

AGENDA

Greenwood City Council Meeting

Wednesday, June 6, 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: 04-26-12 Local Board Reconvene Minutes
 - B. Approve: 05-02-12 City Council Minutes
 - C. Approve: 05-16-12 City Council & Planning Commission Joint Worksession Minutes
 - D. Approve: April Cash Summary Report
 - E. Approve: May Verifields, Check Register, Electronic Fund Transfers
 - F. Approve: June Payroll Register
- 7:05 PM 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to three minutes.
- 7:10 PM 4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS
- A. Meet: Planning Commission Applicant, Lisa Christian, Resolution 13-12, Update of City Appointments
 - B. City Engineer Dave Martini: 2012 Road Project Bids, County Aid to Municipalities Application
 - C. Announcement: July 4th Parade, 10:00 AM Start at Greenwood Park
- 7:30 PM 5. PUBLIC HEARINGS
- A. None
- 7:30 PM 6. UNFINISHED BUSINESS
- A. Discuss: Xcel Energy's Potential 69kV to 115kV Transmission Line Upgrade
Resolution 12-12, Greenwood's Response to Xcel's Certificate of Need Application
Resolution 14-12, Expressing Greenwood's Concerns Regarding Xcel's Proposed Routing
Resolution 15-12, Support of Alternate Xcel Routing Only if Approved by Neighboring Cities
 - B. Consider: Resolution 07-12 (A. declaring adequacy) or 07-12 (B. declaring insufficiency), Petition for Excelsior Blvd. Watermain Project
 - C. 1st Reading: Ordinance 210, 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)
 - D. Discuss: Potential Clean Up of St. Alban's Bay Shoreline Along Minnetonka Blvd.
 - E. Consider: Resolution 11-12, Variance Findings of Fact, Keith and Stacy Carlson, 20965 Channel Drive (front entry and fireplace addition)
- 9:00 PM 7. NEW BUSINESS
- A. Consider: Variance Requests, Keith and Stacy Carlson, 20965 Channel Drive (deck)
 - B. Consider: Conditional Use Permit, Keith and Stacy Carlson, 20965 Channel Drive (to exceed the annual permitted significant tree harvest of 2 trees)
 - C. Discuss: Possibility of Installing a Canoe Rack at the Meadville Boat Launch
 - D. Consider: Resolution 08-12, Appointing Election Judges and Absentee Ballot Board
 - E. Consider: Resolution 09-12, Absentee Ballot Counting Location
 - F. Consider: Resolution 04-12, Hennepin County Recycling Agreement
 - G. Consider: Resolution 10-12, Agreement for City Recycling Services
 - H. Consider: July 4th Fireworks Contribution
 - I. Review: Draft of Excelsior-Greenwood St. Alban's Bay Bridge Agreement
 - J. Discuss: Parking Options by City Docks
 - K. Discuss: Possibility of Power Washing City Docks
- 10:15 PM 8. OTHER BUSINESS
- A. None
- 10:15 PM 9. COUNCIL REPORTS
- A. Fletcher: Planning Commission, Lake Mtka. Comm. Commission
 - B. Kind: Police, Administration, Mayors' Meetings, Website
 - C. Page: Lake Minnetonka Conservation District
 - D. Quam: Roads & Sewer, Minnetonka Community Education
 - E. Rose: Excelsior Fire District
- 10:30 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.

**Reconvene of the Meeting of the Greenwood City Council acting as the Local Board of
Appeal and Equalization**

Thursday, April 26, 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 6:08 PM

Councilmembers present: Kind, Fletcher and Rose

Councilmembers absent: Page and Quam

Staff present: Clerk Karpas

Hennepin County Staff: Rob Winge and Melissa Potter

2. Hear Resident Property Valuation Appeals

Mayor Kind reviewed the appeals process. She said there were three appeals before the Board.

- a. John Musgjerd, 5145 Curve Street. City Assessor Potter said she had the opportunity to visit the Musgjerd property and made adjustments to the structure characteristic and the land valuation. She said the structure valuation went from \$275,000 to \$263,000 and the land valuation went from \$690,000 to \$656,000. She recommended the total valuation be amended from \$965,000 to \$919,000.

Mr. Musgjerd addressed the Board. He thanked Ms. Potter for visiting the site and altering the valuation though he was not sure why the structure valuation was adjusted. Ms. Potter said that was based on the location of the master bedroom in the basement. Mr. Musgjerd said he would like the Board to consider a further reduction due to the loss of two large trees on the lakeside of the property. He feels that trees add an aesthetic value to the property and believes the city does too due to its tree ordinance restricting the removal of significant trees. He said that other agencies such as the DNR and MWCD also have restrictions on tree removal. He said the previous assessor increased his valuation in the past because he said there was value associated with trimming of the trees permitting a better view of the lake. In addition he said the previous assessor lowered the valuation of the property on the other side of the public trail, but not his a few years ago. He said the valuation of the lost trees ranges from \$15,000 to \$30,000.

Mayor Kind asked if the Board saw a value in trees on a property. Councilmember Fletcher said it was a matter of opinion. Kind said her property has a number of mature trees which was a selling point when they purchased their property. She noted in some cases trees can be a detriment to property, but in the case of Mr. Musgjerd the trees were an asset in her opinion.

Councilmember Rose questioned how a value could be put on trees. Mayor Kind said Mr. Musgjerd submitted an estimate and that she would be comfortable with accepting a reduction equal to the average of the high and low ends of that estimate.

Councilmember Fletcher asked if the adjustment was based on the same formula used on other properties adjacent to public uses. Ms. Potter said she did and the market has shown a detriment in value of properties located adjacent to such uses as a trail.

Councilmember Fletcher noted that, overall; there was only a minor adjustment in value in St. Alban's Bay. He said he understands the aesthetic argument for the trees, but can't see them as a basis for a reduction if they were never included as a

benefit. He feels the bay has been assessed too high and that he was comfortable with a reduction for that reason, not for the trees.

Mayor Kind asked what he felt would be a reasonable reduction. Councilmember Fletcher said he would be comfortable with an amount between \$16,000 and \$20,000. Kind asked Councilmember Rose what he thought.

Councilmember Rose said that since the city permits the removal of trees, does that mean the value of the property goes down? Mayor Kind said in a case like that a property owner would not appeal. She asked if he was supportive of a \$20,000 reduction of Mr. Musgjer's property value. Rose said he was.

Councilmember Fletcher commented that he didn't want to see increases in property values for those properties with trees based on this action.

Councilmember Fletcher moved to amend the valuation of 5145 Curve Street to an overall assessed value of \$899,000. The valuation is based on a land valuation of \$636,000 and a structure valuation of \$263,000. Second by Mayor Kind. Motion carried 3-0.

- b. Charles Wendle, 29000 St. Alban's Green. Ms. Potter said she was able to visit the property, and due to adjacent sales, and recommended lowering the overall value from \$1,425,000 to \$1,150,000. With the land valuation set at \$877,000 and the structure value at \$273,000. She said Mr. Wendle was satisfied with the adjustment.

Mayor Kind noted that Mr. Wendle submitted correspondence agreeing to the adjusted valuation.

Councilmember Fletcher moved to amend the valuation of 20900 St. Albans Green to an overall assessed value of \$1,150,000. The valuation is based on a land valuation of \$877,000 and a structure valuation of \$273,000. Second by Councilmember Rose. Motion carried 3-0.

- c. Fred Badiyan, 21750 Byron Circle. Ms. Potter said she was able to visit the property, and structure characteristics, and recommended lowering the overall value from \$1,023,000 to \$999,000. With the land valuation set at \$684,000 and the structure value at \$315,000. She said Mr. Badiyan was satisfied with the adjustment.

Councilmember Fletcher moved to amend the valuation of 21750 Byron Circle to an overall assessed value of \$999,000. The valuation is based on a land valuation of \$684,000 and a structure valuation of \$315,000. Second by Councilmember Rose. Motion carried 3-0.

3. Adjourn

Councilmember Rose moved to adjourn the Board of Review. Second by Councilmember Fletcher. Motion carried 3-0. The Board adjourned at 6:34 p.m.

Respectfully submitted,

Gus E. Karpas
Greenwood City Clerk

GREENWOOD CITY COUNCIL MEETING
Wednesday, May 2, 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 7:01 P.M.

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

Others Present: City Attorney Kelly, City Zoning Administrator/City Clerk Karpas and City Engineer Martini (departed at 7:50 P.M.)

Members Absent: Councilmember Rose

Councilmember Fletcher asked that Item 4.A.c Excelsior Boulevard Reconstruction Project be added to the agenda.

Councilmember Page asked that Item 4.I on the consent agenda be moved to Item 8.A under Other Business.

Page moved, Quam seconded, approving the agenda as amended. Motion passed 4/0.

2. CONSENT AGENDA

Mayor Kind reviewed the items on the Consent Agenda.

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

- A. April 4, 2012, City Council Meeting Minutes**
- B. April 4, 2012, City Council Work Session Minutes**
- C. April 12, 2012, Greenwood/Excelsior City Councils Joint Work Session Minutes**
- D. April 12, 2012, Board of Appeal and Equalization Minutes**
- E. April 12, 2012, City Council Special Meeting Minutes**
- F. March 2012 Cash Summary Report**
- G. April 2012 Verifieds, Check Register, Electronic Fund Transfers**
- H. May 2012 Payroll Register**
- I. Second Reading. Ordinance No. 209, Amending Ordinance Code Section 1140.85 Subd. 2 Regarding Trees (This was moved to Item 8.A under Other Business.)**
- J. Public Access Procedures, Code Section 125**

K. Excelsior Park & Dock Police Services Proposal

Motion passed 4/0.

3. MATTERS FROM THE FLOOR

Rob Roy, 21270 Excelsior Boulevard, stated he had comments about the Xcel Energy Alternate Route (Item 7.B) and about aquatic invasive species and the Lake Minnetonka Conservation District (under Council Reports). He asked if he should make his comments now or when those items are discussed. Councilmember Quam stated it was up to Mr. Roy. Mr. Roy sat down until the appropriate item on the agenda came up for discussion.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

A. City Engineer Dave Martini

a. Policy Regarding City Streets Located on Private Property

Engineer Martini explained that when roadway conditions were reviewed earlier this year to determine which are in the most immediate need of repair it was determined that Curve Street is in need of repair. The owner of the property (Duane Kelm) located on the east side of Curve Street at the intersection of Minnetonka Boulevard, has expressed concern that the paved street encroaches onto his property. Mr. Kelm asked that the City consider realigning Curve Street when it is repaired so it is not on his property.

Martini stated that after looking at the situation Staff recommends Curve Street remain in its current location. He reviewed why Staff came to that recommendation. Curve Street has been maintained in its current location for a long time. Because of that it is his opinion that the City has right to maintain the roadway in that location. To determine where the roadway should be relocated, a boundary search, potentially including some survey work, would be needed to confirm the actual limits of the right of way (ROW). If Curve Street were to be moved so it were located more in the middle of the right of way (ROW) it would curve to the west. Doing that would make the roadway askew at the intersection with Minnetonka Boulevard. It currently sits at an approximate 90 degree angle. If Curve Street is moved to the west it will require significant grading or construction of a retaining wall. Doing so could also create some sight issues.

Martini noted that due to the way the City was developed there are likely other streets in the City that do not lie within the limits of the ROW. Many of them are probably following the lines of how the roadway was used and how things evolved. He suggested Council carefully consider the issues that may be created by moving a roadway.

Councilmember Page stated it sounds to him that there is some speculation about whether or not Curve Street is located in the ROW. Engineer Martini stated if maps of the City are overlaid on an aerial photo the roadways and the boundaries on the City map do not line up. Martini noted that does not mean that the information is survey accurate. Martini explained that to accurately establish where the line is, legal descriptions of the properties involved would have to be taken into consideration. Also, some accurate point would have to be found and used as a starting point. That could be a time consuming process. It would be easier if property line corners could be established.

Duane Kelm, 21595 Minnetonka Boulevard, stated the roadway is monumented on his side. There is a monument marker set in about two feet from the edge of the road. He expressed concern that Xcel Energy (Xcel) believes its power line is on the City's ROW and it continually wants to trim his spruce trees. He expressed his preference is to have Curve Street moved over. He stated he would like there to be a document indicating where the ROW line is located so he doesn't have to go through the issue about Xcel wanting to trim his trees. He commented that with a torrens property you cannot have adverse possession. He stated he would like to know what the City's rights are with regard to where Curve Street is located. He clarified he is not as concerned about moving the road over as he is about protecting his trees. He noted the City has been using his property for about 24 years. He stated that maybe his property taxes could be reduced slightly or the City could pay a fee for the property that it has taken from him.

Engineer Martini noted the City has the right to maintain what is there; not to make improvements that would encroach farther on to the private property.

Mayor Kind asked Attorney Kelly to explain torrens and adverse possession vs. prescriptive rights. Kelly explained that when a property is taken through a district court proceeding which results in a torrens title it allows everyone who may have a claim to come forward. There after it is a matter of the court. You cannot make a claim of adverse possession through occupation. But, there is a caveat in property law that says a city gains a prescriptive right where the road is as built and traveled. For Mr. Kelm there is a confounding set of facts that would need to be sifted through. He does not know if Mr. Kelm's torrens title makes note in the Hennepin County surveyor's report, prepared long ago, of what encroachments were observed when presented to the Examiner of Titles at that time.

Mr. Kelm noted that his property was torrens before he purchased it.

Attorney Kelly commented that the actual location of a roadway tends to creep based on blacktop habits and so forth.

Mayor Kind stated she assumes that Xcel wants to maintain a distance from its power lines and therefore trims his trees to do that. She asked if the City can tell Xcel that it cannot do that. Attorney Kelly stated the City cannot police that public utility.

Mr. Kelm noted that he had been a survey crew chief for Xcel for many years. He stated that Xcel has a right to put utilities in road ROWs. He explained when he was doing that job, a utility could not put their power line right on the edge of the ROW.

Councilmember Quam stated he is not sure what the City can do to stop Xcel from trimming the overhang of Mr. Kelm's trees.

Mr. Kelm stated he would like the City to prepare a document that shows the alignment of the City's ROW with the easterly edge being where the current blacktop is. He thought that would give him a stronger legal basis if they came and tried to trim his trees. Councilmember Page asked Mr. Kelm if he wants the City to adopt a survey that shows the existing road. Mr. Kelm responded yes and with the edge of the ROW on the easterly side. Kelly asked Mr. Kelm how close his property is to that edge. Mr. Kelm explained there is blacktop on the northwest corner of his property. Closer to his driveway the blacktop is close to the edge of his property.

Mr. Kelm stated about every five years he goes through the tree trimming issue with Xcel. He then stated he doesn't want there to be any ROW beyond the current blacktop on the east side. He noted Xcel's

power pole is located on his property. He stated he does not want to come back before a different Council in five years to talk about this again.

Mayor Kind asked if it would be a City expense to create a survey. Engineer Martini stated he is not sure what the proper way is to document what Mr. Kelm wants.

Engineer Martini stated that Curve Street cannot be expanded to encroach on to Mr. Kelm's property any more than it already does.

Mayor Kind stated the City will pay close attention to ensure that the blacktop surface will not encroach further on to Mr. Kelm's property when improvements are made to Curve Street.

Mr. Kelm stated he would be more comfortable if the City would prepare a document showing where the existing blacktop is and where it encroaches on to his property.

Clerk Karpas stepped away to research the property file and found a copy of a survey that shows the alignment of the pavement of Curve Street as it relates to Mr. Kelm's property. A copy of the survey was given to Mr. Kelm.

Mayor Kind asked Council if it wants the City to have a policy regarding City roadways that encroach on to private property.

Councilmember Quam stated he did not think the City should make any changes to its policy. The City can always adjust a roadway's location if necessary.

Councilmember Fletcher stated he did not support making a change. He commented that when dealing with Xcel about the location of its poles he thought it best to go through the Public Utilities Commission.

There was Council consensus to take no action on this policy question at this time.

b. 2012 Road Project Recommendations and Rough Estimates

Engineer Martini stated each year the conditions of the City's roadways are evaluated by a committee based on a visual inspection, and rough cost estimates are prepared for recommended potential road improvement projects. The evaluation was done on April 9, 2012. The meeting packet includes copy of a document describing the potential road projects as well as soft cost estimates for each of the projects. Also included is a map of all of the City's roadways indicating when the last work was been done on each roadway and what the work was and a map depicting the current condition of each roadway.

Martini then reviewed the recommended potential road projects for 2012. All of them would essentially have the same scope of work. It entails removing the existing bituminous pavement, re-grading and preparing the existing aggregate base, 3.5 inches of new bituminous surface, and turf and driveway restoration as needed.

- 1) Curve Street (from Minnetonka Boulevard to the south end) – to the extent possible the Street will also be widened to the west approximately 2 feet to allow for additional room for vehicles to maneuver. The estimated cost for this portion of the project is \$31,226.
- 2) Central Avenue (from Curve Street to the east end) – The estimated cost for this portion of the project is \$17,292.

- 3) Greenwood Circle (the east leg from Minnetonka Boulevard to the improvements made in 2009 and 2011) – The estimated cost for this portion of the project is \$72,614.
- 4) Greenwood Circle (the fire lane from Greenwood Circle to the south end) – The estimated cost for this portion of the project is \$26,737.

Martini stated the goal is to try and maximize the budget for improvements; the same as was done in previous years. Therefore, the fire lane portion will be bid as an alternate so that it can be eliminated if it does not fit within the project budget. He noted the preliminary cost estimates include contingency and soft costs. He then noted the total estimated cost is \$147,869.

Mayor Kind noted the total road budget is \$130,000. She then noted the costs are not final bids. She stated she agrees with getting a separate bid for the fire lane. She then stated the estimated cost for Central Avenue is \$17,292 and that is almost the amount the proposed project is over budget. She explained that a problem with doing only a portion of a roadway is that is when the remainder is eventually repaired trucks will have to go over the recently repaired portion of the roadway. That would be the situation with the fire lane which goes down to the City-owned docks. From her perspective it makes sense to do an entire road at the same time. She stated Council could decide to transfer the difference between the budgeted amount and the cost from another fund.

Councilmember Quam stated the next step in this process is to secure two bids. Engineer Martini clarified one bid would be solicited and it would be made clear that the City may subtract some portion of the project as necessary. Quam asked if the bids would be back in time for Council's next meeting. Martini stated that would be the intent. Quam stated he assumed construction would begin sometime after July Fourth.

Mayor Kind noted that because the total project cost is more than \$100,000 the City has to go through a sealed-bid process. Engineer Martini noted that the project will also be publicly advertised in the official newspaper for the City and in the Construction Bulletin. Kind stated it also will be advertised on the City's website.

Councilmember Fletcher stated in 2011 there was discussion about doing preventative maintenance on Lodge Lane. A decision was made to delay that maintenance. He asked what the impact will be of delaying that again. Engineer Martini explained that when the tour was done this year the committee decided that the roads recommended for improvements in 2012 are in very poor condition. Eventually the roadways will be in a good enough condition that preventative maintenance will be a focus. Martini suggested careful attention be paid to Lodge Lane to make sure it doesn't deteriorate to the point that improvements will be more costly.

Fletcher asked if there would be any benefit to having Greenwood Circle, Curve Street and Central Avenue bid as one large project. For example, could the pricing be better because the contractor would not be worrying about the City cherry picking certain projects. Engineer Martini explained the fire lane segment would be done as an alternate and it would be explained the projects will be bid as one project with the costs for the various segments identified.

Fletcher moved, Quam seconded, directing the City Engineer to secure bids for the roadway improvement projects recommended by Mayor Kind, Councilmember Quam and Engineer Martini with the understanding that the Greenwood Circle fire lane will be bid as an alternate. Motion passed 4/0.

c. Excelsior Boulevard Reconstruction Project

Councilmember Fletcher stated it is his understanding that the Metropolitan (Met) Council is considering tearing up Excelsior Boulevard to extend a high-pressure sewer line in 2013. He thought this could be an opportunity for the City to have discussion about the possibility of having some improvements made that would be beneficial to the City. Engineer Martini stated he thought it would be worthwhile to ask a representative from the Met Council to provide Council with a brief update on the project and to ask some of the questions Fletcher was alluding to. Martini noted that he and Zoning Administrator/Clerk Karpas have had some brief discussions with representatives but nothing related to improvements specific to Greenwood.

Attorney Kelly stated in the last two days the attorney for the City of Excelsior has provided him and the attorney for the City of Shorewood with a copy of a draft agreement between the cities for this project with the Met Council. He noted that he is waiting for Council to direct him to review it. He stated that project scope is going to be finalized soon.

Mayor Kind stated Council needs to authorize Attorney Kelly and Engineer Martini to spend time on both the sewer and road portions of the project.

Attorney Kelly stated there have been drainage problems along Excelsior Boulevard for years.

Mayor Kind asked Council if it wants to authorize Attorney Kelly to review the draft agreement. Councilmembers Fletcher and Page expressed support for doing that.

Attorney Kelly noted that it was the shared opinion of the attorneys for Excelsior and Shorewood and him that they work collectively on the agreement. He explained that Shorewood's area of concern is less, noting it would start near the Excelsior Public Works location.

Quam moved, Fletcher seconded, directing Attorney Kelly and Engineer Martini to coordinate efforts regarding the Metropolitan Council's high-pressure sewer line project.

Sarah Ogilvie, 21170 Excelsior Boulevard, stated she is a mother of five children and she and her neighbors all use the sidewalk along Excelsior Boulevard to connect with the bike trail near McDonalds. There is concern that the sidewalk does not go all the way and that the sidewalk is very narrow. She asked if it would be possible to get an estimate for what it would cost to improve the sidewalk and to improve the aesthetics of it.

Councilmember Fletcher stated he thought the timing is now. He noted that he has been in discussions with Met Council about the water extension project and it is in the process of finalizing the project scope now.

Motion passed 4/0.

On an unrelated topic Mayor Kind stated there is an MS4 (municipal separate storm sewer system) report that has to be filed. Therefore, Council needs to authorize Engineer Martini to refine the report as needed and then file the report.

Engineer Martini stated the City must apply for an MS4 permit for its storm sewer conveyance system.

Councilmember Fletcher asked who prepared the report in the past. Engineer Martini responded Zoning Administrator/Clerk Karpas did. Karpas stated he is not sure it has been complete in the past, noting he is not an engineer. Fletcher asked what it cost to prepare the report. Martini said no more than \$1,000.

Mayor Kind asked Zoning Administrator/Clerk Karpas why he has some concern that the report may not be complete or that it may be unacceptable. Karpas responded there are a lot of things that he cannot answer for the report.

Councilmember Fletcher stated if Engineer Martini prepared the report this year he asked if Zoning Administrator/Clerk Karpas could update and submit the report going forward. Engineer Martini stated that would probably be true.

Fletcher moved, Quam seconded, authorizing Bolton & Menk to prepare and submit the municipal separate storm sewer system report for 2012.

Councilmember Quam asked Engineer Martini to comment on his professional credentials for the benefit of the Boy Scouts in the audience. Engineer Martini stated he graduated from college with an engineering degree. After graduating from college he practiced as an engineer for four years under a professional engineer. After that he took a test and became a fully licensed engineer by the State of Minnesota. He is employed as a civil engineer. He highlighted some of what he does in that capacity.

Engineer Martini departed the meeting at 7:50 P.M.

B. South Lake Minnetonka Police Department (SLMPD) Lieutenant David Pierson and Community Service Supervisor Dave Hohertz – SLMPD Quarterly Update

Mayor Kind noted that South Lake Minnetonka Police Department (SLMPD) Lieutenant David Pierson and Community Service Supervisor (CSS) Dave Hohertz were present to provide Council with a SLMPD quarterly update.

Lieutenant Pierson stated the CSS Hohertz will give an update on emergency management.

CSS Hohertz stated he provided Council with a copy of the 2011 year-end report on the SLMPD Community Service Officer (CSO) Program. The CSO Program started in 2008.

Hohertz (who has become certified in emergency management) explained there are four phases in emergency management. They are: mitigation (things than can be done in advance); preparedness (planning and training for potential disasters and emergencies); response (actions taken to lessen the impact of an actual emergency); and, recovery (actions taken to return communities to their pre-disaster state). South Lake emergency management planning is done for a variety of types of emergencies with the most likely being weather. South Lake emergency management activities involve FEMA (Federal Emergency Management Agency which provides guidance and issues mandates), HSEM (Homeland Security and Emergency Management) and Hennepin County Emergency Preparedness.

Hohertz noted there is an emergency management plan in place. It is in a continual state of refinement. He stated Cities will be provided with a copy of the plan once the most recent updates to it have been made. The Lake Minnetonka Regional Emergency Operations Plan (the Plan) was developed as part of a joint effort. Twenty cities participate in that group. The Three Rivers Park District, the Hennepin County Sheriff's Office and Hennepin County Emergency Preparedness are also involved. He displayed a list of

the annexes (similar to chapters) are included in the plan. In addition to the Plan there is a Lake Minnetonka Regional Resource Manual.

Hohertz explained that one of the biggest parts of emergency preparedness is being able to warn the public. Each community has to have their own outdoor sirens, and maintain and test them. Outdoor sirens are intended to warn people who are outside. They are not meant to be heard inside of buildings. Hennepin County is divided into siren zones. Most of the Lake Minnetonka area is located in zone 7. Greenwood does have its own warning siren. Sirens are tested on the first Wednesday of the month. Shorewood Public Works Director Larry Brown ensures there is someone at each of the sirens in the South Lake area when they are tested to verify the sirens work. He recommended residents get an all-hazard weather radio to make sure they can be alerted when they are asleep and in doors. The SLMPD applied for a grant a number of years ago to purchase those radios and there ended up being one for each South Lake city hall and the Southshore Community Center.

Hohertz noted disaster response begins and ends at the local level. He then noted that for the SLMPD he and Chief Litsey are the emergency management officials. He also noted that members of the local public service agencies are members of the Minnesota All-Hazard Incident Management Team. That team is highly trained and can be deployed anywhere in the United States. EFD Chief Gerber is a member of that team and has been for a number of years. He noted that he is also a member of the team as is Shorewood Public Works Director Brown.

The meeting was recessed at 8:05 P.M. and reconvened at 8:18 P.M.

C. City Council / Planning Commission Work Session May 16, 2012

Mayor Kind noted there is a joint work session of the Council and Planning Commission scheduled for immediately following the May 16, 2012, Planning Commission meeting.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Potential Excelsior Boulevard Water Project

Councilmember Fletcher explained that Excelsior Boulevard will be torn up because of the Metropolitan (Met) Council's project to install a high-pressure sewer line along that roadway. It provides an opportunity to extend Excelsior's municipal watermain at a much lower cost to some of the properties in Greenwood located near Excelsior Boulevard. Many of the wells on those properties are not in the best of condition in part due to the high iron content of the well water. Some Greenwood property owners contributed to funding the cost of a feasibility study done by the Excelsior City Engineer. He determined the preliminary estimated cost per Greenwood property to extend municipal water to those residential properties is \$13,511 and \$14,511 per commercial property. That is the cost to install 12-inch pipe in the street only. It does not count the cost to connect to bring the water from the watermain to the house. If the size of the pipe were reduced to 8-inch it could reduce the watermain cost by \$1,000. The smaller size pipe would be sufficient to serve the residential properties and the couple of commercial properties.

Fletcher stated that after speaking with the residential property owners along that route eight out of ten are in support of this. Support diminishes after you get past 21170 Excelsior Boulevard. It doesn't appear that

commercial property owners are supportive of the project. The cost for the watermain extension would be paid for by property owners and may have to be done by using an assessment process. There could potentially be a bank that would finance the project and then the City would be a pass-through and assess the properties.

Mayor Kind asked the property owners who are in opposition would be assessed for watermain. Councilmember Fletcher explained they would because the watermain would be available for use at a later date. Kind then stated a 12-inch pipe would allow for the opportunity to extend watermain further at a later date. Fletcher stated if 12-inch pipe is not extended even further now when Excelsior Boulevard is torn up it will be another 20 to 30 years before that extension would be considered again. Fletcher stated there would be a benefit to Excelsior to have the pipe be extended even further and therefore maybe they would pay the additional cost for a 12-inch pipe. Kind commented that there would be a benefit to both the Cities of Excelsior and Greenwood to have the larger pipe.

Councilmember Fletcher stated from his vantage point if the per property cost can be kept lower the likelihood of it coming to fruition increases.

Councilmember Quam re-asked Councilmember Page's question if property owners can pay for this over a number of years. Councilmember Fletcher stated he hoped some type of financing arrangement could be worked out.

Councilmember Fletcher explained there are a number of hoops that have to be jumped through for the City to assess for something. He stated from his vantage point assessing would be a secure thing to do.

Councilmember Quam asked what the timing is for committing to this. Councilmember Fletcher stated there is a strong desire to work out the details of this project quickly. Quam asked what the next steps for the City are. Fletcher explained the City Attorney needs to spend some time on the legal side of this. An engineer needs to do some additional analysis to provide the supporting information for justifying an assessment. The properties would have to be assessed to ensure their increase in value is sufficient to justify an assessment. The costs for those things need to be tracked and paid for out of project funds.

Councilmember Page suggested the interested parties pay for those costs.

Mayor Kind stated a fund could be established and maintained at a certain level to cover those types of costs.

Councilmember Fletcher stated he has a neighbor who would pay those costs if the project ended up not being done.

Sarah Ogilvie, 21170 Excelsior Boulevard, stated she and her family are strongly in favor of extending the watermain. Their well water has a tremendous amount of iron in it and even a high quality water purification system doesn't address the problem satisfactorily. She then stated this is the time to do the extension.

Rob Roy, 21270 Excelsior Boulevard, stated he is totally in favor of the watermain extension. This is the opportune time to do it because Excelsior Boulevard is being torn up for other purposes.

Councilmember Fletcher read an email Zoning Administrator/Clerk Karpas received from Joel Bottenhoff about the property located at 21000 State Highway 7. It read as follows. *"Thanks for talking to me this afternoon regarding a potential waterline on Excelsior Blvd. For the record 5th Street Ventures, LLC*

owner of the above referenced property is opposed to paying any assessment or charge for city water services. In these challenging times, business cannot continue to pay for unnecessary services. The property's current tax obligation already makes it difficult to lease the property. From our perspective this undertaking is totally unnecessary and unaffordable. I am unable to attend this evening's council meeting. Please forward this email to the appropriate individual so that our opinion can be heard. Thank you for helping me out on this matter."

Mayor Kind asked Councilmember Fletcher what he is asking Council to do this evening. Fletcher stated he would like Council to authorize the City Attorney to review legal matters and to have the City Engineer review and provide his approval of the engineering portions of the project that affect the City.

Mayor Kind stated if the City were to establish a resident prefunded fund for paying for those services she asked how much money the fund should have to start with. Councilmember Fletcher stated he thought \$10,000 should cover those upfront costs.

Attorney Kelly asked if the money would be credited back to the property owners on assessment. Fletcher stated he thought it should be. Kelly asked on what basis the City would receive money from individual residents in trust to be used for a project the City didn't bless and then give the property owners credit back on an assessment the City hasn't publicly published or approved. Kelly stated from his vantage point the cart is before the horse. He noted there is a process (including a public hearing) that has to be followed and that needs to be discussed in front of Council. He explained if a 12-inch pipe is installed because it would facilitate beyond the immediate the difference in cost should be considered as a general assessment because it benefits the community. Even the 8-inch pipe will have a general component and a special component. That is typically determined by a city engineer in analysis together with a real estate appraiser. Based on the report it may not be possible to assess 100 percent per front foot of this project to the abutting properties. Some of the cost may need to be incorporated into the general budget or a general assessment across the City could be made if it cannot be incorporated into the budget. If all abutting property owners were to sign a petition supporting the project the City could forego certain things. The 429 process would need to be followed. Because there isn't 100 percent support from property owners at least 35 percent would have to petition the City to look into the project. The City could also decide to move forward with a project without a petition, noting that also requires a public hearing and notices.

Kelly stated the appropriate thing to do would be to provide Council with an overview and a couple of procedural options for consideration at a future meeting. Mayor Kind asked who would present the overview. Kelly stated there would be two elements; a legal analysis and a civil engineering analysis. Kind stated she assumed that would cost the City. Kelly explained, for example, Councilmember Fletcher and his neighbors could submit a petition to the City for watermain and then it would be incumbent on the City to consider the petition and procedurally act on it as mandated by State Statute. There are a number of triggers that could occur. The City has the authority to consider a public works project for the benefit of the community.

Councilmember Page stated an alternative would be for those who want municipal water to bring forward a presentation to Council including a legal analysis and an engineering analysis. The property owners would pay for that. He noted that Councilmember Fletcher stated his neighbor would guarantee paying for those costs if need be. He stated it will be easy to determine who is really for the project when they have to write out a check to cover those costs.

Attorney Kelly stated at any time a magnanimous citizen can make a gift to the City for those purposes.

Councilmember Fletcher stated it is easier to do that if the payment of those costs is credited to the assessments. Yet, Attorney Kelly indicated that would be problematic. Kelly reiterated it would be.

Fletcher then stated he maintains there would be a benefit to the City to have the watermain extended.

Mayor Kind stated the next step would be to wait for a petition to be submitted. Councilmember Fletcher stated the property owners need to work with the Attorney Kelly to gain a clear understanding of what the format of the petition needs to be. Kelly noted there is a standard petition format. Kelly stated it will be important to make sure the petition has been properly executed and then it will trigger a process. He reiterated it may be more beneficial to start with an overview of what the process will lead to as opposed to launching into a petition immediately. He noted that he cannot act as legal counsel to a group of residents wanting to submit a petition to the City. If the City Council, after having polled the matter by calling a public hearing to at least bring people forward, gains an understanding of what the political support is for the process, the City could potentially proceed without a petition.

Mayor Kind stated she is reluctant to have the City initiate the process.

Councilmember Quam expressed concern about the timing. He stated if Council was provided an overview during its June meeting and came to agreement on what the next steps should be he asked Councilmember Fletcher if there would be enough time for this element of the watermain extension to be incorporated into the project. Councilmember Fletcher noted that if the project looks like there won't be support for it, the property owners are not going to spend \$10,000 to provide Council with the requested overview information. He stated there are things the City does that are beneficial to certain areas in the City. He then stated the costs for doing this would be paid back to the City. He expressed his preference for having Attorney Kelly involved up front.

Councilmember Page stated the City Attorney cannot advise a group on a petition it wants to submit.

Councilmember Fletcher asked Attorney Kelly what he thought the cost for legal services would be to put an overview together about the legal element. Kelly indicated he was not sure. Kelly stated Council as elected officials should first decide if this is a matter of public interest and then move forward with that decision guiding them. He noted that he cannot measure that.

Mayor Kind expressed concern about the City taking on additional expense that benefits a few people when there it is a City of 688 people. She reiterated her suggestion that the property owners come forward with a petition and then the City will process it appropriately.

Councilmember Page stated if they present a petition in the appropriate legal form then the City has certain obligations to proceed. Attorney Kelly stated that could result in the need to proceed with an engineering analysis and a cost benefit analysis paid for by the City. They have the right to ask for public services to be considered for an improvement. He noted that if there were 100 percent support the City's hands would basically be tied.

Councilmember Page stated he doesn't know enough about the process and how it works.

Attorney Kelly stated a petition would first be evaluated to ensure it is legal and sufficient. The City would then determine what its requirements are at that time. Council could also decide that there is sufficient potential benefit to the City without the petition being the trigger to at least start an overview process. It is at Council's discretion which approach it wants to take.

Mayor Kind reiterated she prefers taking the petition path. Councilmember Page agreed.

There was Council consensus to wait for a petition to be submitted.

7. NEW BUSINESS

A. Consider Variance Requests, Keith and Stacy Carlson, 20965 Channel Drive

Zoning Administrator/Clerk Karpas explained Keith and Stacy Carlson, 20965 Channel Drive, are requesting a lake yard setback variance and a variance to exceed the maximum permitted impervious surface area. They propose constructing a cantilevered fireplace and front entryway. The proposed front yard setback for the fireplace would be 25 feet. Section 1120:15 of the Zoning Ordinance requires a lake yard setback of fifty feet as measured from the ordinary high water level. Therefore, it requires a variance of 25 feet of the required lake yard setback. The applicants propose a lake yard setback of 35 feet for the proposed front entryway. It will be over the existing pad. It requires a variance of 15 feet of the required lake yard setback. The proposal will result in the maximum impervious surface being exceeded by 6.5 percent. Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30 percent. The 6.5 percent included a deck extension that would encroach into the required lake setback. That was removed from the request and will go back to the Planning Commission for review during its May 16 meeting.

Mayor Kind asked what the proposed impervious surface will be after removing the deck. Zoning Administrator/Clerk Karpas explained the deck was going to be reconstructed at a slightly larger size than the old deck and he does not know offhand what the reduced impervious surface would be. Councilmember Quam noted that the 36.5 percent proposed impervious surface would be less than the current impervious surface of 39.4 percent.

Zoning Administrator/Clerk Karpas stated the motion could be made to ensure that the new reduced impervious surface would not exceed 36.5 percent minus the amount for the deck expansion.

Councilmember Fletcher stated his calculations indicate the proposed impervious surface after the deck is removed would be 35.67 percent.

Councilmember Quam asked the applicants if what Council has is the final request. Ms. Carlson responded yes in this regard. There will be a future application for the deck which they are redesigning. Councilmember Fletcher stated it is his understanding that there will be another application about trees. Mayor Kind stated the applicants are allowed to have separate requests. Fletcher clarified the deck request will be a continuation of this application. Councilmember Page asked if that meant the deck will be ruled on as part of this request after these items have been ruled on. Kind stated that is correct.

Ms. Carlson explained that the Planning Commission was going to recommend denying their proposed reconstructed deck. They withdrew their proposed deck from the application. They have since redesigned the deck and resubmitted that component of their application. Councilmember Quam asked the applicants if they would be okay if Council approved what is before them and then rejected the resubmitted deck component. Ms. Carlson stated they would. She then stated what they are proposing is basically within the footprint of the 1960s Cape Cod style house.

Mayor Kind stated currently what the applicants have is a legal nonconforming use. That means they are entitled to keep what they have.

Councilmember Fletcher reviewed how he thought the entryway satisfies the practical difficulty standard. The current house has a front overhang and it seems natural the applicant would want a front entry way. There is a lake front setback on two sides of the property which makes it more difficult. Therefore, the setback request seems reasonable. The variance will not alter the essential character of the locality because there will be a lot of screening and the architectural appearance from the channel will be more appealing. He stated because the proposed fireplace is on the channel side of the property he is not concerned about it fitting in with the character of the area. Based on what he saw when the house was for sale he thought it may make sense to have the fireplace cantilevered.

Mayor Kind stated that Code Section 1145.00 Nonconforming Uses: Nonconformities (i) states “*In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setbacks*” The applicants are proposing to reduce their impervious surface and the net effect of the overall setbacks will be better.

Fletcher moved, Quam seconded, approving 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 a proposed 35.67 percent impervious surface that exceeds the maximum permitted impervious surface area as presented. Also, directing the City Attorney to draft findings of fact based on Council’s discussion this evening for Council’s consideration at its June 6, 2012 meeting. Motion passed 4/0.

B. Potential Support of Xcel Energy Alternate Route

Mayor Kind explained that Xcel Energy had sent 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 the cities of Chanhassen, Deephaven, Eden Prairie, Excelsior, Greenwood, Minnetonka, and Shorewood. The notice included an explanation of the regulatory process that the Minnesota Public Utilities Commission will follow. A copy of the notice is included in the meeting packet. It includes a map that shows an alternate route that moves the route off of the Greenwood and Deephaven sections of the Light Rail Trail (LRT) and relocates it to Vine Hill Road and Highway 7. Another option that has been discussed is the concept of moving the Deephaven substation to along Highway 101 and running the route along Highway 101 and Highway 7. This route was supported by the Deephaven Parks Committee and will be discussed by the Deephaven Council as another alternate route. The proposed Highway 101/7 route would follow major roads versus a recreational / residential corridor. The proposed Highway 101/7 route also would affect Greenwood residents living along Highway 7.

Kind noted that Greenwood resident Brian Burdick requested Council support an alternate route that does not follow the LRT. A copy of Mr. Burdick’s email to neighbors and letter to Deborah Pile with the Minnesota Division of Energy Resources are included in the meeting packet. Several additional emails, both pro and con for the alternate route, have been provided to Council this evening.

Kind then noted Paul Lehman and Tim Rogers with Xcel Energy are present this evening.

Tim Rogers, with Xcel Energy, stated this project requires two approvals from the Public Utilities Commission. One is the Certificate of Need for the project and Paul Lehman is the lead for that. The second is approval from the Commission on the route and he is the lead on that. He noted that he and Mr. Raymond are present to answer any questions there may be. In response to a question from

Councilmember Quam, Mr. Rogers stated Xcel representatives recently heard about the option to move the substation located in Deephaven.

Mr. Rogers explained that before Xcel submitted its route application it held open house meetings to take public comment about the project and to tell people about what was being proposed. The proposal was to rebuild the line in its existing alignment. At one of the open houses a group asked if Xcel could analyze a route that would relocate the current Greenwood LRT Trail route to Highway 7 and Vine Hill Road that would connect to the substation in Deephaven. An analysis was done of that route and it was also included in the permit application as an alternative that was evaluated and rejected. After the permit application was submitted Xcel has gotten wind of some other proposals that are floating around with one of them involving relocating the Deephaven substation to along Highway 7. He had not heard about the proposal to relocate it along Highway 101. The Commission of the Department of Commerce has been charged with preparing the environmental assessment. It will use Xcel's permit application and have a scoping meeting with the communities to find out what the communities want to have studied as part of the environmental assessment as well as all the routes communities think are a possibility. Xcel will provide the Department of Commerce with information it has accumulated and prepared to help with the assessment. After the assessment is done there will be an administrative law judge that will hold a hearing and take public comment about the assessment.

Councilmember Quam asked Mr. Rogers what the timing will be for those activities. Mr. Rogers stated Xcel hopes regulatory process for the route and Certificate of Need will result in approval by the end of this year. Xcel thinks the route and Certificate of Need will be handled jointly but there is no guarantee that will happen. Quam asked if Xcel rejected the alternate route. Mr. Rogers stated that it did and put forth the route along the current alignment. Quam asked what it would take to change the route. Mr. Rogers stated it is the Commission's job to look at the all of the balance of facts and decide what the best route is. Quam asked if cost was factored into Xcel's decision making process. Mr. Rogers stated it was. Quam asked if moving a substation is a huge expense. Mr. Rogers stated it would be very expensive.

Councilmember Fletcher stated it is his understanding that the Commission is first going to have a hearing to determine if Xcel's application is complete. Mr. Rogers stated that is the current stage in the process.

Mayor Kind stated concern has been expressed about electric magnetic fields (EMF). Specifically, about a 115 kV transmission line emitting more EMF than a 69kV line. She asked if the net result will be the same because the poles will be higher and therefore the lines will be further from the ground. Mr. Rogers stated that in the application Xcel provided electric field and magnetic field values at certain distances from the centerline. That analysis will be in the environment assessment and it is in the permit application. The electric field is expected to increase and the magnetic field is expected to be less than what it is right now for at least the near future.

Kind then stated another concern has been the aesthetics of power poles along the LRT Trail near Lake Minnetonka. She asked how it will look from the Lake. Mr. Rogers stated Xcel's proposal is to put the new poles as close as possible to the location of the existing poles. Currently there are a variety of types of different structures. The application suggests two types of poles made of steel. Kind asked if burying the lines is an option with the high voltage line. Mr. Rogers stated he expects that option to be included in the scope of the environmental assessment. Based on his experience, underground lines are reserved for very high density areas.

Mr. Lehman stated he is a regulatory manager with Xcel. He explained burying transmission lines is reserved for circumstances where the ability to build an overhead line is virtually impossible for a variety

of reasons. Mayor Kind asked if EMF is an issue if the line is buried. Mr. Lehman stated it is a different issue but there are still EMF considerations that must be taken into account.

In response to a question from Councilmember Fletcher, Mr. Lehman stated the Department of Commerce and the Public Utilities Commission are the decision makers. They will make the decision about burying transmission lines. The Department of Commerce is to build the record for the Commission through an administrative law judge. Many factors will be considered. The Public Utilities Commission will be the ultimate decision maker. The decision about who pays for how things are constructed is a subsequent regulatory proceeding. It is not part of the Certificate of Need proceedings.

Mayor Kind asked who the contact person is about EMF. Mr. Rogers stated he is the contact person for questions related to environmental issues.

Mr. Lehman stated if the City chooses to send any information to the Department of Commerce or the Minnesota Public Utilities Commission it would be helpful if it gets to the right spot. Docket numbers are assigned to the proceedings. Therefore, it is helpful if the Docket number is included in the correspondence. Refer to Docket No. E002/CN-11-332 in the correspondence.

Mayor Kind explained that Mr. Lehman's letter suggested contacting Bret Eknes, Deborah Pile or Timothy Rogers yet other correspondence suggested contacting other individuals. She asked who to contact. Mr. Lehman explained that Mr. Eknes with the Public Utilities Commission will be the lead contact in the Certificate of Need process. He noted if the Docket number is included in the correspondence the information will flow to the correct spot.

Mayor Kind asked Council how it would like to proceed.

Councilmember Fletcher stated he prefers doing nothing right now.

Mayor Kind stated she would like to get information about EMF before Council makes a decision whether or not to support any particular route. Council can discuss that information during its next Council meeting before making any recommendation.

Councilmember Fletcher suggested that if Council is considering making a recommendation about an alternate route then it is imperative Council understands the implications of each of the routes.

Keith Stuessi, 5000 Meadville Street, stated he heard that the magnetic field will be less in the near future. He asked if that can be increased by Xcel in the future. Mr. Lehman explained that there is a current customer load that is served by the current power line at 69kV. When the transmission line is converted to 115kV the amount of current through the line would be reduced. As with any power line when the demand for power goes up, the current through the line goes up. There are two distribution substations that distribute power to the customers; one is located in Excelsior and the other in Deephaven. The distribution feeders from the substations serve the various communities as a whole. Councilmember Fletcher stated the distribution lines are passive lines and they are part of a whole system.

Mayor Kind stated the City will be following up with Mr. Rogers to get EMF information for Council's June meeting. Mr. Lehman stated that information will be provided as part of the environmental assessment. If it is desired before that Mr. Rogers will try his best to get that information for the City. Kind stated the City can wait for that. Kind asked if there is a need to weigh in on this sooner versus later. Mr. Lehman stated that by waiting the City would not leave itself out of any consideration. Kind asked when the environmental assessment report will be completed. Mr. Rogers stated the scoping meeting for

the assessment is a key meeting. That defines all of the things that need to be included in the assessment. That would be a good time to submit comments and ask questions. The scoping meeting will likely be in June or July. The assessment will be done after that.

Councilmember Fletcher stated this could be continued to June and to additional meetings depending on the information that is available. It could be a standing agenda item. The consensus of the Council was to continue the discussion to the June and future agendas as needed.

C. Potential Review of Hardcover and Setback Requirements for Lots Smaller than 15,000 Square Feet

Mayor Kind explained that resident Keith Stuessi, 5000 Meadville Street, asked that the topic of hardcover and setback requirements for lots smaller than 15,000 square feet be placed on this meeting agenda for Council discussion. The meeting packet contains copies of emails between Mr. Stuessi, Planning Commission Chairman Pat Lucking, and Councilmember Fletcher and others related to this topic. Council has also been provided with a copy of an email from Jill Nagle. Mr. Stuessi is going to make a brief presentation this evening.

Mr. Stuessi stated his purpose in being here this evening is to recommend to Council and the Planning Commission that they review the hardcover and setback requirements for lots smaller than 15,000 square feet. He believes there are two main reasons for these needed revisions.

Mr. Stuessi explained that first there are two dozen smaller lots on the main lake and St. Alban's Bay with teardowns that already have nonconforming structures on them. Almost all of them have severely nonconforming hardcover. They do not comply with the existing Ordinance. He thought the issues should be dealt as a courtesy to all of the neighbors before the property owners ask the City for some type of variance. He does not think they have any idea what they can do with their property.

Mr. Stuessi then explained that he does not think there has been any consistency in how variances have been granted. A 7,000 square foot house was constructed next to his property in 1995 on a lot smaller than the minimum size lot requirement for the R-1A zoning district. In a recent email he wrote to the City he referred to five small properties (less than 10,000 square feet in size). During 2005 and 2006 where three were given three to five variances each. These variances resulted in huge houses. During that same period of time two small property owners were denied any variances. Variances ought to be granted consistently.

Mr. Stuessi reviewed some numbers that he thought Council might find interesting. Fifteen new houses have been built on the main lake since 1995 when he thought the teardown phase began in the City. Fourteen of those houses are over 4,500 square feet in size and have three-car or four-car garages. Ten of the houses were built on lots that were at least the minimum lot size for the R-1A zoning district with virtually few issues. Four were granted huge variances on the smaller lots. From his vantage point the variances were very detrimental to neighbors, and they set a precedent. There were four instances where neighbors moved because they were frustrated with what was allowed.

Mr. Stuessi noted he has lived along Meadville Street for 34 years. He explained that during that time there has been less than one turnover per year out of the 56 main lake properties. That low turnover rate is highly unusual. The three top property tax assessors in St. Paul thought the typical turnover rate for those types of properties would be five to six per year. That low rate of turnover coupled with the construction of huge houses on small lots has distorted expectations of what people think they can or should be able to build on their properties.

Mr. Stuessi noted that today there are at least 28 families out of the 56 that live near the main lake that have lived in their old homes for over 30 years. He explained that at least 15 of the houses are what he considers teardowns on small lots. Due to the fact that many of the property owners are older he thought there will be a major turnover of the properties over the next five years. Therefore, he thought it prudent to revise the hardcover and setback requirements before that turnover stage begins. He recommended Council and the Planning Commission take the time to go and look at 18 to 20 of the lots. He also recommended they ask the current property owners who have lived there for over 30 years what they would expect a new owner of their property to be able to build on it. He noted that did not think the updated State law regarding the ability to replace a nonconforming home on the same footprint makes sense in many instances. He stated he thought the issues need to be addressed sooner versus later. Problems that could occur down the road can be mitigated by adjusting the hardcover and setback requirements now.

Councilmember Quam asked Mr. Stuessi what he wants from Council. Mr. Stuessi responded that he does not want to lay out a play during the meeting, and noted that he did not think there are a lot of easy answers. He commented that often it is easier to ask good questions than to provide good answers. That is the case now. He again recommended Council and the Planning Commission take the time to go and look at the properties and talk to the residents. After doing that the Commission and Council can discuss how the Ordinance should be adjusted with regard to hardcover and setback provisions. He asked if properties that already have 50 percent hardcover are going to be grandfathered in. He stated he does not think that would make sense. He thought it would be helpful to talk to people in advance of them coming to the City for a variance request.

Quam then asked Mr. Stuessi if he was suggesting people should be able to build the large houses on the small lots. Mr. Stuessi clarified he is not.

Mayor Kind stated she understands Mr. Stuessi to be recommending the rules be clarified and enforced consistently. A place to start would be with reviewing variance requests that have been granted.

Kind noted that Zoning Administrator/Clerk Karpas has suggested reviewing how many properties currently comply with the current lot width minimum requirement of 75 feet and the 15,000 square foot lot size minimum in the R-1A District. Karpas explained that was done in the City of Deephaven and found that many lots complied with Deephaven's ordinance but many did not. The Deephaven Council chose not to revise its ordinance.

Zoning Administrator/Clerk Karpas explained that hardcover to some extent is regulated by the Minnesota Department of Natural Resources. Many of the lots were developed before shoreland management regulations were implemented. The City is permitted to allow up to 30 percent, and then up to 45 percent with a conditional use permit and variance. Although State Statute allows property owners to replace an existing nonconforming structure with one of the same footprint, the variance process still must be followed. He stated he thought the City would have some flexibility with requiring a structure that will be replaced. For instance a building that is only three feet from the property line may be relocated to five feet from the property line. He then stated the Planning Commission did try to manage the size of the house through the massing provisions in the Ordinance. But, the State Statute says the footprint and height could be replicated.

Karpas stated he could review the county records for lot information and determine how many lots don't comply with the lot size and width requirements in the R-1A District.

Mayor Kind stated it would be helpful to current or future property owners to know what the setback requirements are and to consistently enforce them. She stated that the Ordinance requires a minimum house width of 25 feet and a side yard setback totaling 30 feet for a total lot width of 55 feet. Kind noted there are many lots in the R-1A district that are not 55 feet wide. She suggested having Zoning Administrator/Clerk Karpas determine how many R-1A lots comply with the Ordinance requirements and then have the Planning Commission review that information and decide if it wants to recommend adjustments.

Councilmember Page suggested that during the upcoming joint Council and Planning Commission meeting there be a discussion about whether or not there is any desire to revisit the Ordinance. He noted that a thorough review of the Ordinance was done within the last few years. He stated a lot of thought was put into that review. He noted there is nothing that can be done about State Statute.

Zoning Administrator/Clerk Karpas stated he will try to get the compliance information together before the work session.

Mr. Stuessi reiterated that he thought it would be beneficial for Council and the Planning Commission to go and look at the small properties and to talk to the residents in those areas. He asked if a house very close to a property line or one with eaves that hang over the property line burns down, can it be rebuilt in the same place?

Councilmember Page stated to Mr. Stuessi that it was unfortunate that he did not come forward during the time when 80 hours was spent on the massing Ordinance. Mr. Stuessi clarified that he did and he brought up the issue at that time. Mr. Stuessi noted that this is a slightly different issue than massing. He explained that he is suggesting that side yard setback and hardcover requirements be adjusted. A task similar to how massing was dealt with.

Mayor Kind thanked Mr. Stuessi for coming before Council to discuss this and she noted it will be discussed during the joint Council and Planning Commission meeting.

Councilmember Fletcher clarified that the State Statute provision regarding foundation size was in place before the City approved its massing Ordinance. Attorney Kelly noted that State Statute stipulates that people cannot be forced to abandon a footprint. Fletcher stated there has been reference this evening that the State Statute came into effect after the massing Ordinance was approved. It did not.

D. Potential Clean Up of St. Alban's Bay Shoreline Along Minnetonka Boulevard

Mayor Kind explained Greenwood resident Bob Quinn requested the topic of clean-up of St. Alban's Bay shoreline along Minnetonka Boulevard be placed on the meeting agenda for Council discussion. She noted the meeting packet contains a copy of an email from Mr. Quinn.

Mayor Kind stated in the interest of time [it was 10:03 P.M.] she asked if Council wants to continue this item to the June 6, 2012, Council meeting. This is not a pressing matter.

There was Council consensus to move this item to the June 6, 2012, meeting agenda.

**E. First Reading: Ordinance 210, Amending Code Section 310.30 Subd. 5(d) and 5(f)
Use of Sewers**

There was Council consensus to continue this item to the June 6, 2012, meeting agenda.

Mayor Kind noted this is not a pressing matter.

8. OTHER BUSINESS

A. Second Reading. Ordinance No. 209, Amending Ordinance Code Section 1140.85 Subd. 2 Regarding Trees

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

Mayor Kind explained this is the second reading of Ordinance 209, amending Ordinance Code Section 1140.85 Subd. 2 regarding to Diseased Trees.

Councilmember Page stated from his vantage point Section 1140.85 Subd. 2(4) which read "*Any living or standing tree affected by any other pathogen determined to be harmful by the state of Minnesota*" is vague.

Mayor Kind explained that this is the language suggested by the City Forester.

Fletcher moved, Quam seconded, Approving ORDINANCE NO. 209, "An Ordinance of the City of Greenwood, Minnesota, Amending Ordinance Code Section 1140.85, Subdivision 2 Regarding Trees." Motion passed 3/1 with Page dissenting.

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission

With regard to the Planning Commission, Councilmember Fletcher stated the main item discussed at the last Planning Commission was Item 7.A. He then stated discussion about landscape hardcover versus structural hardcover may warrant discussion by the Planning Commission.

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

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

With regard to the South Lake Minnetonka Police Department, Mayor Kind stated the SLMPD Coordinating Committee will meet on May 9, 2012, at 5:30 P.M. in the public safety facility located in the City of Shorewood.

With regard to administration, Kind stated that she and Councilmember Page had measured the Lake Minnetonka water level where the City docks are located. The City then submitted a temporary low water dock extension permit application for the City docks because of the low water. The application was approved and the docks have been extended out an additional 32 feet.

The City has received a request for a temporary liquor license which is not allowed by Ordinance. It was for a special event that is going to happen at a chiropractic clinic located next to Highway 7. It is too late for them because of the lack of an Ordinance. She asked if Council would like to add temporary liquor licenses to the Ordinance. Councilmember Fletcher stated if there is a business person who would like the City to have temporary liquor license provision in the Ordinance then they should approach Council with

such a request. Zoning Administrator/Clerk Karpas stated this is the first request there has been in 13 years.

The next total maximum daily load (TMDL) stakeholder meeting is scheduled for May 8, 2012, from 8:30 to 10:00 A.M. at the Freshwater Institute. Interested parties are asked to reply by May 4.

On July 29 at 4:30 P.M there will be a free ice cream social and band concert at the Old Log Theater.

With regard to mayor's meetings, Kind noted she attended a couple of meetings. She will update Council on them next month.

C. Page: Lake Minnetonka Conservation District

Rob Roy, 21270 Excelsior Boulevard, (the St. Alban's Bay captain) stated Councilmember Page is Chair of the lake Minnetonka Conservation District (LMCD) Aquatic Invasive Species (AIS) Task Force. He expressed his disappointment that during an LMCD meeting Page would not allow the results of the milfoil treatment of Gideon Bay and St. Alban's Bay to be entered in the AIS subcommittee report. There was no discussion at the committee level. He commented that as a business man he wants to know everything he can about a topic before he makes a decision. He then stated that Gabriel Jabbour, a member of the Task Force, suggested the value of the Army Corps of Engineers pro bono time be included in costs (\$3,000-\$5,000). He went on to state when he was preparing a report on the benefits of the milfoil treatment he came up with an average cost of \$411 per acre over two-year period to chemically treat milfoil. He explained he then used the cost from the LMCD's published income statement to calculate the cost to harvest milfoil. The operational cost to harvest St. Alban's Bay (not including equipment capital costs) is \$293 per acre. He noted that milfoil grows back 4-6 weeks after it is harvested. Therefore, it typically is harvested twice. The cost to harvest twice in a year would be \$586 per acre. Harvesting costs will increase once capital costs are included. He noted he has requested a balance sheet from the LMCD so he can figure out what the capital costs are.

Mr. Roy stated he attended an LMCD Board meeting and he was disappointed that during the meeting the chair would not allow members of the audience to comment. He then stated during the meeting the AIS Task Force presenter explained there is disconnect between the report and results experienced by lake users. For instance the reported results of the chemical treatment indicated that Grays Bay still had 90 percent milfoil. Yet lake users of Gray's Bay say that the amount of milfoil is greatly improved. It appears that the explanation for the disconnect is related to the "point intercept" method of measuring results, where a rake is dropped in the water in a specific area and whether one strand or 10 strands of milfoil are found on the rake, it is classified that there is milfoil in that location. This may explain why there is a difference between what lake users are seeing versus what the reports say.

Mayor Kind recessed the meeting at 10:17 P.M.

Mayor Kind reconvened the meeting at 10:24 P.M.

Councilmember Page clarified he does not have the power to decide whether or not to include or exclude treatment results information about Gideon Bay or St. Alban's Bay in the AIS Task Force's report. The committee consensus determined what was included in the report.

Page stated Council had been provided with a copy of a LMCD budget that reflects an increase of 2.6 – 2.7 percent. That has to do with the discontinuance of depleting reserves that has been going on since 2007. The level of reserves is about mid-level of what is recommended; it is about 40 percent. He

explained the budget reflects \$30,000 being allocated to some sort of AIS control aside from harvesting. The line item for inspections was deleted from the budget. The plan is to submit a grant application to the Minnehaha Creek Watershed District (MCWD) in 2013 with the hope the LMCD will receive funds to fund AIS inspections. Save-the-Lake funds could also potentially be contributed to AIS control. Mayor Kind noted a cover letter from LMCD Executive Director Nybeck states money may come from the MCWD, the Department of Natural resources (DNR) or the Three Rivers Park District.

Page noted a representative from the MCWD encouraged the LMCD not to count on receiving any funding from the MCWD for AIS treatment. He explained the watercraft inspection money referred to in Nybeck's memo is for inspections; not treatment. That inspection funding should be forthcoming. The MCWD representative explained the MCWD is going to determine what types of AIS treatment and control will work and provide advice on that. During the budget meeting it was stated that the MCWD's comprehensive AIS management plan is one to two years out.

Page stated he attended a joint meeting of Lake Minnetonka Association (LMA) and MCWD representatives yesterday. He commented that the LMA basically said the same thing it has said at a Council meeting and at a LMCD meeting; the treatment was wonderful and the LMA needs money. He stated the MCWD indicated it has no plans to contribute money for AIS control until it has a comprehensive MCWD wide plan. He explained a representative from the MCWD present at this meeting indicated that he was present to manage expectations. It was not likely the MCWD was going to contribute to chemical control of AIS. He noted that whatever the MCWD does it has to be District wide and that would be cost prohibitive. He stated the DNR has indicated that no one should count on funds from the DNR for chemical control once the five-year pilot program is complete. He noted the AIS subcommittee report recommends no more chemical control after the five-year pilot program is completed until there is a management plan developed for Lake Minnetonka.

Page then stated based on what he has heard, Council could decide the City should levy to chemically treat St. Alban's Bay, noting no one finds that palatable. The LMA wants people to encourage the LMCD to pay for the chemical treatment. To do that the LMCD would have to levy the 12 member cities a larger amount. The LMCD currently does not levy the maximum that it can; it could levy another \$147,000. Or, the treatment could be funded through private donations or partnerships.

Page stated the AIS Task Force had reached consensus to recommend that the LMCD Board transfer responsibility for developing a comprehensive AIS management plan for Lake Minnetonka back to the AIS Task Force. Mayor Kind stated the Task Force report doesn't say that. It says the Task Force does not recommend continuing the chemical treatment program past the end of 2012 until a comprehensive vegetation management plan is developed for Lake Minnetonka, but the report does not say anything about who is going to develop the plan. Page clarified that the LMCD Board is wanting to transfer the responsibility of the plan development to the AIS Task Force. Page stated he doesn't see the result being a comprehensive plan, but that the plan likely will be to see which bays are interested in chemical treatment and then make a plan based on the interest.

Page stated people need to be realistic about what the options are going forward, noting the MCWD is not one of the options. The DNR is not an option either. It is either going with what there is with the LMCD and private donations or upping the LMCD funding and reducing private donations.

Mayor Kind noted she supports the AIS Task Force developing an interim lake vegetation management report until the MCWD develops a comprehensive District wide plan. She stated she was pleased to read in LMCD Executive Director Nybeck's letter that the \$30,000 could be used toward alternative AIS treatment. Councilmember Page stated that came about because of suggestion from him. Kind explained

that Nybeck offered to come to a Council meeting to discuss the LMCD budget. She asked if Council would like to put him on the June meeting agenda. Page noted he has already explained what the budget increase is for 2013 and it only to stop the depleting reserve funds. He does not think much would be gained by Nybeck coming.

Kind stated she was present at an LMCD meeting when there was discussion about whether or not to include the treatment results for Gideon Bay and St. Alban's Bay in the report appendix. It was the LMCD Board's decision to include them in the appendix of the final five-year pilot project report. She commented she would have preferred it be included in the report for 2011. Since Gideon and St. Alban's Bay reports include rake counts (a different way of measuring compared to the point-intercept method in the pilot program), the rake count information could be helpful to the Board when making decisions about funding chemical treatment or supporting continuing chemical treatment in the future.

Mr. Roy stated there will be an analysis of St. Alban's Bay this spring. There also needs to be a final analysis at the end of the season. He pointed out that the Army Corps is not required to do the analysis, and that the St. Alban's Bay chemical project includes professional analysis. He explained that 70 percent (102 acres) of St. Alban's Bay was chemically treated in 2011. The average cost he cited earlier includes all the costs associated with the treatment. He assumes the cost to treat the Bay during 2013 is likely to go down even more than in 2012. He noted there may be need to do a full treatment of the Bay in a couple of years.

Councilmember Page stated he has no doubt that there will have to be some amount of chemical treatment of St. Alban's Bay even if it has to be paid for with private funding. He also has no doubt there will be a continued need for harvesting going forward. The protocol the DNR is allowing throughout the State is the protocol used for this project; a protocol finalized after a number of missteps. In some ways there was some good fortune in having come in part way through the pilot program because St. Alban's Bay contributors did not pay for a series of missteps.

Councilmember Fletcher stated some of the early missteps were a result of the DNR decision to deviate from following the manufacturer's recommendation.

Mayor Kind stated the DNR has deemed this program to be operational. She asked if the DNR is still driving the metrics requirements. Councilmember Page responded it is and noted it wants to track the effectiveness of the main chemical being used. Mr. Roy stated contractors that are licensed by the DNR are doing some of the tasks the Army Corps had been doing. He noted the tasks are still being done.

Councilmember Page stated there is some opposition to chemical treatment. They prefer harvesting because it removes the mass. He then stated it gives him pause to have chemicals dumped in the Lake year after year. Drenching the whole Lake which chemicals periodically gives him pause.

Councilmember Fletcher stated he has never seen the small amount of lake shore in front of his property so clean.

Mr. Roy stated he knows of a few residents on the Bay who oppose chemical treatment. He explained the dilution rate for the chemicals is at .5 parts per million. There is more chemical on food products. If people oppose chemicals in the Lake then we should discontinue salting roads. He noted that chemicals have been used for a long time. The Army Corps stated 88 percent of what they use is chemicals and a small percentage is harvesting.

Mayor Kind asked if the LMCD has measured the effectiveness of harvesting from year-to-year. Councilmember Page responded no. Kind indicated that she was surprised by that.

Mr. Roy stated he has a copy of a report produced by the University of Minnesota about the effectiveness of harvesting of milfoil in Lake Minnetonka. He stated he would make a copy for Council. He noted harvesting increases the density of milfoil.

Councilmember Fletcher stated the report from the AIS Task Force about the herbicide treatment states it doesn't not recommend herbicide treatment beyond 2012 or expanding it to other bays until a comprehensive lake vegetation management plan is developed for Lake Minnetonka. If the comprehensive plan is not available until 2014 then he interprets that to mean the LMCD is not involved with chemical treatment at all in 2013. Councilmember Page stated there a number of people on the LMCD Board who think the LMCD should not be involved with chemical at all. Page stated the Task Force believes it could develop a scaled down plan this year so there could be some chemical treatment in 2013. Fletcher asked Page if he is comfortable advocating for that. Page noted that Council already made a motion to that affect. Fletcher asked him if he is comfortable with that. Page asked if Fletcher is asking him if he is personally comfortable with that or if he will represent the will of the Council. He noted he will represent the will of the Council.

Fletcher then stated it is his understanding that the amount of harvesting done in 2011 was somewhat less because of the State shutdown and because of water levels. Therefore, the harvesting expense appears to be somewhat variable. He went on to state the bays that are chemically treated don't have to be harvested. Therefore, he asked if it would be unreasonable to have the LMCD contribute the funds that would have been spent to the herbicide treatment of the bays treated instead. He commented that it costs about \$2,500 a day to run a harvester (not including capital costs).

Councilmember Page stated that has a ring of deductive logic to him, but that if the LMCD doesn't have to harvest in some areas there are many other areas that could benefit from harvesting.

Councilmember Fletcher asked Councilmember Page if he could advocate having the LMCD give funding to the chemical treatment of the bays that don't have to be harvested because of the treatment. Fletcher noted that the bay captains and their captains put a lot into the process for getting the bays chemically treated. He stated he strongly believes that the LMCD and the City should be supportive of the work done by the residents. Councilman Page said he will advocate that LMCD funding support bays that do not need to be harvested because they are treated with chemicals.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated earlier in the meeting Council discussed the City's roadway improvements and there is nothing to report on the sanitary sewer system. He noted there was no Minnetonka Community Education meeting.

E. Rose: Excelsior Fire District

Councilmember Rose was absent so no report was given.

10. ADJOURNMENT

Fletcher moved, Page seconded, Adjourning the City Council Regular Meeting of May 2, 2012, at 11:01 P.M. Motion passed 4/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

1. Call to Order/Roll Call/Approval Agenda

Planning Commission Chairman Lucking called the meeting to order at 7:59 pm.

Council members present: Deb Kind, Tom Fletcher, Kelsey Page, Bob Quam and William Rose
Planning Commission members present: John Beal, Kristi Conrad, Bill Cook, Pat Lucking, David Paeper and Douglas Reeder
Council members absent: None
Planning Commission members absent: None
Others present: City Attorney Kelly, City Clerk/Zoning Administrator Karpas and Planning Commission Applicant Lisa Christian

2. Introductions

Each person introduced themselves to the group.

3. Open Discussion

The group discussed a number of issues of interest.

A. Discussion on impervious surface and the development of small lots

Chairman Lucking discussed concerns brought up by a resident which have been brought up a number of times over the years. He said he has tried to make residents understand that decisions aren't necessarily consistent through the years because the Planning Commission and City Council are dynamic rather than static organizations and there's nothing he can do to change it. He agrees that exchanging landscaping hardcover for a structural hardcover is not necessarily a good thing and suggested that the Planning Commission could look into ideas for how to address the problem of "hardcover creep." Zoning Administrator Karpas noted the visual impact of the hardcover changes if you go from at-grade hardcover to a structure.

Commissioner Beal commented that's when the massing ordinance should come into play on smaller lots.

Chairman Lucking discussed a previous request for a conditional use permit for increased hardcover for a swimming pool on Lodge Lane. In that case, the structure was newer, but had a hardcover of 35% and no indication that any previous approval had been granted for that percentage. He said he was uncomfortable granting an approval for that increase. Councilmember Quam asked how the city could realistically set a baseline when it came to hardcover.

City Attorney Kelly said the city could regulate hardcover on the property by using a standard of a change in the quality and character, noting there cannot be a change in the quality or character of the hardcover on a property without a variance. He discussed the request before the Commission tonight, noting if the access to the garage was altered, which could've reasonably been done, a large percentage of hardcover could have been removed from the property.

Commissioner Beal said he has also had a number of visits with the resident in question with his list of all the bad things the city has approved and he tends to get worn before the resident actually gets to what he really wants done.

Greenwood City Council and Planning Commission Joint Worksession
Wednesday, May 16, 2012
8:00 P.M.

Zoning Coordinator Karpas said he has been tabulating lot areas based on their zoning district to get an idea on how many non-conforming lots are located in the R-1A District. Commissioner Cook said it doesn't matter how many small lots the city has, there must be a procedure for reviewing requests, and he believes the city is currently using a procedure that is not in the code. He described the challenges the lot next door to him is going to face as it is redeveloped. Cook said he wouldn't necessarily like to see different setbacks for smaller lots, he likes the variance process.

Councilmember Page said he believes residents know what they can build on a lot when they buy it. They can build what they have, and if they can't meet the ordinance requirements, anything beyond that requires a variance.

Chairman Lucking described the zoning when he built his house stating his property was four parcels with two different zoning designations, he said this can be seen in the varying setbacks of his home's footprint.

Mayor Kind asked why the lakeward lots of Greenwood Circle were R-1A while those to the north were R-2, even though they are similar in size. Councilmember Quam asked if there should be different setbacks for smaller lots. City Attorney Kelly said the city has never embraced the idea that there are small lots in the city.

Councilmember Fletcher noted there would also be concerns about the current height regulations if setbacks were reduced. There would have to be some step-back provision.

Commissioner Cook noted a ten-foot setback probably would not do any good since most small lots don't have a ten-foot setback now. Commissioner Beal said a number even have a house right on the line.

Councilmember Page said he's leary about opening a can of worms after redoing the ordinance. He feels all the properties already do and will need a variance and the degree of variance needed is not a selling point to him for changing the ordinance.

Commissioner Paeper said he does have sympathy for off lake small lots which have all the building constraints but none of the value.

It was agreed that staff would continue to tabulate lot areas to get an idea of the deviation from the required lot area and that the Planning Commission will work on language addressing the quality and character of impervious surface as a means of controlling hardcover creep.

B. Canoe Racks

Raised by Conrad, the group discussed the concept of placing canoe racks at the Meadville fire lane and St. Alban's Bay city docks and issuing permits for their use. There was discussion that the idea had come up before but there had been some question whether permanent structures should be put up by the city docks. The group agreed that the council should go forward with the idea and to research the cost of construction of the racks and what an acceptable fee would be.

C. League of Minnesota Training

Raised by Kind, Mayor Kind discussed some online training offered by the League of Minnesota Cities which would reduce the city's deductible if a claim were filed. The requirement is that a minimum of three council members, the Planning Commission Chair, a

Greenwood City Council and Planning Commission Joint Worksession
Wednesday, May 16, 2012
8:00 P.M.

Planning Commissioner and one staff member must complete the training in order to qualify for the insurance savings.

D. Dock Lighting

Raised by Lucking, Lucking asked if the city was interested in placing some lighting in the transitional area of the docks which tends to get very dark. He said he has some solar lights he could put in the posts. The group agreed that lighting would be good. Mr. Lucking will purchase two lights and submit his receipt to the city.

E. Approval Standards

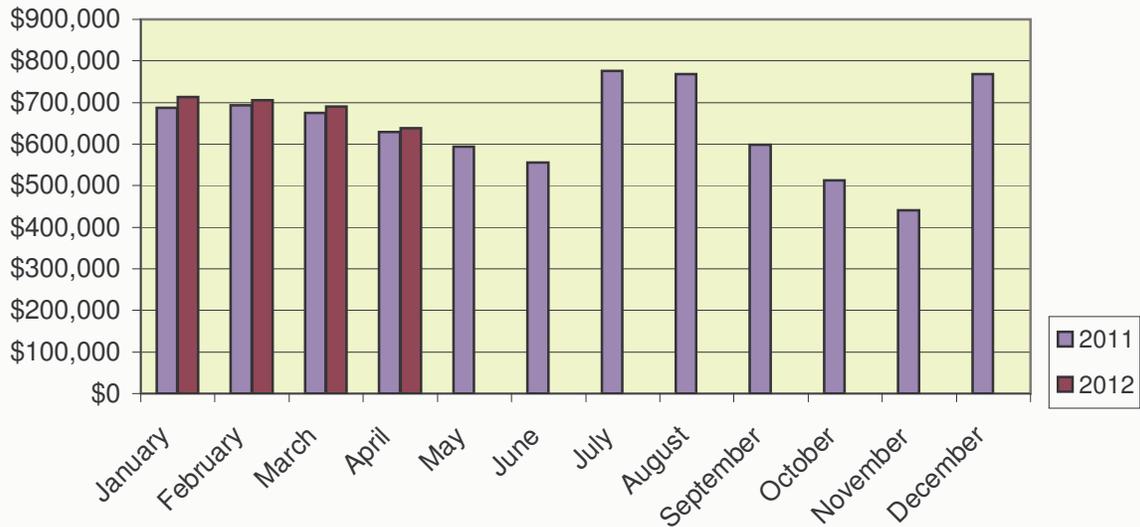
Raised by Page, Page asked that the Planning Commission follow the criteria outlined in the ordinance when acting on variance requests. He said this would be helpful for the Council. Zoning Coordinator Karpas said the criteria will now be included on all staff reports.

4. Adjournment

Lucking moved to adjourn. Second by Beal. The meeting was adjourned at 9:12.

Respectfully submitted
Gus Karpas
City Clerk

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	\$637,990	-\$52,432	\$8,421
May	\$593,928	\$0	-\$637,990	-\$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	\$431,908
Bridgewater Bank Checking	\$2,831
Beacon Bank CD	\$120,000
Beacon Bank Money Market	\$83,151
Beacon Bank Checking	\$100
<hr/>	
	\$637,990

ALLOCATION BY FUND

General Fund	\$103,750
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$59,970
Stormwater Special Revenue Fund	\$8,436
Sewer Enterprise Fund	\$388,705
Marina Enterprise Fund	\$50,074
<hr/>	
	\$637,990

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
06/01/12	PC	06/01/12	6011201	Debra J. Kind	34	283.05
06/01/12	PC	06/01/12	6011202	Fletcher, Thomas M	33	88.70
06/01/12	PC	06/01/12	6011203	H. Kelsey Page	35	188.70
06/01/12	PC	06/01/12	6011204	Quam, Robert	32	188.70
06/01/12	PC	06/01/12	6011205	William Rose	36	188.70
Grand Totals:						<u>937.85</u>

Check Issue Date(s): 05/01/2012 - 05/31/2012

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
05/12	05/01/2012	10571	800	STACY CARLSON	101-20100	400.00
05/12	05/08/2012	10572	9	CITY OF DEEPHAVEN	101-20100	4,392.97
05/12	05/08/2012	10573	761	DEBRA KIND	101-20100	40.01
05/12	05/08/2012	10574	315	DOCK & LIFT INC.	605-20100	3,624.05
05/12	05/08/2012	10575	68	GOPHER STATE ONE CALL	602-20100	49.30
05/12	05/08/2012	10576	3	KELLY LAW OFFICES	101-20100	2,024.00
05/12	05/08/2012	10577	754	Lake Minnetonka Association	605-20100	2,000.00
05/12	05/08/2012	10578	105	METROPOLITAN COUNCIL ENV SERV	602-20100	2,598.16
05/12	05/08/2012	10579	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	14,376.58
05/12	05/08/2012	10580	136	Sun Newspapers	101-20100	107.91
05/12	05/08/2012	10581	745	Vintage Waste Systems	101-20100	1,568.40
05/12	05/08/2012	10582	145	XCEL	101-20100	189.59
05/12	05/22/2012	10583	10	AMERICAN SOLUTIONS BUSINESS	101-20100	327.55
05/12	05/22/2012	10584	51	BOLTON & MENK, INC.	101-20100	797.00
05/12	05/22/2012	10585	75	HENNEPIN COUNTY TREASURER	101-20100	12.50
05/12	05/22/2012	10586	742	Marco, Inc.	101-20100	212.15
05/12	05/22/2012	10587	801	SHAWN & KARI RUSING	605-20100	5.00
05/12	05/22/2012	10588	136	Sun Newspapers	101-20100	107.91
05/12	05/22/2012	10589	745	Vintage Waste Systems	101-20100	2,470.77
05/12	05/22/2012	10590	145	XCEL	101-20100	386.36
Totals:						<u>35,690.21</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
AMERICAN SOLUTIONS BUSINESS					
10	AMERICAN SOLUTIONS BUSINESS	INV01115223	RECEIPT BOOKS	05/15/2012	171.82
		INV01115503	RECEIPT BOOKS	05/15/2012	155.73
	Total AMERICAN SOLUTIONS BUSINESS				<u>327.55</u>
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0147154	2012 MISC ENGINEERING FEES	04/30/2012	396.00
			2012 MISC ENGINEERING FEES		300.00
		146540	2012 MISC ENGINEERING FEES	03/31/2012	101.00
	Total BOLTON & MENK, INC.				<u>797.00</u>
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	050312	BROOMS & SQUEEGEES	05/03/2012	80.42
		MAY 2012	Clerk Services	05/01/2012	2,514.40
			RENT & EQUIPMENT		542.95
			Postage		34.80
			COPIES		1.50
			SEWER		325.04
			STREETS		81.26
			WEED/TREE/MOWING		406.30
			PARK MAINTENANCE		243.78
			STORM SEWERS		162.52
	Total CITY OF DEEPHAVEN				<u>4,392.97</u>
DEBRA KIND					
761	DEBRA KIND	050712	REIMBURSE - FEDEX	05/07/2012	40.01
	Total DEBRA KIND				<u>40.01</u>
DOCK & LIFT INC.					
315	DOCK & LIFT INC.	20891	INSTALL FLOATING DOCK	04/26/2012	3,624.05
	Total DOCK & LIFT INC.				<u>3,624.05</u>
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	38899	Gopher State calls	05/01/2012	49.30
	Total GOPHER STATE ONE CALL				<u>49.30</u>
HENNEPIN COUNTY TREASURER					
75	HENNEPIN COUNTY TREASURER	050412	Processing Special Assessments	05/04/2012	12.50
	Total HENNEPIN COUNTY TREASURER				<u>12.50</u>
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	5979	GENERAL LEGAL	04/26/2012	908.50
			GENERAL LEGAL		966.00
			GENERAL LEGAL		57.50
		5980	LAW ENFORCE PROSECUTION	04/26/2012	92.00
	Total KELLY LAW OFFICES				<u>2,024.00</u>
Lake Minnetonka Association					
754	Lake Minnetonka Association	050312	St ALBANS MILFOIL PROJECT	05/03/2012	2,000.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total Lake Minnetonka Association				2,000.00
Marco, Inc.					
742	Marco, Inc.	203308952	Copier lease	05/14/2012	212.15
	Total Marco, Inc.				212.15
METROPOLITAN COUNCIL ENV SERV					
105	METROPOLITAN COUNCIL ENV SE	0000988582	Monthly wastewater Charge	05/07/2012	2,598.16
	Total METROPOLITAN COUNCIL ENV SERV				2,598.16
SHAWN & KARI RUSING					
801	SHAWN & KARI RUSING	040212	DOCK WAIT LIST REFUND	04/02/2012	5.00
	Total SHAWN & KARI RUSING				5.00
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE DE	MAY 2012	2012 OPERATING BUDGET EXP	05/01/2012	14,376.58
	Total SO LAKE MINNETONKA POLICE DEPT				14,376.58
Sun Newspapers					
136	Sun Newspapers	1104696	CARLSON CUP	05/03/2012	50.96
		1104697	CARLSON VARIANCE	05/03/2012	56.95
		1107224	Ord #209	05/17/2012	107.91
	Total Sun Newspapers				215.82
Vintage Waste Systems					
745	Vintage Waste Systems	042512	City Recycling Contract	04/25/2012	1,568.40
		051112	2012 CITY CLEANUP	05/11/2012	2,470.77
	Total Vintage Waste Systems				4,039.17
XCEL					
145	XCEL	042512	4925 MEADVILLE STREET *	04/25/2012	9.33
			Sleepy Hollow Road *		9.33
			SIREN		3.89
			LIFT STATION #1		32.76
			LIFT STATION #2		28.04
			LIFT STATION #3		21.84
			LIFT STATION #4		27.53
			LIFT STATION #6		56.87
		050312	Street Lights *	05/03/2012	386.36
	Total XCEL				575.95
Total Paid: 35,290.21					
Total Unpaid: -					
Grand Total: 35,290.21					



Agenda Number: **4A**

Agenda Date: 06-06-12

Agenda Item: Meet: Planning Commission Applicant, Lisa Christian, Res __-12, Update City of Appointments

Summary: The planning commission holds public hearings and makes recommendations to the city council regarding the zoning code. This includes recommendations on variance and conditional use permit applications. Each year three to four of planning commission terms expire. Terms are for two years and there is no limit to the number of terms that may be served. Planning commission members are appointed by the city council at the March council meeting and as needed to fill a vacancy. There currently is one vacancy (alternate seat 2) on the planning commission. New applicants are asked to attend a council meeting, so the council can conduct a casual "interview."

On 05-08-12 the city received an application from Lisa Christian. Lisa attended the recent joint worksession and will attend the 06-06-12 council meeting to discuss her interest in serving on the planning commission.

If the council desires to appoint Lisa to the planning commission, the attached resolution would need to be approved.

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

1. I move the council approves resolution __-12 updating the city's planning commission appointments and directs that the city attorney administer the oath of office to new planning commissioner Lisa Christian.
2. Do nothing.

Planning Commission Application



Please complete the below form and return to 20225 Cottagewood Road, Deephaven, MN 55331. You also may submit the application by email to administrator@greenwoodmn.com, or by fax to 952.474.1274. The submission of this application does not obligate you to volunteer for any city service. New applicants will be invited to a city council meeting for an informal interview. We enjoy meeting you.

Name	Lisa Christian	
Address	5500 Maple Heights Rd	
Phone	612-240-0355	
Email	sgc5500@yahoo.com	
Job Title		
How many years have you lived in the Lake Minnetonka area?	7	
How many years have you lived in Greenwood?	7	
Are you able to attend meetings on the 3rd Wednesday of each month?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Would you be willing to attend a city-paid training class?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Why do you want to serve on the planning commission?	Interested in serving Greenwood.	
Do you have any special qualifications or capabilities that would serve Greenwood well on the planning commission?	No, but intend to help as best I can.	
What would be your main goal as a member of the planning commission?	Listen and then vote according to the facts	
Office Use Only	Date Received:	

Resolution 13-12

City of Greenwood Appointments and Assignments for 2012

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following appointments for June 6, 2012 through December 31, 2012

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA that any and all commissioners, appointees, representatives, delegates, or other non-elected officials of the city shall hold their official status or membership on a basis subject to resolution, subject to reconsideration, and/or removal at the insistence of the city council. This resolution is enacted pursuant to the codes of the city.

ADOPTED by the city council of the city of Greenwood, Minnesota this 6th day of June, 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



Agenda Number: **4B**

Agenda Date: 06-06-12

Agenda Item: City Engineer Dave Martini: 2012 Road Project Bids, County Aid to Municipalities Application

Summary: Based on council direction, bids have been secured for 2012 road projects on Greenwood Circle, Curve Street, Central Avenue, and the spur off of Greenwood Circle to the public docks. A total of 4 bids were received. The bid results are outlined in the attached letter from city engineer Dave Martini. Dave will attend the June council meeting to present the bid results and answer questions. Note: The budget for 2012 road projects is \$115,000 for construction costs and \$15,000 for engineering costs.

In 1957 the county established a County Aid to Municipalities program to provide financial assistance for roadways and bridges to cities with populations under 5,000. This year's CAM apportionment is \$1377. The city must submit a project approval form to receive the funds.

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

1. I move the council approves the \$_____ bid from _____ (company) for the 2012 city road projects and directs that the costs be paid from the general fund.
2. I move the council directs the city clerk to work with the city engineer to complete the project approval form to receive CAM funds for the city's 2012 road projects.
3. Do nothing.

ABSTRACT OF BIDS

2012 STREET IMPROVEMENTS
CITY OF GREENWOOD, MINNESOTA
BMI PROJECT NO. C13.104925

ITEM NO.	BID ITEM	APPROX. QUAN.	UNIT	1		2		3		4	
				OMANN BROTHERS PAVING Albertville, MN		HARDRIVES Rogers, MN		BARBER CONSTRUCTION St. Bonifacius, MN		MIDWEST ASPHALT Hopkins, MN	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
BASE BID											
1	MOBILIZATION	1	LS	\$5,000.00	\$5,000.00	\$8,217.92	\$8,217.92	\$500.00	\$500.00	\$12,000.00	\$12,000.00
2	SAW CUT BITUMINOUS PAVEMENT	180	LF	\$2.00	\$360.00	\$2.83	\$509.40	\$1.00	\$180.00	\$3.50	\$630.00
3	REMOVE BITUMINOUS PAVEMENT BY MILLING	2,850	SY	\$2.80	\$7,980.00	\$3.13	\$8,920.50	\$4.00	\$11,400.00	\$2.20	\$6,270.00
4	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	50	SY	\$5.00	\$250.00	\$9.45	\$472.50	\$4.00	\$200.00	\$10.00	\$500.00
5	STREET BASE/SUBGRADE EXCAVATION (EV)	90	CY	\$18.00	\$1,620.00	\$30.35	\$2,731.50	\$20.00	\$1,800.00	\$88.00	\$7,920.00
6	SUBGRADE PREPARATION	3,050	SY	\$0.69	\$2,104.50	\$1.39	\$4,239.50	\$1.00	\$3,050.00	\$3.25	\$9,912.50
7	FURNISH AND PLACE CLASS 5 AGGREGATE BASE (100% CRUSHED LIMESTONE)	450	TONS	\$17.25	\$7,762.50	\$21.88	\$9,846.00	\$22.00	\$9,900.00	\$19.00	\$8,550.00
8	2" BITUMINOUS BASE COURSE, TYPE LV3	400	TONS	\$68.50	\$27,400.00	\$73.38	\$29,352.00	\$88.00	\$35,200.00	\$85.00	\$34,000.00
9	1-1/2" BITUMINOUS WEAR COURSE, TYPE LV4	2,950	SY	\$6.00	\$17,700.00	\$6.75	\$19,912.50	\$8.50	\$25,075.00	\$7.50	\$22,125.00
10	3" BITUMINOUS WEAR COURSE FOR DRIVEWAY RESTORATION, TYPE LV4	50	SY	\$46.95	\$2,347.50	\$25.71	\$1,285.50	\$21.00	\$1,050.00	\$35.00	\$1,750.00
11	TOPSOIL BORROW (LV)	60	CY	\$40.00	\$2,400.00	\$34.80	\$2,088.00	\$20.00	\$1,200.00	\$31.00	\$1,860.00
12	SOD	100	SY	\$10.42	\$1,042.00	\$8.98	\$898.00	\$25.00	\$2,500.00	\$11.00	\$1,100.00
13	SEEDING WITH 270 RT SEED MIX AND TYPE 5 HYDROMULCH (3884)	750	SY	\$1.04	\$780.00	\$2.81	\$2,107.50	\$5.00	\$3,750.00	\$3.00	\$2,250.00
14	PAVE APRON AROUND EXISTING CATCH BASINS	3	EACH	\$200.00	\$600.00	\$538.55	\$1,615.65	\$350.00	\$1,050.00	\$600.00	\$1,800.00
15	ADJUST MANHOLE CASTINGS, REPLACE ADJUSTING RINGS AND INSTALL EXTERNAL CHIMNEY SEAL	4	EACH	\$600.00	\$2,400.00	\$799.55	\$3,198.20	\$500.00	\$2,000.00	\$800.00	\$3,200.00
16	SILT FENCE, ORANGE PREASSEMBLED	30	LF	\$12.50	\$375.00	\$4.49	\$134.70	\$10.00	\$300.00	\$14.00	\$420.00
17	BITUMINOUS BERM CURB	100	LF	\$6.00	\$600.00	\$5.24	\$524.00	\$11.00	\$1,100.00	\$10.00	\$1,000.00
18	BITUMINOUS CURB, 7" HIGH MACHINE FORMED	135	LF	\$12.00	\$1,620.00	\$8.59	\$1,159.65	\$19.00	\$2,565.00	\$11.50	\$1,552.50
19	COMMON EXCAVATION FOR CURVE STREET WIDENING (EACH SIDE OF STREET)	500	LF	\$7.60	\$3,800.00	\$7.41	\$3,705.00	\$2.50	\$1,250.00	\$8.00	\$4,000.00
	TOTAL BASE BID:				\$86,141.50		\$100,918.02		\$104,070.00		\$120,840.00
ALTERNATE BID - GREENWOOD CIRCLE FIRE LANE											
1	REMOVE BITUMINOUS PAVEMENT BY MILLING	620	SY	\$2.80	\$1,736.00	\$4.61	\$2,858.20	\$4.00	\$2,480.00	\$7.50	\$4,650.00
2	STREET BASE/SUBGRADE EXCAVATION (EV)	18	CY	\$18.00	\$324.00	\$48.50	\$873.00	\$29.00	\$522.00	\$93.00	\$1,674.00
3	SUBGRADE PREPARATION	640	SY	\$0.69	\$441.60	\$2.78	\$1,779.20	\$2.00	\$1,280.00	\$7.00	\$4,480.00
4	FURNISH AND PLACE CLASS 5 AGGREGATE BASE (100% CRUSHED LIMESTONE)	70	TONS	\$17.25	\$1,207.50	\$32.02	\$2,241.40	\$24.00	\$1,680.00	\$19.00	\$1,330.00
5	BITUMINOUS BASE COURSE, TYPE LV3	85	TONS	\$68.50	\$5,822.50	\$80.90	\$6,876.50	\$95.00	\$8,075.00	\$100.00	\$8,500.00
6	1-1/2" BITUMINOUS WEAR COURSE, TYPE LV4	620	SY	\$6.00	\$3,720.00	\$8.20	\$5,084.00	\$9.00	\$5,580.00	\$10.00	\$6,200.00
7	LABOR FOR BITUMINOUS SWALE CONSTRUCTION (BITUMINOUS PAID UNDER #5 AND #6)	250	LF	\$3.00	\$750.00	\$3.81	\$952.50	\$10.00	\$2,500.00	\$5.50	\$1,375.00
8	LABOR FOR BITUMINOUS SHOULDER (BITUMINOUS PAID UNDER #5 AND #6)	15	SY	\$10.00	\$150.00	\$15.49	\$232.35	\$10.00	\$150.00	\$11.00	\$165.00
9	TOPSOIL BORROW (LV)	6	CY	\$40.00	\$240.00	\$29.18	\$175.08	\$24.00	\$144.00	\$44.00	\$264.00
10	SOD	15	SY	\$10.42	\$156.30	\$16.84	\$252.60	\$30.00	\$450.00	\$11.00	\$165.00
11	SEEDING WITH 270 RT SEED MIX AND TYPE 5 HYDROMULCH (3884)	70	SY	\$1.04	\$72.80	\$5.61	\$392.70	\$7.00	\$490.00	\$3.50	\$245.00
	TOTAL ALTERNATE BID:				\$14,620.70		\$21,717.53		\$23,351.00		\$29,048.00
	TOTAL BASE BID PLUS ALTERNATE BID:				\$100,762.20		\$122,635.55		\$127,421.00		\$149,888.00



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172

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

www.bolton-menk.com

May 31, 2012

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

RE: Bid Abstract for 2012 Street Improvements

Dear Mr. Quam:

Enclosed is the bid abstract for the 2012 Street Improvements Project. A total of 4 bids were received. The following is a summary of the three low bids:

	<u>Base Bid</u>	<u>Alternate Bid</u>	<u>Total Bid</u>
Omann Brothers Paving, Inc.	\$86,141.50	\$14,620.70	\$100,762.20
Hardrives, Inc.	\$100,918.02	\$21,717.53	\$122,635.55
Barber Construction, Inc.	\$104,070.00	\$23,351.00	\$127,421.00

As directed by the Council, the scope of the project included Curve Street, Central Avenue, and the east leg of Greenwood Circle. The project also included an alternate bid for the fire access lane off of the west leg of Greenwood Circle.

The low bid was submitted by Omann Brothers Paving, Inc. in the amount of \$100,762.20, which included the alternate bid.

Based on our review of the bids, we recommend awarding the project to Omann Brothers Paving, Inc. I will be at the City Council meeting on June 6th to discuss the bids with the Council. Please let me know if you have questions before then or if you need additional information.

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer



Hennepin County Transportation Department

1600 Prairie Drive
Medina, MN 55340-5421

612-596-0300, Phone
763-478-4000, FAX
763-478-4030, TDD
www.hennepin.us

May 14, 2012

Gus Karpas, City Clerk
City of Greenwood
20225 Cottagewood Rd.
Excelsior, MN 55331

RE: 2012 Hennepin County Aid to Municipalities (CAM) Apportionment

Dear Mr. Karpas:

Hennepin County is now releasing the 2012 CAM apportionments. This year's apportionment for the City of Greenwood is \$ 1,377

A brochure is enclosed that explains the CAM program. To request reimbursement, simply submit the attached Project Approval Form. We will review and approve the request, and then ask you to submit receipts or invoices showing the expenditures for the project. A map is also included with this letter showing the streets in your municipality that are designated on the CAM street system, and thus are eligible for reimbursement. Please review this map and let us know if any changes or corrections are needed.

If you have any questions, please contact either myself, at (612) 596-0354 or Jim Gay, at (612) 596-0357.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. H. Byers', with a long horizontal flourish extending to the right.

Robert H. Byers, P.E.
Senior Professional Engineer

RHB: sew

Attachments: Project Approval Form
Municipal CAM map
CAM Information Brochure

cc Jim Grube, Director, Transportation Department
Tom Johnson, Transportation Planning Engineer
Jim Gay, Senior Engineering Technician

PROPOSED CAM IMPROVEMENT PROJECTS

REQUEST FOR COUNTY APPROVAL

Municipality _____

Name of Road, Street, or Avenue _____

Location* : From _____ To _____

Type of Improvement / Project Scope _____

*Attach Project Location Map

Estimated Cost \$ _____

<p><input type="checkbox"/> This project is on a currently designated County Aid route.</p> <p><input type="checkbox"/> This project is not on a currently designated County Aid route but the city would like the route to be added to the County Aid system (provide information at right).</p>	<p>Proposed Route Changes & Justification:</p>
---	--

SIGNATURE: _____ Date: _____

CITY OFFICIAL: _____ Phone: _____

Title

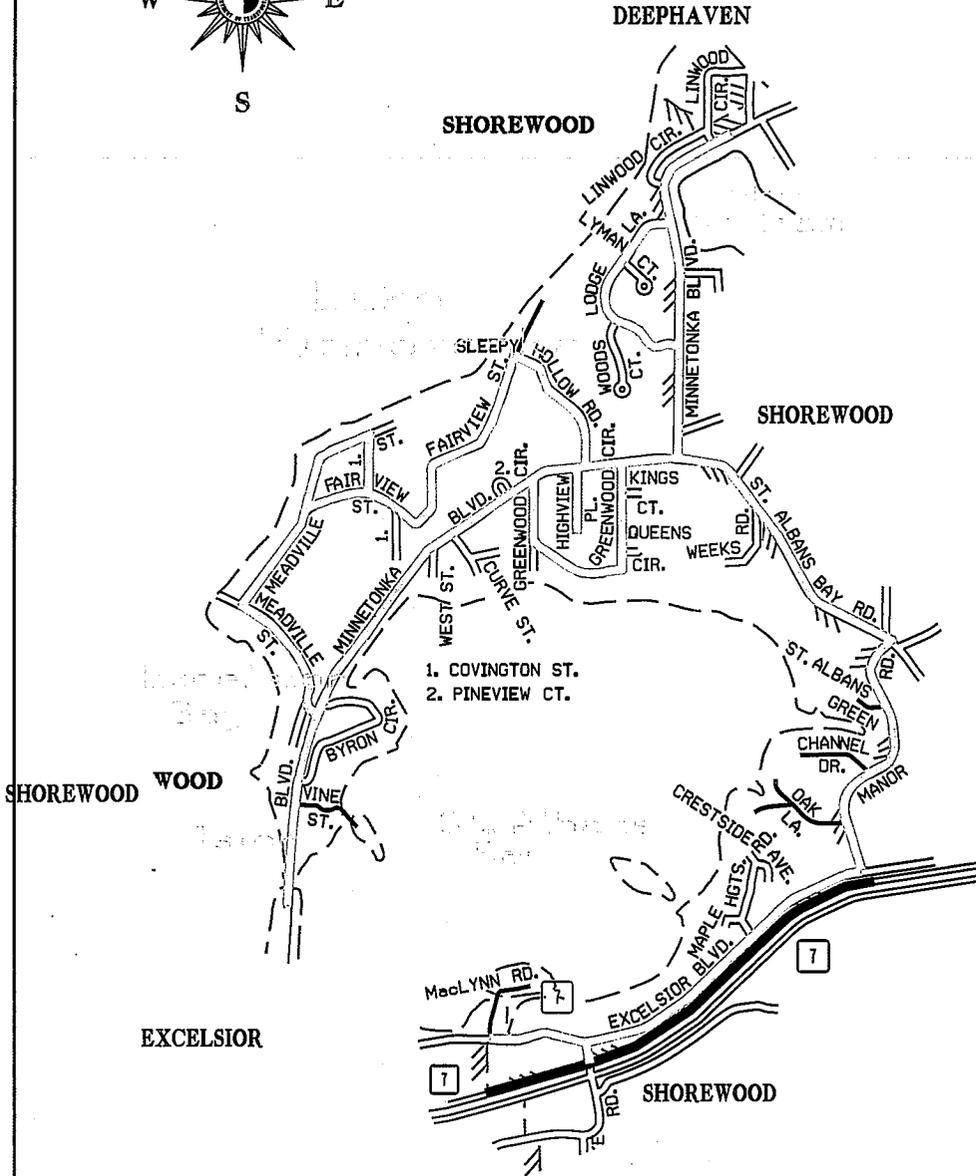
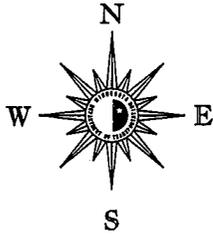
Request Approved: Robert H Byers, P.E.: _____ Date: _____
Senior Professional Engineer

Remarks: _____

- Project consists of eligible items
- CAM funds are available
- Project is on CAM system
- Verified Project Completion (photo taken)

County-Aid System

April, 2012



GREENWOOD

HENNEPIN COUNTY

2010 POP. 688

LEGEND

Municipal Limits	
County Aid	
Existing County or State Road	
Private Road	



Agenda Number: **6A**

Agenda Date: 06-06-12

Agenda Item: Discuss: Xcel Energy Potential 69kV to 115kV Transmission Line Upgrade
Resolution __-12, Greenwood's Response to Xcel's Certificate of Need Application
Resolution __-12, Expressing Greenwood's Concerns Regarding Xcel's Proposed Routing
Resolution __-12, Support of Alternate Xcel Routing Only if Approved by Neighboring Cities

Summary: In February Xcel Energy sent a Notice of Certificate of Need proceedings to upgrade the Southwest Twin Cities Bluff Creek to Westgate 69kV transmission line to 115kV capacity to all affected property owners in Chanhassen, Excelsior, Greenwood, Deephaven, Shorewood, Minnetonka, and Eden Prairie. A copy of the notice, including an explanation of the regulatory process, is attached. It includes a map that shows the upgraded line following the current route along the Light Rail Trail (LRT) and also shows a route that relocates the line to Vine Hill Road and Hwy. 7. Another option that has been supported by the Deephaven Park & Rec Commission is the concept of moving the Deephaven substation and running the route along Hwy. 7. This route would follow major roads vs. a recreational / residential corridor. If the route is moved to Hwy. 7 it also would affect Greenwood residents.

Greenwood residents have expressed concerns regarding aesthetics of the tall poles and electric magnetic field (EMF) health risks.

This topic was discussed at the 05-02-12 council meeting where Xcel representatives Timothy Rogers and Paul Lehman were in attendance. At that time the council requested more information regarding EMF calculations and continued the discussion to the 06-06-12 council meeting pending the publication and review of the Certificate of Need application and Routing Permit application.

Councilman Fletcher has been taking the lead on the potential power line upgrade. He has reviewed the applications and will present his comments to the council at the 06-06-12 council meeting. The attached resolutions are based on Councilman Fletcher's recommendations. Xcel representatives Timothy Rogers and Paul Lehman have been invited to attend the 06-06-12 council meeting.

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

1. I move the council approves resolution __-12, Greenwood's response to Xcel Energy's certificate of need application.
2. I move the council approves resolution __-12, expressing Greenwood's concerns regarding Xcel Energy's proposed routing.
3. I move the council approves resolution __-12, expressing Greenwood's support for alternate Xcel Energy routes only if the alternate routes are approved by the affected neighboring cities.
4. 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

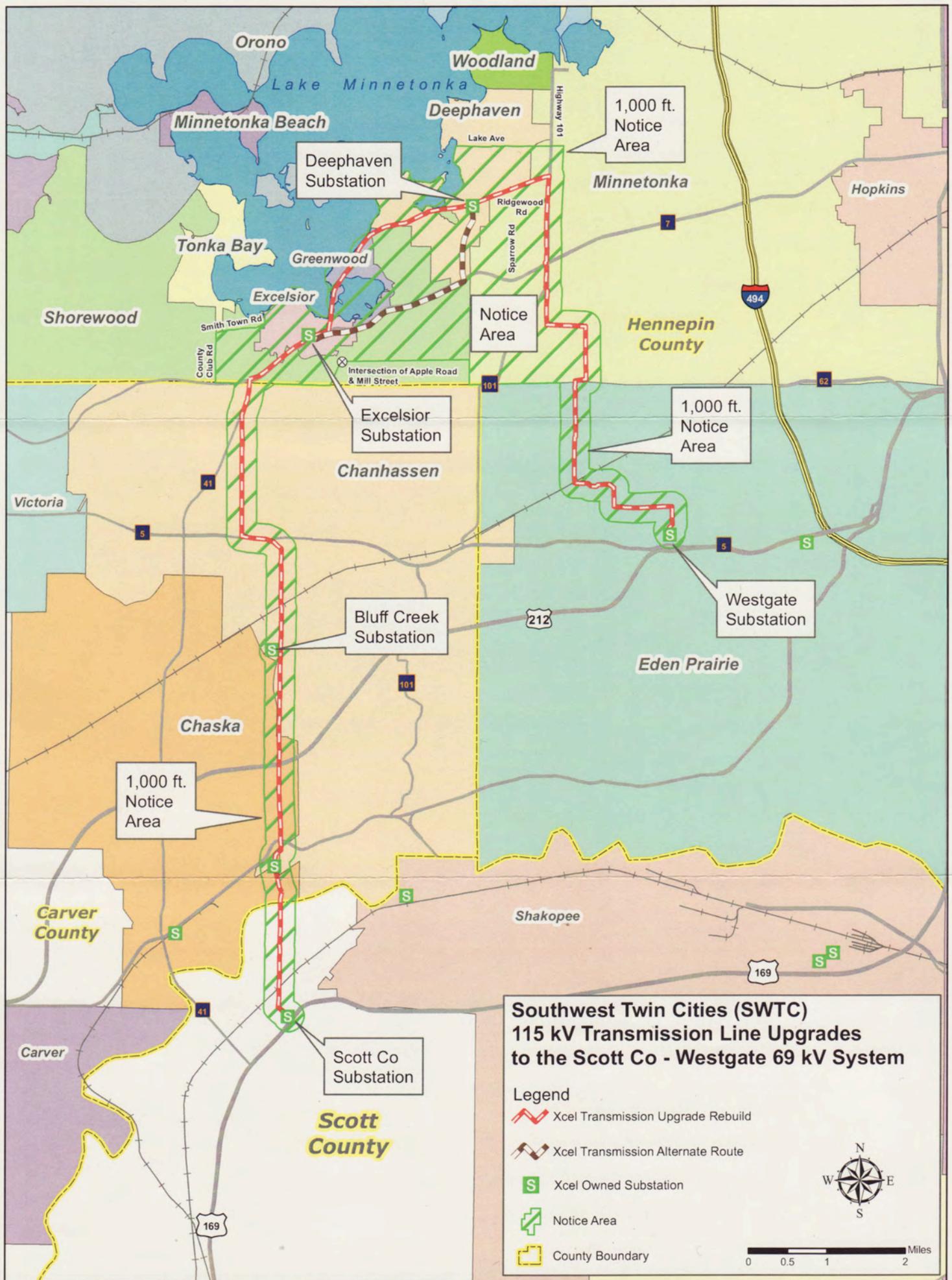
Xcel Energy Contact

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

Sincerely,

Paul J. Lehman
Manager, Regulatory Administration

Enclosures



From: "Rogers, Timothy G" <Timothy.G.Rogers@xcelenergy.com>
Subject: EMF Before and After Calculations for SWTC Westgate to Scott County Transmission Line Project
Date: May 22, 2012 5:05:02 PM CDT
To: "dkind100@gmail.com" <dkind100@gmail.com>

2 Attachments, 2.6 MB

Hi Mayor Kind-

Attached are the EMF calculations related to the existing and proposed transmission line. As you can see from the attached table, the expected magnetic field is expected to be slightly lower than the existing condition. The values for the proposed line are representative for the year 2015. We forecast the load growth in your area (between the years 2015 to 2020) to increase by approximately 6%. Please feel free to call if you have further questions.

Thank you.

Tim

Tim Rogers

Xcel Energy | Responsible By Nature

Supervisor, Siting and Permitting

414 Nicollet Mall, (MP 8A) Minneapolis, MN 55401

P: 612.330.1955 C: 612.202.6923 F: 612.330.6590

E: timothy.g.rogers@xcelenergy.com

XCELENERGY.COM

Please consider the environment before printing this



[PCDOCS-#4...OC \(2.5 MB\)](#)



[PCDOCS-#4...DOC \(90 KB\)](#)

**CITY OF GREENWOOD
RESOLUTION NO. 12-12**

**A RESOLUTION RESPONDING TO XCEL ENERGY'S CERTIFICATE OF NEED APPLICATION
SCOTT COUNTY TO WESTGATE 115kV UPGRADES
DOCKET NO. 11-332**

WHEREAS, the city of Greenwood values the concerns and interests of the city's residents and businesses; and

WHEREAS, reliable electricity is a critical component in the delivery of public safety for residents and businesses; and

WHEREAS, the city of Greenwood receives electric service from Xcel Energy; and

WHEREAS, Xcel Energy has submitted a Certificate of Need application; and

WHEREAS, the city council of the city of Greenwood has reviewed the Xcel Energy's Certificate of Need application and has the following observations:

In the Certificate of Need Application, Xcel Energy recommends an Option 1 transmission line upgrade from 69kV to 115kV that will have significant aesthetic impacts on the city of Greenwood and the LRT trail which the transmission line runs parallel to. This upgrade is expected to negatively impact the values of adjacent homes. Neighboring residents also have expressed EMF and MF concerns.

The Certificate of Need Application and Xcel Energy Services' Southwest Twin Cities Phase 2 Study Update (July 8, 2011) provide a less disruptive and slightly more cost effective Option 2 that initially consists of transformer and conductor upgrades.

The Certificate of Need Application indicates STABLE AND LOWER THAN FORECASTED ELECTRICITY DEMAND. Greenwood and surrounding communities are fully developed and there is little reason to forecast that there will be significant demand growth in these communities in the future that will require a major upgrade of the existing transmission line. Table 5 on page 35 of the Certificate of Need Application confirms this as it shows a reduction in load by the Excelsior Substation from 17.03 MW in 2004 to 12.2 MW in 2010. The Deephaven substation has a smaller load reduction from 42.87 MW in 2004 to 41 MW in 2010. Given the trend for reduced or stable power use at these substations and the note on page 34 of the Certificate of Need Application which states, "The 2011 actual substation load total (374.4 MW) for the Study area is slightly lower (3.6%) than the forecasted 2011 total (388 MW)," there is little reason to forecast that the local substation demand will increase as forecast by Xcel energy through 2020.

The Certificate of Need Application indicates a MORE COST-EFFECTIVE OPTION WITH FEWER EXTERNAL IMPACTS: Option 1 as proposed has an initial cost of \$26.1 million (page 40) and has significant external impacts. Option 2 with an initial cost of \$15.0 million (page 40) requires only transformer and conductor upgrades. The 2014 Minnesota jurisdiction revenue requirement for Option 1 is 0.000096 per kWh as compared to 0.000055 for Option 2 (page 39). Thus, there clearly are short-term savings with Option 2. Xcel also notes on page 39 that, "Both options address the low voltage and overload issues that were discovered in the study area and provide approximately 30 megawatts of incremental load growth before new mitigation measures would be needed in the study area." On a more long-term basis Option 2 may require relatively greater upgrades in future years, if justified by increased future demand. However, Table 9 on page 42 notes that the Net Present Value Cost in million \$ / MW of incremental growth is slightly lower at 0.18 for Option 2 as compared to 0.185 for Option 1. Thus, Option 2 also is forecasted to have a lower cost on a long-term basis.

Xcel's rationale for favoring Option 1 of converting the transmission line through Greenwood from 69kV to 115kV appears to be primarily based on the fact that it has the potential to add 200 MW of capability compared to 168 MW for Option 2, which involves less major transformer and conductor upgrades. However, the stable and lower than forecasted electricity demand in our area begs the question of whether this benefit is even meaningful. This is particularly the case given the substantially lower upfront cost of Option 2 from both a capital and rate standpoint.

Xcel may also favor Option 1 because it provides additional 115kV transmission line redundancy for its' network. If this is the case, we respectfully request that the Public Utilities Commission require Xcel Energy to consider the option of adding conductors to existing 115kV Line #5516, and provide the redundant 115kV transmission capacity for the network using the more direct Scott County – Bluff Creek Substation – Pole Structure 57 – Line #5516 – Westgate Substation route. This would reduce the potential new Scott County to Westgate substation transmission line route by approximately 9 miles while utilizing existing 115kV line infrastructure.

It also should be noted that Xcel states on page 6 of its Southwest Twin Cities Phase 2 Study Update that "In the 2009 study for this area, the rating of the Westgate to Deephaven 69kV line was assumed to be 62 MVA, but the actual rating of this line is limited to 53.2 MVA, due to substation equipment. Since the line substation equipment easily can be upgraded, the next limiting element of (0.3 miles of 4/0 CU) transmission conductor was used to rate the line. Therefore the rating of the line was dropped from 62 MVA to 59 MVA." While the city of Greenwood is not privy to Xcel's costs, it would appear that the capacity of the existing 69kV transmission line can be upgraded by 16.5% from 53.2 MVA to 62 MVA for a fraction of the cost of the proposed 69kV to 115kV upgrade. We respectfully request that the Public Utilities Commission require Xcel Energy to provide more detailed information on the more limited upgrade options for the existing 69kV transmission line.

NOW, THEREFORE, BE IT RESOLVED, that the city of Greenwood respectfully requests that the Public Utilities Commission NOT approve the Certificate of Need Application as proposed based on the fact that Xcel has provided a lower cost, less disruptive option that, according to Xcel, also will meet the electricity needs of the study area.

BE IT FURTHER RESOLVED, that the city council of the city of Greenwood directs the city clerk to send electronic copies of this resolution to:

Kate O'Connor, Minnesota Energy Facility Permitting, kate.oconnell@state.mn.us
Bret Eknes, Minnesota Public Utilities Commission, bret.eknes@state.mn.us
Michael Kaluzniak, Minnesota Public Utilities Commission, mike.kaluzniak@state.mn.us
Timothy G. Rogers, Xcel Energy, timothy.g.rogers@xcelenergy.com

ADOPTED 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
RESOLUTION NO. 14-12**

**A RESOLUTION REQUESTING CONSIDERATION OF GREENWOOD'S CONCERNS REGARDING
THE PROPOSED ROUTING OF THE XCEL ENERGY SCOTT COUNTY TO WESTGATE 115kV UPGRADES
DOCKET NO. 11-948**

WHEREAS, the city of Greenwood values the concerns and interests of the city's residents and businesses; and

WHEREAS, reliable electricity is a critical component in the delivery of public safety for residents and businesses; and

WHEREAS, the city of Greenwood receives electric service from Xcel Energy; and

WHEREAS, Xcel Energy has submitted a Route Permit application; and

WHEREAS, the city council of the city of Greenwood has reviewed the application by Xcel Energy on Docket 11-948 for the proposed upgrade from a 69kV to a 115kV transmission line and has the following concerns / requests:

IF the transmission line upgrade along the existing route is approved, the city of Greenwood's strong preference would be to have the line buried. We understand that the potential additional cost of burying the line can be a factor in the Public Utilities Commission's (PUC) decision. The 69kV transmission line parallels a widely used recreational trail in the city of Greenwood including a section along Excelsior Bay of Lake Minnetonka (a statewide asset) and also runs on and adjacent to many Greenwood residential properties. We are concerned that the proposed 115kV upgrade of the existing 69kV transmission line will change the character of our neighborhoods and recreational resources. We also anticipate that it will reduce adjacent property values.

Xcel was asked to consider the option for a buried line including the total life cycle cost at a meeting with representatives of the cities of Excelsior, Deephaven, Minnetonka, and Greenwood along with the Three Rivers Park District, Minnehaha Creek Watershed District, and Hennepin Regional Rail Authority on November 4, 2011. The Route Permit application does not provide any specific information on the relative cost of the buried cable option as requested at that meeting. It is quite possible that the existing rock surface trail may facilitate installation of a buried line. Our understanding is that the costs of buried lines have decreased with newer plastic coverings ("Underground Overachievers" by Jeff Griffin in May 2010 Electrical Contractor) and have also been used for reliability reasons (Xcel Energy PSCo 10 Year Transmission Plan May 2009 Sandown to Leetsdale, CO line).

The city of Greenwood respectfully requests that the PUC require Xcel Energy to provide site specific cost and reliability information for a 115kV buried transmission line along the LRT trail for its consideration with the application so that the PUC can properly evaluate the buried cable option.

As previously stated, the city of Greenwood's preference is to have the proposed transmission line buried if it follows the current route in the city of Greenwood. However, if the PUC does not require the transmission to be buried, we are noting the following in the Xcel Energy application relative to the aerial option along the current route:

1. Page 91 – The Three Rivers Parks District, Hennepin Regional Rail, Minnehaha Creek Watershed District, City of Minnetonka, City of Deephaven, City of Greenwood, and City of Excelsior representatives met with Xcel Energy at Minnetonka City Hall on November 4, 2011 to raise aesthetic concerns and ask Xcel Energy to consider mitigation options for the proposed project. Xcel Energy indicated that it would consider the concerns that were raised in its Application. We can find no reference to this meeting or the concerns that were raised (see above and below) in the Application. We believe that this is a critical omission from the Application by Xcel Energy.
2. Page 24 -- Xcel Energy states that "As Figure 5 shows, the trees and vegetation are already cleared along this existing 69kV transmission line right-of-way, therefore, no additional wooded areas would require clearing for Segments 5 and 6 of the Proposed Route." Appendix H Vegetation Management and previous conversations with Xcel Energy have led us to believe that additional tree trimming and vegetation removal will likely be required with the proposed transmission line. Xcel provided information in the November 4, 2011 meeting that more frequent trimming schedules would result in no effective impact on trees along the line relative to the current 69kV line. The application does not indicate that Xcel is proposing more frequent tree trimming as part of the requested permit. We would appreciate clarification of this point. If Xcel is not proposing more frequent tree trimming, we would respectfully request that the PUC require Xcel to provide the cost of this strategy.
3. Pages 33 and 34 -- It is not clear what the height difference is between the current transmission line and the proposed transmission line. Page 33 references a 60 to 90 foot height and page 34 references a 70 to 110 foot height for 115 kV Single Circuit with Distribution Underbuild. We respectfully request that the PUC require that Xcel Energy provide the current and proposed transmission line pole heights for the public record.

4. Page 41 -- Xcel refers to the wire zone / border zone concept. It would be helpful to have more specific information on the changes in these zones and the vegetation impacts as the result of the proposed project. Does Xcel propose to proactively replant suitable vegetation to replace vegetation that it removes because of potential changes in zones? The same questions apply to Vegetation Removal on pages 42-43.
5. Page 66 Aesthetics -- The proposed height of 60 to 90 feet conflicts with the 70 to 110 foot height on page 34. We would once again appreciate clarification.
6. Page 67 Mitigative Measures -- The application states that, "Xcel Energy will work with landowners to identify concerns related to the transmission line aesthetics." Despite the November 4, 2011 meeting we find no specifics in the application regarding aesthetic concerns. We would appreciate the PUC ensuring that these concerns are addressed. It would be very helpful to have CAD pictures showing the current and proposed transmission line as seen from Excelsior and St Alban's Bays and continuing into Greenwood.
7. Page 69 Recreation -- The application states that, "The project is not expected to directly impact any of these recreational resources." The LRT Regional trail is a very well used Greenwood recreational resource, which the transmission line runs parallel to. We do not understand the basis for the application stating that there will be no direct impact on this resource without providing clear information on pole heights and impacts on vegetation.
8. Page 72 -- No specific mitigation measures are proposed relative to potential impacts on recreational resources.
9. Page 74 Tourism -- If the power poles are larger and vegetation is reduced, how could it not have an impact on tourism? While we all use power and understand and appreciate the needs for Xcel's services, we strongly feel that due consideration of all factors is important in this process.
10. Page 85 -- The application states that "to minimize impacts to trees in the Project Area, Xcel Energy will limit tree clearing and removal to the transmission line right-of-way, areas that limit construction access to the Project Area, and areas that impact the safe operation of the facilities." Once again what are the expected changes since they impact aesthetics, recreation, and tourism? The city of Greenwood places great value on the trees in its community as evidenced by city code section 1140.80, which limits property owners' ability to remove significant trees and has very specific tree replacement requirements. While we understand that our city code does not apply in this proceeding, it does provide an indication of the importance that is placed on trees and vegetation in the city of Greenwood.

NOW, THEREFORE, BE IT RESOLVED, that IF the Xcel Energy 115kV transmission line upgrade along the existing 69kV route is approved, the city of Greenwood's strong preference would be to have the line buried due to aesthetic considerations along a statewide asset (Lake Minnetonka). IF burial is not an option, the city of Greenwood respectfully requests the above listed items be considered.

BE IT FURTHER RESOLVED, that the city council of the city of Greenwood directs the city clerk to send electronic copies of this resolution to:

Dave Birkholz, Minnesota Energy Facility Permitting, david.birkolz@state.mn.us
 Bret Eknes, Minnesota Public Utilities Commission, bret.eknes@state.mn.us
 Michael Kaluzniak, Minnesota Public Utilities Commission, mike.kaluzniak@state.mn.us
 Timothy G. Rogers, Xcel Energy, timothy.g.rogers@xcelenergy.com

ADOPTED 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
RESOLUTION NO. 15-12**

**A RESOLUTION SUPPORTING ALTERNATE ROUTING
OF THE XCEL ENERGY SCOTT COUNTY TO WESTGATE 115kV UPGRADES
ONLY IF APPROVED BY AFFECTED CITIES**

WHEREAS, the city of Greenwood values the concerns and interests of the city's residents and businesses; and

WHEREAS, reliable electricity is a critical component in the delivery of public safety for residents and businesses; and

WHEREAS, the city of Greenwood receives electric service from Xcel Energy; and

WHEREAS, neighboring cities of Deephaven, Excelsior, Minnetonka, and Shorewood also receive electric service from Xcel Energy and value resident, business, and public safety concerns; and

WHEREAS, the city council of the city of Greenwood has reviewed the Certificate of Need and Routing Permit applications by Xcel Energy for the proposed upgrade from a 69kV to a 115kV transmission line, which includes possible alternate routes; and

WHEREAS, other possible alternate routes also may be considered.

NOW, THEREFORE, BE IT RESOLVED, the city council of the city of Greenwood will only support alternate Xcel Energy routes for an upgraded or new 115kV transmission line that are also approved by the affected neighboring city or cities.

BE IT FURTHER RESOLVED, that the city council of the city of Greenwood directs the city clerk to send electronic copies of this resolution to the mayors and city managers / administrators of the cities of Deephaven, Excelsior, Minnetonka, and Shorewood.

ADOPTED 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



414 Nicollet Mall
Minneapolis, Minnesota 55401-1993

May 23, 2012

--Via Email and Electronic Filing--

Deb Kind
Mayor of City of Greenwood
20225 Cottagewood Rd.
Deephaven, MN 55331

RE: NORTHERN STATES POWER COMPANY APPLICATION TO THE MINNESOTA
PUBLIC UTILITIES COMMISSION FOR A ROUTE PERMIT FOR THE SOUTHWEST
TWIN CITIES SCOTT COUNTY – WESTGATE 115 kV TRANSMISSION LINE
REBUILD PROJECT
ALTERNATIVE PERMITTING PROCESS
DOCKET NO. E002/TL-11-948

Dear Mayor Kind:

During the May 2, 2012 Greenwood City Council meeting, you requested information regarding the existing electric field and magnetic field calculations for the transmission line facilities that are part of the Scott County – Westgate 115 kV Transmission Line Rebuild Project and the projected electric field and magnetic field calculations once the Project is in-service. These electric field and magnetic field calculations are attached to this letter.

Please call me at (612) 330-1955 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Timothy D. Rogers'.

Timothy Rogers
Supervisor, Siting and Permitting

Enclosure

cc: David Birkholz, Department of Commerce, Energy Facilities Permitting
Project Service List

CALCULATED ELECTRIC FIELDS (KV/M) FOR PROPOSED 115 KV DESIGN VERSUS EXISTING 69 KV DESIGN TRANSMISSION LINES (3.28 FEET ABOVE GROUND)

Structure Type		Maximum Operating Voltage (kV)	Distance to Proposed Centerline						
			-100'	-50'	-25'	0'	25'	50'	100'
EXISTING	Horizontal Post 69kV Wood Pole Single Circuit	72	0.025	0.092	0.233	0.674	0.305	0.091	0.029
PROPOSED	Horizontal Post 115kV Steel Pole Single Circuit	121	0.04	0.15	0.39	1.13	0.51	0.15	0.05
EXISTING	H-Frame 69kV Wood Pole Single Circuit	72	0.051	0.308	0.876	0.406	0.880	0.310	0.052
PROPOSED	H-Frame 115kV Steel Pole Single Circuit	121	0.09	0.52	1.48	0.68	1.48	0.52	0.09
EXISTING	Wishbone 69kV Wood Pole Single Circuit With 13.8kV Distribution Underbuild	72/15	0.033	0.070	0.108	0.120	0.119	0.085	0.031
PROPOSED	Braced Post 115kV Steel Pole Single Circuit With 13.8kV Distribution Underbuild	121/15	0.054	0.121	0.197	0.180	0.195	0.145	0.053
EXISTING	Davit Arm 115kV/69kV Steel Pole Double Circuit	121/72	0.033	0.096	0.462	0.939	0.653	0.146	0.036
PROPOSED	Davit Arm 115kV/115kV Steel Pole Double Circuit	121	0.043	0.151	0.689	1.139	0.689	0.151	0.043

* Note nominal system operating voltages for the above table are 115kV and 69kV. Calculations are done at 105% of nominal to account for potential system voltage fluctuations and present the most conservative case.

**CALCULATED MAGNETIC FLUX DENSITY (milligauss) FOR PROPOSED 115 KV
AND 69 KV TRANSMISSION LINE DESIGNS (3.28 FEET ABOVE GROUND)**

Segment		System Condition	Current (Amps)	Distance to Proposed Centerline						
				-100'	-50'	-25'	0'	25'	50'	100'
EXISTING	Westgate to Deephaven 69kV Sgl Ckt	Peak	305	2.69	7.95	17.79	33.94	18.85	7.65	2.17
		Average	183	1.61	4.77	10.67	20.37	11.31	4.59	1.30
PROPOSED	Westgate to Deephaven 115kV Sgl Ckt	Peak	296	2.60	7.68	17.19	32.82	18.21	7.39	2.10
		Average	178	1.56	4.62	10.34	19.73	10.95	4.45	1.26
EXISTING	Deephaven to Excelsior 69kV Sgl Ckt	Peak	105	0.93	2.74	6.12	11.69	6.49	2.63	0.75
		Average	63	0.56	1.64	3.67	7.01	3.89	1.58	0.45
PROPOSED	Deephaven to Excelsior 115kV Sgl Ckt	Peak	71	0.62	1.84	4.12	7.87	4.37	1.77	0.50
		Average	43	0.38	1.12	2.50	4.77	2.64	1.07	0.31
EXISTING	Excelsior to Scott County 69kV Sgl Ckt	Peak	189	1.67	4.92	11.02	21.03	11.68	4.74	1.35
		Average	113	1.00	2.94	6.59	12.58	6.98	2.83	0.81
PROPOSED	Excelsior to Scott County 115kV Sgl Ckt	Peak	31	0.27	0.43	1.80	3.44	1.91	0.77	0.22
		Average	19	0.17	0.49	1.10	2.11	1.17	0.47	0.13
EXISTING	Excelsior to Scott County 115kV/69kV Dbl Ckt	Peak	250/189	4.94	12.50	21.02	27.54	22.20	13.32	5.23
		Average	150/113	2.96	7.49	12.59	16.50	13.31	7.98	3.13
PROPOSED	Excelsior to Scott County 115kV/115kV Dbl Ckt	Peak	31	0.71	1.83	3.08	3.87	3.00	1.81	0.72
		Average	19	0.44	1.12	1.89	2.37	1.84	1.11	0.44
EXISTING	Wishbone 69kV Wood Pole Single Circuit With 13.8kV Distribution Underbuild	Peak	305/25	2.10	5.82	9.98	12.89	10.50	6.31	2.54
		Average	183/15	1.26	3.49	5.99	7.73	6.30	3.79	1.52
PROPOSED	Braced Post 115kV Steel Pole Single Circuit With 13.8kV Distribution Underbuild	Peak	296/25	2.03	5.64	9.67	12.48	10.18	6.12	2.46
		Average	178/15	1.22	3.39	5.81	7.51	6.12	3.68	1.48

* Note nominal system operating voltages for the above table are 115kV and 69kV. Calculations are done at 105% of nominal to



Agenda Number: **6B**

Agenda Date: 06-06-12

Agenda Item: Consider: Resolution ___-12 (declaring adequacy) or ___-12 (declaring insufficiency), Petition for Excelsior Blvd. Watermain Project

Summary: The concept of extending the city of Excelsior's watermain along Excelsior Blvd. was discussed at the 05-02-12 council meeting. At that time the council decided that the city should wait until a petition is submitted before making a decision regarding how to proceed. The city now has received a petition from the residents along Excelsior Blvd. (see attached). The petition has been reviewed by the city attorney and he has provided a memo (attached) regarding his review of the petition and outlining the city's options for how to proceed.

Also attached are resolutions declaring adequacy or insufficiency of the petition as well as drafts of resolutions for future steps in the process. A map of the proposed affected properties also is attached.

Council Action: Petition action required. Possible motions ...

1. I move the council approves resolution ___-12 declaring adequacy of the petition for watermain extension along Excelsior Blvd.
2. I move the council approves resolution ___-12 declaring insufficiency of the petition for watermain extension along Excelsior Blvd.

KELLY LAW OFFICES

Established 1948

MARK W. KELLY
WILLIAM F. KELLY (1922-1995)

351 SECOND STREET
EXCELSIOR, MINNESOTA 55331

(952) 474-5977
FAX 474-9575

MEMORANDUM

Date: May 14, 2012

To: Mayor Kind and Council Members

From: Mark W. Kelly Attorney at Law

Re: Excelsior Boulevard Water Main Petition

INTRODUCTION

In anticipation of the planned Met Council interceptor improvement project set for 2013, Tom Fletcher has circulated a Petition for Installation of Water Main as provide for under MN ST 429.031, Subd. 1f, the special assessment statute (petition copy attached). The Petition seeks installation of water main, (no specifics stated) between 21170 Excelsior Boulevard and 21380 Excelsior Blvd. (see attached map) Because municipal water main, served by the city of Excelsior system is in place on Excelsior Boulevard to approximately the west line of 21380 Excelsior Boulevard. Because the Met Council project will excavate and rebuild Excelsior Boulevard, the simple extension thereof is possible. However no such extension can proceed without city council approval after a full report from the city engineer and a duly noticed and conducted public hearing.

These petitions are authorized under state statutes governing improvements to be paid for by special assessment (MN ST §429). Where improvements authorized by state statute are desired and will be assessed to the abutting property owners, the process stated in Chapter 429 must be followed. The alternative to use of a special assessment is for the city to use bonding or pay for the improvement through a budget expenditure and, as needed, a general levy increase. *

* NOTE: UPON A PETITION OF 100% OF THE ABUTTING PROPERTY OWNERS to construct an improvement and to assess the entire cost against their property, the council *may*, without a public hearing, adopt a resolution determining such fact and ordering the improvement.

Legal Adequacy Analysis

The first step in the Chapter 429 process is to determine the legal adequacy of the Petition. The 429 process must begin when a Petition is received containing the signatures of the owners of at least 35 percent in frontage of the property bordering the proposed improvements.

The Petition submitted employs a suggested format from the League of Minnesota Cities and is therefore appropriate. The Petition represents that the signatories comprise the owners of not less than 35% in frontage of real property abutting Excelsior Blvd between 21170 Excelsior Blvd and 21380 Excelsior Blvd. A review of Hennepin County property tax records shows this stretch of Excelsior Boulevard is abutted by 10 residential and 2 commercial properties. The Petition bears signatures of the co-owners of 5 out of 12 properties or 41.6% of all abutting properties along this section of Excelsior Blvd. A review of Hennepin County Property Tax records for property owner names shows that the names of the petition signers match the county records.

Petition proponent Tom Fletcher has advised that he has also obtained signatures of the Brandons at 21320 and believes the Dahlins at 21350 and Kim at 21380 will sign. Until these promised additional petitions are filed with the city, the city must consider only the present petition. Hennepin County Property Tax does not state an owner of record for the 21320, the Brandon property. Consequently, a copy of their recorded deed to the property supported by an affidavit of ownership will be needed if they also petition the city.

Extent of Requested Improvement.

The petition does not specify the starting and ending points of the requested water main extension. Such may of course be inferred from the frontage described in the petition: "...between 21170 Excelsior Boulevard and 21380 Excelsior Boulevard (list of properties attached)..." Petition proponent Tom Fletcher advises the existing water main sits at the west line of 21380 Excelsior Blvd and the petition is intended to extend the pipe no farther than the east line of 21170 Excelsior Blvd.

Legal Standard of Review

MN ST §429.035 mandates that when any petition for the making of any improvement in any statutory city..., however organized, for the cost of which special assessments may be, in whole or in part, levied therefor, is presented to the governing body of the municipality, the [city council] shall, by resolution, determine whether or not the petition has been signed by the required percentage of owners of property affected thereby.

City Attorney Opinion.

With exception of the lack of certainty in the length of the water main improvement sought, (see above), which is a matter for the city council to consider (see below), and on which no opinion is hereby offered, I find:

- (1) the form of the petition legally acceptable;
- (2) the signatures thereon match the names of the owners of record on file for the stated addresses found online at Hennepin County Property Tax Information, and are apparently valid and genuine; and
- (3) the signers represent owners of 41.6% (5 of the 12) or and not less than 35 percent of the total abutting properties of the frontage of real property abutting the section of Excelsior Blvd from the west line of 21380 Excelsior Boulevard to the east line of 21170 Excelsior Boulevard, Greenwood, Minnesota.

Given the foregoing, I believe the petition has been signed by the required percentage of owners of property directly affected by the proposed improvement. However, the opinion of the city attorney is not controlling. The determination of whether the petition has been signed by the required percentage of owners of property affected thereby is a matter that must be considered and handled by resolution of the city council.

COUNCIL ACTION ITEM: By statute, the city council must determine whether the petition has been signed by the required percentage of owners of property affected thereby.

If the city council is satisfied it understands the scope of the requested project and that the petition has been signed by the required percentage of owners of property affected thereby, ***the council must*** adopt a Resolution Declaring the Adequacy of Petition and Ordering Preparation of (Engineering) Report. (see Exhibit 1)

This resolution must be published in the official newspaper to begin the 30 day clock for filing an appeal. Any person directly affected by the resolution may challenge the council's determination (as to the legal sufficiency of the petition) in district court. The appeal must be made within 30 days and include a bond of \$250.

This resolution refers the matter to the city engineer for preparation of a report advising the council in a preliminary way as to whether the proposed improvement is necessary, cost effective, and feasible whether it should be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

This resolution also refers the petitioned improvement to the City Planning Commission for determination whether the proposed capital improvement for compliance with the city's comprehensive plan, as required by MN ST §462.356.

If the city council is not satisfied that the petition has been signed by the required percentage of owners of property affected thereby, ***the city council must*** adopt a Resolution Declaring the Petition Inadequate. (see Exhibit 1A) In that case the petitioners may then revise and resubmit the petition with added specificity. In that event, the foregoing review will be conducted again.

Feasibility Report Receipt and Call for Public Hearing on Improvement.

When the city engineer's report has been ordered and is available, the report must be presented to the council and the council must by resolution formally receive the report. (see Exhibit 2) Typically, that resolution will also call for a public hearing to be held thereon on a day, time and place certain. Per statute, the city clerk must cause notice thereof to be given by two publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed**. The two publications must be a week apart, and the hearing must be at least three days after the second publication.

Not less than ten days before the hearing, notice of the hearing must also be mailed to the owner of each parcel within the area proposed to be assessed and must contain a statement that a reasonable estimate of the impact of the assessment will be available at the hearing, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings.

At the improvement hearing, interested persons may voice their concerns, whether or not they are in the proposed assessment area.

The hearing may be adjourned from time to time. To provide proper notice, before the improvement hearing is adjourned, the council must state on the record, the date, time and place of the continuation of the improvement hearing, if any.

A resolution ordering the improvement *may* be adopted at any time within *six months* after the date of the hearing by vote of *a majority of all members of the council*. This resolution may reduce, but not increase, the extent of the improvement as stated in the notice of hearing.

Comment: In the end, the City council may elect not to proceed.

If the council rejects the project, it may not reconsider that same project unless another hearing is held following the required notice. The council must prepare a record of the proceedings and make written findings.

Either arrangements for day labor or a contract must be made within one year of adopting the resolution ordering the improvement -- unless the council specifically states a different timeframe in the resolution ordering the improvement.

** NOTE: Typically, cities assess all properties abutting or bordering on the improvement, but the council may wish to levy assessments against adjacent, non-abutting properties if the properties benefit from the improvement. In that event the Notice of Hearing must include the following statement: "*The area proposed to be assessed for such improvement is _____.*"

If the council elects to rely upon the petition as its basis for proceeding, it cannot make a substantial change in the nature of the improvement from that asked for in the petition. Thus for example, it may not order an improvement for water and sewer when the petition has asked for water alone, or add curb and gutter to a petition for blacktop, or order 12 inch water main when the petition anticipates only 8 inch water main.

If the council elects not to rely upon the petition as its basis for proceeding, it may act on its own initiative in proposing a local improvement and ordering a feasibility report. A resolution directing preparation of a feasibility report requires only *simple majority vote of all members of the council*. Later in the process, a “super-majority” vote, meaning a *four-fifths vote of all members of the council* is required to pass the resolution *ordering* an improvement initiated by council. But first the council must calculate the cost of the improvement or direct staff to do so and hold the requisite public hearing.

SPECIAL ASSESSMENTS

If the council intends to use a special assessment as opposed to a budget expenditure/general levy increase to pay for the improvement, all steps of Chapter 429 must be followed.

Special assessments are a charge imposed on properties for a particular improvement that benefits the owners of those selected properties. The authority to use special assessments originates in the state constitution which allows the state legislature to give cities and other governmental units the authority “to levy and collect assessments for local improvements upon property benefited thereby.” The legislature confers that authority to cities in Minnesota Statutes Chapter 429.

Special assessments reflect the influence of a specific local improvement on the value of selected property. No matter what method the city uses to establish the amount of the assessment, the real measure of benefit is the increase in the market value of the land because of the improvement.

Under the special benefit test, special assessments are presumptively valid if

- The land receives a special benefit from the improvement.
- The assessment does not exceed the special benefit measured by the increase in market value due to the improvement.
- The assessment is uniform as applied to the same class of property, in the assessed area.

Because special assessments are appealable to district court, it is important that the city considers the benefit to the property as a result of the specific improvement. Councils often do this by retaining a qualified, licensed appraiser. At the hearings on the assessments the appraiser presents a written or oral report on the increase in market value as a result of the improvement.

Chapter 429 allows coordinating the timelines of the special assessment and competitive bidding processes in a way that may protect the city from successful appeals and ensuing

budget shortfalls. The city may determine the assessment amount and prepare the assessment roll before work on the local improvement even begins.

The city can also avoid appeals by paying a substantial portion of the cost of all improvements out of general funds. The larger the portion of cost the city assumes, the less the chances that any individual assessment would exceed the benefit from the improvement as measured by the increase in market value. Indeed, the council can proceed with the proposed assessment based on estimates -- and plan to use monies from a reserve fund from general taxes and other uncommitted sources of revenue making up any difference between the assessments and the project cost.

PROS and CONS OF SPECIAL ASSESSMENTS - SUMMARY

Following is a summary of the advantages and disadvantages of special assessment financing. The council can avoid many of the disadvantages with adequate plans and a long-range capital improvement program.

Advantages of special assessment financing include:

- Special assessments are generally a dependable source of revenue.
- Special assessments are a means of raising money outside city debt and general property taxes. (Special assessment bonds do not count toward statutory debt limitations.)
- Special assessments provide a means of levying charges for public services against property otherwise exempt from taxation.
- Special assessments lower the cost to the community of bringing undeveloped land into urban use
- Charging the property owner for the benefit received prevents or minimizes the possibility that a property owner will reap a financial profit from the improvement at the expense of the general taxpayer.

Disadvantages of special assessment financing include:

- The difficulty and expense in establishing the special benefit to the property.
- The difficulties in special assessment administration. The administrative procedures require careful execution in order to avoid litigation.
- Cities have at times used special assessments to pay for premature public improvements. Because the city generally bears some of the cost of every public improvement, land speculators sometimes urge councils to do unjustifiable special assessment programs.

- The availability of special assessment financing often tempts city officials to underwrite the cost of governmental programs that should be an obligation of the entire city.
- Unless special assessments conform to a city's long-term financial and capital improvement plans, they can subject a city to two serious financial dangers. First, if a city frequently undertakes special assessment bond issues backed by the full faith and credit of a city in an unplanned manner, city credit might be overextended. This leads to higher interest charges on all city and school district borrowing and increases the possibility of default. Second, placing too heavy a burden on individual property owners (with special assessments and regular property taxes) runs the risk of increasing tax delinquencies and potentially jeopardizes a city's credit and borrowing position.
- From the council's point of view, the public's reaction to a proposed special assessment might be the most important determinative factor. While taxpayer resistance is usually minimal, this is not true in every instance. Special assessment programs receive much greater public support if the council adequately informs people of its intentions to make the improvement, the benefit the improvements will provide, and the necessary financial demands.

At any time before or after the city actually incurs expenses for the improvement, the council must pass a resolution determining how much the city plans to pay (above and beyond what it may decide to pay for city-owned property in the assessment area) and separate from amounts to be assessed. Cities may assess the cost of an improvement to property benefited whether or not any part of the cost of the improvement is paid from the county state-aid highway fund, the municipal state-aid street fund or the trunk highway fund. Best practice suggests the council work with an appraiser and an attorney to determine the appropriate city share of a particular project.

The council must also decide, with consultation from staff and consultants, which cost allocation methodology most nearly equates costs and benefit. Such methodology is often described as unit or area charges and involves classification of assessed properties. (The third prong of the benefit test requires a uniform assessment applied to the same class of property, in the assessed area.) Methodology may address the treatment of corner and odd-shaped lots.

Source note: The foregoing memorandum includes excerpts from The League of Minnesota Cities, *Special assessment Guide* published February 22, 2012. and other LMC materials.

Below are copies of statutes applicable to the petition review process:

429.021 LOCAL IMPROVEMENTS, COUNCIL POWERS.**Subdivision 1. Improvements authorized.**

The council of a municipality shall have power to make the following improvements:

- (1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water, or similar mains to curb lines.
- (2) To acquire, develop, construct, reconstruct, extend, and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.
- (3) To construct, reconstruct, extend, and maintain steam heating mains.
- (4) To install, replace, extend, and maintain street lights and street lighting systems and special lighting systems.
- (5) To acquire, improve, construct, reconstruct, extend, and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.
- (6) To acquire, improve and equip parks, open space areas, playgrounds, and recreational facilities within or without the corporate limits.
- (7) To plant trees on streets and provide for their trimming, care, and removal.
- (8) To abate nuisances and to drain swamps, marshes, and ponds on public or private property and to fill the same.
- (9) To construct, reconstruct, extend, and maintain dikes and other flood control works.
- (10) To construct, reconstruct, extend, and maintain retaining walls and area walls.
- (11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain, and promote a pedestrian skyway system. Such improvement may be made upon a petition pursuant to section [429.031, subdivision 3](#).
- (12) To acquire, construct, reconstruct, extend, operate, maintain, and promote underground pedestrian concourses.

(13) To acquire, construct, improve, alter, extend, operate, maintain, and promote public malls, plazas or courtyards.

(14) To construct, reconstruct, extend, and maintain district heating systems.

(15) To construct, reconstruct, alter, extend, operate, maintain, and promote fire protection systems in existing buildings, but only upon a petition pursuant to section [429.031, subdivision 3](#).

(16) To acquire, construct, reconstruct, improve, alter, extend, and maintain highway sound barriers.

(17) To improve, construct, reconstruct, extend, and maintain gas and electric distribution facilities owned by a municipal gas or electric utility.

(18) To purchase, install, and maintain signs, posts, and other markers for addressing related to the operation of enhanced 911 telephone service.

(19) To improve, construct, extend, and maintain facilities for Internet access and other communications purposes, if the council finds that:

(i) the facilities are necessary to make available Internet access or other communications services that are not and will not be available through other providers or the private market in the reasonably foreseeable future; and

(ii) the service to be provided by the facilities will not compete with service provided by private entities.

(20) To assess affected property owners for all or a portion of the costs agreed to with an electric utility, telecommunications carrier, or cable system operator to bury or alter a new or existing distribution system within the public right-of-way that exceeds the utility's design and construction standards, or those set by law, tariff, or franchise, but only upon petition under section [429.031, subdivision 3](#).

(21) To assess affected property owners for repayment of voluntary energy improvement financings under section [216C.436, subdivision 7](#).

Subd. 2. Combining improvements.

An improvement on two or more streets or two or more types of improvement in or on the same street or streets or different streets may be included in one proceeding and conducted as one improvement.

Subd. 3. Relation to charter and other laws.

When any portion of the cost of an improvement is defrayed by special assessments, the procedure prescribed in this chapter shall be followed unless the council determines to proceed under charter provisions; but this chapter does not prescribe the procedure to be followed by a municipality in making improvements financed without the use of special assessments.

If the council determines to proceed under charter provisions for special assessments, such provisions shall be deemed to include a requirement that notices of proposed assessments inform property owners of the procedures they must follow under the charter in order to appeal the assessments to district court. The notices shall also inform property owners of the provisions of sections [435.193](#) to [435.195](#) and the existence of any deferment procedure established pursuant thereto in the municipality.

Charter provisions shall also be deemed to require that when the council determines to make any improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as may be authorized by the charter, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution ordering the improvement.

429.031 PRELIMINARY PLANS, HEARINGS.

Subdivision 1. Preparation of plans, notice of hearing.

(a) Before the municipality awards a contract for an improvement or orders it made by day labor, or before the municipality may assess any portion of the cost of an improvement to be made under a cooperative agreement with the state or another political subdivision for sharing the cost of making the improvement, the council shall hold a public hearing on the proposed improvement following two publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications must be a week apart, and the hearing must be at least three days after the second publication. Not less than ten days before the hearing, notice of the hearing must also be mailed to the owner of each parcel within the area proposed to be assessed and must contain a statement that a reasonable estimate of the impact of the assessment will be available at the hearing, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings. For the purpose of giving mailed notice, owners are those shown as owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. For properties that are tax exempt or subject to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners may be ascertained by any practicable means, and mailed notice must be given them as provided in this subdivision.

(b) Before the adoption of a resolution ordering the improvement, the council shall secure from the city engineer or some other competent person of its selection a report advising it in a preliminary way as to whether the proposed improvement is necessary, cost-

effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement. The report must also include the estimated cost of the improvement as recommended. A reasonable estimate of the total amount to be assessed, and a description of the methodology used to calculate individual assessments for affected parcels, must be available at the hearing. No error or omission in the report invalidates the proceeding unless it materially prejudices the interests of an owner.

(c) If the report is not prepared by an employee of a municipality, the compensation for preparing the report under this subdivision must be based on the following factors:

- (1) the time and labor required;
- (2) the experience and knowledge of the preparer;
- (3) the complexity and novelty of the problems involved; and
- (4) the extent of the responsibilities assumed.

(d) The compensation must not be based primarily on a percentage of the estimated cost of the improvement.

(e) The council may also take other steps prior to the hearing, including, among other things, the preparation of plans and specifications and the advertisement for bids that will in its judgment provide helpful information in determining the desirability and feasibility of the improvement.

(f) The hearing may be adjourned from time to time, and a resolution ordering the improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 35 percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement. When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council; provided that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor is not deemed to be a member for the purpose of determining a four-fifths majority vote.

(g) The resolution ordering the improvement may reduce, but not increase, the extent of the improvement as stated in the notice of hearing.

Subd. 2. Approval by park board or utilities commission.

A resolution ordering a park improvement may be adopted only by a four-fifths vote of the council and shall also be approved by the park board, if there is one; provided, that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor shall not be deemed to be a member for the purpose of

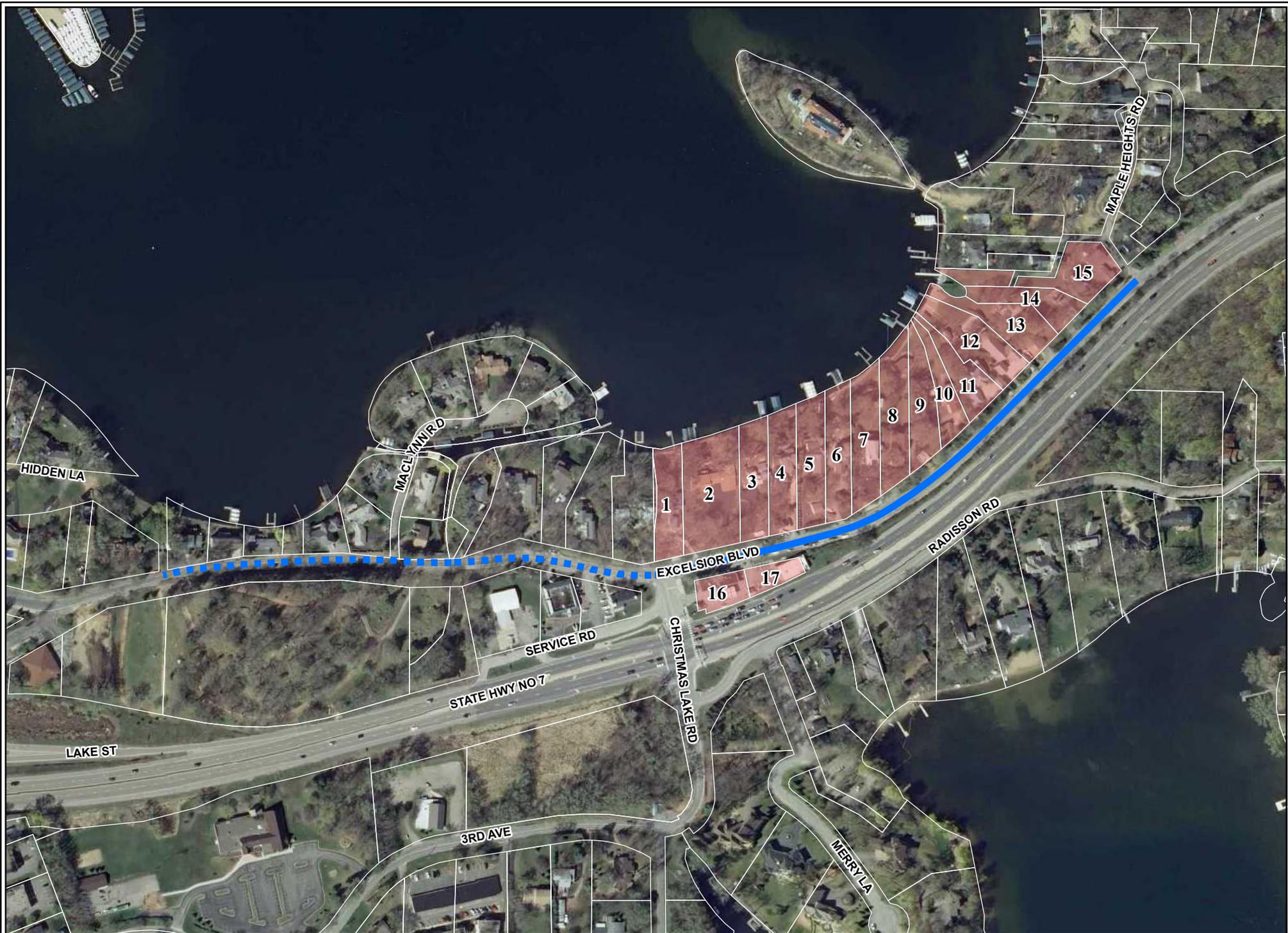
determining such four-fifths majority vote. A resolution ordering an improvement of the water, sewer, steam heating, street lighting or other facility over which a utilities commission has jurisdiction shall also be approved by the utilities commission.

Subd. 3. Petition by all owners.

Whenever all owners of real property abutting upon any street named as the location of any improvement shall petition the council to construct the improvement and to assess the entire cost against their property, the council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. The validity of the resolution shall not be questioned by any taxpayer or property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution as provided in section [429.036](#). Nothing herein prevents any property owner from questioning the amount or validity of the special assessment against the owner's property pursuant to section [429.081](#). In the case of a petition for the municipality to own and install a fire protection system, a pedestrian skyway system, or on-site water contaminant improvements, the petition must contain or be accompanied by an undertaking satisfactory to the city by the petitioner that the petitioner will grant the municipality the necessary property interest in the building to permit the city to enter upon the property and the building to construct, maintain, and operate the fire protection system, pedestrian skyway system, or on-site water contaminant improvements. In the case of a petition for the installation of a privately owned fire protection system, a privately owned pedestrian skyway system, or privately owned on-site water contaminant improvements, the petition shall contain the plans and specifications for the improvement, the estimated cost of the improvement and a statement indicating whether the city or the owner will contract for the construction of the improvement. If the owner is contracting for the construction of the improvement, the city shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition. The construction cost financed under section [429.091](#) shall not exceed the amount of the cost estimate contained in the petition. In the case of a petition for the installation of a fire protection system, a pedestrian skyway system, or on-site water contaminant improvements, the petitioner may request abandonment of the improvement at any time after it has been ordered pursuant to subdivision 1 and before contracts have been awarded for the construction of the improvement under section [429.041, subdivision 2](#). If such a request is received, the city council shall abandon the proceedings but in such case the petitioner shall reimburse the city for any and all expenses incurred by the city in connection with the improvement.

429.035 IMPROVEMENTS, PETITION.

When any petition for the making of any improvement in any statutory city, town, or city of the second, third, or fourth class, however organized, for the cost of which special assessments may be, in whole or in part, levied therefor, is presented to the governing body of the municipality, this body shall, by resolution, determine whether or not the petition has been signed by the required percentage of owners of property affected thereby.



Excelsior



- Install New Watermain
- - - Remove and Replace Existing Watermain
- Assessed Parcels

**Excelsior Blvd Watermain Improvements
Assessment Location Map
Excelsior, MN**



CITY OF GREENWOOD, MINNESOTA

Notice of Hearing on Improvement

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that the city council of the City of Greenwood, Minnesota will meet in the council chambers of the Deephaven City Hall, 20225 Cottagewood Road, Deephaven, Minnesota, 55331 at ____ p.m. on ____ day of _____, 2012, to consider the making of Improvement No. 1, an improvement on Excelsior Boulevard between the West line of 21380 Excelsior Boulevard and the east line of 21170 Excelsior Boulevard, Greenwood, Minnesota by installing a water main pursuant to Minn. Stat. §§429.011 to 429.111. The estimated cost of the improvement is \$_____. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvement will be heard at this meeting.

Gus Karpas, City Clerk

Published in _____ on the ____ day of _____, 2012.

1\Notice of Hearing Improvement No. 1

PETITION FOR INSTALLATION OF WATER MAIN

Greenwood, Minnesota May 5, 2012

To the City Council of Greenwood, Minnesota:

We, the undersigned, owners of not less than 35 percent in frontage of the real property abutting on Excelsior Boulevard between 21170 Excelsior Boulevard and 21380 Excelsior Boulevard (list of properties attached) hereby petition that such street be improved by installing water main pursuant to Minnesota Statutes, Chapter 429. The proposed water main would connect to existing City of Excelsior water main that is currently in place to the west of the proposed improvement. The proposed improvement would take place during the proposed reconstruction of Excelsior Boulevard by the Metropolitan Council.

Signature of Owner(s)	Description of Property
1. <u>Susan Ogilvie</u>	<u>21170 Excelsior Blvd.</u>
2. <u>John Ogilvie</u>	<u>21170 Excelsior Blvd</u>
3. <u>Will Brand</u>	<u>21290 Excelsior Blvd</u>
4. <u>[Signature]</u>	<u>21290 Excelsior Blvd</u>
5. <u>[Signature]</u>	<u>21270 Excelsior Blvd</u>
6. <u>[Signature]</u>	<u>21270 Excelsior Blvd</u>
7. <u>[Signature]</u>	<u>21210 Excelsior Blvd</u>
8. <u>[Signature]</u>	<u>21210 Excelsior Blvd</u>
9. <u>[Signature]</u>	<u>21190 Excelsior Blvd.</u>
10. <u>[Signature]</u>	<u>21190 Excelsior Blvd</u>
11. _____	_____
12. _____	_____

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for:

City Clerk

PID	FEW OWNER	FEW OWNER ADDRESS	CITY STATE	ZIP CODE	PROPERTY ADDRESS	USE DESCRIPTION	ASSESSMENT RATE (UNIT)
EXCELSIOR BOULEVARD WATER MAIN IMPROVEMENT PROJECT							
1	35-117-23-12-0010	KIM, JUNG L. & SUNNY S.	GREENWOOD, MN	55331	21380 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
2	35-117-23-12-0009	DAHLIN, GENE R. & CAROL L.	GREENWOOD, MN	55331	21360 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
3	35-117-23-12-0008	FULL, BRANNON M.	GREENWOOD, MN	55331	21320 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
4	35-117-23-12-0007	BRANDS, WILLIAM J.	GREENWOOD, MN	55331	21280 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
5	35-117-23-12-0006	ROY, JOLEEN M. & ROBERT J.	GREENWOOD, MN	55331	21270 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
6	35-117-23-12-0005	LANE, BONNIE & TIMOTHY	GREENWOOD, MN	55331	21260 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
7	35-117-23-12-0004	FARRAHER, MICHAEL & ANNE	GREENWOOD, MN	55331	21230 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
8	35-117-23-12-0003	JANOUSEK, STEVEN	GREENWOOD, MN	55331	21210 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
9	35-117-23-11-0021	FLETCHER, THOMAS M. & PATRICIA	GREENWOOD, MN	55331	21190 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
10	35-117-23-11-0022	OOLIVIE, CHRISTIAN & SARAH	GREENWOOD, MN	55331	21170 EXCELSIOR BLVD	RESIDENTIAL	\$13,511.76
11	35-117-23-12-0017	MORGAN V LLC	UNION CITY, GA	84581	21380 STATE HWY NO 7	COMMERCIAL	\$14,511.76
12	35-117-23-12-0016	5TH STREET VENTURES LLC	CHASKA, MN	55316	21000 STATE HWY NO 7	COMMERCIAL	\$14,511.76

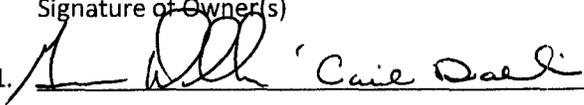
K:\01140-00-Excelsior Blvd\Water Main Imp - Faas\Preliminary Assessment Roll.xlsx

PETITION FOR INSTALLATION OF WATER MAIN

Greenwood, Minnesota May 14, 2012

To the City Council of Greenwood, Minnesota:

We, the undersigned, owners of not less than 35 percent in frontage of the real property abutting on Excelsior Boulevard between 21170 Excelsior Boulevard and 21380 Excelsior Boulevard (list of properties attached) hereby petition that such street be improved by installing water main pursuant to Minnesota Statutes, Chapter 429. The proposed water main would connect to existing City of Excelsior water main that is currently in place to the west of the proposed improvement. The proposed improvement would take place during the proposed reconstruction of Excelsior Boulevard by the Metropolitan Council.

	Signature of Owner(s)	Description of Property
1.		21350 Excelsior Blvd
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for:

City Clerk

PETITION FOR INSTALLATION OF WATER MAIN

Greenwood, Minnesota May 13, 2012

To the City Council of Greenwood, Minnesota:

We, the undersigned, owners of not less than 35 percent in frontage of the real property abutting on Excelsior Boulevard between 21170 Excelsior Boulevard and 21380 Excelsior Boulevard (list of properties attached) hereby petition that such street be improved by installing water main pursuant to Minnesota Statutes, Chapter 429. The proposed water main would connect to existing City of Excelsior water main that is currently in place to the west of the proposed improvement. The proposed improvement would take place during the proposed reconstruction of Excelsior Boulevard by the Metropolitan Council.

Signature of Owner(s)	Description of Property
1. <u>Brandon Jull</u>	<u>21320 Excelsior Blvd</u>
2. <u>W. H. H. H.</u>	<u>21250 Excelsior Blvd</u>
3. <u>Bonnie L. Lane</u>	<u>" " "</u>
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for:

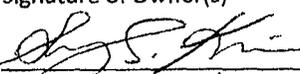
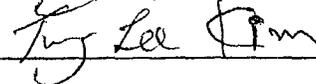
City Clerk

PETITION FOR INSTALLATION OF WATER MAIN

Greenwood, Minnesota May 13th 2012

To the City Council of Greenwood, Minnesota:

We, the undersigned, owners of not less than 35 percent in frontage of the real property abutting on Excelsior Boulevard between 21170 Excelsior Boulevard and 21380 Excelsior Boulevard (list of properties attached) hereby petition that such street be improved by installing water main pursuant to Minnesota Statutes, Chapter 429. The proposed water main would connect to existing City of Excelsior water main that is currently in place to the west of the proposed improvement. The proposed improvement would take place during the proposed reconstruction of Excelsior Boulevard by the Metropolitan Council.

	Signature of Owner(s)	Description of Property	
1.		21380 Excelsior Boulevard Greenwood, MN 55331	<input checked="" type="checkbox"/>
2.		21380 Excelsior Boulevard Greenwood, MN 55331	<input checked="" type="checkbox"/>
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for:

City Clerk

RESOLUTION NO. 07-12 (A)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GREENWOOD, MINNESOTA**

**Declaring Adequacy of Petition and Ordering Preparation of Report
and City Planning Commission Review for Compliance with the
City Land Use Plan**

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

1. A certain petition requesting the improvement of Excelsior Boulevard between the West line of 21380 Excelsior Boulevard and the east line of 21170 Excelsior Boulevard, Greenwood, Minnesota by installing a water main, filed with the council ___ day of _____, 2012, is hereby declared to be signed by the required percentage of owners of property affected thereby. This declaration is made in conformity to Minn. Stat. §429.035.
2. The petition for proposed improvement (hereinafter Improvement No. 1) is hereby referred to City Engineer David Martini of Bolton & Menk and that person is instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels. In preparing said report, the City Engineer shall consult with the City Engineer of Excelsior, and Metropolitan Council representatives as necessary.
3. The City Planning Commission with the benefit of the advice of the City Engineer and the City Attorney shall review the proposed capital improvement and report in writing to the Council its findings as to compliance of Improvement No. 1 with the Comprehensive Municipal Plan, as required by Minn. Stat. §462.356.

Adopted by the council this _____ day of June, 2012.

Debra J. Kind, Mayor

Gus Karpas, City Clerk

RESOLUTION NO. 07-12 (B)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GREENWOOD, MINNESOTA**

Declaring the Insufficiency of Petition

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

1. A certain petition requesting the improvement of Excelsior Boulevard between the West line of 21380 Excelsior Boulevard and the east line of 21170 Excelsior Boulevard, Greenwood, Minnesota by installing a water main, filed with the council ___ day of _____, 2012, fails to adequately describe the extent of the improvement requested and therefore the required percentage of owners of the property affected thereby cannot be determined.
2. Pursuant to Minn. Stat. §429.035 said petition for proposed water main improvement is hereby declared legally inadequate.

Adopted by the council this _____ day of June, 2012.

Debra J. Kind, Mayor

Gus Karpas, City Clerk

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GREENWOOD, MINNESOTA**

**A Resolution Receiving Feasibility Report
and Calling Hearing on Proposed Improvement**

WHEREAS, pursuant to resolution of the council adopted the ____ day of _____, 2012, a report has been prepared by City Engineer, David Martini of Bolton & Menk with reference to proposed Improvement No. 1, being the improvement of Excelsior Boulevard between the West line of 21380 Excelsior Boulevard and the east line of 21170 Excelsior Boulevard, Greenwood, Minnesota by installing a water main, and this report was received by the council on the ____ day of _____, 2012; and

WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels; and

WHEREAS, a true and correct copy of said report, together with a map showing the names of streets, names of additions, block and lot numbers, and the location of the improvements, is attached.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GREENWOOD, MINNESOTA:

1. The report prepared by City Engineer, David Martini with reference to proposed Improvement No. 1 is received.
2. The council will consider the improvement of Excelsior Blvd. in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$_____.
3. A public hearing shall be held by the City Council of the City of Greenwood, Minnesota on the Excelsior Blvd. proposed improvement (Improvement No.1) on the ____ day of _____, in the council chambers of the Deephaven City Hall, 20225 Cottagewood

Road, Deephaven, Minnesota 55331 at _____ p.m. The clerk shall give mailed and published notice of such hearing and improvement as required by law.

Adopted by the council this _____ day of June, 2012.

Debra J. Kind, Mayor

Gus Karpas, City Clerk

1\RESOLUTION 2

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GREENWOOD, MINNESOTA**

A Resolution Ordering Improvement and Preparation of Plans

TO WHOM IT MAY CONCERN:

WHEREAS, a resolution of the city council adopted the ____ day of _____, 2012 fixed a date for a council hearing on Improvement No. 1, the proposed improvement on Excelsior Boulevard between the West line of 21380 Excelsior Boulevard and the east line of 21170 Excelsior Boulevard, Greenwood, Minnesota by installing a water main; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the ____ day of _____, 2012, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the ____ day of _____, 2012.
3. The city's planning commission has reviewed the proposed capital improvement and reported in writing to the Council its findings as to compliance of the proposed improvement with the comprehensive municipal plan, and found it compliant therewith.
4. City Engineer, David Martini of Bolton & Menk, is hereby designated as the engineer for this improvement. Said engineer shall, in cooperation with the City of Excelsior engineer, prepare plans and specifications for the making of such improvement.
5. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.

Adopted by the council this ____ day of _____, 2012.

Gus Karpas, Clerk

Debra J. Kind, Mayor



Agenda Number: **6C**

Agenda Date: **06-06-12**

Agenda Item: Ordinance 210, 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. Due to time constraints at the 05-02-12 council meeting, the council continued the first reading to the 06-06-12 council meeting. The ordinance and a proposed certification letter are attached. Both have been reviewed and revised 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 210 as written.
2. I move the council approves the first reading of ordinance 210 with the following changes _____.
3. I move the council directs that the certification letter be included on the July council agenda for consideration of approval.
4. I move the council directs that the certification letter be included on the July council agenda for consideration of approval with the following changes _____.
5. Do nothing.

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:
----------------------------	----------------	--------------

**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

- (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



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

Summary: This agenda item was continued from the May council meeting.

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 the budget, 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 trim buckthorn and other scrub bushes along the St. Alban's Bay Minnetonka Blvd. shoreline.
 - b. Present the estimates to the council 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: **6E**

Agenda Date: 06-06-12

Agenda Item: Resolution __-12, Variance Findings of Fact, Keith and Stacy Carlson, 20965 Channel Drive (front entry and fireplace addition)

Summary: At the 05-02-12 meeting the council approved the variance requests for a front entry and fireplace addition from Keith and Stacy Carlson based on verbal findings. The council directed that written findings be drafted for confirmation by the council. The attached findings were drafted by the city attorney.

Council Action: Required. Suggested motion ...

1. I move the council approves resolution __12 setting out the findings of fact and conclusions of law regarding the Keith and Stacy Carlson front entry and fireplace addition variance requests.
2. I move the council approves resolution __12 setting out the findings of fact and conclusions of law regarding the Keith and Stacy Carlson front entry and fireplace addition variance requests with the following revisions
_____.

RESOLUTION NO. 11-12

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

APPROVING

IN RE: The Application of Keith and Stacey Carlson for a Variance to:

- 1. Permit a cantilevered fireplace by a variance to Section 1120.10 minimum required lake yard setback of 50 feet.**
 - 2. Permit a front entryway by a variance from Section 1120.10 minimum required lake yard setback of 50 feet.**
 - 3. Permit maximum permitted impervious surface area in excess of 30% by a variance to Section 1176:04(3).**
-
-

WHEREAS, Keith and Stacey Carlson are the owners of property commonly known as 20965 Channel Drive, Greenwood, Minnesota 55331 (PID No. 26-117-23-44-0025); and

WHEREAS, application was made for the above-stated variance so as to permit a reduced side yard and hence a larger building footprint for a proposed house; and

WHEREAS, notice of Public Hearing was published, notice given to neighboring property owners, and a Public Hearing held before the Planning Commission to consider the application; and

WHEREAS, public comment was taken at the Public Hearing before the Planning Commission on April 18, 2012; and

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

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

FINDINGS OF FACT

1. That the real property located at 21780 Fairview Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-31-0025) is a single family lot of record located within the R-1A Single Family Residential District. The westerly and northerly yards of the subject property abut Lake Minnetonka.
2. The applicant proposes to (1) add a fireplace to the northerly side of the house which would be cantilevered and project lakeward 1.5 feet. The house presently encroaches upon the required 50 foot lake side yard setback by 23.5 feet. The proposed fireplace will be under the existing roofline; (2) add a covered entryway to the easterly side of the house. The proposed entryway would be built on an existing stoop which encroaches upon on the required lake side yard setback by 15 feet.
3. In conjunction with these improvements the Applicant proposes to reduce existing impervious hardcover from 39.37% to 35.7%. Consequently, the applicant is requesting a variance from Section 1120.10; minimum required lake yard setback along the north property line for the proposed fireplace of twenty-five feet, a 1.5 foot increase; and a variance from Section 1120.10; minimum required lake yard setback along the easterly/northerly property line for the proposed entryway of thirty-five feet; no net change.
4. 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.
5. 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) feetfeet from the OHWL. As presented, the applicant requires a variance of fifteen (15) feet of the required lake yard setback.
6. Section 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% which the applicants latter agreed to lower to 35.7%. As presented, the applicants require a variance to exceed the maximum permitted impervious surface area by 5.7%.

7. 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 3.70%.
8. 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.
9. The survey submitted by the applicant indicates that no trees would be removed as part of the project. The proposed construction would not remove any "significant trees" as defined by City Code. The applicant plans future tree removal which will require a conditional use permit but are not proposing to do that work at this time.
10. 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 entryway and fireplace would lawfully add minimally to the overall building volume.
11. The applicants state that a practical difficulty in meeting the setbacks is created by a required lake yard setback along two property lines and that the configuration of the lot as a flag lot hinders their ability to comply with the maximum permitted impervious surface area.
12. The Planning Commission voted 5-0 to recommend the City Council approve, the two variance requests.
13. The City council determined that (1) the property is a legal non-conforming use, (2) the variances if granted would be in keeping with the spirit and intent of the Zoning Code, (3) the proposed fireplace and entryway are normal and expected uses of a residential property, (4) the plight of the owner (inadequate lakeside yard set back) is due to circumstances unique to the property and not created by the landowner, and (5) the variances if granted will not alter the essential character of the locality.
14. The proposed reduction in hardcover from 39.4% to 35.7% is in the public interest and should be required as a condition of the variance requests.

CONCLUSIONS OF LAW

Variance

1. A variance from Section 1120.10; minimum required lake yard setback along the north property line, for the proposed fireplace, of twenty-five feet, a 1.5 foot increase, should be granted subject to condition of impervious surface hardcover reduction to 35.7%
2. A variance from Section 1120.10; minimum required lake yard setback along the easterly/northerly property line for the proposed entryway of thirty-five feet, no net change, should be granted subject to condition of impervious surface hardcover reduction to 35.7%.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments:

1. That a variance to Greenwood Ordinance Code Section 1120.10; 50 foot lake yard setback along the north property line, to accommodate the proposed fireplace, is granted in the amount of 25 feet.
2. That a variance to Greenwood Ordinance Code Section 1120.10; 50 foot lake yard setback along the easterly/northerly property line, to accommodate the proposed entryway, is granted in the amount of 15 feet.
3. The grant of said variances is subject to the following condition:
 - A. When the proposed improvement is complete, the property shall have impervious surface hardcover of no more than 35.7% as verified by as-built survey to be submitted by applicant in a timely manner to the City Clerk.

PASSED THIS _____ DAY OF JUNE, 2012 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

_____ Ayes, _____ Nays

CITY OF GREENWOOD

ATTEST:

By _____
Debra J. Kind, Mayor

Gus Karpas, Clerk/Administrator



Agenda Item: Consider Variance, Keith and Stacy Carlson, 20965 Channel Drive (to encroach into the minimum required lake yard setback and exceed the maximum permitted impervious surface area for a proposed deck expansion)

Summary: Section 1120:15 of the Zoning Ordinance requires a lake yard setback of fifty feet as measure from the ordinary high water level. The applicants propose a lake yard setback of forty feet, two inches for the proposed deck expansion. The proposal requires a variance of nine feet, ten inches 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 6.2%.

In reviewing this request the council must consider the criteria outlined in Section 1155.10 of the ordinance:

Practical Difficulty Standard

- (a) That the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) The plight of the homeowner is due to circumstances unique to the property and not created by the landowner;
- (c) The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone shall not constitute practical difficulties.

Findings

- (a) Is the variance in harmony with the purpose 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 Beal to recommend the City Council approve, the request by Keith and Stacy Carlson for variances to encroach nine feet, ten inches into the required lake yard setback for the proposed deck replacement and the request to exceed the maximum permitted impervious surface area by 6.2%, as presented for 20965 Channel Drive. The property owners propose to use the property in a reasonable manner in that they are replacing an existing deck in need of repair in its existing footprint, the plight of the landowner is due to circumstances unique to the property and the granting of the variance will not alter the essential character of the locality. The motion is conditioned that the applicant provide an updated survey showing the final landscaping plan to the City Council and that the overall impervious surface, including all landscaping improvements not exceed 36.62%. Paepfer seconded the motion. Motion carried 5-0.

Council Action: Action required by July 18, 2012. Possible motions ...

1. I move the Council approves the variance requests by Keith and Stacy Carlson to encroach nine feet, ten inches into the required lake yard setback for the proposed deck replacement and the request to exceed the maximum permitted impervious surface area by 6.2%. The property owners propose to use the property in a reasonable manner in that they are replacing an existing deck in need of repair in its existing footprint, the plight of the landowner is due to circumstances unique to the property and the granting of the variance will not alter the essential character of the locality. The motion is conditioned that the overall impervious surfaces, including all landscaping improvements not exceed 36.62%. I further move that the council directs the city attorney to draft findings of fact for the council's consideration at the July 5, 2012 council meeting.
2. I move the council asks the applicant to provide written approval for a further extension for a decision on their request to permit the Council more time to render a decision on the request.

Note: MN statue 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).

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

Variance Application

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

Property address for which variance is requested 20965 Channel Drive

Applicant (individual or company name): Kerth : Stacy Carlson

Contact for Business: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Wk Phone: 612-961-6440 Hm Phone: _____

Email address: Stacyca123@gmail.com Fax: _____

Present use of property: _____

Property acreage: _____

Existing Variances: Yes _____ No _____

If yes, please explain _____

Describe Request: Build New _____ Add On Remodel _____ Replace

What is the Variance being requested for: _____

Lake side deck

Variance for:

	Required	Proposed
Side Yard	_____ feet	_____ feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
<input checked="" type="checkbox"/> Lake setback	<u>50</u> feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
Impervious Cover	_____ sq ft	_____ 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 a practical difficulty 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.

"Practical Difficulty" 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 a practical difficulty under Minnesota case law.

Economic considerations alone shall not constitute a practical difficulty if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty in establishing a practical difficulty 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:

Non conforming Structures are permitted to be maintained
in this case the deck is too small in its
current configuration.

Establishing Practical Difficulty:

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

the placement of the house does not permit ~~expansion~~
expansion without a variance.

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

the placement of the house and deck built in 1964 created ~~the~~
non conformity

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

Because it is not uncommon to have a lakeside deck and
neighboring properties all have a lakeside deck.

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:

None

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

_____ 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:  Date: 4/21/12

Signature:  Date: 4/21/12

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.

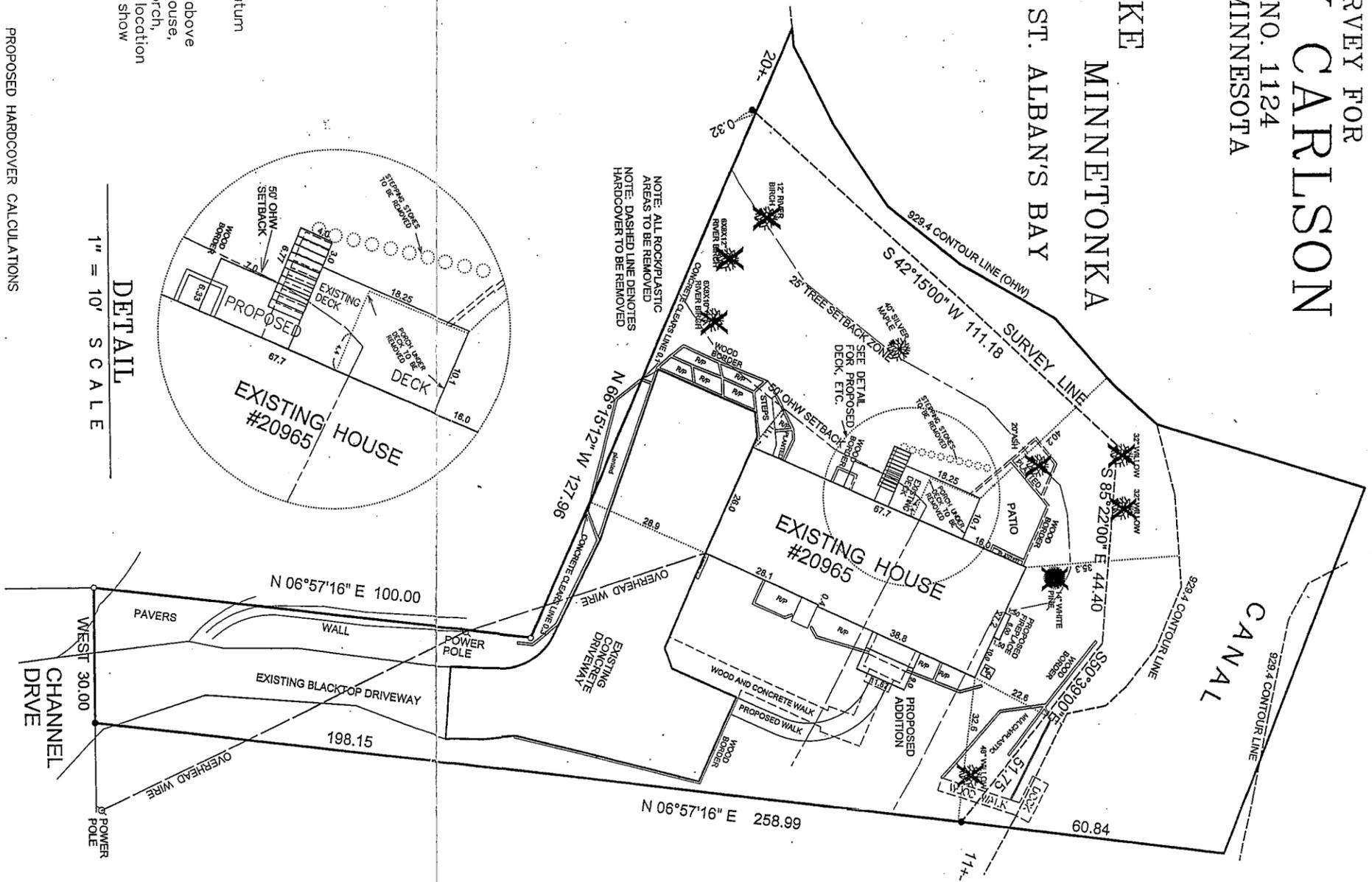
Owner's Signature:  Date: 4/21/12

Owner's Signature:  Date: 4/21/12

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

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

LAKE
 MINNETONKA
 ST. ALBAN'S BAY



LEGAL DESCRIPTION OF PREMISES:
 Tract A, Registered Land Survey No. 1124, files of Registrar of Titles, Hennepin County, Minnesota

- o : denotes iron marker set
 - : denotes iron marker found
 - ☼ denotes existing tree to be removed
 - ☼ denotes existing tree to be removed
- Bearings shown are based upon an assumed datum

This survey intends to show the boundaries of the above described property, and the location of an existing house, all visible "hardcover", the location of an existing porch, and several trees to be removed, and the proposed location of a proposed deck thereon. It does not purport to show any other improvements or encroachments.

EXISTING HARDCOVER CALCULATIONS

LOT AREA	19245+- S.F. ABOVE O.H.W.
HOUSE	1800+-
CONCRETE DRIVE	2830+-
BLACKTOP DRIVE	1039+-
FRONT WALK	374+-
PATIO	250+-
DECK	225+-
WOOD BORDERS	236+-
WOOD WALK TO LAKE	94+-
STEPS	61+-
A/C PAD	6+-
FLAGSTONE STEPS	18+-
ROCK/PLASTIC	321+-
PAVERS	292+-
TOTAL	7546+- S.F.

PROPOSED HARDCOVER CALCULATIONS

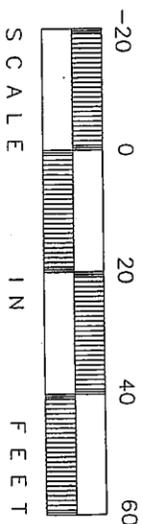
HOUSE	1800+-
CONCRETE DRIVE	2830+-
BLACKTOP DRIVE	1039+-
WOOD BORDERS	197+-
A/C PAD	6+-
PAVERS	292+-
PROPOSED DECK	202+-
PROPOSED FRONT STOOP	279+-
PROPOSED FRONT WALK	105+-
PROPOSED FRONT WALK	157+-
TOTAL	6907+-

7546/19045 X 100 = 39.62% HARDCOVER

6907/19045 X 100 = 36.26% PROPOSED HARDCOVER

1" = 10' SCALE

DETAIL



12027D 4-24-12	REVISION	DATE	DESCRIPTION
	3-13-12	3-13-12	HARDCOVER CHANGES
	3-22-12	4-16-12	REVISED PROPOSED DECK
	4-16-12	4-24-12	TREE SETBACK ZONE & TREES TO BE REMOVED
	4-24-12		PROPOSED DECK & 50' OHW SETBACK

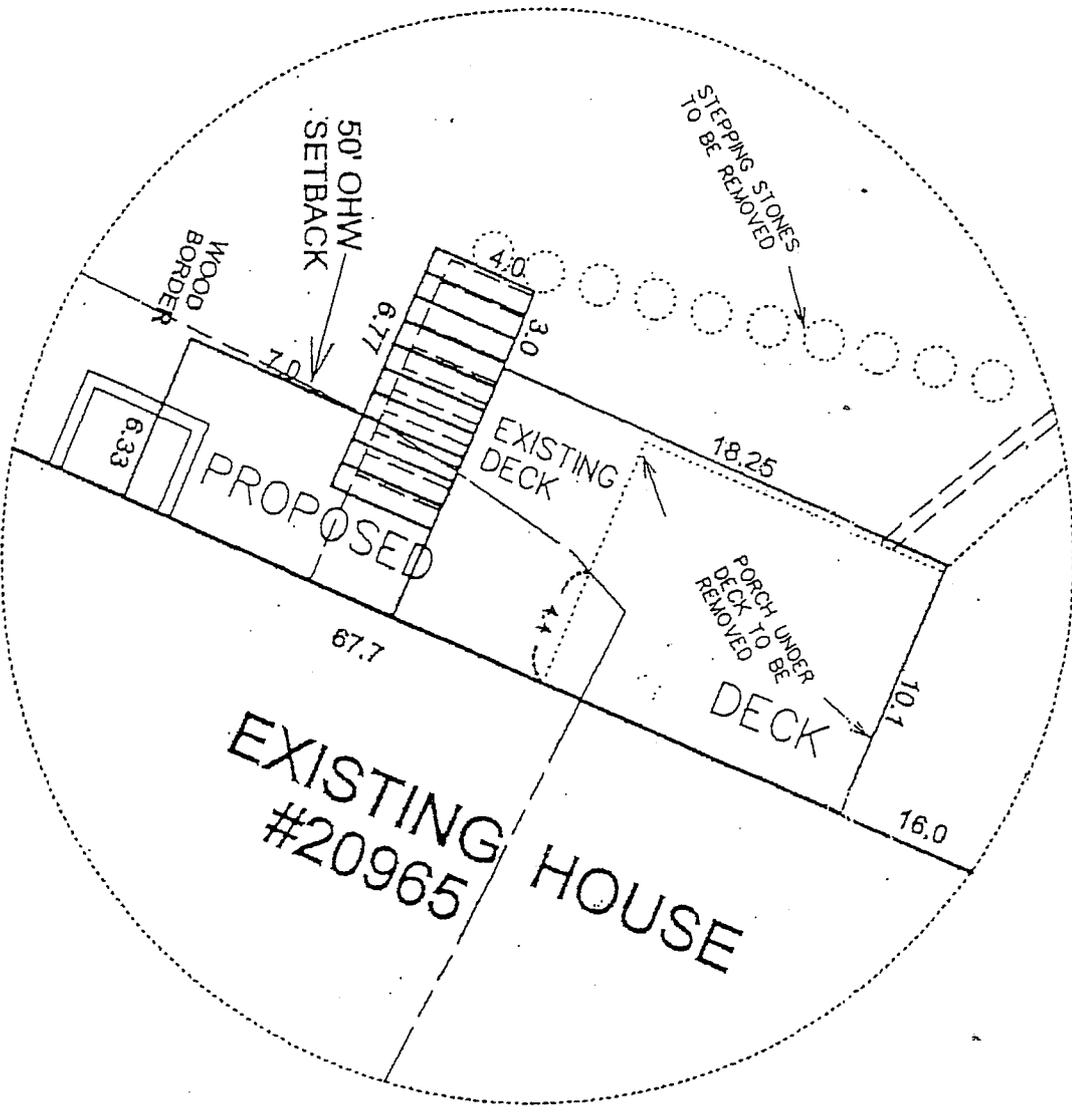
GRONBERG AND ASSOCIATES, INC.
 CONSULTING ENGINEERS, LAND SURVEYORS & SITE PLANNERS
 445 NORTH WILLOW DRIVE
 LONG LAKE, MN. 55356
 952-473-4141

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 Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg Minnesota License Number 12755

SCALE	1" = 30'
DATE	2-7-12
JOB NO.	12-027D

and datum
 the above
 ing house,
 ing porch,
 used location
 t to show



DETAIL

1" = 10' SCALE

EXISTING HOUSE
 #20965

N 06°57'16" E 100.00

PAVERS

WALL

W 127.96

CONCRETE CLEAR LINE 0.0

WE



Agenda Item: Consider Conditional Use Permit (CUP), Keith and Stacy Carlson, 20965 Channel Drive (to exceed the annual permitted significant tree harvest of 2 trees)

Summary: Section 1140.80(3)(b) allows property owners to remove up to two significant trees per year without obtaining a permit. Copies of the tree ordinance and city forester's report are attached for the council's reference.

Section 1140.80(3)(a) of the Zoning Ordinance prohibits the removal of trees within the Shore Impact Zone without the issuance of a tree removal conditional use permit.

Section 1102 defines Shore Impact Zone as the land located between the ordinary high water level of Lake Minnetonka and a line parallel to it at a setback of twenty-five feet from the ordinary high water level of the lake.

In reviewing this request the council must consider the CUP criteria outlined in section 1150.20 of the ordinance:

- (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
- (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
- (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- (d) The use will be harmonious with the objectives of the comp plan.
- (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- (k) The use will not depreciate surrounding property values.

The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to prevent injurious effects therefrom upon other properties in the neighborhood. Examples of conditions are: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Planning Commission Action: Motion by Commissioner Beal to recommend the City Council approve the request by Keith and Stacy Carlson for a conditional use permit for the removal of eight trees on their property, with five significant trees located within the Shore Impact Zone, as presented. The motion is conditioned that an additional large hardwood tree be placed on the south side of the property along the lakeshore. Commissioner Cook seconded the motion. Motion carried 4-1. Commissioner Paeper voted against the motion.

Council Action: Action required by _____, 2012. Possible motions ...

1. I move the Council approves the conditional use permit request by Keith and Stacy Carlson for the removal of eight trees on their property, including five which are significant trees located within the Shore Impact Zone. The removal of the trees are warranted based on the assessment provided by the city forester and the motion is conditioned that the landscape plan include an additional large hardwood tree be placed along the south side of the property along the lakeshore and that the plan is approved by the city forester. 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).

April 12, 2012

Guss Karpas
City of Greenwood

Re: Carlson Residence at 20965 Channel Drive

Dear Sir:

This is for the tree removal on the site located at 20965 Channel Drive, Greenwood MN 55331. We are looking to remove 5 trees within 25' of the high water mark. Of those 5 trees 1 tree is considered exempt due to the fact it is a green ash and 2 are considered not significant due to the size of the trees.

As for the not significant trees to be removed within the 25' high water mark we have 2 willow's that are 32" circumference that are located on the north side of the property by the water's edge. As for the exempt tree we are removing a green ash. The 2 trees that we are removing that are within the 25' high water mark are as follows. We will be removing a 48" circumference willow tree that is located on the east side of the property by the water's edge due to the overall health of the tree (See letter attached by Arborist Dan G. Bird), as well as a 12" Circumference river birch located at the west side of the property due to the fact it is growing into the large maple (see letter attached by Arborist Dan G. Bird).

Southview Design will be replanting trees throughout the property (See Attached landscape Plan) to replace what will be lost.

Josh Koller
Southview Design



ADDRESS 1875 East 50th Street Inver Grove Heights Minnesota 55077
PHONE EAST METRO 651-455-8238 NW METRO 763-422-0188 SW METRO 952-881-2296 FAX 651-455-1734
JOB SPECS Outdoor Living Commercial & Residential Professional Planning Greenscapes Waterscapes Irrigation Hardscapes Concrete Pavers Custom Services
WEBSITE www.southviewdesign.com



Tree Permit Application

(this form is not a permit)



Building permit application cover sheet completed: Yes (complete section 2, sign and date) No (complete entire form)

Person completing forms: Property Owner Contractor

If you prefer to complete this form electronically, it is available for downloading at www.greenwoodmn.com.

Date application submitted	4/2/12
Date application complete (office use only)	
Property address	20965 Channel Drive
Property Identification number (PID)	26-117-23-44-0025
Property owner's current mailing address	20965 Channel Drive Greenwood, MN 55331
Names of all property owners	Keith and Stacy Carlson
Cell phone and email of property owner(s)	612-961-6440 Stacyc123@gmail.com
Name of contractor (if any)	
Company name of contractor	
Company address	
Company license number	
Cell phone and email of contractor	

SECTION 2

The undersigned hereby make this application for (check all that apply):

- Conditional Use Permit to Remove Trees in Shore Impact Zone or Bluff Impact Zone** (significant* trees within 25 feet of shore or within 20 feet of the top of a bluff). This permit must be reviewed by the planning commission and approved by the city council. The process can take up to 60 days. **Fee: \$100**
- Construction-Related Tree Removal Permit.** Home addition: remove up to 10% of trees. New construction: remove up to 20% of trees. Tree preservation plan required for both. **Fee: \$250**
- Permit to Exceed the Permitted Tree Harvest** to remove more than 2 significant* trees per year, or maximum of 5 significant* trees over a 5-year period. **Fee: \$100**

* Significant trees are trees with the following minimum circumferences (inches): hardwoods 31, softwoods 44, conifers 38

Attached is (check all that apply):

- Tree Removal Plan.** Must identify the location of significant trees to be removed and indicate size and species.
- Tree Preservation Plan.** Required for construction-related tree removal permits. Must include the specifications outlined in section 1140.80, subd. 6 (attached).
- Tree Replacement Plan.** Required if any significant trees are removed for new construction, home addition, or subdivision. Also required for a variance application to exceed 20% tree removal for new construction or subdivision, or exceed 10% tree removal for a home addition. Tree replacement plans must comply with the table listed in section 1140.80, subd. 8 (attached).

The undersigned hereby acknowledge the receipt of: Code Section 1140.80 Tree Preservation Ordinance (attached)

The undersigned hereby acknowledge the following: The property owner(s) listed above (or on the building permit application cover sheet) are the sole fee title owner(s) of the described property; information provided on this application and submitted documents is true, complete and accurate; if the application is approved, the work will be in accordance with the application and city ordinances; the undersigned authorize photographs of the property and reasonable entry onto the property by city staff, consultants, agents, and city council members; the undersigned further agree to hold the city of Greenwood harmless from all liabilities that may arise directly or indirectly from the work performed.

Signature of property owner (required)

[Handwritten Signature]

Date: 4/1/12

Signature(s) of additional property owner(s) (if any)

[Handwritten Signature]

Date: 4/1/12

Signature of contractor (if any)

_____ Date: _____

For Office Use Only	Approved By: _____	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check # _____	Approval Date: _____
----------------------------	--------------------	--	----------------------

Form Updated 11-15-11

Hi Josh,

In reference to the property at 20965 Channel In.

The three willows on the property are in decline and have large wounds along with decay pockets. These present a structural defect. With these trees being in proximity to the house and inlet I would consider these trees a hazard and would recommend removal.

The green ash in the back yard will succumb to Emerald ash borer unless it is treated every year. The treatment on this tree would need to be trunk injected due to its proximity to the lake. With this tree being over the house and emerald borer infestation being imminent I would recommend removal of this tree.

The Silver maple tree is the largest tree on the property and is in good health the branch structure appears to be sound. With minor pruning this will be a valuable specimen.

The three river birch are growing underneath the canopy of the silver maple and will come into contact with the Silver maple and begin to rub causing wounds. I would recommend for the long term health of the silver maple the three River birch are removed.

Dan Bird
ISA Consulting Arborist MN-4360A
612-685-7082

Subd. 2. Design Standards. No area used by motor vehicles other than driveways serving as ingress and egress to the commercial site shall be located within the public street right-of-way. The following design standards shall apply:

- a. *Driveway Widths* (measurement between roadway edges):
 One-way: 20 ft. maximum, 12 ft. minimum
 Two-way: 30 ft. maximum, 24 ft. minimum
- b. *Minimum Driveway Angle to Street*: 30° when street is one-way or divided, otherwise 60°.
- c. *Minimum Distance Between Driveways*: 20 feet, between roadway edges measured along street curb line.
- d. *Minimum Distance of Driveway from Street Intersections* (measured along street curb line between nearest driveway edge and intersecting street curb lines):

If the driveway enters a street classified as:	and the intersecting street is classified as:	then the following shall apply:	
		Approaching (feet)	Leaving* (feet)
Minor Street	Minor Street	15	15
	Collector Street or Minor Arterial	20	15
	Major Arterial	35	20
Collector Street	Minor Street	20	15
	Collector Street or Minor Arterial	25	15
	Major Arterial	40	20
Major Arterial	Minor Street	20	15
	Collector Street or Minor Arterial	25	15
	Major Arterial	40	20

* Note: Minimum distance to be the same as that specified for approaching lane if left turns are permitted into or out of driveway.

Section 1140.80. Tree Preservation.

Subd. 1. Public Purpose. The protection of the public welfare requires the preservation of an urban forest in and amongst the commercial buildings, homes, and streets of the city. Among the benefits of an urban forest are soil stabilization, control of water pollution, tempering noise, provision of a habitat for wildlife, and shade and beauty. Indiscriminate removal of trees deprive the community of these benefits. It is in the interest of the general public welfare, the city and its residents to prevent the indiscriminate removal of trees and the unregulated clearing of vegetation.

Subd. 2. General.

- A. *Tree or Trees* as used herein includes:
 - (1) A coniferous/evergreen tree, being a woody plant of at least 6 feet in height which at maturity is at least 12 feet or more in height, having foliage at the outermost portion of the branches year round; or
 - (2) A deciduous tree, either hardwood or softwood, being a woody plant with a trunk of 3" diameter (9" circumference) or greater for hardwood, or 4" diameter (13" circumference) or greater for softwood, and which at maturity is at least 15 feet or more in height, having a defined crown and which loses leaves annually. The trunk diameter shall be measured at 48" above grade or at the top of the remaining stump if already cut or harvested.
- B. *Hardwood Deciduous Tree* examples are ash, birch, catalpa, elm, hickory, ironwood, maple (hard), oak, and walnut.
- C. *Softwood Deciduous Tree* examples are cottonwood, poplars, aspen, silver maple, basswood and willow.
- D. *Significant Tree* is a healthy tree, measuring a minimum of 10" in diameter (31" circumference) or greater for hardwood deciduous trees, 14" in diameter (44" circumference) or greater for softwood deciduous trees, or 12" in diameter (38" circumference) or greater for conifer/evergreen trees. The trunk diameter of significant trees shall be measured at 48" above grade or at the top of the remaining stump if already cut or harvested.

- E. *A Tree Preservation Plan* is a listing/survey by location, type, size, and approximate height of all trees on a parcel of land with accompanying illustration showing all trees 3" in trunk diameter for hardwood, 4" in trunk diameter for softwood and conifer/evergreens 6 feet or taller in height together with a written plan to protect same from harm.
- F. *Intentional Harm* to a tree shall include the cutting, poisoning, damaging, killing, or causing of disease or other act intended to damage, disease, or kill a tree.

Subd. 3. Property Owner Restrictions on Cutting of Trees.

- A. *"Shore Impact Zone" and "Bluff Impact Zone"* - Except by a tree removal conditional use permit first obtained from the city, no trees within the shore impact zone (see section 1102 for definition) or within a bluff impact zone (see section 1102 for definition), shall be cut, killed, diseased or permitted by the owner to be cut, killed, or diseased or infected unless otherwise permitted by subdivision 3C or 3D. The permit fee shall be determined by the city council and set forth in chapter 5 of this code book.
- B. *Annual Permitted Tree Harvest* - Except within the shore impact zone or within a bluff impact zone, no property owner or their employees, independent contractors, or agents, shall cut, kill, disease, or permit the killing or cutting or infection of trees (as defined herein) upon their property in excess of a total of 2 significant trees in any 1 calendar year without permit pursuant to subdivision 4 first obtained. This cutting shall constitute the "annual permitted tree harvest."
- C. *Noxious Trees* - The following trees may be cut or removed from property without limitation: Buckthorn, Sumac, Box Elder, Siberia Elm, Green Ash, and Prickly Ash.
- D. *Tree Trimming* - A property owner may trim an otherwise healthy tree in such a manner as to manage its growth, improve its appearance, or eliminate branches which encroach upon structures and improvements without permit first obtained, provided, however, that such trimming does not cause the tree to become diseased or will likely cause the tree to die. In the event such trimming is likely to cause the tree to become diseased or die, such activity shall be counted against the property owner's "annual permitted tree harvest" per subdivision 3B.

Subd. 4. Permit to Exceed Property Owner Annual Permitted Tree Harvest. A property owner in need of removing more than the "annual permitted tree harvest" defined at in subdivision 3B, may apply for a permit from the city clerk. The application shall describe the type, size, approximate location, and number of trees to be cut under the permit. Such permit may permit not more than 5 significant trees to be cut down/harvested from any given property in any 1 calendar year. The permit may not be reissued to a given property more than once in every 5 calendar years. Applications shall be signed by the property owner. The property owner shall separately acknowledge 1) the limitations of the requested tree cutting permit, and 2) acknowledge receipt of a copy of this code section. It shall be a violation of subdivision 12 for property owners and/or their agents to cause more than the permitted number of trees to be cut down/harvested from a given property.

Subd. 5. Construction-Related Tree Cutting Permits. If the improvement of property necessitates the removal of trees for construction purposes, property owners and/or developers subsequent to issuance of a valid building permit may cut trees from a specific property in accordance with the following provisions and limitations and conditions attached to such building permit:

- A. The property owner/developer shall be limited to the property owner's annual permitted tree harvest of 2 significant trees in any given calendar year for construction related tree cutting/harvesting, unless a permit under this subdivision is issued based upon a tree preservation plan prepared by the applicant and submitted to the attention of the building official in conjunction with a building permit application. The building permit application or a zoning code review shall not be considered complete unless and until a tree preservation plan has been submitted by the property owner, developer, or its agent.
- B. *Limitations on Construction-Related Tree Cutting.*
 - (1) The city building official and/or the zoning administrator may impose restrictions on construction-related tree trimming or cutting:
 - (a) On a given property so as to preserve trees that would not otherwise need to be cut or harvested to permit access, grading, and construction-related activities;
 - (b) Of "significant trees" so as to preserve and protect same in the course of construction; and
 - (c) Significant trees lost in the course of access, grading, and construction-related activities be replaced in accordance with the tree replacement schedule per subdivision 8.
- C. *Construction-Related Tree Cutting/Trimming Permit Types.* The following construction-related tree cutting/trimming permits may be issued by the city:

- (1) *Home Addition/Accessory Structure Construction.* In conjunction with an approved building permit to accommodate the expansion of an existing residence and/or the construction of an otherwise code permitted accessory structure, a property owner/developer may cut or remove up to 10% of the total trees on a property previously identified on a submitted tree preservation plan.
- (2) *New Home Construction/General Property Development.* In conjunction with an approved building permit for a new home construction and/or the razing of an existing home and the construction of a new home thereat, a property owner/developer may cut or remove up to 20% of the total trees on a property identified on a submitted tree preservation plan.

D. *Variance.* In the event planned construction activity would necessitate the cutting of more than 10% of existing tree stock in conjunction with a home addition or accessory structure construction, or more than 20% of existing tree stock in conjunction with a new home development or general development, a variance pursuant to section 1155 must be first obtained. The variance, if approved, shall be conditioned upon the planting of replacement trees in accordance with the tree replacement schedules of this code.

Subd. 6. *New Construction/Redevelopment Tree Preservation Plan Requirements.* A property owner desiring to build a new home, or redevelop existing property for residential or commercial purposes, shall prepare and submit to the city a tree preservation plan in conjunction with a subdivision application or building permit application. Such tree preservation plan shall include the following:

- A. A map (scale not less than 1" to 30') designating all existing structures, roads, utilities, driveways, and illustrating by species:
 - (1) All deciduous trees on the property greater than a) 3 inches in diameter for hardwood trees, and b) 4 inch in diameter for softwood trees, (measured at 48" above grade); and
 - (2) All coniferous trees greater than 6 feet in height; and
 - (3) All significant trees.
- B. A written narrative describing specific activities proposed for the property and the trees that will be affected by the proposed development.
- C. A written inventory of all trees by type, size, and species that would be at risk or will be lost to grading and construction activities.
- D. A separate inventory and description of "significant trees."

The tree preservation plan shall be prepared by a licensed land surveyor, civil engineer, arborist, landscape architect, or other person whose credentials are deemed acceptable by the city zoning administrator.

Subd. 7. Subdivision Approval - Tree Replacement.

No simple subdivision, or full plat subdivision, shall be approved by the city council except on condition that:

- A. All "Significant Trees"; and
- B. All trees to be cut down in excess of the maximum permitted under subdivision 5 hereof for construction-related tree cutting permits shall be replaced in accordance with the tree replacement schedule below.

Subd. 8. New Construction Tree Replacement Schedule:

A. Replacement Trees Size Categories Defined:

Replacement Trees Size Categories Defined			
	Size of Replacement Trees Required Per Category		
	A	B	C
Deciduous Trees	Not Less than 2" in diameter	Not Less than 2.5" in diameter	Not Less than 3" in diameter
Coniferous Trees	Not Less than 6' in height	Not Less than 8' in height	Not Less than 10' in height

- B. *Replacement of "Trees" or "Significant Trees."* Where replacement of a tree or significant tree is required, the property owner, and their agent, shall be responsible for furnishing and planting the number and size of tree(s) identified in Category A, Category B, or Category C of the following schedules:

Replacement of "Trees" or "Significant Trees"					
Size of Tree Damaged or Destroyed	Quantity of Replacement Trees Required Per Category				
	A	or	B	or	C
Coniferous: 1-1/2" diameter but less than 6' tall	1		–		–
Coniferous: 6' to 12' tall	2		1		–
Coniferous: 12' to 24' tall	4		2		1
Coniferous: 24' or taller	8		4		2
Deciduous, Hardwood: 1-1/2 " to less than 6" diameter (5" to 18" circ.)	3		2		1
Deciduous, Hardwood: 6" to less than 10" diameter (19" to 30" circ.)	4		3		2
Deciduous, Hardwood: 10" to less than 20" diameter (31" to 62" circ.)	4		2		1
Deciduous, Hardwood: 20" diameter (63" circ.) or greater	8		4		2
Deciduous, Softwood: 1-1/2 " to less than 6" diameter (5" to 18" circ.)	3		2		1
Deciduous, Softwood: 6" to less than 14" diameter (19" to 43" circ.)	4		3		2
Deciduous, Softwood: 14" to less than 24" diameter (44" to 74" circ.)	4		2		1
Deciduous, Softwood: 24" diameter (75" circ.) or greater	8		4		2

- C. *Type of Replacement Trees to be Chosen.* Replacement trees shall be of a species similar to the trees which are lost or removed and shall include those species and diversity as determined by city council resolution.
- D. *Alternate Site.* In the event a property does not offer a reasonable site for planting of replacement trees on the property, the owner shall pay to the city the fair market value of each replacement tree required per the tree replacement schedule including installation costs as determined by the city’s zoning administrator.
- E. *Source of Replacement Trees.* Replacement trees shall consist of “certified nursery stock” or state inspected transplant stock as defined by Minnesota statutes chapter 18 as amended.
- F. *Tree Survival.* Replacement trees shall be chosen with consideration given to the available soil types and available space such as to accommodate the anticipated natural growth and survival of the replacement tree.

Subd. 9. Property Owner/Developer Warranties of Replacement Trees. The property owner shall warrant the survival of replacement trees planted pursuant to this ordinance for a term of 2 years from the date of planting. The property owner, their successors and assigns shall be responsible for the replanting of replacement trees which die during the 2 years following initial planting or replanting. The property owner shall be responsible to remove and restore any replacement tree that is not alive and healthy 2 years after the date that the replacement tree was planted, unless such tree was planted on public lands. In the event a dead or unhealthy tree is not replaced on 30-day written demand to the owner from the city, the property owner shall be subject to the process outlined in chapter 12 of this code book.

Subd. 10. Property Owner/Developer’s Security for Replacement Trees Planted. The owner shall provide security to the city for the performance of these obligations as follows:

- A. *Form*. Security may consist of a bond, letter of credit, or cash in such form and substance as shall be approved by the city clerk.
- B. *Amount of Security*. The amount of security until modified by subsequent city council resolution shall be 125% of the estimated cost to furnish and plant replacement trees as required in conjunction with any building permit. The estimated cost shall be at least as much as the reasonable amount charged by local nurseries for furnishing and planting of the requisite number of replacement trees. The estimated cost shall be at the sole discretion of the city.
- C. *Release of Security*. The security deposit shall be retained for the 2-year period from the date that the last replacement tree has been planted. Security may be released only to the party that made the deposit with the city, the city may retain such portion of the security deposit as is equal to the cost of:
- (1) Removing dead and unhealthy trees and planting new replacement trees; or
 - (2) Replacing any tree on which protective fencing has been encroached upon.

Subd. 11. Construction-Related Tree Protection. The city, as a condition to the grant of any building or zoning code permit, may require protective fencing, mandate that no soil disturbance occur within city engineer specified distances from a significant tree or any other city specified tree, and mandate such other action as may be necessary to preserve a "significant tree" or other city specified tree.

Subd. 12. Enforcement.

- A. *Intentional Harm of Tree*. Intentional harm, in excess of the a) property's permitted annual tree harvest; b) a valid 5 tree cutting permit; or c) a valid construction-related tree harvest shall constitute harvesting without a permit and subject the owner, and his agents, to the penalties provided hereunder.
- B. *Harvesting Without a Permit*. Harvesting without a permit is a misdemeanor and is subject to the process outlined in chapter 12 of this code book.
- C. Prohibitions on actions by a property owner extend to and are binding on the property owner's heirs, administrators, successors, assigns, agents, invitees, guests, employees, and independent contractors. A general, or sub-contractor, engaged by a property owner shall, for the purpose of this ordinance, be considered an authorized agent of the property owner.

Subd. 13. Municipal Projects Tree Replacement in Conjunction with Public Improvement Projects. All public improvement projects conducted by the city shall be required to replace trees lost in the course of such public improvement projects in accordance with the tree replacement schedule.

Subd. 14. Prohibition Against Tree Removal Within the Shore Impact and Bluff Zones. No person shall cause to be killed, cut, diseased, or removed, trees located within the shore impact zone or within a bluff impact zone without a tree removal conditional use permit first obtained from the city and such additional permits as may be required from the Department of Natural Resources. Removal of a tree within the shore impact zone or within a bluff impact zone shall constitute "harvesting without a permit" punishable as provided above.

Subd. 15. Ordinance Administration. The administration of this ordinance shall be through the offices of the city zoning administrator who shall have the authority to sign complaints of violation. Fees for permits hereunder shall be set by the city council from time to time and set forth in chapter 5 of this code book.

Subd. 16. Tree Contractor License Required. No person may conduct or offer commercial (service for hire) tree trimming or removal services in the city without first obtaining a tree contractor license. The license shall be issued on an annual basis and licensees must pay the fee and provide proof of insurance in the amounts set forth in chapter 5 of this code book. (THIS SUBD. ADDED JAN. 2012 ORD. 204, THIS PARAGRAPH ALSO INCLUDED IN SECTION 435.00)

Section 1140.85. Diseased Trees.

Subd. 1. Declaration of Policy. The city has determined that the health of the shade trees in the city is threatened by fatal diseases such as Dutch elm disease and oak wilt. It further has been determined that the loss of the shade trees growing upon public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare, and convenience of the public. It is declared to be the intention of the city to control and prevent the spread of these and other diseases and this section is intended for that purpose.

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

- A. 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.

- B. 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).
- C. Any living or standing oak tree or part thereof infected to any degree with oak wilt.
- D. Any living or standing tree affected by any other pathogen determined to be harmful by the state of Minnesota.

(THIS SUBD. AMENDED MAY 2012 ORD. 209)

Subd. 3. Abatement. It is unlawful for any person to permit any public nuisance as defined in subdivision 2 to remain on any premises owned, leased, occupied, or controlled by them. Such nuisance may be abated in the manner prescribed by this section.

Subd. 4. Inspection and Investigation.

1. Upon request the city forester, their agents or employees, or the certified tree inspector, shall inspect trees to determine whether any conditions described herein exist thereon. They shall investigate and report incidents of infestation by Dutch elm disease, elm bark beetles, or oak wilt fungus to the council.
2. The city forester, their agents or employees, or the certified tree inspector after giving due notice, may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to them hereunder.
3. The city forester, their agents or employees, or the certified tree inspector, after on-site inspection and investigation have revealed conditions indicating Dutch elm disease infestation or oak wilt infestation, shall notify the owner, lessee, occupant, or person in control of the property inspected of the existence of these conditions and of the trees or wood affected.

Subd. 5. Abatement of Shade Tree Disease Nuisance on Public Property. In abating the nuisances defined herein, the city forester, their agents or employees, or the certified tree inspector, shall cause the infected tree or wood to be removed and burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of the disease. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designed by the commissioner of agriculture of the state of Minnesota.

Subd. 6. Abatement of Shade Tree Disease Nuisance on Private Property. Whenever the city forester, their agents or employees, or the certified tree inspector, finds with reasonable certainty that the infestation defined in subdivision 2 exists in trees or wood located on private property outside any public way in the city, they shall notify the owner, lessee, occupant, or person in control of such property on which the nuisance is found, of the infestation and direct that the infestation shall be removed and burned, or otherwise effectively treated in a manner approved by the commissioner of agriculture of the state of Minnesota, by such owner, lessee, occupant, or person in control within 20 days after receipt of such notice. The notice also shall state that if such nuisance shall not be abated by the owner, lessee, occupant, or person in control within the time provided, the owner, lessee, occupant, or person in control may be charged with a violation of this section for maintaining a nuisance and that the city may abate the nuisance and assess the costs against said property. If the owner, lessee, occupant, or person in control of any private premises upon which such a tree or wood is situated fails to have such tree or wood removed and burned or otherwise effectively treated, within 20 days after receipt of notification, the city forester, their agents or employees, or the city tree inspector, shall proceed to have such tree or wood removed and burned or otherwise effectively treated, and any expense incurred by the city in so doing shall be a charge and lien upon the said property and shall be collected as a special assessment in the same manner as other special assessments.

Subd. 7. Collection of Assessment. The amount of the expense for such abatement, and not reimbursed by the owner on or before September 1 of each year, shall be reported by the city forester, their agents or employees, or the city tree inspector to the city clerk and the city clerk shall assess and levy and cause to be collected the amount of such expense as a special assessment upon and against said premises and property upon which said nuisance existed in like manner as such other special assessments payable in one sum.

Subd. 8. Sale, Storage and Transport of Elm and Red Oak Wood.

1. It is unlawful for any person to transport, store or sell within the city any bark-bearing elm wood, or red oak wood infected with oak wilt, or any other diseased wood.
2. Firewood storage for bark-bearing elm wood may be granted only for the period from September 15 to April 1.
3. Any such wood sold, stored or transported contrary to the provisions of this section must be removed and properly disposed of at the owner's expense within 24 hours of receipt of removal notice. Any such wood not so removed may be seized and destroyed by the city and all costs incurred assessed against the owners.

Subd. 9. Interference Prohibited. It is unlawful for any person to prevent, delay, or interfere with the city forester, their agents or employees, or the certified tree inspector while they are engaged in the performance of duties imposed by this section.

Subd. 10. Positions of City Forester. The position of city forester is hereby created. The city council shall designate from time to time the person who shall perform the duties of city forester.

Subd. 11. Certified Tree Inspector. The city clerk may designate one or more persons who are certified by the commissioner of agriculture of the state of Minnesota as certified tree inspector for the city.

SECTION 1145. NONCONFORMING USES.

Section 1145.00. Nonconformities.

- (a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
- (1) the nonconformity or occupancy is discontinued for a period of more than 1 year; or
 - (2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the city may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50% of the required setback from the water is destroyed by fire or other peril to greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
- (b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. The city may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit the city from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.
- (c) Notwithstanding paragraph (a), the city shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.
- (d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder prior to December 1, 1992 that do not meet the requirements for lot size or lot width. The city shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (d) to (j).
- (e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
- (1) all structure setback distance requirements can be met;
 - (2) the lot is connected to a public sewer; and
 - (3) the impervious surface coverage does not exceed 30% of a residential lot or 75% of a commercial lot.
- (f) In a group of 2 or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
- (1) the lot must be at least 66% of the dimensional standard for lot width and lot size for the zoning district;
 - (2) the lot must be connected to a public sewer;
 - (3) impervious surface coverage must not exceed 30% of each residential lot or 75% for each commercial lot; and
 - (4) development of the lot must be consistent with the city's comprehensive plan.
- (g) A lot subject to paragraph (f) not meeting the requirements of paragraph (f) must be combined with the 1 or more contiguous lots so they equal 1 or more conforming lots as much as possible.

Gus Karpas

From: Charles Wendle <charleswendle@msn.com>
Sent: Tuesday, May 15, 2012 10:32 PM
To: GusKarpas@mchsi.com
Cc: Keith@BloomingtonCarpetOne.com
Subject: 20965 Channel Drive

Gus:

As per our telephone conversation, please make certain that the members of the Greenwood City Council and Planning Commission understand that the five trees that Keith and Stacy Carlson intend to cut down on the subject property should be cut down. Also, I have discussed the matter with Mr. Carlson and he assures me that he intends to replace these trees with appropriate trees for the site.

Most of these trees A) are very old willow trees, B) are substantially beyond the normal life for such species of tree, and C) are a hazard to the health and safety of the residents in our neighborhood. Our family has been living in fear for many years that one or more of these trees will fall and strike our home during a storm.

During the last 5 to 10 years, large sections of some of these trees have come down during storms.

I would encourage any City Council and Planning Commission member who has any concerns to visit the site to confirm the dangerous nature of these trees.

Thank you,

Charles Wendle
20900 St Albans Green
Property owner to the immediate north of the subject property

From: "Gus Karpas" <guskarpas@mchsi.com>
Subject: FW: CUP Request
Date: May 21, 2012 5:04:01 PM CDT
To: "Debra Kind" <dkind100@gmail.com>

fyi

From: Stacy Carlson [mailto:stacyca123@gmail.com]
Sent: Monday, May 21, 2012 3:56 PM
To: Gus Karpas
Subject: Re: CUP Request

Gus,

Please extend the Conditional Use Permit to June 30th 2012 so that the Council can act on our request at the June 6th meeting. Let me know if you should need anything else.

Thanks!

Stacy Carlson

On Mon, May 21, 2012 at 11:45 AM, Gus Karpas <guskarpas@mchsi.com> wrote:
Stacy,

The 60-day deadline for your Condition Use Permit application, based on the date of your signature is May 31st, I need you to send me a response to this email extending that deadline to June 30th, permitting the Council to act on the request at their next regularly scheduled meeting on June 6th. If I do not receive such an email the Council will have to schedule a Special Meeting and deny the request.

GUS

From: Manuel Jordan <manuel@heritageshadetree.com>
Subject: Tree removals at 20965 Channel Dr
Date: May 16, 2012 4:57:25 PM CDT
To: Gus Karpas <guskarpas@mchsi.com>
Cc: Debra Kind <dkind100@gmail.com>

2 Attachments, 855 KB

Gus,

I had a chance to meet with Josh Koller from Southview Design at the property to have him explain to me their plans for tree removals and replacement for the site. Here is a summary of the findings:

- 1 - There are 8 trees they are planning on removing from the site: a 52" willow on the northeast side of the home that is 12' from the channel; a 16" white pine on the northwest side of the home that is 25' from the channel; two willows (39" and 50") on the northwest side of the home and within a few feet from the channel and lake; a 23" green ash on the west side of the home; 3 river birch trees (14", 21", 21") on the southwest side of the home, one of which is 24' from the lake.
- 2 - The green ash is considered a noxious tree as per the city ordinance, so no mitigation is needed
- 3 - The two willows (39" and 50") on the northwest side of the home are structurally unstable, making the need for mitigation null; this was the reported opinion of their arborist and I agree with said classification
- 4 - After eliminating the 2 willows and the green ash, there are a total of 5 significant trees that they want to be removed: one softwood tree (50" willow), one conifer (16" white pine) and one hardwood (14" river birch) within the "shore impact zone"; two hardwoods (both 21" river birch trees) outside of the "shore impact area"
- 5 - The city ordinance allows for 2 significant trees to be removed per property per year; so the 2 river birch trees that are not close enough to the water to be classified as within the "shore impact zone", would fall under this realm, leaving 3 significant trees to be mitigated via planting
- 6 - Based on the species and sizes they reported they will be replanting on the site, they meet the ordinance replacement requirements for number and size of trees: they propose planting 4 evergreens (9'-10' tall each); 4 deciduous trees of 2 3/4" caliper. That equals 4 category C trees and 4 category B trees.
- 7 - Placement of the mitigation trees is as follows: 3 evergreens north and northwest of the home within the "shore impact zone", the other evergreen on the southwest side of the home outside of the "shore impact zone" for neighbor screening purposes (its just outside the "shore impact zone" by 10'-15'); the 4 deciduous trees are to be placed on the front of the home.
- 8 - The reported species of the replacements are as follows: 4 black hills spruce trees, 1 red maple and 3 quaking aspens

I recommend the following:

Grant the variance and permit request for the tree removals under the following conditions:

- 1 - Add two deciduous trees to the "shore impact zones" to the west of the home (one between the single evergreen and the lake, the other to the south of the western-most evergreen on the north-side of the property); add another deciduous tree to the east of the evergreens on the north side of the home in the "shore impact zone". This would add up to 6 trees in the "shore impact zone", and 2 out of it.
- 2 - Change the species of the deciduous trees to be hardwoods only, i.e. birch, elm, ironwood, hard maple, oak or walnut. Since there is only one softwood significant tree, they could argue the inclusion of the aspen trees, but they also want to do some planting outside of the "shore impact zone", so I believe this is a good trade-off based on the lot size and the proposed planting density

Please let me know if you or the commissioners have any questions.



Agenda Number: **7C**

Agenda Date: 06-06-12

Agenda Item: Discuss Possibility of Installing a Canoe Rack at the Meadville Boat Launch

Summary: At the 05-16-12 planning commission / city council joint worksession, Kristi Conrad suggested the idea of installing a canoe rack at the Meadville boat launch. The consensus of the group was that it would be a good idea and that the council should consider the topic at the 06-06-12 council meeting.

Since the joint worksession the following information has been gathered: Deephaven's Carson's Bay canoe racks measure 9 feet long x 7 feet deep x 4 feet tall. Each rack holds 4 canoes. The racks are constructed by public works and are made of metal piping. Public works also can construct taller racks that hold 6 canoes. Due to the weight of the canoes, the racks are affixed to the ground. Each canoe rack costs \$800-\$1,000 to build depending on whether it holds 4 or 6 canoes. The city of Deephaven charges \$100 for each canoe rack space and their use is determined by a waiting list. Since the canoe racks are located on land, their use is not regulated by the LMCD.

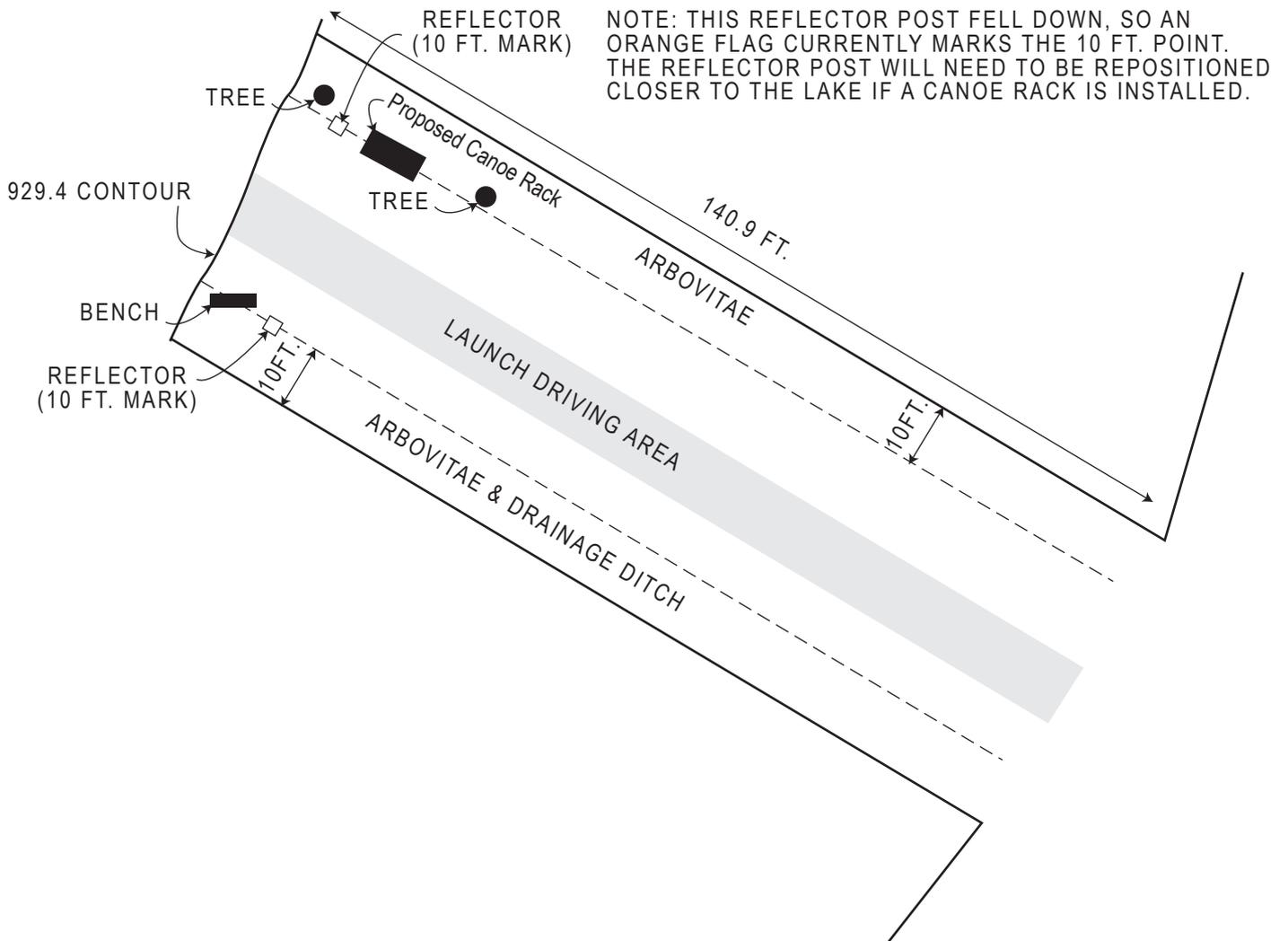
If the council desires to move forward with the installation of a canoe rack or racks, an ordinance needs to be drafted to establish procedures for application and use of the rack spaces. The ordinance could be drafted while the rack is being constructed. A site plan showing a possible location of a canoe rack is attached. Note: In anticipation of the possibility of installing canoe racks, the council approved a canoe / kayak permit fee of \$60 in 2010 (included in the fee schedule located in section 510 of the code book).

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

1. I move the council directs the city clerk to order public works to install a rack for _____ (4 or 6) canoes at the Meadville boat launch as indicated on the attached site plan.
2. I move the council directs the city clerk to order public works to install a rack for _____ (4 or 6) canoes at the Meadville boat launch as indicated on the attached site plan with the following revisions: _____.
3. I move the council directs the city clerk to draft an ordinance establishing the procedures for application and use of the canoe rack spaces and place on the _____, 2012 council agenda for a first reading.
4. Do nothing.

GREENWOOD MEADVILLE LAUNCH SITE PLAN

05-29-12



SCALE: 1 mm = 1 foot



Agenda Number: **7D & 7E**

Agenda Date: 06-06-12

Agenda Item: Election Judges, Absentee Ballot Board, Absentee Ballot Counting Procedures

Summary: These are routine election-year resolutions that must be approved by the council.

Council Action: Required. Possible motions ...

1. I move the council approves resolution __-12 appointing election judges and the absentee ballot board.
2. I move the council approves resolution __-12 establishing ballot counting procedures.

RESOLUTION NO. 8-12

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF GREENWOOD, MINNESOTA**

**APPOINTING THE 2012 STATE PRIMARY AND GENERAL ELECTION JUDGES AND
ESTABLISHING HENNEPIN COUNTY AS THE ABSENTEE BALLOT BOARD**

WHEREAS, Minnesota Election Laws require the certification of Election Judges for the State Primary Election and General Election to be appointed by the governing body of the municipality prior to the elections.

WHEREAS, said list includes those individuals who have agreed to serve as an Election Judge; and

WHEREAS, the City Clerk has the authority to add additional Election Judges, if needed, to conduct the 2012 Primary and General Elections; and

WHEREAS, the City of Greenwood has one voting precinct and the City Hall will serve as the absentee ballot center for the residents of Greenwood; and

WHEREAS, State Statute Section 203B.121 stated that an Absentee Ballot Board must be established by the City to facilitate the absentee process for an upcoming election;

NOW, THEREFORE BE IT RESOLVED, that the Greenwood City Council hereby approves the list of election judges, attached hereto and made part hereof as Exhibit A, to officiate at the State Primary and General Elections, with the understanding that amendments may be necessary to the appointments in order to fill vacancies and meet party splits; and approves payment of an hourly wage of \$9.00 per hour during election judge training and time served on election day.

BE IT FURTHER RESOLVED, the Greenwood City Council hereby approves Hennepin County Election Officials and City Election Officials to serve as the Absentee Ballot Board as required in State Statute Section 203B.121.

ADOPTED 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
Resolution No. 8-12**

Exhibit A

2012 PRIMARY AND GENERAL ELECTION JUDGES

Pamela Canning
Lisa Christian
Jan Gray
Bonnie Lane
Pat McGowan
Mary Jo Newman
Sally Olson
Cindy Paeper
Douglas Reeder
Judy Spiegel
Cheryl Svendsen
Henry Wudlick

City and County Election Officials

Gus Karpas
Mary Courtney
Deborah Hicks
Teresa Pendleton
Hennepin County Absentee Ballot Board

**City of Greenwood
Resolution No. 9-12**

A RESOLUTION DESIGNATING HENNEPIN COUNTY AS THE CENTRAL COUNT LOCATION AND FOR THE USE OF THE CENTRAL COUNTER 650 FOR ABSENTEE BALLOTS FOR THE 2012 STATE PRIMARY AND GENERAL ELECTIONS.

Whereas, the passage of Session Laws Ch 194 (HF 3111) in the 2010 Minnesota legislative session provided for centralized processing and counting of absentee ballots in Minnesota counties and cities, and

Whereas, in order to permit the timely and effective processing and counting of absentee ballots, the City of Greenwood requires the use of an electronic central ballot counter, and

Whereas, Hennepin County has leased two Elections Systems and Software Inc. Model 650 central ballot counters for the 2012 election season

Whereas, the Elections Systems and Software Inc. Model 650 central ballot counter has been approved by the secretary of state pursuant to Minnesota Statutes, Section 206.57, and

Whereas, pursuant to Minnesota Statutes, Section 206.58, subd. 1, the governing body of a municipality may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, subject to approval by the county auditor, and

Whereas, the county auditor has approved the use of the Elections Systems and Software Inc. Model 650 central ballot counter in the precincts of Hennepin County,

NOW, THEREFORE BE IT RESOLVED that the Greenwood City Council hereby designates Hennepin County and its Election Officials as the Ballot Board and the Central Count Location for all absentee ballots.

ADOPTED 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



Agenda Number: **7F**

Agenda Date: 06-06-12

Agenda Item: Resolution 04-12, Hennepin County Recycling Agreement

Summary: At the 02-01-12 council meeting city clerk Gus Karpas gave a report regarding Hennepin county's new recycling program. The council directed Gus to apply for the county recycling grant and also directed Gus to contact the county to get a draft of the recycling agreement resolution for the council's consideration. As of the council packet deadline, the city has not received the draft resolution from the county. If the resolution arrives before the council meeting, hard copies will be available at the meeting.

Council Action: None required. Possible motions ...

1. I move the council approves resolution 04-12 establishing a recycling agreement with Hennepin county.
2. Do nothing.



Agenda Number: **7G**

Agenda Date: 06-06-12

Agenda Item: Resolution 10-12, Agreement for City Recycling Services

Summary: The city's contract with Vintage Waste Systems began on September 1, 2009 and included the option for two 1-year extensions if agreed upon by both parties. Last year the city council approved the second of the two 1-year extensions for service to be provided from September 1, 2011 through August 31, 2012. There are no more options for extension in the current contract. Therefore the council sent out a request for proposals (RFP) for citywide recycling services. The deadline for providers to submit proposals is June 1, 2012. Copies of submitted proposals will be available at the June 6, 2012 council meeting. The attached resolution outlines the specifics of the agreement. The council needs to take action on the resolution before the August council meeting to ensure a recycling agreement is in place beginning September 1, 2012.

Council Action: Required by August 1, 2012. Possible motions ...

1. I move the council approves resolution 10-12 establishing a recycling service agreement between the city of Greenwood and _____, Inc.
2. I move the council continues the consideration of resolution 10-12 to the July 5, 2012 council meeting for the following reason(s): _____.

**City of Greenwood
Resolution No. 10-12**

**A RESOLUTION ESTABLISHING A RECYCLING SERVICE AGREEMENT BETWEEN
THE CITY OF GREENWOOD AND _____, INC.**

WHEREAS, the city of Greenwood desires to provide citywide residential recycling services to comply with Hennepin county requirements.

WHEREAS, the city released a request for proposals to provide recycling services beginning September 1, 2012.

WHEREAS, _____, Inc. was the lowest qualified proposer.

WHEREAS, _____, Inc. agrees to the following:

1. Collection operations shall be weekly on Thursdays (except for normal holiday adjustments), beginning no earlier than 7:00 AM and end by 6:00 PM.
2. Curbside service shall be provided for approximately 290 single-family homes and one 17-unit apartment complex (commercial properties arrange for private recycling).
3. The maximum total load weight of trucks will be 11 gross tons. Trucks with one wheel per side of the rear axle can weight up to 5 tons per axle. Trucks with two wheels per side of the rear axle can weigh up to 7 tons per axle.
4. The cost per unit shall be: \$_____
5. The cost per unit for door-side residential recycling service for approximately 10 homes: \$_____
6. Per Hennepin county requirements, a breakout of the following expenses shall be provided:
 - a.) Containers
 - b.) Collection Service
 - c.) Processing Cost Per Ton
 - d.) Revenue Sharing
7. Collection method must be by "single sort system" – all materials are combined into one container.
8. 35-gallon containers (64-gallon upon request of the homeowner) shall be provided for single-family homes, and three 96-gallon containers shall be provided for the 17-unit apartment complex.
9. Per Hennepin county requirements the minimum materials eligible for recycling must include:
 - a.) Newspaper and inserts;
 - b.) Cardboard boxes;
 - c.) Glass food and beverage containers;
 - d.) Metal food and beverage containers;
 - e.) All plastic containers and lids' #1 - Polyethylene Terophthalate (PET,PETE), #2 - High Denisty Polyethylene (HDPE), #3 – Vinyl Polyvinyl Chloride (PVC), #4 – Low Density Polythylene (LDPE) and #5 – Polypropylene (PP) plastic bottles, except those that previously contained hazardous materials or motor oil;
 - f.) Magazines and catalogs;
 - g.) Cereal, cracker, pasta, cake mix, shoe, gift, and electronic boxes;
 - h.) Boxes from toothpaste, medications and other toiletries;
 - i.) Aseptic and gable-topped containers; and
 - j.) Mail, office and school papers.
 - k.) Additional materials within one year of the city receiving notification from the county.
10. Must have an annual city trash hauler's license.
11. At the end of each year, a written report detailing types of recycling and tonnage as required by the Hennepin County Residential Recycling Program shall be provided to the city.
12. Each November a written report showing the October household participation in the recycling program shall be provided to the city.
13. The term of the contract will be for (check one):
 - Three years (September 1, 2012 through August 31, 2015)
 - One year (September 1, 2012 through August 31, 2013), with the option for two one-year renewals) if no changes are made to the contract and the renewal(s) are agreed to by both the city and provider.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, that the above outlined recycling agreement with _____, Inc. is hereby adopted and city staff and officials are authorized and directed to take necessary actions to implement the service.

ADOPTED 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

VINTAGE WASTE SYSTEMS, INC.

Debra J. Kind, Mayor

Corey Metcalf

Attest:

Gus E. Karpas, City Clerk

Emilee Metcalf



Agenda Number: **7H**

Agenda Date: 06-06-12

Agenda Item: Discuss July 4th Fireworks Contribution

Summary: The South Lake / Excelsior Chamber of Commerce coordinates the fireworks that are shot off from a barge in Excelsior Bay on July 4th. This community event draws people from the entire South Lake Minnetonka area. In 2011, the city contributed \$1345 to the fireworks fund. The council included \$1400 for fireworks in the 2012 general fund budget (7.69% increase from the 2011 contribution). This expenditure must be authorized by the council.

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

1. I move the council directs the city treasurer to disburse a check in the amount of \$_____ to the South Lake / Excelsior Chamber of Commerce for the 2012 July 4th fireworks fund.
2. Do nothing.



Agenda Item: Review Draft of Excelsior-Greenwood St. Alban's Bay Bridge Agreement

Summary: On 04-10-12 the city councils from Excelsior and Greenwood met in a joint worksession to discuss the status of our jointly-owned St. Alban's Bay bridge. A June 2006 136-page report from the Minnesota Department of Transportation lists the bridge as "eligible" to be historic because of "aesthetics." Since the 04-10-12 meeting it has been confirmed that the Art Deco detailing of the bridge is the "aesthetics" that makes the bridge eligible to be historic. There is nothing the cities can do to make the bridge "not eligible," and all "eligible" bridges must go through the same review process as bridges that are "listed" as historic. This does not mean that the cities must rehabilitate the bridge. It just means that a few hoops need to be jumped through to prove it would be better to replace the bridge than to rehabilitate it, if that is the course the cities decide to pursue. Based on preliminary numbers it appears that there would be \$200,000 in savings if the cities replace the bridge instead of rehabilitating it. At the worksession the city councils discussed the concept of having an agreement in place, 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. The cities agreed on the following next steps:

1. Greenwood city attorney Mark Kelly drafts a mutual agreement that lays out key steps in the process, establishes a method for determining engineers for the project, includes a cost-sharing plan, includes a trigger for when it is time to implement the steps in the agreement, etc.
2. Both cities review the mutual agreement and make revisions.
3. Both cities approve the final mutual agreement.

Attached is the first draft of a mutual agreement created by Mark Kelly. Once the Greenwood council reviews and makes changes to the draft of the agreement, it will be forwarded to the Excelsior city council for their consideration.

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

1. I move the council approves the first draft of the St. Alban's Bay bridge agreement and directs the city clerk to forward a copy to the Excelsior city council for their consideration.
2. I move the council directs the city attorney to make the following revisions to the draft of the St. Alban's Bay bridge agreement: _____ and place on the _____, 2012 council agenda for consideration.
3. I move the council continues the discussion of the St. Alban's Bay bridge agreement to the _____, 2012 council meeting, to give the council more time to review the draft of the agreement.
4. Do nothing.



EXCELSIOR



EXCELSIOR-GREENWOOD ST. ALBAN'S BAY BRIDGE CONSTRUCTION AGREEMENT

DRAFT 05-07-12

THIS AGREEMENT the ____ day of _____, 2012 is entered into by and between the CITY OF EXCELSIOR, MINNESOTA, a public corporation (hereinafter "Excelsior") and the CITY OF GREENWOOD, a public corporation (hereinafter "Greenwood"):

RECITALS

Excelsior and Greenwood are co-equal owners of a 1941 road bridge traversing the channel between Excelsior Bay and St. Alban's Bay, Lake Minnetonka, commonly known as the St. Alban's Bay Bridge.

The cities are collectively and exclusively responsible for all bridge maintenance and for planning for rehabilitation and/or reconstruction needed in due course.

The bridge was built under the Federal Works Progress Administration and is eligible for listing on the national register of historic places by reason of its Art Deco aesthetics.

A July, 2011 inspection evaluating functionality and structural soundness gave the bridge a sufficiency rating of 51.5 on a scale of 100. When the rating falls below 50, the bridge is considered structurally deficient. However, such a sufficiency rating does not correlate with a need to post load restrictions, close the bridge, or indicate imminent failure. A more in-depth structural evaluation will soon be conducted.

Due to the bridge's possible historic status, the Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) and the State Historic Preservation Office (SHPO) now have an interest in any proposal to rehabilitate or rebuild the bridge and must participate in the planning and review of any such project.

Federal bridge funding for replacement is available when the sufficiency rating is less than 50; the funds may also be used for rehabilitation projects. Federal funds can be applied to cover 80% of construction costs with the remaining 20% of construction costs, and 100% of design and indirect costs, being the responsibility of the cities. The Metropolitan Council processes the application for federal bridge funds.

The state bridge bond fund makes money available when a bridge is functionally obsolete and the sufficiency rating is below 80. These funds can be applied to cover 100% of the "abutment to abutment costs" on eligible rehabilitation/reconstruction projects. Roadway approach construction costs, bridge removal costs, and design costs are the responsibility of the cities. State bridge bond funds can also be used for the 20% local match required for federal bridge funds. State bridge bond funds are available upon application.

The costs of bridge replacement and rehabilitation are estimated on Exhibit "A."

The bridge being eligible to be historically significant will require a study addressing the feasibility of rehabilitation versus reconstruction. Rehabilitation may be required if possible.

Excelsior and Greenwood have a common interest in bridge rehabilitation or replacement and a need to select and agree upon engineers, architects, designers, contracts, apportionment of costs, review process, and decision-making process.

Based upon the foregoing, the cities of Excelsior and Greenwood desire to set forth their agreement for the planning, design, engineering, approval, implementation, financing, contracting, supervision, and apportionment of costs for the St. Alban's Bridge project (hereinafter 'bridge project').

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Purpose. The parties adopt the Recitals above set forth as if restated hereat. The parties agree that when the sufficiency rating of the bridge reaches 50 the two parties shall begin the planning for the rehabilitation and/or reconstruction process under the terms of this agreement.

2. Term. The term of this agreement shall run from the date hereof until the rehabilitated or reconstructed St. Alban's Bay Bridge is declared complete by the consulting engineer and all costs associated therewith are paid and related informational filings are complete.

3. Relationship of the Parties. The city of Excelsior and the city of Greenwood and independent separate public corporations.

4. Lead Engineering Consultant. The first order of business under this agreement shall be the selection of a mutually agreeable civil engineering and bridge architectural firm to serve both parties as the lead engineering consultant (LEC). It is anticipated that WSB & Associates, Inc. 701 Xenia Avenue South, Suite 300, Minneapolis, Minnesota 55416, (WSB), city engineer to the city of Excelsior and Bolton & Menk, 2638 Shadow Lane, Suite 200, Chaska, Minnesota 55318, city engineer to the city of Greenwood will provide advice and consulting services to their respective cities as needed in this process. The LEC chosen shall be contracted to serve both the cities in a common fiduciary capacity without favoritism to either city. The LEC shall prepare and present a design, planning, and review process for the anticipated bridge project, and advise the cities on the process, and how best to present the project to reviewing government agencies in the light most favorable to the cities' common interest. The LEC shall exercise due diligence in project planning, engineering, design, consultant and contractor selection, and construction supervision. The LEC shall keep both cities fully informed and consult with their administrators, mayors, council members and consultants as requested from time to time. The LEC shall provide copies of all memoranda hereon to the attention of the city administrators/managers of each party with a carbon copy to the city engineer of each. The LEC shall make periodic bridge project review presentations for the benefit of the cities at special public meetings of the two city councils to be held in common; scheduling to be agreed upon. These common special meetings shall be alternately held in each city. Each city may request special additional presentations or discussion meetings with the LEC representatives from time to time at its own expense.

5. LEC Selection. The cities shall direct their city engineers, (WSB and Bolton & Menk) to consult and in combination identify and recommend three civil engineering firms with bridge architect ability for the cities' consideration. Absent common agreement, this matter shall be referred to mediation and if necessary, arbitration. The cities understand and agree that the quality and character of the LEC, and in particular their available architectural services, is critical to the selection process. The cities agree that these services must be measured by more than mere cost per hour but must consider the LEC/architect's reputation and experience, ability to manage the project and interact with the cities and other interested governmental agencies, and the quality and character of their design abilities based on past work.

6. Apportionment of LEC Engineering Costs. The LEC shall bill the city of Excelsior and the city of Greenwood by common itemized invoice at the agreed engagement professional service rate for all work related to the bridge project. Each city shall be responsible for payment of one-half of all such invoiced professional services and related costs, provided that the cost of special additional consultations or presentations by the LEC to an individual city, as requested from time to time, shall be the sole responsibility of the individual city. Each city shall pay their share of LEC fees in due course. Neither city does hereby indemnify the LEC from loss or damages associated with non-payment by the other city.

7. Additional Advisers and Consultants. Each city may, at its sole expense, engage or hire such additional advisers and consultants, including their city engineer, as it deems appropriate to aid it in reviewing and approving proposed actions of this bridge project, including design review, historic preservation, and aesthetic review, contractor selection, and any other services either city may require. Each city shall assume and pay all such costs without right or expectation of contribution from the other city.

8. Roadway Approach Construction Costs. Each city shall be responsible for all roadway approach construction costs related to the bridge project deemed necessary to permit proper grade and access to the bridge. Roadway approach construction costs includes all road engineering, surveying, contractor fees and material costs, utility improvements and disturbances, excavation, rebuilding, grading, surfacing, and re-striping. Excelsior shall be responsible for all such costs southerly of the centerline of the existing bridge. Greenwood shall be responsible for all such costs northerly of the centerline of the existing bridge. Neither party shall have a claim one against the other for roadway approach construction costs that it may incur as needed for public right of way within its political boundaries.

9. Bridge Contractor and Costs. In the event it is found necessary to rehabilitate or remove the present bridge and related improvements, the cities agree to select and engage a single contractor for the needed work and share equally the cost of the bridge rehabilitation or removal and reconstruction, including all contract fees, renovation and disposal expenses, and related costs, independent of whether or not any particular expense or cost were incurred within the political boundaries one city or the other. The selected contractor shall be instructed to bill the city of Excelsior and the city of Greenwood by common itemized invoice contract work related to the bridge project. Each city shall be responsible for payment of one-half of all such invoiced contract work and related costs. Each city shall pay their share of contractor fees and related costs in due course. Bridge rehabilitation and removal costs include all costs related to deck, pier, and abutment demolition, reconstruction or renovation, repair and improvement, but do not include roadway approach construction costs defined above.

10. Shoreline Fishing Facilities. In the event the cities agree that the shoreline fishing facilities on the south side of the channel between Excelsior Bay and St. Alban's Bay, Lake Minnetonka will be impacted or require removal or modification in the course of the bridge project, the cities agree to seek financial contribution for associated engineering, removal and remodeling cost from Lake Minnetonka Conservation District (LMCD), Minnesota Department of Natural Resources (MnDNR), Three Rivers Park District (TRPD) and other interested governmental agencies. The cities shall share equally all unreimbursed related costs including but not limited to, engineering, design, government approval processing, dredging, abutment re-engineering, and contractor government approval fees. The cities shall cooperate in all needed applications to US Army Corp of Engineers (US Army Corps), LMCD, MnDNR, TRPD, Minnehaha Creek Watershed District (MCWD), or other interested government agency without consideration as to whether or not those costs were incurred in the political jurisdiction of either party.

11. Channel Widening. In the event the cities agree that the channel between Excelsior Bay and St. Alban's Bay, Lake Minnetonka should be dredged or widened for navigation purposes, the cities agree to share equally all related costs including but not limited to, engineering, design, government approval processing, dredging, abutment re-engineering, and contractor government approval fees. The cities shall cooperate in all needed applications to US Army Corps, LMCD, MnDNR, TRPD, MCWD, or other interested government agency without consideration as to whether or not those costs were incurred in the political jurisdiction of either party.

12. Design and Engineering Costs. The parties agree to share equally all bridge design and engineering costs and architectural fees without regard to special or extraordinary expenses associated with construction issues arising within the political jurisdiction of either party. The bridge design shall be uniform in appearance and utility from end to end. However each city may request design and approval of an architectural feature unique to their approach to the bridge not included in the architect design, provided it does not adversely impact the utility and design, and provided the requesting city assumes and pays all related costs of design, engineering and construction of same.

13. Bridge Name. The cities agree the bridge when completed shall officially be named "The St. Alban's Bay Bridge."

14. Public Utilities. In the event either city desires to make improvements to its public infrastructure in the course of the bridge project involving water, sanitary sewer, or storm sewer improvements within their individual political boundaries, all associated costs shall be the sole expense of the city making such improvements. All such improvements shall be under separate contract and by contractor other than the selected bridge project contractor.

15. Application Fees. The parties agree to share equally all application fees and the cost of supporting documentation necessary in seeking historic review, design approval, federal bridge funding applications, Metropolitan Council applications, state bridge fund applications, and any other applications including communications with US Army Corps, TRPD, LMCD, MCWD, MnDNR, MnDOT, Federal Emergency Management Agency (FEMA) or other agencies.

16. Bridge Project Review Committee Established. To manage the bridge project and to provide a forum for public presentations by the LEC, the cities shall form a Bridge Project Review Committee (BPRC). Each city shall appoint two council members of their choosing to the BPRC to serve as voting members on the BPRC. They also may direct their city engineer and request other staff or members of commissions and advisory boards to attend BPRC meetings. The BPRC meetings shall be government meetings conducted in public and duly noticed individually by each city. The BPRC meetings shall be alternately held in each city on a periodic basis as needed as the BPRC may determine or the city councils may direct. Official minutes of action shall be kept. The chair of the BPRC shall rotate between the cities on a meeting-to-meeting basis. The BPRC shall adopt its own rules of order. BPRC members are expected to keep their respective city councils informed. Each city shall have authority to exercise one vote in the BPRC on all critical bridge project approvals. The individual city councils shall have the authority to direct their BPRC representatives to vote in accordance with the instruction of the city council. For the bridge project to proceed, all critical approvals must be mutually agreeable to both cities at the BPRC. Critical approval step decisions must be ratified by both city councils in a timely manner.

With the exception of mayors, city engineer, attorney, and staff, only city council members appointed to the BPRC shall have authority to address the LEC and other presenters at BPRC meetings, only upon the majority vote of the BPRC to receive public comment or accept questions, shall public input be heard. Members of the public shall have the right to observe and at the discretion of the BPRC speak. Members of the public shall pose all comments and questions to the chair and not the LEC representatives. LEC representatives shall attend BPRC meetings and use the meetings to advise the cities on the progress of the bridge project, its review, design, and approval process. All issues requiring critical approval shall be presented to the BPRC by the LEC. The LEC shall make its representatives available at city council meetings for further advice and explanation when either city is addressing the bridge project. In the event there is not mutual agreement on a critical approval step (CAS), the issue shall be referred to the individual city councils for review and consideration. Failing agreement of the city councils on the pending CAS, the issue shall be referred to the Construction Mediation Committee before being referred to binding arbitration.

17. Rebuilding / Rehabilitation Process & Critical Approval Steps. Set forth below are the critical approval steps (CAS) in the bridge rebuilding / rehabilitation process:

1) LEC Selection

- a) Need text for here
- b) Need text for here
- c) etc....

2) Bridge Condition and Public Needs Analysis

- a) Need text for here
- b) Need text for here
- c) etc....

3) Government Approval and Funding Process

- a) Need text for here
- b) Need text for here
- c) etc....

4) Contractor Selection and Construction Process

- a) Need text for here
- b) Need text for here
- c) etc....

Each CAS will require each city to be fully informed and to conduct an efficient and timely review and approval process. The CAS decision process shall be as follows:

- (i) LEC to define and present the CAS project issue to BRPC,
- (ii) City councils to individually consider, consult, and review the CAS,
- (iii) Cities to schedule a vote on the CAS to be held within 60 days of the LEC presentation of CAS to BRPC,
- (iv) Decision to proceed by unanimous consent,
- (v) BPRC vote to reconsider (if needed) held within two weeks of step (iii), provided that in the event the LEC identifies the CAS to be exclusively effecting an individual city, and all cities so agree, then the effected city shall exercise its prerogative on the CAS within sixty days. In the event of a failure of mutual agreement in any one CAS, the cities agree to refer the CAS matter to Construction Mediation, and failing agreement in mediation the parties shall use arbitration to decide the CAS as provided below.

18. Construction Mediation. In the event of a lack of agreement on a pending CAS issue relating to the bridge project, the parties agree to refer the CAS matter to construction mediation on demand of either party. Mediation shall commence within thirty days of demand. Mediation shall be conducted at a neutral non-public location. The mayor of each city and up to one additional council member shall attend and such other advisors and consultants as each city determines beneficial may also attend. Separate meeting rooms for each city are appropriate. Each City's Mayor shall have full binding settlement authority by prior resolution of the city council to exercise the city's prerogative on the pending CAS/ issue. The mediator shall be a mutually agreeable retired Judge of District Court or AIA certified architect or civil engineer trained in mediation. An informed LEC representative shall attend to answer questions and fully inform the cities and mediator. In the event an agreement is not reached, this matter shall be referred to binding arbitration.

19. Arbitration. In the event the cities cannot reach an agreement through mediation on any given CAS/issue, the cities agree to refer the pending CAS/issue to binding arbitration by an Arbitration Committee within thirty days of either city declaring Construction Mediation a failure and making a written demand upon the other for arbitration.

The Arbitration Committee shall be comprised of two civil engineers one chosen by each city, neither of whom may be affiliated with the LEC, WSB, Bolton & Menk, or other engineering firm with a past association with either city. A third arbitrator shall be chosen by the common agreement of the two chosen civil engineer arbitrators. The third arbitrator shall be an AIA certified architect. The Arbitration committee shall request written presentations from each city and may in its discretion hear oral argument. The arbitration decision shall be issued in writing. The decision of two out of the three arbitrators shall be final and binding upon the cities on the CAS/issue posed. Each city agrees to be bound by that arbitration decision and does hereby waive all right to resort to or make application to the District Court for relief.

20. Mediation and Arbitration Fees and Costs. Each city shall bear its own costs of mediation and arbitration as needed or incurred hereunder without right of contribution from the other. The cities shall share equally all fees and expenses of the mediator and Arbitration Committee.

21. Rehabilitation vs. Reconstruction Review. The cities agree that it will be necessary to determine the relative benefits of rehabilitation versus reconstruction of the bridge and to do so they must be fully informed as to the historic value of the bridge, the cost of rehabilitation, needed safety improvements, the functionality of the bridge as presently built relative to the future needs of the community and features of a modern bridge design, the necessary and reasonable accommodation of motor vehicles, bicyclists, pedestrians, fisherman, boaters, and needs of the general public, and structural impediments to rehabilitation and efficiencies gained from reconstruction. To aid the cities in determining the cost benefits associated with rehabilitation versus reconstruction and redesign, the parties agree that the LEC shall first consult with the BPRC and the respective city councils. It shall then report to the cities on the character of the existing bridge, its utility, and the potential for rehabilitation, and the distinctions to be expected in a reconstructed bridge. Within sixty days of the conclusion of that presentation and analysis process, the city councils shall vote for either rehabilitation or reconstruction or, if possible and recommended, a hybrid thereof. In the event of no agreement is reached because one city prefers rehabilitation and the other reconstruction, the bridge project may proceed by rehabilitation, with the city advocating rehabilitation bearing all additional costs associated with rehabilitation over reconstruction, (as determined by the LEC and confirmed by the city's respective consultants. The choice of rehabilitation shall not prevent roadway approach improvements and bridge area/local public improvements desired by either city as provided under paragraph 12. In the event of no agreement on how or when to proceed, the cities agree to employ mediation and arbitration as provided herein.

22. MnDOT CRU and SHPO Approvals. When tasked by the cities, the LEC shall make inquiries with the MnDOT CRU and the SHPO to determine whether or not those agencies will support the cities' preference for rehabilitation and/or reconstruction and shall then advise the cities of the anticipated design review process needed to gain final approval and funding.

23. Federal Bridge Funding. The LEC shall advise and assist the cities on the process by which federal bridge funding application may be made through the offices of the Metropolitan Council. Each city shall bear one-half of all relate application costs as incurred.

24. State Bridge Bond Fund. The LEC shall advise and assist the cities on the process by which state bridge bond funding application may be made through the applicable agency. Each city shall bear one-half of all relate application costs as incurred.

25. Road Contractors. The cities agree that there may be cost savings to be obtained through the use of a common contractor, but reserve the right to engage a road contractor of their choice for roadway approach construction associated with the bridge project within their political boundaries. The LEC shall assist the cities in preparation of contract specifications for needed roadway approach construction improvements. The LEC shall review and comment on the tendered construction bids. The cities shall separately select and contract with the roadway approach construction contractor of their choice. In the event the cities choose to use a common contractor, the selected contractor shall be required to invoice the cities separately for their individual roadway approach construction costs.

26. Legal Costs. Each party shall bear their own legal expenses and costs associated with drafting and implementing this agreement and otherwise incurred during the term of this agreement without right of contribution from the other city.

27. Bonding and Insurance. Each party shall obtain full insurance coverage of all related aspects of the bridge project. The cities may elect to combine to issue bonds for the bridge project costs, but are not obligated hereunder to do so and not be ordered to do so by arbitration. In the event they elect to employ bonding and act independently of each other, they shall each be solely responsible for all bonding-related consultant fees and costs without right of contribution from the other city.

28. Interpretation and Effect. This Agreement sets forth the entire agreement between cities with respect to the bridge project and supersedes and revokes all prior negotiations, discussions, representations, understandings and agreements between the cities with respect to same. This Agreement may be amended only in a written instrument signed by all

parties setting forth the nature of such amendment or waiver and the specific intent to so amend or waive. This Agreement shall bind and run to the benefit of the cities and their successors and assigns. This Agreement is executed in and shall be governed by and construed in accordance with the provisions of the laws of the state of Minnesota. Headings in this Agreement are for reference only, and shall not be deemed to alter the interpretation of any provision of this Agreement.

IN WITNESS WHEREOF, the parties have entered into this agreement as of the date and year first above written.

Dated: _____

CITY OF EXCELSIOR
A Public Corporation

By Nicholas Ruehl, Mayor

Attest: _____
Kristi Lugar, City Manager

Dated: _____

CITY OF GREENWOOD
A Public Corporation

By Debra J. Kind, Mayor

Attest: _____
Gus Karpas, City Clerk



Agenda Item: Discuss Parking Options by City Docks

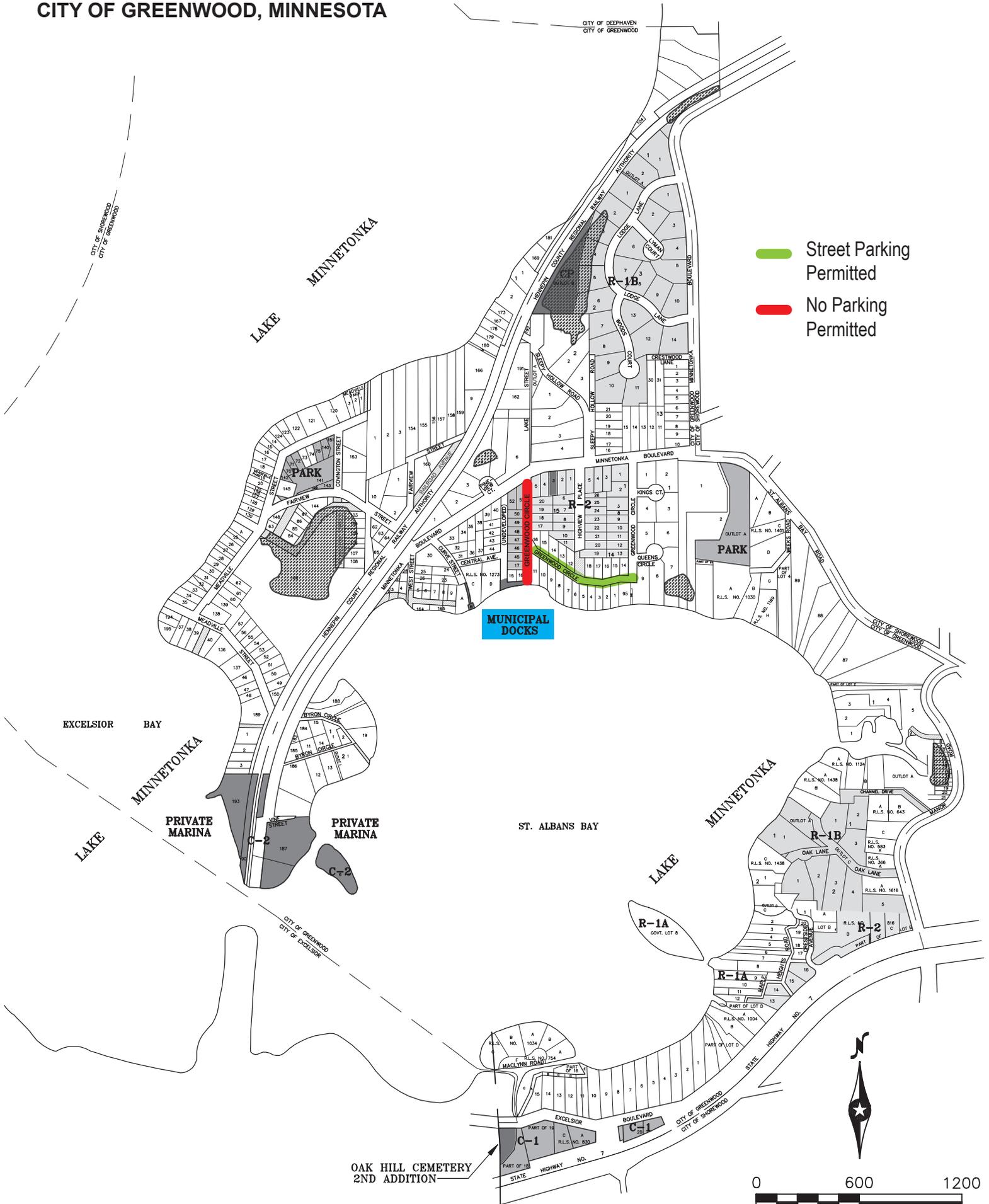
Summary: This year there are three new people at the city docks. They are wondering where they are supposed to park when using their docks, because the street near the docks is posted as "no parking." The attached map shows the area. If the council desires to improve the parking options by the city docks, here are a couple concepts for the council's consideration:

1. Leave the "No Parking" signs as is on Greenwood Circle. Approve a new ordinance that allows residents to park in no-parking zones if they display a Greenwood window sticker (free). Send two stickers and a copy of the new ordinance to all slip holders. Note: This option would mean that any resident could get a sticker and park in any no-parking zone in the city.
2. Post "Parking by Permit Only" signs along Greenwood Circle. Approve a new ordinance that allows slip holders (and residents in general?) to park in the Parking by Permit Only area if they display a Greenwood window sticker (free). Send two stickers and a copy of the new ordinance to all slip holders. Note: This ordinance could be written specifically for slip holders or written so that other areas in the city could be posted "Parking by Permit Only" to allow resident parking in specific areas of the city.

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

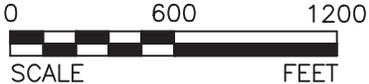
1. I move the council directs staff to draft an ordinance based on option ____ (1 or 2) above and place on the _____, 2012 council agenda for a first reading.
2. I move the council directs staff to draft an ordinance based on option ____ (1 or 2) above with the following revisions: _____. And place on the _____, 2012 council agenda for a first reading.
3. Do nothing.

CITY OF GREENWOOD, MINNESOTA



- Street Parking Permitted
- No Parking Permitted

MUNICIPAL DOCKS



OAK HILL CEMETERY
2ND ADDITION

ST. ALBANS BAY

PRIVATE MARINA

PRIVATE MARINA

MINNETONKA

R-1A



Agenda Number: **7K**

Agenda Date: 06-06-12

Agenda Item: Discuss Possibility of Power Washing City Docks

Summary: The city received a 05-23-12 letter from city dock slip holder Brian Burdick regarding maintenance items at the city docks. Most of the items are considered routine and will be taken care of administratively. City clerk Gus Karpas sent an email to Mr. Burdick on 05-26-12 to update him on the status of his requests including the comment that three of the items are considered non-routine, so those items need council approval. Mr. Burdick requested that one of the non-routine items (power washing) be considered by the council for approval. The council will discuss whether or not to authorize power washing of the city docks at the 06-06-12 council meeting.

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

1. I move the council directs staff to order power washing of the city docks if the amount does not exceed \$_____.
2. Do nothing.

BRIAN H. BURDICK

560 Market Street, Suite 12, PO Box 580, Chanhassen, MN 55317

SENT VIA EMAIL AND USPS MAIL SERVICE

May 23, 2012

Mr. Gus Karpas, Zoning Coordinator and City Clerk
City of Greenwood
20225 Cottagewood Road
Greenwood, MN 55331

Re: Maintenance Items, City of Greenwood, Municipal Docks – St. Alban's Bay

Dear Gus,

I am writing to you regarding several maintenance items at the City of Greenwood Municipal Docks on St. Alban's Bay. I have noticed that there is a general lack of maintenance for both the docks and the city owned shoreline property too.

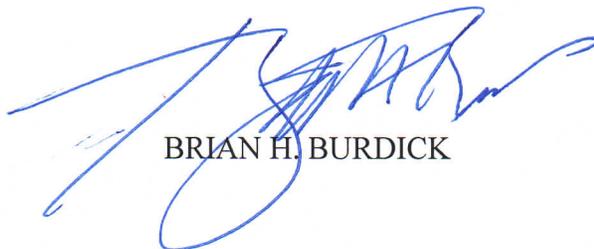
The current repair/maintenance items are as follows:

1. The dock lights need to be repaired as necessary.
2. The two (2) fire extinguishers need an updated current inspection tag and both cabinets need to be repaired. I am sure that the city wants to have the proper annual inspection tags on both fire extinguishers.
3. The docks need a complete cleaning. The docks should be power washed and scrubbed so that they are neat and clean.
4. The wood dock extension is nice, however, there is a step where the wood dock meets the floating docks. This is somewhat dangerous as people might trip on this step. Perhaps there should be a transition ramp. In addition, this would make the docks accessible for people with handicaps.
5. The entire shoreline property needs maintenance and improvements. The scrub brush/weeds should be cut and removed from the rock areas all along the shoreline, and the steppingstones to the docks should be raised so they are not covered with mud. The grass area needs attention too so it is attractive looking for all residents.

Gus, I think that these are all very reasonable maintenance and repair items that need prompt attention at the City of Greenwood Municipal Docks. I hope that these items can be completed very soon.

Please let me know if you have any questions. Thank you for your courtesy and prompt attention to these maintenance items.

Most cordially yours,

A handwritten signature in blue ink, appearing to read 'B. Burdick', is written over the typed name. The signature is fluid and cursive.

BRIAN H. BURDICK

BHB/lm

cc: Mayor Deb Kind
Greenwood City Council Members

From: "Brian H. Burdick" <burdickprp@aol.com>
Subject: Re: City Dock Concerns
Date: May 29, 2012 11:52:48 AM CDT
To: guskarpas@mchsi.com
Cc: dkind100@gmail.com, page.kelsey@gmail.com

Gus,

Thank you for your nice message regarding the maintenance items at the municipal docks.

It would be nice if the docks could be cleaned properly. Maybe the council will give you permission to have the docks cleaned? I think that all of the boat slip holders would appreciate seeing the maintenance of the docks.

Thanks for your help.

Please note our new central office address below.

Brian H. Burdick, President & Owner

Burdick Properties, Inc.
One Hour Cleaners, Inc.

560 Market Street ~ Suite 12
PO Box 580
Chanhassen, MN 55317

www.BurdickProperties.com
www.HourGlass-Cleaners.com
www.Tailorson79th .com

Phone: 952.474.5243
Fax: 952.474.5244
Administrative & General email: Burdickinfo@aol.com

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

From: Gus Karpas <guskarpas@mchsi.com>
To: burdickprp <burdickprp@aol.com>
Cc: 'Debra Kind' <dkind100@gmail.com>; Kelsy Page <page.kelsey@gmail.com>
Sent: Tue, May 29, 2012 11:35 am
Subject: City Dock Concerns

Brian,

This email is a follow-up to your 5/23/12 letter regarding maintenance items at the city docks. Here is the status of your requests:

- A work order for the wedge/ramp at the transition area between the dock extension and floating docks has been submitted to public works. A couple solar lights also will be added to the posts at the transition point.
- According to public works, the power to the docks has been disconnected for several years, so the light bulbs are not "burnt out." After doing a little research I found out that the power was coming from the apartments and it was deliberately disconnected by the building owner. So there is no power service at the city docks.
- The fire extinguishers are fully charged and are checked each year. The cases will be repaired.
- The grass and weeds will be mowed and weed-whipped per the usual schedule.
- Regarding the non-routine items (brush, stepping stones, and power washing) ... Your letter was distributed to the council, and so far there has been no requests regarding these items. Therefore the non-routine items will be left as is for now.

Thank you for bringing the above items to the city's attention.

GUS



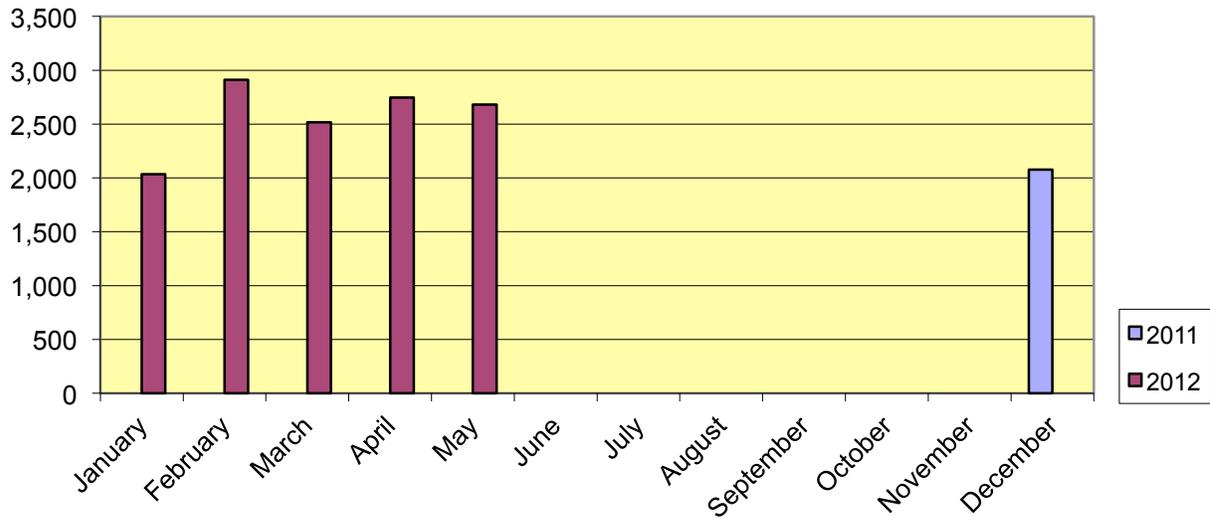
Agenda Number: **9A-E**

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	2,682	-64	2,682
June	0	0	-2,682	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	932	34.75%
Agendas, Packets & Minutes	370	13.8%
City Departments	125	4.66%
Docks	109	4.06%
Welcome to Greenwood	98	3.65%
Spring Clean-Up Day	74	2.76%
Mayor & City Council	73	2.72%
Forms & Permits	56	2.09%
Planning Commission	54	2.01%
Assessments & Taxes	53	1.98%
Photo Gallery	49	1.83%
What's New?	48	1.79%
Code Book	43	1.6%
Lake Minnetonka	43	1.6%
Crime Alert!	42	1.57%
Garbage & Recycling	38	1.42%
Budget & Finances	38	1.42%
Comprehensive Plan & Maps	35	1.3%
RFPs & Bids	34	1.27%
Search Results	33	1.23%
Meetings	33	1.23%
Events	29	1.08%
Meetings on TV	27	1.01%
Email List	27	1.01%
Swiffers NOT Flushable	23	0.86%

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.

Community Surveys	23	0.86%
Animal Services	23	0.86%
Milfoil Project	21	0.78%
Xcel Project	19	0.71%
Emergency Preparedness	18	0.67%
Links	17	0.63%
Well Water	16	0.6%
Southshore Center	14	0.52%
Old Log Community Events	14	0.52%
Elections	13	0.48%
Health & Safety	10	0.37%
Unsubscribe	8	0.3%
TOTAL	2682	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	428	28.59%
Agendas, Packets & Minutes	156	10.42%
City Departments	76	5.08%
Welcome to Greenwood	69	4.61%
Spring Clean-Up Day	60	4.01%
Mayor & City Council	54	3.61%
Docks	52	3.47%
What's New?	38	2.54%
Planning Commission	36	2.4%
Photo Gallery	34	2.27%
Crime Alert!	33	2.2%
Forms & Permits	32	2.14%
Code Book	30	2%
Garbage & Recycling	29	1.94%
Lake Minnetonka	29	1.94%
Assessments & Taxes	27	1.8%
Meetings	26	1.74%
Comprehensive Plan & Maps	24	1.6%
RFPs & Bids	21	1.4%
Email List	17	1.14%
Animal Services	17	1.14%
Meetings on TV	16	1.07%
Swiffers NOT Flushable	16	1.07%
Xcel Project	15	1%
Community Surveys	15	1%
Budget & Finances	15	1%
Milfoil Project	14	0.94%
Events	14	0.94%
Well Water	14	0.94%
Search Results	14	0.94%
Links	13	0.87%
Old Log Community Events	13	0.87%
Elections	12	0.8%
Southshore Center	12	0.8%
Health & Safety	10	0.67%
Emergency Preparedness	9	0.6%
Unsubscribe	7	0.47%
TOTAL	1497	100%

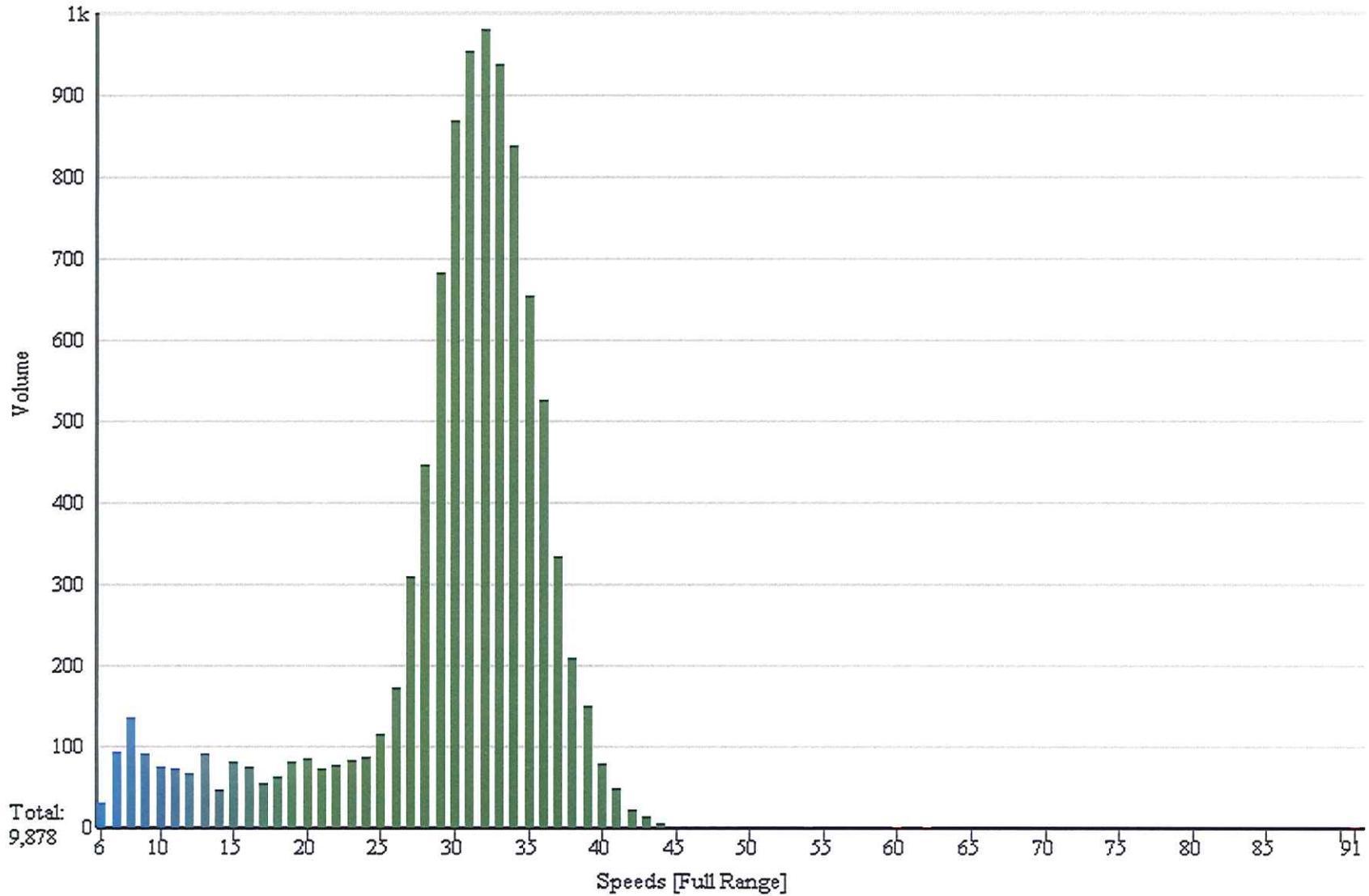
Generate Download File (.csv) for the current report:

Place Currently Not Set
Speed/Volume Graph

Location: Minnetonka Blvd/West Street
Dates: 04-17-12 to 04-23-12

Zone: Residential
Speed Limit: 30 MPH

Travel Direction: S



**Place Currently Not Set
Traffic Survey Summary**

Location: Minnetonka Blvd/West Street
 Start Date: 04-17-12
 End Date: 04-23-12

Zone: Residential
 Start Time: 11:53:55
 End Time: 14:51:07
 Travel Direction: S

Speed	1 - 19	20 - 21	22 - 23	24 - 25	26 - 27	28 - 29	30 - 31	32 - 33	34 - 35	36 - 37	38 - 39	40 - 999
Volume	1081	161	163	206	486	1130	1823	1918	1494	862	362	192
% of Total	10.94%	1.62%	1.65%	2.08%	4.92%	11.43%	18.45%	19.41%	15.12%	8.72%	3.66%	1.94%
									Total Vehicles: 9878			

Speed Statistics		10 MPH Pace		Number Exceeding Limit				
Posted	30	Pace Speed	28 to 37	Speed	30+	40+	50+	Total
#At/Under Limit	4096	# in Pace	7227	Number	5670	108	4	5782
# Over Limit	5782	% in Pace	73.16%	Percent	57.4%	1.09%	0.04%	58.53%
Average Speed	29.68	85% Percentile	35					



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.

1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Lucking and Commission members John Beal, Bill Cook, David Paeper and Alternate members Kristi Conrad and Douglas Reeder

Absent: None

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

2. APPROVE AGENDA

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

3. MINUTES OF December 21, 2011.

Commissioner Beal moved to approve the minutes of December 21, 2011. Commissioner Reeder seconded the motion. Motion carried 3-0-2. Commissioners Cook and Paeper abstained.

4. LIAISON REPORT

Council Liaison Fletcher informed the Commission on a number of issues including an update on the concept plan for the Old Log Theater, the action to approve the Cook variance request, the adoption of the new definition for yard, the adoption of an ordinance requiring licensing for tree trimmers, an amendment of the variance fee, the arrest of a suspect in the recent burglaries in the city, the new agenda parsing offer by the LMCC, the upcoming discussion on a sump pump ordinance, the joint discussion held with the City of Excelsior regarding the St. Alban's Bay bridge, the approval by the LMCD to permit dock extension due to the low lake levels and the appointment of Zoning Coordinator Karpas as the Assistant Weed Inspector.

5. PUBLIC HEARINGS

Keith and Stacy Carlson, 20965 Channel Drive, request to expand a lakeside deck and construct a cantilevered fireplace which would encroach into the required lake yard setback and exceed the maximum permitted impervious surface area by 6.5%.

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-six feet, two inches for the proposed deck expansion. The proposal requires a variance of thirteen feet, ten inches 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

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 18, 2012
7:00 P.M.

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 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%.

Zoning Coordinator Karpas presented his staff report outlining the request.

Chairman Lucking opened the public hearing.

Tom Betz, Betz Builders, discussed the proposal noting the request to expand the deck would not impede lake views from adjoining properties. He said the intent was to cantilever the fireplace the same amount permitted for eave extensions. He said the project would also reduce the overall impervious surface area by removing plastic landscaping material.

Stacy Carlson said the impervious surface variance was necessary due to the long driveway caused by the configuration of the lot as a flag lot.

Commissioner Beal asked about the estimated area of the "flagpole" containing driveway. Ms. Carlson said there was about 1,039 square feet of impervious surface in that area. Beal said he thinks it would be reasonable to remove the flagpole impervious surface and the total flagpole area from the hardcover percentage calculation. Commissioner Conrad asked about the use of permeable pavers. Zoning Coordinator Karpas said they are counted as impervious surface area. Ms. Carlson said she feels the request is pretty modest and the intent is to maintain the existing structure rather than tearing it down.

Commissioner Conrad asked about the proposed entryway. Ms. Carlson said it would just be a roof structure on some pillars. She said it would not have walls.

Commissioner Beal noted there were no overhangs on the gabled end of the roof. He said the city has had a tendency to permit extensions under the eave.

Commissioner Conrad asked if the fireplace would count as impervious surface area. Chairman Lucking said it usually is not since water can reach the ground beneath it.

Commissioner Paeper said he was confused by the survey. He asked about the exact location of the deck. Ms. Carlson said the survey shows the deck with the existing patio below it. Commissioner Cook asked if the screen porch would be removed. Ms. Carlson said it would. Commissioner Beal asked if there would be a room under the deck. Ms. Carlson said there would not.

Commissioner Paeper asked why the deck needed to be expanded. Ms. Carlson said the existing deck is small. Chairman Lucking asked if it was an at grade deck. Ms. Carlson said it was a second floor deck. Paeper asked if there was pavement under the deck and whether the deck was included in the impervious surface area. Ms. Carlson said there was some type of hard surface under it and the deck did not alter the impervious surface calculation since it was built over existing hardcover.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 18, 2012
7:00 P.M.

Commissioner Cook said he had no concerns about the hardcover request and feels there has been some precedence set with the fireplace proposal, but he has concerns about the increased encroachment of the deck. He suggested there may be a way to reconfigure the deck and gain the desired space without encroaching closer to the lake. Chairman Lucking suggested the deck could be extended across the face of the house and not encroach any further into the required setback while gaining the additional space.

Commissioner Cook said he did some calculations and it doesn't appear that impervious surface changed with the removal of the driveway area.

Commissioner Beal commented he didn't believe the deck was constructed at the same time as the house. Ms. Carlson said the deck is small and there's very little hardcover area left. She said the outdoor space is tight and they want a nice area to enjoy the views.

Commissioner Conrad asked if the patio would be removed. Ms. Carlson said it wouldn't but that the wood border would be replaced. Conrad commented that the patio already serves as an outdoor space.

Hearing no further public comment, the hearing was closed.

Commissioner Beal said he was not bothered by the fireplace and front entry and liked the idea of reducing the impervious surface area, but didn't support placing the deck closer to the lake. He felt this could create precedence. Commissioner Paeper agreed.

Chairman Lucking also agreed.

Commissioner Paeper asked if there was an option of extending the deck along the lakeside of the home. Chairman Lucking didn't believe there would be an issue. Commissioner Beal said he didn't want to micro-manage the applicant's design. City Attorney Kelly discussed a past request that included a similar situation. He said in that case, the city said the encroachment could not be increased since it deviated from the interpretation of the Shoreland ordinance. Commissioner Beal clarified that the deck could not be extended even if it didn't increase the encroachment. Mr. Kelly said no.

Ms. Carlson commented that the Commission was basically telling them they are stuck with the deck as it exists. Commissioner Beal said the Commission is not allowed to expand the non-conformity. Council Liaison Fletcher discussed the sale price of the property, noting the value of the property was based on the limitations of the lot.

Ms. Carlson asked about the process since it makes sense to continue the deck portion of the request. City Attorney Kelly said extending the request an additional month gives greater flexibility to the Planning Commission in the review process otherwise they would have to make a recommendation on the request as presented.

Ms. Carlson said she would like to continue the deck portion of the request, but seeks a recommendation for the variance requests related to the proposed cantilevered fireplace and front entryway. City Attorney Kelly clarified the applicant wanted no action on the proposed deck. Ms. Carlson said that was correct.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 18, 2012
7:00 P.M.

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.

6. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 8:08 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator

**GREENWOOD DOCK WAITING LIST #1
OFFSHORE RESIDENTS**

	Date signed up	if same day (a,b,c, etc)	Last Name
1	10/6/2003		Thiss
2	2/13/2004		Erickson
3	3/15/2004		Beutel
4	7/1/2004		Hall
5	8/1/2004		Roberts
6	8/17/2004		Notz / Carlson
7	3/28/2005		Norman / Hogan
8	4/19/2005		Dale
9	4/20/2005		Bechtell
10	4/26/2005		Saari
11	8/15/2005		Wright
12	1/5/2006		Quackenboss
13	7/5/2006		Nelson
14	10/1/2006		Ruelle
15	8/28/2007		Robinson
16	11/17/2007		Sjoberg
17	3/28/2008		Holt
18	3/20/2009	A	Larson
19	3/20/2009	B	Lindberg
20	6/24/2009		Teeter
21	7/13/2009		Griffing

GREENWOOD DOCK WAITING LIST #1 -OFFSHORE RESIDENTS

	Date signed up	if same day (a,b,c, etc)	Last Name
22	7/23/2009		Chris / Baidah
23	7/28/2009		Blanchard
24	11/23/2009		Rogers
25	12/29/2009		Weston
26	12/30/2009		Conrad
27	1/20/2010		Lewis
28	3/8/2010		Feist
29	3/13/2010		Schultz
30	7/7/2010		Pearson
31	2/23/2011		Brandel
32	3/15/2011		Brown & Pyzdrowski
33	4/5/2011		Schmitt, Jr.
34	4/6/2011		Bohnenkamp
35	5/6/2002		Sullwold
36	4/18/2011		Forst
37	6/8/2011		Brost
38	3/28/2012		Rusing
39	4/9/2012		Stolz

Lake Water Quality Grades, 2001 – 2011

Lake Minnetonka

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Black Lake				C+		C+	C+	B+	B-	B	B-
Browns Bay											
Carman Bay				B+		B+	B	A-	A	A	B+
Carsons Bay				A	A-	B+	B+	A	A	A	A-
Cooks Bay	B+	C+	B	B-	B-	B	C+	B	B	B	B-
Crystal Bay	B+	C+	A-	B+	B	B-	B-	B+	B	A	B-
East Upper Lake				B+	A-						
Forest Lake	D+	D+	D	C	C-	D	D+	D+	D	C	C-
Gideon Bay				A							A-
Grays Bay				A	A	B+	B	A	B+	A-	A
Halsted Bay	C-	C-	D+	C-	C-	D+	D	D+	D	D	D
Harrisons Bay	C-	C	D+	C	C-	D	D+	C-	C-	C	D+
Jennings Bay	D+	C-	D+	C-	D	D	F	D	C-	D	D
Lafayette Bay					B+	B+	B-	A	A	A	A-
Lower Lake North					B+	B+	B+	A	A	A	A
Lower Lake South/ Gale Island	A	A	A	A	A-	B+	B+	A	A	A	A-
Maxwell Bay	C+	C+	C+	B	C+	C+	C	B	C+	B-	B-
North Arm	C+	B-	B-	B	B-	B-	C+	B	B-	B-	B-
Peavey Pond	C+	C+	C	C	C	D	C-	C+	C	C	C
Phelps Bay						B+	B	A-	A-	A	B+
Priests Bay				C-	B-	C+	C+	C+	C+	C+	C
St. Albans Bay	B+	A-	A	A	A	B+	B	A	A	A	A-
Smithtown Bay				B+	A-	B	B	A	B+	A	B+
Spring Park Bay	A-	B+	A	A-	B+	B	B	A-	A-	A	A-
Stubbs Bay	C	C-	C-	C	C-	D+	C-	C	C	C	C
Tanager Lake	D+	C-	D	D-		D	D-	D	D	D+	D
Wayzata Bay	A	A-	A	A	A-	B+	B	A	A	A	A
West Arm	D+	C-	D+	C	C	D+	D	D+	C-	C	C-
West Upper Lake/ Crane Island	B+	B+	B+	B	A-	B	B-	B+	B+	A	B

SOUTHSHORE COMMUNITY CENTER

2011

Annual Report on Operations



Southshore Community Center

2011 ANNUAL REPORT ON OPERATIONS

PROGRAMS AND EVENTS

At the close of 2011, the City of Shorewood and Community Rec Resources (CRR) renegotiated their annual contract increasing CRR hours to 35 hours per week, from the previous 17+ hours per week in the previous agreement. Under the new contract, CRR will continue to focus its efforts on expanding program offerings and community events for all ages, as well as, build relationships within the community and promote facility rentals as it has done the past two years.

Despite a difficult economy, corporate and business clientele remained steady during the year, bringing in approximately 400 people for various business needs. While maintaining several of our annual partnerships, such as those with BNI (Business Networking Group), Emmaus Church, Gene German - Permit to Carry, Lucille Crow, and AAA Driving, CRR continues to strive to attract corporate groups such as Cargill, UPS, and General Mills. These, in addition to our commercial kitchen clients, such as Zoe's Gone Bananas, Beyond the Grain, and Extra Dough, are a staple as CRR continues to meet with potential small business 'baking' clients to help them thru the process with the County.

Although word of mouth continues to be our best advertising tool, CRR partnered with Saga Hill Cooking School to create and execute a Groupon Coupon promotion. As reported in a memo dated 8/11/2011, this marketing campaign delivered over a combined 7,000 website hits for the ad, and an estimated 1,056 Groupons sold for the cooking class at the SSCC. Groupon reported that the ad reached an estimated 400,000 people that would, likely, never have seen or heard of the SSCC before. While admittedly a short lived bump, the estimated 1,100 people that the Groupon brought in to the Center created an awareness for the Center that had not existed previously. CRR will continue to look for these potential partnerships for 2012.

As noted in 2010, CRR goes to great lengths to bring attention to the Center by building relationships within the community and developing classes and events for people of all ages. One of the greatest assets built this past year was the approval and installation of the Digital Monument Sign on County Road 19, to the rear of the building, as well as the placement of the smaller directionals and City Hall monument sign. The positive impact of the digital sign was noticed immediately in October via more class inquiries and

registrations for those posted on the sign, inquiries into potential rental clients, and requests by instructors to utilize our space to host their classes. As a key 'arrow in our quiver', CRR updates the sign daily to reflect and entice residents to our many offerings. While clearly a wonderful addition, CRR would suggest more be done to make the building 'noticeable' from the back along County Road 19 so that people understand what the sign is 'marking' – several comments we've heard from the public, despite the digital sign on our backside, who or where is the digital sign referring to.

In addition to our popular features and community events, such as cooking classes with Chef Connie Blanchard, senior fitness classes, Graduation Expo, Oktoberfest, Community Wide Garage Sale, Garden Fair, Arctic Fever Princess Tea, Pampered Me Holiday Boutique and holiday parties, CRR continues to add numerous activities



and provide an outlet for community offerings, such as “One Book, One Community library events, watershed public forums and city meetings, flu shots, election training and elections.

Some of the most exciting additions to our programming calendar included Fused Glass Art classes, new Zumba & Cardio kick boxing, a Daddy-Daughter Cinderella Ball, Senior Safety Month guests from the Fire and Police Departments planned for spring of 2012, an upcoming Pampered Me Spring boutique, youth karate, and our prized new partnership with Mrs M, a children's educator and Naturalist, who began hosting youth classes and activities in late 2011. We are very excited to continue to expand our youth programs with Mrs M in 2012.

Sentiments voiced in 2010, echo in 2011; as each and every day, new visitors discover the SSCC for the first time! In all, non-senior activities & non-park activities, via Registrationwerks (our online software registration system) which began full utilization in 2011, brought in approximately 292 NEW registered participants to the SSCC pool. CRR used the first months of 2012 to learn the Registrationwerks software system and 'clean-up', with the help of Registrationwerks training staff, the way that registrations can be tracked and reported to obtain a more accurate reflection of new users on an annual basis for the SSCC. These numbers do not include the estimated 1,100 Groupon visitors, the hundreds of people who attended community events, nor renters and their guests during the course of 2011.

IMPROVEMENTS

As noted above, CRR presented concepts for coordinated new monument signs for the city parks, City Hall, and the SSCC, which were approved and installed throughout the summer and fall of 2011. Through several fundraising initiatives, the SSCC raised \$8,080 to be put towards the purchase and installation of a new digital sign. The City of Shorewood Council agreed to support this endeavor in good faith and made up the difference of \$14,132 on the total \$22,212 project. The SSCC digital sign is located to the rear of the SSCC building which fronts County Road 19, and has proven to be a worthwhile investment by the added visibility and contacts it has generated.

USAGE INFORMATION

Usage of the community center continues to be made up mainly by those residing in the south lake area; however, online registrations and sign-in sheets collected by CRR over the course of the year, tell an interesting story – the SSCC has begun to draw people from all across the metro. In addition to the five member cities, regular users of the facility come from Chanhassen, Chaska, Minnetonka, Victoria, Mound, Orono, Plymouth, etc. If we examine visitors drawn for our events or Groupon, in addition to our own 55331 zip code, many people are coming from Wayzata, Eden Prairie, Minneapolis, St Louis Park, and Plymouth as well.

Based on the number of online registrations received during 2011, 292 people participated in community center classes and activities (outside of senior programming). *These numbers do not reflect people who would have called in their registrations and been written in on class rosters, these numbers could easily be a third higher.* Of the online registrations only, approximately 65% of the participants reside in one of the five member communities.

City	Visitors
Deephaven	9 or @ 3%
Excelsior	32 or @ 11%
Greenwood	4 or @ 1.5%
Shorewood	124 or @ 43%
Tonka Bay	20 or @ 7%

The balance of online registrations, consisting of approximately 104, came from other cities. The bulk of these visitors reside in Mound (22), Plymouth (14), Minnetonka (13), Chanhassen (12), and Wayzata (8).

To reiterate, these numbers do not reflect the 1,100 Groupon participants from across the metro area. While a majority of the cooking class participants reportedly came from the 55331 zip code area, high percentages were from Wayzata, Eden Prairie, Minneapolis, Chanhassen, Plymouth, and St Louis Park. The Groupon information was previously provided to the City Council at the August 11, 2011 meeting.

SENIOR USAGE INFORMATION

Under the oversight of the Southshore Senior Partners (SSSP), in coordination with CRR, area seniors are offered a variety of recreational and social activities such as cards, bridge, wood carving, mahjong, knitting, quilting, card crafting/stamping, exercise classes, special programs, twice weekly lunches, and more. The senior participation numbers have remained strong with the addition of new revitalized and active opportunities offered at the SSCC.

Based on the guest register, used to capture daily activity, 785 *different* individuals visited the Center on a regular basis (note, these counts do not include multiple visits by the same person). This data was compiled from Center sign in sheets maintained at the reception desk and represent people using the facility during normal business hours or special SSSP sponsored events when they can be reminded to sign in. They do not reflect patrons who attend larger community events such as Oktoberfest, parties and other privately held events.

More than the 2010 figure of 751, (which itself had fallen from the 2009 figure of 799), CRR would contend that senior participants are on the rise with 785 visitors tracked in 2011 who participate in Center activities on a regular basis. Of those visitors, about 53% reside in one of the five member communities and 47% are from other communities, which is consistent with 2010. There were 70 visitors that did not list a city. It is worth noting that attendance grew in Shorewood and Tonka Bay, two cities which distribute the SSCC flyers and brochures to their citizens; whereas, other member city attendance fell slightly.

The five member cities visitor numbers are shown in the following table:

City	Visitors
Deephaven	20 or @ 3%

Excelsior	134 or @ 19%
Greenwood	12 or @ 1.7 %
Shorewood	180 or @ 25%
Tonka Bay	36 or @ 5%

The City of Chanhassen represents the largest non-member city population of users with 78 (up from 58) or just about 11%, followed by Minnetonka with 75 or just over 10.5%. Of interest, other cities include visitors from as far as Eagan (5), Prior Lake (2), Edina (4), Apple Valley (3), to Chaska (14), Victoria (16), Spring Park (11), Maple Plain (7), Golden Valley (7), and neighbors such as Orono (15), Mound (15, and Wayzata (8).

FINANCIALS

Revenue

While the key objective for the Shorewood City Council is moving the Community Center toward a break-even status, CRR urges the Council to view the Community Center as an asset or resource to the community, just as one would view a baseball field or playground. Based on historical data, and that from other community centers in the metro area, achieving a break-even status will be an ongoing challenge for the City.

The operating revenue achieved in 2011 was \$72,229, which exceeded budget by \$6,399. The SSCC generated \$94,382 in total revenues. The graph on the following page shows the revenue for the Center in 2010 compared to 2011. Note that we do not vouch for the accuracy of data prior to June 30, 2009, since that is before the city took over operation of the center.

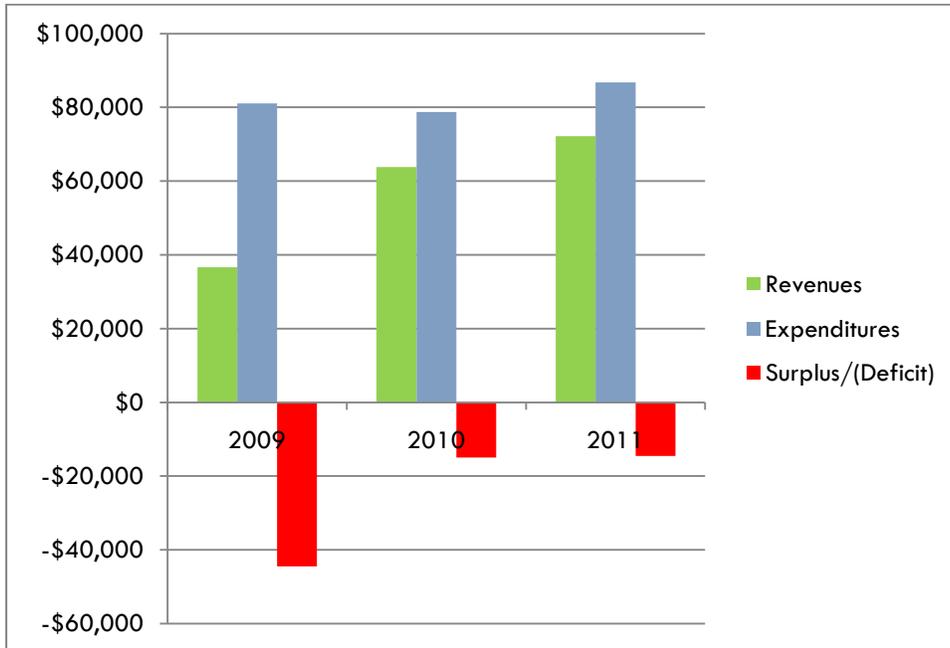
Expenditures

The capital expenditures for 2011 included the installation of monument and directional signage \$22,212, and conference chairs which totaled \$2,049. The cost to operate and maintain the Center in 2011 was \$86,791. The City of Shorewood provided \$18,326 in staff support to the Center. Although recognized as 'in-kind' support, this line item focused primarily on maintaining the Center's website and marketing.

The final subsidy needed by the City of Shorewood in 2011 for general operational costs was just over \$16,600 consisting of \$14,562 for operations and \$2,049 for chair capital outlay. While this exceeds the budgeted subsidy of \$11,300, it is consistent with the

2010 experience. The City’s expenditure estimate was based on limited information for past years activities.

The income below represents rental information only, including “long-term” rental agreements. The amounts do not include any revenue from fund raising activities, grants, or municipal contributions to help cover the general operational, capital, or programming costs.



Below are the results for 2009 - 2011.

	2009 Actual	2010 Actual	2011 Actual
Oper Revenue	\$36,619	\$63,787	\$72,229
Oper Expenditures	\$81,060	\$78,726	\$86,791
Operating Deficit	(\$44,441)	(\$14,939)	(\$14,562)
Cap Deficit - Chairs			(\$2,049)
Total Deficit			(\$16,611)
Beg Yr Fund Bal	\$41,730	(\$2,711)	(\$17,650)
End Yr Fund Bal	(\$2,711)	(\$17,650)	(\$34,261)

Staff will bring back a resolution at the May 14 meeting to transfer funds from the General Fund balance to cover the full deficit of \$34,261 at the end of fiscal year 2011.

LOOKING AHEAD

As the US economy continues to recover slowly, 2012 will also be a difficult and challenging year. Several corporate partners have indicated to CRR that they will be cutting back during the first quarter, and possibly for the entire year, due to their own bottom line issues, beyond the SSCC's control. In an effort to offset these slower months, CRR has made a concerted effort to expand programming in the first quarter 2012, and beyond. Due to this advanced planning, CRR anticipates an increase in activity at the Center with more partnerships, expanded programming and increased rental activity.

The earlier 2012 budgeted revenue projections may be a bit conservative based on the 2011 activity and only reflectes current agreements. If activity continues at the current rate, we should exceed our estimates. The expenditures include the contract fee to Community Rec. Resources for their time in managing the operations and programming at the Center. The contract has an increase in the base rate as well as an escalator built in to the percentage of income generated. Thus if income increases, so does the fee for CRR. The contract with CRR was revised at the beginning of 2012 and the city should consider amending the 2012 budget projections and discuss those in the coming months.