

AGENDA

Greenwood City Council Meeting

Wednesday, August 1, 2012
20225 Cottagewood Road, Deephaven, MN 55331



Worksession

In accordance with open meeting laws, the council worksession is open to the public for viewing, but there will be no opportunity for public participation.

- 6:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 6:00pm 2. DISCUSSION: Rules regarding city council resignations and residency requirements
- 6:15pm 3. DISCUSSION: Draft of 2013 budget
- 6:50pm 4. ADJOURNMENT

Regular Meeting

The public is invited to address the council regarding any item on the regular meeting agenda. Comments are limited to 3 minutes. Longer comments may be submitted to the council in writing. If your topic is not on the agenda, you may speak during Matters from the Floor. Agenda times are approximate. Please turn off cell phones and pagers. Thank you!

- 7:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00pm 2. CONSENT AGENDA
Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.
 - A. Approve: 06-06-12 Minutes
 - B. Approve: 07-05-12 Minutes
 - C. Approve: June Cash Summary Report
 - D. Approve: July Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: August Payroll Register
 - F. 2nd Reading: Ordinance 211, Amending Code Sections 520.15 and 525.15 (changing the deadline for delinquent sewer and stormwater payments from Sept. 30 to Sept. 15)
- 7:05pm 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.
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS
 - A. Chief Bryan Litsey: South Lake Police Department 2013 Budget and Proposed Capital Replacement Fund
- 7:30pm 5. PUBLIC HEARINGS
 - A. None
- 7:30pm 6. UNFINISHED BUSINESS
 - A. Consider: Resolution 18-12, Variance Findings of Fact, Matt and Angela Lindberg, 5160 Greenwood Circle (grade alteration)
 - B. 1st Reading: Ordinance 212, Amending Code Section 425, Municipal Watercraft Spaces (establishing procedures for canoe racks)
 - C. Discuss: Potential Clean Up of St. Alban's Shoreline Along Minnetonka Blvd.
- 8:00pm 7. NEW BUSINESS
 - A. Discuss: Implementation of "Sump Pump Program" (to ensure compliance with ordinances that prohibit discharge of clean water into the sanitary sewer system)
 - B. Consider: Authorization to Send Budget Comment Opportunity Information to County
 - C. Discuss: Potential Input Regarding MCWD Taft-Legion Project
 - D. Discuss: Potential Input Regarding LMCD Ordinance Regulating Bow Fishing
 - E. Discuss: Potential Wind Turbine Ordinance
- 8:40pm 8. OTHER BUSINESS
 - A. None
- 8:40pm 9. COUNCIL REPORTS
 - A. Fletcher: Planning Commission, Lk. Mtk. Comm. Commission, Xcel Project
 - 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
- 8:50pm 10. ADJOURNMENT



Agenda Number: **Worksession**

Agenda Date: 08-01-12

Agenda Item: Discuss: Rules Regarding City Council Resignations and Residency Requirements

Summary: On 07-07-12 Councilman William (Biff) Rose sent an email (attached) to the mayor stating that he is resigning his council seat. On 07-09-12 the "resignation" email was forwarded to the council by City Clerk Gus Karpas. On 07-13-12 Councilman Rose sent another email (attached) to the mayor rescinding his resignation. On 07-13-12 the "rescinding" email was forwarded to the council by City Attorney Mark Kelly (City Clerk Karpas was on vacation). City Attorney Kelly has drafted a memo (attached) regarding councilmember resignations.

Several residents also have raised questions regarding Councilman Rose's residency status and what the residency requirements are for a council member in general. There will be an opportunity during the worksession to discuss the topic of residency and whether or not the council would like to draft an ordinance to clarify residency requirements for city council members.

For the council's reference, attached are copies of section 200.031 Determination of Residence from the MN Secretary of State's 2012 MN Election Laws booklet, applicable pages from the League of MN Cities handbook, and MN Statute 351.02 Vacancies.

Council Action: No council action may be taken during a worksession. If the council desires to take action, the regular meeting agenda may be amended.

KELLY LAW OFFICES

Established 1948

351 SECOND STREET
EXCELSIOR, MINNESOTA 55331

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

(952) 474-5977
FAX 474-9575

MEMORANDUM

TO: Greenwood Mayor and City Council Members

FROM: Mark W. Kelly, Greenwood City Attorney

DATE: July 24, 2012

RE: Councilmember Resignations

FACTS:

On July 7, 2012 Council Member Rose submitted his resignation by email to Mayor Kind. This was distributed to the council members by the City Clerk Karpas on July 9th. On July 13, 2012, Mr. Rose issued a second email, this time rescinding the earlier resignation.

ISSUE:

What was the effect of Mr. Rose's email resignation sent July 7, 2012?

APPLICABLE LAW AND ADVICE:

Minnesota Statutes § 351.02 states:

“Every office shall become vacant on the happening of either of the following events,... (2) the incumbent's resignation”

The statute is silent on what action, if any, the governing body to which the resignation is directed must take.

The League of Minnesota Cities Handbook, Chapter 6, advises:

A resigning elected public official must submit a written resignation to the council. After receiving a resignation, the council should pass a resolution

stating it has received and accepted the resignation, and declaring that a vacancy exists.

The League Handbook then advises:

Unless the resignation expressly states it is to take effect at a future date, the resignation will be effective when received by the council.

The League offers the following comments:

If the resignation states it takes effect on a specified date, the vacancy occurs on that date whether or not the council has accepted it. To withdraw a prospective resignation, the resigning officer must submit a written statement of withdrawal in the same manner as the resignation. In order to be effective, the withdrawal must be received before the council accepts the resignation by resolution or before an officer authorized to receive it has issued a written acceptance.

An Informal Attorney General Opinion letter issued March 3, 2003, and cited by the League Handbook hereon, concludes that Minnesota law does not require that a written resignation be “received” by the council during a formal meeting in order to be effective.

DISCUSSION:

Mr. Rose submitted his resignation email on July 7, 2012 to Mayor Kind, the Chief Executive of the City of Greenwood. The resignation statement is unconditional, unqualified, and without any effective date. Mr. Rose’s delivery of the resignation statement to the Mayor was done for the stated purpose and it is reasonable to assume that he expected that it would in turn be delivered to the council members in due course.

Minnesota Statutes § 351.02 makes a resignation statement an act having legal effect – it ends the council members term and creates a vacancy in the office. As such it is a form of legal process. The Chief Executive officer of a Municipality, (Mayor) and the City Clerk are the designated lawful agents for receipt of legal process. Minn R. Civ. Pro. 4.03 (e) (2). Therefore, delivery of the resignation email to the Mayor was effective service upon the city.

When the email resignation was forwarded by the Mayor to the City Clerk for dissemination to the council it became an official record of the city. The disbursement of the resignation notice to the City Council Members was an action of the clerk in the course of his official duties as records custodian of the city. His distribution of the notice on July 9, 2012 *delivered* the notice to the council.

Because the Rose resignation statement is unconditional, unqualified, and without any effective date it is not a prospective resignation and not subject to withdrawal or rescission.

The distribution of the resignation by the city clerk to the city council members constituted delivery. In conformance with the advice of the League of Minnesota Cities Handbook - it became effective on delivery July 9, 2012. While the league advises that the city council *should* receive and accept the resignation and declare a vacancy, there is no law cited demanding official council action to make a resignation effective. Moreover, Minnesota Statutes § 351.02 Vacancies makes no provision for rescission of a resignation once submitted. Likely this is because to allow an unqualified resignation to be rescinded invites competing claims to an elected office and chaos.

With the foregoing discussion in mind the council can exercise its collective discretion and may conclude that the Rose resignation was unqualified and unconditional and that it was therefore effective on delivery to the city council July 9, 2012.

From: "Gus Karpas" <guskarpas@mchsi.com>
Subject: FW: Biff's Resignation
Date: July 9, 2012 7:58:38 AM CDT
To: "Tom Fletcher" <tfletcher@aexcom.com>, "Kelsy Page" <page.kelsey@gmail.com>, "Bob Quam" <quamco@aol.com>
Cc: "Biff Rose" <idarose@mchsi.com>, "Debra Kind" <dkind100@gmail.com>, "Mark W. Kelly" <kellylawoffices@aim.com>

FYI

From: Debra Kind [mailto:dkind100@gmail.com]
Sent: Saturday, July 07, 2012 7:40 PM
To: Gus Karpas
Subject: Biff's Resignation

Gus — Please forward the below email to the council and city attorney. Thanks.

DEBRA J. KIND
Mayor, City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
www.greenwoodmn.com
Main: 952.474.6633
Direct:
612.718.6753

On Jul 7, 2012, at 7:15 PM, William Rose wrote:

Hi Deb

We are getting close to selling our home. We spend a lot of time going back and forth looking after, and spending time working on our commitments. I enjoyed working as a council member and think it best to resign my council position. Greenwood is a great place to live and needs someone with more time than I can offer at this time. Thank You and Greenwood.

William Rose

From: "Mark W. Kelly" <kellylawoffices@aim.com>
Subject: Fwd: Biff Ricinds Resignation
Date: July 13, 2012 9:34:05 AM CDT
To: quamco@aol.com, Greenwood@visi.com, tletcher@aexcom.com, page.kelsey@gmail.com, idarose@mchsi.com
Cc: dkind100@gmail.com

Council Members:

At Mayor Kind's request I forward you the below email.

Mark W. Kelly
Attorney at Law
351 Second Street
Excelsior, MN 55331
0-952 474 5977; f-952 474 9575

UETA NOTICE: If this communication concerns negotiation of a contract or agreement, the Uniform Electronic Transactions Act ("UETA") does not apply to this communication. Contract formation in this matter shall occur only with the mutually affixed original signatures on original documents.
PRIVILEGED AND CONFIDENTIAL: E-mail communications may be intercepted or inadvertently misdirected. While the American Bar Association deems E-Mail a valid and authorized form of communication between lawyer and client, absolute secrecy and security (of the e-mail message and any accompanying documents) cannot be assured. Unless the text indicates otherwise, E-Mail shall not be deemed legal advice, nor shall the relationship of Attorney/Client be established as a result of E-Mail correspondence

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

From: Debra Kind <dkind100@gmail.com>
To: Mark W. Kelly <kellylawoffices@aim.com>
Cc: BIFF ROSE <idarose@mchsi.com>
Sent: Fri, Jul 13, 2012 9:24 am
Subject: Biff Ricinds Resignation

Mark --

Since Gus is on vacation today, can you please forward Biff's email below to the city council? Thanks!

DEBRA J. KIND
Mayor, City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
www.greenwoodmn.com
Main: 952.474.6633
Direct: 612.718.6753

Begin forwarded message:

From: William Rose <idarose@mediacombb.net>
Subject: Resignation
Date: July 13, 2012 7:03:10 AM CDT
To: Debra Kind Email Kind <dkind100@gmail.com>

Deb and City of Greenwood.
I rescind my resignation of the Greenwood City Council.
William Rose. 7/13/2012

Sent from my

2012 MINNESOTA ELECTION LAWS

NOTES AND DECISIONS

200.02

Minnesota's "antifusion" law prohibiting a person from being a candidate for more than one political party is not unconstitutional. *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 117 S. Ct. 1364 (1997), *reversing* *Twin Cities New Party v. McKenna*, 73 F.3d 196 (8th Cir. 1996).

Attempt of party to "present" candidate for nonpartisan judicial office insufficient to qualify party for major party designation. *Gay Survival Fund of Target City v. Growe*, 274 N.W. 2d 491 (Minn. 1979).

A political party not having legal status in Minnesota may appear on general election ballot only by nominating petition. *Op. Atty. Gen. 672B-7*, July 29, 1948.

200.03 MS 1957 Repealed, 1959 c 675 art 13 s 1

200.031 DETERMINATION OF RESIDENCE.

Residence shall be determined in accordance with the following principles, so far as they may be applicable to the facts of the case:

(a) The residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever the individual is absent, the individual intends to return;

(b) An individual does not lose residence if the individual leaves home to live temporarily in another state or precinct;

(c) An individual does not acquire a residence in any precinct of this state if the individual is living there only temporarily, without the intention of making that precinct home;

(d) If an individual goes into another state or precinct with the intention of making it home or files an affidavit of residence there for election purposes, the individual loses residence in the former precinct;

(e) If an individual moves to another state with the intention of living there for an indefinite period, the individual loses residence in this state, notwithstanding any intention to return at some indefinite future time;

(f) Except as otherwise provided in this section, an individual's residence is located in the precinct where the individual's family lives, unless the individual's family is living in that precinct only temporarily;

(g) If an individual's family lives in one precinct and the individual lives or does business in another, the individual's residence is located in the precinct where the individual's family lives, unless the individual establishes a home in the other precinct and intends to remain there, with or without the individual's family;

(h) The residence of a single individual is in the precinct where the individual lives and usually sleeps;

(i) The mere intention to acquire a new residence, is not sufficient to acquire a new residence, unless the individual moves to that location; moving to a new location is not sufficient to acquire a new residence unless the individual intends to remain there;

(j) The residence of an individual who is working temporarily in any precinct of this state is in the precinct where the individual's permanent home is located;

(k) The residence of an individual who is living permanently in a soldiers' home or nursing home is in the precinct where the home is located.

(l) If an individual's home lies in more than one precinct or political subdivision, the residence of the individual is in the precinct in which a majority of the room in which the individual usually sleeps is located.

(m) If an individual's home is destroyed or rendered uninhabitable by fire or natural disaster, the individual does not lose residence in the precinct where the home is located if the individual intends to return to the home when it is reconstructed or made habitable.

History: 1981 c 29 art 1 s 4; 1986 c 444; 1997 c 147 s 1; 1999 c 132 s 2

D. Term limits

Minn. Const. art. VII, § 6;
*Minneapolis Term Limits
Coalition v. Keefe*, 535
N.W.2d 306 (Minn. 1995).

The Minnesota Constitution establishes the eligibility requirements for public office without authorizing the adoption of additional requirements. Therefore, a charter city may not enact term limits as an eligibility requirement.

E. Vacancies

Minn. Stat. § 351.02.

Vacancies in an elective office in a statutory or home rule charter city may occur for the following reasons:

1. Death

Minn. Stat. § 351.02(1), (8).

The vacancy exists as of the date of death. If the elected officer has not yet begun the term of office, the vacancy exists from the date the term would have started.

2. Resignation

Minn. Stat. § 351.02(2); Minn.
Stat. § 351.01, subd. 1.

A resigning elected public official must submit a written resignation to the council. After receiving a resignation, the council should pass a resolution stating it has received and accepted the resignation, and declaring that a vacancy exists.

Minn. Stat. § 351.01, subds. 2,
3, 4; See informal A.G. letter
opinion dated March 3, 2003
(advising that Minnesota law
does not require that a written
resignation be “received” by
the council during a formal
meeting in order to be
effective).

Unless the resignation expressly states it is to take effect at a future date, the resignation will be effective when received by the council. If the resignation states it takes effect on a specified date, the vacancy occurs on that date whether or not the council has accepted it. To withdraw a prospective resignation, the resigning officer must submit a written statement of withdrawal in the same manner as the resignation. In order to be effective, the withdrawal must be received before the council accepts the resignation by resolution or before an officer authorized to receive it has issued a written acceptance.

3. Removal by operation of law

In most situations, it is not possible to remove statutory elected officials before the end of their terms, for cause or otherwise. Cities should consult with their city attorneys before attempting removal of any elected official.

Statutory city voters have no recall authority. Some home rule charters, however, give voters this option, but there remains some question as to whether this type of charter provision is constitutional.

Minn. Stat. § 351.02(5).
A.G. Op. 490D (Nov. 18,
1952); Minn. Stat. § 609.02,
subd. 2; Minn. Stat. § 609.42.

In certain situations, removal by operation of law can occur. A vacancy occurs if an elected official is convicted of any “infamous” crime. An infamous crime is a felony; that is, a crime for which a sentence of imprisonment for more than one year may be imposed. For example, bribery is a felony. Thus, a bribery conviction would result in the elected official’s immediate removal from office. Moreover, any public officer convicted of bribery is forever disqualified from holding public office.

Minn. Stat. § 609.43; Minn. Stat. § 609.02, subd. 4.

Misconduct of a public officer or employee, as defined by law, is a gross misdemeanor. Therefore, a misconduct conviction is not an infamous crime, and does not automatically result in an elected official's removal from office.

Minn. Stat. § 351.02(5); Minn. Stat. § 358.05; Minn. Const. art. V, § 6;

A vacancy does occur, however, when an elected official is convicted of an offense involving a violation of the individual's official oath. Many offenses that are not felonies or "infamous" crimes may involve a violation of an individual's oath and may result in a vacancy upon conviction.

See, Minn. Stat. §§ 609.415-.475.

Minn. Stat. § 13D.06, subd. 3.

A vacancy also occurs if a councilmember is found to have intentionally violated the open meeting law on at least three separate occasions. If a court finds a third, separate intentional violation, it must declare the position vacant and notify the appointing authority or clerk.

4. Termination of city residency

Minn. Stat. § 351.02(4).

A vacancy occurs when a city councilmember ceases to be a resident of the city. Residence is a factual question the council must determine in each case. Voting in the city is only one indication of residence. The office holder's intent and availability to perform official duties are additional criteria that should be considered. A councilmember becomes a non-resident when the property where the councilmember lives is detached from the city.

5. Failure to qualify for office

Minn. Stat. § 351.02(6).

An elected official may fail to qualify for office by refusing or neglecting to take the oath of office, to give or renew an official bond, or to deposit such oath or bond within the time prescribed by law. This type of vacancy is not automatic. A newly elected official may qualify at any time prior to the council declaring the office vacant.

6. Abandonment

A.G. Op. 99 (Aug. 26, 1920).

Whether an abandonment of office actually occurs is difficult to determine. The intent of the office holder is the controlling factor. The attorney general, while cautioning that this is a question of fact, has indicated that failure to participate in council activities for three months is sufficient grounds for declaring an abandonment of office.

7. 90-day absence rule

Minn. Stat. § 412.02, subd. 2b.

A vacancy in the office of mayor or councilmember may be declared by the council when the office holder is unable to serve in the office or to attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period. If any of the preceding conditions occurs, the council may, by resolution, declare a vacancy and then fill it at a regular or special council meeting. The appointed councilmember will serve for the remainder of the unexpired term, or until the absent councilmember is again able to resume duties and attend council meetings, whichever is earlier. When the absent councilmember is able to resume duties and attend council meetings, the council shall, by resolution, remove the temporary office holder and restore the original office holder.

351.02 VACANCIES.

Every office shall become vacant on the happening of either of the following events, before the expiration of the term of such office:

(1) the death of the incumbent;

(2) the incumbent's resignation;

(3) the incumbent's removal;

(4) the incumbent's ceasing to be an inhabitant of the state, or, if the office is local, of the district, county or city for which the incumbent was elected or appointed, or within which the duties of the office are required to be discharged;

(5) the incumbent's conviction of any infamous crime, or of any offense involving a violation of the official oath;

(6) the incumbent's refusal or neglect to take the oath of office, or to give or renew the official bond, or to deposit or file such oath or bond within the time prescribed;

(7) the decision of a competent tribunal declaring the incumbent's election or appointment void;

(8) the death of the person elected or appointed to fill a vacancy, or for a full term, before the person qualifies, or before the time when by law the person should enter upon the duties of the office, in which case the vacancy shall be deemed to take place at the time when the term of office would have begun had the person lived.

History: (6953) *RL s 2667; 1973 c 123 art 5 s 7; 1986 c 444*



Agenda Number: **Worksession**

Agenda Date: 08-01-12

Agenda Item: Discuss: Draft of 2013 Budget

Summary: The administrative committee (Mayor Kind and Councilman Fletcher) worked on the attached draft of the 2013 city budget. The council will have the opportunity to discuss the draft budget at the 08-01-12 worksession prior to the regular council meeting. The “preliminary” budget must be approved at the September council meeting, so the preliminary tax levy amount may be reported to the county. Once the preliminary tax levy amount has been reported to the county, it may be reduced, but may not increase when the “final” budget and tax levy are approved at the December council meeting. There will be another worksession prior to the regular September council meeting to discuss changes (if any) to the budget.

Council Action: No council action may be taken during a worksession. If the council desires to take action, the regular meeting agenda may be amended.

2013 Greenwood DRAFT Budget

| | | 2011 Actual | 2011 Budget | 2012 YTD/June | 2012 Budget | 2013 Budget | % Change | % Total Budget |
|-----------------------------|---|----------------|----------------|------------------|----------------|----------------|----------------|-------------------|
| GENERAL FUND REVENUE | | | | | | | | |
| 1 | TAXES | | | | | | | |
| 2 | 101-31010 General Property Tax | 627,879 | 645,417 | 1,834 | 644,719 | 644,492 | -0.04% | |
| 3 | 101-31020 General Property Tax - Delinquent | 5,396 | 0 | 6 | 0 | 0 | #DIV/0! | |
| 4 | 101-31040 Fiscal Disparities | 5,013 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 5 | 101-31800 Surcharge Revenue | 46 | 0 | 9 | 0 | 0 | #DIV/0! | |
| 6 | 101-31910 Penalties | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 7 | | 638,334 | 645,417 | 1,848 | 644,719 | 644,492 | -0.04% | 88.75% |
| 8 | LICENSES & PERMITS | | | | | | | |
| 9 | 101-32110 3.2 Beer, Liquor, Cigarette License | 50 | 3,250 | 3,000 | 3,000 | 3,000 | 0.00% | |
| 10 | 101-32180 Other Business Licenses / Permits (Rental, Peddler, Commercial Marina, Trash, Tree Contractors) | 4,615 | 3,400 | 800 | 3,400 | 2,000 | -41.18% | |
| 11 | 101-32210 Building Permits | 29,962 | 12,000 | 5,782 | 16,000 | 16,000 | 0.00% | |
| 12 | 101-32211 Electric Permits | 21,156 | 1,200 | 557 | 1,000 | 1,000 | 0.00% | |
| 13 | 101-32240 Animal Licenses | 950 | 200 | 75 | 200 | 950 | 375.00% | |
| 14 | | 56,733 | 20,050 | 10,214 | 23,600 | 22,950 | -2.75% | 3.16% |
| 15 | INTERGOVERNMENT REVENUE | | | | | | | |
| 16 | 101-33402 Homestead Credit (Market Value Credit) | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 17 | 101-33423 Other State Grants / Aids (Recycle Grant) | 2,645 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 18 | 101-33610 County Aid to Municipalities (CAM Road Aid) | 3,442 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 19 | 101-33630 Local Government Aid (LGA) | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 20 | | 6,087 | 0 | 0 | 0 | 0 | #DIV/0! | 0.00% |
| 21 | PUBLIC CHARGES FOR SERVICES | | | | | | | |
| 22 | 101-34103 Zoning & Subdivisions (Variances) | 1,000 | 1,500 | 1,000 | 500 | 1,000 | 100.00% | |
| 23 | 101-34207 False Alarm Fee | 75 | 200 | 0 | 0 | 75 | #DIV/0! | |
| 24 | 101-34304 Load Limit Fees | 2,588 | 2,000 | 1,942 | 2,000 | 2,500 | 25.00% | |
| 25 | 101-34409 Recycling Fees | 19,318 | 18,819 | 9,588 | 18,819 | 19,000 | 0.96% | |
| 26 | | 22,981 | 22,519 | 12,530 | 21,319 | 22,575 | 5.89% | 3.11% |
| 27 | FINES, FORFEITURES & PENALTIES | | | | | | | |
| 28 | 101-35101 Court Fines | 6,861 | 4,500 | 3,803 | 4,500 | 4,500 | 0.00% | 0.62% |
| 29 | | | | | | | | |
| 30 | MISC. INCOME | | | | | | | |
| 31 | 101-36102 Investment Income | 5,227 | 5,000 | 1,747 | 6,000 | 3,500 | -41.67% | |
| 32 | 101-36225 Excelsior Blvd. Watermain Project Revenue | 0 | 0 | 540 | 0 | 0 | #DIV/0! | |
| 33 | 101-36230 Copies, Donations, Refunds, Parking Permit Revenue, Etc. | 15 | 0 | 213 | 0 | 0 | #DIV/0! | |
| 34 | | 5,241 | 5,000 | 2,500 | 6,000 | 3,500 | -41.67% | 0.48% |
| 35 | OTHER FINANCING SOURCES | | | | | | | |
| 36 | 101-39201 Interfund Operating Transfer: From Marina Fund | 15,000 | 15,000 | 0 | 12,130 | 12,500 | 3.05% | |
| 37 | 101-39200 Administration Expense Reimbursement: 10% of Marina Revenue | 0 | 0 | 0 | 2,790 | 3,216 | 15.27% | |
| 38 | 101-39202 Administrative Expense Reimbursement: 10% of Sewer Revenue | 10,650 | 10,650 | 0 | 10,866 | 10,866 | 0.00% | |
| 39 | 101-39203 Administrative Expense Reimbursement: 10% of Stormwater Revenue | 1,650 | 1,650 | 0 | 1,625 | 1,625 | 0.00% | |
| 40 | | 27,300 | 27,300 | 0 | 27,411 | 28,207 | 2.90% | 3.88% |
| 41 | | | | | | | | |
| 42 | Total Revenue | 758,296 | 724,786 | 28,395 | 727,549 | 726,224 | -0.18% | |

2013 Greenwood DRAFT Budget

| | | 2011 Actual | 2011 Budget | 2012 YTD/June | 2012 Budget | 2013 Budget | % Change | % Total Budget |
|------------------------------|--|----------------|----------------|------------------|----------------|----------------|-----------------|-------------------|
| GENERAL FUND EXPENSES | | | | | | | | |
| 43 | COUNCIL | | | | | | | |
| 44 | 101-41100-103 Council Salaries (Gross) | 13,200 | 13,200 | 6,600 | 13,200 | 13,200 | 0.00% | |
| 45 | 101-41100-122 FICA Contributions (6.2%) | 818 | 818 | 409 | 818 | 818 | 0.00% | |
| 46 | 101-41100-123 Medicare Contributions (1.45%) | 191 | 191 | 96 | 191 | 191 | 0.00% | |
| 47 | 101-41100-371 Training / Conference Registration (League of Minnesota Cities Training) | 0 | 600 | 0 | 600 | 600 | 0.00% | |
| 48 | 101-41100-372 Meals / Lodging | 0 | 100 | 0 | 100 | 100 | 0.00% | |
| 49 | 101-41100-433 Misc. (Dues, Subscriptions, Supplies, Etc.) | 125 | 150 | 0 | 150 | 150 | 0.00% | |
| 50 | | 14,334 | 15,060 | 7,105 | 15,060 | 15,060 | 0.00% | 2.07% |
| 51 | ELECTIONS | | | | | | | |
| 52 | 101-41200-103 Election Salaries (Part-Time Election Judge Salaries) | 0 | 0 | 0 | 1,800 | 0 | -100.00% | |
| 53 | 101-41200-214 Operational Support - Forms (Ballots, Voter Reg. Rosters) | 0 | 0 | 0 | 300 | 0 | -100.00% | |
| 54 | 101-41200-219 Election Operations / Support (Deephaven) | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 55 | 101-41200-319 Equipment Maintenance (ES&S Maintenance Agreement / Programming) | 0 | 200 | 301 | 650 | 0 | -100.00% | |
| 56 | 101-41200-372 Meals / Lodging (Election Judge Snacks) | 0 | 0 | 0 | 150 | 0 | -100.00% | |
| 57 | 101-41200-439 Misc. (Supplies, Postage, Etc.) | 0 | 50 | 0 | 250 | 0 | -100.00% | |
| 58 | | 0 | 250 | 301 | 3,150 | 0 | -100.00% | 0.00% |
| 59 | ADMINISTRATION | | | | | | | |
| 60 | 101-41400-121 PERA Contribution | 63 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 61 | 101-41400-139 Unemployment Insurance Reimbursement | 10,756 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 62 | 101-41400-201 Office Supplies | 0 | 600 | 77 | 0 | 150 | #DIV/0! | |
| 63 | 101-41400-202 Duplicating | 515 | 200 | 252 | 500 | 500 | 0.00% | |
| 64 | 101-41400-204 Stationary, Forms, Printing | 396 | 525 | 684 | 500 | 500 | 0.00% | |
| 65 | 101-41400-309 Professional Services - Other (ISP, Website, Email) | 415 | 1,000 | 213 | 500 | 500 | 0.00% | |
| 66 | 101-41400-310 Clerk's Contractual (Minutes \$3000, Deephaven \$33,665) | 29,979 | 34,141 | 18,171 | 35,267 | 36,665 | 3.96% | |
| 67 | 101-41400-311 Office (Rent and Equipment) | 6,034 | 6,800 | 3,258 | 6,600 | 6,500 | -1.52% | |
| 68 | 101-41400-313 Professional Services (Civic Accounting) | 1,940 | 1,920 | 982 | 1,940 | 1,940 | 0.00% | |
| 69 | 101-41400-321 Communications - Telephone | 450 | 700 | 135 | 500 | 450 | -10.00% | |
| 70 | 101-41400-322 Postage | 808 | 1,400 | 225 | 1,300 | 800 | -38.46% | |
| 71 | 101-41400-351 Newspaper Legal Notices | 873 | 2,000 | 689 | 1,000 | 1,000 | 0.00% | |
| 72 | 101-41400-372 Meals / Lodging | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 73 | 101-41400-411 Rentals / Office Equipment (Copier Lease Through May 2013) | 2,166 | 2,335 | 1,561 | 2,100 | 903 | -57.00% | |
| 74 | 101-41400-439 Misc. (Equipment, Dog Tags, Etc.) | 256 | 400 | 39 | 300 | 300 | 0.00% | |
| 75 | | 54,652 | 52,021 | 26,286 | 50,507 | 50,208 | -0.59% | 6.91% |

2013 Greenwood DRAFT Budget

| | | 2011 Actual | 2011 Budget | 2012 YTD/June | 2012 Budget | 2013 Budget | % Change | % Total Budget |
|-----|--|----------------|----------------|------------------|----------------|----------------|----------------|-------------------|
| 76 | ASSESSOR | | | | | | | |
| 77 | 101-41500-309 Assessor - Contract (Hennepin Co.) | 13,891 | 14,000 | 0 | 14,000 | 14,000 | 0.00% | |
| 78 | 101-41500-439 Assessor - Other (Public Notices, Processing, Tax Rolls) | 57 | 100 | 89 | 120 | 100 | -16.67% | |
| 79 | | 13,948 | 14,100 | 89 | 14,120 | 14,100 | -0.14% | 1.94% |
| 80 | LEGAL SERVICES | | | | | | | |
| 81 | 101-41600-304 Legal Services - General | 9,367 | 15,000 | 3,312 | 12,000 | 12,000 | 0.00% | |
| 82 | 101-41600-308 Legal Services - Prosecution | 4,634 | 4,000 | 2,426 | 4,000 | 4,000 | 0.00% | |
| 83 | | 14,001 | 19,000 | 5,738 | 16,000 | 16,000 | 0.00% | 2.20% |
| 84 | AUDITING | | | | | | | |
| 85 | 101-41700-301 Auditing (2013: \$9390, 2014: \$9480, 2015: \$9570, 1/2 day Nov. mt w/Brady \$740) | 9,100 | 9,100 | 9,300 | 9,300 | 10,130 | 8.92% | |
| 86 | | 9,100 | 9,100 | 9,300 | 9,300 | 10,130 | 8.92% | 1.39% |
| 87 | GENERAL GOVERNMENT TOTAL | 106,034 | 109,531 | 48,819 | 108,137 | 105,498 | -2.44% | 14.53% |
| 90 | LAW ENFORCEMENT | | | | | | | |
| 91 | 101-42100-310 Law Enforcement - Contract (Monthly) | 158,676 | 158,672 | 86,259 | 172,519 | 177,053 | 2.63% | |
| 92 | 101-42100-311 Police Side Lease - Facilities (Quarterly) | 47,264 | 47,263 | 22,734 | 45,469 | 45,469 | 0.00% | |
| 93 | 101-42100-439 Police Safety - Other (Jail, Etc.) | 1,205 | 1,000 | 0 | 1,000 | 1,000 | 0.00% | |
| 94 | | 207,145 | 206,935 | 108,993 | 218,988 | 223,522 | 2.07% | 30.78% |
| 95 | FIRE | | | | | | | |
| 96 | 101-42200-309 Fire Protection - Operations (Quarterly) | 68,492 | 68,492 | 33,219 | 66,439 | 64,605 | -2.76% | |
| 97 | 101-42200-311 Fire Side Lease - Facilities (Quarterly) | 59,293 | 59,239 | 30,002 | 60,005 | 58,349 | -2.76% | |
| 98 | | 127,785 | 127,731 | 63,222 | 126,444 | 122,954 | -2.76% | 16.93% |
| 99 | PUBLIC SAFETY TOTAL | 334,930 | 334,666 | 172,215 | 345,432 | 346,476 | 0.30% | 47.71% |
| 100 | ZONING | | | | | | | |
| 101 | 101-42400-308 Zoning Administration | 2,979 | 4,000 | 1,102 | 3,000 | 3,000 | 0.00% | |
| 102 | 101-42400-309 Public Notices | 566 | 1,500 | 543 | 700 | 700 | 0.00% | |
| 103 | 101-42400-310 Building Inspections | 21,535 | 6,500 | 5,630 | 8,000 | 11,000 | 37.50% | |
| 104 | 101-42400-438 Misc. (County Recording Fees, State Bldg. Surcharge, etc.) | 680 | 0 | 114 | 200 | 200 | 0.00% | |
| 105 | ZONING TOTAL | 25,761 | 12,000 | 7,389 | 11,900 | 14,900 | 25.21% | 2.05% |
| 106 | ENGINEERING | | | | | | | |
| 107 | 101-42600-303 Engineering Fees - Misc. | 870 | 3,500 | 308 | 1,200 | 1,000 | -16.67% | |
| 108 | | 870 | 3,500 | 308 | 1,200 | 1,000 | -16.67% | 0.14% |
| 109 | UTILITIES & ROADS | | | | | | | |
| 110 | 101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric) | 4,584 | 4,000 | 2,136 | 4,300 | 4,600 | 6.98% | |
| 111 | 101-43100-409 Other - Road Repair & Maintenance (Public Works Repairs) | 12,133 | 5,000 | 1,593 | 5,000 | 5,000 | 0.00% | |
| 112 | | 16,717 | 9,000 | 3,728 | 9,300 | 9,600 | 3.23% | 1.32% |

2013 Greenwood DRAFT Budget

| | | 2011 Actual | 2011 Budget | 2012 YTD/June | 2012 Budget | 2013 Budget | % Change | % Total Budget |
|-----|--|----------------|----------------|------------------|----------------|----------------|----------------|-------------------|
| | MAJOR ROAD IMPROVEMENTS | | | | | | | |
| 113 | 101-43200-229 Major Road Improvements - Construction | 102,468 | 115,000 | 551 | 115,000 | 115,000 | 0.00% | |
| 114 | 101-43200-303 Major Road Improvements - Engineering | 23,104 | 15,000 | 5,312 | 15,000 | 15,000 | 0.0% | |
| 115 | | 125,572 | 130,000 | 5,863 | 130,000 | 130,000 | 0.00% | 17.90% |
| 116 | PUBLIC WORKS | | | | | | | |
| 117 | 101-43900-226 Signs (2012-2018: Retroreflectivity Project) | 6,373 | 5,000 | 0 | 11,000 | 11,000 | 0.00% | |
| 118 | 101-43900-310 Streets - Sweeping (Stormwater Fund in 2012 & 2013) | 0 | 4,000 | 0 | 0 | 0 | #DIV/0! | |
| 119 | 101-43900-312 Snow Plowing | 13,642 | 15,000 | 7,477 | 16,000 | 16,000 | 0.00% | |
| 120 | 101-43900-313 Trees, Weeds, Mowing | 21,575 | 13,000 | 5,605 | 13,000 | 20,000 | 53.85% | |
| 121 | 101-43900-314 Park & Tennis Court Maintenance | 2,712 | 200 | 730 | 500 | 1,000 | 100.00% | |
| 122 | 101-43900-315 Trail Snow Plowing (LRT and Tar Paths) | 2,082 | 800 | 1,175 | 1,250 | 2,100 | 68.00% | |
| 123 | 101-43900-439 Misc. | 2,323 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 124 | | 48,706 | 38,000 | 14,987 | 41,750 | 50,100 | 20.00% | 6.90% |
| 125 | ROADS & PUBLIC WORKS TOTAL | 191,866 | 180,500 | 24,886 | 182,250 | 190,700 | 4.64% | 26.26% |
| 126 | | | | | | | | |
| 127 | MISC. EXPENSES | | | | | | | |
| 128 | 101-49000-310 Recycling Contract | 17,252 | 18,819 | 9,410 | 18,820 | 18,820 | 0.00% | |
| 129 | 101-49000-311 Spring Clean-Up Day | 2,860 | 2,500 | 2,471 | 2,900 | 2,900 | 0.00% | |
| 130 | 101-49000-369 League of Minnesota Cities Insurance Trust / Liability & Property | 2,765 | 7,600 | 0 | 3,000 | 3,000 | 0.00% | |
| 131 | 101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp | 104 | 110 | 0 | 100 | 110 | 10.00% | |
| 132 | 101-49000-432 Excelsior Blvd. Watermain Expenses | 0 | 0 | 598 | 0 | 0 | #DIV/0! | |
| 133 | 101-49000-434 Southshore Community Center | 900 | 1,200 | 0 | 900 | 900 | 0.00% | |
| 134 | 101-49000-435 League of Minnesota Cities | 722 | 997 | 0 | 1,000 | 750 | -25.00% | |
| 135 | 101-49000-436 Lake Minnetonka Conservation District | 6,507 | 6,507 | 4,698 | 6,264 | 6,450 | 2.97% | |
| 136 | 101-49000-437 July 4th Fireworks (\$1400) & Parade (\$100) | 1,401 | 1,300 | 1,400 | 1,400 | 1,500 | 7.14% | |
| 137 | MISC. TOTAL | 32,511 | 39,033 | 18,577 | 34,384 | 34,430 | 0.13% | 4.74% |
| 138 | | | | | | | | |
| 139 | Subtotal | 691,102 | 675,730 | 271,885 | 682,103 | 692,004 | 1.45% | |
| 140 | | | | | | | | |
| 141 | CONTINGENCY & FUND TRANSFERS | | | | | | | |
| 142 | 101-49000-439 Contingency (4.3% of subtotal in 2011, 3.7% in 2012, 3.5% in 2013) | 5,266 | 29,056 | 300 | 25,446 | 24,220 | -4.82% | |
| 143 | 101-49000-500 Transfer to Bridge Fund | 20,000 | 20,000 | 0 | 20,000 | 10,000 | -50.00% | |
| 144 | CONTINGENCY & FUND TRANSFERS TOTAL | 25,266 | 49,056 | 300 | 45,446 | 34,220 | -24.70% | 4.71% |
| 145 | | | | | | | | |
| 146 | Total Expenses | 716,368 | 724,786 | 272,185 | 727,549 | 726,224 | -0.18% | |
| 147 | | | | | | | | |
| 148 | GENERAL FUND CASH BALANCE (Goal: 35%-50% of Total Expenses) | 283,546 | 252,058 | | 283,546 | 283,546 | | 39.04% |
| 149 | | | | | | | | |

2013 Greenwood DRAFT Budget

| | | 2011 Actual | 2011 Budget | 2012 YTD/June | 2012 Budget | 2013 Budget | % Change | % Total Budget | |
|-----|--|--|----------------|------------------|----------------|----------------|----------------|-------------------|--|
| 150 | SEWER ENTERPRISE FUND <i>This fund can be used for any city purpose. Goal: \$250,000</i> | | | | | | | | |
| 151 | 602-34401 | REVENUE: Sewer Use Charges (\$70 per quarter x ___ units) | 106,169 | 106,500 | 52,636 | 108,660 | 108,660 | 0.00% | |
| 152 | 602-34402 | REVENUE: Late Charges & Penalties | 620 | 2,000 | 294 | 0 | 0 | #DIV/0! | |
| 153 | 602-34403 | REVENUE: Delinquent Sewer Payments Received | 864 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 154 | 602-34404 | REVENUE: Delinquent Sewer Late Fees Received | 87 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 155 | 602-34408 | REVENUE: Permit Fees | 200 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 156 | 602-38100 | REVENUE: Grant Revenue | 33,690 | | 0 | 25,000 | 0 | -100.00% | |
| 157 | 602-36100 | REVENUE: Special Assessments | 22 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 158 | 602-43200-303 | EXPENSE: Engineering Sewer | 12,721 | 2,700 | 3,142 | 4,000 | 4,000 | 0.00% | |
| 159 | 602-43200-309 | EXPENSE: Met Council and Excelsior | 35,123 | 52,000 | 17,475 | 57,720 | 40,000 | -30.70% | |
| 160 | 602-43200-310 | EXPENSE: Public Works Sewer | 3,608 | 5,000 | 1,300 | 2,500 | 3,700 | 48.00% | |
| 161 | 602-43200-381 | EXPENSE: Utility Services - Electric | 2,116 | 1,700 | 979 | 2,500 | 2,500 | 0.00% | |
| 162 | 602-43200-404 | EXPENSE: Repair & Maintenance | 5,614 | 7,000 | 0 | 7,000 | 7,000 | 0.00% | |
| 163 | 602-43200-439 | EXPENSE: Misc. (Gopher State One Call, Forms, Printing, 2012 Insurance \$456, etc.) | 1,832 | 500 | 203 | 2,000 | 2,000 | 0.00% | |
| 164 | 602-43200-530 | EXPENSE: Capital Outlay (2011 I/I Project, 2012 I/I Project) | 66,931 | 50,000 | 0 | 50,000 | 50,000 | 0.00% | |
| 165 | 602-43200-720 | ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted sewer revenue for adm. costs) | 10,650 | 10,650 | 0 | 10,866 | 10,866 | 0.00% | |
| 166 | | Net Total | 3,057 | -21,050 | 29,830 | -2,926 | -11,406 | 289.82% | |
| 167 | | SEWER ENTERPRISE FUND CASH BALANCE | 357,495 | 401,273 | | 354,569 | 343,163 | | |
| 168 | | | | | | | | | |
| 169 | STORMWATER SPECIAL REVENUE FUND <i>This fund can be used for any city purpose.</i> | | | | | | | | |
| 170 | 502-34401 | REVENUE: Stormwater Use Charges | 16,107 | 16,500 | 7,957 | 16,250 | 16,250 | 0.00% | |
| 171 | 502-34403 | REVENUE: Delinquent Stormwater Payments Received | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 172 | 502-34404 | REVENUE: Delinquent Stormwater Late Fees Received | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 173 | 502-43200-303 | EXPENSE: Engineering Stormwater | 12,970 | 4,000 | 1,057 | 4,000 | 4,000 | 0.00% | |
| 174 | 502-43200-310 | EXPENSE: Public Works Stormwater | 470 | 500 | 0 | 500 | 500 | 0.00% | |
| 175 | 502-43200-319 | EXPENSE: Equipment and Maintenance | 0 | 1,500 | 0 | 500 | 500 | 0.00% | |
| 176 | 502-43200-409 | EXPENSE: Street Sweeping | 2,350 | 4,000 | 2,266 | 3,000 | 3,000 | 0.00% | |
| 177 | 502-43200-439 | EXPENSE: Misc. (EPA Fee, Etc.) | 194 | 2,000 | 39 | 600 | 250 | -58.33% | |
| 178 | 502-43200-720 | ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted stormwater rev. for adm. costs) | 1,650 | 1,650 | 0 | 1,625 | 1,625 | 0.00% | |
| 179 | | Net Total | -1,527 | 2,850 | 4,596 | 6,025 | 6,375 | 5.81% | |
| 180 | | STORMWATER SPECIAL REVENUE FUND CASH BALANCE | 7,609 | 17,907 | | 13,634 | 20,009 | | |
| 181 | | | | | | | | | |
| 182 | PARK SPECIAL REVENUE FUND <i>This is a dedicated fund for park "acquisitions" only. Cannot be used for maintenance.</i> | | | | | | | | |
| 183 | 401-36230 | REVENUE: Park Dedication Fees | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 184 | 401-45000-000 | EXPENSE: Park Improvements | 0 | 5,000 | 0 | 0 | 0 | #DIV/0! | |
| 185 | | Net Total | 0 | -5,000 | 0 | 0 | 0 | #DIV/0! | |
| 186 | | PARK FUND CASH BALANCE | 27,055 | 22,055 | 27,055 | 27,055 | 27,055 | | |
| 187 | | | | | | | | | |

2013 Greenwood DRAFT Budget

| | | 2011 Actual | 2011 Budget | 2012 YTD/June | 2012 Budget | 2013 Budget | % Change | % Total Budget | |
|-----|---|---|----------------|------------------|----------------|----------------|----------------|-------------------|--|
| 188 | MARINA ENTERPRISE FUND <i>This fund can be used for any city purpose. Goal: \$55,000 for Tonka Dock; \$120,000 for Floating Dock. Current docks installed in 1997.</i> | | | | | | | | |
| 189 | 605-36201 | REVENUE: Slip Fees (\$1200 x 26 boats, \$300 x 2 sailboats, \$60 x 6 canoes) | 25,300 | 25,300 | 27,595 | 27,900 | 32,160 | 15.27% | |
| 190 | 605-45100-309 | EXPENSE: Professional Services (Dock In and Out) | 3,000 | 4,600 | 3,624 | 4,000 | 4,000 | 0.00% | |
| 191 | 605-45100-310 | EXPENSE: Public Works | 314 | 300 | 432 | 300 | 300 | 0.00% | |
| 192 | 605-45100-439 | EXPENSE: Misc. (LMCD Multi-Dock License \$350, Milfoil \$5000, Insurance \$873) | 1,559 | 350 | 2,041 | 6,223 | 6,223 | 0.00% | |
| 193 | 605-45100-590 | EXPENSE: Capital Outlay | | 0 | 0 | 0 | 0 | #DIV/0! | |
| 194 | 605-49300-720 | OPERATING TRANSFER: To General Fund | 15,000 | 15,000 | 0 | 12,130 | 12,500 | 3.05% | |
| 195 | 605-49300-721 | ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted marina revenue for adm. costs) | 0 | 0 | 0 | 2,790 | 3,216 | 15.27% | |
| 196 | | Net Total | 5,427 | 5,050 | 21,498 | 5,247 | 9,137 | 74.14% | |
| 197 | | MARINA ENTERPRISE FUND CASH BALANCE | 22,474 | 21,753 | | 27,721 | 36,858 | | |
| 198 | | | | | | | | | |
| 199 | BRIDGE CAPITAL PROJECT FUND <i>This fund was created in 2010. The funds can be used for any city purpose. Goal: \$200,000</i> | | | | | | | | |
| 200 | 403-39200 | REVENUE: Transfer from General Fund | 20,000 | 20,000 | 0 | 20,000 | 10,000 | -50.00% | |
| 201 | 403-45100-303 | EXPENSE: Engineering | 30 | 0 | 0 | 0 | 2,000 | #DIV/0! | |
| | 403-45100-304 | EXPENSE: Legal Services | 30 | 0 | 966 | 0 | 2,000 | #DIV/0! | |
| 202 | 403-45100-530 | EXPENSE: Capital Outlay | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 203 | | Net Total | 19,940 | 20,000 | -966 | 20,000 | 6,000 | -70.00% | |
| 204 | | BRIDGE CAPITAL PROJECT FUND CASH BALANCE | 59,970 | 40,000 | | 79,970 | 85,970 | | |
| 205 | | | | | | | | | |
| 206 | | Total Fund Cash Balances | 758,149 | 755,046 | | 786,495 | 796,601 | 1.28% | |

2012 CITY SPENDING

HENNEPIN COUNTY MTKA SCHOOL DISTRICT CITIES

| SPENDING PER PERSON | | | |
|---------------------|------------------------------------|--------------------|--------------------------------|
| | 2012 Final Certified Levy | 2010 Population | 2012 Spending per Person |
| Greenwood | \$644,719 | 688 | \$937 |
| Tonka Bay | \$1,048,566 | 1475 | \$711 |
| Woodland | \$310,224 | 437 | \$710 |
| Shorewood | \$4,763,319 | 7307 | \$652 |
| Minnetonka | \$30,550,399 | 49734 | \$614 |
| Excelsior | \$1,317,339 | 2188 | \$602 |
| Eden Prairie | \$32,258,990 | 60797 | \$531 |
| Deephaven | \$1,922,124 | 3642 | \$528 |

| SPENDING PER HOUSEHOLD | | | |
|------------------------|------------------------------------|--------------------|-----------------------------------|
| | 2012 Final Certified Levy | 2010 Households | 2012 Spending per Household |
| Greenwood | \$644,719 | 290 | \$2,223 |
| Woodland | \$310,224 | 169 | \$1,836 |
| Shorewood | \$4,763,319 | 2658 | \$1,792 |
| Tonka Bay | \$1,048,566 | 586 | \$1,789 |
| Deephaven | \$1,922,124 | 1337 | \$1,438 |
| Minnetonka | \$30,550,399 | 21901 | \$1,395 |
| Eden Prairie | \$32,258,990 | 23930 | \$1,348 |
| Excelsior | \$1,317,339 | 1115 | \$1,181 |

| SPENDING PER TAXABLE RESIDENTIAL PARCEL | | | |
|---|------------------------------------|---|--------------------------------|
| | 2012 Final Certified Levy | 2012 Taxable Residential Parcels | 2012 Spending per Parcel |
| Greenwood | \$644,719 | 313 | \$2,060 |
| Excelsior | \$1,317,339 | 677 | \$1,946 |
| Shorewood | \$4,763,319 | 2767 | \$1,721 |
| Minnetonka | \$30,550,399 | 17972 | \$1,700 |
| Eden Prairie | \$32,258,990 | 19306 | \$1,671 |
| Tonka Bay | \$1,048,566 | 640 | \$1,638 |
| Woodland | \$310,224 | 195 | \$1,591 |
| Deephaven | \$1,922,124 | 1422 | \$1,352 |

Certified Levy Source: Hennepin county website

Population and Household Source: 2010 census from Met Council website (numbers do not include seasonal residents)

Taxable Residential Parcel Source: Hennepin county assessor Melissa Potter (numbers do not include apartment units)

Updated 05-05-12



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.

GREENWOOD CITY COUNCIL MEETING
Wednesday, June 6, 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, Quam and Rose

Others Present: City Attorney Kelly (departed at 10:08 P.M.), City Zoning Administrator/City Clerk Karpas and City Engineer Martini (departed at 7:13 P.M.)

Members Absent: None

Councilmember Fletcher asked that Milfoil be added to Item 9.A on the agenda.

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

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 26, 2012, Local Board Reconvene Minutes**
- B. May 2, 2012, City Council Meeting Minutes** (This was moved to Item 8.A on the agenda.)
- C. May 16, 2012, City Council and Planning Commission Joint Work Session Minutes**
- D. April 2012 Cash Summary Report**
- E. May 2012 Verifieds, Check Register, Electronic Fund Transfers**
- F. June 2012 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. Meet Planning Commissioner**

Mayor Kind stated Lisa Christian is present this evening to introduce herself to Council. Ms. Christian has applied for Alternate Seat 2 on the Planning Commission. The appointment will be effective June 6, 2012, through March 2013. She asked Ms. Christian to tell Council why she would like to be a member of the Commission.

Ms. Christian stated she has been a resident of the City since 2005 and she lives on property that fronts Lake Minnetonka. She noted she was encouraged by a John Beal to apply. She stated she does not have a lot to bring to the table and expressed confidence that over time she will learn. She then stated she hopes to be an asset to the Commission and to the City.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 13-12, “A Resolution Updating the City’s Alternate Planning Appointments and Directing the City Attorney to Administer the Oath of Office to the new Alternate Planning Commissioner Lisa Christian.” Motion passed 5/0.

Councilmember Fletcher commented that having John Beal encourage Ms. Christian to apply was in and of itself good.

Attorney Kelly stated he will administer the oath during the next Planning Commission meeting.

B. City Engineer Dave Martini – 2012 Road Project Bids and County Aid to Municipalities Application

Engineer Martini explained that on May 31, 2012, the bids for the 2012 road project were opened. The project includes the east leg of Greenwood Circle, Curve Street and Central Avenue. The City asked for an alternate bid for the fire access lane off the west leg off Greenwood Circle. The City received four bids. The low bid was received from Omann Brothers Paving in the amount of \$100,762.20. That amount includes the alternate bid for the fire access lane. If Council decides to move forward with the project Staff recommends moving forward with the bid from Omann Brothers.

Councilmember Fletcher asked if Omann Brothers has done work for the City before. Engineer Martini responded yes and that the firm did good work for the City.

Mayor Kind noted the 2012 budget for road projects is \$115,000 for construction costs and \$15,000 for engineering costs. She asked if there is a project Council would like to add to use the full budgeted amount. Councilmember Quam stated one option would be to do the leg off of Meadville Street by the Cochrane residence. Quam then stated another option would be to use the funds in excess of what is needed this year in 2013. Councilmember Page asked how bad that leg off of Meadville Street is. Quam responded it is pretty bad. Page asked what the process would be to add that. Engineer Martini suggested authorizing up to a certain amount for the repair of that leg and then he and Quam would work with Omann Brothers to see what could be accomplished with that additional funding. Martini stated he would propose the unit prices in the bid be extended for that additional work. Kind asked if that leg seems doable for about \$14,000. Martini stated the bid for the alternate fire line was about \$14,600 and the leg off of Meadville Street is a little shorter.

Page moved, Rose seconded, accepting the bid from Omann Brothers Paving for an amount of \$100,762.20, and authorizing Council member Quam and Engineer Martini to enter into negotiations with Omann Brothers to determine if the leg off of Meadville Street to the north can be repaired for the remaining amount of the \$115,000 budgeted for construction costs for road repairs in 2012 and if so authorizing those additional repairs. Motion passed 5/0.

Councilmember Fletcher commented that the letter from Bolton & Menk dated May 24, 2012, about total daily maximum load was very good. He noted that Engineer Martini is the President of the Minnesota Society of Professional Engineers this year. Martini stated he will serve in that capacity for another few weeks. A new president takes that role on July 1.

Mayor Kind stated Council needs to authorize the City Clerk to work with the City Engineer to complete the application for reimbursement from the Hennepin County Aid to Municipalities. The amount the City is entitled to receive for road projects is \$1,377.

Page moved, Quam seconded, directing the City Clerk and the City Engineer to complete the application for reimbursement from the Hennepin County Aid to Municipalities. Motion passed 5/0.

Engineer Martini stated engineering is assessing a couple of drainage issues along Excelsior Boulevard and they will prepare a report on recommendations for Council to consider. The improvements would be done in conjunction with the Metropolitan Council's project.

Engineer Martini departed the meeting at 7:13 P.M.

C. July 4th Parade, 10:00 A.M. at Greenwood Park

Mayor Kind encouraged everyone to take part in the 4th of July parade which will begin at 10:00 A.M. and will start at Greenwood Park.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Xcel Energy's Potential 69 kV to 115 kV Transmission Line Upgrade

Mayor Kind stated the meeting packet contains copies of three resolutions regarding Xcel Energy's (Xcel) potential 69 kV to 115 kV upgrade to the Southwest Twin Cities Bluff Creek to Westgate 69 kV transmission line. She noted that Councilmember Fletcher has taken the lead on this Project and reviewed the applications. She explained that during its May 2, 2012 meeting Council discussed this project. Council asked Xcel to provide Council with information regarding the existing electric and magnetic fields (EMFs). A copy of that information is included in the meeting packet. She noted that initially the EMFs are projected to be lower than they currently are, but they could go up over time. She asked Councilmember Fletcher to provide additional information.

Councilmember Fletcher noted that Xcel has filed applications with the Minnesota Public Utilities Commission (PUC). He explained the PUC then delegates preparing the environmental assessment to the Department of Commerce. Everyone's intent is to provide reliable electrical service at a reasonable cost. Xcel assesses its infrastructure and makes a recommendation on what changes it thinks need to be made. But, the PUC makes the final decisions. Public input is taken into consideration,

Fletcher stated the application submitted by Xcel has two parts. One is the Notice of Certificate of Need (the Certificate) proceedings for the Project. The PUC assesses that to determine if there is need for the

Project. Xcel also submitted a Route Application which helps determine the route the transmission line would take. Both applications have been filed and are in being considered.

Fletcher explained the way for the City and its residents to provide input is to file their input with the Department of Commerce. It will then be filed on the Docket. There are two separate Dockets. One is for the Certificate of Need and the other is for the Routing Permit.

Councilmember Page stated if Council adopts any of the resolutions being considered he asked if they will be submitted to the Dockets. Councilmember Fletcher stated it would be.

Councilmember Fletcher explained that based on information provided in the Certificate the Department of Commerce reviews the demand forecast to determine if there is a need for the upgrade. The first draft Resolution No. 12-12 related to the Certificate of Need stated the Certificate indicates there had been a reduction in load at the Excelsior substation from 17.03 megawatts (mW) in 2004 to 12.2 mW in 2010. The load reduction at the Deephaven substation went from 42.87 mW in 2004 to 41 mW in 2010. This Resolution questions if there is a need for increased demand in this area which is almost fully developed. The Certificate identifies two options for consideration. Option 1 is for the transmission line upgrade to 115 kV. Option 2 requires only transformer and conductor upgrades; it keeps the same 69 kV transmission line. There is a short-term savings with Option 2. On a long-term Net Present Value (NPV) Option 2 is a little lower. This Resolution asks the PUC to strongly consider Option 2. He noted that Option 1, which converts the line through Greenwood, has the capacity to add 200 mW of capability. Option 2 only adds 168 mW. He commented that he thought there may be a move to 115 kV as a standard for Xcel at its substations to improve reliability. He stated if that is the case, the Resolution states there may be an option that goes along Highway 5 to improve redundancy and the City asked the PUC to ask Xcel to consider that. He explained this Resolution states that per Xcel's information the existing 69 kV line can be upgraded by 16.5 percent by upgrading the substation equipment.

Mayor Kind noted that at the dais this evening was a copy of a letter she received from Deephaven Mayor Skrede stating the Deephaven Council supports moving the substation currently located in Deephaven to State Highway 7 and then running a transmission line along Highway 7.

Councilmember Fletcher stated from his vantage point need is the most critical part of the application.

Mayor Kind read the summary statement in Resolution 14-12 of what the City is asking for. It states **“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.”**

Councilmember Page stated he doesn't have any questions about the content of Resolution No. 12-12. He does have questions about the language.

Councilmember Fletcher stated that he had a conversation with Michelle Swanson from Xcel and who is present this evening, and Ms. Swanson has extended an offer to have a worksession where representatives of Greenwood discuss issues with representatives of Xcel.

Mayor Kind asked if the resolutions have to be acted upon this evening. Is there time to wait until the next Council meeting to act on them? Councilmember Fletcher stated he thought there is benefit in submitting Resolution 12-12 sooner versus later. Fletcher noted that he will not be in attendance for the July 5, 2012, meeting.

Mayor Kind asked Councilmember Page to review his concerns about the language in Resolution 12-12.

Councilmember Page explained the Resolution states “*This upgrade is expected to negatively impact the value of adjacent homes.*” He stated he does not know if that is factually accurate. He noted he will not vote for the Resolution if that statement is included because he does not think there is a basis in fact for it. It also states “... *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*” and “... *there is little reason to forecast that the local substation demand will increase as forecast by Xcel Energy through 2020.*” He stated that does not seem accurate to him. He thinks there will be an increased demand for power and that is why Xcel is seeking to increase the capacity. More capacity is better than less. He again stated he does not know if there is a basis in fact for that language either.

Councilmember Fletcher stated with regard to demand the data Xcel included in the Certificate showed demand declining at the substations in Excelsior and Deephaven. He noted that in 2011 the demand was 3.6 mW lower than Xcel forecasted. He stated those statements may trigger the Department of Commerce to ask Xcel to reevaluate the need at those two substations. He questioned if the increase in capacity is needed for this area or is it needed to support growth in other cities such as Chanhassen and Shakopee. He commented that he does not think residents want to live near a transmission line especially a larger one. He noted that he will not object to deleting the statement about negatively impacting property values. Mayor Kind agreed that statement could be deleted. Fletcher stated it could be changed to say “*Residents have expressed concern that the upgrade may negatively impact property values,*” noting he has heard that expressed. Fletcher stated “...*compared to 168 mW for Option 2*” should be changed to “...*compared to 168 mW for Option 1.*” Kind noted “... *Xcel’s rationale*” should be changed to “*Xcel’s rationale.*”

Mayor Kind noted that new appliances and electronics are designed to be more energy efficient, so that may be a factor and lower future demand for electricity.

Councilmember Fletcher suggested giving the three representatives from Xcel present this evening the opportunity to comment if they would like. Mayor Kind asked if the Xcel representatives wanted to speak and they declined.

Mayor Kind asked if Council wants to consider each of the three resolutions independently or review them all before taking action. Councilmember Fletcher suggested he review all three of them first.

Councilmember Fletcher Resolution No. 14-12 is related to the Route Application. The Application was filed after the PUC decided there was need for expansion and it drives the request for the upgrade the 69 kV transmission line to a 115 kV line near the LRT trail. This Resolution communicates the City’s strong preference to have the transmission line buried. It requests the PUC ask Xcel to provide the cost to do that.

Mayor Kind stated that maybe the portion visible from Lake Minnetonka could be buried for aesthetic reasons. She commented that she was out on Excelsior Bay and tried to visualize much taller transmission line poles replacing the current poles. They would have a negative visual impact. Councilmember Fletcher expressed his agreement with that.

Councilmember Fletcher stated Resolution No. 14-12 notes that during a meeting with representatives from the Cities of Deephaven, Excelsior, Greenwood and Minnetonka and representatives from the Three Rivers Park District (TRPD), the Minnehaha Creek Watershed District (MCWD) and the Hennepin County Regional Rail Authority (HCRRA) on November 4, 2011, Xcel was asked to consider the option

to bury the transmission line. The Route Application does not mention burying the line. The Resolution states that was a critical omission. If the PUC does not require the line to be buried, the Resolution requests the PUC ask Xcel for more information about things such as tree removal and trimming, vegetation impacts, what the new pole heights will be, transmission line aesthetics, and impacts on recreation. Information requested during the November 4th meeting.

Mayor Kind read the summary statement in Resolution 14-12 of what the City is asking for. It states **“NOW, THEREFORE, BE IT RESOLVED, that IF the Xcel Energy 115 kV transmission line upgrade along the existing 69 kV 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.”**

Councilmember Page stated he doesn’t have any questions about the content of Resolution No. 14-12. He does have questions about the language. He explained the Resolution states *“We also anticipate that it will reduce adjacent property values.”* He stated he does not know if that is factually accurate. Councilmember Fletcher stated it could be changed to say *“Residents have expressed concern that the upgrade may negatively impact property values,”* which would be consistent with the change in the first resolution. Page stated the summary statement in the Resolution only talks about aesthetic considerations. Page explained the transmission line is very exposed where it runs along Lake Minnetonka, and he thought it should be buried to improve the continuity of power. Now is an opportune time to bury that section of the line to help reduce power outages. He suggested changing it to include weather considerations as well.

Councilmember Fletcher noted the following statement in the Resolution talks about reliability. *“The city of Greenwood respectfully requests that the PUC require Xcel Energy to provide site specific cost and reliability information for a 115 kV buried transmission line along the LRT trail for its consideration with the application so that the PUC can properly evaluate the buried cable option.”* Councilmember Page stated that will dovetail with the minor change just agreed to.

There was Council consensus to change *“...buried due to aesthetic considerations along a statewide asset”* to *“... buried due to aesthetic and reliability considerations along a statewide asset.”*

Fletcher outlined Resolution No. 15-12 which basically states that Greenwood would only support an alternate that is approved by the affected neighboring cities.

Fletcher stated the City of Deephaven has proposed an alternate route for the 115 kV transmission line. It would partially run along State Highway 7 and it would include moving the substation currently located in Deephaven to an unspecified location. Deephaven believes it makes more sense to have a transmission line along a main corridor. He noted he does not know how practical that would be and stated that the Highway 7 route would affect Greenwood properties.

Mayor Kind read the summary statement in Resolution 15-12 of what the City is asking for. It states **“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 115 kV transmission line that are also approved by the affected neighboring city or cities.”**

Councilmember Fletcher noted the neighboring cities are Deephaven, Excelsior, Minnetonka and Shorewood and that they are referenced in the Resolution. He explained if the upgrade to the transmission

line along the LRT is approved those are the cities that would be impacted. He stated he thought it prudent for these Cities to work together.

There was ensuing discussion between Councilmember Fletcher and Councilmember Quam about whether or not the word “only” needs to be included in the summary statement.

Councilmember Fletcher suggested adding the word “potentially” after the word “only.” Councilmember Quam stated that would be okay with him.

Councilmember Page noted that the transmission line was down the railroad track (which is now the LRT trail) for many, many years and it is an established route for public utilities. He stated he did not agree with cities suggesting the route be changed because the railroad no longer runs there.

Councilmember Fletcher stated he did not think it likely that idea of the alternate Highway 7 route and moving the substation will advance.

Mayor Kind stated the letter from Deephaven states it does support taking the line and substation out of Deephaven entirely and running the 115 kV line along Highway 7.

Councilmember Rose stated from his perspective the only real alternative there is burying all, or part, of the transmission line.

Councilmember Fletcher stated he went through the Certificate of Need thoroughly and he does not believe it is an open and shut case. From his vantage point, the best shot at keeping the upgrade from happening is the Certificate.

Keith Stuessi, 5000 Meadville Street commented that he thought Councilmember Fletcher did a marvelous job sifting through the two applications and drafting resolutions. He stated that if the City doesn't want to pursue his question he will submit his own letter to the PUC though Tim Rogers with Xcel and any other person he needs to. He asked the representatives from Xcel why they cannot route the line from Pole 57 straight through Chanhassen on the massive 1,000 foot wide right-of-way (ROW) along Highway 5 on the existing infrastructure that already exists directly to the Westgate Substation.

Councilmember Fletcher stated that Mr. Stuessi's question is asked in Resolution No. 12-12. It states *“Xcel may also favor Option 1 because it provides additional 115 kV 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 115 kV Line #5516, and provide the redundant 115 kV 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 115 kV line infrastructure.”* He asked Mr. Stuessi if that is what he is talking about. Mr. Stuessi noted it was.

Paul Lehman, Xcel Representative, stated the question from Mr. Stuessi is about the design of the transmission system. He noted he is no longer a transmission designer although he did start his career as one. That would be a legitimate question to pose to the company's designer to assess how it could or could not meet Xcel's needs. He encouraged Council to express its opinions and be involved. He explained the process works when people let the regulators and others involved with making decisions aware of what people's views and opinions are.

Mr. Lehman stated there are two aspects to permitting. One is about the need for the facilities and whether or not Xcel can demonstrate the need for them. The timing for that is farther out. The hearing takes place 5-7 months after the application is submitted. The hearing is for the express purpose of determining if Xcel has demonstrated the need is there. If the City has questions / concerns about need it has more time to submit them. With regard to the solutions for satisfying the need, that has to be finalized sooner. There is a scoping process during which solutions that would solve the need have to be finalized. It is better to submit alternative proposals about how to fit the need sooner. He clarified he is not suggesting Council take action or not take action this evening.

Mr. Lehman stated that regardless of what Council decides to do this evening Xcel continues to extend the offer to work through the questions and concerns outlined in two of the resolutions. There is a team of people working on various aspects of the project and Xcel will make those people available to discuss them in a Council worksession or with the City's staff.

Councilmember Fletcher stated it is his understanding that the application for the Certificate was determined to be complete about a week ago. Mr. Lehman stated the hearing on the completeness was on May 31. Fletcher asked when the Department of Commerce starts to analyze the demand forecasts and the infrastructure. Mr. Lehman stated as soon as it decides the material provided is complete. That has happened, so the process of evaluating the material will begin. Fletcher asked if the Department of Commerce will take into consideration the material filed on the Docket at the same time. Mr. Lehman stated he thought it would take into consideration everything at its disposal when making its evaluation.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 12-12, "A Resolution Responding to Xcel Energy's Certificate of Need Application Scott County to Westgate 115 kV Upgrades Docket 11-332 subject to replacing 'This upgrade is expected to negatively impact the value of adjacent homes' with 'Residents have expressed concern that the upgrade may negatively impact property values,' changing rationale to rationale, and changing '...compared to 168 mW for Option 2' to '...compared to 168 mW for Option 1.'"

Councilmember Fletcher encouraged Council to accept Xcel's offer to discuss Council's questions, concerns and suggestions. He offered to coordinate such a worksession.

Motion passed 4/1 with Page dissenting.

Councilmember Page noted that he thinks there is a need to upgrade the transmission line and therefore he does not want to say there is not. He stated he thought it is prudent for Council to look to the future.

Fletcher moved, Page seconded, Adopting RESOLUTION NO. 14-12, "A Resolution Requesting Consideration of Greenwood's Concerns Regarding the proposed Routing of the Xcel Energy Scott County to Westgate 115 kV Upgrades Docket 11-948, subject to the replacing 'We also anticipate that it will reduce adjacent property values,' to 'Residents have expressed concern that the upgrade may negatively impact property values,' and changing "...buried due to aesthetic considerations along a statewide asset..." to "... buried due to reliability and aesthetic considerations along a statewide asset..." Motion passed 5/0.

No motion was made to adopt Resolution 15-12.

B. Petition for Excelsior Boulevard Watermain Project

Mayor Kind noted that the meeting packet contains a copy of two draft resolutions. One of them declares the adequacy of the petition for watermain extension along Excelsior Boulevard. The other declares insufficiency of the petition. She explained Council discussed the concept of extending the City's watermain along Excelsior Boulevard during its May 2, 2012, meeting. During that meeting Council decided that the City should wait until a petition is submitted before making a decision regarding how to proceed. The City has since received a petition from the owners of properties abutting Excelsior Boulevard. A copy of the petition is included in the meeting packet. The City Attorney has reviewed the petition and he has provided a memorandum regarding outlining the City's options for how to proceed. A copy of the memorandum is included in the meeting packet. A map reflecting the properties that would be affected is also included in the packet.

Councilmember Fletcher noted that the map is slightly incorrect and that the map was not submitted with the petitions. He stated it is his understanding the map was provided by the engineer for the City of Excelsior. It was prepared when the project was originally being considered and it included more properties. The petition does not reference the properties number 11-15 on the map. The petition is done by property address.

Mayor Kind asked Attorney Kelly to review the City's options.

Attorney Kelly explained it is at the election of the City to decide whether to proceed with this process. Based on his calculations, the signers of the petition represent owners of 41.6 percent (5 of 12) of the abutting properties. Thirty-five percent is the requisite. Therefore, Council can determine the petition has sufficiency. He noted that petitions are generally submitted by petitioners who are seeking the debt minimum. He explained it is his understanding Excelsior wants to install a 12-inch watermain line rather than the typical 8-inch line typically installed in neighborhoods in order to maintain water pressure. If Council accepts the petition and proceeds on the strength of the petition it cannot then upgrade the facilities under that petition process. If Council finds the petition to be reasonable it may have to act by way of its own initiative in order to go with a 12-inch line.

Councilmember Fletcher clarified the petition does not specify line size and the costs attached to the petition developed by the engineer for Excelsior were for a 12-inch line.

Mayor Kind asked how many of the people signing the petition signed it for the costs provided by Excelsior. Councilmember Fletcher stated all had been provided with the estimated cost per property which is for a 12-inch line. He noted there is a strong preference to pay for just an 8-inch line. Kind stated the size can be downsized but not increased.

Attorney Kelly stated that assumption can be made but the petition does not say it is for a 12-inch line. There are two ways to address that. One is to resubmit the petition clarifying it is for a 12-inch line. The other is Council action. He noted Council has six months to act on the petition. Unfortunately, the project will be moving forward more rapidly than that.

Mayor Kind stated her preference would be to install a line that could be extended further in the future and it is her understanding that it has to be a 12-inch line at a minimum to do that. She then stated the petition does not clearly specify the watermain line would be a 12-inch line and therefore she is not sure the signers knew that the cost was for a 12-inch line.

Councilmember Fletcher stated the petition only states it is to install watermain.

Councilmember Fletcher stated the petition did not specify line size. It did not talk about structural improvement.

Mayor Kind stated if Council declares the petition to be sufficient can Council say it is going to be a 12-inch line.

Attorney Kelly explained when the Notice of Hearing is published it starts the clock. The City has to publish the resolution Council adopts ordering the plans to be approved, the hearing and so forth. That starts the appeal time. The City does not know if will face litigation. Therefore, it is prudent not to provide a person with an easy line of attack on a nuance that could be clarified by one of two pathways. Resubmitting a clarified petition specifying Excelsior demands a 12-inch line and prudence demands a 12-inch line. The signers would then be accepting the cost is more than a minimal 8-inch line. Alternatively, the City could decide to take action on Council's own initiative, which Council can do.

Councilmember Quam asked if the City would be liable for the cost differential between the 8-inch line and 12-inch line. Attorney Kelly explained if Council acts on its own and orders plans to be prepared for a hearing to discuss a 12-inch line installation, then that would involve a public hearing and a full explanation by the City Engineer about costs.

Attorney Kelly explained that any time one of these types of projects is done there is a special benefit to the abutting properties and there is a general benefit to the community. It is rare that the special benefit is 100 percent to the abutting properties without a part being apportioned to the community infrastructure. The appraisal process must be undertaken and that is required by State Statutes.

Councilmember Quam asked if the signers of the petition are saying they will pay the cost if the watermain is installed. Attorney Kelly stated they are not and he explained they have a legal right to pay for only that which specifically benefits their property with the expectation that there is some general component to be carried. If the appraisal process results indicate that 100 percent of the benefit is for the owners of the abutting properties that is defensible and it could be the City's final resolution. He commented that it would be fair to assume that the couple of commercial properties are going to challenge the project.

Councilmember Fletcher noted that if 100 percent of the property owners sign the petition then it would not be necessary to go through the appraisal process.

Attorney Kelly stated that as Mayor Kind noted Council is looking forward to a time when the water infrastructure could potentially be completed. Kind stated at least she would like that to be an option.

Councilmember Page stated if this is approved with there being ambiguity about what the property owners who are submitting the petition are willing to pay for they could argue they would only receive the benefit of an 8-inch line. Therefore, they could argue that the benefits of the larger line should be paid for by the City. Attorney Kelly stated that is correct.

Mayor Kind stated the City could have the petitioners submit a new petition that clearly stipulates they are asking for a 12-inch line.

Attorney Kelly explained if they submitted a new petition then the City could move forward with the 12-inch line without being hit with the argument that the City arbitrarily upgraded what the petitioners were asking for. He stated the apportioning of special benefit and the general benefit will still have to be addressed.

Councilmember Page stated he assumed the petitioners could still argue the City should pay for the cost differential between the 8-inch line and the 12-inch line even if they signed a petition that clearly specifies it will be a 12-inch line.

Attorney Kelly stated the intent of clarifying and resubmitting the petition is so that no one can stop the process by saying they signed up for the minimum size line not a larger line.

Councilmember Page stated resubmitting the petition would make it difficult for the owner of an abutting property to challenge the extension because they thought the City arbitrarily upgraded the line. He noted the city is aware that there is some potential opposition from the owners of the affected commercial properties. He stated it is prudent that the petition be clear that the residents want a 12-inch line.

Councilmember Fletcher stated based on his limited feedback the owners of the commercial properties are not in favor of the project.

Attorney Kelly stated Council could just thank the petitioners for submitting the petition and then tell them the City is going to act on Council's initiative.

Councilmember Page stated he does not want Council to act on its own initiative. This is an initiative coming from property owners. He wants them to clarify that they want a 12-inch line. Mayor Kind expressed her agreement with Councilmember Page's comments. Page stated pricing being based on 12-inch line is not sufficient to be able to prove that the property owners want a 12-inch line. He noted that he was not aware that could be a problem until this evening.

Councilmember Fletcher stated he did not think there would be a problem having property owners sign a more specific petition. He noted that he will not be in attendance during the July 5, 2012, Council meeting.

Councilmember Page stated Council is just determining the adequacy of the petition. The signers of the petition represent owners of the abutting properties and they exceeded the 35 percent requisite.

Attorney Kelly stated it is prudent for the City has to ensure the property owners understand that the watermain will likely be a 12-inch line and that the City is not sure how the costs will be portioned between the property owners and the City.

There was Council consensus to continue this item to Council's July 5, 2012, meeting pending resubmission of a petition specifying it is for the installation of a 12-inch watermain line.

Mayor Kind asked if anyone in the audience wanted to comment on this item.

Steve Janousek, 21210 Excelsior Boulevard, noted he was one of the property owners who signed the petition. He stated if it would help he would tell Council what he thought he was signing. He explained it was his understanding that estimated cost per property was for what Council is calling a 12-inch line and that the line could potentially end up being smaller. He stated he thought the others who signed the petition had the same understanding.

Councilmember Quam stated based on Mr. Janousek's comments there should not be a problem with getting the requisite number of signatures on a clarified petition.

Councilmember Page expressed concern about doing a project that will benefit a few properties in the City yet a portion of the cost will in effect be assessed to the entire City. He stated based on the discussion this evening he thinks the City will likely have to pay for the cost differential between an 8-inch line and the 12-inch line. He asked if that will be discussed when the finding of need is taken up.

Attorney Kelly stated Council needs to know that apportionment will occur. He explained Council does not have to decide to move forward on the project until the City Engineer presents information about the project and the cost of the project to Council. After that the City has to go through the special assessment process and find out how the costs will be apportioned.

Mayor Kind reiterated that she thought it would be prudent to install 12-inch line so the watermain could be extended in the future.

Councilmember Page stated that means people are agreeing that the City will pay for part of this project. Councilmember Quam stated Council does not have to make that decision now. Page noted that part of the reason he is bringing this up now is Councilmember Fletcher will not be at the July 5 meeting when this will be discussed again. Quam noted the only thing Council will do in July is accept the petition.

Attorney Kelly stated once the petition is accepted then the plans will have to be prepared at a cost to the City. The plans will be presented to Council during a public hearing and be fully reviewed. Then after taking comment at the public hearing can Council make its decision about whether or not to move forward with the project.

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

Mayor Kind stated this is the first reading of Ordinance 210, amending Ordinance Code Section 113.30 Subd. 5(d) and 5(f), Use of Sewers. It would give Council the authority to institute programs to ensure compliance with an ordinance that prohibits discharge of clean water into the sanitary sewer system.

Kind explained that during its February 1, 2012, meeting 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. There was no follow up with the properties that did not return the certification form. If Council wants to implement a new "sump pump program," Section 310.30 of the City Code would need to be revised.

Kind noted a copy of the draft Ordinance as well as a proposed Certification Letter and Certification Form are included in the meeting packet. 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 included in the meeting packet.

Zoning Administrator/Clerk Karpas suggested deleting the following sentence from the Certification Letter. It states "*The City is hopeful that 100% real property owner voluntary compliance will be obtained.*" His rationale for deleting it is the City wants them to send the completed Form back to the City. Councilmember Page agreed with Karpas' suggestion. There was Council consensus to delete the sentence.

Councilmember Page questioned why Council wants to make it a crime (a misdemeanor). Councilmember Quam stated he has the same concern. Page stated from his perspective it would be sufficient to double the fine and to keep going through this process periodically.

Attorney Kelly explained any violation of the Code that is unspecified is a petty misdemeanor.

Mayor Kind noted the Code Section 310.30 Subd. 5(h) states *“Violation of this section is a misdemeanor and each day that the violation continues is a separately prosecutable offense.”* She did not think it needed to be reiterated in Subd. 5(d). She also noted that under Subd. 5(d) in the amendment it states *“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.”* She stated the second sentence could be deleted from the amendment.

Councilmember Fletcher said he did not want to make it a crime either.

Councilmember Quam asked if the City is forced to have it be a misdemeanor. Councilmember Page noted that every violation of the Code is a misdemeanor. But, as a practical matter the City is not going to take someone to court over this. Quam commented that this Council may not but who knows what a future council will do. Councilmember Page stated the District Court would not want to have this come before it.

Fletcher moved, Quam seconded, adopting the first reading of Ordinance 210 amending Section 310.30 Subd. 5(d) and 5(f) Use of Sewers subject to deleting the following *“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.”*

Councilmember Page stated Code Section 310.30 Subd. 5(h) states *“Violation of this section is a misdemeanor and each day that the violation continues is a separately prosecutable offense.”* He expressed concern about the word misdemeanor. Mayor Kind noted that is the way the current Code is written.

Motion passed 5/0.

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 a meeting agenda for Council discussion. She noted the meeting packet contains a copy of an email from Mr. Quinn. She also noted that Mr. Quinn is not present this evening. She asked Council if, in the interest of time, it wants to continue this to the July 5, 2012, meeting agenda or not even consider it at all.

Councilmember Quam stated he had no problem continuing it to the July meeting.

Councilmember Page stated he did not mind it being continued to the July meeting, but he does want to consider it some time. He then stated he agrees with Mr. Quinn that the foliage has grown too tall and he thought it should be trimmed to be about 4 feet high. He clarified he did not want it totally removed which may encourage people to fish in that area.

Councilmember Fletcher asked if this could be continued to the August Council meeting when he will be in attendance.

There was Council consensus to move this item to the August 1, 2012, meeting agenda.

E. Variance Findings of Fact, Keith and Stacy Carlson, 20965 Channel Drive

Mayor Kind noted that during its May 2, 2102, meeting Council approved the variance requests for Keith and Stacy Carlson, 20965 Channel Drive, for a front entry and fireplace addition based on verbal findings. During that meeting Council also directed the City Attorney to draft findings of fact for Council's consideration during its June 6, 2012 meeting. The meeting packet contains a copy of the findings.

Quam moved, Fletcher seconded, Adopting RESOLUTION NO. 11-12, "A Resolution Setting Out the Findings of Fact and Conclusions of Law Regarding the Keith and Stacy Carlson Front Entry and Fireplace Addition Variance Requests."

Councilmember Rose stated he has a problem with allowing anything to be built closer to the lake front than allowed in the City Ordinance. He commented that Council allows this over and over again and he is not in favor of it. Mayor Kind stated based on minutes from the Planning Commission meeting when this was considered the Commission recommended approval of this because the fireplace would be cantilevered. Rose suggested putting it the other way; it is proposed to go closer to the lake front. Rose also expressed concern about the hardcover issue. Kind noted they are going to reduce their hardcover coverage.

Councilmember Fletcher stated the fireplace does not impact hardcover because it is cantilevered.

Councilmember Page stated he tends to agree with Councilmember Rose on a general basis. What makes this request different is the property has lake yard setbacks on two sides of the property. The applicants are honoring the setback on the main lake but asking for a variance on the channel side. Because they are boxed in to some degree he doesn't have a problem granting this setback variance.

Page then stated Finding of Fact 11 states "*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.*" He suggested changing it to read, "*A practical difficulty in meeting the setbacks is created by a required lake yard setback along two property lines.*"

Without objection from the maker or the seconded, Finding of Fact 11 was changed to read "A practical difficulty in meeting the setbacks is created by a required lake yard setback along two property lines." Motion passed 4/1 with Rose dissenting.

7. NEW BUSINESS

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

Mayor Kind 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 for a proposed deck expansion.

Zoning Administrator/Clerk Karpas explained the applicants are proposing to replace an existing lakeside deck that currently encroaches 9 feet, 10 inches into the required lake yard setback. Because the deck already exists and because they already exceed the maximum impervious surface the applicants have requested a variance. The applicants also propose to create a small addition to the deck which does comply with the lake yard setback and all of the setback requirements. Their impervious surface would go to 36.62 percent; or 6.62 percent over the maximum permitted surface area of 30 percent. It would be less than the current impervious surface amount of 39.4 percent.

Councilmember Page stated the applicants are asking for permission to expand a nonconformity. Mayor Kind stated the proposed impervious surface is less than what exists currently. Councilmember Fletcher stated from his perspective it would not be less because the Findings of Fact just approved for the applicants for different variance requests have reduced the current impervious surface to 35.7 percent.

Zoning Administrator/Clerk Karpas explained the deck was originally part of the application for the variance requests approved during Council's May 2, 2012, meeting. In that application the addition to the deck encroached further into the front yard setback. They removed the deck and deck addition from that application, redesigned the deck so the addition did not encroach into the setback, and submitted a standalone variance request application for the deck. When the deck was part of the first application the impervious surface amount was the same as what is being requested in this application.

Mayor Kind noted the Planning Commission recommended approval on a 5/0 vote and considered the practical difficulty standard in their review.

Councilmember Rose asked if the deck will be replaced in the same exact spot. Zoning Administrator/Clerk Karpas responded that is correct. He also noted that the applicants' plan includes a new small deck that meets the setback requirements.

Councilmember Fletcher noted the staircase was widened from 3 feet to 4 feet.

Councilmember Page stated the nonconformity increases with regard to the staircase. The impervious surface also increases because of the deck. Mayor Kind clarified the impervious surface increases from what was just approved, but it is less than the original impervious surface.

Page asked if the increase of the nonconformity is in the same area that fronts St. Alban's Bay. Mayor Kind stated it is. Zoning Administrator/Clerk Karpas stated the increase is the width of the stairs.

Josh Haug, the landscaper on the project, explained the existing staircase is 3 feet wide and it encroaches into the front yard setback. The proposed staircase will be 4 feet wide. The addition to the deck does not encroach into the setback. When the applicants met with the Planning Commission the last time the Commission asked the applicants to submit a survey which reflects the proposed landscape plantings. It shows the existing hardcover and the final hardcover. The final hardcover with the landscaping will be 36.5 percent a decrease from the original hardcover of 39.62 percent.

Councilmember Page asked the applicants why they want to increase their staircase width to 4 feet. Mr. Carlson stated for safety reasons and easier access. Ms. Carlson stated the staircase is a small piece that goes into the setback. Councilmember Quam stated a 4-foot-wide staircase is much safer than a 3-foot-wide staircase, noting he has a 3-foot-wide staircase. The landscaper noted the staircase is quite deep to keep it from encroaching more into the setback, and for most of the designs his company does staircases are wider than 4 feet. Mayor Kind stated it would allow to people to pass each other on the staircase. Page commented that makes sense.

Page then asked what the rationale is for the new smaller deck. The landscaper said the current deck is very narrow and the Carlsons wanted to have an area to have both a table and chairs and grill on the deck. That's not possible on the current deck.

Page stated the proposal does increase the hardcover on the side of the property that fronts the lake. The landscaper noted that the overall the hardcover will be less than what it was originally.

The landscaper noted a portion of an existing patio is being eliminated to eliminate some hardcover on the lake side and that it was in the setback area.

Mayor Kind recessed the meeting at 8:58 P.M.

Mayor Kind reconvened the meeting at 9:06 P.M.

Zoning Administrator/Clerk Karpas noted the City Ordinance allows a staircase up to 4 feet wide in the required shoreland setback in bluff areas or areas with a steep slope.

Fletcher moved, Page seconded, approving the variance requests by Keith and Stacy Carlson, 20965 Channel Drive, as proposed and recommended for approval by the Planning Commission subject to the impervious surface being no greater than 35.7 percent.

In response to a question from Councilmember Quam, Councilmember Fletcher explained the 35.7 percent is a reduction of 0.8 percent of what the applicant is proposing. Mayor Kind noted that 35.7 percent is what was just approved in the Findings of Fact for two variances for the Carlsons under Unfinished Business on the agenda.

Motion passed 4/1 with Rose dissenting.

Councilmember Rose stated there is nothing stating how the impervious surface will be reduced from 36.62 percent to 35.7 percent.

Fletcher moved, Page seconded, directing the City Attorney to draft findings of fact based on Council's discussion this evening for Council's consideration during its July 5, 2012 meeting. Motion passed 5/0.

B. Conditional Use Permit, Keith and Stacy Carlson, 20965 Channel Drive

Mayor Kind explained Keith and Stacy Carlson, 20965 Channel Drive, have applied for a conditional use permit (CUP) to exceed the annual permitted significant tree harvest of 2 trees.

Zoning Administrator/Clerk Karpas explained the applicants are looking at an overall landscaping plan for their property which includes the removal of a number of trees. The City Ordinance allows property owners to remove up to two significant trees in one year without a permit and up to five in a 2-year period with a permit. The Ordinance prohibits the removal of trees within the Shore Impact Zone without the issuance of a CUP. The applicants are proposing to remove 5 significant trees and a total of 8 trees overall within the 50-foot setback area. The 5 significant trees are located in the Shore Impact Zone. The Planning Commission did consider the request and recommended approval subject to one large hardwood tree being planted on the south side of the property along the lakeshore. He noted that some of the trees are in very bad condition.

Councilmember Quam asked if the City's arborist inspected the trees. Zoning Administrator/Clerk Karpas responded he did. Mayor Kind noted that a copy of the arborist's comments is included in the meeting packet. Quam asked if what the applicants are proposing fits with what the arborist is recommending. Karpas stated it is.

Councilmember Fletcher stated he forwarded the landscaping plan to Planning Commissioner Beal and he thought the survey reflected what the Commission asked for.

Councilmember Page asked if the arborist's recommendations are reflected in the revised plan. Zoning Administrator/Clerk Karpas responded yes.

Fletcher moved, Page seconded, approving the conditional use permit (CUP) for Keith and Stacy Carlson, 20965 Channel Drive, as recommended by the Planning Commission subject to adding an additional condition to the CUP that if the silver maple located on the lake side of the house is removed for any reason that it will be replaced in the same general area on the lake side of the house with a deciduous hardwood tree not less than three inches in diameter.

Councilmember Fletcher commented that silver maples are not known to be long living trees. The additional condition is to ensure it would be replaced with a tree.

Councilmember Quam asked that act of God be included in the motion.

Without objection of the maker or seconded, the motion was amending to add "including an act of God, and directing the City Attorney to prepare findings of fact based on Council's discussion this evening for Council's consideration during its July 5, 2012 meeting."

The landscaper for the applicants noted they are adding trees to the property as well as removing them. He noted there are a number of trees that are not in good condition. He also noted the silver maple is in the best shape.

Councilmember Fletcher noted that it was Planning Commissioner's Beal's suggestion to add the condition about the tree.

Motion passed 5/0.

C. Possibility of Installing a Canoe Rack at the Meadville Boat Launch

Mayor Kind explained that during Council's joint work session with the Planning Commission on May 16, 2012, Commissioner Conrad suggested installing a canoe rack at the Meadville boat launch. There was general consensus that the idea was worth considering and it was suggested that Council discuss this during this meeting.

Kind then explained that since that joint worksession some research has been done relating to canoe racks. The canoe racks the City of Deephaven has at Carson's Bay measure 9 feet long by 7 feet deep by 4 feet tall. Each rack holds 4 canoes. The racks were constructed by the Deephaven Public Works Department. They 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. Deephaven charges \$100 for each canoe rack space and their use is determined by a

waiting list. Because the canoe racks are located on land, their use is not regulated by the Lake Minnetonka Conservation District.

Kind noted that Council approved a canoe / kayak permit fee of \$60 in 2010 in anticipation of the possibility of installing canoe racks. The fee is included in the fee schedule which is located in Section 510 of the Code Book. She explained if Council chooses to move forward with the installation of a canoe rack or racks, an ordinance needs to be drafted to establish procedures for the application and use of the rack spaces. The ordinance could be drafted while the rack is being constructed.

Councilmember Page asked how much taller the 6-space canoe rack is than the 4-space rack. Mayor Kind stated 6-space racks can be found at the St. Louis Bay access. She noted that she did not go and measure them. Page noted that in order to lift a canoe to the top of a 4-space rack he has to lift a canoe over his head.

Mayor Kind commented that a 6-space rack must work because Deephaven has some. She noted a proposed site plan showing a possible location of a canoe rack is included in the meeting packet.

Kristi Conrad, 21780 Fairview Street, stated she was approached by her neighbors about this. She is aware of two people who would rent a space and possibly a third person. She noted that a 4-space rack could easily be filled up. Councilmember Page asked Ms. Conrad if she thought the City could rent out two 4-space racks. Ms. Conrad stated she thought so provided the racks were placed next to each other like train cars are.

Mayor Kind suggested building one and waiting to find out what the demand is. Page expressed his agreement with that.

Ms. Conrad explained that the 6-space racks in Excelsior have the lowest two spaces close to the ground. The 6-space rack is spaced out differently than the 4-space rack.

Councilmember Fletcher asked Mayor Kind if she has reviewed the site plan with the Excelsior Fire Department. Kind responded she has not.

Fletcher moved, Quam seconded, directing the City Clerk to ask the Deephaven Public Works Department to install one rack to hold four or six canoes, as deemed appropriate after researching each option, at the Meadville boat launch as indicated on the proposed site plan subject to review by the Excelsior Fire Department.

Councilmember Fletcher stated if the 6-space option is workable he recommended going with that option due to the minimal price difference between the two rack sizes.

Motion passed 5/0.

D. Appointing Election Judges and Absentee Ballot Board

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 8-12, "A Resolution Appointing the 2012 State Primary and General Election Judges and Establishing Hennepin County as the Absentee Ballot Board." Motion passed 5/0.

E. Absentee Ballot Counting Location

Quam moved, Rose seconded, Adopting 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 and Primary General Elections.” Motion passed 5/0.

F. Hennepin County Recycling Agreement

Mayor Kind noted that the City has been waiting for the Hennepin County Recycling Agreement (the Agreement) Resolution since February. She asked Emilee Metcalf, with Vintage Waste Systems, if she understands the Agreement. Ms. Metcalf stated she has reviewed.

In response to a question from Councilmember Fletcher, Ms. Metcalf stated Vintage Waste takes the recyclable material it collects to a processing center. Ms. Metcalf noted the processing center is up to code with all of the requirements.

Fletcher moved, Rose seconded, Adopting RESOLUTION NO. 4-12, “A Resolution Establishing a Residential Recycling Agreement with Hennepin County.”

Councilmember Fletcher asked Zoning Administrator/Clerk Karpas if he had any concerns with the Agreement. Zoning Administrator/Clerk Karpas responded it looks fine and he noted the City did receive a copy of its Certificate of Insurance from its insurance agent.

Motion passed 5/0.

G. Agreement for City Recycling Services

Mayor Kind stated the City put out requests for proposals (RFP) for Citywide recycling services. The City received one RFP and it was from Vintage Waste Systems.

Councilmember Quam asked Emilee Metcalf, with Vintage Waste Systems, if the company is proposing any changes with the size of the recycling containers. Ms. Metcalf responded there is not.

Ms. Metcalf noted there are over twenty homes that use the 96-gallon container. There have been quite a few requests for that larger container. The homes with a number of people in them are filling the large containers weekly as well as a few other containers. A lot of 35-gallon containers have been replaced with 64-gallon containers. Quam asked if Vintage Waste Systems' RFP includes any change in services. Ms. Metcalf stated it does not and she noted the service will continue to be weekly. She also noted there is no additional cost to get a larger container.

Mayor Kind stated the cost of \$5.25 per unit and the \$90 cost for the 17-unit apartment complex need to be included in the resolution.

Councilmember Fletcher stated it is for four 96-gallon containers at the complex. He noted one document says three containers and another says four. Ms. Metcalf stated because of the large amount of recycling collected at the complex the plan is to add another 96-gallon container at the complex once the agreement is finalized.

Mayor Kind explained the RFP states there will be a fuel surcharge if the cost of fuel goes above \$4.25 per gallon. She asked what the surcharge would be. Ms. Metcalf explained that it is a national percentage that major haulers charge and it is a fluctuating percentage (e.g. 12-20 percent). Councilmember Quam stated Council discussed this when it first implemented its recycling program with Vintage because the

cost of fuel was so high at the time. Kind asked if the surcharge is in the current contract entered into in 2009. Ms. Metcalf stated she thought it was.

Kind stated in Item 4 in the Resolution relating to cost she will revise it to say *“The cost per unit shall be \$5.25 and \$90 for one 17-unit apartment complement with four containers, and a fuel surcharge if fuel goes above \$4.25 per gallon.”* Councilmember Fletcher suggested changing *“and a fuel surcharge if fuel goes above \$4.25 per gallon”* to *“subject to adjustment my mutual agreement if fuel costs exceed \$4.25 per gallon.”*

Councilmember Fletcher noted that Vintage would prefer a three-year contract rather than a one-year contract with the option to renew for another year twice. The current contract was the renewable option. He stated two years ago when the market for recyclable materials was not very good Vintage asked the City renegotiate the contract. He does not want to do that again mid contract. Ms. Metcalf stated the rate would be locked in. Mayor Kind stated that was supposed to be the case for the current contract. Ms. Metcalf stated their business is more established than it was in 2009 and its financial situation is better.

Mayor Kind noted the resolution needs to have Vintage Waste Systems inserted in the blanks for the vendor name and the box for a three-year contract needs to be checked.

Page moved, Quam seconded, Adopting RESOLUTION NO. 10-12, “A Resolution Establishing a Recycling Service Agreement Between the City of Greenwood and Vintage Waste Systems, Inc.,” subject to inserting Vintage Waste Systems, Inc., for the vendor name, specifying it is a three-year contract, and inserting “The cost per unit shall be \$5.25 and \$90 for one 17-unit apartment complex with four containers subject to adjustment my mutual agreement if fuel costs exceed \$4.25 per gallon.” Motion passed 5/0.

H. July Fourth Fireworks Contribution

Mayor Kind stated that annually the South Lake-Excelsior Chamber of Commerce asks the City to make a contribution to help pay for the fireworks display on the Fourth of July. That community event draws people from the entire South Lake area. She noted the City contributed \$1345 in 2011. The 2012 General Fund Budget has earmarked \$1,400 for a contribution; a 7.69 increase over the 2011 contribution.

Page moved, Quam seconded, directing the City Treasurer to disburse a check in the amount of \$1400 to the South Lake-Excelsior Chamber of Commerce for the 2012 Fourth of July fireworks fund. Motion passed 5/0.

Fletcher moved, Page seconded, changing the order of the items on the agenda so Item 7.J is discussed before Item 7.I. Motion passed 5/0.

Discussion moved to Item 7.J on the agenda.

I. Draft of Excelsior-Greenwood St. Albans Bay Bridge Agreement

This was discussed after Item 7.J on the agenda.

Mayor Kind explained that on April 10, 2012, the Excelsior and Greenwood City Councils met in a joint worksession to discuss the status of St. Alban’s Bay Bridge (the Bridge) which is jointly owned by the two Cities. A 136-page report written by the Minnesota Department of Transportation dated June 2006 lists the Bridge as “eligible” to be classified as historic because of “aesthetics.” It has since been

determined that the Art Deco detailing on the Bridge is the “aesthetics” that make the Bridge eligible to be historic. The Cities can’t do anything to make the Bridge “not eligible.” All “eligible” bridges must go through the same review process as bridges “listed” as historic. She clarified this does not mean the Cities must rehabilitate the Bridge. It only means that the Cities must jump through a few hoops to prove that it would be better to replace the Bridge than rehabilitate it if that is what the Cities decide to do.

Kind noted that based on preliminary estimates it would cost approximately \$200,000 less to replace the Bridge than to rehabilitate it.

Kind stated during the work session the Councils discussed the concept of drafting and putting in place an agreement so the Cities could pursue funding opportunities when they deem it to be appropriate. The Councils agreed to the following next steps. 1) Have Greenwood City Attorney Kelly draft a mutual agreement that would lay out key steps in the process, establish a method for determining engineers for the project, explain a cost-sharing plan, identify what the appropriate time would be to implement the steps in the agreement and so forth. 2) Have both Cities review the mutual agreement and revise it where necessary. 3) Have both Cities approve the final mutual agreement. She noted the meeting packet contains a copy of the first draft of a Excelsior-Greenwood St. Alban’s Bay Bridge Construction Agreement (the Agreement) written by Kelly. She stated that after this Council reviews and modifies the draft Agreement it will be forwarded to the Excelsior Council for review and modification.

Kind asked Council if it wants more time to review the Agreement and then discuss it during its July 5, 2012, meeting. Councilmember Rose indicated that would be a good idea.

Councilmember Page stated thought the Agreement looked excellent. It is a very professional job and the Agreement seems to be thorough when considering discussions that have occurred to date. He noted that some areas still need to be completed. For example, Section 17 Rebuilding / Rehabilitation Process and Critical Approval Steps need to be written. There are a few other areas that need additional text as well. He stated that from his vantage point the Agreement requires more than one review in order to understand the significance of what is contained in the Agreement. He commented that he has only had the opportunity to read it about one and a half times. He stated he would like to have additional time to review the Agreement. He asked Attorney Kelly if he intends to finish those sections that need additional work.

Attorney Kelly explained that during the joint worksession he had anticipated that he would receive some input from the engineers for Excelsior. He noted that he had sent emails but had not received any response. He stated he had tried to get them to identify the critical decision points. From his vantage point, he has taken the Agreement as far as he can in that regard. He then stated it may be beneficial to send this first draft to the Excelsior Council and Staff and have them begin to review and assess the Agreement as it is. Doing so may be the impetus needed to have the engineers provide more detail.

Councilmember Page suggested the Agreement be sent to the Excelsior Council and Staff and ask them to review it and comment on it and also fill in those sections that need additional information and text.

Page moved, Rose seconded, directing Staff to forward the first draft of the Excelsior-Greenwood St. Alban’s Bay Bridge Construction Agreement to the Excelsior City Council and the engineers for the Excelsior and ask them to review the Agreement and comment on it, and to fill in as many blanks as possible.

Councilmember Fletcher asked if the way Section 5 LEC (Lead Engineering Consultant) Selection is written means that neither city engineer can be the LEC for this project. Attorney Kelly stated it does not

say that, however he stated that he doesn't think the City should agree to anything other than a neutral third party. He noted it would not be in the City's best interest to work with someone who has a fiduciary and professional obligation to Excelsior. Doing that would make the City the weak link in the process.

Fletcher suggested including making inquiries with the Army Corps of Engineers (the Corps) in addition to those already specified in the Agreement. Section 22 already specifies the Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) and the State Historic Preservation Office (SHPO). Adding the Corps would just make it an option to make inquiries with the Corps.

Attorney Kelly stated it's his understanding that the Corps jurisdiction is dredging. He then stated if the Corps agrees that the channel should be dredged or widened that would answer the preservation question.

Councilmember Fletcher stated WSB & Associates had specifically stated that the Corps might be the way to get the bridge replaced instead of rehabilitating it. He suggested changing in Section 22 "... *the LEC shall make inquiries with the MnDOT CRU and the SHPO to determine whether or not those agencies will...* " to "... *the LEC shall make inquiries with the MnDOT CRU, the SHPO, and the Army Corps of Engineers as deemed appropriate to determine whether or not those agencies will...*".

Without objection from the maker or seconded, the motion was amended to changing "... *the LEC shall make inquiries with the MnDOT CRU and the SHPO to determine whether or not those agencies will...* " to "... *the LEC shall make inquiries with the MnDOT CRU, the SHPO, and the Army Corps of Engineers as deemed appropriate to determine whether or not those agencies will...*" in the Agreement. Motion passed 5/0.

Attorney Kelly asked to be respectfully excused from the meeting at 10:08 P.M.

Discussion returned to Item 7.K on the agenda.

J. Parking Options by City Docks

This was discussed after Item 7.H on the agenda.

Mayor Kind explained that this year there are three new people renting dock slips from the City. They wonder where they are supposed to park when they use their slips because the street near the docks is posted as "no parking." She noted that a section of Greenwood Circle does allow parking and that the meeting packet contains a copy of a map showing the area.

Bill Cook, 5195 Greenwood Circle, stated he has noticed that there are some "No Parking" signs on the side of Greenwood Circle where parking is supposed to be allowed. Some neighbors are basically reserving parking spots. Mayor Kind asked if those private signs were up all of the time. Mr. Cook responded they were. Councilmember Quam asked if they are the same as the "No Parking" signs the City posts. Mr. Cook stated he believes the signs are a style that is available at Home Depot. Mr. Cook explained that one is nailed to a tree and others are self-standing. He noted that he has told people they can park on that side of Greenwood Circle. Mr. Cook noted that some residents place the refuse containers on the street to reserve parking spots even when it is not the day for refuse to be picked up.

Mayor Kind stated those private signs need to be removed. Zoning Administrator/Clerk Karpas noted he will ensure that happens.

Councilmember Page asked Mr. Cook if he was talking about the side of the street where parking is allowed going east along the bottom of Greenwood Circle. Mr. Cook responded he was.

Councilmember Quam asked who was putting the signs up. Mr. Cook stated he is not sure the private signs are all still there because there has been a change in ownership of some of the properties. He then stated the people putting up the signs live on the lake side of the street.

Mayor Kind stated the City will notify the property owners in that area that they cannot reserve the City street for private parking. Zoning Administrator/Clerk Karpas stated he will send a letter out.

Kind asked Mr. Cook if he thought there was adequate parking when property owners are not reserving parking spaces. Mr. Cook responded he thought there was.

Mr. Cook explained that the leg that serves the City dock is a substandard road that is too narrow. There is a lot of traffic on that road. The practice has been that people drive down there to unload their vehicle and then move their vehicle. However, there are times when people leave their car down in that area when they go out on the boat and that causes problems. There also is a person who has a handicapped parking sticker and when they park their car in the no-parking area it causes congestion.

Mayor Kind asked if the City is required to allow parking for handicapped individuals in that no-parking area. Attorney Kelly stated he does not know.

Mr. Cook clarified he was only trying to convey how much congestion is caused by one vehicle parking in the no parking area. If people are in the area and if they will move their cars when asked, things seem to work out okay. But, if the cars aren't moved because the driver isn't in the area or won't move the vehicle, it becomes a problem. He stated unloading on that leg of the roadway is fine, but he cautioned against allowing parking there.

Mayor Kind questioned if the three new people were seeing the private "No Parking" signs and that created confusion for them.

Mr. Cook stated when people ask him where they are supposed to park he tells them to go up the hill and park. He then stated that the part of Greenwood Circle his property abuts used to be where his garage was located. In the past there had been nose-in (perpendicular) parking rather than parallel parking. If the City wanted to have nose-in parking it could probably create a couple of additional parking spaces. He noted it is City street right of way and not his property.

Councilmember Fletcher asked Councilmember Page what his thoughts are about nose-in parking. Page responded he is not in favor of doing that. Councilmember Quam stated he not in favor either and noted that doing that would only create one additional space.

Councilmember Page stated people who come to the City dock have to understand that there is very limited parking near the dock. There is not a parking space for every boat slip. There is parking for 6-8 cars at most as you go down Greenwood Circle west to east on to south side. Parking is on a first-come, first-served basis.

Councilmember Page stated there is insufficient parking by the dock. He then stated there was a time when residents put cones in the street to try and reserve a parking spot. He went on to state that people who rent slips from the City need to understand the parking situation. Councilmember Quam asked if the

limited parking situation is communicated to them, and if it isn't then it should be communicated in writing.

Page noted that he agrees with Mr. Cook that there should not be any parking allowed on the street that goes down to the dock other than to unload a vehicle. He stated the parking situation works itself out if everyone cooperates. He then stated he did not think the Council should take any action on this item. The parking situation is just the way it is.

There was Council consensus to do nothing.

Discussion moved to Item 7.I on the agenda.

K. Power Washing of City Docks

Due to the late hour, Mayor Kind stated she could support continuing this item to a future meeting if the council desired.

Councilmember Page stated he walked the dock earlier in the day and he agrees it is very dirty. He explained there are goose droppings on the dock and there appears to be mold on at least the main section of the dock. There also are some major oil-based marks on it. He recommended power washing the dock.

Page moved, Quam seconded, directing Staff to order power washing of the City dock. Motion passed 4/1 with Rose dissenting.

8. OTHER BUSINESS

A. City Council Meeting Minutes, May 2, 2012

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

Councilmember Fletcher stated in the motion for Item 7.A regarding variance requests for the Carlsons it states the impervious surface percent is 35.67. It should be 35.7 percent.

Fletcher moved, Page seconded, approving the City Council Meeting Minutes for May 2, 2012, as amending in Item 7.A, Page 13, Paragraph 3, Sentence 1 change "... and a proposed 35.67 percent impervious surface that exceeds the maximum...." to "... and a proposed 35.7 percent impervious surface that exceeds the maximum" Motion passed 5/0.

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission

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

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Fletcher stated the LMCC is working on its 2013 budget. It may consider an increase in its Public, Educational, and Government (PEG) fee. He noted it is his recollection that Council was open to there being a modest increase to compensate for a decline in Mediacom subscribers that have access to PEG programming. He stated the LMCC will have consultants test the service provided by Mediacom. He encouraged Mediacom

subscribers who are experiencing poor quality with their television service to provide him with their name and address.

With regard to Eurasian Watermilfoil (milfoil) in St. Alban's Bay, Fletcher explained an inspection was conducted to assess how much milfoil there is. There is not enough to warrant baywide treatment in 2012. There will be some spot treatment. There is some consideration being given to possibly treating for Curly Lead Pondweed later in the season. A lot of the plants growing in St. Alban's Bay are native plants. He commented from a swimming perspective he will take native plants over milfoil any day. He stated there have been some algae blooms in front of his property and in other areas in the Bay. It is his understanding that the algae is the result of conditions such as minimal snow cover last winter and that it should subside.

Councilmember Quam asked if there is some website people can go to and view the different types of plants. Mayor Kind stated there is a web site called www.carmanbay.org. Quam suggested publishing that website name in the newsletter.

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

With regard to the South Lake Minnetonka Police Department (SLM)PD), Mayor Kind stated the SLMPD Coordinating Committee will meet in a work session on June 20, 2012, at 5:30 P.M. in the public safety facility located in the City of Shorewood to discuss the first draft of the SLMPD 2013 Operating Budget.

With regard to administration, Kind stated she did some research on Government Training Services and it appears that it would be feasible to host a training workshop for elected officials and planning people. People from the public could attend as well. The workshop would focus on what people's roles are. She indicated she thought the City could make it work if it could get 19 people from the City and the local communities to sign up for the workshop. As of now the best date would be October 27. There are dollars budgeted that could be used for Councilmembers and Planning Commissioners to attend.

Kind explained all elected officials are required to take incident command training. She noted Excelsior Fire District Chief Gerber is willing to hold that training session in the fall. Councilmember Page asked who requires elected officials to take that training. Kind stated she will ask Gerber who has mandated the training. She also noted that when assessor training is available, at least one Councilmember needs to attend it.

Kind stated a new Greenwood July 4th t-shirt will be available for sale at the July 4th parade in Greenwood.

With regard to mayors' meetings, Kind noted she met with Senator Al Franken during a tour of Lake Minnetonka to assess milfoil which was hosted by various government agencies. She attended a mayors' lunch where she learned that the City of Orono recently won a summary judgment regarding a wind turbine issue. She asked if Council would like to get ahead of wind turbine issues by adding an ordinance to the city code book. Kind asked Karpas if he thought the current City Ordinances would address wind turbines. Karpas stated he thought it would as an accessory structure. Kind stated there are height and noise restrictions that would need to be considered.

Councilmember Quam noted Council reviewed its ordinance related to accessory structures in depth a couple of years ago.

Councilmember Page suggested Council be provided with sample ordinances that deal with wind turbines. Kind stated that Brooklyn Park has a new ordinance that is based on the League of Minnesota Cities recommendations. The Council agreed to review the Brooklyn Park ordinance as a potential model ordinance at the August Council meeting.

C. Page: Lake Minnetonka Conservation District

Councilmember Page stated the first meeting of the Lake Minnetonka Conservation District (LMCD) subcommittee established to develop a Lake Minnetonka Vegetation Management Plan is scheduled for June 8. He stated the LMCD aquatic invasive species (AIS) Task Force went on the boat tour with public elected officials to view Eurasian Watermilfoil (milfoil) off of Big Island and in Carson's Bay. The purpose was to educate the officials about activities associated with trying to mitigate milfoil. The Minnesota Department of Natural Resources, the Minnehaha Creek Watershed District, the LMCD, and other agencies were represented.

In response to a question from Councilmember Fletcher, Councilmember Page stated the budget includes \$30,000 for AIS related activities. Page noted there is a LMCD budget review meeting for elected officials scheduled for June 7 at 11:00 A.M.

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. With regard to Minnetonka Community Education, he noted Tour de Tonka is scheduled for August 4 and needs volunteers.

Quam commented that the Cottagewood General Store has burger night on Friday nights. It is a lot of fun. Volunteers cook the meal. The Scooter Club he belongs to is doing the burgers this coming Friday from 5:30-7:00 P.M.

E. Rose: Excelsior Fire District

Councilmember Rose stated there is an Excelsior Fire District (EFD) Board worksession scheduled for June 18 to discuss the EFD's 2013 budget. He noted that in the proposed budget the overall increase will be 1.9 percent when compared to the adopted 2012 budget. He indicated he thought that was pretty good. He also noted that the new pumper tanker truck will end up costing about \$475,000.

10. ADJOURNMENT

Page moved, Rose seconded, Adjourning the City Council Regular Meeting of June 6, 2012, at 10:31 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

GREENWOOD CITY COUNCIL MEETING
Thursday, July 5, 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 Page, Quam and Rose

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

Members Absent: Councilmember Fletcher

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

2. CONSENT AGENDA

Mayor Kind reviewed the items on the Consent Agenda.

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

- A. May 2012 Cash Summary Report**
- B. June 2012 Verifieds, Check Register, Electronic Fund Transfers**
- C. July 2012 Payroll Register**

Motion passed 4/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

- A. Budget Work Session, 6:00 P.M. August 1, 2012**

Mayor Kind stated there is a budget work session scheduled for 6:00 P.M. on August 1, 2012, immediately preceding Council's regular meeting.

- B. Night to Unite, August 7, 2012**

Mayor Kind stated the 2012 Night to Unite event is scheduled for August 7th. She noted that people in the community should contact South Lake Minnetonka Police Department (SLMPD) Support Services Manager Dave Hohertz if they would like SLMPD personnel and/or Excelsior Fire District personnel to come to their neighborhood Night to Unite events. Hohertz's information can be found on the City's website and in the most recent newsletter.

C. Old Log Ice Cream Social and Sousa Band, 4:30 P.M. July 29, 2012

Mayor Kind stated the Old Log Theater is holding a free community ice cream social and Sousa Band concert on July 29, 2012, at 4:30 P.M.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Resolutions Regarding Excelsior Boulevard Watermain Project

Mayor Kind explained in May 2012 the City received petitions regarding the extension of the City of Excelsior's watermain along Excelsior Boulevard. Council discussed the petitions during its June 6, 2012, meeting and decided the petitions were unclear as to whether the petitioners were asking for an 8-inch watermain line or a 12-inch line. Since that meeting the City has received a petition dated June 13, 2012, which clearly states the petitioners are asking for watermain line up to 12-inches in size. The June 13 petition has been reviewed by the City Attorney. Attorney Kelly has provided Council with a memorandum outlining his review and the next steps in the process. She noted a copy of the memorandum is included in the meeting packet.

Kind then explained the meeting packet contains a copy of a draft resolution declaring insufficiency of the May 2012 petitions which Council needs to do. It also contains a copy of draft resolution declaring the adequacy of the June 13 petition and one declaring insufficiency.

Councilmember Quam asked at what point in the process would the City declare there is a general benefit to the City of extending watermain, noting doing that would result in the City paying for some portion of the extension.

Attorney Kelly stated all Council is being asked to do this evening is address the petitions. He explained if Council finds the June 13 petition adequate, the resolution in the meeting packet declaring so also directs City Engineer Martini to prepare a report about the potential watermain extension for Council. Martini would present his findings found in the report to Council during a public hearing and explain how he has valued the improvement. It is at that time when it would become more apparent if there is a general component in addition to a special component. During the hearing public comments would be taken. After the conclusion of the public hearing and after Council's consideration of the report and public comments Council can then decide whether or not to proceed.

Attorney Kelly then explained the petitions are authorized by State Statute. If the petition is adequate then it is the Council's obligation to consider it with full detail so that the report can be presented to the public during a public hearing.

Mayor Kind stated the resolution states the Planning Commission will also review the report for compliance with the City's Land Use Plan. Attorney Kelly explained that is to avoid a collateral attack on the process. Kelly stated it is prudent to get that review of the compliance of improvement done at the same time. He noted it is more of a procedural thing.

Page moved, Quam seconded, Adopting RESOLUTION NO. 07-12, “A Resolution Declaring the Insufficiency of Petitions Presented to the City in May 2012 Regarding Installing Watermain.” Motion passed 4/0.

Mayor Kind asked if anyone present in the audience wants to speak to this topic.

Steve Janousek, 21210 Excelsior Boulevard, expressed his support for this project. He noted that he is a physician. He explained he has health concerns about personal well water and noted that municipal water is healthier. He commented that his daughters have reminded him that all the bottles from bottled water people are drinking are polluting the environment.

Rob Roy, 21270 Excelsior Boulevard, expressed his support for the project. He stated the copy of the petition he has was not signed by Councilmember Fletcher and his wife. Mayor Kind clarified the June 13 petition submitted to the City has been signed by both of the Fletchers, and a copy of that petition is included in the meeting packet.

Councilmember Page stated he is a little confused about the petition stating the improvement is installing watermain up to 12 inches in size. He asked what the proposal is because it is not clear to him.

Mayor Kind explained she interprets it to mean that the petitioners are agreeing to pay for the extension of watermain up to 12 inches in size unless the engineer determines a smaller size is all that is needed and they would be happy with that.

Attorney Kelly stated the petition format used is from the League of Minnesota Cities (LMC). The language in the petition is flexible. He explained that he was uncomfortable with the lack of clarity in the May petitions. It was not clear that the petitioners understood the watermain line was 12 inches in size. He noted that during Council’s June 6, 2012, meeting Councilmember Fletcher stated the petitioners understood that. But, there was no written record of that. Council asked the petitioners to resubmit a petition that says the watermain will be up to 12 inches in size. He explained that he has been told by the attorney for the City of Excelsior that the engineer for Excelsior stated the 12-inch size is needed to maintain water pressure to the end of the system. He was also told in a private conversation with Kent Carlson that the watermain line that goes under the St. Alban’s Bay Bridge is a 10-inch line. He noted it is probably a 12-inch line because the line sizes go up in 4-inch increments.

Mayor Kind stated the petition makes it clear that the petitioners know that watermain line could be up to 12 inches in size.

Attorney Kelly stated what is trying to be accomplished by including the line size is to avoid a side attack on whether or not the public knew from the start that the petition improvement was of the 12-inch size.

Mayor Kind stated she is satisfied the petition is clear with regard to size. Councilmember Quam concurred.

Quam moved, Kind seconded, Adopting RESOLUTION NO. 15-12, “A Resolution Declaring Adequacy of Petition and Ordering Preparation of Report and City Planning Commission Review for Compliance with the City Land Use Plan.” Motion passed 4/0.

B. Variance Findings of Fact, Keith and Stacy Carlson, 20965 Channel Drive (deck variance)

Mayor Kind noted that during its June 6, 2012, meeting Council approved the variance requests for Keith and Stacy Carlson, 20965 Channel Drive, to encroach into the lakeside setback and exceed the permitted hardcover to construct a deck addition. During that meeting Council also directed the City Attorney to draft written findings of fact for Council's consideration during its July 5, 2012 meeting. The meeting packet contains a copy of the findings.

Page moved, Quam seconded, Adopting RESOLUTION NO. 16-12, "A Resolution Setting Out the Findings of Fact and Conclusions of Law Regarding the Keith and Stacy Carlson Deck Addition Variance Requests." Motion passed 4/0.

C. Conditional Use Permit Findings of Fact, Keith and Stacy Carlson, 20965 Channel Drive (to exceed the annual permitted significant tree harvest)

Mayor Kind noted that during its June 6, 2012, meeting Council approved the conditional use permit request (C.U.P.) for Keith and Stacy Carlson, 20965 Channel Drive to exceed the annual permitted significant tree harvest of two trees. During that meeting Council also directed the City Attorney to draft written findings of fact for Council's consideration during its July 5, 2012 meeting. The meeting packet contains a copy of the findings.

Page moved, Rose seconded, Adopting RESOLUTION NO. 17-12, "A Resolution Setting Out the Findings of Fact and Conclusions of Law Regarding the Keith and Stacy Carlson Conditional Use Permit Request to Exceed the Annual Permitted Significant Tree Harvest of Two Trees." Motion passed 4/0.

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

Mayor Kind stated this is the second reading of Ordinance 210, amending Ordinance Code Section 113.30 Subd. 5(d) and 5(f), Use of Sewers. It would give Council the authority to institute programs to ensure compliance with ordinances that prohibit discharge of clean water into the sanitary sewer system. This has been an ongoing topic with Council since February 2012. During its June 6, 2012, meeting Council approved the first reading of the Ordinance and directed that paragraph (ii) be changed by deleting "*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.*"

Quam moved, Page seconded, Approving ORDINANCE NO. 210 "An Ordinance of the City of Greenwood, Minnesota, Amending Ordinance Code Section 310.30, Subd. 5(d) and 5(f), Use of Sewers." Motion passed 4/0.

7. NEW BUSINESS

A. Variance Application, Matt and Angela Lindberg, 5160 Greenwood Circle

Mayor Kind noted Matt and Angela Lindberg, 5160 Greenwood Circle, have requested a variance for grade alteration in their rear yard.

Zoning Administrator/Clerk Karpas explained Matt and Angela Lindberg, 5160 Greenwood Circle, propose to alter the grade in their rear yard by more than one foot in order to level the grade. There is a retaining wall near the back of house which does not allow water to percolate. It ends up creating a wet

area. The applicants have a very small yard. They are proposing to grade to create a greater flat area and relocate the retaining wall. Doing so would allow a larger drainage area. The new retaining wall will be stepped. Some additional landscaping will be planted.

Karpas then explained the Planning Commission discussed this. It recommended approval of the request by a 5/0 vote. The Commission asked the City Engineer to review what was being proposed for the retaining walls a second time. A copy of the engineer's comments is included in the meeting packet. The Commission also recommended that a safety fence be placed at the top of the wall in the applicants' design. The Commission considered the practical difficulty standards in their recommendation.

Karpas noted the applicant was present this evening to answer any questions Council may have.

Councilmember Quam asked how far away the retaining wall will be from the abutting property at the top of the hill. Zoning Administrator/Clerk Karpas stated it is not very far away.

Mayor Kind asked how high the retaining wall will be.

Jason Robinson, the contractor, explained the top of rear wall will be 13 feet from the proposed ground level (a 13 foot drop) at the highest point of the property. The wall itself will not be 13 feet high; it will be 6 feet high. Then there will be room for 4 – 5 feet of plantings. Then the lower wall will be 6 feet high.

Councilmember Quam asked Mr. Robinson to describe the safety fence. Mr. Robinson explained plantings with thorns on them are proposed. The homeowner is not opposed to having a fence on top of the wall if necessary. The abutting property has a fence.

Councilmember Page stated he thought there is a culvert that comes down to the side of the property. The catch basin is about 10 feet from the northeast corner of the home. Mr. Robinson stated it is about 15-20 feet from the corner of the home. Page asked if it is public property that comes to the culvert. Mr. Robinson noted that was vacated by the City and the Lindbergs own it now.

Mayor Kind highlighted how the drainage system flows on the Site Plan. She asked if it will be disturbed. Mr. Robinson stated it will not be and explained that additional water will be directed to that. Some water will be directed to flow another direction also. Councilmember Quam asked if the redirecting of the stormwater will cause it to flow onto the property on the west. Mr. Robinson stated it will not because there is a natural swale that will be added to that will keep it on the applicants' property.

In response to a comment from Councilmember Quam, Mr. Robinson stated a mid-sized excavator will be used to set all of the boulder work.

Mayor Kind asked if the project will require a building permit. Zoning Administrator/Clerk Karpas stated he will research that, and noted that even if it does not the landscaping portion of the project requires a load limit permit.

Councilmember Page asked if there is any projection to how much more water will flow into the catch basin. He asked if it will be able to handle the increase. Mr. Robinson some additional stormwater will be diverted to the catch basin. Zoning Administrator/Clerk Karpas stated the City Engineer did not raise any alarm about it when he reviewed the plans.

Councilmember Page asked how far back the existing first retaining wall is from the house. Mr. Robinson responded approximately 15 feet. Page asked how far back from that the new one will be. Mr. Robinson

responded about 25-30 feet. Page stated that means the plan is to excavate about a 25-foot wide section of the hillside. Mr. Robinson stated the plan is to excavate approximately 125 cubic yards which is the equivalent of 10 truckloads depending on the size of the trucks.

Councilmember Quam stated he did not want the contractor to use large trucks because roadway surface that will be traveled is relatively new. He noted that 7-ton trucks are allowed on Minnetonka Boulevard and smaller ones are allowed on the smaller residential streets. Mayor Kind stated Council would appreciate the contractor using the smallest truck possible. She clarified 7-ton trucks are allowed on all streets except when there are weight restrictions in the spring.

Mayor Kind stated none of the Site Plans show existing trees. She asked if any large trees will be taken out as part of the project. Mr. Robinson responded no.

Quam moved, seconded, approving the variance request for Matt and Angela Lindberg, 5160 Greenwood Circle, to alter the existing grade on their property by thirteen feet as part of a landscaping project to improve drainage on their property and enlarge their rear yard as presented subject to installing a safety fence at the top of the retaining wall to their design, and directing the City Attorney to draft findings of fact based on Council's discussion this evening for Council's consideration during its August 1, 2012 meeting.

Mr. Robinson asked if a building permit is needed to build the fence. Zoning Administrator/Clerk Karpas stated he will have the building official determine that.

Mayor Kind reviewed the questions that must be answered in the 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?

Councilmember Quam stated he does not see a problem with any of them.

Kind seconded.

Councilmember Page stated he is opposed to the motion. He explained that this property was built into the side of a hill. The applicants knew exactly what they were purchasing when they purchased the property. It has been a drainage area since the City has been around. There is drainage there now on the east side of the property which may create a little moisture in the back yard. He noted he went to the site earlier in the day. He explained from the middle of the house to the west it was dry as a bone. From what he could see there is no problem with moisture. He stated from his perspective it is clear on the application that the applicant's real motivation is to create a bigger back yard. He noted that he did not see any washout in the back yard nor did he see any washout on the sides of the residence. He stated from his vantage point it is clearly an aesthetic matter.

Page then stated if Council allows this then what grounds would Council have to deny all the rest of the owners of properties abutting Greenwood Circle requests to excavate hundreds of yards of soil from their properties and create retaining walls. That would create a terrible problem with drainage. The City had a terrible problem with drainage in that area that it was barely able to solve over the years. The City had to have a more expensive catch basin installed at the bottom of Greenwood Circle partly because of those

properties. There had been standing water in the road because of them. The City redid the road to handle that capacity. It has been indicated that the capacity will be increased down onto the road. He noted that is not right.

Page went on to state that Council has not been provided with the results of a study to determine what the pressure would be behind the retaining wall of the water coming off of Highview Place. He suggested that anyone who has doubts about this should look at the area around Fox Path in the City of Chanhasen which is near the end of Lotus Lake. He explained the area was excavated and a block of houses was built into the side of the hill. Behind it was a very high retaining wall. The stormwater busted down the retaining wall and it was forced under the driveways. It created alongside of the houses very spongy narrow paths in between the houses. There was so much water forced into a small drainage area that it flooded the circle in the street in that area. It was so bad the school bus could not come into the area to pick the children up for school. The stormwater washed out the smaller retaining walls along the sides of the properties. The water pressure broke up the timbers supporting hot tubs.

Page also stated it is a relatively new house on the property and there is relatively new landscaping. There are retaining walls there already. He thought a lot of the problem is the underlayment (black sheathing) on the side of hill. He saw it on the east side and going up the property.

Page noted he is not in support of this at all. It will alter the water course that was set up as part of the development which is basically the newest part of the City. He stated the applicants want a bigger back yard without having had a hydrostatic study done. He questioned how realistic it is to think that redirecting water to the west will not affect the neighboring property to the west. He stated he does not think that is credible. The property to the west has a retaining wall which butts up to this property. He expressed his confidence that if water is routed to the west of the property it will cause problems for the neighboring house. He noted he does not see the need.

Page stated this proposal is not in harmony with the purpose and intent of the City Ordinance. The Ordinance states a person can't change the grade of a property just because they have a mind to do so. Council recently passed an Ordinance in that regard. He noted that he has not checked to find out if this would be in harmony with the City's Comprehensive Plan (Comp Plan). He stated he did not think this would put the property to a reasonable use. It already has a reasonable use. Putting up a retaining wall with a 13-foot drop is not a reasonable use. There is a safety factor with a 13-foot drop.

Page then stated there are unique circumstances created by the landowner. The property owners knew what they were purchasing when they purchased the property. They bought property set into a hill. There is going to be drainage flowing across their property. They knew Highview Place existed when they purchased their property. It was very clear there was a culvert at the top of the property going down. He explained the swale that comes off of the culvert that comes down to the catch basin has black sheathing under it with rocks on top. That could be part of the reason the stormwater is not soaking into the ground.

Mayor Kind asked Zoning Administrator/Clerk Karpas who installed the culvert system. Karpas stated he thought the previous property owner did. Kind asked if it was approved by the City Engineer. Karpas stated he is not sure how much it was inspected because it was done by the homeowner.

Councilmember Page stated he thought granting the variance would alter the essential character of the neighborhood. It would create big drainage problems similar to what the City recently solved along the roadway.

Page noted there is no reason to grant the variance because the applicants' back yard is damp. He stated when he visited the site it was damp on the east side of the property. The ground on the west side did not feel spongy to him; it was bone dry.

Mayor Kind stated the reason she supports the motion is she is going off of the engineering analysis. He states there would be adequate drainage behind the wall, it was designed by a licensed civil engineer adhering to safety standards, and it has adequate structural design. He agreed with requiring a safety fence and that is included in the motion. She noted all of that made sense to her.

Councilmember Page stated the engineer was commenting on the design not meeting the criteria for granting a variance.

Mayor Kind stated the Ordinance does allow a variance for grading. She then stated she is not aware of anything in the Ordinance that talks about the intent or grading or not grading. She stated she is unsure if there is anything in the Comp Plan that deals with grading.

Zoning Administrator/Clerk Karpas stated he did not think the Comp Plan would specifically discuss grading. It deals with land use.

Councilmember Page stated an applicant has to meet the criteria for granting a variance and he does not think this variance request does that in any regard.

Councilmember Quam questioned how much the City Engineer analyzed what Councilmember Page talked about.

Councilmember Page noted the second memorandum from the Water Resources Engineer stated "*If the City has additional concerns about the proposed wall regarding hydrostatic pressure, the applicant should be required to provide additional analysis for review.*" Page stated the applicant is talking about redirecting all of the water.

Councilmember Quam stated the Planning Commission has discussed this variance request and recommended approval. Yet, Councilmember Page went to the site and based on what he saw has a different perspective. Quam questioned if the Commission questioned any of the same things that Page did.

Mayor Kind noted that the Staff report notes that the Planning Commission recommended a review of the hydrostatic pressure behind the wall and recommended that it be a condition of approval.

Kind asked Planning Commissioner Conrad, who was in the audience, to comment on the Planning Commission's discussion.

Councilmember Page noted the minutes of the June 20, 2012, Planning Commission meeting when this item was discussed are included in the meeting packet.

Planning Commissioner Kristi Conrad, 21780 Fairview Street, noted that two of the Planning Commissioners are engineers and they raised the same questions. The Commission asked that the City Engineer analyze the concerns further. Mayor Kind noted Council has been provided with the findings from the engineer's analysis. Conrad noted the hydrostatic issue raised by the Commission has not been addressed.

Mayor Kind noted that the City Engineer would require a licensed civil engineer to submit hydrostatic plans for the City's review. It would be a requirement of the applicant to provide that if Council wants that information.

Commissioner Conrad stated the Commission raised the question about over taxing the catch basin. A concern was also raised about the longevity of the wall. She explained the Commission considered this from the perspective that the applicant did not want to raise the property height (build up the property) and the intent of the Ordinance was to address building up. Councilmember Page stated that was Councilmember Fletcher's perspective on the Ordinance. Zoning Administrator/Clerk Karpas noted that Planning Commission Chair Lucking also had that perspective.

Zoning Administrator/Clerk Karpas stated when he told the City Engineer that the Planning Commission wanted more information about hydrostatic pressure the engineer explained there is clay behind the wall and the engineer thought the pressure behind the wall was nonexistent. He related the City Engineer was not sure what the Commission actually wanted. He explained the City Engineer directed Mr. Bean, the Water Resources Engineer, to provide further information based on the drawings submitted by the applicants' engineer.

Karpas then stated that with regard to the drainage at the top of the wall it is his understanding that there will be drain tile installed. He explained the applicants had commented that the drain tile could be run all the way down to the catch basin and Commissioner Paeper cautioned against doing that because it would over tax the basin. He stated he thought the City Engineer would agree with that.

Councilmember Page asked where the drain tile will be run to. Will it go into the storm sewer system? Zoning Administrator/Clerk Karpas stated he thought it will be run to the swale into the west. Page noted there is a storm grate is at the bottom of that area. Mayor Kind reiterated the City Engineer did not raise concerns about that. Zoning Administrator/Clerk Karpas stated he thought there is a grate that runs across the street and on into the lake. Councilmember Quam stated Page's point is the stormwater is being directed away from the property as opposed to being filtered into the ground.

Page then asked if there is currently drain tile installed at the bottom of the wall. Mr. Robinson stated he does not know the answer to that. Page asked why drain tile could not be put at the bottom of the wall in the back yard and run that along the sides of the house. Mr. Robinson asked what the difference is. Page responded the difference is a 13-foot drop and the elimination of 125 cubic yards of soil. Mr. Robinson stated it would be the same amount of water.

Mr. Robinson stated that theoretically drain tile could be installed at the bottom of the wall. He explained the problem is the bottom of the retaining wall is higher than grade. The slope is back toward the house. Putting drain tile at the bottom of the wall is like putting a bathtub drain on the wall of the bathtub. The proposal is to slope the grade down from the house to the retaining wall. The goal is to have some of the water flow back to the wall and be absorbed.

Mayor Kind stated it would improve the drainage.

Mr. Robinson noted that with the number of days there has been in 2012 of very high temperatures (some into the 100s) there aren't many moisture issues visible in the City. Drainage issues are much more apparent in the spring.

Mayor Kind stated a case could be made that more of the stormwater will stay on the property.

Mr. Robinson stated that rather than having the stormwater flow toward the street the proposal is to have it flow back toward the retaining wall.

Motion failed 2/2 with Page and Rose dissenting.

Mayor Kind asked Attorney Kelly how to proceed with this.

Attorney Kelly stated Council has an obligation to provide written findings to support the motion to deny. He noted that Councilmember Page has articulated comments that would form the basis of that.

Mayor Kind stated the denial could be continued for written findings of fact. She asked if the City needs an extension to exceed the 60-day rule. Zoning Administrator/Clerk Karpas stated action is required by July 14, 2012. Kind stated the City has to either extend this or come up with written findings this evening or convene a special meeting before July 14th to act on the written findings.

Attorney Kelly stated Council has to adopt findings at the time the motion is denied. They can be articulated and reduced to writing but the factual basis needs to be adopted.

Mayor Kind stated this could be tabled pending Attorney Kelly preparing written findings and then take official action on it later during this meeting. She recommended Council consider a motion asking the applicant to allow an extension to the 60-day rule to allow Kelly to draft findings of fact. Kelly clarified the City has the authority to elect additional time to consider the matter. Kelly explained the City either gets permission from the applicant or the City articulates its basis for the additional time. Kind noted the City does need to give the applicant written notification that it is extending the time.

Councilmember Page stated there is plenty of time to give the applicants written notice by July 14, 2012. He recommended doing that to allow time to write the findings of fact for the denial.

Attorney Kelly stated Council could adopt a resolution to exercise its authority to extend the time of consideration beyond 60 days and to instruct the City Clerk to issue a notice accordingly.

Page moved, Rose seconded, directing the City Clerk to send the applicants notice by July 14, 2012, that the City is exercising its authority to extend the time of consideration for an additional 60 days to allow the City time to prepare and approve findings consistent with Council's action during its July 5, 2012, meeting. Motion passed 4/0.

B. First Reading: Ordinance 212, Amending Code Section 425, Municipal Watercraft Spaces (establishing procedures for canoe racks)

Mayor Kind stated this is the first reading of Ordinance 212, amending Ordinance Code Section 425, Municipal Watercraft Spaces. It would establish a process for assigning spaces and rules for canoe racks.

Kind explained that during the joint work session of Council and Planning Commission on May 16, 2012, Commissioner Conrad suggested installing a canoe rack at the Meadville boat launch. There was group consensus that it would be a nice thing to have. Council discussed the idea during its June 6 meeting. During the meeting Council directed Staff to ask the Deephaven Public Works Department to construct and install a canoe rack. That has been done. The meeting packet contains a copy of Section 425 showing the original and amended text as well as a clean copy with the amendments incorporated. Kind noted the City Attorney has reviewed the ordinance amendment.

Kind stated Council has to decide when it wants the City to begin taking applications for the canoe rack spaces and that needs to be entered into the Ordinance. She asked Attorney Kelly if the City has to wait until the Ordinance is approved to being renting spaces, or can Council simply pass a motion to implement an informal process for the first year and then approve an ordinance at a later date.

Attorney Kelly stated he thought it could be done through a motion. And suggested that there should not be any privileges gained by anyone under the more limited application process. He noted the date for beginning to take applications cannot be filed in until the Ordinance has been officially published.

Mayor Kind stated if an informal process is used for the remainder of 2012 than the sentence "*Waiting list applications for the Meadville canoe rack spaces will be accepted*" could be eliminated and the spaces for 2012 could be assigned on a first-come, first-serve basis beginning July 9, 2012, at 8:00 A.M. The process for 2013 would go into effect the same as for any other watercraft spaces. She then stated as soon as the Ordinance goes into effect people could get on the waiting list.

Attorney Kelly noted there is a notice issue. He stated most residents do not check the city's website or read the official publication in the City's designated newspaper. Councilmember Quam stated the official publication of Ordinances is in the newspaper.

Councilmember Page asked why sentence two in Section 415.15 (e) is being changed to "*New permittees must complete the application requirements in Section 425.25 within 10 days of the date on the notification letter.*" The current language states "*New permittees must complete the application requirements in Section 425.25 by the deadline on the application (10 days from the date of mailing.)*" Mayor Kind stated the revision is being suggested to reflect current practice. Councilmember Quam noted this is regarding updating the waiting list as opposed to creating a waiting list.

Page expressed his agreement with establishing an informal process for the remaining 2012 canoeing season. He stated he has read the Ordinance amendment a few times and noted that he has not digested the ramifications of some of the text amendments. There may not be any. He then stated there have been problems in the past with dock slip rentals in the past and he wants to make sure this is done right.

Attorney Kelly asked when the video recording of this meeting will first be aired on Mediacom Cable Television. No one knew.

Mayor Kind stated there are over 100 people on the City's email broadcast list. An email broadcast could be sent out about this.

Attorney Kelly stated that once this meeting is broadcast on the local cable TV network canoe space rental will become known to the public. The email broadcast should not be done until the meeting has first been broadcast to ensure no one has an advantage in knowing about this sooner.

Zoning Administrator/Clerk Karpas stated he will find out when this meeting will be aired the first time. The email broadcast can be sent out after a yet to-be-determined amount of time after the initial broadcast.

Councilmember Page stated his preference is to have the informal process for the rest of 2012 be a first-come, first-serve basis. He then stated he thought it prudent to make it clear that securing a space for 2012 creates no advantage for 2013.

Page moved, Quam seconded, implementing an informal canoe space rental process for the remainder of 2012 based on a first-come, first-serve basis effective after the initial broadcast of the

July 5, 2012, City Council meeting on cable television and clarifying that securing a space for 2012 create no advantage for 2013. Motion passed 4/0.

Mayor Kind noted this Ordinance amendment will be placed on the agenda for the August 1, 2012, Council meeting.

Attorney Kelly asked if there is a fee for renting a space. Mayor Kind noted the fee has already been established. The fee can be found in Chapter 5 of the Code and the fee amount is \$60. Councilmember Page asked if the full \$60 will be charged for the rest of 2012. Page suggested it be \$30.

Quam moved, Page seconded, setting the fee for rental of a canoe space to \$30 for 2012 only. Motion passed 4/0.

Planning Commissioner Kristi Conrad, 21780 Fairview Street, stated Section 425.26 (a) states “*Canoe rack permit holders may place one canoe, or one kayak, or up to tow paddleboards within their designated space provided that doing so does not impeded the usage of adjacent spaces.*” She noted two kayaks take up the same amount of space as one canoe. She suggested two kayaks be allowed. She stated two kayaks fit in the spaces on the canoe racks in the City of Deephaven.

C. First Reading: Ordinance 211, Amending Code Sections 520.15 and 525.15, Regarding Deadlines for Delinquent Sewer and Stormwater Payments

Mayor Kind explained this is the first reading of Ordinance 211, amending Ordinance Code Sections 520.15 and 515.15, regarding deadlines for delinquent sewer and stormwater payments. It would change the deadline for the payments to September 15 from September 30. It would make the date the same as for other delinquent utility bills.

Quam moved, Page seconded, adopting the first reading of Ordinance 211, amending Code Sections 520.15 and 525.15, to change the deadline for delinquent sewer and stormwater payments from September 30 to September 15. Motion passed 4/0.

D. Possibility of Adding Code Section 825, Intoxicating Liquor Prohibitions

Mayor Kind stated the potential new Code Section 825, Intoxicating Liquor Prohibitions would prohibit commercial business from serving or allowing attendees to bring liquor to business events. It came about because a Greenwood business was told the City does not issue special event liquor licenses or temporary licenses. The business representative asked if liquor could be provided by attendees at the business’ customer appreciation party. The City Attorney advised that City Code Section 10 Public Nuisances Affecting Morals and Decency Subd. (H) prohibits such activity. The Attorney suggested Council may want to consider adding to Code Chapter 8 Liquor & Beverages a Section 825, Intoxicating Liquor Prohibitions. It would state “*No premise, other than a private residence or licensed liquor establishment, may offer, give, provide or allow any person to possess or consume alcohol in or about any premise or commercial business nor allow liquor to be consumed by established customers or potential customers thereof, nor allow consumption of alcohol in conjunction with any commercial business, commercial transaction, or customer appreciation event, including inviting customers to bring their own alcoholic beverages to the site.*”

Attorney Kelly thought it would be best to address this in Chapter 8 Section 825. He noted that if the City wants to adopt its liquor ordinance Council must hold a public hearing.

Zoning Administrator/Clerk Karpas stated there would be time to draft an Ordinance creating Code Section 825 and publish a notice of public hearing in time to have the public hearing on the August 1, 2012, Council meeting agenda.

Councilmember Page suggested doing nothing. He asked how often this arises.

Attorney Kelly stated there is a trend for some business to offer liquor when customers come in for certain types of services. He asked Council if it wants to allow alcohol to be served in an informal, unlicensed, uninsured setting.

Councilmember Rose used the example of a salon or some other type of business having a grand opening and they wanted to serve refreshments including, for example, wine and beer. He stated if Council approves the proposed ordinance the business could not do that.

Councilmember Page asked what Section 900.10 (H) states. Attorney Kelly stated it reads *“Drinking or display of any beer, wine or intoxicating liquor is prohibited in or about all premises except the following: premises properly licensed for sale, and private residences unless the Council grants permission to do such for certain events; such as during community celebrations.”* Page stated he interprets that to mean the City can grant permission. Kelly explained it does not prevent it but there is no structure to process a request. Kelly stated the question for Council is if it wants to create the structure. Kelly noted that 900.10 (H) is a penal ordinance. Mayor Kind stated if Council wants to allow special event liquor licenses that should be added to Section 800.

Councilmember Quam stated he thought Council has discussed allowing this before.

Mayor Kind noted the City only has an on-sale liquor license and a non-intoxicating beer license.

Councilmember Page stated he moved to do nothing.

There was Council consensus to do nothing.

E. Possibility of Revising Code Section 1215 (to allow Council to waive the second reading of ordinances)

Mayor Kind explained the possibility of revising City Code Section 1215 to allow Council to waive the second reading of an ordinance came up recently with regard to canoe racks. The current Code requires two readings of ordinances. Ordinances must be published in the City’s designated paper before they can go into effect. Because Council meets just once a month this process can take quite some time.

Kind reviewed how three neighboring cities deal with ordinances. The Deephaven City Code stipulates that the second reading of an ordinance may be waived by a majority vote of the council. The Minnetonka City Code stipulates that except for an emergency ordinance, an ordinance cannot be adopted at the meeting when it is introduced and at least seven days must elapse between introduction and adoption. It also stipulates that an emergency ordinance is not subject to initiative and referendum and it is effective immediately upon passage or at a later date stated in them. The Shorewood City Code stipulates that all ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof.

Mayor Kind stated an option slightly different than Deephaven's would be to allow the second reading to be waived by a unanimous vote of all Councilmembers present. She then stated Council may want to include a provision for handling an emergency ordinance.

Councilmember Quam stated he likes the idea of requiring a unanimous vote. But, he has been on boards where there is one person who is "a thorn" and that person can totally control things. He noted he needs to be convinced that requiring a unanimous vote is the best thing to do from a practical perspective.

Councilmember Page stated he does not think there is need to change anything. He noted he likes the idea of a second reading.

Councilmember Quam stated the only reason to waive a second reading is to speed the process up.

Mayor Kind stated there was a workaround for the canoe rack situation. But, there may be times when there is a desire to move an ordinance along more quickly.

There was Council consensus to leave the requirements for a second reading of an ordinance as is.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Eurasian Watermilfoil, Xcel Energy Project

Councilmember Fletcher was not present this evening.

Mayor Kind gave a quick report about the work session she and Councilmember Fletcher attended on June 27, 2012, with representatives from Xcel Energy's (Xcel) regarding its potential 69 kV to 115 kV upgrade to the Southwest Twin Cities Bluff Creek to Westgate 69 kV transmission line transmission line. Those present included: six Xcel representatives, she and Fletcher, Dave Wisdorf from the City of Excelsior's Public Works Department, Deephaven City Administrator Young, Zoning Administrator/Clerk Karpas (representing Deephaven, Greenwood and the City of Woodland), and Excelsior City Manager Luger.

Kind reviewed the some of the items discussed. The topic of burying the line was discussed at length. The cost to bury the line would be five to ten times the cost of conventional installation. Xcel stated they will look into the possibility of burying the line. The new transmission line poles will be located in roughly the same locations as where the current ones are located, and the new poles will on average be 10-15 feet taller than the existing poles. The 115 kV line is the long-term solution for improving reliability. The Option 2 discussed during the last meeting is a stop-gap solution.

Kind noted that during the work session she stated reliable service should be the top priority. She stated it was a good meeting. She then stated she thought Xcel wants to do the best that it can do for the cities that are affected.

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

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated the SLMPD Coordinating Committee met in a work session on June 20, 2012, to discuss the first draft of the SLMPD 2013 Operating Budget. The proposed budget increase is 2.6 percent at this point in the process and she did not anticipate the increase changing much. The budget is pretty bare bones at this point.

Kind explained there are two Community Service Officers (CSOs) that each work one day in the front office. The Community Service Supervisor job title will be changed to Support Services Manager and the Office Administrator job title will be changed to Office Manager to better reflect the responsibilities of those positions. SLMPD Chief Litsey is considering restructuring the organization slightly. Currently the two top positions are salary positions. Litsey is considering making what had been the Detective Sergeant position the third in command. The third in command would become a salaried position also. The current proposal is for the Lieutenant position to become the Deputy Chief and the Deputy Sergeant to become the Lieutenant. The proposal is to be budget neutral.

Kind noted the proposed budget and other budget related documents can be found on the SLMPD's website.

Kind stated the topic of long term care and maintenance of the public safety facility has come to the forefront again. She stated there is a push from the other Coordinating Committee members to establish a capital fund for maintaining the public safety facility. She noted that she was relatively quiet during that discussion because she wanted to know how the other Councilmembers view that. The majority of the Committee is supportive of it. Chief Litsey was asked to draft a funding proposal and to draft a policy statement directing how the funds can be authorized for use. She noted that the SLMPD and Excelsior Fire District (EFD) each have put aside \$25,000 for building maintenance.

Councilmember Page asked how the SLMPD and EFD each put \$25,000 aside. Councilmember Rose stated the funds were from the unspent construction funds from the original construction of the facilities.

Councilmember Rose stated it is his understanding that establishing a fund was for emergency repairs. He interprets Mayor Kind's comments to mean the SLMPD wants to contribute to the fund on an annual basis. Rose expressed his preference to wait until there are no funds in the maintenance fund and then ask the member cities for funding if there is a need.

Mayor Kind stated a funding formula for funding the building maintenance fund needs to be determined. She stated when the building was constructed it was based on tax capacity (ad valorem). Operations funding is based on a different formula based roughly on population, use, and tax capacity. She expressed her support for having a formula based evenly on those three parameters. She noted that she did not want to state that position until she spoke with Council about it.

Councilmember Page asked when this will be reconsidered. Mayor Kind responded the next Coordinating Committee is scheduled for July 18.

Councilmember Page asked what amount of yearly contribution is being asked for. Mayor Kind stated the desire is to build the fund up to \$100,000-\$200,000 but it has not been decided yet. The yearly contribution has not been decided.

Councilmember Page recommended waiting until there is a proposal before this is discussed further.

Mayor Kind stated a proposal will be presented during the Coordinating Committee's July 18 meeting and she will need to react to it. Councilmember Page stated Kind's reaction could be that she wants to discuss it with her Council.

Councilmember Page stated he thought all of Council should have something to say about the member cities contributing up to \$200,000 for a slush fund for maintenance of the facility.

Mayor Kind stated it is her understanding that per the joint powers agreement (JPA) all member cities must approve this. She then stated there is no provision for this in the JPA.

Councilmember Page asked how many large repair or maintenance needs there have been. Mayor Kind stated there haven't been any yet.

Mayor Kind noted the bonded debt for the facility will be paid off in 2023. She stated some people believe there is a need to build up the balance in the building maintenance fund.

Councilmember Quam stated by the time the bonded debt is paid off there will be maintenance issues.

Mayor Kind stated the City currently pays \$45,000 annually for the bonded debt for the SLMPD portion of the facility. For the EFD facilities it pays \$60,000.

Councilmember Page asked Mayor Kind if there is a building maintenance line item in the SLMPD operating budget. Kind stated there is for routine maintenance. It is not for major repairs like a new furnace. Page stated a new furnace is a maintenance item. He stated he does not understand that rationale.

Mayor Kind stated the City of Excelsior does not think large maintenance items should be funded using the same formula that is used for funding operations.

Kind noted she will bring the plan before Council before she reacts to it in a Coordinating Committee meeting.

Kind stated the SLMPD drafted a Uniform Animal Control Ordinance per the direction of the Coordinating Committee. She noted that Attorney Kelly has been provided a copy of it. Kelly stated he will provide his comments on it in writing.

Councilmember Page stated it makes sense to have a uniform ordinance for the SLMPD member cities.

With regard to administration, Kind stated there had been some issue with electrical power at the City dock. Zoning Administrator/Clerk Karpas explained that when the dock was extended due to the low water level the power line did not reach to the end of the dock. That has been fixed. He noted that the lights at the dock need to be replaced. He stated he will verify that there is power tomorrow because there have been different stories conveyed. Kind stated if Karpas finds out there is no power there now would be an opportune time to bring a new power line down to the docks because the street is going to be torn up. She asked if Council would like to do that.

There was Council consensus to run a new power line down to the dock when the street is torn up if there is not power available now.

With regard to mayors meetings, Kind noted she attended a mayors' meeting on June 20. She explained the topic of discussion was mandatory inspections at city boat launches. The City of Shorewood is

encouraging other cities to adopt a resolution similar to the one it adopted for the boat launch at Christmas Lake. The City of Victoria expressed concern because they have many lakes in the City and it cannot afford to have 24/7 inspections at all of them, and it does not want to gate the lakes. She questioned who would pay to monitor the launch in the City because it is seldom used. She noted she does not envision the City adopting a similar resolution.

Councilmember Quam clarified it is just an informal request from Shorewood.

Kristi Conrad, 21780 Fairview Street, asked if the Excel Marina, which she thought is located in the City, is required to do inspections. Mayor Kind stated Excel Marina is not located in the City of Greenwood and that it is not required to inspect boats prior to launching.

Councilmember Quam stated it has been a big issue for a long time.

Ms. Conrad asked if the marinas are required to conduct inspections. Mayor Kind stated they are not required to do that.

Mayor Kind explained that it is illegal to launch any watercraft in any lake in the State if it has aquatic invasive species (AIS) on it or the trailer. There is no law that states a person has to have it inspected.

Councilmember Quam stated people are finding it is impossible to stop the spread of AIS.

Mayor Kind asked anyone who has history about the City or old photos of it to please send a copy of it to her. Her contact information can be found on the City's website.

C. Page: Lake Minnetonka Conservation District

Councilmember Page reported on significant Lake Minnetonka Conservation District (LMCD) activities. The aquatic invasive species (AIS) Task Force Subcommittee, the group responsible for preparing the lake vegetation management plan, has met one time. It is his understanding the Subcommittee had close to a four-hour long meeting. The individuals who wanted to put a snack stand out into the Big Island row were thoroughly opposed by every municipal and state organization. Yet the LMCD Board voted to refer the matter to the Save the Lake Committee. It never made it to the Committee. Instead it came back to the LMCD Board on the impetus of the Board Chair and one other member of the Board. He expressed he had concern about that. The Board unanimously passed a resolution to send it to the Save the Lake Committee and it never got sent there. The Chair explained that letters had come in from other municipalities that the Board had not been aware of when it voted.

Page explained the Save the Lake Committee and the Board Chair made a motion at the LMCD Board meeting that increased the LMCD's contribution toward a solar machine from \$13,000 to \$35,000-\$40,000. When asked what the reason for the increase was one of the reasons given was the Hennepin County Sheriff had read the brochure about the sonar machine decided he wanted other things to go along with it that in essence doubled the price from \$60,000 to \$130,000. The proposal was to take savings from the 2011 harvesting program and savings from this year's chemical treatment program and put it toward the sonar machine. He made a resolution that the proposal be denied and it was supported. It is his understanding that the Sheriff's Office will get funds from Homeland Security for three fourths of the cost of the sonar machine. He did not know why. He expressed concern that when the Homeland Security funding became available the cost of the machine doubled. The Sheriff is not committed to funding any of the purchase from his budget because Sheriff's Department personnel are going to be trained to use the machine. Although the machine will be stationed at the Hennepin County Sheriff's Water patrol station

locate in Spring Park it can be used anywhere in Hennepin County. From his perspective things didn't add up.

Mayor Kind asked if this would be the only sonar machine for the Sheriff's Office. Councilmember Page noted the Sheriff's Office does not have a sonar machine now. It borrows one from either Ramsey County or Wright County if it needs one. Kind asked what is wrong with continuing to do that. Page indicated he did not know. Page stated that question was brushed off with the explanation that Ramsey County did not like the Sheriff's Office to borrow the equipment unless its personnel had the appropriate training. Yet, the Sheriff's Office was able to borrow it the last time. Ramsey County brought it out. He questioned why there could not be a reciprocal agreement between the Sheriff's Office and Ramsey County to have Ramsey bring the machine out and have the Sheriff's Office pay for the use of it.

Councilmember Quam asked if the sonar machine was needed to find the body of a drowning victim. Councilmember Page responded yes.

Mayor Kind commented that is not a machine that is used every day. It's not something everyone needs.

Councilmember Page stated the LMCD anticipated a reduction in its contribution to the chemical treatment program this year. He conveyed that from his vantage point the savings realized from a smaller contribution to the treatment should not be spent on the machine. That savings should be kept in the LMCD's AIS budget. It should instead be used to help spare the homeowners some portion of the cost of treatment. That savings should not be given away to purchase a sonar machine and then tell the homeowners the LMCD can't put any more funds toward the chemical treatment. The trend should be toward putting more and more funding into the control of AIS.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated the roadway contractor was taken down to Meadville Street to assess what it would cost to repair the leg off of Meadville Street. The feedback was the cost should be less than the \$15,000 available in the budget for it. He then stated milling is expected to begin on July 9. Quam stated bituminous curbs will be installed. Mayor Kind noted that the reason some residents have concrete curbs rather than bituminous curbs is they pay extra to have concrete curbs. He stated he ensured that flyers informing residents in the area of the roadway work were distributed.

With regard to Minnetonka Community Education, Quam noted Tour de Tonka is scheduled for August 4. He noted hundreds of volunteers are needed and he asked people to please volunteer.

E. Rose: Excelsior Fire District

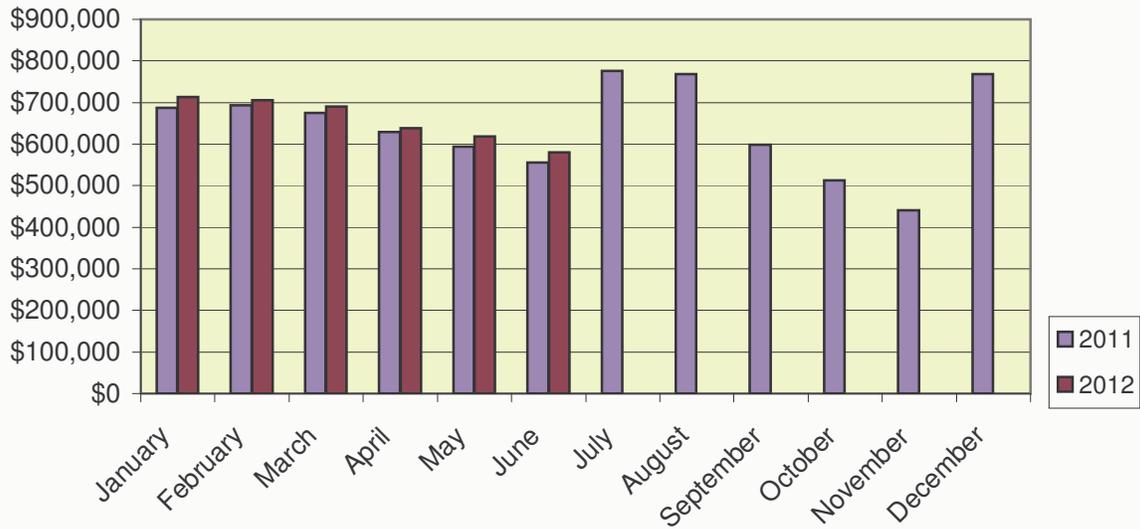
Councilmember Rose stated there had not been an Excelsior Fire District (EFD) Board meeting since the last Council meeting. The next EFD Board meeting is scheduled for July 25, 2012.

10. ADJOURNMENT

Rose moved, Quam seconded, Adjourning the City Council Regular Meeting of July 5, 2012, at 8:56 P.M. Motion passed 4/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

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 | \$618,262 | -\$19,728 | \$24,334 |
| June | \$555,064 | \$580,578 | -\$37,684 | \$25,514 |
| July | \$776,650 | \$0 | -\$580,578 | -\$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 | \$372,686 |
| Bridgewater Bank Checking | \$4,599 |
| Beacon Bank CD | \$180,000 |
| Beacon Bank Money Market | \$23,193 |
| Beacon Bank Checking | \$100 |
| <hr/> | |
| | \$580,578 |

ALLOCATION BY FUND

| | |
|-----------------------------------|-----------|
| General Fund | \$54,963 |
| General Fund Designated for Parks | \$27,055 |
| Bridge Capital Project Fund | \$59,004 |
| Stormwater Special Revenue Fund | \$8,260 |
| Sewer Enterprise Fund | \$387,325 |
| Marina Enterprise Fund | \$43,971 |
| <hr/> | |
| | \$580,578 |

Check Issue Date(s): 07/01/2012 - 07/31/2012

| Per | Date | Check No | Vendor No | Payee | Check GL Acct | Amount |
|---------|------------|----------|-----------|--------------------------------|---------------|------------------|
| 07/12 | 07/10/2012 | 10608 | | Information Only Check | 101-20100 | .00 V |
| 07/12 | 07/10/2012 | 10609 | 9 | CITY OF DEEPHAVEN | 101-20100 | 9,471.89 |
| 07/12 | 07/10/2012 | 10610 | 586 | CIVIC SYSTEMS, LLC | 101-20100 | 982.00 |
| 07/12 | 07/10/2012 | 10611 | 581 | EMERY'S TREE SERVICE, INC. | 101-20100 | 332.55 |
| 07/12 | 07/10/2012 | 10612 | 52 | EXCELSIOR FIRE DISTRICT | 101-20100 | 31,610.94 |
| 07/12 | 07/10/2012 | 10613 | 805 | GARELICK STEEL | 605-20100 | 145.35 |
| 07/12 | 07/10/2012 | 10614 | 601 | HENNEPIN COUNTY ASSESSORS OFF. | 101-20100 | 7,054.37 |
| 07/12 | 07/10/2012 | 10615 | 3 | KELLY LAW OFFICES | 605-20100 | 2,116.00 |
| 07/12 | 07/10/2012 | 10616 | 788 | KRISTI CONRAD | 101-20100 | 49.54 |
| 07/12 | 07/10/2012 | 10617 | 105 | METROPOLITAN COUNCIL ENV SERV | 602-20100 | 2,598.16 |
| 07/12 | 07/10/2012 | 10618 | 38 | SO LAKE MINNETONKA POLICE DEPT | 101-20100 | 25,743.58 |
| 07/12 | 07/10/2012 | 10619 | 806 | ST CROIX TREE SERVICE INC | 101-20100 | 1,806.19 |
| 07/12 | 07/10/2012 | 10620 | 745 | Vintage Waste Systems | 101-20100 | 1,568.40 |
| 07/12 | 07/10/2012 | 10621 | 145 | XCEL | 602-20100 | 993.59 |
| 07/12 | 07/24/2012 | 10622 | 51 | BOLTON & MENK, INC. | 101-20100 | 4,415.00 |
| 07/12 | 07/24/2012 | 10623 | 761 | DEBRA KIND | 101-20100 | 30.19 |
| 07/12 | 07/24/2012 | 10624 | 255 | LMC INSURANCE TRUST | 101-20100 | 99.00 |
| 07/12 | 07/24/2012 | 10625 | 136 | Sun Newspapers | 101-20100 | 98.92 |
| Totals: | | | | | | <u>89,115.67</u> |

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

| Vendor | Vendor Name | Invoice No | Description | Inv Date | Net Inv Amt |
|---------------------------------------|--------------------------------------|------------|------------------------------|------------|-------------|
| BOLTON & MENK, INC. | | | | | |
| 51 | BOLTON & MENK, INC. | 0148782 | 2012 MISC ENGINEERING FEES | 06/28/2012 | 681.50 |
| | | | 2012 MISC ENGINEERING FEES | | 338.00 |
| | | | 2012 MISC ENGINEERING FEES | | 265.00 |
| | | | COUNCIL MEETING | | 60.00 - |
| | | 0148783 | 2012 STREET IMPROVEMENT | 06/28/2012 | 2,673.00 |
| | | 0148784 | STM WTR ENGINEERING FEES | 06/28/2012 | 517.50 |
| | Total BOLTON & MENK, INC. | | | | 4,415.00 |
| CITY OF DEEPHAVEN | | | | | |
| 9 | CITY OF DEEPHAVEN | JULY 2012 | Postage | 07/01/2012 | 45.35 |
| | | | COPIES | | 10.60 |
| | | | SEWER | | 194.92 |
| | | | WEED/TREE/MOWING | | 3,006.62 |
| | | | Docks | | 650.08 |
| | | | Clerk Services | | 2,514.40 |
| | | | RENT & EQUIPMENT | | 542.95 |
| | | | PRESSURE WASHER RENTAL | | 94.67 |
| | | | ZONING | | 287.60 |
| | | | CANOE RACK LABOR | | 291.60 |
| | | | CONCRETE MIX FOR CANOE RACKS | | 40.33 |
| | | | 2nd Quarter Building Permits | | 1,792.77 |
| | Total CITY OF DEEPHAVEN | | | | 9,471.89 |
| CIVIC SYSTEMS, LLC | | | | | |
| 586 | CIVIC SYSTEMS, LLC | CVC 9419 | Semi-Annual Support Fee | 06/27/2012 | 982.00 |
| | Total CIVIC SYSTEMS, LLC | | | | 982.00 |
| DEBRA KIND | | | | | |
| 761 | DEBRA KIND | 071112 | CODE BOOK | 07/11/2012 | 30.19 |
| | Total DEBRA KIND | | | | 30.19 |
| EMERY'S TREE SERVICE, INC. | | | | | |
| 581 | EMERY'S TREE SERVICE, INC. | 17457 | TREE MAINTENANCE | 06/30/2012 | 332.55 |
| | Total EMERY'S TREE SERVICE, INC. | | | | 332.55 |
| EXCELSIOR FIRE DISTRICT | | | | | |
| 52 | EXCELSIOR FIRE DISTRICT | 12-011 | 3rd qtr operations | 07/01/2012 | 16,609.74 |
| | | | 3rd qtr buildings | | 15,001.20 |
| | Total EXCELSIOR FIRE DISTRICT | | | | 31,610.94 |
| GARELICK STEEL | | | | | |
| 805 | GARELICK STEEL | 235808 | CANOE RACK MATERIALS | 06/26/2012 | 145.35 |
| | Total GARELICK STEEL | | | | 145.35 |
| HENNEPIN COUNTY ASSESSORS OFF. | | | | | |
| 601 | HENNEPIN COUNTY ASSESSORS OFF. | 1000017718 | 2ND 1/2 PMT FOR SERVICES | 06/26/2012 | 7,054.37 |
| | Total HENNEPIN COUNTY ASSESSORS OFF. | | | | 7,054.37 |
| KELLY LAW OFFICES | | | | | |
| 3 | KELLY LAW OFFICES | 5998 | GENERAL LEGAL | 06/28/2012 | 874.00 |

| Vendor | Vendor Name | Invoice No | Description | Inv Date | Net Inv Amt |
|---------------------------------------|--------------------------------------|------------|-----------------------------|------------|-------------|
| | | | GENERAL LEGAL - WM | | 517.50 |
| | | | GENERAL LEGAL - MARINA | | 207.00 |
| | | 5999 | LAW ENFORCE PROSECUTION | 06/28/2012 | 517.50 |
| | Total KELLY LAW OFFICES | | | | 2,116.00 |
| KRISTI CONRAD | | | | | |
| 788 | KRISTI CONRAD | 070912 | 2011 JULY 4TH EXP REIMBURED | 07/09/2012 | 49.54 |
| | Total KRISTI CONRAD | | | | 49.54 |
| LMC INSURANCE TRUST | | | | | |
| 255 | LMC INSURANCE TRUST | 22875 | Worker's Comp. Ins. | 06/03/2012 | 99.00 |
| | Total LMC INSURANCE TRUST | | | | 99.00 |
| METROPOLITAN COUNCIL ENV SERV | | | | | |
| 105 | METROPOLITAN COUNCIL ENV SE | 0000993049 | Monthly wastewater Charge | 07/03/2012 | 2,598.16 |
| | Total METROPOLITAN COUNCIL ENV SERV | | | | 2,598.16 |
| SO LAKE MINNETONKA POLICE DEPT | | | | | |
| 38 | SO LAKE MINNETONKA POLICE DE | 070112 | 3rd quarter lease | 07/01/2012 | 11,367.00 |
| | | JULY 2012 | OPERATING BUDGET | 07/01/2012 | 14,376.58 |
| | Total SO LAKE MINNETONKA POLICE DEPT | | | | 25,743.58 |
| ST CROIX TREE SERVICE INC | | | | | |
| 806 | ST CROIX TREE SERVICE INC | 73814 | TREE MAINTENANCE | 06/30/2012 | 1,806.19 |
| | Total ST CROIX TREE SERVICE INC | | | | 1,806.19 |
| Sun Newspapers | | | | | |
| 136 | Sun Newspapers | 1115835 | GRWD FILING NOTICE | 07/12/2012 | 98.92 |
| | Total Sun Newspapers | | | | 98.92 |
| Vintage Waste Systems | | | | | |
| 745 | Vintage Waste Systems | 062512 | City Recycling Contract | 06/25/2012 | 1,568.40 |
| | Total Vintage Waste Systems | | | | 1,568.40 |
| XCEL | | | | | |
| 145 | XCEL | 062812 | Sleepy Hollow Road * | 06/28/2012 | 8.93 |
| | | | Street Lights * | | 380.17 |
| | | | 4925 MEADVILLE STREET * | | 8.79 |
| | | | SIREN | | 3.78 |
| | | | LIFT STATION #1 | | 34.89 |
| | | | LIFT STATION #2 | | 37.33 |
| | | | LIFT STATION #3 | | 25.02 |
| | | | LIFT STATION #4 | | 34.69 |
| | | | LIFT STATION #6 | | 76.05 |
| | | 070312 | Street Lights * | 07/03/2012 | 383.94 |
| | Total XCEL | | | | 993.59 |

| | |
|---------------|-------------------------|
| Total Paid: | 89,115.67 |
| Total Unpaid: | <u>-</u> |
| Grand Total: | <u><u>89,115.67</u></u> |

| Pay Per Date | Jrnl | Check Date | Check Number | Payee | Emp No | Amount |
|-----------------|------|---------------|-----------------|--------------------|--------|---------------|
| 08/01/12 | PC | 08/01/12 | 8011201 | Debra J. Kind | 34 | 283.05 |
| 08/01/12 | PC | 08/01/12 | 8011202 | Fletcher, Thomas M | 33 | 88.70 |
| 08/01/12 | PC | 08/01/12 | 8011203 | H. Kelsey Page | 35 | 188.70 |
| 08/01/12 | PC | 08/01/12 | 8011204 | Quam, Robert | 32 | 188.70 |
| 08/01/12 | PC | 08/01/12 | 8011205 | William Rose | 36 | 188.70 |
| Grand Totals: | | | | | | <u>937.85</u> |

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING
GREENWOOD ORDINANCE CODE SECTIONS 520.15 AND 525.15,
REGARDING DEADLINES FOR DELINQUENT SEWER AND STORMWATER PAYMENTS**

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

SECTION 1.

Greenwood ordinance code section 520.15 is amended to read as follows:

“All charges for sewer shall be due within 30 days of mailing of the statement of charges, and shall be delinquent thereafter. It shall be the duty of the sanitary sewer utility to endeavor to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not then been made, instructions may be given to discontinue service by shutting off the water at the stop box, if city water is in use. Any sanitary sewer utility fees 60 or more days past due as of September 15, of any year, may be certified to the county auditor for collection with real estate taxes of the real property in the following year pursuant to Minnesota statutes section 444.075, subdivision 3. In addition, the city also may assess and collect unpaid fees and delinquency charges related thereto by ordinance memorialized in chapter 5 of this code book. Such action may be optional or subsequent to taking legal action to collect delinquent accounts.”

SECTION 2.

Greenwood ordinance code section 525.15 is amended to read as follows:

“All charges for stormwater management shall be due within 30 days of mailing of the statement of charges, and shall be delinquent thereafter. It shall be the duty of the stormwater management utility to endeavor to promptly collect delinquent accounts. Any stormwater management utility fees 60 or more days past due as of September 15, of any year, may be certified to the county auditor for collection with real estate taxes of the real property in the following year pursuant to Minnesota statutes section 444.075, subdivision 3. In addition, the city also may assess and collect unpaid fees and delinquency charges related thereto by ordinance memorialized in chapter 5 of this code book. Such action may be optional or subsequent to taking legal action to collect delinquent accounts.”

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

First reading: July 5, 2012
Second reading: _____, 2012
Publication: _____, 2012



Agenda Number: **4A**

Agenda Date: 08-01-12

Agenda Item: Chief Bryan Litsey: South Lake Police Department 2013 Budget and Proposed Capital Replacement Fund

Summary: Chief Litsey will attend the 08-01-12 council meeting to present the 2013 South Lake Minnetonka Police Department budget. The overall budget increase to the cities is proposed to be 2.63%. The coordinating committee unanimously recommended approval of the budget at the 07-18-12 meeting. The Greenwood council needs to approve the preliminary tax levy on or before 09-15-12. Therefore, the council needs to approve the 2013 SLMPD budget on or before the same date. Hard copies of the budget overview and allocation for the proposed 2013 SLMPD budget are included in the council packet. The narrative detail for the budget is available for the council and public to view at www.southlakepd.com or at the SLMPD office.

Chief Litsey also will present information regarding the concept of creating a Capital Replacement Fund. Copies of Chief Litsey's memo and the proposed plan are attached.

Council Action: Required on or before 09-15-12 for the 2013 SLMPD Budget. Council action is optional for the Capital Replacement Fund.

Potential BUDGET motions ...

1. I move the council approves the 2012 South Lake Minnetonka Police Department operating budget as presented.
2. I move the council continues discussion of the 2012 South Lake Minnetonka Police Department operating budget to the 09-05-12 council meeting to allow time for _____.
3. Other ???

Potential CAPITAL REPLACEMENT FUND motions ...

1. I move the council approves the Capital Replacement Fund as presented.
2. I move the council approves the Capital Replacement Fund with the following revision(s): _____.
3. I move the council continues discussion of the Capital Replacement Fund to the 09-05-12 council meeting to allow time for _____.
4. Other ???

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

2013 Operating Budget Proposal

Coordinating Committee Meeting - July 18, 2012

Proposed 2013 Operating Budget and 2012 Revised Operating Budget 2011 Operating Budget Information (Budget/Actual)

| OPERATING BUDGET EXPENSES | | | | | | | |
|---------------------------------|--------------------------------|--------------------|--------------------|-----------------|-------------|--------------------|--------------------|
| Item | Category | Proposed 2013 | Budgeted 2012 | Inc(Dec) | Change | Budgeted 2011 | Actual 2011 |
| 50100 | Salaries - Full-time | \$1,234,000 | \$1,204,700 | \$29,300 | 2.4% | \$1,185,500 | \$1,144,270 |
| 50200 | Salaries - General Overtime | \$36,000 | \$38,000 | (\$2,000) | -5.3% | \$37,800 | \$25,841 |
| 50200 | Salaries - Reimbursed Overtime | \$41,000 | \$38,000 | \$3,000 | 7.9% | \$38,000 | \$32,165 |
| 50300 | Salaries - Part-Time | \$97,200 | \$96,400 | \$800 | 0.8% | \$95,600 | \$81,734 |
| 50500 | Social Security & Medicare | \$29,700 | \$29,000 | \$700 | 2.4% | \$28,600 | \$25,709 |
| 50600 | PERA Pensions | \$186,300 | \$182,000 | \$4,300 | 2.4% | \$179,000 | \$171,317 |
| 50700 | Insurance Benefits | \$241,600 | \$236,000 | \$5,600 | 2.4% | \$239,500 | \$231,833 |
| 51000 | Contracted Services | \$17,000 | \$17,000 | \$0 | 0.0% | \$14,000 | \$14,817 |
| 52100 | Equipment Leases | \$34,000 | \$30,000 | \$4,000 | 13.3% | \$30,000 | \$28,562 |
| 52200 | Repairs & Maintenance | \$43,700 | \$43,000 | \$700 | 1.6% | \$43,200 | \$45,512 |
| 52300 | Utilities | \$61,500 | \$59,200 | \$2,300 | 3.9% | \$62,000 | \$59,933 |
| 52400 | Janitorial & Cleaning | \$11,000 | \$11,000 | \$0 | 0.0% | \$11,600 | \$10,582 |
| 52500 | Printing & Publishing | \$3,200 | \$3,200 | \$0 | 0.0% | \$3,200 | \$2,297 |
| 52800 | Care of Persons | \$100 | \$100 | \$0 | 0.0% | \$100 | \$0 |
| 53000 | Supplies | \$76,000 | \$74,100 | \$1,900 | 2.6% | \$70,500 | \$74,355 |
| 54000 | Uniforms & Gear | \$14,000 | \$13,800 | \$200 | 1.4% | \$13,600 | \$16,308 |
| 54500 | Training & Conferences | \$12,900 | \$12,900 | \$0 | 0.0% | \$10,100 | \$10,990 |
| 56000 | Insurance | \$58,000 | \$60,000 | (\$2,000) | -3.3% | \$60,000 | \$60,000 |
| 56100 | Subscriptions & Memberships | \$3,200 | \$2,900 | \$300 | 10.3% | \$2,900 | \$3,686 |
| 57000 | Special Projects | \$14,000 | \$13,600 | \$400 | 2.9% | \$12,700 | \$12,580 |
| 58000 | Capital Outlay | \$70,000 | \$68,000 | \$2,000 | 2.9% | \$50,000 | \$50,000 |
| 59000 | Undesignated Allocation | \$0 | \$0 | \$0 | 0.0% | \$0 | \$0 |
| TOTAL PROJECTED EXPENSES | | \$2,284,400 | \$2,232,900 | \$51,500 | 2.3% | \$2,187,900 | \$2,102,491 |

| OPERATING BUDGET REVENUES (Does Not Include Contributions from Member Cities) | | | | | | | |
|--|--------------------------------|--------------------|--------------------|------------------|--------------|------------------|------------------|
| Item | Category | Proposed 2013 | Budgeted 2012 | Inc(Dec) | Change | Budgeted 2011 | Actual 2011 |
| 40110 | Court Overtime | \$4,500 | \$5,000 | (\$500) | -10.0% | \$5,500 | \$4,327 |
| 40120 | Excelsior Park and Dock Patrol | \$20,700 | \$20,700 | \$0 | 0.0% | \$21,000 | \$17,082 |
| 42100 | State Police Officer Aid | \$93,000 | \$97,000 | (\$4,000) | -4.1% | \$102,000 | \$90,834 |
| 42200 | State Training Reimbursement | \$4,500 | \$4,500 | \$0 | 0.0% | \$5,500 | \$4,544 |
| 43100 | Minnetonka School District | \$7,000 | \$7,000 | \$0 | 0.0% | \$7,000 | \$6,838 |
| 43200 | Administrative Requests | \$4,000 | \$4,000 | \$0 | 0.0% | \$3,500 | \$3,974 |
| 43400 | Special Policing Details | \$26,000 | \$25,000 | \$1,000 | 4.0% | \$25,000 | \$25,050 |
| 44000 | Investment Income | \$4,500 | \$4,500 | \$0 | 0.0% | \$4,500 | \$1,883 |
| 46400 | Forfeitures | \$1,500 | \$1,500 | \$0 | 0.0% | \$1,000 | \$604 |
| 46500 | Grant Reimbursements | \$26,500 | \$26,000 | \$500 | 1.9% | \$26,500 | \$20,665 |
| 46600 | Other Reimbursements | \$3,000 | \$2,000 | \$1,000 | 50.0% | \$3,000 | \$3,162 |
| TOTAL PROJECTED REVENUES | | \$195,200 | \$197,200 | (\$2,000) | -1.0% | \$204,500 | \$178,963 |
| Expenses in Excess of Revenues | | \$2,089,200 | \$2,035,700 | \$53,500 | --- | | |
| PROJECTED COST TO MEMBER CITIES | | \$2,089,200 | \$2,035,700 | \$53,500 | 2.6% | | |

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

2013 Operating Budget Proposal

Coordinating Committee Meeting

Wednesday - July 18, 2012

Contributions from Member Cities - Year 2013

Reallocation Formula (2012-2016)

| MEMBER CITY | TOTAL AMOUNT | % SHARE | \$ SHARE | \$ INCREASE OVER 2012 |
|-------------|--------------|----------|-------------|-----------------------|
| Excelsior | \$2,089,200 | 28.0532% | \$586,087 | \$15,008 |
| Greenwood | \$2,089,200 | 8.4747% | \$177,053 | \$4,534 |
| Shorewood | \$2,089,200 | 48.4887% | \$1,013,027 | \$25,942 |
| Tonka Bay | \$2,089,200 | 14.9834% | \$313,033 | \$8,016 |

| | | |
|--|--------------------|--|
| 2013 Total Contributions from Member Cities | \$2,089,200 | The funding formula used to determine each member city's percentage contribution toward the operating budget is based on an arbitration ruling in 2006. Every five years the funding formula is subject to adjustment based on the criteria set forth in this ruling. The 2012 operating budget was the first time since the ruling took effect that the funding formula was subject to adjustment. An administrators group established by the Coordinating Committee worked on the reallocation formula that was subsequently sanctioned by the member cities and incorporated into the 2012 operating budget. The reset funding formula is not subject to change again until 2017. |
| 2012 Total Contributions from Member Cities | \$2,035,700 | |
| Dollar Increase Over 2012 | \$53,500 | |
| Percentage Increase Over 2012 | 2.6% | |

Contributions from Member Cities - Year 2012

| MEMBER CITY | TOTAL AMOUNT | % SHARE | \$ SHARE | \$ INCREASE OVER 2011 |
|---------------|--------------|----------|--------------------|-----------------------|
| Excelsior | \$2,035,700 | 28.0532% | \$571,079 | \$35,561 |
| Greenwood | \$2,035,700 | 8.4747% | \$172,519 | \$13,847 |
| Shorewood | \$2,035,700 | 48.4887% | \$987,085 | -\$4,615 |
| Tonka Bay | \$2,035,700 | 14.9834% | \$305,017 | \$7,507 |
| Totals | | | \$2,035,700 | \$52,300 |



SOUTH LAKE MINNETONKA POLICE DEPARTMENT

Serving Excelsior, Greenwood, Shorewood and Tonka Bay

BRYAN LITSEY

Chief of Police

24150 Smithtown Road
Shorewood, Minnesota 53331

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

M E M O R A N D U M

TO: Member City Councils
Excelsior, Greenwood, Shorewood and Tonka Bay

FROM: Bryan Litsey, Chief of Police

DATE: July 24, 2012 - Tuesday

RE: Public Safety Facility - Capital Replacement Fund

The Coordinating Committee for the South Lake Minnetonka Police Department (SLMPD) is spearheading an effort to establish a capital replacement fund for the public safety facility. Currently, there is no reliable and consistent funding source for replacing major building components as the facility ages. The nomenclature previously used for describing such a fund has been a capital maintenance fund. This has apparently created an element of confusion, since the routine maintenance and repair of existing building components is accounted for under operating expenses and assigned funds supporting operations. A capital replacement fund is the next step in making sure there are reserves available for the eventual replacement of those costly items that have reached the end of their projected life span. This ensures that the initial capital investment made in the building is maintained well into the future.

The Coordinating Committee took up this matter at their quarterly meeting held on July 18, 2012. As requested, I prepared the attached memorandum and spreadsheet for inclusion in the meeting packet. This provided the backdrop for the discussion that ensued when this item came up on the agenda. There was agreement among Committee members that the proposed capital replacement (maintenance) fund outlined in my memorandum be brought back to their respective City Councils with a recommendation for approval. It was also agreed that a total assessment of \$10,000 proportioned between the member cities at agreed upon percentages was a reasonable starting point for 2013. This would be separate from what each member city contributes toward operations and the debt service obligation on the building. This was put in the form of a motion, which passed unanimously. Not included in the motion was an affinity toward applying the same percentages to the capital replacement fund as the percentages used for the debt service payments on the building. The rationale being both involve capital expenditures.

I will be appearing before the member City Councils in August to present the 2013 Operating Budget endorsed by the Coordinating Committee. I have been asked to make a separate presentation afterwards regarding the proposed capital replacement fund.

SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Public Safety Facility - Police Portion

Proposed Capital Maintenance Fund

Illustration Purposes Only

| | |
|------------------|----------|
| Total Assessment | \$10,000 |
|------------------|----------|

| Member City | 2012 Debt Service Percentages | Dollar Amount |
|--------------|-------------------------------|-----------------|
| Excelsior | 14.03% | \$1,403 |
| Greenwood | 10.98% | \$1,098 |
| Shorewood | 54.37% | \$5,437 |
| Tonka Bay | 20.62% | \$2,062 |
| TOTAL | 100.00% | \$10,000 |

| | |
|------------------|----------|
| Total Assessment | \$15,000 |
|------------------|----------|

| Member City | 2012 Debt Service Percentages | Dollar Amount |
|--------------|-------------------------------|-----------------|
| Excelsior | 14.03% | \$2,105 |
| Greenwood | 10.98% | \$1,647 |
| Shorewood | 54.37% | \$8,155 |
| Tonka Bay | 20.62% | \$3,093 |
| TOTAL | 100.00% | \$15,000 |

| | |
|------------------|----------|
| Total Assessment | \$20,000 |
|------------------|----------|

| Member City | 2012 Debt Service Percentages | Dollar Amount |
|--------------|-------------------------------|-----------------|
| Excelsior | 14.03% | \$2,806 |
| Greenwood | 10.98% | \$2,196 |
| Shorewood | 54.37% | \$10,874 |
| Tonka Bay | 20.62% | \$4,124 |
| TOTAL | 100.00% | \$20,000 |



Agenda Number: **6A**

Agenda Date: 08-01-12

Agenda Item: Resolution 18-12, Variance Findings of Fact, Matt and Angela Lindberg, 5160 Greenwood Circle

Summary: At the 07-05-12 council meeting the motion to approve the Lindberg's variance request failed on a 2-2 vote with Mayor Kind and Councilman Quam voting in favor and Councilman Page and Councilman Rose opposing the motion (Councilman Fletcher was not present at the meeting). The deadline to take action was 07-14-12. Written findings were not prepared in advance, so the council approved a motion to extend the deadline for action by 60 days to give the city attorney time to draft findings for denial. Those findings are attached.

Since all of the council members were not present at the 07-05-12 council meeting, the applicant has requested a vote of the full council at the 08-01-12 council meeting. A copy of the applicant's request is attached. Also attached is a memo from the city attorney regarding parliamentary procedure, voting quorum, and motions.

Council Action: Required by September 12, 2012.

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).

RESOLUTION NO. 18-12

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

DENYING

**IN RE: The Application of Matt and Angela Lindberg for a Variance to
Section 1140.19(5) to:**

**Permit alteration of grade by digging into the hillside in rear of
property and relocating existing retaining walls to help with
drainage and enlarge the rear yard.**

WHEREAS, Matt and Angela Lindberg are the owners of property commonly known as 5160 Greenwood Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23 42 0029); and

WHEREAS, application was made for the above-stated variance to Section 1140.19(5) so as to permit an alteration of grade by digging into the hillside in rear of property and relocating existing retaining walls to help with drainage and enlarge the rear yard; 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 June 20, 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's contractor (applicant did not appear at the public hearing) 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 5160 Greenwood Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23 42 0029) is a single family lot of record located within the R-1A Single Family Residential District.
2. The applicant proposes to excavate the hill side in rear of property to expand the depth of the rear yard to provide a large child play area and in so doing remove the existing retaining wall and modify the existing drainage.
3. Section 1140.19(5) of the Zoning Ordinance states:

“With the exception of that portion of a lot host to the foundation of a permitted structure and/or driveways and necessary for stormwater management, the pre-grading permit topography of a lot shall not be altered by the addition of fill or the removal of fill or by grading so as to increase or decrease the elevation of the land within in any 100 square foot area of the lot by more than 1 vertical foot. An exception to this standard may not be granted by conditional use permit. If any portion of the grade of an existing lot or the building perimeter grade of an existing or rebuilt house is to be increased or decreased by more than 1 vertical foot a variance must be first obtained.”
4. The applicants state that the existing rear yard retaining wall would be removed, the rear yard excavated, and a new two tier boulder retaining wall (comprised of 7 and 6 tall feet sections separated by a 4 foot planting area) installed. Drainage would be directed in part to an existing catch basin on the easterly edge of the property, through the wall with outlet pipes, and otherwise directed to the west of the new wall by drainage swale to be created.
5. The Applicants assert that the requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning Code because it will increase useable area in rear yard, not affecting neighboring properties, and improve drainage around residence. In support of the variance the Applicants advise that the practical difficulty in meeting the code is created by the existing rear yard slope being greater than 3 to 1 making the space unusable; that the plight of the landowner is due to circumstances of existing grade not created by the landowner; and that the variance if granted will not alter the essential character of the locality because the applicant plans to use alternates that will match and blend with the existing surroundings.
6. The Planning Commission voted to recommend the City Council approve the variance request.

7. Section 1155.10, Subd. 4, 5 & 6 provide:

“Subd. 4. Practical Difficulties Standard. “Practical difficulties,” as used in connection with the granting of a variance, means:

- (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 landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd.5 Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

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

Subd. 6. Additional Requirements for Grants of Variance Requests. The board, in considering all requests for a variance, shall determine that the proposed variance, if granted, will not:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

8. The City council determined that (1) the variance, if granted, would not be in keeping with the spirit and intent of the Zoning Code; (2) that the property owner proposes to use the property in a manner not permitted by the zoning ordinance and, as proposed, it is not a reasonable use for a residential property with an existing steep hill side yard (a condition known to the applicant at time of purchase), insofar as it will introduce hillside instability and accelerated and concentrated drainage by means of an extraordinarily high retaining wall which will impact neighbors and city streets (see below); (3) the claimed plight of the owner, (inadequate rear yard depth), is due to circumstances unique to the property as designed and built and not created by the landowner, but deemed acceptable to the owner/applicant at time of purchase; (4) the variance, if granted, will alter the essential character of the locality by redirecting, concentrating, and accelerating surface water drainage into the existing catch basin and onto the public street. Moreover, the excavation if permitted will invite additional variance applications that are likewise not in the public interest for the same reasons, contribute to hillside instability and will create down stream surface water concentrations not in the interest of the downstream property owners. In particular, all the

residential properties along the north side of Greenwood Circle are built into the common hillside. Removal of the hillside will interfere with natural reduction in water flow through loss of absorption. Removal of hillside will negatively effect water filtration before entering the storm sewer system and Lake Minnetonka; and (5) The proposed height of the new retaining wall would endanger the public.

9. In addition to the foregoing, there are existing drainage constructs on the East side of the property which are impeded in efficacy by underlayment fabric and cement. Those conditions could be corrected to reduce water flow into rear yard. Drain tile could be installed along the base of the existing retaining wall to reduce water flow into the rear yard.
10. The proposed variance could adversely effect drainage improvements made along Greenwood Circle as the north side of the street was recently improved to eliminate standing water and drainage problems created by recent development. Altering terrain could negatively impair those upgrades.
11. Consequently, the variance, if granted, will not be in harmony with the purpose and intent of the zoning ordinance and no variance to Section 1140.19 (5) should be granted.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, The city Council makes the following Conclusions of Law:

1. The applicant has not made an adequate demonstration of facts meeting the standards of Section 1155.10 needed for the grant of a variance to Section 1140.19 (5) authorizing the topography of the applicant's lot to be altered by the removal of fill and grading in an area in excess of 100 square feet and therefore the application should be denied.

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 the application of Matt and Angela Lindberg for a variance to Greenwood Ordinance Code Section 1140.19 (5) authorizing the topography of the lot at 5160 Greenwood Circle, Greenwood, Minnesota to be altered by the removal of fill and grading in an area in excess of 100 square feet is hereby denied.

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

____ Ayes, ____ Nays

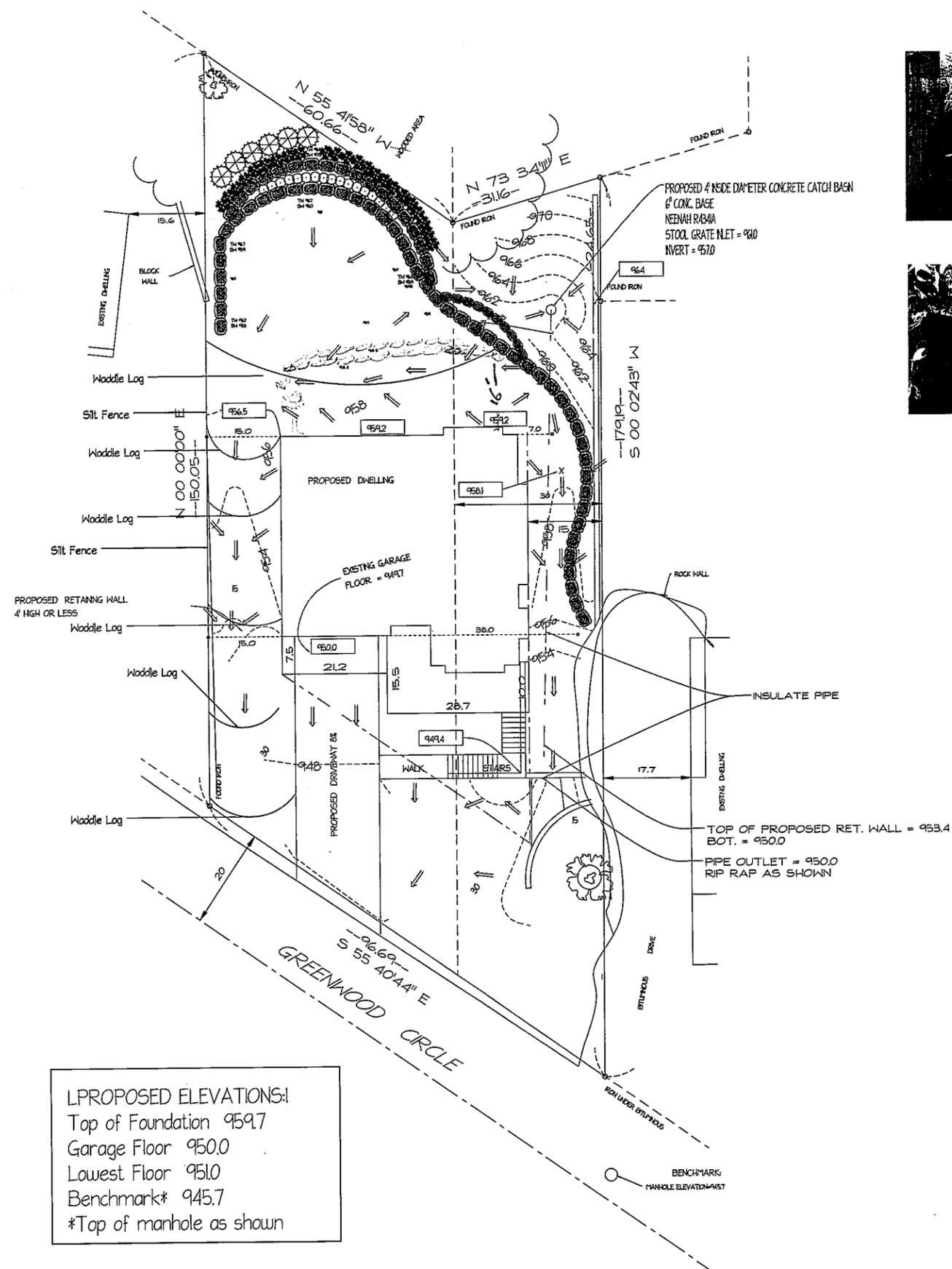
CITY OF GREENWOOD

ATTEST:

By _____
Debra J. Kind, Mayor

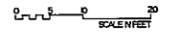
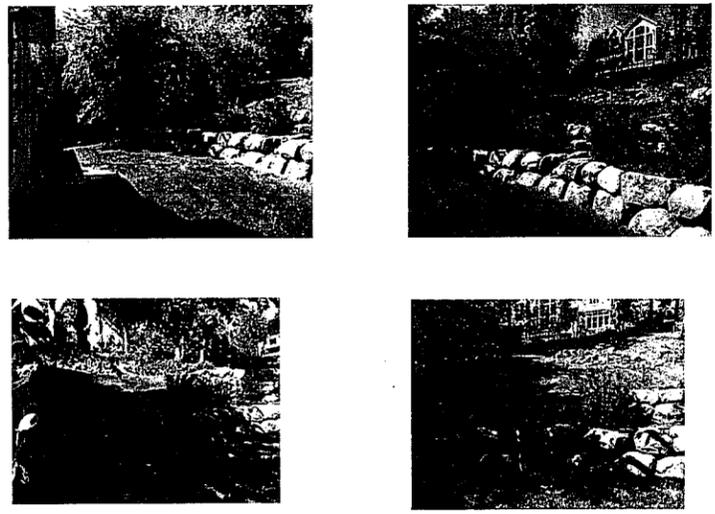
Gus E. Karpas, Clerk/Administrator

1\RESOLU.Lindberg.Denying



LPROPOSED ELEVATIONS:
 Top of Foundation 959.7
 Garage Floor 950.0
 Lowest Floor 951.0
 Benchmark* 945.7
 *Top of manhole as shown

| | |
|---------------------------------------|--------------|
| PROPOSED HARDCOVER | |
| House | 2100 Sq. Ft. |
| Driveway | 745 Sq. Ft. |
| Walk & Stairs | 182 Sq. Ft. |
| Deck | 484 Sq. Ft. |
| Stone Ret. Wall | 220 Sq. Ft. |
| TOTAL PROPOSED HARDCOVER 3731 Sq. Ft. | |
| AREA OF LOT 12429 Sq. Ft. | |
| PERCENTAGE OF HARDCOVER | 30.0% |

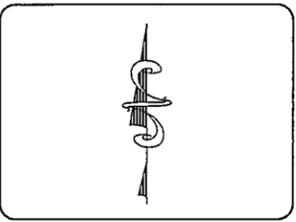


NOTES

1/4" = 1' UNLESS OTHERWISE NOTED



| | |
|------------------------------------|------------------------|
| Tier One Landscape | |
| daron@tieronelandscapes.com | |
| 612-363-3603 | |
| Daron Roth | |
| L2 | 5-3-12 Erosion Control |
| Copyright, Tier One Landscape 2012 | |
| No. | Date |
| REVISION | DESCRIPTION |



Backyard Retaining wall
 Project
 Erosion Control

Lindberg
 Matt & Angela
 5160 Greenwood Circle
 Greenwood, MN 55331

| | |
|---------------|------------|
| SCALE | 1"=8' |
| OWNER | Daron Roth |
| DESIGNED BY | |
| DATE | 5-3-12 |
| DATE OF PRINT | |

| | |
|-----------|----|
| PROJECT | 1 |
| SHEET NO. | RI |

From: "Gus Karpas" <guskarpas@mchsi.com>
Subject: FW: Vote
Date: July 19, 2012 8:49:03 AM CDT
To: "Debra Kind" <dkind100@gmail.com>

FYI

From: Angie Lindberg [mailto:amlindberg3@gmail.com]
Sent: Wednesday, July 18, 2012 1:52 PM
To: guskarpas@mchsi.com
Cc: Matt Lindberg; buildscapes@yahoo.com
Subject: Vote

Hi, Gus.

I am sending you a formal request to have a full council vote taken regarding our variance at the August 1st council meeting. We invite all members of the council to contact us before July 27th to arrange a walk through our backyard and reviewal of the plans with our Landscape Architect and Engineer. We feel this would help answer any questions and concerns that council members may have regarding the project before the council meeting.

Thank you,
Angie Lindberg

KELLY LAW OFFICES

Established 1948

351 SECOND STREET
EXCELSIOR, MINNESOTA 55331

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

(952) 474-5977
FAX 474-9575

MEMORANDUM

TO: Greenwood Mayor and City Council Members

FROM: Mark W. Kelly, Greenwood City Attorney

DATE: July 20, 2012

RE: City Council Parliamentary Procedure, Voting Quorum, and Motions.

Parliamentary Procedure

Under Minnesota Statute Section 412.191, Subd. 2, a City has the power to regulate its own parliamentary procedure. Minnesota League of Cities advises that procedural rules are usually provided for in the Rules or By-laws adopted by the Council, however, Greenwood has not adopted such. The League advises the adoption of Council rules may be supplemented by the use of a standard work on parliamentary procedure i.e. Robert's Rules of Order, but it should be observed that that too, would need to be adopted by the Council as a reference tool or arbiter of parliamentary procedure issues. The City of Greenwood as yet to do so. The League of Minnesota Cities observes that because of the small size of most City councils, procedures at council meetings, particularly in discussions, tend to be quite informal and many cities prefer to keep things simple and use just the basic rules regarding motions and voting, rather than adopting a more set of procedures.

Requisite Variance Vote

The requisite vote for the grant of a variance in the City of Greenwood is established under Greenwood Ordinance Code Section 1155.10, Subd. 8, to-wit:

“No variance shall be granted by the Board [of Appeals] except upon an affirmative 3/5 vote of the entire Board of Appeals and Adjustments (City Council).”

The enabling statute (Minnesota Statute Section 462.357, Subd. 6) does not dictate the

specific vote of a City Council needed to grant a variance but implies a majority vote is necessary.

The absence of a city council member does not constitute a vacancy on the council, and the absence of a member does not affect the number of votes needed by the ordinance to approve a variance. See Tracey-Smith. The absence of a council member does not affect the number of votes needed if a statute (and by implication, an ordinance) requires approval of a specific number of votes or a certain portion of the entire council. Consequently, under Section 1155.10, Subd. 8, where there are four members present, a variance may be approved on a vote of 3 of the 4 members present.

Motions in General

The League of Minnesota Cities has set forth a summary of typical motions privileged, subsidiary and main motions citing Robert's Rules of Order, Newly Revised, tenth edition (2000). There are five Main Motions: a general motion, a motion made from the table, a motion to reconsider, a motion to appeal or challenge a ruling of the chair, a motion to rescind. When the City Council votes on a variance application, it is a general motion. As such, it would require a second, it is debatable, amendable, and requires a majority of the entire council pass. Robert's Rules of Order advises that a main motion might be reconsidered by the council.

A motion to reconsider sets aside a vote previously taken by the City Council and reconsiders the matter as if the issue had not been voted on. A motion to reconsider requires a second, is debatable, and requires a majority vote of a quorum to be passed. It cannot, however, also be reconsidered. A motion to rescind (which is a motion to strike out a previously adopted motion, resolution, bylaws, etc.) requires a second, is debatable, amendable, and a majority vote of a quorum to pass due to the absence of other parliamentary rules.

The City of Greenwood has not formally adopted Robert's Rules of Order, however, if in the collective judgment of the council it deems Robert's an advisory norm on the main motions, the text might be referenced and given consideration by the council. For the council's advice, I attach a copy of the Table of Motions as presented by the League of Minnesota Cities in the above-referenced memo.

Motions to Reconsider

As regards a Motion to Reconsider, The League handbook, Chapter 7, Section 2H, Parliamentary Procedure, advises:

“If the council uses Robert's Rules of Order, newly revised, only a person who originally voted on the prevailing side, may move to reconsider; otherwise, any member may make the motion by saying, 'I move to reconsider ... stating the motion to be reconsidered ...' the Council may debate the motion. If the council passes the motion to reconsider, it must then reconsider the original motion and take another vote. If the council defeats a motion to reconsider, no further action is necessary.” (emphasis added)

Based on the highlighted editorial comment, it would appear that the City of Greenwood, having not adopted Robert's Rules of Order, may move to reconsider a vote, independent of how the moving party on the motion to reconsider may have voted, or not voted at all, previously. If the council votes on the question, a "Yes" vote favors considering the substitute motion, the "No" vote favors considering the original motion and the council must then discuss the vote.

Before so proceeding, the council should also be aware of the Minnesota Mayor's Association Summary of Motions. The summary (also not adopted by Greenwood) advises that a motion to reconsider may only be made at the same meeting where the issue was originally considered and voted upon, while a motion to rescind or repeal may be made at any meeting following the meeting where the issue was originally considered and voted upon. A copy of the Minnesota Mayor's Handbook, Summary of Motions is attached.

Motions to Rescind

The Minnesota Mayor's Association Summary of Motions makes the following comment regarding Motions to Rescind: "This may be made at any meeting following the meeting where the issue was originally considered and voted upon." The League Handbook does not include specific comments on Motions to Rescind, only Motions to Reconsider, Postpone Indefinitely, Limit Debate, Amend, and Substitute (League Handbook, Chapter 7, 12/01/2011)

Part VII. Table of motions

(Note: Also see discussion under Part VI – A. Parliamentary procedure)

There are three basic types of motions: privileged motions, subsidiary motions, and main motions. Privileged motions take precedence over subsidiary motions; subsidiary motions take precedence over main motions. The following charts of motions are listed in order of precedence and are based upon *Robert's Rules of Order Newly Revised*, 10th Edition (2000):

Chart A: Privileged motions—A privileged motion is a motion that does not relate to the business at hand. Such a motion usually deals with items that require immediate consideration.

| Motion | Requires a second | Can interrupt speaker | Debatable | Amendable | Votes required to pass | Can be reconsidered |
|---|-------------------|-----------------------|-----------|-----------|---|---------------------|
| Fix a time to adjourn. | ✓ | | | ✓ | Majority | ✓ |
| To adjourn. | ✓ | | | | Majority | |
| Recess. (A motion to take an intermission.) | ✓ | | | ✓ | Majority | |
| Raise a question of privilege. (A motion referring to a matter of personal concern to a member. Examples are asking to have the heat turned up, the windows opened, less noise, or requesting that the motion be stated again.) | | ✓ | | | Usually, no vote is taken. The chair decides. | |
| Call for the orders of the day: (Forces the consideration of a postponed motion.) | | ✓ | | | Usually, no vote is taken. The chair decides. † | |

Chart B: Subsidiary motions—A subsidiary motion is a motion that assists the group in disposing of the main motion.

| Motion | Requires a second | Can interrupt speaker | Debatable | Amendable | Votes required to pass | Can be reconsidered |
|---|-------------------|-----------------------|-----------|-----------|------------------------|---|
| Lay on the table. (To postpone discussion temporarily.) | ✓ | | | | Majority | |
| Previous question or call for the question. (To stop debate and force an immediate vote.) | ✓ | | | | 2/3 | ✓ |
| Postpone to a definite time. | ✓ | | ✓ | ✓ | Majority | ✓ |
| Commit or refer. (A motion to refer to a smaller committee.) | ✓ | | ✓ | ✓ | Majority | If group has not begun consideration of a question. |
| Amend. | ✓ | | ✓ | ✓ | Majority | Y |
| Postpone indefinitely. | ✓ | | ✓ | | Majority | Affirmative vote only |

Chart C: Main motions—A main motion is a formal proposal that is made by a member that brings a particular matter before the group for consideration or action.

| Motion | Requires a second | Can interrupt speaker | Debatable | Amendable | Votes required to pass | Can be reconsidered |
|--|-------------------|-----------------------|-----------|-----------|-------------------------|---------------------|
| Any general motion, resolution, or ordinance. | ✓ | | ✓ | ✓ | Majority | ✓ |
| Take from the table. | ✓ | | | | Majority | |
| Reconsider. (To reconsider a motion already passed/defeated.) | ✓ | ✓ | ✓ | | Majority | |
| Appeal or challenge a ruling of the chair. | ✓ | ✓ | Depends | | Majority | ✓ |
| Rescind. (A motion to strike out a previously adopted motion, resolution, bylaw, etc.) | ✓ | | ✓ | ✓ | Varies, based on motion | Negative vote only |

MINNESOTA MAYORS HANDBOOK

Summary of Motions

For use with Minnesota Mayors Association *Rules of Order for City Councils*

 Means a motion is not subject to debate.

 Means that motion may be made during active debate on a main motion.

 Means a motion can be made without recognition from the presiding officer or that it can interrupt other speakers.

1. **General motion for all council action:**

"I move to _____"

2. **Motion to amend the original motion.** The maker of the motion does not need to consent to a motion to amend. Only two amendments may be made to an original motion to avoid confusion.



"I move to amend the motion by inserting between . . . and . . ." or "I move to amend the motion by adding after . . ." or "I move to amend the motion by striking out . . ." or "I move to amend the motion by striking out . . . and inserting . . ." or "I move to amend by striking out the motion . . . and substituting the following."

3. **Motion to take a brief recess.** A motion to take a brief respite no greater than 20 minutes.



"I move to take a brief recess for _____ minutes."

4. **Motion to withdraw a motion.** This can only be made by the motion's maker before a motion is amended.



"I move to withdraw my motion."

5. **Motion to divide a complex question.** This allows questions to be considered in smaller parts.



"I move to divide the question into _____ parts. Part 1 shall be _____, Part 2 shall be _____"

6. **Motion to table or defer consideration to a later date.** This may be used to defer consideration.



"I move to defer consideration of the main motion/this item until _____"

7. **Motion to refer an issue to committee.** This may be used to refer an issue to a city committee.



"I move to refer the main motion/this issue to the _____ committee for its consideration and recommendation. The committee should report back to the council in _____ days/weeks."

8. **Motion for call of the previous question.** This may only be used after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.



"I move to call the previous question" or "I move for an immediate vote on this issue."

MINNESOTA MAYORS HANDBOOK

9. *Motion to limit debate.* This may be used to establish time limits for debate.



"I move to limit debate on this issue to ___ minutes per person" or "I move to limit council debate on this issue to no more than ___ minutes total."

10. *Motion for a call to order.* This is used to signal to the presiding officer that the meeting is disorderly.



"I move for a call to order by the presiding officer."

11. *Motion to adjourn.* This may be used to suggest a conclusion to the meeting.



"I move to adjourn the meeting."

12. *Motion to go into closed session.* This may be used to close the meeting pursuant to the Minnesota Open Meeting Law. **The basis for closing the meeting and the applicable law must be stated into the record.**

"I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law."

13. *Motion to leave a closed session.* This may be used to conclude a closed session and return to an open meeting.

"I move to open the meeting."

14. *Motion to revive consideration of an issue.* This may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

"I move to revive consideration of _____ previously tabled/deferred/referred to committee."

15. *Motion to reconsider.* This may be made only at the *same* meeting where the issue was originally considered and voted upon.

"I move to reconsider _____."

16. *Motion to rescind or repeal.* This may be made at any meeting following the meeting where the issue was originally considered and voted upon.

"I move to rescind/repeal the council's previous action related to _____ as stated in resolution number _____."

17. *Motion to prevent reintroduction of an issue for ___ months.* This may be used to limit discussion.



"I move to prevent reintroduction of this issue for ___ months."

18. *Motion to suspend the rules or to consider a motion informally.* This permits informal discussion.

"I move that we suspend the rules and proceed informally in discussing the issue of _____."

15.99 TIME DEADLINE FOR AGENCY ACTION.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms shall have the meanings given.

(b) "Agency" means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, county, town, or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.

(c) "Request" means a written application related to zoning, septic systems, watershed district review, soil and water conservation district review, or the expansion of the metropolitan urban service area, for a permit, license, or other governmental approval of an action. A request must be submitted in writing to the agency on an application form provided by the agency, if one exists. The agency may reject as incomplete a request not on a form of the agency if the request does not include information required by the agency. A request not on a form of the agency must clearly identify on the first page the specific permit, license, or other governmental approval being sought. No request shall be deemed made if not in compliance with this paragraph.

(d) "Applicant" means a person submitting a request under this section. An applicant may designate a person to act on the applicant's behalf regarding a request under this section and any action taken by or notice given to the applicant's designee related to the request shall be deemed taken by or given to the applicant.

Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section 462.358, subdivision 3b, or 473.175, or chapter 505, and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

(b) When a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request. A denial of a request because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar request.

(c) Except as provided in paragraph (b), if an agency, other than a multimember governing body, denies the request, it must state in writing the reasons for the denial at the time that it denies the request. If a multimember governing body denies a request, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an

agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response, including an approval with conditions, meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request. Failure to satisfy the conditions, if any, may be a basis to revoke or rescind the approval by the agency and will not give rise to a claim that the 60-day limit was not met.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

(g) An applicant may by written notice to the agency request an extension of the time limit under this section.

History: 1995 c 248 art 18 s 1; 1996 c 283 s 1; 2003 c 41 s 1; 2006 c 226 s 1; 2007 c 57 art 1 s 11; 2007 c 113 s 1



Agenda Item: First Reading: Ordinance 212 Amending Code Section 425, Municipal Watercraft Spaces (establishing procedures for canoe racks)

Summary: At the 05-16-12 planning commission / city council joint worksession, Planning Commissioner 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.

At the 06-06-12 council meeting, the council agreed the placement of the racks would benefit the residents of the city and asked staff to direct public works to construct a six-space canoe rack and draft an ordinance for the council's review.

A draft of an ordinance for the council's consideration was placed on the 07-05-12 council agenda. In order to give the council more time to consider the ordinance, the council decided to approve a temporary process for assigning canoe racks in 2012 only. Per the temporary process approved by the council, applications for the canoe rack spaces were accepted beginning at 8am on 07-09-12. As of the council packet deadline, two canoe spaces have been assigned.

At the 08-01-12 council meeting the council will consider the 1st reading of the ordinance that establishes procedures for canoe racks. Attached is the ordinance with the amendments to the relevant provisions within section 425 of the city code. Also attached is a redlined document showing the proposed changes in the context of section 425 of the city code book. The ordinance changes have been reviewed by the city attorney.

Some of the proposed revisions are minor changes to help clarify the process for watercraft spaces in general. There may be other changes the council would like to consider making at this time as well. For instance, several property owners have mentioned that their driver's licenses do not list Greenwood as their address since they don't reside here year round (some people have their primary residence set up in Florida to save on taxes and use their Greenwood home only during the summer months). In Deephaven, the dock requirement is that people need to reside in the city during the boating season. If the city council desires to make a change in this regard, now would be a good time to do it while other revisions are being made to section 425.

If the council approves the first reading of the ordinance at the 08-01-12 council meeting, the ordinance will be placed on the 09-05-12 agenda for a second reading. After that the ordinance needs to be published in the designated newspaper before it goes into effect. The goal is to have the ordinance in place as soon as possible, so the city can start building the canoe rack waiting list for when applications are sent out by February 1 for the 2013 boating season.

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

1. I move the council approves the first reading of Ordinance 212, amending Greenwood Code Section 425 regulating Municipal Watercraft Spaces as written.
2. I move the council approves the first reading of Ordinance 212, amending Greenwood Code Section 425 regulating Municipal Watercraft Spaces with the following revisions: _____.
3. Do nothing.

SECTION 425. MUNICIPAL DOCKS WATERCRAFT SPACES.

Section 425.00. Purpose.

The city maintains municipal docks, **sailboat slips, and canoe racks** on **and adjacent to** Lake Minnetonka to provide **watercraft for docking** facilities primarily for residents of the city who do not own lakeshore properties.

Section 425.05. Definitions.

See chapter 12 for definitions.

Section 425.10. Priority Schedule for Space Permits.

Space permits for the St. Alban's Bay municipal docks, **and** Meadville sailboat slips, **and Meadville canoe racks** are granted based on the following priority schedule:

1. First Priority: Off-shore Greenwood residents immediate past watercraft space permit holders.
2. Second Priority: Off-shore Greenwood residents on the waiting list.
3. Third Priority: Lakeshore Greenwood residents immediate past watercraft space permit holders.
4. Fourth Priority: Lakeshore Greenwood residents on the waiting list.
5. Fifth Priority: Non-residents."

Section 425.15. Process.

The following outlines the process for issuance of watercraft space permits: and slips at the municipal docks on St. Alban's Bay and the Meadville sailboat slips.

- (a) Get on the waiting list: Residents and non-residents must complete a "waiting list" application and deliver by mail or in person to the city clerk who will put up to 2 names per household per position on the appropriate waiting list in the order they are received. Separate lists will be maintained for the St. Alban's Bay **docks, and Meadville sailboat slips, and Meadville canoe rack** locations for the 5 priority categories listed in section 425.10 (~~a total of 10 lists~~). An address is allowed to appear only once per waiting list. Once you are assigned ~~dock a watercraft~~ space, your address may not appear on the same waiting list. For example, if you are assigned a space at the St. Alban's Bay docks, your address may not appear on the St. Alban's Bay docks waiting list. However, your address may be on the waiting list for the St. Alban's Bay docks if you are assigned a space at the Meadville sailboat slips, and vice versa. **Waiting list applications for the Meadville canoe rack spaces will be accepted beginning _____, 2012 at 8 a.m.**
- (b) Past permittees must submit an application by March 15: The city clerk will mail "slip renewal" applications to past permittees before February 1 each year. The applicant shall cause the application form, all required information, and the required non-refundable fee to be delivered to the city clerk no later than March 15. Failure to meet the March 15 deadline shall cause immediate past permittees to lose their priority and their name will go to the bottom of the appropriate waiting list.
- (c) Slips are assigned to past permittees first: Past permittees will be assigned the same slip as the previous year.
- (d) Open spaces assigned to past permittees who request relocation: After March 15 open spaces will be assigned to past permittees who request relocation on their application. Open spaces will be assigned based on seniority. Seniority is determined by the year the permittee was assigned a space.
- (e) Open spaces assigned to waiting list: The city clerk will offer remaining open spaces to the person(s) at the top of the waiting list in writing. **by mailing an application for "first time slip assignment."** New permittees must complete the application requirements in section 425.25 **within 10 days of the date on the written notification. by the deadline on the application (10 days from the date of mailing)**. Failure to meet the 10-day deadline shall be treated the same as if the space was declined. If the person(s) at the top position on the waiting list declines to take a watercraft space, their name(s) shall go to the bottom of the waiting list, and the offer will go to the next person(s) on the list. If more than one space opens up in a given year, a letter (A, B, C, etc.) is added to the year for seniority purposes. The letter corresponds to the order the new permittee's name appeared on the waiting list.
- (f) Adding or deleting names: A second name may be added or changed, as long as the second person resides at the same household. If either person moves from the city, their name shall be removed from the list. In the case of one person moving to another household in the city, the person staying at the original household shall keep the priority position on the list and the other person will go to the bottom of the appropriate waiting list. In the case of death, the priority position can only go to a second person if their name was on the list with the deceased. In other words, a child cannot move back into the home and take over the priority rights. No one under the age of 18 is allowed to be on a dock list or waiting list. All requests for name changes must be in writing and establish residency by including a photocopy of a Minnesota driver's license or Minnesota state identification card.

Section 425.20 Additional Provisions for the Meadville Sailboat Slips.

The city holds interest in various public right-of-way and other properties that abut public waters of Lake Minnetonka (apart from the St. Alban's Bay municipal dock site). The subdivisions set forth below state special conditions and provisions related to the identified lake access lots.

Subd. 2. Terms and Conditions. The use of that certain public access lying westerly of Meadville Street located between property tax ID parcels 261172332-0004 and 261172332-0011 (commonly called the Meadville sailboat slips) is subject to the following terms and conditions:

- (a) The city may offer watercraft permits for up to 2 watercraft.
- (b) Watercraft spaces shall be for sailboats only.
- (c) The city shall not be responsible for providing any docking facilities at this site.
- (d) Boatlifts supplied by the permittee may be used. The city may refuse permits for boatlifts because of size considerations. Any watercraft space permittee that desires to place a boatlift at this assigned site shall request preapproval from the city clerk.

Subd. 3. Meadville sailboat permits are not transferrable to the St. Alban's Bay municipal docks. Holders of a Meadville sailboat permit shall be entitled to renewal, but shall not obtain rights of priority to a permit at the St. Alban's municipal dock site on St. Alban's Bay. Nothing herein shall prevent the holder of a Meadville sailboat permit from being on the waiting list for a permit at the municipal dock site on St. Alban's Bay. In the event a Meadville sailboat permit holder is granted a permit for the municipal dock site on St. Alban's Bay, such person shall not also be entitled keep their Meadville sailboat permit.

Section 425.25. Application Requirements.

An applicant for a watercraft space permit must:

- (a) Complete the application form and pay the requisite non-refundable fee (set forth in chapter 5).
- (b) Establish residency by submitting a photocopy of a Minnesota driver's license or Minnesota state identification card to the city clerk. If 2 names are on the application, both must prove residency and live at the same residence.
- (c) Submit a photocopy of the watercraft title and registration card indicating that at least one of the applicants is the owner of the watercraft. Maximum of 2 names (both must reside at the same residence) may appear on the title and registration card. **If a watercraft does not have a title or registration card, this requirement may be waived and alternate satisfactory proof of ownership will need to be presented.**
- (d) Provide a complete description of the watercraft including make, model, length (**St. Alban's Bay dock** maximum 23 ft.), beam (**St. Alban's Bay dock** maximum of 8.5 ft.), and Minnesota Department of Natural Resources (**DNR**) registration number. Note: Immediate past **St. Alban's Bay dock watercraft space** permit holders whose watercraft identified on their 1997 watercraft space permit violates the size requirements of this paragraph shall not be denied renewal of the permit for non-conformance of the same watercraft. **If a watercraft does not have a DNR registration number, this requirement may be waived and alternate satisfactory proof of ownership will need to be presented.**
- (e) ~~Provide proof of current watercraft liability insurance in the name of at least one of the applicants.~~ **All watercraft space permit holders must sign an acknowledgement that they assume risks associated with use of a city-provided watercraft space.**
- (f) If an applicant does not have a boat, they may request a 30-day extension from the application deadline in writing to provide items c, d, e above. Failure to secure a boat within 30 days shall result in loss of the fee, space assignment, and the applicant's name shall go to the bottom of the appropriate waiting list.

Section 425.26. Additional Provisions for Canoe Rack Spaces.

- (a) **Canoe rack permit holders may place one canoe, or up to two kayaks / paddleboards within their designated space provided that doing so does not impede the usage of adjacent spaces.**
- (b) **Private locks may be used to secure watercraft, but must be removed by October 15.**

Section 425.30. Use of Watercraft Space and General Regulations.

Subd. 1. Rights Not Assignable. A watercraft space permit is not assignable. No watercraft space permit holder may sell, assign, lease, sublet, or otherwise transfer any rights in the waiting list, or under a watercraft space permit, nor allow any watercraft other than that designated on the watercraft space permit holder's application to be moored or kept within the designated watercraft space.

Subd. 2. Watercraft Use. No person may keep a watercraft within a watercraft space except with a valid watercraft space permit first issued pursuant to this ordinance. Watercraft space permit holders who desire to change the watercraft authorized to use a watercraft space shall submit all of the information required to the city clerk in advance for review and confirmation of compliance. No watercraft shall be moored in a watercraft space until the city clerk approves such watercraft as the identified watercraft in the owner's application. In the event a watercraft is sold during mid-boating season, the successor in interest shall have no right to use the watercraft space.

Subd. 3. Non-Use of Watercraft Space. The permittee's watercraft shall occupy the watercraft space on or before June 15 of the boating season. In the event a permittee fails to place the authorized watercraft within the assigned watercraft space by midnight on June 15, the permittee shall lose their watercraft space for the current and future seasons, and the space shall be offered to the next person on the waiting list (there will be no refund of the fee paid). If the permittee fails to employ the assigned watercraft space for a term of 60 days or greater during the boating season, the city shall not renew the watercraft space permit for future boating seasons. The determination by the city, not to renew a watercraft space permit for non-use shall be final.

Subd. 4. Permittee Assumption of Liability and Indemnification. The acceptance of a watercraft space permit by the permittee shall constitute the acknowledgment and agreement by the applicant/permittee that they shall be responsible for any and all damages caused by the permittee, their guests and invitees, or the watercraft itself, to the watercraft space, the dock in general, any other watercraft, persons or property which may arise as a result of storm, vandalism, accident, negligence, intentional act, or act of God. By accepting a watercraft space permit, the permittee agrees to hold the city harmless against any and all claims, directly or indirectly, connected with their watercraft.

"Subd. 5. Fees. Fees paid in conjunction with the issuance of a permit are non-refundable. Watercraft space permit fees shall be established, from time to time by the city council and set forth in chapter 5 of this code. **Fees may be prorated for permits issued mid-season.**"

Subd. 6. Cooperation. Permit holders shall cooperate with city officials in all inquiries, verifications, directions or orders that the city makes or issues to permit holders or applicants. Failure to cooperate with inquiries, verifications, directions, or orders made or issued by the city shall be cause to bar a watercraft space permit holder, permittee, or applicant from applying for or obtaining a watercraft space permit for up to 3 boating seasons.

Subd. 7. Final Decisions. All determinations by the city clerk relating to prioritization of the waiting lists, the issuance of permits, and ~~slip~~ **space** assignments shall be final.

Subd. 8. ~~Separate Permit Applications~~; Limit on Permits. ~~A separate permit application is required for each watercraft space requested.~~ No more than 1 watercraft space permit ~~shall may~~ be issued per individual per boating season and no more than 1 watercraft space ~~shall may~~ be issued per single-family residence / applicant.

Subd. 9. Common/Collective Ownership or Commercial Use. Watercraft owned by partnerships, corporations, associations, or used or licensed for commercial purposes shall not be eligible to receive a watercraft space permit.

Subd. 10. Additional Watercraft Permit Regulations. The city may adopt by resolution watercraft, and watercraft space permit regulations regarding use of municipal docks, watercraft spaces, proper mooring, hours of use, conduct of persons on or about municipally owned, operated, or controlled watercraft spaces or other related topics. A violation of said regulations shall be a petty misdemeanor. Failure to abide by regulations shall be cause for the city to revoke or elect not to renew a permittee's watercraft space permit for the coming boating season and the loss of all waiting list priority.

Subd. 11. Quiet Enjoyment. No person, permittee, or watercraft operator shall disturb the quiet enjoyment of municipal ~~docks~~ **watercraft spaces** by other persons, permittees, or the general public in or about any watercraft space, nor otherwise obstruct the use of watercraft spaces nor allow a watercraft owned, operated, or under their control, to go unattended or improperly tied or secured. A violation of this paragraph shall be a misdemeanor.

Subd. 12. Acknowledgment of City Code. As a pre-condition to the issuance of any watercraft space permit by the city clerk, the permittee shall be given a copy of code section 425 et. seq. and shall sign an acknowledgment that they have received the copy and understand that they are subject to the provisions thereof.

Subd. 13. Watercraft Parking and Beaching. Only permittees are allowed to park watercraft at municipal docks ~~of-shore spaces, slips, or racks~~. No watercraft is allowed to beach or pull up on municipal shoreline.

Section 425.35. Boating Season, Expiration of Permit and Removal of Watercraft.

The boating season is May 15 to October 15. All watercraft space permits shall expire at the end of the boating season. Watercraft shall be removed from watercraft space permits on or before the end of the boating season. Subsequent to the end of the boating season, the city may impound all watercraft remaining in watercraft spaces. All impoundment and storage cost incurred by the city shall be payable by the permittee and may be certified to taxes if unpaid. Failure to pay impoundment and storage costs shall be cause for the city to revoke or elect not to renew a permittee's watercraft space permit for the coming boating season and the loss of waiting list priority.

Section 425.40. Parking.

It shall be unlawful to park any trailer or vehicle used in the transportation of boats upon any public parking space or adjacent to any public ground within the city, without obtaining written permission of the city council. Any vehicle used for the transportation of boats or any boat dock, trailer or fish house which shall be parked, placed, kept, or abandoned on, or which shall obstruct any public street, highway, or other public property, may be seized and impounded by any authorized officer or employee of the city.

Section 425.45. Launching.

No person shall launch or remove from the waters of Lake Minnetonka any watercraft requiring or utilizing a trailer of similar conveyance for the transportation when such launching or removal requires crossing over or through property owned by the city, except as specifically authorized by the city, and then upon such fees as may be established by the city council from time to time and set forth in chapter 5 of this code book.

Section 425.50. Swimming, Fishing.

No person shall swim or water ski from the municipal docks. Fishing is permitted, provided proper precautions are taken so as not to interfere with the normal operation of watercraft, or otherwise damage watercraft moored or docked at the municipal docks.

Section 425.55. Littering.

No person shall deposit, throw, or leave any refuse, cans, bottles, paper, or other discarded material of whatsoever kind or nature on or near the municipal docks or the public lands from which the municipal docks emanate nor throw said materials into the waters of Lake Minnetonka.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING
GREENWOOD ORDINANCE CODE SECTION 425 TO ESTABLISH PROCEDURES FOR CANOE RACKS**

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

SECTION 1.

The heading for Greenwood ordinance code section 425 is amended to read as follows:

“SECTION 425. MUNICIPAL WATERCRAFT SPACES.”

SECTION 2.

Greenwood ordinance code section 425.00 purpose statement is amended to read as follows:

“The city maintains municipal docks, sailboat slips, and canoe racks on and adjacent to Lake Minnetonka to provide watercraft facilities primarily for residents of the city who do not own lakeshore properties.”

SECTION 3.

Greenwood ordinance code section 425.10 is amended to read as follows:

“Space permits for the St. Alban’s Bay municipal docks, Meadville sailboat slips, and Meadville canoe racks are granted based on the following priority schedule:

1. First Priority: Off-shore Greenwood residents immediate past watercraft space permit holders.
2. Second Priority: Off-shore Greenwood residents on the waiting list.
3. Third Priority: Lakeshore Greenwood residents immediate past watercraft space permit holders.
4. Fourth Priority: Lakeshore Greenwood residents on the waiting list.
5. Fifth Priority: Non-residents.”

SECTION 4.

The introductory sentence and paragraph (a) of Greenwood ordinance code section 425.15 is amended to read as follows:

“The following outlines the process for issuance of watercraft space permits:

- (a) Get on the waiting list: Residents and non-residents must complete a "waiting list" application and deliver by mail or in person to the city clerk who will put up to 2 names per household per position on the appropriate waiting list in the order they are received. Separate lists will be maintained for the St. Alban’s Bay docks, Meadville sailboat slips, and Meadville canoe rack locations for the 5 priority categories listed in section 425.10. An address is allowed to appear only once per waiting list. Once you are assigned a watercraft space, your address may not appear on the same waiting list. For example, if you are assigned a space at the St. Alban’s Bay docks, your address may not appear on the St. Alban’s Bay docks waiting list. However, your address may be on the waiting list for the St. Alban’s Bay docks if you are assigned a space at the Meadville sailboat slips, and vice versa. Waiting list applications for the Meadville canoe rack spaces will be accepted beginning _____, 2012 at 8 a.m.

SECTION 5.

Greenwood ordinance code section 425.15 (e) is amended to read as follows:

- (e) Open spaces assigned to waiting list: The city clerk will offer remaining open spaces to the person(s) at the top of the waiting list in writing. New permittees must complete the application requirements in section 425.25 within 10 days of the date on the notification letter. Failure to meet the 10-day deadline shall be treated the same as if the space was declined. If the person(s) at the top position on the waiting list declines to take a watercraft space, their name(s) shall go to the bottom of the waiting list, and the offer will go to the next person(s) on the list. If more than one space opens up in a given year, a letter (A, B, C, etc.) is added to the year for seniority purposes. The letter corresponds to the order the new permittee’s name appeared on the waiting list.”

SECTION 6.

Greenwood ordinance code section 425.25 paragraphs (c), (d), and (e) are amended to read as follows:

- (c) Submit a photocopy of the watercraft title and registration card indicating that at least one of the applicants is the owner of the watercraft. Maximum of 2 names (both must reside at the same residence) may appear on the title and registration card. If a watercraft does not have a title or registration card, this requirement may be waived and alternate satisfactory proof of ownership will need to be presented.
- (d) Provide a complete description of the watercraft including make, model, length (St. Alban’s Bay dock maximum 23 ft.), beam (St. Alban’s Bay dock maximum of 8.5 ft.), and Minnesota Department of Natural Resources (DNR) registration

number. Note: Immediate past St. Alban's Bay dock permit holders whose watercraft identified on their 1997 watercraft space permit violates the size requirements of this paragraph shall not be denied renewal of the permit for non-conformance of the same watercraft. If a watercraft does not have a DNR registration number, this requirement may be waived and alternate satisfactory proof of ownership will need to be presented.

- (e) All watercraft space permit holders must sign an acknowledgement that they assume all risks associated with use of a city-provided watercraft space."

SECTION 7.

Greenwood ordinance code section 425.26 is created to read as follows:

"Section 425.26. Additional Provisions for Canoe Rack Spaces.

- (a) Canoe rack permit holders may place one canoe, or up to two kayaks / paddleboards within their designated space provided that doing so does not impede the usage of adjacent spaces.
- (b) Private locks may be used to secure watercraft, but must be removed by October 15."

SECTION 8.

Greenwood ordinance code section 425.30 subdivision 5 is amended to read as follows:

"Subd. 5. Fees. Fees paid in conjunction with the issuance of a permit are non-refundable. Watercraft space permit fees shall be established, from time to time by the city council and set forth in chapter 5 of this code. Fees may be prorated for permits issued mid-season."

SECTION 9.

Greenwood ordinance code section 425.30 subdivisions 7 and 8 are amended to read as follows:

"Subd. 7. Final Decisions. All determinations by the city clerk relating to prioritization of the waiting lists, the issuance of permits, and space assignments shall be final.

Subd. 8. Limit on Permits. No more than 1 watercraft space permit may be issued per individual per boating season and no more than 1 watercraft space may be issued per single-family residence / applicant."

SECTION 10.

Greenwood ordinance code section 425.30 subdivision 11 is amended to read as follows:

"Subd. 11. Quiet Enjoyment. No person, permittee, or watercraft operator shall disturb the quiet enjoyment of municipal watercraft spaces by other persons, permittees, or the general public in or about any watercraft space, nor otherwise obstruct the use of watercraft spaces nor allow a watercraft owned, operated, or under their control, to go unattended or improperly tied or secured. A violation of this paragraph shall be a misdemeanor."

SECTION 11.

Greenwood ordinance code section 425.30 subdivision 13 is amended to read as follows:

"Subd. 13. Watercraft Parking and Beaching. Only permittees are allowed to park watercraft at municipal docks slips, or racks. No watercraft is allowed to beach or pull up on municipal shoreline."

SECTION 12.

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

First reading: _____, 2012

Second reading: _____, 2012

Publication: _____, 2012



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

Summary: This agenda item was continued from the May and June council meetings.

Greenwood resident Bob Quinn has requested this item be included on the agenda for council discussion. 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.

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: **7A**

Agenda Date: 08-01-12

Agenda Item: Discuss Implementation of a “Sump Pump Program”

Summary: At the 07-05-12 council meeting the council approved the 2nd reading of an ordinance that allows the city to conduct programs to ensure clean water is not being discharged into the sanitary sewer system. The ordinance was published in the city’s official newspaper. Now that the ordinance is in place, the city may proceed with conducting a program. Even though the proposed program addresses roof drains and foundation drains in addition to sump pumps, the program is referred to as the “sump pump program” for short.

The last sump pump program was conducted in 2006. Since then the Met Council has determined that the city’s flow still exceeds their standards. The goal of conducting a new sump pump program is to comply with Met Council mandates and state law. 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.

Attached are drafts of a letter and certification form that would be sent to all property owners in the city. The letter and form have been reviewed by the city attorney.

Council Action: None required. Potential motions ...

1. I move the council approves the implementation of a “sump pump program” and directs the city clerk to mail the proposed letter and certification form to all property owners in the city.
2. I move the council approves the implementation of a “sump pump program” and directs the city clerk to mail the proposed letter and certification form to all property owners in the city with the following revision(s): _____.
3. Do nothing.



Date: _____, 2012
To: Greenwood Property Owners
From: Gus Karpas, City Clerk
Re: Sanitary Sewer Discharge

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, MN:

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 (14 days from the date of this letter). Completed forms may be delivered 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 by _____, 2012 will incur a surcharge fee (\$300 residential, \$750 commercial) on their quarterly sewer utility bill** per 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.

If compliance 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 received" at the bottom of this certification form.

____ 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 received" at the bottom of this certification form.

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 certification 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 from the inspection date 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-described property 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 the 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 received" at the bottom of this certification form and that criminal prosecution for violation of city code may follow.

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

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



Agenda Number: **7B**

Agenda Date: 08-01-12

Agenda Item: Authorization to Send Budget Comment Opportunity Information to County

Summary: Every August the council is asked to determine when public comment will be taken regarding the budget and authorize the city clerk to send the date, time, place, and phone contact number to the county. This information will be published in the property tax mailing sent out by the county. The council routinely sets the date at the January council meeting at same time other key dates are set for the year. December 5, 2012 at 7pm (regular city council meeting) was the date set by the council. At the 08-01-12 council meeting the council needs to authorize the clerk to send the information to the county.

Council Action: Required. Suggested motion ...

1. I move the council authorizes the city clerk to send the following information to Hennepin County regarding the opportunity for the public comment regarding the city's 2013 budget: 7pm, Wednesday, December 5, 2012, Deephaven Council Chambers, 20225 Cottagewood Rd, Deephaven, MN 55331, phone 952.474.6633.



Agenda Number: **7C**

Agenda Date: 08-01-12

Agenda Item: Potential Input Regarding MCWD Taft-Legion Project

Summary: The Minnehaha Creek Watershed District sent a notice to the city stating that they are taking public comment regarding the Taft-Legion Regional Volume and Load Reduction Project. The project will be completed in partnership with the city of Richfield. The total estimated cost is \$2.7 million paid via MCWD ad valorem tax levy over 20 years. The city council may wish to weigh in on this topic, given that the city already pays a lot of \$\$ to the MCWD via ad valorem taxes. For the council's reference, the list of 2011 MCWD taxes per city is attached.

Council Action: None required. Potential motions ...

1. I move the council authorizes the mayor to send a letter to the Minnehaha Creek Watershed District stating that the city supports using current tax levy dollars for the Taft-Legion Regional Volume and Load Reduction Project and opposes any new ad valorem tax levy.
2. Do nothing.

From: Becky Houdek <B Houdek@minnehahacreek.org>
Subject: Public Hearing for Taft-Legion Volume and Load Reduction Project
Date: July 20, 2012 3:23:24 PM CDT
To: Becky Houdek <B Houdek@minnehahacreek.org>
Cc: James Wisker <J Wisker@minnehahacreek.org>

1 Attachment, 17 KB

Dear Interested Parties,

The Minnehaha Creek Watershed District (MCWD) Board of Managers will hold a Public Hearing at the Meeting of the Board of Managers on Thursday, August 2, 2012 at 6:45 p.m. for the Taft-Legion Regional Volume and Load Reduction Project. The meeting will be held at the MCWD Offices at 18202 Minnetonka Boulevard, Deephaven, MN 55391.

The proposed project will be completed in partnership with the City of Richfield to provide treatment for urban stormwater runoff discharging into Taft Lake and Legion Lake, subsequently improving the quality of water discharged to Lake Nokomis and ultimately Minnehaha Creek. The feasibility study for the project can be found at: www.minnehahacreek.org/Taft-Legion-Project.

The total estimated cost for the project is \$2,700,000 and would be funded through a combination of upfront city financing and a reduced, recurring annual District ad valorem tax levy over 20 years. Approximately 4.19% of the ad valorem costs will be allocated to Carver County and 95.81% of the ad valorem costs will be allocated to Hennepin County. If the Managers find that the project will be conducive to public health, promote the general welfare, and is consistent with the MCWD Comprehensive Water Resources Management Plan, they will order and formally establish the project at the August 23, 2012 Board Meeting.

This notice is being sent via mail and email to city staff, administrators, and mayors as well as county staff and administrators. If you have any questions regarding this meeting, please contact James Wisker at 952-641-4509 or jwisker@minnehahacreek.org.

Thank you,

Becky Houdek
MCWD Planner
18202 Minnetonka Blvd.
Deephaven, MN 55391
952-641-4512
www.minnehahacreek.org



MINNEHAHA CREEK
WATERSHED DISTRICT

Payable 2011 Minnehaha Creek Watershed Taxes By City

| CITY | | TAX CAPACITY | TAX |
|------------------|--------------------|--------------|------------------------|
| Minneapolis | 01 Total | | \$ 2,263,190.89 |
| Chanhassen | 14 Total | | \$ 4.02 |
| Woodland | 15 Total | | \$ 55,166.65 |
| Spring Park | 17 Total | | \$ 39,352.04 |
| Greenwood | 19 Total | | \$ 53,829.67 |
| Edina | 24 Total | | \$ 578,403.89 |
| Shorewood | 26 Total | | \$ 219,713.02 |
| Golden Valley | 28 Total | | \$ 14,083.91 |
| Hopkins | 30 Total | | \$ 116,754.16 |
| Minnetonka | 34 Total | | \$ 603,977.49 |
| Minnetrista | 36 Total | | \$ 212,772.08 |
| Orono | 38 Total | | \$ 499,505.01 |
| Plymouth | 40 Total | | \$ 274,939.04 |
| Fort Snelling | 41 Total | | \$ - |
| Richfield | 42 Total | | \$ 113,857.43 |
| St Louis Park | 46 Total | | \$ 739,584.38 |
| Deephaven | 59 Total | | \$ 147,523.00 |
| Excelsior | 63 Total | | \$ 57,173.28 |
| Independence | 70 Total | | \$ 18,615.02 |
| Long Lake | 72 Total | | \$ 40,887.46 |
| Maple Plain | 77 Total | | \$ 8,543.12 |
| Medina | 80 Total | | \$ 78,238.22 |
| Minnetonka Beach | 82 Total | | \$ 52,667.15 |
| Mound | 85 Total | | \$ 192,364.88 |
| St Bonifacius | 95 Total | | \$ 32,689.78 |
| Tonka Bay | 97 Total | | \$ 101,168.75 |
| Wayzata | 99 Total | | \$ 244,985.90 |
| | Grand Total | | \$ 6,759,990.23 |

| | |
|--|-----------------|
| Amount levied on fiscal disparities pool | \$ 661,728.00 |
| Total amount levied | \$ 7,421,718.23 |



Agenda Item: Potential Input Regarding LMCD Ordinance Regulating Bow Fishing

Summary: The LMCD Public Safety Committee is recommending that the LMCD Board consider adopting an ordinance relating to bow fishing for Lake Minnetonka. An ordinance, if adopted, could make it easier for the public to understand what is allowed on Lake Minnetonka for bow fishing. The committee believes that some aspects of such an ordinance should be more restrictive than state law. These include:

1. LMCD regulations pertaining to bow fishing would be limited to open water only (not through the ice). Bow fishing through the ice would be regulated by state law.
2. Regulations of bow fishing from a boat on the open water would be addressed by the LMCD (while bow fishing from the land would be addressed by the municipalities).
3. Restricting the length of the tethered line to 50 feet.
4. Requiring a 300 foot setback (the length of a football field) from a swimming beach or swimmer.

The LMCD would like feedback from the cities regarding the concept of the LMCD adopting an ordinance relating to bow fishing on Lake Minnetonka. In particular:

- A. What is the city's feedback on the above four committee recommendations?
- B. Are there other restrictions that should be considered by the LMCD that are more restrictive than state law? If so, please be specific.
- C. There are two other options for the LMCD to consider relating to bow fishing. First, the LMCD could continue to function as they currently do by referring to state law and city ordinances. This means requests from the public will be referred to the local municipality to check on local firearms and archery ordinances. Second, the LMCD could adopt an ordinance prohibiting bow fishing entirely on Lake Minnetonka.

For the council's reference, attached are documents from the LMCD and the city's ordinances related to weapons.

Council Action: None required. The LMCD would like input by 08-15-12. Potential motions ...

1. I move the council authorizes the mayor to send a letter to the Lake Minnetonka Conservation District giving the following responses to A-C above:
 - A. The city supports the LMCD Public Safety Committee recommendations.
 - B. The city supports bow fishing to remove rough fish from Lake Minnetonka. To encourage bow fishing the city believes the restrictions should be limited, so the city does not support additional restrictions.
 - C. Since there are 14 cities on the lake and most boaters are unclear which city they are in while boating, the city of Greenwood supports lake-wide bow fishing rules.

2. I move the council authorizes the mayor to send a letter to the Lake Minnetonka Conservation District giving the following responses to A-C above:
 - A. _____.
 - B. _____.
 - C. _____.

3. Do nothing.



LAKE MINNETONKA CONSERVATION DISTRICT

23505 SMITHTOWN ROAD, SUITE 120 • SHOREWOOD, MINNESOTA 55331 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

July 20, 2012

TO: LMCD Member Cities

FROM: Greg Nybeck, LMCD Executive Director

SUBJECT: Bow Fishing on Lake Minnetonka

BACKGROUND

The Lake Minnetonka Conservation District (LMCD) annually receives phone calls from members of the public asking whether one can bow fish on Lake Minnetonka and, if so, where. Therefore, staff, in conjunction with the Hennepin County Sheriff's Water Patrol, initiated researching this question with the 14 member cities surrounding Lake Minnetonka in an effort to provide the public with a consistent response to their questions.

PREVIOUS LMCD MEMBER CITIES FEEDBACK

In May of 2011, LMCD Administrative Assistant Emily Herman sent an e-mail to the member cities pertaining to bow fishing on Lake Minnetonka. Feedback to these questions was received from the Cities of Deephaven, Excelsior, Greenwood, Minnetonka, Minnetonka Beach, Minnetrista, Victoria, and Woodland. The questions posed and respective responses are outlined in the attached spreadsheet.

STATE LAW

Attached is a copy of Minnesota Statute 97C.376, as well as a summary of 2012 Minnesota Fishing Regulations relating to bow fishing. Some of the highlights of state law include the following:

- A bow may be transported uncased and discharged while taking rough fish in a boat powered by an electronic motor.
- Arrows must be attached to the bow with a tethered line.
- Reasonable efforts must be taken to retrieve arrows and wounded fish.
- From sunset to sunrise, an arrow cannot be discharged while bow fishing within 150 feet of occupied structures or 300 feet from a campsite.
- Possession of bows and arrows for bow fishing is subject to local firearms and archery ordinances.

In 2012, phone calls have also been received from lakeshore residents who have expressed concern about bow fishing taking place adjacent to their property. Feedback the LMCD office has provided those individuals is that bow fishing is allowed by state law.

LMCD PUBLIC SAFETY COMMITTEE

The LMCD has established a Public Safety Committee. This committee serves in an advisory capacity to the LMCD Board of Directors for public safety matters on Lake Minnetonka.

Current members on this committee include representative(s) from the following agencies: 1) LMCD Board (current and past), 2) Water Patrol, 3) Hennepin County Environmental Services, and 4) Minnesota Department of Natural Resources Conservation Officers. On this topic, the committee also received input from the Minnetonka, Minnetrista, and Orono Police Departments.

The consensus of the Public Safety Committee was that the LMCD should consider adopting an ordinance relating to bow fishing for Lake Minnetonka. An ordinance, if adopted, could make it easier for the public to understand what is allowed on Lake Minnetonka for bow fishing. The committee believes that some aspects of such an ordinance should be more restrictive than state law. These include:

1. LMCD regulations pertaining to bow fishing would be limited to open water only (not through the ice). Bow fishing through the ice would be regulated by state law.
2. Regulations of bow fishing from a boat on the open water would be addressed by the LMCD (while bow fishing from the land would be addressed by the municipalities).
3. Restricting the length of the tethered line to 50 feet.
4. Requiring a 300 foot setback (the length of a football field) from a swimming beach or swimmer.

LMCD MEMBER CITY FEEDBACK

The LMCD would like your feedback on the concept of the LMCD adopting an ordinance relating to bow fishing on Lake Minnetonka. In particular:

- What is your feedback on the above four committee recommendations?
- Are there other restrictions that should be considered by the LMCD that are more restrictive than state law? If so, please be specific.
- There are two other options for the LMCD to consider relating to bow fishing. First, we could continue to function as we currently do by referring to state law and city ordinances. Please understand the requests from the public will be referred to the local municipality to check on local firearms and archery ordinances. Second, the LMCD could adopt an ordinance prohibiting bow fishing entirely on Lake Minnetonka.

Your feedback on these questions by Wednesday, August 15th would be appreciated. Please feel free to contact LMCD Executive Director Greg Nybeck with questions or concerns relating to this matter.

2011 MUNICIPAL BOW FISHING RESPONSES

| Municipal | Responder | LMCD Question #1: The Water Patrol and Conservation Officers believe bow fishing questions fall to the local municipality's weapon ordinance. If the LMCD forwarded questions of this nature to you, would the municipality be able to provide a response? | LMCD Question #2: Do you have a weapons ordinance that addresses bow fishing? | LMCD Question #3: Does your jurisdiction extend into the waters to enforce this and other ordinances? If yes, what activities do you enforce, excluding special event permits and port of call requirements. | LMCD Question #4: Has your municipality dealt with this questions? If so, how do you handle it at a local level? | LMCD Question #5: Have you ever cited an individual for bow fishing? | LMCD Request for Additional Information |
|--------------------------------|---|--|---|---|---|---|---|
| Deephaven | Cory Johnson, Chief of Police, City of Deephaven; cpj5400@hotmail.com | The Police Department would answer the questions, and advise persons that Bow fishing is against City Ordinance. We would also refer them to Hennepin Water Patrol. | Nothing that specifically says you can't Bow Fish. Our Ordinance says you can not discharge a Bow and Arrow in the City Limits. | We do not go onto the water and usually refer all activity on the water to Hennepin County Water Patrol. We have seen water violations and approached persons after they are on ground(Shore). We have issued citations from Water incidents. | Not to my knowledge | Never cited for Bow Fishing | In my opinion this should be enforced by Water Patrol, since the action is in the water. However we would be glad to enforce it if the person is doing this from Land. |
| Deephaven, Greenwood, Woodland | Gus Karpas, Cities of Deephaven, Greenwood, and Woodland | | | | | | The cities of Deephaven, Greenwood, and Woodland do not permit bow hunting. |
| Excelsior | Cheri Johnson, City Clerk | | The City of Excelsior states they do not have jurisdiction on the water and do not have an ordinance pertaining to bow fishing on Lake Minnetonka. | | | | |
| Minnetonka | Mark Raquet, Chief of Police, Minnetonka Police Department; 952-939-8578 | Minnetonka Police Department Chief Mark Raquet | No, we drafted something back in 2008 but didn't move forward with it. We use state statute as a guideline. | Technically yes as it's within the geographical boundaries of the city of Minnetonka, but typically if something occurs on the lake Hennepin County Water Patrol handles it. | I have issued two permits upon request to bow fish. I issue the permit as bows are designated as a "dangerous" weapon under our ordinance. | Not that I'm aware of. | Getting some clear guidelines would be nice. I've always felt a bit uncomfortable when I get bow fishing requests. |
| Minnetonka Beach | Susanne Griffin, City Administrator | | Minnetonka Beach does not have an ordinance that addresses bow fishing. | | | | |
| Minnetrista | Breanne Rothstein, City of Minnetrista, 952-241-2522; brothstein@ci.minnetrista.mn.us | | Yes, the City of Minnetrista has a weapons ordinance as well as a map that identifies areas where shotgun, bow is allowed and restricted. Inquiries should be referred to our police department at (952) 446-1131. While we do not specifically discuss bow fishing that I am aware of, we do allow general bow hunting in certain areas of the city, per the map online at http://www.ci.minnetrista.mn.us/index.asp?Type=B_BASIC&SEC={2771AF27-65E9-49CB-8555-A02E15143043}&DE={E7199817-10C6-401A-9EF3-22C7E7E86E81} | We do not have equipment or capacity to gain access to the lake itself, , so our enforcement is limited to what we can do from the shore. | | | I have included Paul Falls here to answer if we've ever cited anyone for bow fishing or have had this issue, and to clarify anything above (See Below Response). |
| Minnetrista | Paul Falls, Interim Chief of Police, Minnetrista Public Safety Dept., 952-446-1131; pfalls@ci.minnetrista.mn.us | The Minnetrista Police Department can certainly advise or provide a response on this issue to the public when requested. | The City of Minnetrista does have a weapons ordinance. Our ordinance does restrict a variety of weapons and hunting, including bow hunting. With that being said, our weapons ordinance does not specifically address bow fishing. As I mentioned earlier, I think the clear distinction between the two is bow fishing requires the arrow to be attached to the bow, thus significantly reducing any hazard to the public. | While our municipal jurisdiction does extend into the waters, anything occurring on or in the water itself within our city is enforced by the Hennepin County Sheriff's Office - Water Patrol Division. | The police department has had some questions regarding bow fishing. Our staff responds by explaining the state statute for bow fishing and what constitutes bow fishing. To my knowledge, we have not had any questions about bow fishing on Lake Minnetonka. The questions have been regarding other locations within the City of Minnetrista. | To my knowledge, the police department has not issued any citations for bow fishing to date. Bow fishing is allowed on Lake Minnetonka provided it is not prohibited by local ordinance. Since the City of Minnetrista does not have an ordinance prohibiting bow fishing, the public may bow fish within the regulations of state statute. | I will be happy to respond to your questions. To begin, I think it is important to point out that there is a very distinct difference between bow hunting and bow fishing, which are both mentioned in your email. I believe your questions refer to bow fishing. Bow fishing is allowed by state statute and defined as a means of taking rough fish by archery where the arrows are tethered or controlled by an attached line. The primary and most important distinction between bow hunting and bow fishing is the fact that the arrow is attached to the bow for bow fishing. This clearly makes the risk from bow fishing far less than that of bow hunting where an arrow is completely unrestricted. |
| Victoria | Jennifer Kretsch, City Clerk, 952-443-4212 | | The City of Victoria does have an ordinance regulating the use of bow and arrow discharge on or near lakes. It states: Discharge near lakes. It shall be unlawful to discharge a firearm or bow and arrow on or over the surface of Lake Minnetonka, Church Lake, Stieger Lake, Schutz Lake, Lake Zumbra or Lake Virginia or on or over any land area within 50 feet of the shoreline of the lakes listed. | | To my knowledge, the City has never received a request or inquiry about bow fishing nor issued a citation for bow fishing. We do have an ordinance in addition to the firearm discharge that does regulate certain activities on certain lakes within City limits. Please go to our City Code on our website http://www.ci.victoria.mn.us/city_code.htm for details, it is Chapter 28. Please let me know if I can be of further assistance. | | |

Section 900.20. Firearms Regulations.

Subd. 1. Firearms. For the purposes of this section, a firearm shall be defined as any gun, rifle, pistol, carbon dioxide propellant gun or rifle, pellet gun or rifle, or any other weapon propelling a missile by gunpowder explosive, but firearms shall not include B-B guns or air guns.

Subd. 2. Permit to Discharge Firearms. Any person who shall fire or discharge any firearm as defined herein within the city without having in their immediate possession a permit issued by the city council, shall be guilty of a misdemeanor. Per chapter 4 the city council shall determine the permit fee and set forth in chapter 5 of this code book.

Subd. 3. Application. Applications for such permit shall be in writing addressed to the city council and shall state the reason for requesting such permit, the period for which such permit is desired not to exceed 1 year, the type of firearm to be discharged, and such other information as may be deemed necessary by the council to pass upon the application. Such application shall be in writing and shall be issued by the city clerk upon direction from the city council for a period not to exceed 1 year. Permits shall be useable only by the person to whom issued.

Subd. 4. Self-Defense, Exception. Nothing herein shall be construed to prohibit any firing of a firearm by any person when done in lawful defense of person, property, or family, or in the necessary defense or enforcement of the laws by a duly authorized peace officer.

Subd. 5. Revocation. The city council may at any time revoke any such permit if the council deems any hazard to safety exists by reason of the permit.

Subd. 6. Carrying of Firearms by Persons Under the Influence of Alcohol or Drugs. No person within the corporate limits of the city who is under the influence of an alcoholic beverage or a controlled substance shall carry any firearm as defined herein. Any violation of this subdivision shall be a misdemeanor.

Section 900.25. Dangerous Weapons.

Subd. 1. Acts Prohibited. Whoever does any of the following is guilty of a misdemeanor:

1. Recklessly handles or uses a gun or other dangerous weapon or explosive so as to endanger the safety of another; or
2. Manufactures or sells for any unlawful purpose any weapon known as a sling-shot or sand club; or
3. Manufactures, transfers or possesses metal knuckles or a switch blade knife opening automatically; or
4. Possesses any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or
5. Sells or has in their possession any device designed to silence or muffle the discharge of a firearm; or
6. Without the parent's or guardian's consent furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or
7. In any municipality of this state, furnishes a minor under 18 years of age with a firearm, air gun, ammunition or explosive without the written consent of their parent or guardian or of the police department or magistrate of such municipality.

Subd. 2. No minor under the age of 18 shall handle or have in their possession or under their control, except while accompanied by or under the immediate charge of their parent, guardian or competent supervision, any firearms, air guns, sling shots, bow and arrows, ammunition or other weapons of any kind for hunting or target practice or any other purpose.

Section 900.30. Fishing on Bridges.

No person shall use any part of or be or stand on any private street, highway, or railroad bridge for the purpose of fishing therefrom.

Section 900.35. Provoking Assault.

No person shall use in reference to any other person in the presence of another or in reference to, or in the presence of any member of the family of another, abusive or obscene language tending to provoke an assault or any breach of the peace.

Section 900.40. Assault.

Whoever does any of the following commits an assault and is guilty of a misdemeanor:



Agenda Number: **7E**

Agenda Date: 08-01-12

Agenda Item: Potential Wind Turbine Ordinance

Summary: Wind turbines were the topic of discussion on a recent mayors' discussion through the League of MN Cities list-serve email system. The topic is timely given the recent case in nearby Orono and the potential for the increase of interest in residents wanting to install "green" products. The city of Brooklyn Park recently adopted a wind turbine ordinance (attached) based on a study they commissioned. The ordinance includes different standards specific to their various the zoning districts. Greenwood could look at doing something similar. Or we could do nothing and rely on our current ordinances.

Council Action: None required.

1. I move the council directs the planning commission to review the concept of creating a wind turbine ordinance and make a recommendation to the council.
2. Do nothing.

MODEL ORDINANCE FROM BROOKLYN PARK BASED ON RECOMMENDATIONS FROM A CONSULTANT'S REPORT THAT THEY COMMISSIONED

APPROVED MARCH 5, 2012

152.185 ALTERNATIVE ENERGY SYSTEMS

(A) Scope. Sections 152.185 through 152.188 apply to alternative energy systems in all zoning districts.

(B) Purpose and intent.

The purpose and intent of this Section is to establish standards and procedures by which the installation and operation of wind and solar energy system shall be governed within the City. The City finds that it is in the public interest to encourage alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the community.

(C) Definitions.

The following words, terms and phrases shall have the meanings ascribed to them in this Section:

Accessory means a system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption.

Alternative energy system means a wind energy conversion system or a solar energy system.

Building-integrated solar energy system means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

Closed loop ground source heat pump system means a system that circulated a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom of a body of water.

Flush-mounted solar energy system means a roof-mounted system mounted directly abutting the roof. The pitch of the solar collector may exceed the pitch of the roof up to five percent but shall not be higher than ten inches above the roof.

Ground source heat pump system means a system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; fluid that absorbs and transfers heat; and a heat pump unit the processes heat for use or disperses heat for cooling; and an air distribution system.

Horizontal axis wind turbine means a wind turbine design in which the rotor shaft is parallel to the ground and the blades are perpendicular to the ground.

Hub means the center of a wind generator rotor, which holds the blades in place and attaches to the shaft.

Hub height means the distance measured from natural grade to the center of the turbine hub.

Monopole tower means a tower constructed of tapered tubes that fit together symmetrically and are stacked one section on top of another and bolted to a concrete foundation without support cables.

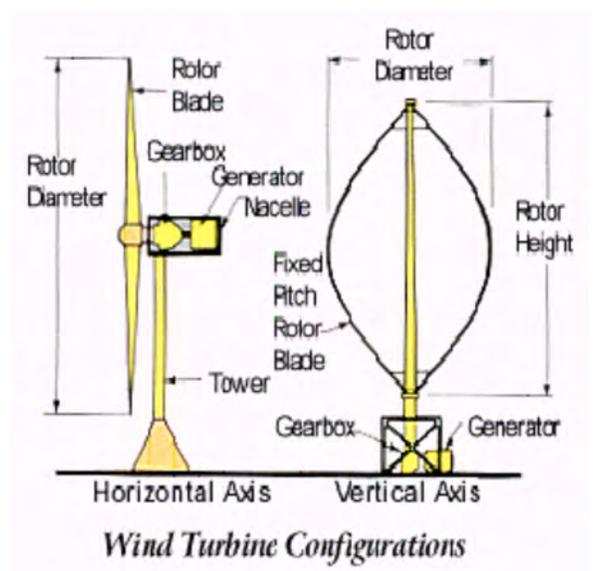
Passive solar energy system means a system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic system means a solar energy system that converts solar energy directly into electricity.

Residential wind turbine means a wind turbine of ten kilowatt (kW) nameplate generating capacity or less.

Small wind turbine means a wind turbine of 100 kW nameplate generating capacity or less.

Solar energy system means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.



Total height means the highest point above natural grade reached by a rotor tip or any other part of a wind turbine.

Tower means a vertical structure that supports a wind turbine.

Utility wind turbine means a wind turbine of more than 100 kW nameplate generating capacity.

Vertical axis wind turbine means a type of wind turbine where the main rotor shaft runs vertically.

Wind energy conversion system (WECS) means an electrical generating facility that consists of a wind turbine, feeder line(s), associated controls and may include a tower.

Wind turbine means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

152.186 WIND CONVERSION ENERGY SYSTEMS (WECS) STANDARDS

- (A) Zoning districts.
 - (1) Utility Wind Turbines shall be allowed as an accessory use in the I and BP districts.
 - (2) Small Wind Turbines shall be allowed as an accessory use in all Business Districts, and non residential uses in commercial districts.
 - (3) Residential Wind Turbines (only vertical axis style permitted) shall be allowed as an accessory use in all Residential Districts.
- (B) Number: No more than one WECS is allowed per parcel.
- (C) Design Standards
 - (1) Height. The permitted maximum height of a WECS shall be determined on the type of system proposed.
 - (a) Utility Wind Turbines: The height of a freestanding WECS located in a BP or I district shall not exceed one hundred (100) feet.
 - (b) Small Wind Turbines: The height of a freestanding WECS located in a Business District shall not exceed seventy five (75) feet.
 - (c) Residential Wind Turbines: Residential wind turbines can be either building mounted a



maximum height of fifteen (15) feet above the roofline of the principal structure; or mounted on a tower a maximum height of twenty (20) feet above the roof line of the principal structure. Poles must be connected to the principal structure and cannot be freestanding. All Residential Wind Turbines shall be of the vertical axis style.

- (d) The structure upon which the proposed WECS is to be mounted shall have the structural integrity to carry the weight and wind loads of the WECS and have minimal vibration impacts on the structure.
 - (e) Poles shall match the color of the principal structure.
- (2) Blade length. A maximum blade length of 15 feet is permitted.
 - (3) Setbacks for Building Mounted. A building or roof mounted vertical axis style WECS shall be located only on the side or rear rooflines.
 - (4) Easements. Wind energy systems shall not encroach on public drainage, utility roadway or trail easements.
 - (5) Rotor Clearance: Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure or tree within a three hundred (300) foot radius.
 - (6) Feeder lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
 - (7) Aesthetics. All portions of the wind energy system shall be a nonreflective, non-obtrusive color, subject to the approval of the City Planner. Only monopole towers are permitted. The appearance of the turbine, tower and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards. Systems shall not be used for displaying any advertising, except for applicable warning and equipment information required by the manufacturer or by federal, state or local regulations. Systems shall not be illuminated.
- (G) Noise. Wind energy systems shall comply with Minnesota Pollution Control Agency standards, as outlined in MN Rules Chapter 7030, at all property lines.

- (H) Screening. Wind energy systems are exempt from the requirements of section 152.375.
- (I) Safety.
 - (1) Standards. Wind energy systems shall meet minimum standards such as International Electrotechnical Commission (IEC) 61400-2 or the American Wind Energy Association's (AWEA) Small Wind Turbine Performance and Safety Standard or other standards as determined by the community development director.
 - (2) Maintenance. Wind energy systems shall be maintained under an agreement or contract by the manufacturer or other qualified entity.
 - (3) The WECS shall be equipped with both a manual and an automatic braking device capable of stopping the WECS operation in high winds.
 - (4) Tower access: To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
 - (a) Tower climbing apparatus shall not be located within twelve (12) feet off the ground.
 - (b) A located anti-climb device shall be installed on the tower.
 - (c) Tower capable of being climbed shall be enclosed by a locked, protective fence at least eight (8) feet high.
- (J) Utility connection. All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility.
- (K) Abandonment. If the wind energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.
- (L) Permits. A building permit shall be obtained for any wind energy system prior to installation. All application shall be accompanied by detailed plans and specifications including, but not limited to, the following information:
 - (1) Site Plan Showing:
 - (a) Lot lines and dimensions.
 - (b) Location and height of all buildings, structures, above ground utilities and trees on the lot, including both existing and proposed structures and guy wires anchors.

- (c) Locations and height of all adjacent buildings, structures, above ground utilities and trees located within three hundred (300) feet of the exterior boundary of the property in question.
 - (d) Existing and proposed setbacks of all structures located on the property in question.
- (2) Scaled drawings and photographic perspectives accurately depicting the structure the proposed location of the WECS and its relationship to structures on adjacent lots.
 - (3) A written certification from a licensed structural engineer that the structure has the structural integrity to carry the weight and wind loads of the WECS and have minimal vibration impacts on the structure.
 - (4) An analysis from a licensed engineer showing how the WECS shall be designed, constructed and operated in compliance with all applicable federal, state and local laws, codes, standards and ordinances.
 - (5) A written certification from a licensed engineer confirming that the WECS is designed to not cause electrical, radio frequency, television and other communication signal interference.
 - (6) Roof mounted WECS shall include detailed plans illustrating roof construction, mounting techniques and wind load capacity.



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.



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.



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

July 12, 2012

Mike Brost
5110 Curve Street
Greenwood, MN 55331

Dear Mike

A complaint driven visit to your property revealed two violations of the city ordinances as they pertain to the storage of vehicles.

Section 900.65(3)(a) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

- (a) No more than 4 vehicles may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.

You currently have five vehicles parked in the driveway. Only four vehicles are allowed to remain in unenclosed in the driveway. Therefore, one of the vehicles must be parked in a garage or removed to comply with the ordinance.

Section 1140.45(13)(B)(1) and (C)(a) Storage of Regulated Motor Vehicle and Regulated Watercraft in R-1A, R-1B, and R-2 Residential Districts.

B. Parking and Storage Prohibition. No person shall cause, undertake, permit or allow:

1. Regulated motor vehicles to be parked or allowed to stand longer than 24 hours upon, in front, or beside any R-1A, R-1B or R-2 single family residential district property, except for the purpose of loading or unloading motor vehicle, unless such shall be stored wholly within a building upon the premises.

C. Regulated Motor Vehicles. Regulated motor vehicles include the following vehicle types:

- a) Unlicensed Motor Vehicles. Any motor vehicle licensed for operation on the highways of the state of Minnesota but does not display current license plates or tabs.

The Suburban does not have current license tabs and must either have them brought up to date or the vehicle must be stored within the garage.

Section 900.70(B) defines vehicles which are not properly licensed as a Public Nuisance.

Please take all steps necessary to bring your property into compliance with the city ordinances no later than July 24th. Failure to do so within ten days of the receipt of this letter will result in the issuance of an Administrative Citation.

Thank you for your time and attention to this matter and if you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gus Karpas', with a stylized flourish at the end.

Gus Karpas
City Clerk/Zoning Administrator

Cc: File
Mayor Kind and City Councilmembers
City Attorney Mark Kelly

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 | 6/15/2012 |
| End Date | 7/15/2012 |
| Report Name | Page Views (Default) |
| <input type="button" value="Get Report"/> | |

Page Views by Section

| Section | Page Views | Percent of Total |
|--|------------|------------------|
| Default Home Page | 1004 | 42.52% |
| Agendas, Packets & Minutes | 167 | 7.07% |
| City Departments | 88 | 3.73% |
| Photo Gallery | 81 | 3.43% |
| Welcome to Greenwood | 77 | 3.26% |
| Forms & Permits | 63 | 2.67% |
| Code Book | 62 | 2.63% |
| Mayor & City Council | 60 | 2.54% |
| Planning Commission | 55 | 2.33% |
| Meetings | 47 | 1.99% |
| Watercraft Facilities | 42 | 1.78% |
| Lake Minnetonka | 41 | 1.74% |
| Assessments & Taxes | 39 | 1.65% |
| RFPs & Bids | 39 | 1.65% |
| What's New? | 39 | 1.65% |
| Xcel Project | 34 | 1.44% |
| Search Results | 33 | 1.4% |
| Meetings on TV | 28 | 1.19% |
| Comprehensive Plan & Maps | 26 | 1.1% |
| Budget & Finances | 26 | 1.1% |
| Events | 25 | 1.06% |
| Garbage & Recycling | 24 | 1.02% |
| Crime Alert! | 23 | 0.97% |
| Elections | 23 | 0.97% |
| Email List | 23 | 0.97% |
| Animal Services | 21 | 0.89% |
| Swiffers NOT Flushable | 21 | 0.89% |
| Links | 20 | 0.85% |
| Emergency Preparedness | 20 | 0.85% |

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.

| | | |
|--|-------------|-------------|
| Emergency Preparedness | 20 | 0.85% |
| Well Water | 19 | 0.8% |
| Milfoil Project | 19 | 0.8% |
| Spring Clean-Up Day | 14 | 0.59% |
| Health & Safety | 14 | 0.59% |
| Old Log Community Events | 13 | 0.55% |
| Southshore Center | 13 | 0.55% |
| Community Surveys | 12 | 0.51% |
| Unsubscribe | 6 | 0.25% |
| TOTAL | 2361 | 100% |

Unique IPs by Section

| Section | Unique IPs | Percent of Total IPs |
|----------------------------|-------------|----------------------|
| Default Home Page | 405 | 31.01% |
| Agendas, Packets & Minutes | 79 | 6.05% |
| City Departments | 58 | 4.44% |
| Welcome to Greenwood | 56 | 4.29% |
| Photo Gallery | 52 | 3.98% |
| Mayor & City Council | 41 | 3.14% |
| Planning Commission | 37 | 2.83% |
| Code Book | 36 | 2.76% |
| Lake Minnetonka | 36 | 2.76% |
| Watercraft Facilities | 35 | 2.68% |
| Meetings | 34 | 2.6% |
| What's New? | 29 | 2.22% |
| Forms & Permits | 27 | 2.07% |
| Crime Alert! | 22 | 1.68% |
| Assessments & Taxes | 22 | 1.68% |
| Elections | 21 | 1.61% |
| Xcel Project | 20 | 1.53% |
| Swiffers NOT Flushable | 19 | 1.45% |
| Comprehensive Plan & Maps | 19 | 1.45% |
| Meetings on TV | 19 | 1.45% |
| Events | 19 | 1.45% |
| RFPs & Bids | 18 | 1.38% |
| Search Results | 17 | 1.3% |
| Garbage & Recycling | 17 | 1.3% |
| Links | 17 | 1.3% |
| Well Water | 17 | 1.3% |
| Animal Services | 16 | 1.23% |
| Milfoil Project | 16 | 1.23% |
| Spring Clean-Up Day | 14 | 1.07% |
| Budget & Finances | 14 | 1.07% |
| Emergency Preparedness | 14 | 1.07% |
| Email List | 14 | 1.07% |
| Health & Safety | 11 | 0.84% |
| Old Log Community Events | 11 | 0.84% |
| Southshore Center | 11 | 0.84% |
| Community Surveys | 10 | 0.77% |
| Unsubscribe | 3 | 0.23% |
| TOTAL | 1306 | 100% |

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

Done

Hennepin County Settlements
For Settlement Period: May 2012

Date: 06/29/12
Report No. S06RP02
Page No. 7

Taxing District: Greenwood

Type of Collection:

| | |
|-------------------------------------|------------|
| Current R.E. - Revenue | 317,342.26 |
| Current R.E. - Bonds & Interest | |
| Current R.E. - Relocate | |
| Current Special Assessments | 800.43 |
| Current R.E. - Specials Penalty | |
| Fiscal Disparities - Revenue | 1,948.50 |
| Fiscal Disparities - B & I | |
| Fiscal Disparities - Relocate | |
| Current Personal Prop. - Revenue | 1,269.78 |
| Current Personal Prop. - B & I | |
| Current Personal Prop. - Relocate | |
| Current Mobile Home - Revenue | |
| Current Mobile Home - B & I | |
| Current Mobile Home - Relocate | |
| Delinquent R.E. - Revenue | 4,671.18 |
| Delinquent R.E. - B & I | |
| Delinquent R.E. - Relocate | |
| Delinquent R.E. - Specials Penalty | |
| Delinquent Special Assessments | |
| Delinquent Pers. Prop. - Revenue | |
| Delinquent Pers. Prop. - B & I | |
| Delinquent Pers. Prop. - Relocate | |
| Delinquent Mobile Home - Revenue | |
| Delinquent Mobile Home - B & I | |
| Delinquent Mobile Home - Relocate | |
| Interest on R.E. Refunds - Revenue | -66.92 |
| Interest on R.E. Refunds - B & I | |
| Interest on R.E. Refunds - Relocate | |
| Ag Preserve | |
| Rents - Revenue | |
| Rents - B & I | |
| Delinquent Interest | |
| Specials - Forfeited Land | |
| Contamination Tax | |
| Contamination Tax B & I | |
| Severed Mineral Interest | |
| State Aid Road Fund | |
| Aggregate Removal Tax | |
| Excess Tax Increment | |
| U.S. Fish & Wildlife - Revenue | |
| U.S. Fish & Wildlife - B & I | |

Total Settlement: 325,965.23

Local Tax Rates - Revenue Factors
Taxes Payable in 2012

City of Greenwood

| Fund | Local Tax Rates | Revenue Factor |
|-------------------------------------|------------------------|-----------------------|
| Revenue | 20.336% | 1.000000 |
| | | - |
| | | - |
| | | - |
| | | - |
| General Fund (Revenue) Total | 20.336% | 1.000000 |

| | |
|-----------------|--|
| Bond Redemption | |
|-----------------|--|

| | |
|--------------------------------------|---------|
| Local Tax Capacity Based Rate | 20.336% |
|--------------------------------------|---------|

HENNEPIN COUNTY PROPERTY INFORMATION SYSTEMS

REAL ESTATE COLLECTIONS TAX AND PENALTY PAID
SPECIAL ASSESSMENTS
19 GREENWOOD

| LEVY NO | PROJ NO | DESCRIPTION | MONEY |
|--------------------|---------|-------------------------|--------|
| 18035 | | DELO SWR/STM WTR/RECYCL | 800.43 |
| MUNICIPALITY TOTAL | | | 800.43 |

RUN DATE -/31/12
 RUN TYPE COLLECTIONS

HENNEPIN COUNTY PROPERTY INFORMATION SYSTEM
 DELINQUENT SETTLEMENT
 MUNIC COLLECTION SUMMARY BY FUND
 01/01/12 THRU 05/31/12

REPORT NO: PI423701
 PAGE 5

| MUNIC | MUNIC NAME | YEAR | FUND DESCRIPTION | AMOUNT |
|-------|------------|------|----------------------|--------------|
| 19 | GREENWOOD | 2011 | CITY REVENUE | 5,852.45 |
| | | | AD VALOREM SUB TOTAL | 5,852.45 * |
| | | | SPECIALS | .00 |
| | | | TOTAL | 5,852.45 ** |
| | | 2010 | CITY REVENUE | 1,181.27- |
| | | | AD VALOREM SUB TOTAL | 1,181.27- * |
| | | | SPECIALS | .00 |
| | | | TOTAL | 1,181.27- ** |