246.00
4	SUBGRADE GRADING / PREPARATION	1,830	SY	\$ 2.00	\$ 3,660.00
5	STREET BASE / SUBGRADE EXCAVATION (EV)	52	CY	\$ 22.00	\$ 1,144.00
6	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	191	TONS	\$ 21.00	\$ 4,011.00
7	2" BITUMINOUS BASE	232	TONS	\$ 80.00	\$ 18,560.00
8	1-1/2" BITUMINOUS WEAR	1,750	SY	\$ 8.00	\$ 14,000.00
9	3" BITUMINOUS WEAR COURSE FOR DRIVEWAY RESTORATION	23	SY	\$ 30.00	\$ 690.00
10	BITUMINOUS CURB, MACHINE FORMED	100	LF	\$ 4.00	\$ 400.00
11	ADJUST EXISTING MANHOLE CASTING, RECONSTRUCT ADJUSTING RINGS AND INSTALL EXTERNAL CHIMNEY SEAL	3	EA	\$ 500.00	\$ 1,500.00
12	ADJUST EXISTING CATCH BASIN CASTING AND RECONSTRUCT ADJUSTING RINGS	3	EA	\$ 300.00	\$ 900.00
13	TOPSOIL CURB BACKFILL (LV)	35	CY	\$ 40.00	\$ 1,400.00
14	SOD	50	SY	\$ 6.00	\$ 300.00
15	SEED WITH HYDROMULCH	430	SY	\$ 2.00	\$ 860.00
				SUB TOTAL	\$ 53,197.00
				MOBILIZATION - 5%	\$ 2,659.85
				TOTAL ESTIMATED CONSTRUCTION COST	\$ 55,856.85
				CONTINGENCIES AND SOFT COSTS - 30%	\$ 16,757.06
				TOTAL ESTIMATED PROJECT COST	\$ 72,613.91

**CITY OF GREENWOOD
2012 STREET IMPROVEMENTS
CURVE STREET
PROJECT COST ESTIMATE
April 25, 2012**

Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	660	SY	\$ 3.00	\$ 1,980.00
2	REMOVE BITUMINOUS DRIVEWAY	12	SY	\$ 12.00	\$ 144.00
3	SAW CUT BITUMINOUS	70	LF	\$ 3.00	\$ 210.00
4	SUBGRADE GRADING / PREPARATION	690	SY	\$ 2.00	\$ 1,380.00
5	COMMON EXCAVATION	22	CY	\$ 25.00	\$ 550.00
6	STREET BASE / SUBGRADE EXCAVATION (EV)	20	CY	\$ 22.00	\$ 440.00
7	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	112	TONS	\$ 21.00	\$ 2,352.00
8	2" BITUMINOUS BASE	96	TONS	\$ 80.00	\$ 7,680.00
9	1-1/2" BITUMINOUS WEAR	725	SY	\$ 8.00	\$ 5,800.00
10	3" BITUMINOUS WEAR COURSE FOR DRIVEWAY RESTORATION	12	SY	\$ 30.00	\$ 360.00
11	BITUMINOUS CURB, MACHINE FORMED	35	LF	\$ 4.00	\$ 140.00
12	BITUMINOUS BERM CURB	40	LF	\$ 3.00	\$ 120.00
13	ADJUST EXISTING MANHOLE CASTING, RECONSTRUCT ADJUSTING RINGS AND INSTALL EXTERNAL CHIMNEY SEAL	1	EA	\$ 500.00	\$ 500.00
14	ADJUST VALVE BOX (GAS)	1	EA	\$ 200.00	\$ 200.00
15	TOPSOIL CURB BACKFILL (LV)	14	CY	\$ 40.00	\$ 560.00
16	SOD	20	SY	\$ 6.00	\$ 120.00
17	SEED WITH HYDROMULCH	170	SY	\$ 2.00	\$ 340.00
				SUB TOTAL	\$ 22,876.00
				MOBILIZATION - 5%	\$ 1,143.80
				TOTAL ESTIMATED CONSTRUCTION COST	\$ 24,019.80
				CONTINGENCIES AND SOFT COSTS - 30%	\$ 7,205.94
				TOTAL ESTIMATED PROJECT COST	\$ 31,225.74

CITY OF GREENWOOD
2012 STREET IMPROVEMENTS
CENTRAL AVENUE
PROJECT COST ESTIMATE
April 25, 2012

Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	423	SY	\$ 3.00	\$ 1,269.00
2	REMOVE BITUMINOUS DRIVEWAY	12	SY	\$ 12.00	\$ 144.00
3	SAW CUT BITUMINOUS	20	LF	\$ 3.00	\$ 60.00
4	SUBGRADE GRADING / PREPARATION	444	SY	\$ 2.00	\$ 888.00
5	STREET BASE / SUBGRADE EXCAVATION (EV)	13	CY	\$ 22.00	\$ 286.00
6	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	47	TONS	\$ 21.00	\$ 987.00
7	2" BITUMINOUS BASE	57	TONS	\$ 80.00	\$ 4,560.00
8	1-1/2" BITUMINOUS WEAR	423	SY	\$ 8.00	\$ 3,384.00
9	3" BITUMINOUS WEAR COURSE FOR DRIVEWAY RESTORATION	12	SY	\$ 30.00	\$ 360.00
10	TOPSOIL CURB BACKFILL (LV)	10	CY	\$ 40.00	\$ 400.00
11	SOD	15	SY	\$ 6.00	\$ 90.00
12	SEED WITH HYDROMULCH	120	SY	\$ 2.00	\$ 240.00
				SUB TOTAL	\$ 12,668.00
				MOBILIZATION - 5%	\$ 633.40
				<i>TOTAL ESTIMATED CONSTRUCTION COST</i>	\$ 13,301.40
				CONTINGENCIES AND SOFT COSTS - 30%	\$ 3,990.42
				TOTAL ESTIMATED PROJECT COST	\$ 17,291.82

CITY OF GREENWOOD
2012 STREET IMPROVEMENTS
GREENWOOD CIRCLE - FIRE LANE
PROJECT COST ESTIMATE
April 25, 2012

Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	680	SY	\$ 3.00	\$ 2,040.00
2	SAW CUT BITUMINOUS	50	LF	\$ 3.00	\$ 150.00
3	SUBGRADE GRADING / PREPARATION	680	SY	\$ 2.00	\$ 1,360.00
4	STREET BASE / SUBGRADE EXCAVATION (EV)	20	CY	\$ 22.00	\$ 440.00
5	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	78	TONS	\$ 21.00	\$ 1,638.00
6	2" BITUMINOUS BASE	83	TONS	\$ 80.00	\$ 6,640.00
7	1-1/2" BITUMINOUS WEAR	680	SY	\$ 8.00	\$ 5,440.00
8	TOPSOIL CURB BACKFILL (LV)	5	CY	\$ 40.00	\$ 200.00
9	LABOR FOR BITUMINOUS SWALE & SHOULDER CONSTRUCTION (BITUMINOUS PAID UNDER #6 & #7)	220	LF	\$ 7.00	\$ 1,540.00
10	SEED WITH HYDROMULCH	70	SY	\$ 2.00	\$ 140.00
				SUB TOTAL	\$ 19,588.00
				MOBILIZATION - 5%	\$ 979.40
				<i>TOTAL ESTIMATED CONSTRUCTION COST</i>	\$ 20,567.40
				CONTINGENCIES AND SOFT COSTS - 30%	\$ 6,170.22
				TOTAL ESTIMATED PROJECT COST	\$ 26,737.62



Agenda Number: **4B**

Agenda Date: 05-02-12

Agenda Item: Quarterly Police Update

Summary: Per the city council's request, representatives from the South Lake Minnetonka Police Department will attend Greenwood council meetings on a quarterly basis to give the council a brief update regarding police activities in the city and South Lake area. This also will be an opportunity for the council to dialog with SLMPD representatives regarding police issues and concerns. Quarterly police updates will be presented at the February, May, August, and November council meetings.

Council Action: None required.



Agenda Number: **6A**

Agenda Date: 05-02-12

Agenda Item: Potential Excelsior Blvd. Water Project

Summary: Councilman Fletcher requested this item be included on the agenda for discussion.

Council Action: No action required.



Agenda Item: Consider Variance Requests, Keith and Stacy Carlson, 20965 Channel Drive

Summary: Keith and Stacy Carlson are requesting variances to construct a cantilevered fireplace and front entryway which would encroach into the minimum required lake yard setback and exceed the maximum permitted impervious surface area.

Section 1120:15 of the Zoning Ordinance requires a lake yard setback of fifty feet as measured from the ordinary high water level. The applicants propose a lake yard setback of twenty-five feet for the proposed fireplace. The proposal requires a variance of twenty-five feet of the required lake yard setback.

Section 1120:15 of the Zoning Ordinance requires a lake yard setback of fifty feet as measured from the ordinary high water level. The applicants propose a lake yard setback of thirty-five feet for the proposed front entryway. The proposal requires a variance of fifteen feet of the required lake 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 6.5%.

The initial application included a deck extension that would encroach into the required lake setback which was removed from the request and will be reviewed at the May 16 Planning Commission meeting.

Code section 1155.05, subd. 5 states the adopted findings shall address the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Planning Commission Action: Motion by Commissioner Paeper to recommend the City Council approve the variance requests to encroach twenty-five feet into the required lake yard setback for the proposed cantilevered fireplace, to encroach fifteen feet into the required lake yard setback for the proposed front entryway and the request to exceed the maximum permitted impervious surface area by an amount equaled to what was presented minus the area of the deck expansion, as presented for 20965 Channel Drive. Cook seconded the motion. Motion carried 5-0. It was noted the applicant granted a sixty-day extension for official action on the proposed deck.

Council Action: Action required by May 19, 2012. Possible motions ...

1. I move the council approves (or denies) the variance requests by Keith and Stacy Carlson to construct a cantilevered fireplace that encroaches twenty-five feet into the required fifty-foot lake yard setback, to construct an open air entryway that encroaches fifteen feet into the required fifty-foot lake yard setback and exceeds the maximum permitted impervious surface area by a percent equal to the proposed impervious surface area minus the proposed deck extension, as presented and based on the following findings (must be in writing if denial) _____ . I further move that the council directs the city attorney to draft findings of fact for the council's consideration at the _____, 2012 council meeting.
2. I move the council directs staff to immediately draft written notice to Keith and Stacy Carlson stating the council needs to extend the 60-day time limit to _____, 2012 for the following reason(s) _____.

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).

STAFF REPORT

Gus Karpas, Zoning Coordinator

Greenwood City Council, Wednesday May 2, 2012 @ 7:00 p.m.

APPLICANT INFORMATION

Property Owner(s): Keith and Stacy Carlson
Property Address: 20965 Channel Drive
P.I.D. #: 26-117-23 44 0025
Zoning District: R-1A, Single Family Residential
Shoreland District: Yes
Wetlands: No

REQUEST

The applicant is proposing construct a cantilevered fireplace which would encroach into the required lake yard setback and exceed the maximum permitted impervious surface area.

CITY CODE REQUIREMENTS

	Required	Existing House	Proposed Alterations
Front Yard Setback	30'	N/A (flag lot)	N/A (flag lot)
Side Yard Setback			
East:	15'	32'-6"	29'
North*:	50'	22'-6"	23'-6"
South	15'	28'-10"	28'-10"
Lake Yard Setback	50'	40'-2"	25'
Permitted Structure Volume	75,590 c.f.	61,344 c.f.	N/A
Lot Area	15,000 s.f.	19,045 s.f.	19,045 s.f.
Building Height	28'	Unknown	N/A
Structure Height	42'	Unknown	N/A
Impervious Surface	30%	39.4%	36.5%

* The west side yard is an extension of the lake yard and requires a minimum setback of 50 feet.

1. The applicant is requesting a variance from Section 1120.10; minimum required lake yard setback along the north property line for the proposed fireplace.
 - The minimum required lake yard setback is fifty (50) feet.
 - The applicant proposes a lake yard setback of twenty-five (25) feet.
 - The applicant is requesting a variance of twenty-five (25) feet of the required lake yard setback along the north property line.
2. The applicant is requesting a variance from Section 1176:04(3); maximum permitted impervious surface area.
 - The maximum permitted impervious surface area is 30%.
 - The applicant proposes an impervious surface area of 36.5%.
 - The applicant is requesting a variance to exceed the maximum permitted impervious surface area by 6.5%.
3. The applicant's survey indicates that they would be in compliance with the required front and east side yard setbacks.

REQUEST SUMMARY

The existing structure is non-conforming in that the deck encroaches nine feet, 10 inches (9'-10") into the required fifty (50) foot lake yard setback, the existing home encroaches twenty-seven feet, six inches (27'-6") into the required fifty (50) lake yard setback along the north property line and exceeds the maximum permitted impervious surface area by 9.4%.

The applicants are to construct a cantilevered fireplace and covered entryway within the required lake yard setback. The proposed fireplace would encroach twenty-five (25) feet into the required fifty (50) foot lake yard setback along the north property line, the proposed front entryway would encroach fifteen (15) feet into the required fifty (50) foot lake yard setback along the east property line and will exceed the maximum permitted impervious surface area by 6.5%.

STRUCTURE SETBACKS

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty (30) feet. The survey submitted by the applicants indicates the nearest proposed alteration requiring a variance would be set back one hundred and ninety (190) feet from the front property line. As presented, the proposed front yard setback complies with the city's ordinance.

Section 1120:15 of the Zoning Ordinance requires a minimum east side yard setback of fifteen (15) feet. The survey submitted by the applicants indicates the nearest proposed alteration would be set back twenty-nine (29) from the east property line. As presented, the proposed east side yard setback complies with the city's ordinance.

The east side yard setback was measured to the proposed front entryway.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty (50) feet from the Ordinary High Water Level (OHWL) along the north property line. The survey submitted by the applicants indicates the proposed fireplace alteration would be set back twenty-five (25) feet from the OHWL. ***As presented, the applicant requires a variance of twenty-five (25) feet of the required lake yard setback.***

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty (50) feet from the Ordinary High Water Level (OHWL). The survey submitted by the applicants indicates the proposed front entryway would be set back thirty-five (35) feet from the OHWL. ***As presented, the applicant requires a variance of fifteen (15) feet of the required lake yard setback.***

IMPERVIOUS SURFACE AREA

1176:04(3) permits a maximum impervious surface area of thirty percent in the Shoreland District. The survey submitted by the applicants indicates the proposed impervious surface area on the property is 36.5%. ***As presented, the applicants require a variance to exceed the maximum permitted impervious surface area by 6.5%.***

The existing impervious surface area on the lot is 39.4%. The applicants are modifying the impervious surface area on the lot to reduce it by 2.9%

LOT AREA

Section 1120:10 requires a minimum lot area of 15,000 square feet in the R1-A Residential District. The survey submitted by the applicants indicates a lot area of 19,045 square feet. The applicant's lot area exceeds the minimum lot area required by the city's ordinance.

BUILDING/STRUCTURE HEIGHT

Section 1120:20 of the Zoning Ordinance permits a maximum building height of twenty-eight (28) feet for a principal structure. Building height is defined as the vertical distance measured between the building perimeter grade and the roof line of a building or structure. **Section 1140:15(3)** of the Zoning Ordinance permits a maximum principal structure height of forty-two (42) feet. Structure height includes the sum total of building height and the vertical height above the roof line of all structure.

The proposed deck will be at grade and the proposed fireplace will be under the existing roofline.

TREE REMOVAL

The survey submitted by the applicant indicates that no trees would be removed as part of the project. The applicant plans future tree removal which will require a conditional use permit but are not proposing to do that work at this time.

ACCESSORY STRUCTURES

Section 1120:20(2) limits accessory structures to one private garage and on tool house shed or similar storage building per principal structure. **Section 1120:20(3)** permits a maximum combined accessory structure area of 1,000 square feet or 60% percent of the total at grade, main floor square footage of the principal structure, whichever is less. In this case the applicant is permitted maximum accessory structure area of 1,000 square feet. There are no accessory structures existing or proposed for the property.

MASSING

Section 1140:18(3) establishes the maximum permitted above grade building volume in residential zones based on lot size. The permitted above grade building volume is 77,590 cubic feet. The existing cubic feet based on the footprint times the overall height of the structure is 61,344 cubic feet. The proposed deck will not add to the above grade building volume and the proposed fireplace would add minimal to the overall building volume.

PRACTICAL DIFFICULTY

The applicants state a practical difficulty in meeting the setbacks is created by a required lake yard setback along two property line and that the configuration of the lot as a flag lot hinders their ability to comply with the maximum permitted impervious surface area.

Property History

- Hennepin County lists the construction year of the structure as 1964.
- There are no records indicated variances related to the construction of the existing structure.

PLANNING COMMISSION RECOMMENDATION

Motion by Commissioner Paeper to recommend the City Council approve, the request by Keith and Stacy Carlson for variances to encroach twenty-five feet into the required lake yard setback for the proposed cantilevered fireplace, to encroach fifteen feet into the required lake yard setback for the proposed front entryway and the request to exceed the maximum permitted impervious surface area by an amount equaled to what was presented minus the area of the deck expansion, as presented for 20965 Channel Drive. Cook seconded the motion. Motion carried 5-0. It was noted the applicant granted a sixty day extension for official action of the proposed deck.

CITY COUNCIL ACTION REQUIRED

City Council Action Required: State Statute 15.99 requires a decision by the governing body within 60 days, unless the applicant is notified in writing the initial 60 days that the time period for a decision is extended. The City Council must approve, modify or deny the request by **May 19, 2012**.

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

Variance Application

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

Property address for which variance is requested 20965 Channel Dr.

Applicant (individual or company name): Betz Builders Inc

Contact for Business: TOM BETZ Title: Pres.

Address: 300 Crestview Ave City: Long Lake State: MN Zip: 55356

Wk Phone: 612-221-2963 Hm Phone: SAME

Email address: Betzbuilders@yahoo.com Fax: 952-473-9563

Present use of property: residential Single Family Home

Property acreage: 19245 Sq Ft.

Existing Variances: Yes _____ No X

If yes, please explain _____

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

What is the Variance being requested for: Side Set Back and Hardcover

Variance for:

		Required	Proposed	
Fireplace <u>X</u>	Side Yard (channel)	<u>50</u> feet	<u>23.5</u> feet	→ Existing @ 25'
Front Porch <u>X</u>	Front Yard	<u>30</u> feet	<u>28</u> feet	
	Rear Yard	_____ feet	_____ feet	
Deck <u>X</u>	Lake setback	<u>50</u> feet	<u>36.2</u> feet	→ Existing @ 40.2'
	Building height	_____ feet	_____ feet	
	Structure height	_____ Feet	_____ feet	
	Wetland	_____ feet	_____ feet	
	Impervious Cover	<u>5713</u> sq ft	<u>6955</u> Sq ft	→ Existing @ 7498 Sq Ft
	Shoreland	_____ feet	_____ feet	
	Massing	_____ volume	_____ volume	
	Other	_____ feet	_____ feet	
If other, please explain				

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

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

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

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

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

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

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

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

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

The Proposed Hard cover Will be Less Than The Existing by 543 Sq Ft.

Establishing Undue Hardship:

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

See Attached

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

Flag Lot requires a Long Driveway. Water on 2 sides requires Soft setback Not 30ft.

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

The small additions have been ARCHITECTURAL Designed and fit very nicely into Home setting.

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

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

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Establishing Undue Hardship:

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

See Attached

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

Flag Lot requires a Long Driveway. Water on 2 sides requires 50' setbacks Not 30'

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

The small Intrusion by proposed entrance is Very minimal

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

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

NO EFFECT ON neighbors

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

None

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

None

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

None

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

None

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

None

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

None

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

 LMCD # 952-745-0789

 X Watershed District # 952-471-0590

Applicant's Acknowledgement & Signature(s)

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

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

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

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

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

Applicant's Signature: Betsy Brueckner Jr Date: _____

Signature: Thomas R. Lett Date: March 15, 2012

Owner's Acknowledgement & Signature(s)

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

Owner's Signature: [Signature] Date: 3/15/12

Owner's Signature: [Signature] Date: 3/15/12

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

Variance Request

We are asking for a Variance for 20965 Channel Drive.

This is such a beautiful lot and setting for our recently purchased home.

However, because of the shape of the lot (flag lot, which requires a longer driveway) and proximately to St Alban's Bay and the adjacent channel, we are limited to improve our new home.

We are respectively requesting the following items, which have been architecturally designed for our home, and certainly will be a positive attribute to our neighborhood.

- We are asking for a modest front entrance enclosure as shown on plan. Of which a small triangle part of proposed addition will be closer than 30 ft side setback. Approximately 28 ft.

- We are asking to add approximately 4 ft to existing lakeside deck

- A small bump out on side of house 1 ½ ft (by channel) for fireplace

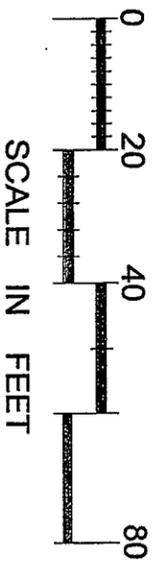
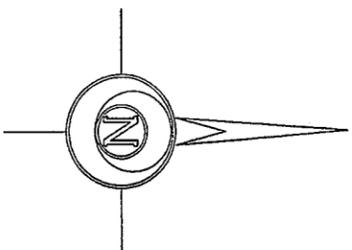
- Also, we are asking for a Hardcover variance:
Currently the existing hardcover is 39.37%
Proposed new Hardcover would be 36.52%

Thank you for your consideration
Keith and Stacy Carlson

Nicely

**CERTIFICATE OF SURVEY FOR
KEITH & STACY CARLSON
OF TRACT A, R.L.S. NO. 1124
HENNEPIN COUNTY, MINNESOTA**

25
232



LEGAL DESCRIPTION OF PREMISES:

Tract A, Registered Land Survey No. 1124, files of Registrar of Titles, Hennepin County, Minnesota

This survey shows the boundaries of the above described property, and the locations of an existing house, concrete driveway, blacktop driveway and retaining wall, and all other visible "hardcover" thereon. It does not purport to show any other improvements or encroachments.

- : Iron marker found
 - o : Iron marker set
- Bearings shown are based upon an assumed datum
NOTE: R/P denotes rock on plastic

EXISTING HARDCOVER CALCULATIONS

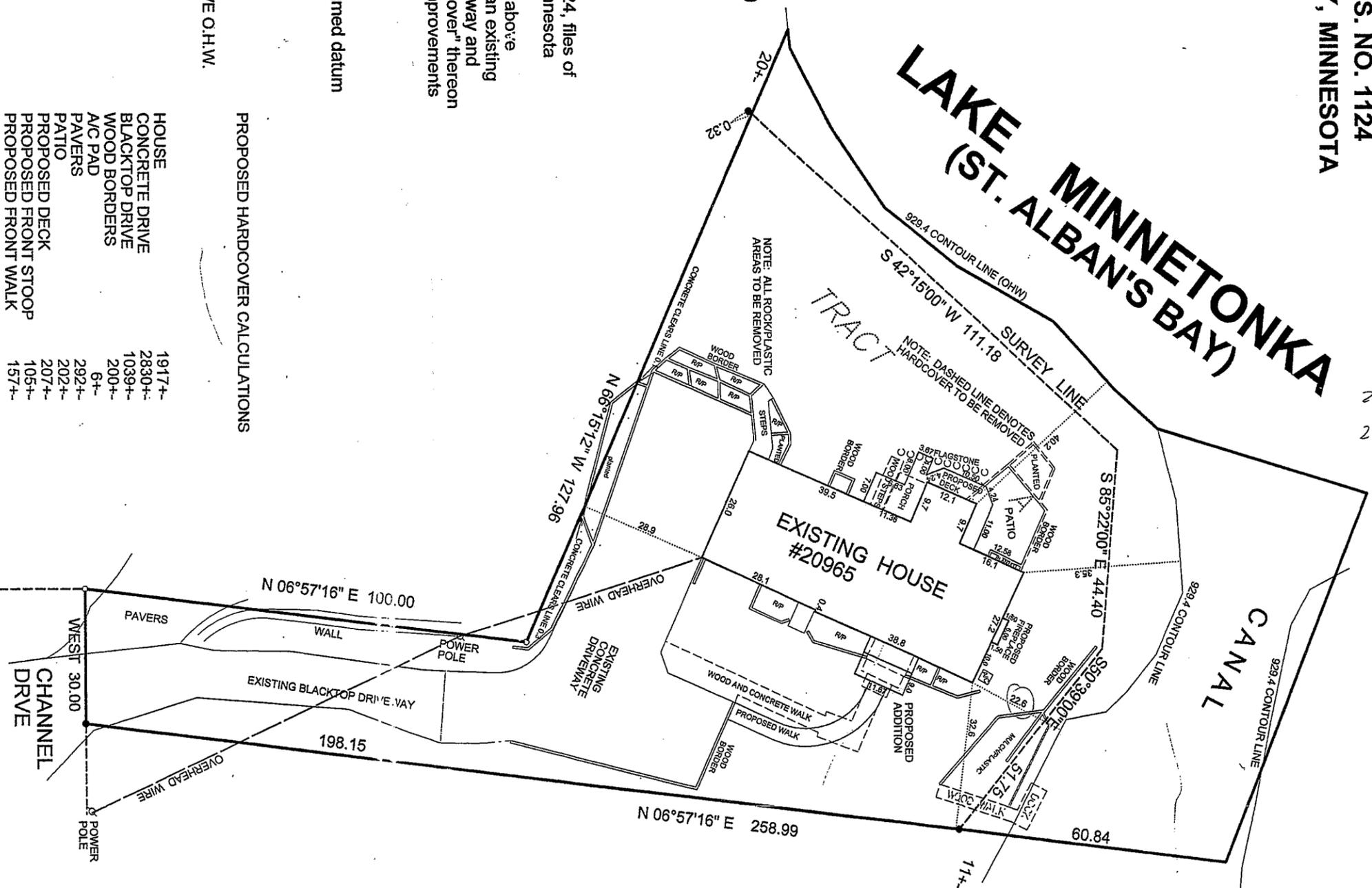
LOT AREA	19245+- S.F. ABOVE O.H.W.
HOUSE	1917+-
CONCRETE DRIVE	2830+-
BLACKTOP DRIVE	1039+-
FRONT WALK	374+-
PATIO	250+-
PORCH	60+-
WOOD BORDERS	236+-
STEPS	94+-
WOOD WALK TO LAKE	61+-
A/C PAD	6+-
FLAGSTONE STEPS	18+-
ROCK/PLASTIC	321+-
PAVERS	292+-
TOTAL	7498+- S.F.

PROPOSED HARDCOVER CALCULATIONS

HOUSE	1917+-
CONCRETE DRIVE	2830+-
BLACKTOP DRIVE	1039+-
WOOD BORDERS	200+-
A/C PAD	6+-
PAVERS	292+-
PATIO	202+-
PROPOSED DECK	207+-
PROPOSED FRONT STOOP	105+-
PROPOSED FRONT WALK	157+-
TOTAL	6955+-

7498/19045 X 100 = 39.37% HARDCOVER

6955/19045 X 100 = 36.52% PROPOSED HARDCOVER

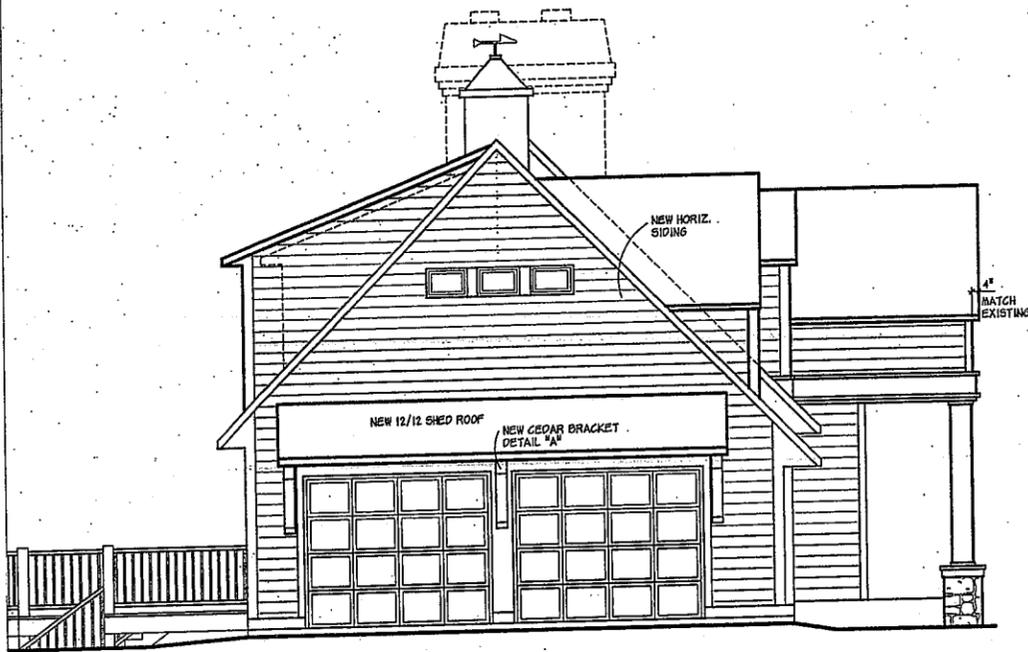


DESIGNED	REVISION	DATE	DESCRIPTION
		3-13-12	HARDCOVER CHANGES
DRAWN			
CHECKED			

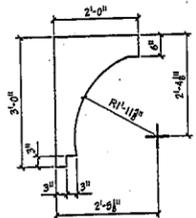
GRONBERG & ASSOCIATES, INC.
 CONSULTING ENGINEERS, LAND SURVEYORS
 SITE PLANNERS
 445 N. WILLOW DR. LONG LAKE, MN. 55356
 952-473-4141

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

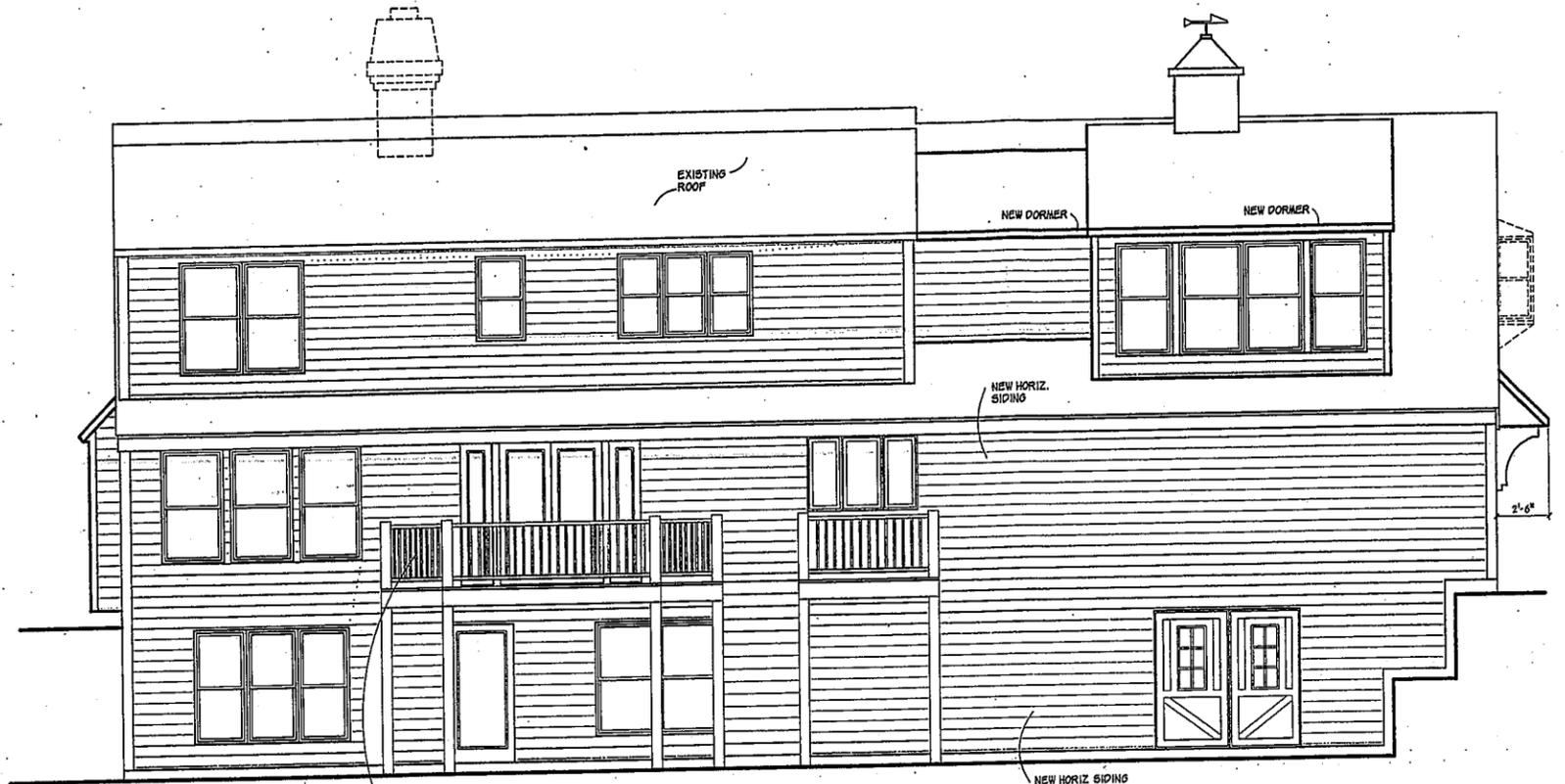
DATE 3-13-12 MN LICENSE NUMBER 12755



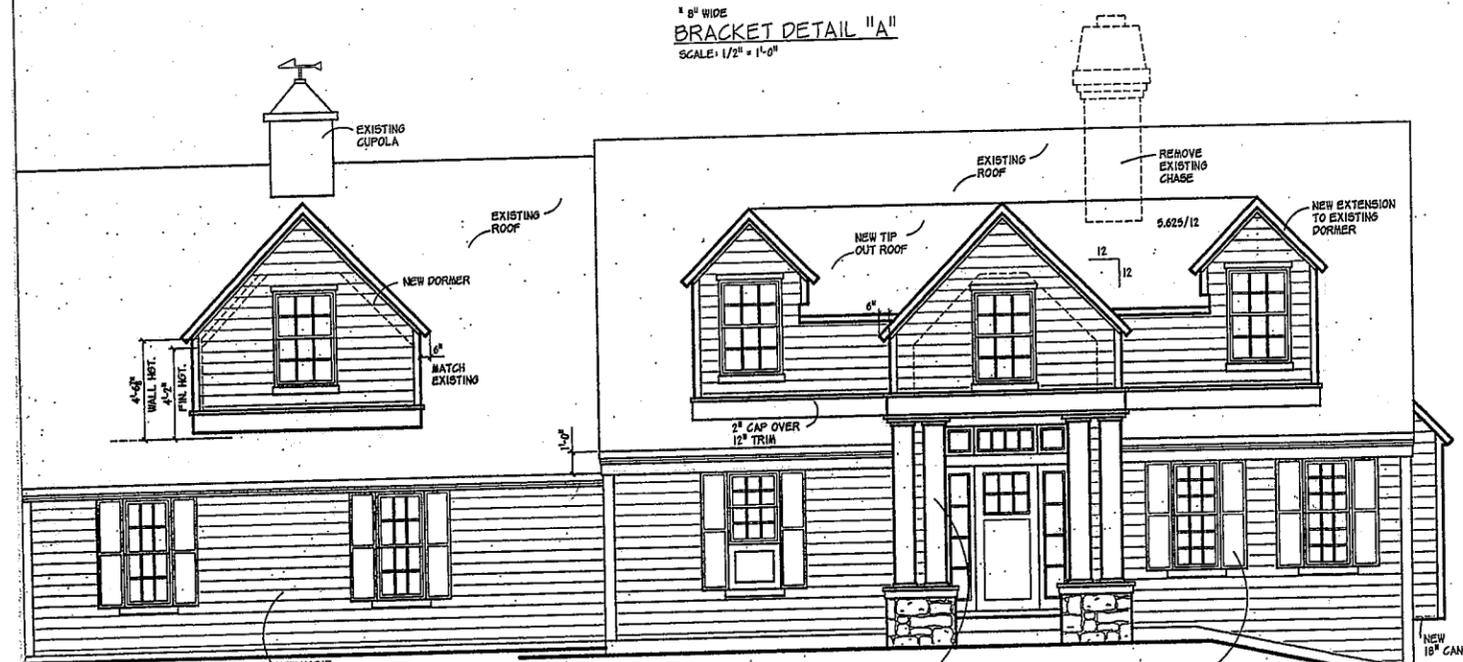
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



1/2" WIDE BRACKET DETAIL "A"
SCALE: 1/2" = 1'-0"

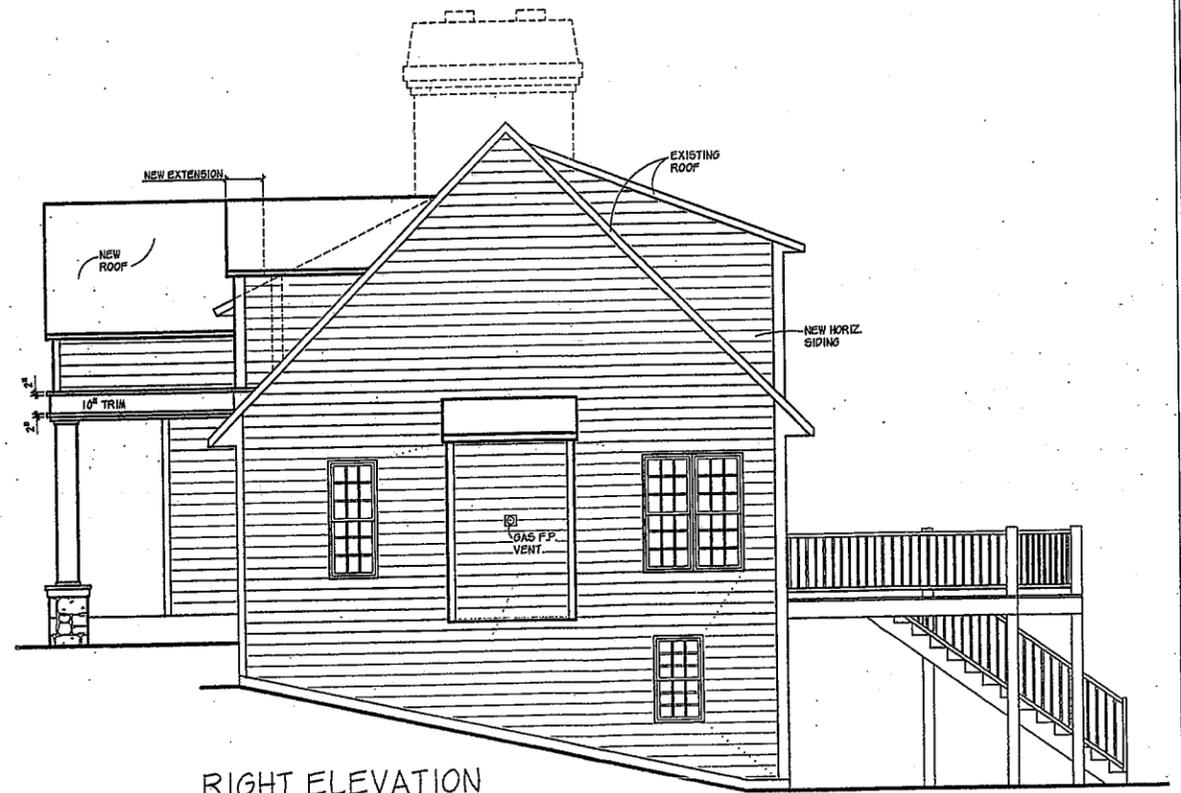


REAR ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

1ST FLOOR 1,183 SQ. FT.
2ND FLOOR 1,483 SQ. FT.
TOTAL 2,666 SQ. FT.
BASEMENT FIN. 829 SQ. FT.
TOTAL 3,495 SQ. FT.



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

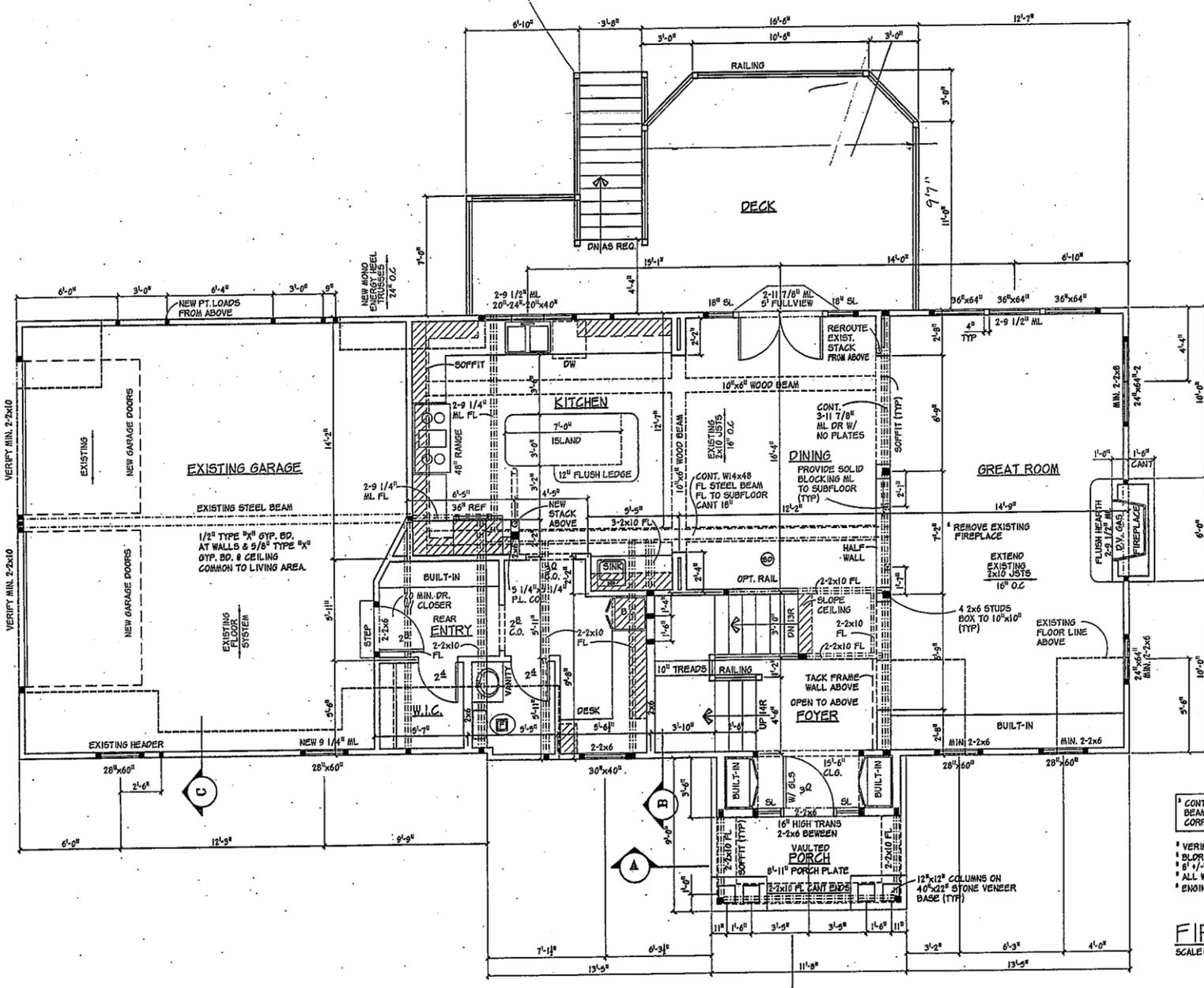


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 UNAUTHORIZED USE OF THE PLAN
 IS A VIOLATION OF THE U.S.
 COPYRIGHT ACT



DATE:	3-13-12
REVISIONS:	
DRAWN BY:	CD
CONNL. NO.	212124
SHEET NO.	3

- NOTES:**
1. WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 4" MUST BE EQUIPPED WITH AN APPROVED LADDER.
 2. ALL OPENINGS TO BE LESS THAN 4" # ALL GUARDRAILS
 3. GUARDRAIL REQUIRED ON OPEN SPACE ANY SIZE MORE THAN 5'0" ABOVE FLOOR.
 4. PROVIDE BACKSPLASH PROTECTION IN EVERY KITCHEN AND THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, AND IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 7'4" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOM.
 5. NOTE ON ALL PLANS:
 - * SOL. STUDS # ALL WINDOW & PATIO DOOR, HORS. & POINT LOADS UNLESS NOTED OTHERWISE.
 - * PROVIDE SOLID BLOCKING # ALL SUPPORT BEAMS, BRACKETS, & OTHER JOISTS TO SUPPORT BELOW.

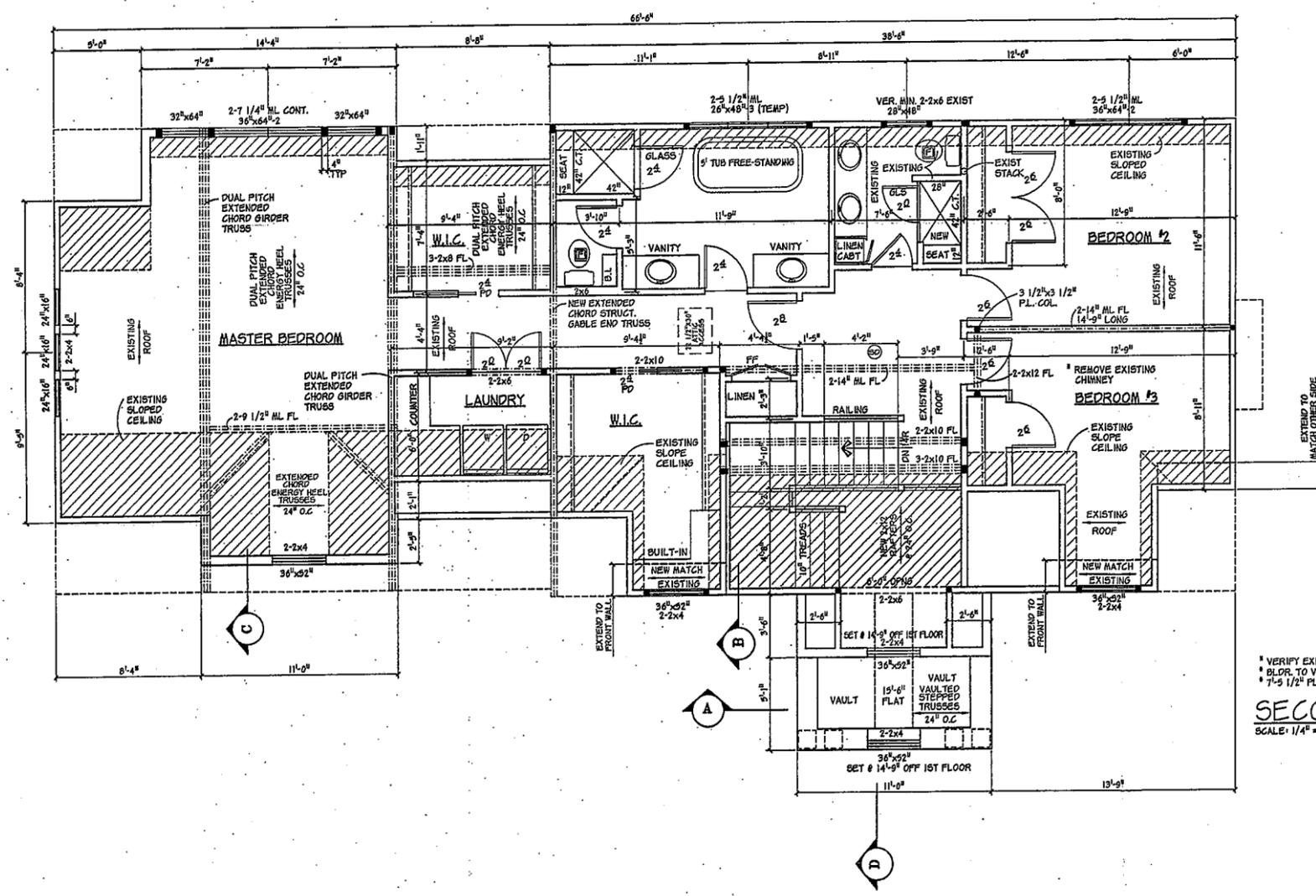


CONTRACTOR TO VERIFY & REVIEW STEEL BEAM DEFLECTIONS TO DETERMINE CORRECT FRAMING LOCATIONS & CONDITIONS.

- * VERIFY WINDOW MANUFACTURE
- * BLDG. TO VERIFY ALL WDW, DOOR & C.O. HDR. HTS.
- * 8' 1/2" PLATE HT. UNLESS NOTED OTHERWISE
- * ALL WDW. SET @ 6'-0" (MATCH EXISTING)
- * ENGINEERING OF EXTENDED FLOOR TO BE DESIGNED BY OTHERS

FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0" 1,169 SQ. FT.

- NOTES:**
1. WINDOW MULLIONS WITH A VERTICAL DEPTH OF MORE THAN 4" MUST BE EQUIPPED WITH AN APPROVED LADDER.
 2. ALL OPERABLES TO BE LESS THAN 4" & ALL GUARDRAILS.
 3. GUARDRAILS REQUIRED ON OPEN SIDES OF ANY STAIR MORE THAN 30" ABOVE FLOOR.
 4. PROVIDE SMOKE DETECTORS IN EVERY BEDROOM AND THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, AND IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 14' HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
 5. NOTE ON ALL PLANS:
 - O.K. STUDS & ALL WINDOW & PATIO DOOR HEADS & POINT LOADS UNLESS NOTED OTHERWISE.
 - PROVIDE SOLID BLOCKING & ALL SUPPORT DETAILS, BRACKETS & BRIDGE TRUSSES TO SUPPORT BELOW.



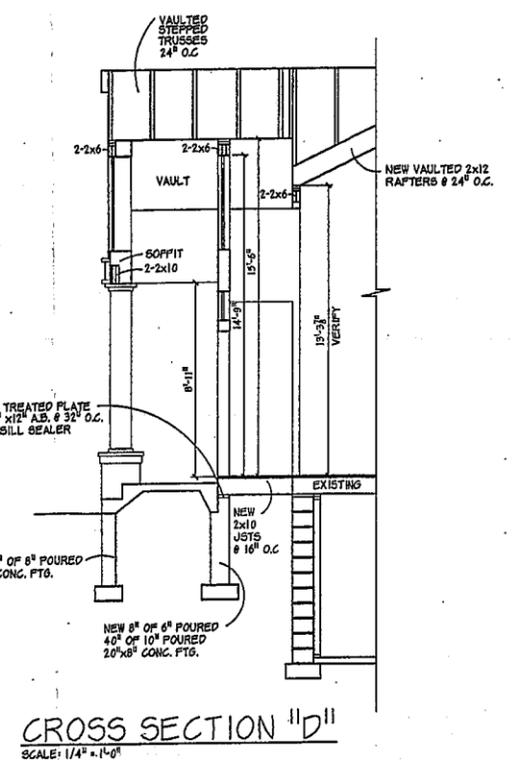
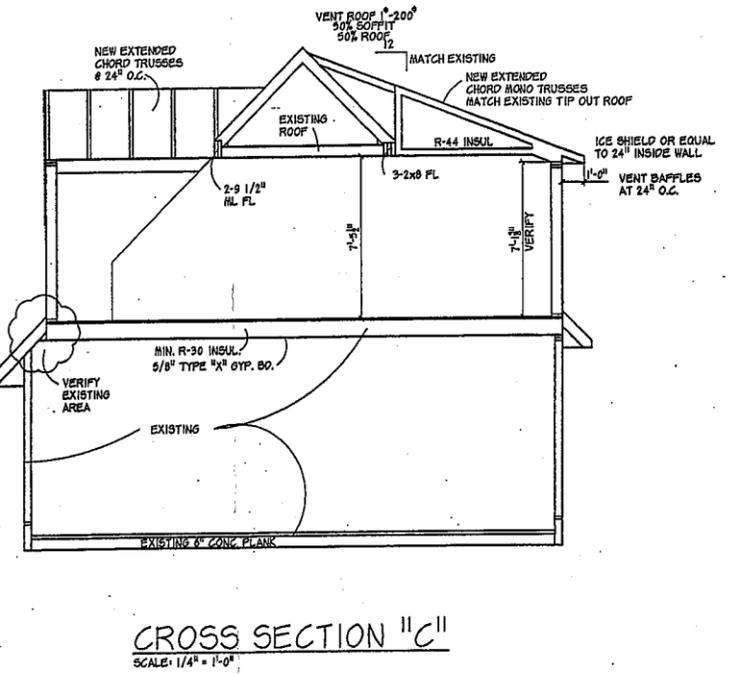
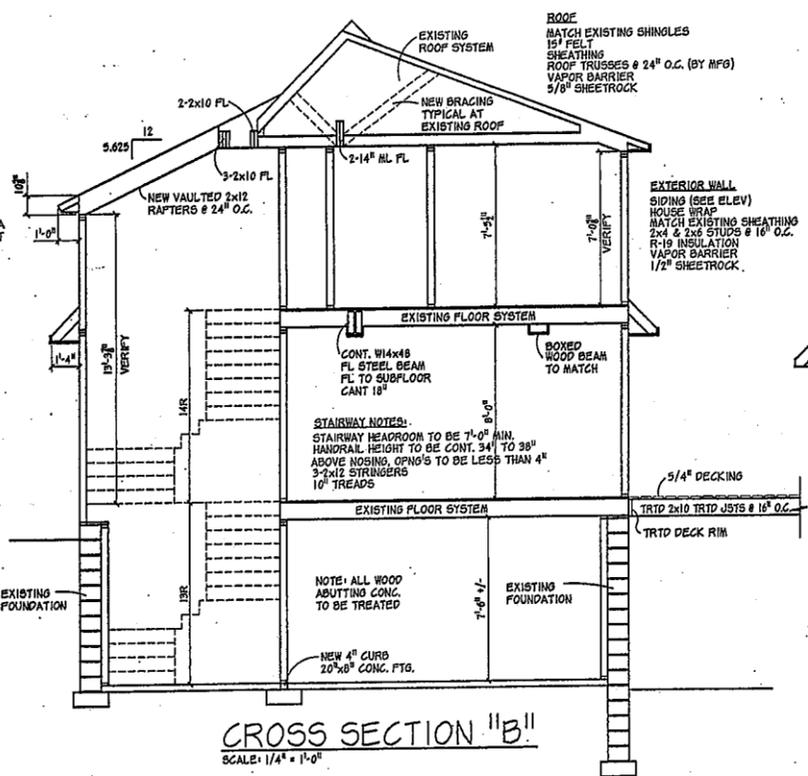
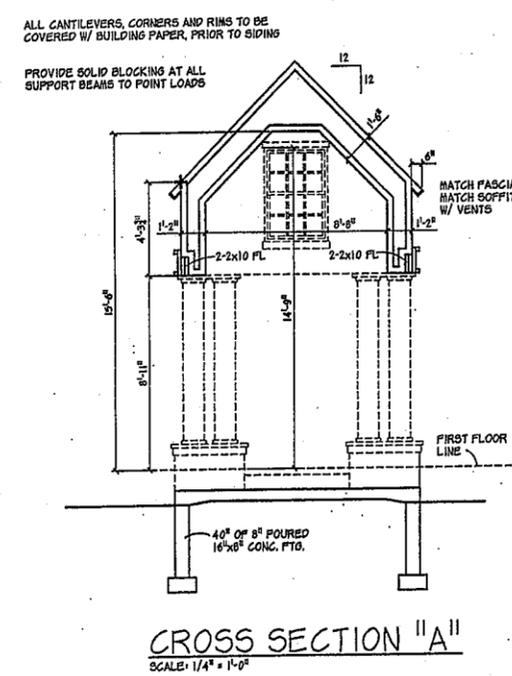
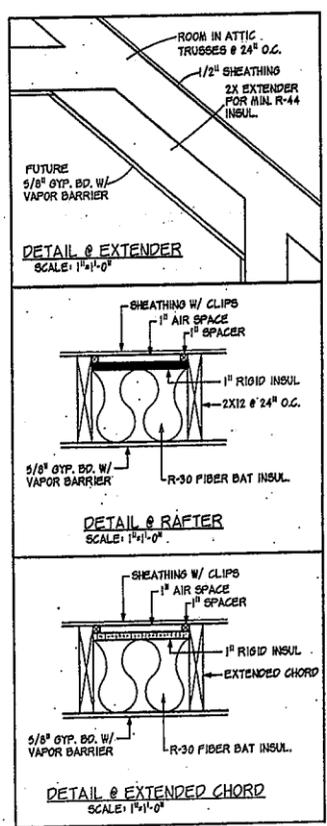
* VERIFY EXISTING WINDOW HEIGHTS
 * B.L.O.R. TO VERIFY ALL WDW, DOOR & C.O. HDR. HTS.
 * 7'-5 1/2" PLATE HT. UNLESS NOTED OTHERWISE
SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0" 1483 SQ. FT.

- 2. WEATHER RESISTIVE BARRIERS:**
 WEATHER RESISTIVE BARRIERS OVER WOOD BASED SHEATHING SHALL INCLUDE 2 LAYERS OF GRADE D PAPER. NOTE TYPE IS OR IS NOT GRADE D PAPER. VERTICAL JOINTS IN PAPER SHALL BE LAPPED AT LEAST 2 INCHES
- 3. EXTERIOR OPENINGS FLASHING:**
 EXTERIOR OPENINGS SHALL BE FLASHED. THE NAILING FLANGE ON WINDOWS WILL NOT BE ACCEPTED FOR FLASHING UNLESS THE MANUFACTURERS INSTALLATION INSTRUCTIONS ARE PROVIDED ON SITE STATING THE FLANGE IS ACCEPTABLE AS FLASHING.
- 4. WINDOW FLANGES:**
 PAPER SHALL BE INSTALLED ON THE BOTTOM AND SIDES OF WINDOW BEFORE INSTALLING WINDOW. PAPER ON THE TOP OF WINDOW SHALL GO OVER THE WINDOW FLASHING. A SECOND LAYER OF PAPER SHALL BE INSTALLED OVER THE SIDE WINDOW FLANGES
- 5. WINDOW OPENINGS:**
 CAULK OR TAPE WINDOW OPENINGS TO MAKE THEM WATERPROOF. OTHER OPENINGS MUST BE CAULKED WEATHERPROOF.
- 6. PAPER ENTIRE WALL:**
 PAPER MUST BE INSTALLED ON THE ENTIRE WALL INCLUDING WITHIN THE SOFFIT FRAMING. ALL PAPER MUST BE INSTALLED SHINGLE FASHION TO DRAIN OUT.
- 7. FLASHING:**
 KICKOUT FLASHING IS REQUIRED AT WALL/ROOF INTERSECTIONS WHERE THE ROOF LINE DOES NOT EXTEND PAST THE WALL. OTHER OPENINGS SHALL BE FLASHED TO MAKE THEM WEATHERPROOF.
- 8. WEEP SCREED:**
 A CORROSION RESISTANT WEEP SCREED WITH A MINIMUM VERTICAL ATTACHMENT FLANGE OF 3 1/2" INCHES SHALL BE PROVIDED AT OR BELOW THE FOUNDATION PLATE. THE SCREED MUST BE PLACED A MINIMUM OF 4 INCHES ABOVE THE EARTH OR 2 INCHES ABOVE CONCRETE AND SHALL BE OF A TYPE THAT WILL ALLOW TRAPPED WATER TO DRAIN TO THE EXTERIOR. WEEP SCREEDS MAY BE JUST BELOW THE PLATE LINE OR MAY EXTEND ONTO THE FOUNDATION PROVIDED THERE IS PAPER ON THE FOUNDATION. STUCCO MUST COVER, BUT NOT EXTEND BELOW, THE LATH AND PAPER

- 1. ICE & WATER SHIELD ALL VALLEYS**
 ICE & WATER SHIELD 24" UP ALL WALLS WHERE ROOF RUNS ALONG WALL
- ALL SCREWS OR NAILS BEING DRILLED THROUGH STUCCO OR SIDING MUST BE PRE-DRILLED AND SEALED W/ SILICONE TO PREVENT WATER LEAKAGE**
- ALL SUBCONTRACTORS MUST SEAL ALL PENETRATIONS TO EXTERIOR OF HOUSE WHEN ANY HOLES ARE CUT OR PENETRATIONS ARE COMPLETED**
- FLASH ALL WINDOWS AND DOORS**
 KICKOUT FLASHING TO BE INSTALLED BY ROOFERS
- 2. CONTINUOUS VAPOR BARRIER AT ALL WALL FRAMING TO EXTERIOR AND ON TOP OF ALL TOP PLATES**
- TAPE ALL VAPOR BARRIERS.**
 FOAM ALL WIRES AND ITEMS THAT PENETRATE VAPOR BARRIER, FOAM AROUND ALL WINDOWS AND DOORS TO ATTIC
- ALL CANTILEVERS, CORNERS, & RIMS TO BE COVERED W/ BLDG. PAPER PRIOR TO SIDING.**

- The items marked with * apply only to detached one- and two-family residential dwellings.
- PLAN REVIEW ISSUES**
- FOUNDATION INSULATION**
- foundation wall insulation R-5 minimum
 - foundation insulation extends from the top of the wall down to the top of the footing
 - exterior foundation insulation is covered by a protective coating finish
- CONCRETE SLAB OR UNDER-SLAB INSULATION**
- slab on grade perimeter insulation R-5 minimum
 - slab insulation extends from top of slab to design frost line or top of footing
 - floors over unheated space R-30 minimum
- WINDOWS / DOORS / SKYLIGHTS**
- average U-value is 0.35 maximum for windows and glass doors (excluded foundation windows)
 - window U-value consistent with building plan
 - window and door areas consistent with building plan
- MECHANICAL VENTILATION ISSUES**
- residential mechanical ventilation system provides adequate ventilation per code requirements
 - fan efficiency is consistent with MNcheck or building design plan
 - protection against excessive depressurization is installed per code requirements
- ENVELOPE INSULATION FOR PLAN REVIEW**
- interior basement insulation R-10 minimum (if no exterior insulation)
 - ceilings with attics R-44 or consistent with building plan
 - wall framing and insulation level is consistent with building design

- INSPECTION ISSUES**
- CONCEALED INSULATION**
- FRAMING AND SHEATHING**
- wind wash barrier installed at attic edge
 - exterior wall corners framed so that insulation can be installed after exterior sheathing is installed
 - intersections of interior partition walls and exterior walls are framed so that insulation can be installed between the partition and exterior sheathing after exterior sheathing is installed
 - gaps between framing less than one-half inch are eliminated by securing framing together or are insulated at the time of assembly
 - all penetrations between conditioned and unconditioned spaces made prior to framing inspection are sealed
 - windows must be insulated and sealed at installation
- INTERIOR AIR BARRIER**
- all fire stops are air sealed
 - pipes, ducts, wires, equipment and flues and chimneys through the interior air barrier are sealed
 - a sealed continuous interior air barrier is installed on the warm side of the building envelope at ceilings, walls, and floor rim joint areas
 - air barrier-based tub and shower is sealed and protected
 - recessed light fixtures are sealed
- ENVELOPE INSULATION**
- basement insulation is R-10 minimum
 - wind wash barrier on wall separating house and garage is sealed
 - loose fiberglass insulation is prevented from entering the cavity
 - insulation on skylight shafts and walls exposed in attics is supported on the unconditioned side
- ATTIC INSULATION**
- attic access panel insulated to R-44 for ceiling panel and R-19 for wall panel
 - attic card attached to framing near access opening
 - notification of attic R-value and date of installation posted near building permit inspection card





Agenda Number: **7B**

Agenda Date: 05-02-12

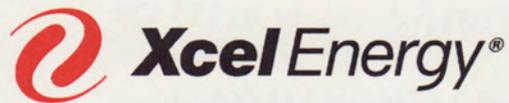
Agenda Item: Discuss Potential Support of Xcel Energy Alternate Route

Summary: Xcel Energy sent a Notice of Certificate of Need proceedings to upgrade the Southwest Twin Cities Bluff Creak-Westgate 69kV transmission line to 115kV capacity to all affected property owners in Chanhassen, Excelsior, Greenwood, Deephaven, Shorewood, Minnetonka, and Eden Prairie. The notice included an explanation of the regulatory process that the Minnesota Public Utilities Commission will follow. A copy of the notice is attached. It includes a map that shows an alternate route that moves the route off of the Greenwood Light Rail Trail (LRT) and relocates it to Vine Hill Road and Hwy. 7. Another option that has been discussed is the concept of moving the Deephaven substation to Hwy. 101 and running the route along Hwy. 101 and Hwy. 7. This route would follow major roads vs. a recreational / residential corridor. It is unclear which side of Hwy. 7 either of the alternate routes would follow, so it is possible that the alternate routes also would affect Greenwood residents.

Greenwood resident Brian Burdick has requested that the council support an alternate route that does not follow the LRT. Mr. Burdick's email to neighbors and letter to Deborah Pile, Minnesota Division of Energy Resources are attached for the council's reference.

Council Action: No action required. Possible motions ...

1. I move the council directs the mayor to write a letter in support of the Xcel Energy 115kV alternate route that goes along _____ and Hwy. 7, and send the letter to Bret Eknes at the Minnesota Public Utilities Commission, Deborah Pile at the Minnesota Division of Energy Resources, and to Timothy G. Rogers at Xcel Energy.
2. Do nothing.



414 Nicollet Mall
Minneapolis, Minnesota 55401

Re: Notice of Certificate of Need proceedings to upgrade the Southwest Twin Cities (SWTC) Bluff Creek- Westgate 69 kV Transmission Line to 115 kV Capacity near the Cities of Chanhassen, Excelsior, Greenwood, Deephaven, Shorewood, Minnetonka, and Eden Prairie located in Carver and Hennepin Counties

Dear Local Resident/Land Owner:

My name is Paul Lehman. I manage regulatory projects for Xcel Energy. I am writing on behalf of Xcel Energy to inform you of our proposal to upgrade approximately 14 miles of an existing high voltage transmission line and to upgrade two existing substations that may be located in your area. I also explain the regulatory process that the Minnesota Public Utilities Commission (“the Commission”) will follow in determining whether this project is needed and the various opportunities you will have to participate in the regulatory process.

Proposed 115 Kilovolt (kV) Transmission Line Upgrade

This project is needed to ensure reliable and stable electric service in the Chanhassen, Shorewood, Excelsior, Greenwood, Deephaven, Minnetonka and Eden Prairie areas of the southwest Twin Cities. The project is also needed to allow future growth and development in the area.

Our plan to meet area electricity needs includes upgrading the Bluff Creek to Westgate transmission line from 69 kV to 115 kV capacity and to upgrade two substations to 115 kV capacity. We propose the following upgrades:

- Converting approximately 3.6 miles of 69 kV transmission line to 115 kV transmission line between the Bluff Creek and Excelsior Substations
- Converting approximately 3 miles of 69 kV transmission line to 115 kV capacity between the Excelsior and Deephaven Substations
- Converting approximately 7.5 miles of 69 kV transmission line to 115 kV capacity between the Deephaven and Westgate Substations

- Upgrading the Excelsior and Deephaven Substations to 115 kV capacity
- Change the voltage of approximately 5.3 miles of 115/69 kV transmission line to 115/115 kV operation between the Scott County Substation to a point just north of the Bluff Creek Substation

The attached map illustrates the proposed project. The transmission line that we propose to upgrade is illustrated by the red dashed line. The brown dashed line represents an alternative route that would replace approximately 4 miles of the existing line from the Excelsior Substation to the Deephaven Substation. Existing Substations are identified by name on the map.

Xcel Energy continuously repairs, upgrades and adds new facilities to its system in communities throughout the state to maintain reliable service for its customers. The project we propose here is part of a larger effort to ensure reliable electric service throughout the southwest Twin Cities.

We propose to upgrade approximately 14 miles of transmission line along existing right-of-way. Some of the existing poles would be removed and replaced with steel structures that are capable of supporting the larger transmission line. Typically, 115 kV transmission lines use wood or steel poles that are 60- to 80 feet tall and spaced about 300 to 400 feet apart within a right-of-way that is about 75 feet wide. In the event that new right-of-way is required for this project, we will work with landowners to purchase property rights, known as an easement, in order to construct any new segment of transmission line that may be needed. If easement terms cannot be reached, we can then submit the dispute to the eminent domain process.

I wish to stress the fact that no part of our proposal has been approved and no construction has taken place. Again, no routing or construction decisions have been made at this stage of the process. This letter is intended to provide you with early notice of our plans so that you can participate in the decision making process for this important energy project. I hope you will consider taking time to participate in the regulatory process that will ultimately determine if and where these lines are constructed.

Regulatory Information

Two regulatory steps must be taken before any transmission line upgrades can begin. First, the Commission must determine whether the upgrade is needed. The Commission will base its determination on a thorough review of our

application and input received from the public. If the Commission determines that the transmission project is needed, the second step is to determine where the line should be built. The transmission line cannot be constructed unless the Commission issues both a Certificate of Need and a Route Permit.

As part of the Certificate of Need process, the Minnesota Department of Commerce, Division of Energy Resources will solicit public comment and prepare an Environmental Report. Additional environmental review will take place during the routing process. The routing process will consider environmental, land use, and other potential routing impacts. Again, I encourage you to participate and to share your views.

Citizen Participation & Contact Information

Both the Certificate of Need and Routing processes emphasize public participation. There will be public meetings and hearings in your area during the coming months so that you can participate in this important energy infrastructure decision. Notice of these meetings and hearings will be published in local newspapers and will also be available at the Commission's web site (www.puc.state.mn.us). You can also learn more about transmission planning in your area by visiting the Minnesota Electric Transmission Planning website at www.minnelectrans.com.

The Certificate of Need process is governed by Minnesota Statutes § 216B.243, and Minnesota Rules Chapters 4410, 7829, and 7849. The Route Permit process is governed by Minnesota Statutes § 216E and Minnesota Rules Chapter 7849. You can review these regulations at www.revisor.leg.state.mn.us. The application for these lines, as well as other regulatory filings related to our proposal, will be posted at www.xcelenergy.com. You can also add your name to the official state agency mailing lists to receive information. The mailing address and related information to do so is provided at the end of this letter.

Please note that the Certificate of Need process and the Routing process are separate. In other words, decisions about the need for the upgrade will be determined during the Need process. Decisions about the location of the transmission line will be made during the Routing process. Although the Company plans to upgrade the existing transmission line along existing right-of-way, the Commission must ultimately determine if the existing right-of-way or a new line location is in the public interest.

The Minnesota Public Utilities Commission will reference the Certificate of Need proceeding for our proposal as Docket No.E002/CN-11-332, *In the Matter of the Application of Northern States Power Company, a Minnesota Corporation*,

*for a Certificate of Need to Upgrade the Southwest Twin Cities (SWTC) Bluff Creek-
Westgate Transmission line from 69 kV to 115 kV Capacity.*

Please feel free to contact any of the individuals below for more information.

Certificate of Need Process

Bret Eknes
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101
Bret.eknes@state.mn.us
651-201-2236

Routing & Environmental Review

Deborah Pile
Minnesota Division of Energy Resources
85 7th Place East, Suite 500
St. Paul, MN 55101
Deborah.pile@state.mn.us
651-297-2375

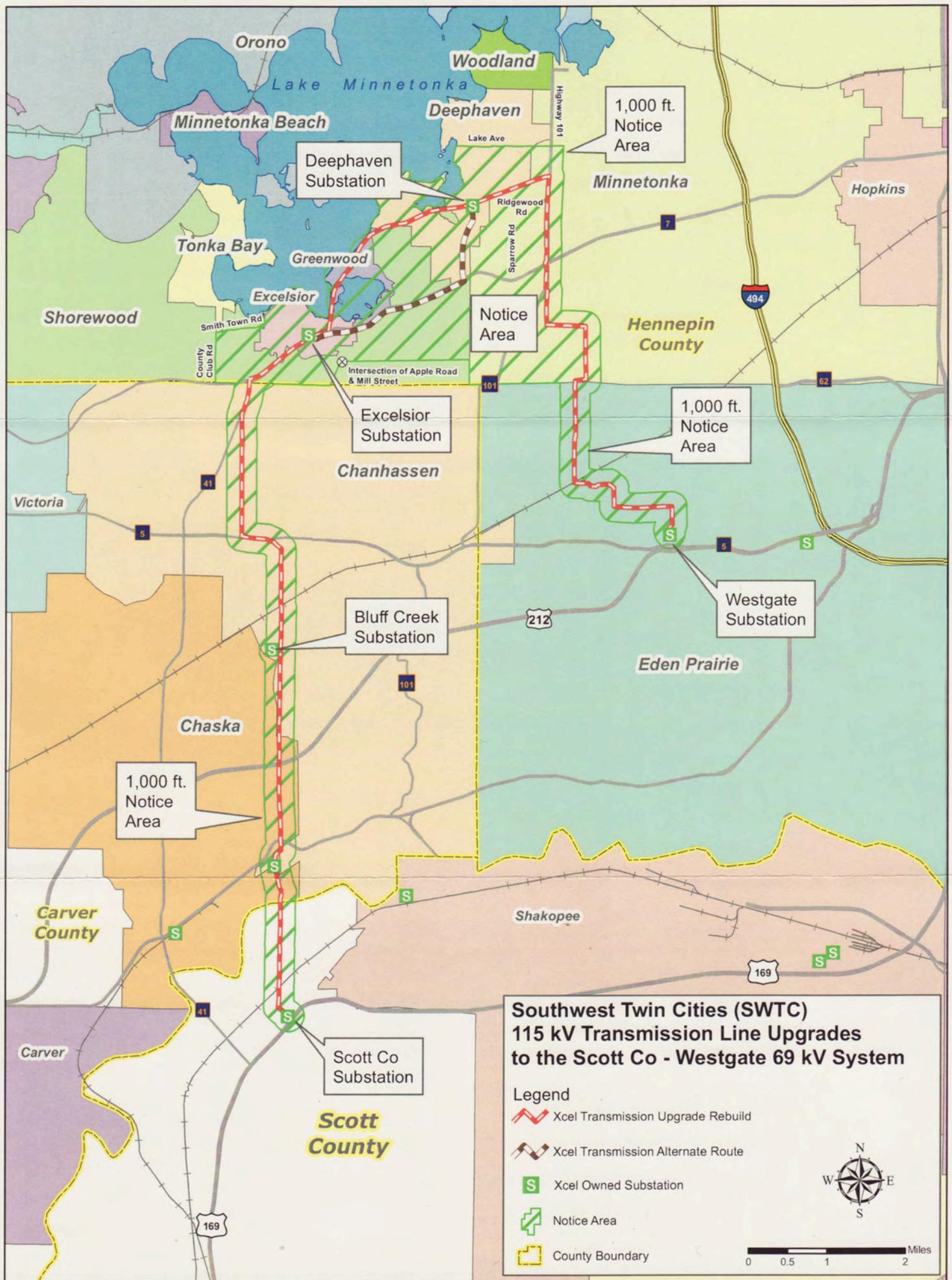
Xcel Energy Contact

Timothy G. Rogers
250 Marquette Plaza
Minneapolis, MN
612-330-1955
Timothy.G.Rogers@xcelenergy.com

Sincerely,

Paul J. Lehman
Manager, Regulatory Administration

Enclosures



BRIAN H. BURDICK

560 MARKET STREET, SUITE 12-PO BOX 580-CHANHASSEN, MN 55317

PHONE: 952-474 5243

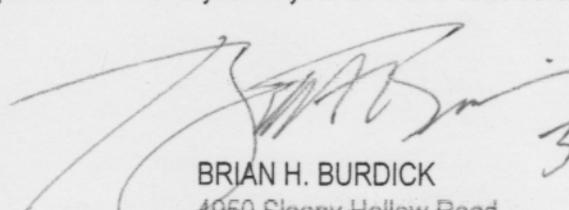
To: Neighbors and Residents of Greenwood
From: BRIAN H. BURDICK
Date: March 26, 2012
Subject: Xcel Energy Proposal to Upgrade Transmission Line- Greenwood

Please find enclosed a copy of my March 26, 2012 letter to Ms. Deborah Pile along with a copy of the Xcel Energy notice of Certificate of Need proceedings pertaining to the Xcel Energy Proposal to Upgrade Transmission Line - Greenwood.

I am sending you this information for your reference and I hope that each of you will take the time to give your opinion to the Xcel Energy Proposal routing of the transmission line as it pertains to Greenwood.

As you will surely notice, I am strongly in favor of the alternate route for the transmission line. I think that the alternate route is clearly the best route for the new proposed transmission line.

Please feel free to contact me with any questions. Thank you for your time and consideration.



3/28/12

BRIAN H. BURDICK
4950 Sleepy Hollow Road
Greenwood, MN 55331

Home: 952-474-6917
Office: 952-474-5243

BHB/cd

Enclosure

BRIAN H. BURDICK

560 MARKET STREET, SUITE 12-PO BOX 580-CHANHASSEN, MN 55317

PHONE: 952-474 5243

March 26, 2012

Ms. Deborah Pile
Minnesota Division of Energy Resources
85 7th Place East, Suite 500
St. Paul, MN 55101

Re: *Xcel Energy Proposal to Upgrade Transmission Line – Greenwood,
Brian H. Burdick, 4950 Sleepy Hollow Road, Greenwood, MN 55331*

Dear Deborah,

I am writing to you regarding the proposal from Xcel Energy to upgrade the Southwest Twin Cities (SWTC) Bluff Creek transmission line as the proposal pertains to routing through the City of Greenwood.

Deborah, I am writing to you requesting your consideration to use the Xcel transmission alternate route as described on your map. This proposed alternate route is clearly the best route for many good reasons. A few of the reasons include the following:

1. ENVIRONMENTAL ISSUES.

There are certainly environmental issues and concerns regarding the Greenwood portion of the proposed upgraded transmission line. The Greenwood portion of the transmission line is very unique due to the close proximity of wetlands and Lake Minnetonka.

2. SAFETY.

The proposed alternate route is much safer and a better route for the new transmission line. In addition, the alternate route is a more typical route in today's standards along the Highway 7 right-of-way corridor.

3. GROWTH AND DEVELOPMENT.

Basically, the City of Greenwood has no future growth or development as the city is fully developed for all practical purposes. That is, there will be no large power requirements in the future in the City of Greenwood.

4. PUBLIC INTEREST.

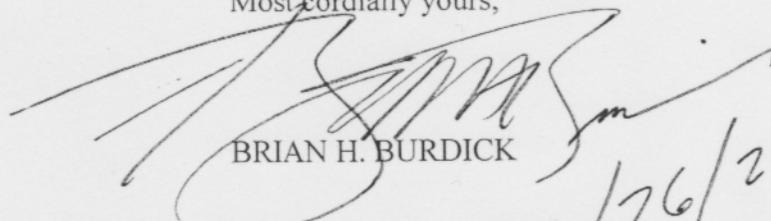
The proposed alternate route is in the public's best interest.

I understand the need for Xcel Energy to upgrade this transmission line. I think that it is very important that Xcel Energy upgrade this transmission line using the Xcel transmission alternate route as proposed on your map. (I am enclosing a copy of this map for reference.)

In closing, I hope that you and others involved in the routing process will understand that the alternative route is clearly the best route for the new proposed transmission line.

Finally, please be so kind and add my name to the official mailing list to receive information pertaining to this matter. Please use my office address listed above. Thank you for your courtesy and help.

Most cordially yours,



BRIAN H. BURDICK

3/26/2012

BHB/ln

cc: Mr. Paul J. Lehman, Manager, Regulatory Administration
Mr. Bret Eknes, Minnesota Public Utilities Commission
Mr. Timothy G. Rogers, Xcel Energy Contact



Agenda Number: **7C**

Agenda Date: 05-02-12

Agenda Item: Discuss Potential Review of Hardcover and Setback Requirements for Lots Smaller than 15,000 sq. ft.

Summary: Greenwood resident Keith Stuessi has requested this item be included on the agenda for council discussion. Attached are emails and letters for the council's review. Mr. Stuessi will be in attendance at the council meeting to make a brief presentation and answer questions.

The city zoning administrator suggests the following as a possible next step: Take a look at altering setbacks based on lot width for those lots that do not comply with the minimum lot width requirement. Based on our ordinance, a minimum house width of 25' and side yard setback totaling 30' takes 55' of lot width. The question that may want to be looked at is what is the average lot width in the R-1A District and how many actually comply with the 75' minimum.

The council also may wish to expand the research to include a determination of the number of lots that comply with the 15,000 sq. ft. minimum.

Council Action: No action required. Possible motions ...

1. I move the council approves the following next steps regarding review of hardcover and setback requirements for lots smaller than 15,000 sq. ft.:
 - a. The city zoning administrator gathers information regarding lot sizes (sq. ft. and width) in the R-1A district, and determine how many comply with the 15,000 sq. ft and 75' minimums.
 - b. City zoning administrator presents the information to the planning commission.
 - c. The planning commission reviews the information and makes recommendations to the city council regarding hardcover and/or setback changes (if any) to the zoning code.
2. Do nothing.

From: "Keith Stuessi" <kstuessi@mchsi.com>
Subject: **RE: Setback and hardcover requirements**
Date: April 20, 2012 1:57:01 PM CDT
To: "Pat Lucking" <plucking@idimn.com>, "Tom Fletcher" <tfletcher@aexcom.com>, <gusk@cityofdeephaven.org>
Cc: "Debra Kind" <dkind100@gmail.com>, <kellylawoffices@netscape.net>
▶ 1 Attachment, 20.5 KB

Pat,

Attached is a 1-page letter I wrote to the Planning commission in Jan 2006 before Cohen's 3-story house was built on 44% hardcover, and extensive side-yard setback variances were also granted. That house was completed in 2007.

The other two over-sized houses were Evans at 5040 Meadville and Lee at 5210 Meadville. Both are also 3-story and over 42% hardcover with unreasonable setback variances allowed.

I believe the Fronius and Tessier turn-downs were in 2005, both in the same time period as approvals were granted for the 3 huge new houses.

All three 42% plus hardcover variances were phoned up by prominent builders that craftily used questionable methods, such as plastic-under-rocks, and other devious reasons, to build up the "existing hardcover" picture.

On my watch on the council and running the board of review over 10 years earlier, we allowed good sized 2 car garages to be built on those 3 properties to replace small one-car or otherwise unusable garages, actually to conform to garage ordinances. Previous owners were Winters, Holscher and Holland. Never did we imagine in the 1980's that those garages plus more landscaping plastic and broken up sidewalks would be the justification for three-story additions to be allowed to be built over those garages and rocks.

I carefully wrote the Cohen letter as you might detect, and also copied Cohens as they were going to be neighbors. I was also assuming, obviously stupidly, that the council and planning commission would take up the apparent issues presented.

Well, nothing has happened to do what has been suggested in the letter many times since then: Develop different standards for small lots and odd shaped lots to consider what actually can be built on those properties.

A few questions:

1.) As asked in the letter 6 years ago...What can Ted Hanna do with his small lot tightly hemmed in between Cohens and Trautz? I.e. Assuming his lot is the same size, why can't he build the same size house as Cohens?

2.) Many older homes that will be tear -downs are within 50 feet of the lake. Many are also within 1-3 feet of the neighbor's lot line. My neighbor's house is actually built on my property and the eaves overhang 2 feet.

What rules should apply if these houses burn down, are torn down or are significantly modified? I hear many mixed answers which should be a concern to all of us.

3.) This whole "hardcover" requirement is baloney and it needs to be clarified. E.g. Many smaller properties already have 50% hardcover. Is that still grandfathered?

Also, I replaced 100s of SF of plastic-under-rocks in 1983 that was first installed in the early 1970's by the previous owner. Hey, now I have "grandfathered hardcover"! Though I don't think that is right, why can't I use that reason for more hardcover for the next owner?

4.) Physical house constructions aren't the only problems: Our neighbors on the south installed the Ardennes Forest with 25 foot evergreens on my lot line about 10 years ago, all the way to their rip-rap - - yes, clearly within the 50 foot lake setback. As we are on a "point" the infringing trees bloc our whole south lake view from our house. I never officially complained to the council, but I did ask the owners 10 years ago to not install those big trees that are within 50 feet of the lake so close to the lot line because of the view blocking. They refused. One of those big "non-conforming" evergreens (now 35 feet high) is now dead and another is dying. Now what???

If we decide to sell or are forced to sell for say health reasons, most of us with small lots have little idea about what we can do.

It is time we have answers.

Thanks,

Keith Stuessi

-----Original Message-----

From: Pat Lucking [mailto:plucking@idimn.com]

Sent: Friday, April 20, 2012 11:50 AM

To: 'Keith Stuessi'; 'Tom Fletcher'; gusk@cityofdeephaven.org

Cc: 'Debra Kind'

Subject: RE: Setback and hardcover requirements

Correct me if I'm wrong but my understanding is we only look into issues if directed by the council to do so. I will add however that in the 8 plus years on the planning commission I do not recall Delores Tessier or the Fronius's coming before our body. I am also curious about the properties you are referring to with 3 story homes on 10,000 sqft lots. Only one comes to mind and that was rebuilt on the same or nearly equal foot print which is allowed/required by the state.

You may want to start with the City council and ask them to direct us in this matter. Gus are you aware of these 3 homes Keith is referring to? Let me know.

Pat Lucking
Insulation Distributors, Inc.
plucking@idimn.com
952.937-2000 Office
952.937-9809 Fax
952.279-6403 Direct
952.279-6803 Direct Fax
www.idimn.com

-----Original Message-----

From: Keith Stuessi [mailto:kstuessi@mchsi.com]
Sent: Friday, April 20, 2012 10:57 AM
To: 'Tom Fletcher'; gusk@cityofdeephaven.org; Pat Lucking
Cc: 'Debra Kind'
Subject: Setback and hardcover requirements

Tom, Gus and Pat,

I am requesting to be placed on the Wed. May 16 Planning Commission Agenda, for the purpose of discussing revising setback and hard surface requirements, particularly for small lots less than R-1 size.

Last Wednesday I heard a lot of dogma expressed to the Carlsons at the planning commission meeting about "what we allow" and "what we don't allow".

Unfortunately the administration and enforcement of building requirements has been highly inconsistent even over the past 6-7 years: Just one of many examples....Three 4500 SF homes with 3-4 car garages have been build on lots less than 10k SF on Meadville alone. These homes are three-story, all with over 42% hardcover allowance and incredible side-yard variances granted. During the same period, Delores Tessier and Joe and Marna Fronius, both with small lots, merely wanted to bump up their center hip roof lines 3-4 feet to add dormer windows and a bedroom for grandkids - - but they were turned down.

We have many major looming problems I fear most of you don't see.

Please let me know if I can appear and what information should I present to justify my recommended changes.

Thanks,

Keith Stuessi
5000 Meadville
C: 612-386-5597



[Jan1206 Coh...oc \(20.5 KB\)](#)

January 12, 2006

To: Greenwood Planning Commission

cc. Neal & Flo Cohen
Meadville Neighbors
Mark Kelly

Subject: Cohen's request for variance

I'll be out of town the week of the Planning Commission meeting regarding the Cohen's request for a Variance/Conditional Use Permit. Since I haven't seen the Cohen's plan, I can't agree to or oppose the new proposal, though I am sure a new home makes more long-term sense than to remodel the older home currently on the site.

However I am seriously concerned about the Planning Commission and the Councils' inconsistent behavior surrounding significant variances as required in this case.

Requests for reasonable variances for two similar size properties (Fronius and Tessier) were quickly rejected. Both variance requests were asking for modest second floor expansions over 50-year existing footprints. Then, over 40% hardcover variances were granted for three properties each with huge side-yard variances. (Lee, Evans, Cohen).

Our property is less than a 12,000 SF. We were held to 30% hardcover when we expanded in 1984. What can we tell future owners of our property?

There are 14 lakeshore properties on Meadville-Fairview (out of 48 total) that are less than 12,000 SF in addition to Cohen's property that are all candidates for tear-down and re-build. I don't intend to insult anyone so I'll put our house first: (Stuessi, West, Burdick, Zischke, Lizee, Hessian, Schroeder-Brooks, Speigel, Cochran, Fronius, Hammer, Johnson, Tessier, White).

My suggestion is to work with Mark Kelly to draft revised provisions for hardcover and setback requirements. Total volume of the revised structure should also be seriously considered and regulated. Mark has studied this issue and has good ideas.

It is unfortunate and unfair to neighbors that 40-foot high walls were allowed to be constructed 9 feet from the property line as in the case of the new Evans construction. The total volume on such a small lot with skyscraper sidewalls is imposing and in my opinion infringes on the airspace of neighbors' properties. Even Tonka Bay restricts such constructions more tightly.

Unfortunately most of the small properties mentioned above are next door to other small properties which will make your decision process even more complicated. I'll be interested in your comments and recommendations on these subjects.

Thank you,

Keith Stuessi
5000 Meadville Street
Cell: 612-386-5597

From: "Keith Stuessi" <kstuessi@mchsi.com>
Subject: **Setback and hardcover requirements**
Date: April 20, 2012 10:56:48 AM CDT
To: "'Tom Fletcher'" <tletcher@aexcom.com>, <gusk@cityofdeephaven.org>, <plucking@idimn.com>
Cc: "'Debra Kind'" <dkind100@gmail.com>

Tom, Gus and Pat,

I am requesting to be placed on the Wed. May 16 Planning Commission Agenda, for the purpose of discussing revising setback and hard surface requirements, particularly for small lots less than R-1 size.

Last Wednesday I heard a lot of dogma expressed to the Carlsons at the planning commission meeting about "what we allow" and "what we don't allow".

Unfortunately the administration and enforcement of building requirements has been highly inconsistent even over the past 6-7 years: Just one of many examples....Three 4500 SF homes with 3-4 car garages have been build on lots less than 10k SF on Meadville alone. These homes are three-story, all with over 42% hardcover allowance and incredible side-yard variances granted. During the same period, Delores Tessier and Joe and Marna Fronius, both with small lots, merely wanted to bump up their center hip roof lines 3-4 feet to add dormer windows and a bedroom for grandkids - - but they were turned down.

We have many major looming problems I fear most of you don't see.

Please let me know if I can appear and what information should I present to justify my recommended changes.

Thanks,

Keith Stuessi
5000 Meadville
C: 612-386-5597



Agenda Number: **7D**

Agenda Date: **05-02-12**

Agenda Item: Discuss Potential Clean Up of St. Alban's Bay Shore Along Mtka. Blvd.

Summary: Greenwood resident Bob Quinn has requested this item be included on the agenda for council discussion. Attached is his email for the council's review.

He states that St. Alban's Bay is the only bay on the lake that cannot be seen by drivers passing by on Minnetonka Blvd. and that the beautiful view is blocked by "really crappy foliage" (buckthorn, etc). He would like the area cleared out so people can enjoy the view and "hang out on the shore to relax and catch a few bigguns."

The 2012 budget includes \$13,000 for trees, weeds, and mowing. Last year the city spent \$12,000 for these items. If the council decides to move forward with a clean-up project and the scope of the project exceeds \$1000, there are contingency funds (\$25,446) available, or a transfer could be made from another fund. Note: If the council wants to pursue using city park funds (current balance \$27,000), the project must comply with state statute 462.358 subd. 2b (attached).

Additionally, if the scope of the project requires disturbance of the soil, a permit from the Minnehaha Creek Watershed District will be required. The MCWD also may have recommendations and possible funding support for shoreline projects.

Council Action: No action required. Possible motions ...

1. I move the council directs the city clerk to:
 - a. Secure at least 3 estimates to cut down the buckthorn and other scrub bushes along the St. Alban's Bay Minnetonka Blvd. shoreline.
 - b. Present the estimates to the council at the June council meeting for consideration.

2. I move the council directs the city clerk to do the following regarding a potential clean-up project for the St. Alban's Bay shoreline along Minnetonka Blvd.:
 - a. Consult with the Minnehaha Creek Watershed District to determine best management practices for the area and determine if funding support is available.
 - b. Secure at least 3 estimates for the shoreline project. The estimates will include:
 - i. Clearing all buckthorn and scrub bushes from the area.
 - ii. Implementation of best management practices as recommended by the Minnehaha Creek Watershed District.
 - iii. Other _____
 - c. Report back to the council before moving forward.

3. Do nothing.

From: "Gus Karpas" <administrator@greenwoodmn.com>
Subject: FW: My little rant
Date: April 9, 2012 8:45:59 AM CDT
To: "Debra Kind" <dkind100@gmail.com>

Not sure if you got this.

GUS

From: Bob Quinn [mailto:crabbyirishman@yahoo.com]
Sent: Saturday, March 31, 2012 12:41 AM
To: administrator@greenwoodmn.com
Subject: My little rant

Hello all...

I have just a few questions that have been weighing heavily on my mind lately.

1) Does anyone on the council realize that St. Alban's Bay is the only bay on the lake that can NOT be seen as you drive past it? Not only is it not visible, the beautiful view is blocked by really crappy foliage. Tons of buckthorn and other garbage trees. Do you think this could be cleared out? Completely? There are more than a few fisherman (myself and my children included) that would love to hang out on the shore to relax and catch a few bigguns.

2) With the fee we pay for dockage, do you think we might be able to replace the tippy, vertigo-inducing floating docks with the beautiful permanent wooden docks of days gone by? The comparison you make between our docks (floating and portable) and other permanent docks around the lake should not even be made. Apples and oranges. All other municipal docks on the lake are sturdy, permanent docks. Also, I think funds collected for these slips should be used only for St. Alban's Bay issues only. NOT street repairs or other general usage. That's what our taxes are for, not to be siphoned off for other general fund uses.

Thanks for letting me vent.
Bob Quinn

462.358 OFFICIAL CONTROLS: SUBDIVISION REGULATION; DEDICATION.

Subdivision 1. [Repealed, 1980 c 566 s 35]

Subd. 1a. **Authority.** To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision.

A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its boundaries within this area.

Subd. 2. [Repealed, 1980 c 566 s 35]

Subd. 2a. **Terms of regulations.** The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit, restrict or control development for the purpose of protecting and assuring access to direct sunlight for solar energy systems. The regulations may prohibit the issuance of permits or approvals for any tracts, lots, or parcels for which required subdivision approval has not been obtained.

The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, bond, or other financial security in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. Sections 471.345 and 574.26 do not apply to improvements made by a subdivider or a subdivider's contractor.

A municipality may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the municipality for direct costs relating to professional services provided during the review, approval and inspection of the project. A municipality may only charge the applicant a rate equal to the value of the service to the municipality. Services provided by municipal staff or contract professionals must be billed at an established rate.

When the applicant vouches, by certified letter to the municipality, that the conditions required by the municipality for approval under this subdivision have been satisfied, the municipality has 30 days to release and return to the applicant any and all financial securities tied to the requirements. If the municipality fails to release and return the letters of credit within the 30-day period, any interest accrued will be paid to the applicant. If the municipality determines that the conditions required for approval under this subdivision have not been satisfied, the municipality must send written notice within seven business days upon receipt of the certified letter indicating to the applicant which specific conditions have not been met. The municipality shall require a maintenance or performance bond from any subcontractor that has not yet completed all remaining requirements of the municipality.

The regulations may permit the municipality to condition its approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval. The municipality may enforce such agreements and conditions by appropriate legal and equitable remedies.

Subd. 2b. **Dedication.** (a) The regulations may require that a reasonable portion of the buildable land, as defined by municipal ordinance, of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements, parks, recreational facilities as defined in section 471.191, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance or under the procedures established in section 462.353, subdivision 4a.

(b) If a municipality adopts the ordinance or proceeds under section 462.353, subdivision 4a, as required by paragraph (a), the municipality must adopt a capital improvement budget and have a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and paragraphs (c) to (i).

(c) The municipality may choose to accept a cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision, based on the average fair market value of the unplatted land for which park fees have not already been paid that is, no later than at the time of final approval or under the city's adopted comprehensive plan, to be served by municipal sanitary sewer and water service or community septic and private well as authorized by state law. For purposes of redevelopment on developed land, the municipality may choose to accept a cash fee based on fair market value of the land no later than the time of final approval.

(d) In establishing the portion to be dedicated or preserved or the cash fee, the regulations shall give due consideration to the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve for the subdivision.

(e) The municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(f) Cash payments received must be placed by the municipality in a special fund to be used only for the purposes for which the money was obtained.

(g) Cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

(h) The municipality must not deny the approval of a subdivision based solely on an inadequate supply of parks, open spaces, trails, or recreational facilities within the municipality.

(i) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.

Subd. 2c. **Nexus.** (a) There must be an essential nexus between the fees or dedication imposed under subdivision 2b and the municipal purpose sought to be achieved by the fee or dedication. The fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.

(b) If a municipality is given written notice of a dispute over a proposed fee in lieu of dedication before the municipality's final decision on an application, a municipality must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee in lieu of dedication.

(c) An application may proceed as if the fee had been paid, pending a decision on the appeal of a dispute over a proposed fee in lieu of dedication, if (1) the person aggrieved by the fee puts the municipality on written notice of a dispute over a proposed fee in lieu of dedication, (2) prior to the municipality's final decision on the application, the fee in lieu of dedication is deposited in escrow, and (3) the person aggrieved by the fee appeals under section 462.361, within 60 days of the approval of the application. If such an appeal is not filed by the deadline, or if the person aggrieved by the fee does not prevail on the appeal, then the funds paid into escrow must be transferred to the municipality.

Subd. 3. [Repealed, 1980 c 566 s 35]

Subd. 3a. **Platting.** The regulations may require that any subdivision creating parcels, tracts, or lots, shall be platted. The regulations shall require that all subdivisions which create five or more lots or parcels which are 2-1/2 acres or less in size shall be platted. The regulations shall not conflict with the provisions of chapter 505 but may address subjects similar and additional to those in that chapter.

Subd. 3b. **Review procedures.** The regulations shall include provisions regarding the content of applications for proposed subdivisions, the preliminary and final review and approval or disapproval of applications, and the coordination of such reviews with affected political subdivisions and state agencies. Subdivisions including lands abutting upon any existing or proposed trunk highway, county road or highway, or county state-aid highway shall also be subject to review. The regulations may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions. Preliminary or final approval may be granted or denied for parts of subdivision applications. The regulations may delegate the authority to review proposals to the planning commission, but final approval or disapproval shall be the decision of the governing body of the municipality unless otherwise provided by law or charter. A municipality must approve a preliminary plat that meets the applicable standards and criteria contained in the municipality's zoning and subdivision regulations unless the municipality adopts written findings based on a record from the public proceedings why the application shall not be approved. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in



Agenda Number: **7E**

Agenda Date: **05-02-12**

Agenda Item: Ordinance 209, Amending Code Section 310.30, Subd. 5(d) and (f), Use of Sewers (to authorize the council to institute programs to ensure compliance with ordinances that prohibit discharge of clean water into the sanitary sewer system)

Summary: At the 02-01-12 council meeting the council discussed the possibility of conducting a new “sump pump program” to reduce the amount of money the city is paying to treat clean water. The last sump pump program was conducted in 2006. At that time it is believed that each property owner was asked to complete a form to certify that their sump pump was not hooked up to the sewer system, but there was no follow up with the properties that did not return the certification form. If the council desires to conduct a new “sump pump program,” section 310.30 of the code would need to be revised.

At the 04-04-12 council meeting the council received input from the city engineer and from Bill Cook (Greenwood resident, planning commissioner, and Met Council manager of engineering services). Based on the 04-04-12 discussion, the council directed that an ordinance be drafted to conduct a new “sump pump program” and be placed on the 05-02-12 agenda for a first reading. The ordinance and a proposed certification letter are attached. Both have been reviewed and approved by the city attorney. For the council’s reference, the applicable subsections of the current city code also are attached and highlighted.

Council Action: None required. Possible motions ...

1. I move the council approves the first reading of ordinance 209 as written.
2. I move the council approves the first reading of ordinance 209 with the following changes _____.
3. I move the council directs that the certification letter be included on the June council agenda for consideration of approval.
4. I move the council directs that the certification letter be included on the June council agenda for consideration of approval with the following changes _____.
5. Do nothing.

public property disturbed in the course of the work shall be restored in a manner satisfactory to the city by the person making the installation.

Subd. 4. Prohibited Discharges Into Sanitary Sewer System and Natural Outlets.

- (a) No person shall discharge or cause to be discharged any substance not requiring treatment or any substance not acceptable for discharge, as determined by the city, Metropolitan Council, or the Minnesota Pollution Control Agency, into the sanitary sewer system. Only sanitary sewage from approved plumbing fixtures may be discharged into the sanitary sewer system.
- (b) Storm water, ground water, roof runoff, surface water, or unpolluted drainage shall be discharged only to specifically designated storm drains or to a natural outlet approved by the city engineer.
- (c) No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewer:
- 1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.
 - 2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a nuisance or to create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 milligrams per liter as CN in the wastes as discharged to the public sewer.
 - 3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works or the sewage treatment plant.
 - 4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works or sewage treatment plant such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, manure, hair and fleshing, entrails, and any paper dishes, cups, or other paper containers or paper products, whether whole or ground by garbage grinders.
 - 5) Other substances in amounts in excess of the concentrations permitted under rules and regulations of the metropolitan sewer board.
- (d) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer unless such person has obtained a permit from the Metropolitan Council specifically authorizing the discharge of such water or waste and unless the conditions, if any, set forth in the permit have been and are complied with by such person:
- 1) Any waters or other liquid or vapor having a temperature higher than 150° Fahrenheit (65°C).
 - 2) Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° Fahrenheit (0°C and 65°C).
 - 3) Any garbage that has not been properly shredded.
 - 4) Any waters or wastes containing pickling wastes or concentrated plating solutions.
 - 5) Any waters or wastes containing iron, chromium, copper, zinc and similar substances in such concentration so as to cause the waters or wastes to be objectionable or toxic.
 - 6) Any waters or wastes exerting a chlorine requirement or demand such that when the waters or wastes are received in the composite sewage at the sewage treatment plant, the chlorine requirement or demand of the composite sewage exceeds reasonable limits.
 - 7) Any waters or wastes containing phenols or other taste or odor producing substances in concentrations which exceed reasonable limits in view of the applicable requirements of the state, federal or other public agencies having jurisdiction over effluent discharge to the receiving waters.
 - 8) Any radioactive wastes or isotopes of such half-life or concentration as may exceed reasonable limits in view of the applicable state or federal regulations.
 - 9) Any waters or wastes having a pH in excess of 9.5.
 - 10) Materials that exert or cause: i.) concentrations of inert suspended solids, such as, but not limited to, fullers earth, sand, lime, slurries and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate, which are likely to be harmful to the sewer, sewer works or sewage treatment plant. ii.) excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions. iii.) unusual BOD or chemical oxygen demand in such quantities as to constitute a significant load on the sewage treatment plant. iv.) unusual volume of flow or concentration of waters or wastes constituting "slugs" as defined herein.

- (e) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes utilized by sewage treatment plants, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the state, federal or other public agencies having jurisdiction over effluent discharge to the receiving waters.
- (f) Where pretreatment or flow-equalization facilities and/or where grease, oil or sand interceptors are provided for any waters or wastes, such facilities and/or interceptors shall be maintained continuously in satisfactory and effective operation by the user thereof and at no expense to the city.
- (g) The owner of any property having a building sewer into which industrial wastes are discharged or caused to be discharged, shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the industrial wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city engineer. The structure shall be installed by the owner at their expense, and shall be maintained by them so as to be safe and accessible at all times. The owner shall pay all city engineer fees to review the plan.
- (h) All measurements, tests and analyses of the waters and wastes discharged or caused to be discharged to a public sewer shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control structure provided, or in the event that no special control structure has been provided, at the nearest downstream manhole in the public sewer from the point at which the building sewer is connected to the public sewer. Sampling shall be carried out by customarily accepted methods under the direction of the city engineer to reflect the effect of the waters and wastes upon the sewers, sewage works and the sewage treatment plant and to determine the existence of hazards to public health, safety and welfare.
- (i) Notwithstanding any other provision hereof, the city may enter into a valid agreement with any person whereby industrial wastes and/or sewage of unusual strength or character may be discharged to a public sewer and accepted by the sewage treatment plant, subject to the payment of special charges to the city thereof by the person; and provided that the city shall give its prior, written approval to the special agreement.

Subd. 5. Prohibited Discharges of Stormwater, Surface Water, Groundwater, Roof Runoff, Subsurface Drainage, or Cooling Water and Discharge to Any Sanitary Sewer.

- (a) No person shall discharge or cause to be discharged, directly or indirectly, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, foundation drain systems, or cooling water to any sanitary sewer. Any person having a roof drain, sump pump, unauthorized swimming pool discharge, cistern overflow pipe or surface drain connected and/or discharging into the sanitary sewer shall disconnect and remove any piping or system conveying such water to the sanitary sewer system.
- (b) All construction involving the installation of clear water sump pits shall include a sump pump with minimum size 1-1/2 inch diameter discharge pipe. The pipe attachment must be a rigid permanent type plumbing such as PVC or ABS plastic pipe with glued fittings, copper or galvanized pipe. All discharge piping shall be installed in accordance with the building code. Discharge piping shall start at the sump pit and extend through the exterior of the building and terminate with not less than 6 inches of exposed pipe. Sump pump discharge location and flow shall be consistent with the approved development drainage plan for the lot. The discharge may not be pumped directly onto any public right-of-way unless approved by the city engineer or their designee. Any disconnects or openings in the sanitary sewer shall be closed and repaired in compliance with applicable codes.
- (c) Every person owning improved real estate which discharges into the city's sanitary sewer system shall allow inspection by authorized city employees or its agents of all properties or structures connected to the sanitary sewer system to confirm there is no sump pump or other prohibited discharge into the sanitary sewer system. Any persons refusing to allow their property to be inspected shall immediately become subject to the surcharge as described in subsection (f) hereinafter.
- (d) Every person owning improved real estate that discharges into the city's sanitary sewer system shall submit to the city clerk on or before March 31, 2006 certification that their real estate is not in violation of section 310.30, subdivisions 4 and 5. Any owner of any property in violation of section 310.30, subdivisions 4 or 5 shall a) on or before March 31, 2006 notify the city clerk of the violation, b) make the necessary changes to comply with section 310, and c) schedule an inspection of their property to be conducted on or before June 30, 2006 by authorized city employees or its agents to verify that the violation has been ended. Any property or structure not inspected or not in compliance by June 30, 2006, shall, following notification from the city, comply within 14 calendar days or be subject to the surcharge as provided in subsection (f) hereinafter.

- (e) Upon verified compliance with this section, the city reserves the right to re-inspect such property or structure at least annually to confirm continued compliance. Any property found not to be in compliance upon re-inspection or any person refusing to allow their property to be re-inspected shall, following notification from the city, comply within 14 calendar days or be subject to the surcharge as provided in subsection (f) hereinafter.
- (f) A stormwater surcharge per quarter is hereby imposed and shall be added to every residential utility billing, to property owners who are found not in compliance with this section; a surcharge per quarter is hereby imposed and shall be added to every commercial or industrial sewer billing, to property owners who are found not in compliance with this section. The surcharge shall be added every quarter until the property is verified to be in compliance through the city's inspection program. The stormwater sewer non-compliance surcharge fee amount shall be determined by the city council and set forth in chapter 5 of this code book.
- (g) The city council, upon recommendation of the city engineer, shall hear and decide requests for temporary waivers from the provisions of this section where strict enforcement would cause a threat to public safety because of circumstances unique to the individual property under consideration. Any request for a temporary waiver shall be submitted to the city engineer in writing. Upon approval of a temporary waiver from the provisions of this section, the property owner shall agree to pay an additional fee for sanitary sewer services based on the number of gallons discharged into the sanitary sewer system as estimated by the city engineer.
- (h) Violation of this section is a misdemeanor and each day that the violation continues is a separately prosecutable offense. The imposition of the surcharge shall not limit the city's authority to prosecute the criminal violations, seek an injunction in district court ordering the person to disconnect the nonconforming connection to the sanitary sewer, or for the city to correct the violation and certify the costs of connection as an assessment against the property on which the connection was made.

Section 310.35. Right to Enter.

The duly authorized employees or representatives of the city bearing proper credentials and identification shall have the right to enter all properties served by the city's sewer system for the purpose of inspection, observation, measurement, sampling and testing in accordance with and for the purpose of enforcing the provisions of this ordinance. The employees or representatives shall have the power and authority to obtain a warrant to secure entry onto a property and shall obtain a warrant to enter any property upon which entry is or has been refused. The employees or representatives shall have no authority to inquire into any industrial processes beyond that point in the process having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for treatment.

Section 310.40. Discontinuance of Service.

Sewer service shall be discontinued when it is determined that a sum equal to the portion of the cost of constructing the sewer system attributable to the parcel or property as determined by the assessment proceedings or pursuant to the provisions of this code has not been paid or is not in the process of being paid in regular installments.

Section 310.45. Liability.

Each user or owner shall be responsible for maintaining and cleaning their sewer connection from the house to the sewer main. The city shall not be liable for any stoppages in the sewer system. Each user should provide a suitable backwater valve to prevent flooding of basements in the event of sewer stoppage.

Section 310.50. One House Per Connection.

Not more than one house or building shall be supplied from one sewer connection, except with the permission of the city engineer.

Section 310.55. Building Sewers.

Subd. 1. All building sewer connections must be made to the wye or riser provided for that purpose. No sewer connection shall be laid in the same trench with water, gas or any other pipe, and all sewer connections must be laid far enough from all others to permit the repair or removal or relaying of any one without disturbing the other, unless an alternate method is approved by the city engineer.

Subd. 2. At the time any connection is made to the city sanitary sewer system, all cesspools, septic tanks, or other sewage disposal facilities existing on the property that is connected shall be pumped and then filled to earth level with suitable material. Piping through cesspools or septic tanks will not be permitted, and connections to buildings with

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 310.30, SUBD. 5(D) and (F), USE OF SEWERS
TO AUTHORIZE THE COUNCIL TO INSTITUTE PROGRAMS TO ENSURE COMPLIANCE WITH ORDINANCES THAT
PROHIBIT DISCHARGE OF CLEAN WATER INTO THE SANITARY SEWER SYSTEM**

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

SECTION 1.

Greenwood ordinance code section 310.30. Use of Sewers, Subd. 5(d) is amended to read as follows:

- “(d) From time to time the city council may institute the following procedure to ensure compliance with section 310 et seq. subdivision 5:
- (i) A sanitary sewer discharge certification letter with a return certification form shall be sent to every person owning improved real estate property that discharges into the city’s sanitary sewer system.
 - (ii) Property owners must return the completed certification form within 14 days of the certification letter notification date. Failure to return a fully completed certification form within 14 days of the certification letter notification date shall be a misdemeanor and subject the property owner to prosecution as permitted in paragraph (h) below. In addition, any property owner that does not return a fully completed certification form by the deadline will incur a surcharge fee on their quarterly sewer utility bill as established in subsection (f) and set forth in chapter 5.
 - (iii) If a property owner requests assistance in completing the certification form or an inspection to determine where roof drains, foundation drains, or sump pumps feed, the inspection will be provided at no cost to the property owner.
 - (iv) If a property owner declares they have roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer, they shall have 90 days from the date of mailing of the city's sanitary sewer discharge certification letter to remove all such connections.
 - (v) If a property owner certifies that their property has no roof drains, foundation drains, or sump pumps connected to the sanitary sewer system and it subsequently is discovered that the property is not in compliance with this code or otherwise has unlawful discharges, the property owner shall be back-charged to the date of the completed certification form on file, a surcharge fee, double that provided in paragraph (ii) above, shall be assessed, and prosecution for violation of this code, (as permitted in paragraph (h) below), may follow.”

SECTION 2.

Greenwood ordinance code section 310.30. Use of Sewers, Subd. 5(f) is amended to read as follows:

“(f) A sewer non-compliance surcharge fee per quarter is hereby imposed and shall be added to every residential and commercial property utility billing issued to property owners who are found not in compliance with this section. The sewer non-compliance surcharge fee amount shall be determined by the city council and set forth in chapter 5 of this code book. If a property owner certifies that their property is in compliance and it subsequently is discovered that they were not in compliance, the property owner will be back-charged to the date of certification and the surcharge fee will double.”

SECTION 3.

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

Enacted by the city council of the city of Greenwood, Minnesota this ____ day of _____, 2012.

There were ____ AYES and ____ NAYS as follows:

Greenwood City Council	YEAS	NAYS	ABSTAIN	ABSENT
Mayor Debra Kind				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				
Councilman William (Biff) Rose				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

NOTIFICATION DATE: _____, 2012



Sanitary Sewer Discharge Certification Letter

PUBLIC INFORMATION STATEMENT: *Why am I receiving this letter?*

As mandated by the Met Council, the city is required to reduce the amount of "inflow" (clean water being discharged into the sanitary sewer system) through roof drains, foundation drains, and sump pumps that are connected to the sewer lines (illegal in MN since 1968 and also prohibited by city code section 310.30, subd. 5). Please go to www.greenwoodmn.com or stop by city hall to view the complete ordinance.

The benefits of reducing the amount of clean water discharged into the sanitary sewer system include:

- Saves city taxpayers money by reducing the amount of money spent on water treatment and avoiding potential Met Council surcharges to the city.
- Saves the region money by reducing the size of the Met Council infrastructure required. The cost to fix flow problems at the local source is estimated to cost \$150 million, compared with nearly one billion dollars that would be needed to add collection and treatment capacity to handle excessive flow.
- Reduces the chance of sewer backups into homes and businesses.

To effectuate the above public policy, the city is required to eliminate all roof drains, foundation drains, or sump pumps that are connected to the sanitary system and verify compliance with that code requirement.

NOTICE TO ALL PROPERTY OWNERS: ACTION REQUIRED

FAILURE TO ACT WILL CAUSE FINANCIAL PENALTIES TO BE INCURRED AND MAY RESULT IN PROSECUTION

PROPERTY OWNER SANITARY SEWER DISCHARGE CERTIFICATION REQUIRED

NOTICE IS HEREBY GIVEN TO ALL REAL PROPERTY OWNERS IN THE CITY OF GREENWOOD, MINNESOTA:

To ensure compliance with state law and city code, ALL REAL PROPERTY OWNERS must FULLY complete and return the attached form to city hall by _____, 2012 (deliver in person, by email to administrator@greenwoodmn.com, or use the enclosed pre-addressed stamped envelope). **Any property owner that does not return the enclosed form within 14 days will incur a surcharge fee (\$300 residential, \$750 commercial) on their quarterly sewer utility bill,** (Greenwood code section 310.30, subd. 5).

Failure to return a fully completed certification form within 14 days of the certification letter notification date shall be a misdemeanor and subject the property owner to prosecution as permitted under Greenwood code section 310.30 subd. 5. A property owner may request assistance in completing the certification form or a physical inspection of their property to determine whether roof drains, foundation drains, or sump pumps feed into the sanitary sewer system. Such assistance or inspection will be provided at no cost to the property owner.

In the event you (the real property owner) determines that you have roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer system, you have 90 days from the date of this notice to remove all such connections without penalty.

PLEASE BE ADVISED, that if you (the real property owner) certify that your property has no roof drains, foundation drains, or sump pumps connected to the sanitary sewer system and it subsequently is discovered that the property is not in compliance with the code or otherwise has unlawful discharges, the property owner shall be back-charged to the date of the completed certification form on file, a surcharge fee, double that listed above, shall be assessed, and prosecution for violation of the code may follow.

~ ~ ~ ~ ~

The city is hopeful that 100% real property owner voluntary compliance will be obtained. If this is not achieved based on Met Council flow reports, the city may find it necessary to implement a mandatory inspection program.

There is a great common benefit to the entire city if we solve our inflow problems without mandatory inspections. Thank you for your help!

Sanitary Sewer Discharge Certification Form

An electronic copy of this form is available for downloading at www.greenwoodmn.com



Names of property owners	
Phone and/or email	
Property address	
City, State, Zip	Greenwood, MN 55331
Property PID Number*	

* See Hennepin County Property Tax statement for Property Identification (PID) number

Please select one of the following two options:

1. NO EXISTING CONNECTIONS

I/we, the above named, owners of the above named real property commonly certify that **I/we do not have** any roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer.

ADVISORY NOTE: Sump pumps cannot be connected to drains inside the building structure.

2. EXISTING CONNECTIONS (must also initial both lines below)

I/we, the above named, owners of the above named real property commonly certify that **I/we do have** any roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer.

____ I/we agree to voluntarily disconnect all roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer system within 90 days of the date of return of this SANITARY SEWER DISCHARGE CERTIFICATION.

____ I/we agree that a city agent/inspector may conduct a physical inspection of our real property to verify code compliance and that there are no improper sanitary sewer system connections on or after 120 days from the date of this certification.

ADVISORY NOTE: Sump pumps cannot be connected to drains inside the building structure.

REQUEST FOR CITY ASSISTANCE

I/we request assistance, at no charge, in completing this form.

I/we are not sure whether our roof drains, foundation drains, or sump pumps feed into the sanitary sewer system. I/we hereby request the city inspect our my/our property, at the city's sole expense, to determine if there are any such connections to the sanitary sewer system.

ADVISORY NOTE: If on inspection an improper sanitary sewer connection is found, you will have 90 days to remove the connection and there will be no surcharge during the 90-day grace period.

VERIFICATION

The undersigned hereby acknowledge the following: I/we are the property owner(s) above-named and are the sole fee title owner(s) of the above described property. I/we understand that by signing this certification form, we certify that all information is true and correct to best of my/our knowledge, and acknowledge that if a property owner certifies that their property is in compliance, and it subsequently is discovered that the property is not in compliance, the UNDERSIGNED as real property owners will be charged a surcharge fee equal to double the surcharge imposed for non-compliance with this certification process back-dated to the date I/we completed (returned) our certification form to the city and that criminal prosecution for violation of city code may follow.

Signature of property owner (required)	Date:
Signature of additional property owner (if any)	Date:
Signature of additional property owner (if any)	Date:

For Office Use Only	Date Received:	Received By:
----------------------------	----------------	--------------



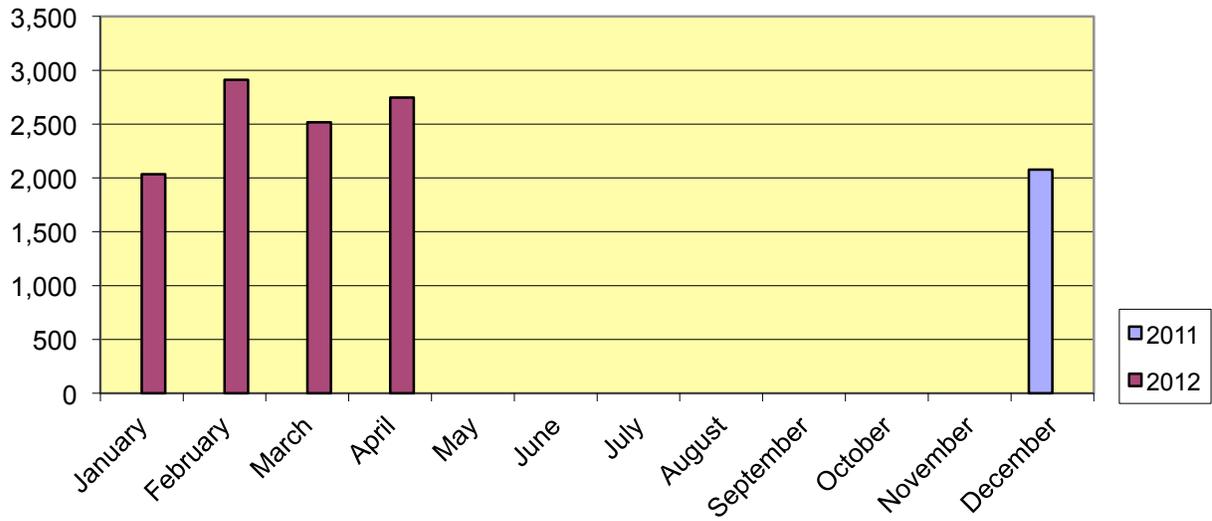
Agenda Number: **9A-E**

Agenda Item: Council Reports

Summary: This is an opportunity for each council member to present updates and get input regarding various council assignments and projects. Related documents may be attached to this cover sheet.

Council Action: None required.

**City of Greenwood
Website Total Hits**



Month	2011	2012	Variance with Prior Month	Variance with Prior Year
January	0	2,034	-43	2,034
February	0	2,911	877	2,911
March	0	2,516	-395	2,516
April	0	2,746	230	2,746
May	0	0	-2,746	0
June	0	0	0	0
July	0	0	0	0
August	0	0	0	0
September	0	0	0	0
October	0	0	0	0
November	0	0	0	0
December	2,077	0	0	-2,077



Content Tools

Data Center

Site Management

Security

Live Site

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.

Begin Date

End Date

Report Name

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	1054	38.38%
Agendas, Packets & Minutes	196	7.14%
Docks	96	3.5%
City Departments	87	3.17%
Assessments & Taxes	85	3.1%
Forms & Permits	81	2.95%
Welcome to Greenwood	76	2.77%
Planning Commission	75	2.73%
Crime Alert!	63	2.29%
Mayor & City Council	61	2.22%
Photo Gallery	55	2%
Budget & Finances	55	2%
RFPs & Bids	54	1.97%
Comprehensive Plan & Maps	49	1.78%
Code Book	48	1.75%
What's New?	43	1.57%
Spring Clean-Up Day	39	1.42%
Meetings	36	1.31%
Milfoil Project	35	1.27%
Lake Minnetonka	35	1.27%
Email List	34	1.24%
Elections	31	1.13%
Search Results	31	1.13%
Garbage & Recycling	30	1.09%
Events	30	1.09%

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.

Links	30	1.09%
Xcel Project	29	1.06%
Community Surveys	29	1.06%
Animal Services	27	0.98%
Meetings on TV	24	0.87%
Well Water	23	0.84%
Health & Safety	22	0.8%
Old Log Greenwood Night	22	0.8%
Emergency Preparedness	21	0.76%
Swiffers NOT Flushable	19	0.69%
Southshore Center	19	0.69%
Unsubscribe	2	0.07%
TOTAL	2746	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	411	27.88%
Agendas, Packets & Minutes	73	4.95%
City Departments	65	4.41%
Welcome to Greenwood	65	4.41%
Crime Alert!	56	3.8%
Forms & Permits	52	3.53%
Docks	51	3.46%
Mayor & City Council	44	2.99%
Photo Gallery	38	2.58%
Planning Commission	37	2.51%
Spring Clean-Up Day	32	2.17%
What's New?	32	2.17%
Comprehensive Plan & Maps	31	2.1%
Code Book	31	2.1%
Assessments & Taxes	30	2.04%
RFPs & Bids	29	1.97%
Lake Minnetonka	27	1.83%
Meetings	26	1.76%
Milfoil Project	26	1.76%
Garbage & Recycling	25	1.7%
Links	24	1.63%
Elections	22	1.49%
Animal Services	21	1.42%
Email List	21	1.42%
Meetings on TV	20	1.36%
Events	20	1.36%
Community Surveys	20	1.36%
Xcel Project	19	1.29%
Well Water	18	1.22%
Budget & Finances	18	1.22%
Old Log Greenwood Night	17	1.15%
Swiffers NOT Flushable	16	1.09%
Emergency Preparedness	15	1.02%
Southshore Center	14	0.95%
Health & Safety	14	0.95%
Search Results	13	0.88%
Unsubscribe	1	0.07%
TOTAL	1474	100%

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



2012 TEMPORARY "LOW WATER" DOCK EXTENSION PERMIT APPLICATION

Because this form is to be copied, please use black ink or type.

During periods when the water level on Lake Minnetonka falls below elevation 928.0 feet, the LMCD can grant permits or variances to allow dock length extensions beyond the authorized dock use area to alleviate shallow water problems.

Multiple docks can be granted variances by the LMCD Board under LMCD Code Section 1.07, Subd. 9. Other private residential docks can be granted permits by the LMCD Executive Director under LMCD Code Section 2.01, Subd. 2d). The Executive Director is granting dock extension permits to private residential docks under a General Permit, provided the dock meets all of the conditions of the General Permit. All private residential docks that do not meet the conditions of the General Permit, and all multiple docks must apply using this application form.

The person completing this form is the **authorized agent** or **property owner** (circle one).

Applicant: City of Greenwood

Address: 20225 Cottagewood Road

City, State, Zip: Deephaven, MN 55331

Phone: 952.474.6633 F: 952.474.1274 E: administrator@greenwoodmn.com

Property Owner (if different from applicant): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

PROPERTY LOCATION

The property is located in the City of: Greenwood

The property is riparian to LMCD bay/area(s): St. Alban's Bay

The following must accompany this application:

- A) Site plan of present dock and water depths.
- B) Site plan with proposed temporary dock extension and water depths.

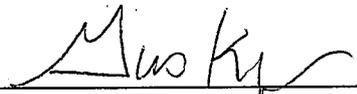
Temporary "Low Water" Dock Extension Permit Application

1. Type of Facility Outlot Association Municipal Commercial Marina
(Please check one): Multiple Dwelling Transient Private Club
 Single Family Multiple Single Family Other _____
2. A. Site lake frontage: 179 feet.
- B. Normal length of dock into the lake from the 929.4 foot shoreline, without temporary extension: 100 feet.
- C. Depth of water at end of dock without temporary extension: 3.5 feet.
Date water depth measured: 04-14-12
- D. Lake elevation at the time of the measurement of water depth at end of dock: 927.89 feet.
(Call the Minnehaha Creek Watershed District, (952) 471-0590 for current lake level or check the web site: www.minnehahacreek.org.)
- E. Feet below OHW: 929.4 minus Lake elevation (D) = 1.51 feet.
- F. Normal 929.4 water depth at the end of dock without temporary extension (C+E) = 5 feet.
- G. Distance beyond the end of the dock without temporary extension to reach 929.4 water depth (F): 32+ feet.
- H. Length of temporary dock extension requested: 32 feet.
- I. Total length the proposed temporary dock would extend into the lake from the shoreline at the ordinary high water mark (elevation 929.4 feet): 132 feet.
- J. Describe any temporary change in dock configuration or location on detailed site plan, including all dimensions to show:
- Property lines extended into the lake.
 - Dock position on site plan
 - Dock setbacks from property lines extended into the lake.
3. Describe the need for the temporary dock extension: The inside slips at the city docks are in very shallow water (2.5 feet). A 32-foot extension would increase the water depth of the inside slips to 3.5 feet.
4. By signing this application, the applicant acknowledges the following requirements for a temporary extension:
- A. The extension shall be a temporary, seasonal-type dock. No extensions may be on pile driven or permanent year-round docks.

Temporary "Low Water" Dock Extension Permit Application

- B. The extension shall meet all requirements of the LMCD Code other than the length limitation.
- C. The extension shall be permitted only to the extent of the equivalent dockage and comparable depth existing at a lake elevation of 929.4 feet.
- D. The extension, together with the original dock, shall not be used to provide storage space for a greater number of watercraft than are authorized under the LMCD Code or for a greater number of watercraft than are licensed if a license for the dock is required under the LMCD Code.
- E. Temporary extensions must be removed for the winter season, no later than November 15.

I certify that the information provided herein and the attachments hereto are true and correct statements; I understand that any license issued may be revoked by the district for violation of the LMCD Code; and I consent to permitting officers and agents of the district to enter the premises at all reasonable times to investigate and to determine whether the dock complies with the LMCD Code.



Authorized Signature

04-16-12

Date

Greenwood City Clerk

Title

Contr

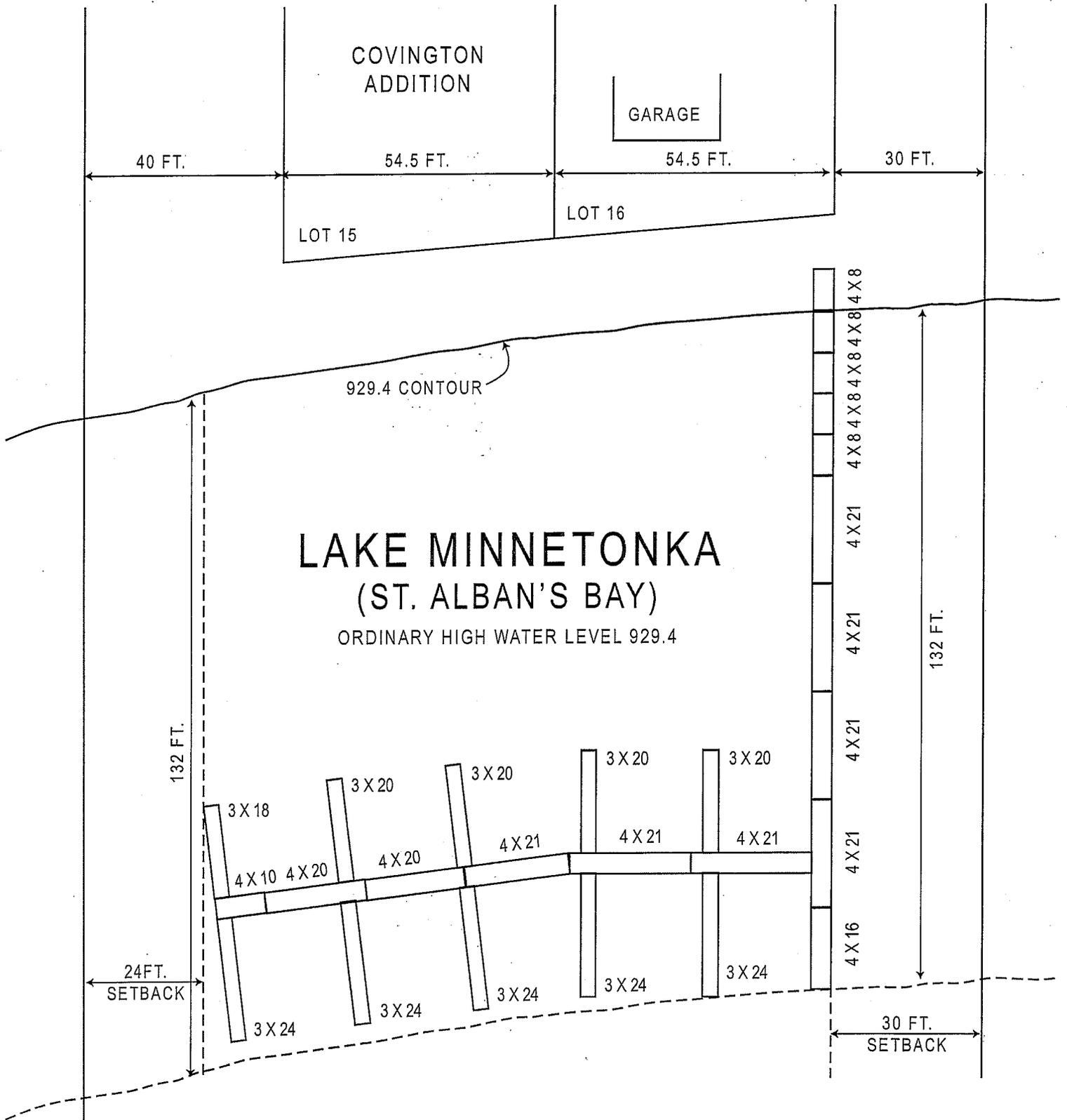
Relationship to Owner

Return this application and attachments to:
Lake Minnetonka Conservation District
23505 Smithtown Road, Suite 120
Shorewood, MN 55331
Phone: (952) 745-0789
Fax: (952) 745-9085

Note: Zebra mussels were discovered in Lake Minnetonka in 2010. It is the responsibility of the lakeshore property owners, commercial dock installers, and other Service Providers to comply with state law to ensure that zebra mussels are not spread to other bodies of water. The LMCD recommends that all dock structure associated with a temporary "Low Water" extension should not be moved to another water body in 2012. Any dock structure moved needs to be cleaned thoroughly and it is recommended that it remain out of the water for a minimum of 21 days.

GREENWOOD CITY DOCKS SITE PLAN

LOW LAKE LEVEL DOCK CONFIGURATION 2012 (26 SLIPS)



LAKE MINNETONKA
(ST. ALBAN'S BAY)

ORDINARY HIGH WATER LEVEL 929.4

SCALE: 1 mm = 1 foot



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

Summary: The attached items are included in the council packet for your information (FYI) only. FYI items typically include planning commission minutes, ViBES (Violations Bureau Electronic System) report of traffic citations processed by Hennepin County District Court, monthly report of activity on the Greenwood website, and other items of interest to the council.

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

From: Debra Kind <dkind100@gmail.com>
Subject: June 2006 Historic Bridge Report and Meeting Recap
Date: April 11, 2012 8:53:17 AM CDT
To: Kristi Luger City of Excelsior <kluger@ci.excelsior.mn.us>, Nick Ruehl <nruehl@mchsi.com>
Cc: Gus Karpas <guskarpas@mchsi.com>, Bob Quam <Quamco@aol.com>, "Mark W. Kelly" <kellylawoffices@aim.com>, Morgan Dawley <MDawley@wsbeng.com>
▶ 3 Attachments, 3.8 MB



Nick & Kristi --

First, thank you so much for participating in last night's worksession. I think it was very helpful to get our councils up to speed on the bridge discussion. Bob Quam and I have reported back to our council regarding previous meetings that we have had, but based on last evening's discussion it is clear that hearing things first hand is important.

As promised, attached a pdf of the 136-page report from June 2006 regarding historic bridges. I got this report from our Bolton & Menk engineer when he first discovered that our bridge was included in the report. According to page 86 of the pdf, our bridge is "eligible" to be historic because of "aesthetics." According to Morgan Dawley, there is nothing we can do to make our bridge "not eligible" and "eligible" bridges must go through the same process as bridges that are "listed" as historic. This does not mean that we must rehabilitate the bridge. It just means that we need to jump through a few hoops to prove it would be better to replace it than to rehabilitate it. According to Morgan and Barritt, the state's (Army Corps') hoops are much easier to jump through than the federal hoops. I think we all agree that for \$200,000 in savings, it definitely is worth taking the temperature of the Army Corps to see if they would be open to the idea of replacing the bridge vs. rehabilitating the bridge. Also, according to Morgan, the amount of the project that would be covered is essentially the same whether we go with state or federal funding. Therefore, since it is much easier to work with the state, it definitely makes the most sense seek state funding for the project when the time comes.

Next steps:

1. Mark Kelly drafts a mutual agreement that lays out key steps in the process, establishes WSB as the engineers for the project, includes a cost-sharing plan, etc.
2. Both cities review the mutual agreement and make revisions.
3. Both cities approve the mutual agreement.
4. Move forward with the first step in the agreement (one of the first steps likely will be for Morgan to meet with the Army Corps to take their temperature).

At this point, we need to have an agreement in place and an idea of which route to go (replace or rehab), so that we can pull the trigger when the time comes to seek funding to fix the bridge -- maybe next year, maybe 5 years from now, maybe longer. Time will tell.

For your reference, I also attached the WSB memos from 2008 and 2012. Note: the replacement cost estimate has increased by \$225,000. Yikes!

I copied Morgan and others on this email so they can correct me if I am misstating or forgetting anything.

Again, thanks for a good meeting. Future councils will thank us for the preparation that has been done for this important project.

Debra J. Kind
Mayor, City of Greenwood
dkind100@gmail.com
www.greenwoodmn.com
H 952.401.9181
C 612.718.6753
Cell rolls to house

From: Morgan Dawley <MDawley@wsbeng.com>
Subject: RE: June 2006 Historic Bridge Report and Meeting Recap
Date: April 11, 2012 11:10:59 AM CDT
To: Debra Kind <dkind100@gmail.com>, Kristi Luger City of Excelsior <kluger@ci.excelsior.mn.us>, Nick Ruehl <nruehl@mchsi.com>
Cc: Gus Karpas <guskarpas@mchsi.com>, Bob Quam <Quamco@aol.com>, "Mark W. Kelly" <kellylawoffices@aim.com>, Barritt Lovelace <BLovelace@wsbeng.com>
▶ 1 Attachment, 6.2 KB

Mayor Kind,

Thank you for the summary which I think captures many things discussed, and I hope last night's discussion was helpful.

I would add:

- It was discussed that, before proceeding, it is important for Excelsior to understand exactly what is historically significant about the bridge, and why it has been identified as historically significant. Kristi will be looking into gathering this information in more detail for future update.
- The Historic Bridge Report you have forwarded and the mention of the St. Alban's Bay Bridge on page 86 is the same as referenced during our discussion yesterday. There is additional information starting on page 50 regarding potential funding options, as this was discussed as well.
- WSB will prepare a brief work plan summary outlining a phased approach for Mark Kelly and consideration of both Councils.
- The 2012 cost estimate update was a more thorough effort than that prepared in 2008 and does reflect current construction pricing for potential bridge improvements. Given the unknowns involved in agency coordination and historical clearance at this early planning stage, I did feel that an increase indirect project costs (for legal, engineering, administration, and financing) from 20% to 30% was appropriately conservative, which also contributed to the overall increase in estimated total project cost.

It was a pleasure meeting you, Gus, and the rest of your Council last night!

Morgan

Morgan Dawley, PE
Municipal Project Manager
d: 763-287-7173 | c: 612-670-3132
WSB & Associates, Inc. | 701 Xenia Avenue South, Suite 300 | Minneapolis, MN 55416



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From: Debra Kind [mailto:dkind100@gmail.com]
Sent: Wednesday, April 11, 2012 8:53 AM
To: Kristi Luger City of Excelsior; Nick Ruehl



Date: April 21, 2012

To: Senator Dave Senjem
Senator John Pederson
Senator Gen Olson
Representative Larry Howes
Representative Jenifer Loon
Representative Connie Doepke

State Office Building
100 Rev Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Re: Support for Metro Cities' \$8 million bonding request for inflow and infiltration mitigation for local public sewer infrastructure. Senate Bill SF1862, House Bill HF2286.

On behalf of the Greenwood city council, I am writing to let you know we support the bonding request for inflow and infiltration (I&I) mitigation. Our city benefited from matching grant money for our 2011 inflow and infiltration projects. But we still have more work that needs to be done on our aging sewer system.

As you know, the cost to fix flow problems at the local source is estimated to cost \$150 million, compared with nearly one billion dollars that would be needed for the Met Council to add collection and treatment capacity to handle excessive flow. Anything the state can do to encourage local governments to complete I&I projects benefits us all. Your efforts in support of Senate Bill SF1862, House Bill HF2286 are much appreciated.

Sincerely,

Debra J. Kind
Mayor, City of Greenwood