

AGENDA

Greenwood City Council Meeting

Wednesday, September 5, 2012
20225 Cottagewood Road, Deephaven, MN 55331



Worksession

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

- 6:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 6:00pm 2. DISCUSSION: 2013 Preliminary Tax Levy and Budget
- 6:50pm 3. 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
 - 1A. FIRST ORDER OF BUSINESS
 - Consider: Declaration of Vacancy Due to the Resignation of Councilman William "Biff" Rose
 - Consider: Certificate of Appreciation for Retiring Councilman William "Biff" Rose
 - Consider: Appointment to Fill Council Vacancy Through 12-31-12
- 7:15pm 2. CONSENT AGENDA
 - Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.*
 - A. Approve: 08-01-12 Minutes
 - B. Approve: July Cash Summary Report
 - C. Approve: August Verifieds, Check Register, Electronic Fund Transfers
 - D. Approve: September Payroll Register
- 7:20pm 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.*
- 7:25pm 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS
 - A. Chief Scott Gerber, Excelsior Fire District 2013 Budget
 - B. Announcement: Cub Food Dash, 1pm, 09-06-12
- 7:40pm 5. PUBLIC HEARINGS
 - A. None
- 7:40pm 6. UNFINISHED BUSINESS
 - A. Consider: Resolution 18-12, Variance Findings of Fact, Matt and Angela Lindberg, 5160 Greenwood Circle (grade alteration)
 - B. 2nd Reading: Ordinance 212, Amending Code Section 425, Municipal Watercraft Spaces
Resolution 19-12 Summary of Ordinance 212 for Publishing
 - C. Discuss: Capital Replacement Fund for the Public Safety Building
- 8:10pm 7. NEW BUSINESS
 - A. Consider: Resolution 20-12, 2013 Preliminary Tax Levy and Budget
 - B. Consider: City Council Position Regarding Bean's Greenwood Marina Proposed Dock
 - C. Consider: Variance Requests, Frank Precopio, 5520 Maple Heights Road
 - D. Consider: Variance Requests, Justin and Jen Zygmunt, 5370 Manor Road
 - E. Consider: Resolution 21-12, State of Minnesota eCharging / eComplaints Agreements
 - F. Consider: Hosting Planning & Zoning Workshop
 - G. Consider: Insurance Liability Waiver Form
 - H. Consider: Lake Minnetonka Communications Commission 2013 Budget
 - I. Discuss Potential City Council Input Regarding Various Issues: MCWD Lake Virginia Project, 911 Dispatch Fees
- 9:45pm 8. OTHER BUSINESS
 - A. None
- 9:45pm 9. COUNCIL REPORTS
 - A. Fletcher: Planning Commission, Lk. Mtk. Comm. Commission, Xcel Project, Excelsior Fire District
 - B. Kind: Police, Administration, Mayors' Meetings, Website
 - C. Page: Lake Minnetonka Conservation District
 - D. Quam: Roads & Sewer, Minnetonka Community Education
- 10:00pm 10. ADJOURNMENT



Agenda Number: **Worksession**

Agenda Date: 09-05-12

Agenda Item: Discuss: 2013 PRELIMINARY Budget

Summary: The attached 2013 PRELIMINARY city budget as been revised based on the council discussion at the 08-01-12 budget worksession. The PRELIMINARY budget must be approved at the 09-05-12 regular 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. The council may make changes to the budget based on the 09-05-12 worksession discussion, and approve the revised budget during the 09-05-12 regular council meeting.

Council Action: No council action may be taken during a worksession. The 2013 PRELIMINARY budget and tax levy will be approved during the regular council meeting.

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 | 627,879 | 645,417 | 1,834 | 644,719 | 644,603 | -0.02% | |
| 3 | 101-31020 | 5,396 | 0 | 6 | 0 | 0 | #DIV/0! | |
| 4 | 101-31040 | 5,013 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 5 | 101-31800 | 46 | 0 | 9 | 0 | 0 | #DIV/0! | |
| 6 | 101-31910 | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 7 | | 638,334 | 645,417 | 1,848 | 644,719 | 644,603 | -0.02% | 88.75% |
| 8 | LICENSES & PERMITS | | | | | | | |
| 9 | 101-32110 | 50 | 3,250 | 3,000 | 3,000 | 3,000 | 0.00% | |
| 10 | 101-32180 | 4,615 | 3,400 | 800 | 3,400 | 2,000 | -41.18% | |
| 11 | 101-32210 | 29,962 | 12,000 | 5,782 | 16,000 | 16,000 | 0.00% | |
| 12 | 101-32211 | 21,156 | 1,200 | 557 | 1,000 | 1,000 | 0.00% | |
| 13 | 101-32240 | 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 | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 17 | 101-33423 | 2,645 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 18 | 101-33610 | 3,442 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 19 | 101-33630 | 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 | 1,000 | 1,500 | 1,000 | 500 | 1,000 | 100.00% | |
| 23 | 101-34207 | 75 | 200 | 0 | 0 | 75 | #DIV/0! | |
| 24 | 101-34304 | 2,588 | 2,000 | 1,942 | 2,000 | 2,500 | 25.00% | |
| 25 | 101-34409 | 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 | 6,861 | 4,500 | 3,803 | 4,500 | 4,500 | 0.00% | 0.62% |
| 29 | MISC. INCOME | | | | | | | |
| 30 | MISC. INCOME | | | | | | | |
| 31 | 101-36102 | 5,227 | 5,000 | 1,747 | 6,000 | 3,500 | -41.67% | |
| 32 | 101-36225 | 0 | 0 | 540 | 0 | 0 | #DIV/0! | |
| 33 | 101-36230 | 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 | 15,000 | 15,000 | 0 | 12,130 | 12,500 | 3.05% | |
| 37 | 101-39200 | 0 | 0 | 0 | 2,790 | 3,216 | 15.27% | |
| 38 | 101-39202 | 10,650 | 10,650 | 0 | 10,866 | 10,866 | 0.00% | |
| 39 | 101-39203 | 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 | 726,335 | -0.17% | |

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, Public Notices, 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% | 14.52% |
| 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 | 47,294 | 4.01% | |
| 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 | 225,347 | 2.90% | 31.03% |
| 95 | FIRE | | | | | | | |
| 96 | 101-42200-309 Fire Protection - Operations (Quarterly) | 68,492 | 68,492 | 33,219 | 66,439 | 64,856 | -2.38% | |
| 97 | 101-42200-311 Fire Side Lease - Facilities (Quarterly) | 59,293 | 59,239 | 30,002 | 60,005 | 58,092 | -3.19% | |
| 98 | | 127,785 | 127,731 | 63,222 | 126,444 | 122,948 | -2.76% | 16.93% |
| 99 | PUBLIC SAFETY TOTAL | 334,930 | 334,666 | 172,215 | 345,432 | 348,295 | 0.83% | 47.95% |
| 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 | 1,200 | 33.33% | |
| 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 | 34,730 | 1.01% | 4.78% |
| 138 | | | | | | | | |
| 139 | Subtotal | 691,102 | 675,730 | 271,885 | 682,103 | 694,123 | 1.76% | |
| 140 | | | | | | | | |
| 141 | CONTINGENCY & FUND TRANSFERS | | | | | | | |
| 142 | 101-49000-439 Contingency (4.3% of subtotal in 2011, 3.7% in 2012, 3.2% in 2013) | 5,266 | 29,056 | 300 | 25,446 | 22,212 | -12.71% | |
| 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 | 32,212 | -29.12% | 4.43% |
| 145 | | | | | | | | |
| 146 | Total Expenses | 716,368 | 724,786 | 272,185 | 727,549 | 726,335 | -0.17% | |
| 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 may 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 may 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 may be used for any city purpose. Goal: \$55,000 for wood dock with steel posts; \$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 may 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! | |
| 202 | 403-45100-304 | EXPENSE: Legal Services | 30 | 0 | 966 | 0 | 2,000 | #DIV/0! | |
| 203 | 403-45100-530 | EXPENSE: Capital Outlay | 0 | 0 | 0 | 0 | 0 | #DIV/0! | |
| 204 | | Net Total | 19,940 | 20,000 | -966 | 20,000 | 6,000 | -70.00% | |
| 205 | | BRIDGE CAPITAL PROJECT FUND CASH BALANCE | 59,970 | 40,000 | | 79,970 | 85,970 | | |
| 206 | | | | | | | | | |
| 207 | | Total Fund Cash Balances | 758,149 | 755,046 | | 786,495 | 796,601 | 1.28% | |

**SOUTH LAKE MINNETONKA POLICE DEPARTMENT
PUBLIC SAFETY FACILITY - POLICE PORTION**

2013 DEBT SERVICE AMOUNTS

Amount Due to the Shorewood Economic Development Authority (EDA) - \$419,400

| Member City | Tax Capacity | Percentage | Share of Cost |
|--------------------|---------------------|-------------------|----------------------|
| Excelsior | \$3,950,646 | 14.28% | \$59,907 |
| Greenwood | \$3,118,858 | 11.28% | \$47,294 |
| Shorewood | \$15,020,187 | 54.31% | \$227,764 |
| Tonka Bay | \$5,568,116 | 20.13% | \$84,435 |
| TOTAL | \$27,657,807 | 100.00% | \$419,400 |

| NOTATIONS |
|---|
| 2012 Tax Capacity Figures - Hennepin County Assessor's Office - <i>(Data Run: July 1, 2012)</i> |
| Percentages Rounded Based Upon Tax Capacity <i>(ad valorem)</i> Formula |
| Total Debt Service Costs Validated with the Shorewood EDA - <i>(Includes Anticipated Fiscal Agent Fees)</i> |
| Facility Debt Obligation Independent of the SLMPD Operating Budget |

SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Public Safety Facility - Police Portion
Debt Service Payments - Years 2003 to 2013

Year 2003

| Member City | Police Facility Debt Service | Police Facility Percentages |
|---------------|------------------------------|-----------------------------|
| Excelsior | \$37,949 | 14.60% |
| Greenwood | \$24,329 | 9.36% |
| Shorewood | \$151,906 | 58.42% |
| Tonka Bay | \$45,817 | 17.62% |
| TOTALS | \$260,001 | 100.00% |

Year 2004

| Member City | Police Facility Debt Service | Police Facility Percentages |
|---------------|------------------------------|-----------------------------|
| Excelsior | \$69,121 | 14.98% |
| Greenwood | \$43,917 | 9.51% |
| Shorewood | \$265,599 | 57.54% |
| Tonka Bay | \$82,969 | 17.97% |
| TOTALS | \$461,606 | 100.00% |

Year 2005

| Member City | Police Facility Debt Service | Police Facility Percentages |
|---------------|------------------------------|-----------------------------|
| Excelsior | \$63,796 | 14.26% |
| Greenwood | \$43,133 | 9.64% |
| Shorewood | \$259,404 | 57.97% |
| Tonka Bay | \$81,115 | 18.13% |
| TOTALS | \$447,448 | 100.00% |

Year 2006

| Member City | Police Facility Debt Service | Police Facility Percentages |
|---------------|------------------------------|-----------------------------|
| Excelsior | \$62,300 | 14.03% |
| Greenwood | \$44,950 | 10.12% |
| Shorewood | \$254,593 | 57.31% |
| Tonka Bay | \$82,357 | 18.54% |
| TOTALS | \$444,200 | 100.00% |

Year 2007

| Member City | Police Facility Debt Service | Police Facility Percentages |
|---------------|------------------------------|-----------------------------|
| Excelsior | \$64,090 | 14.50% |
| Greenwood | \$45,305 | 10.25% |
| Shorewood | \$249,509 | 56.45% |
| Tonka Bay | \$83,096 | 18.80% |
| TOTALS | \$442,000 | 100.00% |

SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Public Safety Facility - Police Portion
Debt Service Payments - Page 2

Year 2008

| Member City | Police Facility Debt Service | Police Facility Percentages |
|--------------------|-------------------------------------|------------------------------------|
| Excelsior | \$64,025 | 14.52% |
| Greenwood | \$47,394 | 10.75% |
| Shorewood | \$244,003 | 55.33% |
| Tonka Bay | \$85,578 | 19.40% |
| TOTALS | \$441,000 | 100.00% |

Year 2009

| Member City | Police Facility Debt Service | Police Facility Percentages |
|--------------------|-------------------------------------|------------------------------------|
| Excelsior | \$61,081 | 14.27% |
| Greenwood | \$47,649 | 11.13% |
| Shorewood | \$232,940 | 54.43% |
| Tonka Bay | \$86,330 | 20.17% |
| TOTALS | \$428,000 | 100.00% |

Year 2010

| Member City | Police Facility Debt Service | Police Facility Percentages |
|--------------------|-------------------------------------|------------------------------------|
| Excelsior | \$59,034 | 13.99% |
| Greenwood | \$47,901 | 11.35% |
| Shorewood | \$228,066 | 54.04% |
| Tonka Bay | \$86,999 | 20.62% |
| TOTALS | \$422,000 | 100.00% |

Year 2011

| Member City | Police Facility Debt Service | Police Facility Percentages |
|--------------------|-------------------------------------|------------------------------------|
| Excelsior | \$57,936 | 13.69% |
| Greenwood | \$47,263 | 11.16% |
| Shorewood | \$230,066 | 54.35% |
| Tonka Bay | \$88,035 | 20.80% |
| TOTALS | \$423,300 | 100.00% |

Year 2012

| Member City | Police Facility Debt Service | Police Facility Percentages |
|--------------------|-------------------------------------|------------------------------------|
| Excelsior | \$58,111 | 14.03% |
| Greenwood | \$45,469 | 10.98% |
| Shorewood | \$225,132 | 54.37% |
| Tonka Bay | \$85,388 | 20.62% |
| TOTALS | \$414,100 | 100.00% |

SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Public Safety Facility - Police Portion
Debt Service Payments - Page 3

Year 2013

| Member City | Police Facility Debt Service | Police Facility Percentages |
|--------------------|---|--|
| Excelsior | \$59,907 | 14.28% |
| Greenwood | \$47,294 | 11.28% |
| Shorewood | \$227,764 | 54.31% |
| Tonka Bay | \$84,435 | 20.13% |
| TOTALS | \$419,400 | 100.00% |

2012 Marina Fee Comparison

SOUTH LAKE MINNETONKA CITIES

| | | |
|--------------------------------|----------------|----------------|
| Tonka Bay, up to 27 ft. length | \$1,600 | \$1,600 |
| Tonka Bay, up to 21 ft. length | \$1,200 | |
| Tonka Bay Average | \$1,400 | \$1,600 |

| | | |
|--|----------------|----------------|
| Excelsior, \$95 per ft. x 23 ft. | \$2,185 | \$2,185 |
| Excelsior, cost with 25% senior discount | \$1,639 | |
| Excelsior Average | \$1,912 | \$2,185 |

| | | |
|-----------|--------------|--------------|
| Deephaven | \$750 | \$750 |
|-----------|--------------|--------------|

| | | |
|----------------|----------------|----------------|
| AVERAGE | \$1,354 | \$1,512 |
|----------------|----------------|----------------|

OTHER MARINAS

| | |
|--|---------|
| Minnetonka (Gray's Bay) | \$3,900 |
| Bean's Greenwood Marina, 24 ft. slip | \$4,200 |
| Tonka Bay Marina, \$185 per ft. x 23 ft. | \$4,255 |

Note: Greenwood city docks allow boats up to 23 ft.

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: Consider: Declaration of Vacancy Due to Resignation of Councilman William "Biff" Rose
Consider: Certificate of Appreciation for Retiring Councilman William "Biff" Rose
Consider: Appointment to Fill Vacancy Through 12-31-12

Summary: On 08-27-12 the city council received the attached resignation letter from Councilman William "Biff" Rose due to the sale of his Greenwood residence. Procedurally the next step is for the council to declare a council vacancy. Once a vacancy has been declared, state statute 412.02, subd. 2a mandates that the council must act to fill it;

MN Statute 412.02, Subd. 2a. Vacancy. Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election. *(Underline emphasis added)*

Since only 4 months remain in Biff's term, a special election is not required. So the council will need to appoint someone to complete the term. The obvious candidates for the council's consideration are the two people who filed to run for the two city council seats up in the 11-06-12 election. Bill Cook filed for candidacy on 08-01-12 and Rob Roy filed for candidacy on 08-09-12. Both Bill and Rob have indicated that they would be willing to complete Biff's remaining term and they are fine with whatever the council decides for the process to determine who should be appointed to the seat. The council also may choose to appoint someone else. The appointment may be done at the September council meeting, but this is not required. The council cannot choose to leave the seat open for the rest of the year.

Also, in recognition of Biff's service to the city, the council may wish to approve a certificate of appreciation (see attached).

Council Action: Required. Potential motions ...

1. I move that the city council declares a council seat vacancy due to the resignation of Councilman William "Biff" Rose because of the sale of his Greenwood residence.
2. I move that the city council approves the certificate of appreciation recognizing the contributions of Councilman William "Biff" Rose and directs the city clerk to mail the certificate to Biff's new home.
3. I move that the city council approves the appointment of _____ to complete Councilman Rose's remaining term through December 31, 2012, and directs that the oath of office be administered as soon as possible.
4. I move that the city council approves the following appointment process to determine who should complete Councilman Rose's remaining term through December 31, 2012: _____.
5. Other motion ???

From: William Rose <idarose@mediacombb.net>
Subject: Resignation
Date: August 27, 2012 1:07:57 PM CDT
To: Debra Kind Email Kind <dkind100@gmail.com>

To City of Greenwood.

I have sold our home and we have closed on it. The city has been contacted and utilities closed out. The mail is stop'ed and is being forwarded to the new address. All of our things have now been moved. The house is soon to be torn down. We are sleeping at the new house most the time. I no longer am a resident therefor I resign my council position. If Greenwood citizens have any questions feel free to stop by and knock on the door and ask! William Rose



CERTIFICATE OF APPRECIATION

WHEREAS, William "Biff" Rose did ably serve as a city council member on the Greenwood city council from January 2009 through August 2012; and

WHEREAS, during his term Councilman Rose gave freely of his time and served his community,

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota, on behalf of the residents of Greenwood does present this certificate of appreciation to:

William "Biff" Rose

Thank you for your service!

Debra J. Kind, Mayor

Date



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
Worksession Minutes**

6:00 pm, Tuesday, August 1, 2012
Deephaven City Hall ~ 20225 Cottagewood Avenue ~ Deephaven, MN 55331

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 6:00 pm.

Council members present: Fletcher, Page, Quam and Rose (6:05)
Others present: City Clerk Karpas

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

2. Discuss Rules Regarding City Council Resignations and Residency Requirements

Mayor Kind discussed questions raised from residents regarding the residency status of Councilmember Rose. She said she discussed the issue with Mr. Rose who then submitted a letter of resignation on July 7th and then a letter rescinding his resignation on July 13th. She asked the City Attorney to draft a memo on the statutes regarding this issue which was included in tonight's Council packet.

Councilmember Page questioned who was raising the issue. Mayor Kind said they were just concerned citizens and that none of them were specifically looking to remove Rose from the Council, they just wondered why the Council was not addressing the issue. Page felt it was public information to bring up the names of those who raised the concern. City Attorney Kelly said the Mayor was obligated to disclose that information unless the individuals asked her to keep their names confidential. Mayor Kind disclosed the names of two specific individuals and noted there were a number of others who raised the issue during the 4th of July parade. She said all of them felt the Council should discuss the issue.

Councilmember Quam said there are two issues, the residency requirement and the resignation letter and when it goes into effect. City Attorney Kelly explained the statutes look at resignations in a couple of ways and is not particularly clear. He said if a letter is submitted with conditions, such as subject immediately, it is valid at that point, but Mr. Rose's email does not indicate that. Councilmember Fletcher asked the attorney's opinion on where that leaves the Council. Kelly said it leaves the Council with a dilemma since it could take the position to accept the rescinding letter or decide not to accept it. It could also say it has an issue with the residency status of Mr. Rose. Mayor Kind asked what the standard is for residency.

Councilmember Rose asked if the statute indicated the number of days a person has to stay in a home to be considered a resident? He said this became an issue the day he put up his for sale sign. He said he didn't know he couldn't own multiple houses. He decided to rescind his resignation when he remembered the city had a mayor who was elected who didn't live in the city because his house wasn't even completed. He believes he's fine serving on the Council since he pays property taxes in the city. He stated his intention was to resign when his house sells.

Councilmember Fletcher noted if you still stay at the house, you're still a resident. He said if he reads the statute correctly if the Council declares a vacancy it can select a replacement. He would be fine accepting the resignation and then appointing Mr. Rose to the Council. Councilmember Rose feels that puts him in limbo and is concerned since nobody called him about their concerns about his resident status. Mayor Kind agreed that residency is not clearly

defined. She read the requirements from the Secretary of State's office which notes the "intention of moving" is one of the ways of determining residency.

City Attorney Kelly referenced literature put out by the League of Minnesota Cities that said unless a letter of resignation states a specific future date, the resignation will be effective once it is received by the Council. If the resignation states it is to be effective at a future date, it may be withdrawn, but to withdraw the resignation, the resigning officer must submit a written statement of withdrawal in the same manner as the resignation and it must be received before the resignation was to be effective. Councilmember Rose's resignation letter did not indicate a future effective date, therefore it was effective the date it was delivered by City Clerk Karpas to the Council via email on July 9th and cannot be rescinded.

Councilmember Quam verified the written resignation was received on July 7th and the withdrawal on July 13th. Councilmember Page believes the letter doesn't say he resigned. Fletcher disagreed saying the language looks as though he resigned. Page believes Councilmember Rose was pressured to resign and feels this item should be taken off the agenda.

Mayor Kind asked the Council if they believe Councilmember Rose meets the standards for residency. Councilmember Page believes he does. Kind asked if the Council would like to adopt the Secretary of State's standards for residency. Councilmember Quam feels it is a gray issue. Kind suggested the Council could go with Councilmember Fletcher's idea of accepting the resignation and reappointing Councilmember Rose. Quam felt that would set a bad precedent. He said the Council has to be very careful on what it does, but it has to do something. He asked Councilmember Rose if he believes he is a resident. Rose said he did. Quam said that was good enough for him. Mayor Kind said it was for her too.

City Attorney Kelly said the Council can take any action it wants since it is discretionary, but it does have to take action. Councilmember Fletcher suggested that the Council could formally accept Councilmember Rose's letter rescinding his resignation to make it clear that Rose still is a Councilmember. Mayor Kind suggested amending the regular agenda to add this item to take action on it. The majority of the Council agreed.

3. Discuss 2013 Budget

Mayor Kind said she and Councilmember Fletcher have been working on a preliminary budget for the Council's review. She said the Council must approve a preliminary budget at its September meeting, at that time the levy cannot go up, though it can go down. The final budget approval will be at the December Council meeting. She suggested going through the budget page by page and if any Councilmembers had a question they could reference the line item for discussion.

Councilmember Page was opposed to line items 36-39 which included a transfer from the Marina Fund and 10% administrative fees for the Marina, Sewer, and Stormwater Funds. He disagreed they should be used as funding sources. Councilmember Fletcher noted there was administrative time spent on marinas, sewers and stormwater, so the fees were appropriate. Councilmembers Quam and Rose didn't have an issue with the fees. Councilmember Quam raised concern about the transfer of Marina funds since he has never seen a plan for the replacement of docks. He would like to see one. Mayor Kind noted that page 6 contained cost information on dock replacement. Page objected to characterizing the Marina fund as an enterprise fund. Kind said this is the technical term used by the auditors. Page also said there is no such thing as a Tonka Dock and the terminology should be changed to wood stationary dock. He also noted that the city has nowhere near enough money to replace the dock it already has. Quam asked how long it would take to get to the \$120,000 it would take to replace the docks. Page noted that Bean's Greenwood Marina is switching to floating docks due to their many advantages over stationary docks. Councilmember Fletcher asked about the projected

lifespan of the existing city docks. Page estimated about five to six years. He feels there needs to be more money in the fund.

The majority of the Council agreed on line items 37-39 and to further discuss line item 36.

Councilmember Page question line item 193, \$5,000 for milfoil. He doesn't understand why that is attributed to the Marina Fund since it benefits the whole bay. Councilmember Rose agrees since it only costs a fraction of that to treat the area by the marina. Page believes the money should come out of the general fund.

Councilmember Rose asked about line item 44, Council Salaries, noting that salary costs for police and fire have gone up over the years, yet this Council has been able to keep its pay at a zero increase. Councilmember Page said the salaries should go up since the amount of work has increased. Councilmember Quam commented the Mayor is underpaid for the amount of work she does, but the concern with raising the Mayor's salary would be is the next Mayor capable or willing to do the same amount of work. He noted Councilmembers could be paid for their outside meetings. Page said the Council should consider raising their salaries. The Council will discuss this further.

Councilmember Page felt that line item 107, Engineer Fees, seemed a little "light." Mayor Kind explained that engineering is being coded differently now, with fees being coded by streets, sewer, and stormwater line items.

Councilmember Page asked about line item 117, \$11,000 for sign replacement. He thought the city had five years to meet the federal mandate for sign replacement. Mayor Kind said the city is phasing them in over five years to spread out the cost and that \$11,000 was the result of the total estimated cost divided by five.

Councilmember Page asked about line item 118, Street Sweeping, noting it was coming out of the Stormwater Fund. Councilmember Fletcher said the city was required to have a Stormwater Fund so it might as well use the fee. Mayor Kind stated that the city may reach the phosphorus reduction goal by adding a second sweeping.

Councilmember Page felt that line item 133, Southshore Center, could be increased to \$100 a month. The majority of the Council supported increasing the budgeted amount to \$1,200 a year.

Councilmember Page discussed line item 135, Lake Minnetonka Conservation District, noting there are potential increases on the horizon that the city should be aware of that will drastically increase its expenses. Mayor Kind said the budgeted number is based on what was sent out by Director Greg Nybeck.

Councilmember Rose asked about the increase in line item 120, Trees, Weeds, Mowing from \$13,000 to \$20,000. Mayor Kind said the increase was based on the 2012 actual. She said there were a lot of trees removed this year and there looks to be more removed again this upcoming year.

Councilmember Fletcher discussed line item 143, Transfer to Bridge Fund, stating it is down to \$10,000 from \$20,000 from the year before. He said this can be replenished if the contingency fund not spent.

4. Adjournment

Quam moved to adjourn. Second by Rose. Meeting adjourned at 6:58 pm.

Respectfully submitted

Gus Karpas
City Clerk

GREENWOOD CITY COUNCIL MEETING
Wednesday, August 1, 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 7:03 P.M.

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

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

Members Absent: None

Councilmember Fletcher asked that item 1.A William Rose's Rescinding Resignation Letter be added to the agenda.

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

1.A WILLIAM ROSE'S RESCINDING RESIGNATION LETTER

Fletcher moved, Quam seconded, accepting William Rose's rescinding resignation letter. Motion passed 4/0/1 with Rose abstaining.

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. June 6, 2012, City Council Meeting Minutes**
- B. July 5, 2012, City Council Meeting**
- C. June 2012 Cash Summary Report**
- D. July 2012 Verifieds, Check Register, Electronic Fund Transfers**
- E. August 2012 Payroll Register**
- F. Approving ORDINANCE NO. 211, "An Ordinance of the City of Greenwood, Minnesota, Amending Ordinance Code Sections 520.15 and 525.15, Regarding Deadlines for Delinquent Sewer and Stormwater Payments."**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

A. Chief Bryan Litsey – South Lake Minnetonka Police Department 2103 Budget and Proposed Capital Replacement Fund

Mayor Kind noted South Lake Minnetonka Police Department (SLMPD) Chief Litsey is present this evening to give a brief presentation about the SLMPD 2013 Operating Budget and the proposed capital replacement fund.

Chief Litsey noted SLMPD Lieutenant Pierson is also present. He then noted that on August 7, 2012, there are two Night to Unite neighborhood gatherings scheduled in the City of Greenwood. One is to be held on West Street and the other at the City's park. So far a total of eleven gatherings have been scheduled in the four SLMPD member cities. Police and fire presence has been requested at the gatherings. He went on to note that the South Lake Safety Camp hosted by the City of Shorewood, the SLMPD and the Excelsior Fire District is scheduled for August 8, 2012, and it is open to all third, fourth and fifth graders in the South Lake area.

Mayor Kind asked if the dates for the 2012 SLMPD Citizens Police Academy have been selected yet. Chief Litsey stated they have not.

Chief Litsey noted that this is the second year that all of the documents and presentations the SLMPD Coordinating Committee has been provided for the budget process are available on the SLMPD's website www.southlakepd.com. This allows individuals to track the budget process. He also noted this has been his fourteenth year of preparing and presenting a budget as the chief executive officer for the SLMPD. He gave a short presentation about the proposed 2013 SLMPD budget. The highlights of his presentation are as follows.

The current 2013 Budget proposal is a culmination of what transpired during the budget process to date. Preliminary 2013 budget considerations were discussed during the Coordinating Committee's May 9 meeting. The considerations were incorporated into an initial budget proposal developed by Staff. The initial proposal was presented to the Committee during its June 20 budget work session. There were no substantive changes requested to the preliminary budget.

The Coordinating Committee recognized that the majority of increases related to expenses that are either market driven (e.g., utilities and motor fuels) or the result of previously approved actions by the Committee (e.g. labor agreements and technology). SLMPD Chief Litsey and Excelsior City Manger Luger sat at the bargaining table the last few negotiations and Committee Member Kind served as the liaison between the management negotiation team and the Coordinating Committee. Declining state aid, most notably peace officer aid, continues to be factor that shifts to the member cities to make up the loss in revenue. The aid is funded through a surcharge on auto insurance premiums. It is an annual payment from the Minnesota Department of Revenue. The SLMPD has been reducing its reliance on this aid as a revenue source to support operations.

Mayor Kind noted that the Coordinating Committee has been well aware that for the last few years the SLMPD has budgeted for higher state aid revenue then the SLMPD was going to likely receive. That was done to phase in that loss of revenue.

Litsey also noted that during the Coordinating Committee's June 20 work session there was general agreement that the proposed budget was lean yet workable. The 2013 Operating Budget proposal before

Council this evening was accepted by and endorsed by the Committee during its July 18 meeting, and the Committee directed SLMPD Staff to forward the proposal to the SLMPD member City Councils with a recommendation for approval. The 2013 Budget reflects a 2.6 percent (or \$53,500) increase when compared to the adopted 2012 Operating Budget. He noted Greenwood's share of the increase over its 2012 share is \$4,534.

Mayor Kind noted that Greenwood's total contribution amount for 2013 of \$177,053 was discussed earlier in the evening during Council's work session.

Fletcher moved, Kind seconded, approving the South Lake Minnetonka Police Department's 2013 Operating Budget as presented subject to increasing line item 52200 Repairs and Maintenance from \$43,700 to \$53,700, resulting in a corresponding increase in the total projected expenses from \$2,284,400 to \$2,294,400 and a corresponding increase in the cost to the SLMPD member cities from \$2,089,200 to \$2,099,200.

Councilmember Fletcher explained there is a proposal on the table to provide additional funding for capital maintenance needs in the amount of \$10,000. He stated from his perspective he thought budgeting for capital repairs and maintenance of the facility should be funded out of the Operating Budget; not out of a special capital maintenance fund.

Chief Litsey explained what is being proposed will not run through the SLMPD's Operating Budget. The funds in the capital maintenance fund would remain under the control of the SLMPD member cities and the recommended funding formula would be ad valorem (the same as the formula used for the construction of the facility). He noted the SLMPD already has an assigned fund to help with maintenance and repairs that at this point in time could exceed \$80,000. The Operating Budget also includes funds for ongoing maintenance. The capital maintenance fund would be for things such as the replacement of the roof, siding, fascia, boilers and so forth.

Mayor Kind stated by placing the funding in the Operating Budget it would be based on the reallocation formula where Greenwood's share is 8.4747 percent. If the funding would be as proposed it would be on an ad valorem basis (the same as used for the construction of the facility).

Chief Litsey expressed his desire to have Council act on the 2013 Operating Budget this evening because 2013 Operating Budget has to be approved by the September 1 deadline and suggested that the Council can take additional time to discuss the capital replacement fund if it wants to.

Councilmember Fletcher asked when the capital maintenance fund would be funded. Chief Litsey stated the intent has been to put \$10,000 into that fund in 2013, noting that has not been cast in stone. Litsey stated funding the capital maintenance fund is not as time sensitive as the Operating Budget.

Mayor Kind stated the 2013 Operating Budget could be approved as a separate motion.

Without objection from the seconder, the maker of the motion withdrew the motion.

Fletcher moved, Quam seconded, approving the South Lake Minnetonka Police Department's 2013 Operating Budget as presented. Motion passed 4/1 with Rose dissenting.

Councilmember Rose stated he preferred the idea of having the Hennepin County Sheriff's Department providing policing services to the City. From his vantage point the City would save a lot of money by doing that.

Chief Litsey explained that the 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. There is ongoing maintenance built into the Operating Budget. There is also an assigned fund for some of the more major repairs such as the current project to replace the ballasts in the building. The estimates to do that project range from \$24,000 to \$42,000. He noted that Shorewood Public Works Director has been an excellent partner with the SLMPD in identifying ways to reduce the cost of that project and other identified projects. He explained the assigned fund does have funding for a number of those types of projects. The capital replacement fund would be used to fund the eventual replacement of items that have reached the end of their projected life. Those items will cost hundreds of thousands of dollars. He noted that if repair, maintenance, and improvement projects are not done at the appropriate time the projects will end up costing a lot more.

Litsey stated the nomenclature that has been used in the past has been called a capital maintenance fund. That name has been changed to capital replacement fund to more appropriately reflect that the true intent is for the long term things or things that are not anticipated. The SLMPD and Coordinating Committee believe it is prudent to put money aside in advance of the need to replace major items in order to smooth out funding for their replacement.

Litsey explained the SLMPD Coordinating Committee discussed the topic of establishing and funding a capital replacement fund during its July 18, 2012, meeting. He provided the Committee with a proposal and a spread sheet for three different contribution levels (\$10,000; \$15,000; and \$20,000) for 2013 based on the 2012 debt service percentages. He noted the SLMPD and member cities have been aware of this issue since the facility was first occupied in 2004. The Committee agreed that the proposal for a capital replacement (maintenance) fund for the public safety facility located in the City of Shorewood outlined in a memorandum authored by SLMPD Chief Litsey dated July 15, 2012, be brought back to the SLMPD member City Councils with a recommendation for approval. The Committee also recommended that \$10,000 be budgeted for that fund in 2013. The SLMPD intends to provide more refined data on the life expectancies of various components of/in the facility.

Litsey noted there was a preference on the part of some Coordinating Committee members to use the same funding formula approach (based on ad valorem) that was used for the construction of the facility for funding the capital maintenance fund. He then noted that Mayor Kind did not commit to that approach.

Litsey then explained that Greenwood's 2012 debt service percentage was 10.98 percent. Based on a contribution of \$10,000 Greenwood's contribution would be \$1,098 based on its 2012 debt service percentage. If it were based on Greenwood's current operating budget percentage it would be \$848. He stated the reason the ad valorem formula is being recommended is because that is how building is being paid for, and that the capital replacement fund is also for capital expenditures.

Litsey expressed his appreciation for the member cities addressing this issue, and his confidence that it can be resolved with an acceptable solution.

Page moved, Quam seconded, continuing discussion of the capital replacement fund to Council's September 5, 2012, meeting to allow time for thoughtful analysis and further discussion.

Councilmember Fletcher stated the bonded debt for the construction of the facility will be paid off in 2023. He asked when the building was built. Chief Litsey explained the building was occupied by the SLMPD in January 2004 and by the Excelsior Fire District (EFD) in December 2003. Fletcher asked if

the major replacement items are expected to occur pre or post when the building is paid off. Litsey stated he thought the roof is scheduled for replacement after about 22 years. There are items planned for 2015, and in 2022-2024.

Chief Litsey noted that there has been discussion about waiting until the bonded debt is paid for before funding a capital replacement fund. But, there is a risk that there will be a need to fund major replacement items before that. He stated there was agreement that it would be prudent to make the member cities aware of this need and to establish a placeholder for funds. The funding level would be refined each year based on the current replacement schedule.

Councilmember Fletcher stated that from operating buildings in his business there have been buildings purchased 25 years ago that have flat roofs that have been appropriately maintained and still do not need to be replaced. The roofs were not brand new when the buildings were purchased. He clarified he is not implying that is the case for the roof on the facility. He stated that there are times when doing the appropriate maintenance will prolong the useful life of a component. He then stated that he did not think taxpayers would object to having to pay more for building maintenance once the debt for the building is paid off.

Chief Litsey extended an offer to those member City Councilmembers who have expertise in long-term building repair, maintenance, and replacement planning to become involved in the planning and scheduling process.

Mayor Kind stated the Coordinating Committee wants the member cities to reach agreement on how capital replacement needs will be funded and what share each member city will pay should there be a cash call. She then stated the first priority is to have an agreement in place. She then stated that it is her understanding that some of the EFD member cities prefer to have the cities keep the funds for replacement items under their control until there is a need for them.

Chief Litsey explained that if a capital replacement fund is established for the SLMPD it would be maintained as a separate fund and it would earn interest that would be kept in the account. Similar to its fund for debt service where it is not co-mingled with operating funds. If the funds were administered on the SLMPD side it would be administratively easier to manage.

Litsey explained the proposal the Coordinating Committee discussed for handling the funds is similar to the way change orders were handled during the construction of the facility. The disbursement of the funds would be under the direction and control of the SLMPD Coordinating Committee and the EFD Governing Board. The Chiefs would be given the authority to make decisions independent of the Committee and Board based on predetermined criteria established by the Committee and Board. Circumstances and dollar amounts would determine when just the Chiefs could make a decision (e.g., an amount up to \$10,000), when the Chiefs and the Committee and Board Chairs could make a decision (e.g., an amount up to \$20,000), and when the entire Committee and Board need to make a decision (e.g., any amount over \$20,000). This process would be more streamlined than trying to get 20 to 25 member City Councilmembers to agree on how to fund something that has to be done.

Motion passed 5/0.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Variance Findings of Fact, Matt and Angela Lindberg, 5160 Greenwood Circle Channel Drive (grade alteration)

Mayor Kind explained that during Council's July 5, 2012, meeting the motion to approve the variance request for grade alteration for Matt and Angela Lindberg, 5160 Greenwood Circle, failed on a 2-2 vote with Mayor Kind and Councilmember Quam voting in favor of it and Councilmember Page and Rose opposing it. Councilmember Fletcher was not in attendance. The deadline to take action was July 14, 2012. Written findings were not prepared in advance, so the Council approved a motion to extend the deadline for action by sixty days to give the City Attorney time to draft findings for denial. A copy of the Findings of Fact for denial is included in the meeting packet.

Kind stated because all of the Councilmembers were not present at the July 5 meeting the applicants requested a vote of the full Council during this meeting. A copy of the applicants' request is included in the meeting packet. Also included is a memorandum from the City Attorney regarding parliamentary procedure, voting quorum, and motions.

Fletcher moved, approving a variance request by Matt and Angela Lindberg, to alter the existing grade on their property by thirteen feet as part of a landscaping project to enlarge their rear yard and to improve drainage on their property subject to the following conditions. 1) The project must be completed according to the specifications and design requirements in the plan prepared for the applicants by Michael R. Johnson P.E. of Civil Engineering Professionals dated June 8, 2012. 2) The project must also adhere to the additional requirements in the letters to Gus Karpas dated June 12 and June 26, 2012, from Robert E. Bean, Jr. P.E. of Bolton & Menk, Inc. which is the City Engineer for Greenwood. 3) The applicants agree to maintain the proposed landscaping including the required fencing and to repair the walls as needed to prevent either a) increased drainage onto neighboring properties or b) settling and or deterioration of the walls that would potentially impact neighboring properties and also c) minimize potential safety issues. 4) The applicants agree to maintain a list of all trucks at the project site that are either delivering landscaping or removing landscaping materials from the project site. The list will include truck license number, model, tear weight, gross weight, and date and time of delivery or removal. A copy of the list will be provided to the City of Greenwood at the completion of the project. The applicants will be responsible for paying the required load limit permit fees for the trucks to the extent they are not paid by the truck owners. 5) This approval and the conditions thereof shall be filed by applicants with the Hennepin County Register of Titles with proof thereof being provided to the City of Greenwood before the start of the proposed project.

Councilmember Page expressed his objection to the motion because it is improperly before Council. It is not on the agenda. The only thing on the agenda is approving the denial. The memorandum from the City Attorney requires a motion to reconsider the denial before an approval could be reconsidered.

Councilmember Fletcher stated the motion was never formally denied. It was a split vote. The motion he made is just a different motion with conditions to approve the variance request.

Attorney Kelly noted the City Council has not adopted any parliamentary procedure such as Robert's Rules of Order. He explained the memorandum he prepared for Council attempted to cover resolutions in general, motions in general, motions to reconsider and motions to rescind. Under Robert's Rules only a person who voted on the prevailing side may move to reconsider. The League of Minnesota Cities (LMC)

points out that in the absence of Robert's Rules being adopted, any member may make a motion to reconsider.

Councilmember Fletcher asked if a motion was ever approved during the July 5 Council meeting that has to be reconsidered or rescinded. Attorney Kelly stated there was a motion to approve the variance request and it failed on a split vote. Fletcher stated he made a different motion with a set of conditions; therefore, there is no need to reconsider the motion that failed.

Mayor Kind asked Attorney Kelly if the July 5, 2012, motion needs to be rescinded before a different motion can be made. Kelly stated Council needs to decide if a motion to rescind a matter is in order at this time. Based on that analysis Council will have to find its way forward.

Councilmember Fletcher asked what there is to rescind if it was never approved.

Attorney Kelly explained when the July 5 motion failed it was effectively a denial of the variance application. He stated the conundrum was there was not a set of findings of fact supporting the denial that could be formally adopted by Council.

Councilmember Fletcher asked if a Councilmember could have made a different motion with a set of conditions that had not been part of the original motion during the July 5 meeting. Attorney Kelly noted that he does not want to be put in the position of being the decider of this. He stated Fletcher is asking a hypothetical question and it is difficult to give Fletcher the answer he deserves because there is not a set of rules upon which Council has relied.

Councilmember Fletcher stated his position is if the motion had failed it would have been natural for a Councilmember to make different motion. He noted that he watched the video recording of the July 5 meeting and read the minutes for that meeting that were approved earlier in this meeting.

Councilmember Page explained that during the July 5 meeting there was one motion made and it was to approve the variance request. It failed on a split vote and that constitutes a denial of the variance request. The request was continued to allow the City Attorney to prepare findings of fact for denial. Council needs to take action on that.

Zoning Administrator/Clerk Karpas asked Attorney Kelly if Council acts on the findings of fact for denial and that motion fails, can a Councilmember make a different motion directing Kelly to prepare findings for approval. Kelly explained if there is a motion to approve the Findings of fact for denial as presented then presumably Council will vote on the merits of the Findings as to whether they are reflective of the actual circumstances as known. He noted that Councilmember Page has had the opportunity to review the Findings and it is his understanding the Findings meet his editorial approval. If Council refuses to adopt the Findings it should be assumed that Council will react with collective reasoning.

Mayor Kind asked Attorney Kelly if Council could also proceed with Councilmember Fletcher's motion on the table.

Attorney Kelly stated from a procedural perspective he would first like Council decide if it believes it has the authority to reconsider the July 5 matter during this meeting. If Council decides to grant itself that authority then it will also own everything that has brought Council to this point.

Mayor Kind stated that in his memorandum Attorney Kelly explains there is a distinction between a motion to reconsider and a motion to rescind. She asked if that is semantics or if Council needs to

carefully select which approach, if either, it wants to take. She stated it is her understanding that reconsidering needs to be done at the same meeting during which the original motion was made and acted upon. And a motion to rescind can be made at any subsequent meeting.

Attorney Kelly agreed and stated under Robert's Rules a motion to reconsider has to be made at the meeting during which a motion is made. A motion to rescind is made at a future meeting.

Councilmember Rose asked how long it would be before the applicants can reapply if the variance request is denied. Attorney Kelly responded one year.

There was no second to Councilman Fletcher's motion. Mayor Kind stated if there is a desire to revisit this she would entertain a motion to rescind the July 5 motion. If there is no desire to do that, she will entertain a motion to approve the Findings of Fact as presented.

Page moved, Rose seconded, Adopting RESOLUTION NO. 18-12, "A Resolution Setting Out the Findings of Fact and Conclusions of Law Regarding the Matt and Angela Lindberg Grade Alternation Variance Request" as presented.

Councilmember Page explained he took the opportunity to look at the historical file at the City on this matter subsequent to the meeting. The plan for drainage had the property sloped back from the house. Yet the explanation Council heard from the contractor for the property owner was that the property was slanted toward the house. He thought that is part of the problem and that it should be sloped as originally designed. Councilmember Quam asked how the property could be sloped into a hill. Page stated the original plan was to have the land higher near the house's foundation and slope it back across the yard to where the land went up. That would create drainage off to the sides. It was not the way it was explained it was going to be done during the July 5 meeting. He stated the previous owner's plan was an engineered plan and he suggested the original plan be used. He commented he did not think there were gutters on the back of the roof and that could be part of the problem.

Councilmember Fletcher stated that he is going to vote against the Findings of Fact for denial, noting he was not at the July 5 Council meeting. He also noted he was the Council liaison for the Planning Commission meeting when the variance request was discussed. The Commission recommended approval of the request on a 5/0 vote after giving the request serious consideration.

Mayor Kind noted that at the dais this evening was a letter from Bolton & Menk stating that the culvert would be able to handle the additional runoff.

Councilmember Fletcher discussed how he thought the application met the practical difficulty standard.

The standard states "*That the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*" He noted that he would not have built a house the size of the one that original developer did on the property. He stated he thought it was a reasonable request to want to have a small backyard when you have a four bedroom house. In addition, the applicants are proposing to improve the flow of stormwater on their property. The drainage is intended to flow away from the house. And, there is the possibility that the drainage improvements will reduce runoff into the street. The standard states "*The plight of the homeowner is due to circumstances unique to the property and not created by the landowner.*" The rear yard of the property has a deep, large slope that dominates the back yard and limits its use. The standard states "*The variance, if granted, will not alter the essential character of the locality.*" He did not think it will alter the character of the neighborhood. He indicated he thought

what is being proposed may actually help the neighborhood with regard to drainage. The proposal does not result in an increase in hard cover.

Fletcher explained when considering a variance request Council must adopt findings addressing the following questions.

“Is the variance in harmony with the purpose and intent of the ordinance?” He explained the reason the one foot grading standard was implemented when the massing ordinance went into effect was mainly to keep a developer from raising the grade for a new house. He noted Planning Commission Chair Lucking concurred with that perspective. *“Is the variance consistent with the comprehensive plan?”* He stated he thought it is. *“Does the proposal put property to use in a reasonable manner?”* He reiterated a small back yard for a four bedroom house seems reasonable along with improved drainage. *“Are there unique circumstances to the property not created by the landowner?”* He reiterated he would not have built a house the size the developer did. But, the resident has come to the City with an issue not created by them that he believes should be given serious consideration. *“Will the variance, if granted, alter the essential character of the locality?”* He addressed that in the practical difficulty standard discussion.

Fletcher stated changing the grading will not affect the supply of light and air to adjacent properties. It will not affect traffic congestion in the public street after the project is completed. It will not impact fire or public safety. The Planning Commission requested a fence be put at the top of the hill and that will be an improvement over the current situation. That is included in his motion. It will have no adverse impact on the neighboring property values.

Fletcher noted there are two engineers and one architect on the Planning Commission. He related Planning Commission Chair Lucking questioned if a variance was needed for the project. He noted that he believes it is. He related that Commissioner Cook, a Professional Engineer, had stated that when plans are not properly done there can be issues. A professional engineer prepared the detailed plans submitted by the applicants. The City Engineer reviewed the plans and provided his recommendations.

Fletcher stated for the reasons he just reviewed he disagrees with the Findings of Fact for denial.

Councilmember Quam stated nothing has happened between the July 5 vote and now to change his vote. His vote was to approve the variance request. He stated if Council is ready to approve the variance he asked what steps must be followed to do that.

Mayor Kind stated the first step is to take action on the Findings of Fact for denial before Council this evening. She noted that she voted to approve the variance and therefore will not be voting in favor of the findings for denial. She stated Councilmember Fletcher covered her points quite well and therefore she will not repeat similar things. She did have one addition. She then stated one of the findings needs to answer the question *“Is the variance consistent with the comprehensive plan?”* She explained page 21 of the City’s Comprehensive (Comp) Plan states *“The City relies on its requirements of bluff setback and toe of bluff setback as well as excavation and clear-cutting limitations within the Shoreland District Management zone to control adverse impacts on slopes.”* The current slope on the applicants’ property does not meet the standards in the City Code in order to be considered a bluff. Therefore, the proposed project is consistent with the Comp Plan.

Motion failed 2/3, with Fletcher, Kind and Quam dissenting.

Mayor Kind asked Attorney Kelly what the next step is. Kelly stated Council voted to deny the variance request during the July 5 meeting. Kind clarified Council did not deny the request; Council failed to

approve the request. Kelly stated by not approving the Findings of Fact for denial Council is effectively reopening the request for consideration. The matter has to be moved forward one way or another. Kelly reiterated Council has not adopted parliamentary rules that define how Council should proceed. Therefore, Council is responsible for deciding how it wants to move forward with this matter. Kind asked Kelly if the July 5 motion that did not get approved should be rescinded or should she entertain a new motion. Kelly responded Council now needs to go forward.

Councilmember Page stated from his perspective once Council vote to approve the Findings of Fact for denial failed, the issue is became reopened. Therefore, it is appropriate to entertain a new motion. He noted that the new findings have to be adopted within the 60-day extension period. Mayor Kind noted that period ends on September 12, which is after the next regular Council meeting scheduled for September 5. Kind stated the project can proceed before findings for approval are adopted, while noting that Page does not share her perspective. Page noted that he does not agree that the project can proceed before the findings are adopted because they may not be adopted as is the case this evening.

Councilmember Quam stated his biggest concern is the damage to the roads from the construction trucks. A concern he expressed during the July 5 meeting. He asked the contractor for the applicants how materials will be hauled away. Damon Roth, Tier One Landscape, 15280 South Robert Trail, Rosemont, Minnesota, stated materials will be removed from and brought on to the site using 7-ton, tandem-axle trucks in order to minimize the weight on the roads. Approximately 20 trucks loads of material will be transported. He noted a normal dump truck is 9-tons per axle. Mayor Kind noted the spring weight restriction on City roads is 5 tons and 7 tons is the normal weight restriction. Quam asked that a condition of approval be added restricting truck loads to be 7 tons or less.

Fletcher moved, Quam seconded, approving a variance request by Matt and Angela Lindberg, to alter the existing grade on their property by thirteen feet as part of a landscaping project to enlarge their rear yard and to improve drainage on their property subject to the following conditions. 1) The project must be completed according to the specifications and design requirements in the plan prepared for the applicants by Michael R. Johnson P.E. of Civil Engineering Professionals dated June 8, 2012. 2) The project must also adhere to the additional requirements in the letters to Gus Karpas dated June 12 and June 26, 2012, from Robert E. Bean, Jr. P.E. of Bolton & Menk, Inc. which is the City Engineer for Greenwood. 3) The applicants agree to maintain the proposed landscaping including the required fencing and to repair the walls as needed to prevent either a) increased drainage onto neighboring properties or b) settling and or deterioration of the walls that would potentially impact neighboring properties and also c) minimize potential safety issues. 4) All truck loads shall be seven tons or less per axle. 5) This approval and the conditions thereof shall be filed by applicants with the Hennepin County Register of Titles with proof thereof being provided to the City of Greenwood before the start of the proposed project. And, directing the City Attorney to draft findings of fact for approval based on Council's discussion this evening for Council's consideration during its September 5, 2012 meeting.

Councilmember Page asked that the comments he made during the July 5, 2012, meeting (as detailed in the minutes of that meeting) be part of the record. He stated he sees no reason for the idea that eviscerating the side of the hill won't alter the essential character of this locality. It also absolutely creates a safety hazard with a 13-foot drop off the back. He then stated there are many things the property owners could try to do if they are really trying to address drainage issues. From his vantage point, they are trying to remake a property they brought in a neighborhood that is built on a hillside. He noted the City recently resolved the drainage problems in that area when it did street and stormwater project. He stated he thought doing it would be a disaster.

Mayor Kind stated Councilmember Page's comments from the July 5 meeting are already part of the public record because they are captured in the minutes for that meeting.

Motion passed 3/2 with page and Rose dissenting.

Councilmember Rose stated no one really knows if there will be an adverse impact on drainage as a result of this project.

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 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.

Kind then explained a draft Ordinance was placed on Council's July 5, 2012, meeting agenda for consideration. During that meeting Council approved a temporary process for assigning canoe racks during 2012 only in order to give Council additional time to consider the ordinance. The temporary process allowed for the City to begin taking applications for canoe rack spaces beginning July 9, 2012, at 8:00 A.M. Two spaces had been assigned at the time of the Council meeting packet deadline.

Kind stated this evening is the first reading of Ordinance 212, amending Ordinance Code Section 425 to establish procedures for canoe racks. She noted that 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. She noted the City Attorney has reviewed the ordinance amendment.

Kind explained some of the proposed revisions are minor and they are intended to help clarify the process for watercraft spaces in general. Council may want to consider making others 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 Council wants to make a change in this regard, now would be a good time to do so.

Kind explained if Council approves the first reading of this Ordinance this evening it will be placed on Council's September 5, 2012, meeting agenda for a second reading. Once the Ordinance is approved it needs to be published in the City's designated newspaper before it goes into effect. She stated the goal is to have the ordinance in place as soon as possible in order for the City to start building the waiting list for canoe rack spaces for when applications are sent out by February 1, 2013, for the 2013 boating season.

Councilmember Page stated in Section 425.15(e) Process the statement "... *by mailing an application for first time slip assignment*" is proposed to be deleted. He questioned the need for doing that.

Page then stated it is proposed to change "*New permittees must complete the application requirements in section 425.25 by the deadline on the application (10 days from the date of mailing).*" to "*New permittees*

must complete the application requirements in section 425.25 within 10 days of the date on the written notification.” He noted the date of the written notification might not be the date of mailing. Mayor Kind stated the reason for the second proposed change is to have the language be consistent with the actual process. Kind explained when a person’s name rises to the top of the waiting list a letter is sent to the person informing them that their name is at the top of the list. An application is sent along with the letter. The City Clerk fills in the date on the application. The date will be the date it is mailed. Page stated it may not be. Kind commented that the language about the date does not have to be changed. Page noted that he prefers people be notified in writing, and that he would like the date to be the date of the mailing.

Councilmember Quam stated if there is an issue about the date why can’t it be changed to, for example, within 12 or even 15 days. Councilmember Page stated 10 days is a pseudo “legal standard.”

Councilmember Page asked if the proposed Ordinance stipulates that if a person rents a canoe rack space that they are prohibited from renting a motorcraft or sailboat space from the City. Mayor Kind responded it does; a person can only be assigned one watercraft space. Kind noted that is how the current Ordinance works. Kind explained a person can be on the waiting list for a dock slip and sailboat space but they can only have one at a time. She stated Council may want to change that restriction because there are currently sailboat spaces available.

Councilmember Quam stated he does not think a resident should be able to have a motorcraft space and a sailboat space. But, he does not think a person should be prohibited from being assigned a watercraft space and a canoe rack space. Councilmember Fletcher commented the City can always install a second canoe rack if there is a demand for it.

There was Council consensus to change the Ordinance for the second reading to allow a person to be assigned a motorcraft or sailboat space as well as a canoe rack space.

Councilmember Fletcher reiterated some property owners in the City have their primary residence set up in Florida to save on taxes and use their Greenwood home only during the summer months, and that Deephaven’s dock requirement is that people need to reside in the city during the summer months. He noted that the current Ordinance does say residents. He also noted that he is open to handling those situations the way Deephaven does.

Mayor Kind stated she supports leaving the Ordinance, regarding residency, the way it is.

Attorney Kelly asked if the people are asking if residents of Florida are entitled to this benefit. Mayor Kind stated that is correct.

There was Council consensus not to alter the residency requirements in the Ordinance for this first reading of the Ordinance.

Fletcher moved, Quam seconded, adopting the first reading of Ordinance 212, amending Code Section 425 regulating Municipal Watercraft Spaces subject to the changing “*New permittees must complete the application requirements in section 425.25 within 10 days of the date on the written notification*” to “*New permittees must complete the application requirements in section 425.25 within 10 days of the date of mailing*” and allowing a person to be assigned either a motorcraft or sailboat space as well as a canoe rack space. Motion passed 5/0.

C. Discuss Potential Clean Up of St. Alban’s Bay Shoreline Along Minnetonka Bay

Mayor Kind noted this item was continued from the May 2012 Council meeting to the June Council meeting and then again to this Council meeting.

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. In his email to the City Mr. Quinn stated that St. Alban's Bay is the only bay in Lake Minnetonka that cannot be seen by drivers passing by on Minnetonka Boulevard. He also stated the beautiful view is blocked by "really crappy foliage" (buckthorn, etc). He asked that the area be cleared out so people can enjoy the view and "hang out on the shore to relax and catch a few bigguns."

Kind then explained that the 2012 budget includes \$13,000 for trees, weeds and mowing. Last year the City spent \$12,000 for these items. If Council decides to move forward with a clean-up project and the scope of the project exceeds the budget, contingency funds (\$25,446) are available or a transfer could be made from another fund. She noted Council could pursue using City Park funds (the current balance \$27,000), but the project must comply with State Statute 462.358 subd. 2b (a copy of which is included in the meeting packet). She stated if Council wants to move forward with this it may want to consult with the Minnehaha Creek Watershed District.

Councilmember Fletcher explained that the budget discussed in the work session prior to this meeting indicates the City spent \$21,575 in 2011 for trees, weeds and mowing. The proposed 2013 budget for this item is \$20,000. He expressed concern about increasing the expense for this line item. He stated if the City does clean the area up it will then have to maintain it.

Mayor Kind and Councilmembers Fletcher, Quam and Rose indicated they supported doing nothing.

Councilmember Page recommended cutting down the buckthorn and some of the other unsightly foliage to a height that allows St. Alban's Bay to be seen when driving by it. He stated the Bay is an amenity in the City that is attractive and he thought being able to see it would have an impact on property values. He noted that he does not support Mr. Quinn's idea that the area be cleared out so people can "*hang out on the shore to relax and catch a few bigguns*" because there is no room to do that in that area. He clarified he is not saying that any plantings should be eradicated, but rather that it look somewhat like a hedge. He stated the buckthorn, for example, could grow to the height of the guard rail along the roadway. It would not be cut every year.

Councilmember Fletcher stated he would be more comfortable if it was not cut each year.

Mayor Kind stated the trimming could be done in the winter. She then stated Council could continue this item until it has a better understanding of how much of 2012 tree trimming budget has been used.

Fletcher moved, Page seconded, continuing this item to the November 2012 Council meeting agenda. Motion passed 5/0.

7. NEW BUSINESS

A. Implementation of "Sump Pump Program"

Mayor Kind explained implementation of what is being referred to as a "sump pump program" will help ensure clean water is not being discharged into the sanitary sewer system. During Council's July 5, 2012, meeting Council approved the second reading of an ordinance that allows the City to conduct such programs. She noted the meeting packet contains copies of a draft letter and certification form that would

be mailed to all property owners in the City. The letter and form have been reviewed by the City Attorney.

Kind noted that if Council wants to implement this program Council has to authorize Zoning Administrator/Clerk Karpas to secure the services of a certified inspector. The inspector could be based on recommendations of the City Engineer or recommendations from city administrators for other cities.

Councilmember Fletcher stated he is aware of a resident in the City who is not a “plumber” but could probably do the work at a reasonable cost. Mayor Kind suggested Fletcher pass the name on to Zoning Administrator/Clerk Karpas should Council decide to move forward with this program.

Quam moved, Fletcher seconded, authorizing the implementation of a “sewer pump program” and directing the City Clerk to mail the proposed letter and certification form to all property owners in the City.

Without objection from the maker or seconder, the motion was amended to include authorizing the City Clerk to secure the services of a certified inspector if needed based on the recommendation from the City Engineer or city administrators for other cities.

Councilmember Fletcher stated he thought the 14-day response period for property owners to return their completed certification form to the City is too short. He suggested they be given a grace period of a few days. Mayor Kind stated Council has that discretion and to formally change it would require a change to the Ordinance.

Councilmember Page asked if Zoning Administrator/Clerk Karpas is going to report back to Council on the recommendation for an inspector including the inspector’s fee for service. Karpas stated that is his understanding. Page stated that before the City has an inspector go out to any property he would like to see the list of property owners who have not returned their certification form. That would not occur until the September 2012 Council meeting and therefore it will effectively provide some amount of grace period depending on when the letter and certification form are mailed out.

Mayor Kind stated only those people who authorize a City inspector to conduct a physical inspection on the certification form will need an inspection.

Motion passed 5/0.

B. Authorization to Send Budget Comment Opportunity Information to Hennepin County

Mayor Kind stated authorizing the sending of budget comment opportunity information to Hennepin County is a routine item.

Fletcher moved, Rose seconded, authorizing the City Clerk to send the following information to Hennepin County – the time and date to hear public comment regarding the Greenwood 2013 Budget is December 5, 2012, at 7:00 P.M.; the place is at the Deephaven Council Chambers located at 20225 Cottagewood Road, Deephaven, Minnesota 55331; and, the phone number is 952.474.6633. Motion passed 5/0.

C. Minnehaha Creek Watershed District Taft-Legion Project

Mayor Kind stated the Minnehaha Creek Watershed District (MCWD) informed cities that it is 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. She asked if Council wants to weigh in on this topic being the City already pays a lot of money to the MCWD via ad valorem taxes. She noted the meeting packet contains a list of what each city in the MCWD's jurisdiction paid in MCWD taxes in 2011.

Councilmember Quam stated the residents in the City already paid the MCWD approximately \$53,800 in 2011 and he thought that amount was adequate. Mayor Kind concurred.

Councilmember Fletcher stated this will be funded out of the MCWD's current levy. In the future projects implemented today may potentially increase a future levy.

Mayor Kind stated the motion suggested in the meeting packet is to authorize the Mayor to send a letter to the MCWD informing it that the City supports using current tax levy dollars for the project and that it opposes any new ad valorem tax levy. Councilmember Fletcher suggested changing it so say it opposes increasing the MCWD tax levy.

Fletcher moved, Quam seconded, authorizing the Mayor to send a letter to the Minnehaha Creek Watershed District (MCWD) stating that the City supports using the current tax levy dollars for the Taft-Legion Regional Volume and Load Reduction Project and opposes increasing the MCWD tax levy. Motion passed 5/0.

D. Potential Lake Minnetonka Conservation District Ordinance Regulating Bow Fishing

Mayor Kind stated the Lake Minnetonka Conservation District (LMCD) Public Safety Committee has recommended the LMCD Board consider adopting an ordinance relating to bow fishing for Lake Minnetonka. Such 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.

Kind noted the memorandum in the meeting packet lists the proposed restrictions. 1) The LMCD's 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. Bow fishing from the land would be addressed by the municipalities. 3) The length of the tethered line would be restricted to 50 feet. 4) A 300-foot setback (the length of a football field) would be required from a swimming beach or swimmer.

Kind stated the LMCD has solicited feedback from the LMCD member cities regarding the possibility of the LMCD adopting this type of an ordinance. It wants to know what the member cities think about the Committee's recommendations. And, if there are there other specific restrictions that should be considered by the LMCD that are more restrictive than state law. The LMCD has indicated there are two other options for the LMCD to consider relating to bow fishing. [The LMCD could continue to function as it currently does by referring to state law and city ordinances. This would mean requests from the public will be referred to the local municipality to check on local firearms and archery ordinances. Or, the LMCD could adopt an ordinance prohibiting bow fishing entirely on Lake Minnetonka.]

Kind noted the meeting packet contains a copy of correspondence from the LMCD, a table including response information received in 2011, and a copy of the City's Ordinance related to firearms regulations and dangerous weapons.

Councilmember Page stated this topic was not specifically brought up before the LMCD Board. He suggested not doing anything regarding this. He then stated he did not think it is appropriate for the LMCD Safety Committee to poll the LMCD member cities without there being direction from the LMCD Board. He questioned the 300-foot setback from a swimming beach or swimmer when there is also a proposed restriction limiting the length of a tethered line to 50 feet.

Councilmember Quam suggested having Councilmember Page, the City's representative on the LMCD Board, gather more information about this.

Councilmember Page stated from his vantage point the LMCD should adopt an ordinance because there is a lot of variance between the municipalities and the various agencies regarding what can occur with regard to bow fishing. But, the content for such an ordinance needs to be discussed by the LMCD Board. He then stated he will inform the LMCD Board that the City thinks there should be an overall ordinance.

Mayor Kind stated she did not think the overall ordinance should be too much more restrictive than the State. She would like to encourage bow fishing in Lake Minnetonka to get rid of rough fish.

Councilmember Rose stated he had no problem with the 300-foot setback.

E. Potential Wind Turbine Ordinance

Mayor Kind explained that wind turbines were the topic of discussion on a recent mayors' discussion through the League of Minnesota Cities list-serve email system. The topic is timely given the recent case in the City of Orono and the potential for an increased interest on the part of residents wanting to install "green" products such as wind turbines. The City of Brooklyn Park recently adopted a wind turbine ordinance based on a study it commissioned. A copy of that ordinance is included in the meeting packet. The ordinance includes different standards specific to their various the zoning districts.

Kind asked Zoning Administrator/Clerk Karpas if he thought the City's current ordinances would protect the City. Karpas responded he thought it would be regulated under accessory structures. That is how most cities would regulate them. Heights, noise vibrations and so forth would be regulated through the existing ordinance. Karpas noted the current Ordinance would have to be reviewed to verify it is adequate.

Attorney Kelly asked Zoning Administrator/Clerk Karpas if he agreed that it currently is not a permitted use. Karpas stated turbines are not a permitted or conditional use under the current ordinance.

Councilmember Fletcher expressed concern that it would be difficult to determine what the conditions should be applied to a permitted use at this time. He then stated he has no big need to make wind turbines a permitted use. Mayor Kind agreed.

Attorney Kelly stated on a residential scale it would be difficult to know what the appropriate conditions should be.

Mayor Kind stated if Zoning Administrator/Clerk Karpas and Attorney Kelly are comfortable that the current ordinance addresses this then there is no need to address this further.

Attorney Kelly noted the City of Orono took a resident to task on a wind turbine. He then stated the basic premise is it is not listed it is not permitted.

There was Council consensus to do nothing with regard to wind turbines.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

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

With regard to the Planning Commission, Councilmember Fletcher stated there had not been a meeting last month.

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Fletcher stated the LMCC is working on its 2013 budget.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated he had submitted some additional comments at the public hearing. He noted that Greenwood Council representatives at the public hearing made it clear that they would like the power line buried from St. Alban's Bay Bridge to Linwood Circle.

Mayor Kind noted that she sent a letter to the appropriate parties reiterating the City's request to bury the line.

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

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated the SLMPD 2013 Operating Budget was discussed during the Committee's July 18, 2012, meeting. The draft Uniform Animal Control Ordinance was also discussed. She noted that Attorney Kelly has reviewed it and provided his comments to Deephaven City Administrator Young who represents Greenwood in the administrative group capacity. A final proposed Ordinance will be provided to the Committee. There was a brief presentation on the eCharging/eComplaint system the SLMPD is using. The system will streamline and expedite that process.

With regard to mayor meetings, Kind stated there have not been any since the last Council meeting.

With regard to the website, Kind stated there continues to be strong use with 2,361 hits in the last month.

C. Page: Lake Minnetonka Conservation District

Councilmember Page reported on Lake Minnetonka Conservation District (LMCD) activities. He stated they have spent a lot of time on the ROV (remote operation vehicles) sonar device the last time. The cost has gone from \$125,000 to \$153,000. The LMCD has committed \$13,000 from the Save the Lake Fund. There was a push to take \$25,000 from the savings from the 2011 harvesting program and savings from this year's chemical treatment program and put that additional amount toward the sonar device also. He

noted he opposed taking the funds from the AIS savings and he was also opposed to the \$13,000 commitment.

Mayor Kind asked if the Save the Lake Fund has a policy regarding the use of funds. Councilmember Page responded the funds are intended to "Save the Lake."

Councilmember Page related he told the LMCD Board it would be a good idea to use the AIS savings for AIS programs in 2013. He stated he has not bought into there being a need for the sonar device because Ramsey County and Wright County each have a device. He then stated there was no consensus on the LMCD Board to commit more than the \$13,000. As of the last LMCD Board meeting when this discussed the Hennepin County Sheriff's Department, the Three Rivers Park District, the Minnehaha Creek Watershed District, different municipalities and commercial marina owners have not agreed to commit anything to the funding.

Page stated the LMCD Aquatic Invasive Species (AIS) Subcommittee which is working on the comprehensive vegetation management plan for Lake Minnetonka is meeting on August 10 in lieu of an AIS Task Force meeting. He noted the plan is not near being complete.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated the roadway project is relatively completed. The final coating was put down yesterday and today. He noted some issues arose with regard to unexpected costs. On Curve Street it became apparent that the whole roadway needed to be dug up and class five rock needed to be put down as a base. A culvert had to be replaced at the end of Greenwood Circle. The extra leg off of Meadville Street down to the fire lane ended up being included in the project. He stated there was a problem with traffic control during project work. He will speak with the contractor about that.

Councilmember Page expressed concern about the culvert at the end of Greenwood Circle. It appeared it was caving in somewhat after the first coat was put on at the end closest to Excelsior. Councilmember Quam stated he will check into that.

With regard to Minnetonka Community Education, Quam noted Tour de Tonka bike ride is scheduled for August 4. He noted volunteers are still needed.

E. Rose: Excelsior Fire District

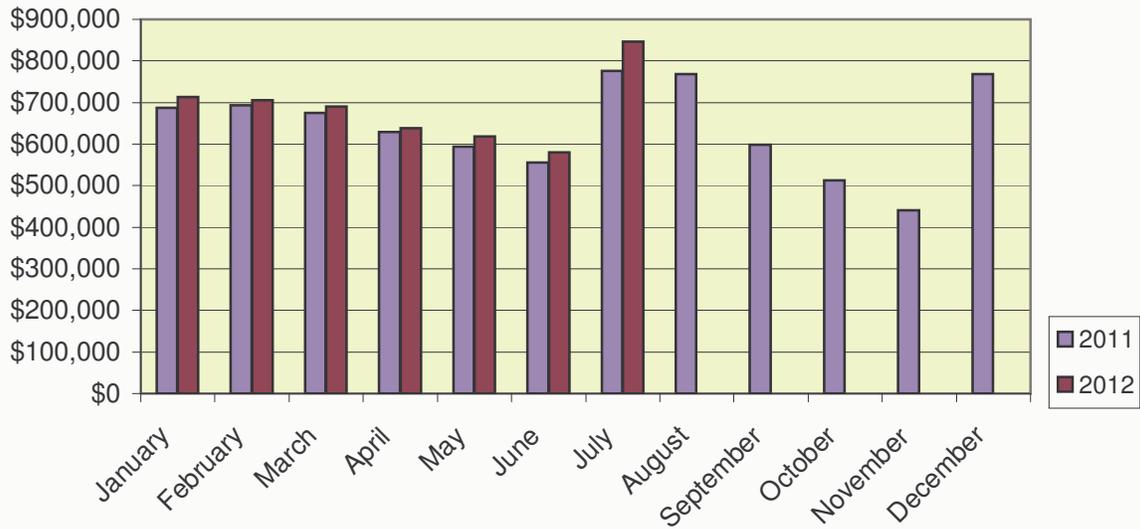
Councilmember Rose stated there is joint meeting of the Excelsior Fire District (EFD) member City Councils scheduled for August 8 to discuss the proposed 2013 EFD Operating Budget.

10. ADJOURNMENT

Page moved, Fletcher seconded, Adjourning the City Council Regular Meeting of August 1, 2012, at 9:02 P.M. Motion passed 5/0.

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 | \$846,897 | \$266,319 | \$70,247 |
| August | \$768,223 | \$0 | -\$846,897 | -\$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 | \$638,888 |
| Bridgewater Bank Checking | \$4,713 |
| Beacon Bank CD | \$180,000 |
| Beacon Bank Money Market | \$23,196 |
| Beacon Bank Checking | \$100 |
| <hr/> | |
| | \$846,897 |

ALLOCATION BY FUND

| | |
|-----------------------------------|-----------|
| General Fund | \$301,836 |
| General Fund Designated for Parks | \$27,055 |
| Bridge Capital Project Fund | \$58,613 |
| Stormwater Special Revenue Fund | \$10,765 |
| Sewer Enterprise Fund | \$405,931 |
| Marina Enterprise Fund | \$42,697 |
| <hr/> | |
| | \$846,897 |

Check Issue Date(s): 08/01/2012 - 08/31/2012

| Per | Date | Check No | Vendor No | Payee | Check GL Acct | Amount |
|---------|------------|----------|-----------|--------------------------------|---------------|-------------------|
| 08/12 | 08/06/2012 | 10626 | 762 | CATALYST GRAPHICS INC | 101-20100 | 83.95 |
| 08/12 | 08/06/2012 | 10627 | 807 | CHRIS O'SULLIVAN | 502-20100 | 98.00 |
| 08/12 | 08/06/2012 | 10628 | | Information Only Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 10629 | 9 | CITY OF DEEPHAVEN | 101-20100 | 7,949.72 |
| 08/12 | 08/06/2012 | 10630 | 3 | KELLY LAW OFFICES | 101-20100 | 2,783.00 |
| 08/12 | 08/06/2012 | 10631 | 804 | M.A. APPAREL & PROMOTIONS | 101-20100 | 149.75 |
| 08/12 | 08/06/2012 | 10632 | 742 | Marco, Inc. | 101-20100 | 331.84 |
| 08/12 | 08/06/2012 | 10633 | 105 | METROPOLITAN COUNCIL ENV SERV | 602-20100 | 2,598.16 |
| 08/12 | 08/06/2012 | 10634 | 764 | OMANN BROTHERS PAVING | 101-20100 | 52,302.59 |
| 08/12 | 08/06/2012 | 10635 | 38 | SO LAKE MINNETONKA POLICE DEPT | 101-20100 | 14,376.58 |
| 08/12 | 08/06/2012 | 10636 | 136 | Sun Newspapers | 101-20100 | 230.81 |
| 08/12 | 08/06/2012 | 10637 | 745 | Vintage Waste Systems | 101-20100 | 1,568.40 |
| 08/12 | 08/06/2012 | 10638 | 145 | XCEL | 602-20100 | 214.78 |
| 08/12 | 08/23/2012 | 10639 | 808 | ADVANTAGE SIGNS & GRAPHICS INC | 101-20100 | 3,652.88 |
| 08/12 | 08/23/2012 | 10640 | 51 | BOLTON & MENK, INC. | 502-20100 | 10,081.50 |
| 08/12 | 08/23/2012 | 10641 | 594 | CITY OF EXCELSIOR | 602-20100 | 4,408.84 |
| 08/12 | 08/23/2012 | 10642 | 68 | GOPHER STATE ONE CALL | 602-20100 | 65.35 |
| 08/12 | 08/23/2012 | 10643 | 765 | GUS KARPAS | 101-20100 | 120.44 |
| 08/12 | 08/23/2012 | 10644 | 742 | Marco, Inc. | 101-20100 | 222.90 |
| 08/12 | 08/23/2012 | 10645 | 136 | Sun Newspapers | 101-20100 | 337.20 |
| 08/12 | 08/23/2012 | 10646 | 145 | XCEL | 101-20100 | 394.70 |
| 08/12 | 08/06/2012 | 24739 | | Void Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24740 | | Void Check | 602-20100 | .00 V |
| 08/12 | 08/06/2012 | 24741 | | Information Only Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24742 | | Void Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24743 | | Void Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24744 | | Void Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24745 | | Void Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24746 | | Void Check | 602-20100 | .00 V |
| 08/12 | 08/06/2012 | 24747 | | Void Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24748 | | Void Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24749 | | Void Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24750 | | Void Check | 101-20100 | .00 V |
| 08/12 | 08/06/2012 | 24751 | | Void Check | 101-20100 | .00 V |
| Totals: | | | | | | <u>101,971.39</u> |

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

| Vendor | Vendor Name | Invoice No | Description | Inv Date | Net Inv Amt |
|---|------------------------------|-------------|----------------------------------|------------|-------------|
| ADVANTAGE SIGNS & GRAPHICS INC | | | | | |
| 808 | ADVANTAGE SIGNS & GRAPHICS I | 00018493 | SIGNS | 07/31/2012 | 3,652.88 |
| Total ADVANTAGE SIGNS & GRAPHICS INC | | | | | 3,652.88 |
| BOLTON & MENK, INC. | | | | | |
| 51 | BOLTON & MENK, INC. | 0149587 | 2012 MISC ENGINEERING FEES | 07/31/2012 | 392.00 |
| | | | 2012 MISC ENGINEERING FEES | | 402.50 |
| | | 0149588 | 2012 STREET IMPROVEMENT | 07/31/2012 | 8,340.00 |
| | | 0149589 | EXC BLVD DRAINAGE IMPROV | 07/31/2012 | 947.00 |
| Total BOLTON & MENK, INC. | | | | | 10,081.50 |
| CATALYST GRAPHICS INC | | | | | |
| 762 | CATALYST GRAPHICS INC | 78711 | CITY NEWSLETTER | 06/27/2012 | 83.95 |
| Total CATALYST GRAPHICS INC | | | | | 83.95 |
| CHRIS O'SULLIVAN | | | | | |
| 807 | CHRIS O'SULLIVAN | 080112 | UTILITY BILL OVERPMT | 08/01/2012 | 70.00 |
| | | | UTILITY BILL OVERPMT | | 12.00 |
| | | | UTILITY BILL OVERPMT | | 16.00 |
| Total CHRIS O'SULLIVAN | | | | | 98.00 |
| CITY OF DEEPHAVEN | | | | | |
| 9 | CITY OF DEEPHAVEN | AUGUST 2012 | RENT & EQUIPMENT | 08/01/2012 | 542.95 |
| | | | Postage | | 54.30 |
| | | | COPIES | | 1.60 |
| | | | SEWER | | 227.32 |
| | | | BIKE PATH | | 162.52 |
| | | | STREETS | | 568.82 |
| | | | WEED/TREE/MOWING | | 2,884.73 |
| | | | Docks/Beaches | | 81.26 |
| | | | STORM SEWERS | | 81.26 |
| | | | 2nd QTR SURCHARGE REPORT | | 58.66 |
| | | | TREES | | 310.00 |
| | | | Clerk Services | | 2,514.40 |
| | | | ZONING | | 461.90 |
| Total CITY OF DEEPHAVEN | | | | | 7,949.72 |
| CITY OF EXCELSIOR | | | | | |
| 594 | CITY OF EXCELSIOR | 040112 | 1st qrt joint sanitary sewer use | 04/01/2012 | 2,204.42 |
| | | 070112 | 2nd qrt joint sanitary sewer use | 07/01/2012 | 2,204.42 |
| Total CITY OF EXCELSIOR | | | | | 4,408.84 |
| GOPHER STATE ONE CALL | | | | | |
| 68 | GOPHER STATE ONE CALL | 33923 | Gopher State calls | 03/01/2012 | 15.95 |
| | | 41437 | Gopher State calls | 06/04/2012 | 49.40 |
| Total GOPHER STATE ONE CALL | | | | | 65.35 |
| GUS KARPAS | | | | | |
| 765 | GUS KARPAS | 081412 | ELECTION JUDGE MEALS | 08/14/2012 | 120.44 |

| Vendor | Vendor Name | Invoice No | Description | Inv Date | Net Inv Amt |
|---------------------------------------|--------------------------------------|-------------|---------------------------|------------|-------------|
| | Total GUS KARPAS | | | | 120.44 |
| KELLY LAW OFFICES | | | | | |
| 3 | KELLY LAW OFFICES | 6003 | GENERAL LEGAL | 07/27/2012 | 2,438.00 |
| | | 6004 | LAW ENFORCE PROSECUTION | 07/27/2012 | 345.00 |
| | Total KELLY LAW OFFICES | | | | 2,783.00 |
| M.A. APPAREL & PROMOTIONS | | | | | |
| 804 | M.A. APPAREL & PROMOTIONS | 42944 | 4TH OF JULY T-SHIRTS | 07/18/2012 | 149.75 |
| | Total M.A. APPAREL & PROMOTIONS | | | | 149.75 |
| Marco, Inc. | | | | | |
| 742 | Marco, Inc. | 207734286 | Copier lease | 07/14/2012 | 331.84 |
| | | 209682970 | Copier lease | 08/14/2012 | 222.90 |
| | Total Marco, Inc. | | | | 554.74 |
| METROPOLITAN COUNCIL ENV SERV | | | | | |
| 105 | METROPOLITAN COUNCIL ENV SE | 0000995710 | Monthly wastewater Charge | 08/02/2012 | 2,598.16 |
| | Total METROPOLITAN COUNCIL ENV SERV | | | | 2,598.16 |
| OMANN BROTHERS PAVING | | | | | |
| 764 | OMANN BROTHERS PAVING | 072612 | ROAD PAVING | 07/26/2012 | 52,302.59 |
| | Total OMANN BROTHERS PAVING | | | | 52,302.59 |
| SO LAKE MINNETONKA POLICE DEPT | | | | | |
| 38 | SO LAKE MINNETONKA POLICE DE | AUGUST 2012 | OPERATING BUDGET | 08/01/2012 | 14,376.58 |
| | Total SO LAKE MINNETONKA POLICE DEPT | | | | 14,376.58 |
| Sun Newspapers | | | | | |
| 136 | Sun Newspapers | 1116891 | Ord #210 | 07/19/2012 | 131.89 |
| | | 1118125 | PUBLIC Accuracy Test | 08/02/2012 | 35.96 |
| | | 1118126 | Primary Election Notice | 08/02/2012 | 49.45 |
| | | 1118128 | GRWD FILING NOTICE | 07/26/2012 | 98.92 |
| | | 1118928 | 5520 MAPLE HGTS RD | 08/02/2012 | 83.93 |
| | | 1118929 | 5370 MANOR RD | 08/02/2012 | 74.94 |
| | | 1121893 | Ord #211 | 08/16/2012 | 92.92 |
| | Total Sun Newspapers | | | | 568.01 |
| Vintage Waste Systems | | | | | |
| 745 | Vintage Waste Systems | 072412 | City Recycling Contract | 07/24/2012 | 1,568.40 |
| | Total Vintage Waste Systems | | | | 1,568.40 |
| XCEL | | | | | |
| 145 | XCEL | 072512 | 4925 MEADVILLE STREET * | 07/25/2012 | 8.93 |
| | | | SIREN | | 3.59 |
| | | | LIFT STATION #1 | | 31.09 |
| | | | LIFT STATION #2 | | 35.17 |
| | | | LIFT STATION #3 | | 24.99 |
| | | | LIFT STATION #4 | | 34.81 |
| | | | LIFT STATION #6 | | 76.20 |

| Vendor | Vendor Name | Invoice No | Description | Inv Date | Net Inv Amt |
|--------|-------------|------------|----------------------|------------|---------------|
| | | 073012 | Sleepy Hollow Road * | 07/30/2012 | 8.94 |
| | | 080312 | Street Lights * | 08/03/2012 | 385.76 |
| | Total XCEL | | | | <u>609.48</u> |

Total Paid: 101,971.39

Total Unpaid: -

Grand Total: 101,971.39

| Pay Per Date | Jrnl | Check Date | Check Number | Payee | Emp No | Amount |
|-----------------|------|---------------|-----------------|--------------------|--------|---------------|
| 09/01/12 | PC | 09/04/12 | 9041201 | Debra J. Kind | 34 | 283.05 |
| 09/01/12 | PC | 09/04/12 | 9041202 | Fletcher, Thomas M | 33 | 88.70 |
| 09/01/12 | PC | 09/04/12 | 9041203 | H. Kelsey Page | 35 | 188.70 |
| 09/01/12 | PC | 09/04/12 | 9041204 | Quam, Robert | 32 | 188.70 |
| 09/01/12 | PC | 09/04/12 | 9041205 | William Rose | 36 | 188.70 |
| Grand Totals: | | | | | | <u>937.85</u> |



Agenda Number: **4A**

Agenda Date: 09-05-12

Agenda Item: 2013 Excelsior Fire District Budget

Summary: Chief Gerber will attend at the 09-05-12 council meeting to present the Excelsior Fire District budget (attached) and answer questions. The proposed 2013 fire budget calls for an overall 1.09% increase. However, since Greenwood property values went down more than some of the other EFD cities, the proposed budget means that Greenwood will have a -2.38% decrease in operations and a -3.19% decrease for facilities / capital costs, with an overall -2.76% decrease. Each city council in the district needs to take action on the budget. 3 of 5 cities must approve the operating budget. 4 of 5 cities must approve the facilities / capital budget. The EFD budget planning timeline is attached.

Council Action: Required. Potential motions ...

1. I move the council approves the 2013 Excelsior Fire District operating budget and facilities / capital budgets as presented.
2. Or another motion ???

Excelsior Fire District FINAL Recommended Budget 2013

Allocation by City using Joint Powers Agreement funding formula for 2013

\$808,610 Operating
\$724,285 Building

| | Tax Capacity Payable 2012 | | Sum of all Factors Per JPA | | Cities' Calculated Share of Cost | | |
|-------------|---------------------------|-------------|----------------------------|--|----------------------------------|------------------|--------------------|
| | Dollars | Percent | | | Operations | Facilities | Total |
| Deephaven | \$10,838,330 | 27.00% | 27.00% | | \$218,311 | \$195,544 | \$413,855 |
| Excelsior | \$4,111,332 | 10.24% | 10.24% | | \$82,812 | \$74,176 | \$156,989 |
| Greenwood | \$3,219,849 | 8.02% | 8.02% | | \$64,856 | \$58,092 | \$122,948 |
| Shorewood** | \$15,943,687 | 39.72% | 39.72% | | \$321,145 | \$287,655 | \$608,800 |
| Tonka Bay | \$6,031,328 | 15.02% | 15.02% | | \$121,486 | \$108,817 | \$230,303 |
| | <u>\$40,144,526</u> | <u>100%</u> | <u>100.00%</u> | | <u>\$808,610</u> | <u>\$724,285</u> | <u>\$1,532,895</u> |

(Using 2012 Hennepin County Assessors' valuations as of April 10, 2012)
xx -- Total 2011 Tax Capacity less reduction for The Islands served by the Mound FD.

Quarterly Billings

| | Buildings | | Total |
|-------------|--------------|--------------|---------------|
| | Operations | Buildings | |
| Deephaven | \$ 54,577.69 | \$ 48,886.12 | \$ 103,463.81 |
| Excelsior | \$ 20,703.10 | \$ 18,544.10 | \$ 39,247.20 |
| Greenwood | \$ 16,213.93 | \$ 14,523.08 | \$ 30,737.01 |
| Shorewood** | \$ 80,286.32 | \$ 71,913.75 | \$ 152,200.07 |
| Tonka Bay | \$ 30,371.46 | \$ 27,204.21 | \$ 57,575.67 |
| | | | \$ 383,223.75 |

**2013 Proposed (Final Recommended) Budget
Contribution with 2013 JPA Formula
Summary of Percentage Increase by City**

| 2013 Formula | | | | | | | | | |
|---|-------------------|-------------------|---------------|----------------------|-----------------|---------------|----------------------|--|--|
| 2013 Operating Budget and \$170,000 Capital Transfer | | | | | | | | | |
| City | 2011 Contribution | 2012 Contribution | Increase | % Increase from 2011 | 2013 Proposed | Increase | % Increase from 2012 | | |
| Deephaven | \$ 408,310.00 | \$ 412,516.00 | \$ 4,206.00 | 1.03% | \$ 413,855.00 | \$ 1,339.00 | 0.32% | | |
| Excelsior | \$ 159,515.00 | \$ 155,931.00 | \$ (3,584.00) | -2.25% | \$ 156,989.00 | \$ 1,058.00 | 0.68% | | |
| Greenwood | \$ 127,785.00 | \$ 126,444.00 | \$ (1,341.00) | -1.05% | \$ 122,948.00 | \$ (3,496.00) | -2.76% | | |
| Shorewood | \$ 583,390.00 | \$ 585,611.00 | \$ 2,221.00 | 0.38% | \$ 608,800.00 | \$ 23,189.00 | 3.96% | | |
| Tonka Bay | \$ 232,751.00 | \$ 235,790.00 | \$ 3,039.00 | 1.31% | \$ 230,303.00 | \$ (5,487.00) | -2.33% | | |
| Total Contribution | \$ 1,511,751.00 | \$ 1,516,292.00 | \$ 4,541.00 | 0.30% | \$ 1,532,895.00 | \$ 16,603.00 | 1.09% | | |
| Tax Capacity Informatoin | | | | | | | | | |
| City | 2011 Values | 2012 Values | \$ Change | % Change from 2011 | | | | | |
| Deephaven | \$11,178,216 | \$10,838,330 | (\$339,886) | -3% | | | | | |
| Excelsior | \$4,225,376 | \$4,111,332 | (\$114,044) | -3% | | | | | |
| Greenwood | \$3,426,333 | \$3,219,849 | (\$206,484) | -6% | | | | | |
| Shorewood | \$15,868,696 | \$15,943,687 | \$74,991 | 0.5% | | | | | |
| Tonka Bay | \$6,389,349 | \$6,031,328 | (\$358,021) | -6% | | | | | |
| Totals | \$41,087,970 | \$40,144,526 | (\$943,444) | -2% | | | | | |
| City | 2009 Values | 2010 Values | \$ Change | % Change from 2008 | | | | | |
| Deephaven | \$12,508,003 | \$12,067,101 | (\$440,902) | -4% | | | | | |
| Excelsior | \$4,838,446 | \$4,714,251 | (\$124,195) | -3% | | | | | |
| Greenwood | \$3,752,017 | \$3,776,525 | \$24,508 | 1% | | | | | |
| Shorewood | \$17,479,666 | \$17,241,365 | (\$238,301) | -1% | | | | | |
| Tonka Bay | \$6,806,407 | \$6,878,662 | \$72,255 | 1% | | | | | |
| Totals | \$45,384,539 | \$44,677,904 | (\$706,635) | -2% | | | | | |



2013

Final

**Recommended
CIP and Operating
Budget**

August 9, 2012



Excelsior Fire District

Proudly serving the Communities of:

Deephaven-Excelsior-Greenwood-Shorewood-Tonka Bay

24100 Smithtown Road

Shorewood, MN. 55331

Final Recommended 2013 Budget Recommendations Summary August 9, 2012

• Overall Proposed 2013 Budget

- Operating Budget - \$ 852,637 (\$45,632 increase or 5.4%)
 - This includes the Firefighter Relief Association (Pension) contribution of \$32,927 in our Fire Operations Area. This was not included in Operating Budget in previous year's budgets.
 - EFFRA Required Contribution - \$32,927 (3.9%)
 - Remaining Operating increase - \$12,705 (1.5%)
- Capital Equipment Fund - \$ 170,000 (\$5,000 increase or 3.03%)
 - Includes the following purchases in 2013
 - Year one lease payment for new Engine to Replace Truck 12 / Engine 22
 - New Chief vehicle
 - New Thermal Imaging Camera
- Fire Facilities Fund - \$ 554,285 (\$ 282 decrease or -0.05%)
- Total 2013 Budget - \$1,576,922 (\$50,350 increase or 3.3%)

• 3.3% overall increase in 2013 Budget from approved 2012 Budget

- \$50,350 increase over 2012 Budget
- Total 2013 Budget of \$1,576,922 reduced by the revenues identified below to reduce 2013 Municipal Contribution from \$1,576,922 to \$1,532,895, which results in a 1.09% increase from the adopted 2012 Municipal Contribution.
 - Interest income \$3,000
 - Refunds and Reimbursements \$8,100
 - Fire Relief Fund Transfer \$32,927

• \$32,927 transfer from Unreserved Fund Balance for EFFRA Required Contribution

- Utilize 10.4% of current unreserved fund balance and transfer to the Fire Relief Fund
 - This maintains a 35% unreserved fund balance and exceeds the adopted policy of 20-30% unreserved fund balance.

• 1.09% overall increase in 2013 Municipal Contribution

- 2013 Proposed Municipal Contribution - \$ 1,532,895
- 2012 Proposed Municipal Contribution - \$1,516,292
- \$16,603 or 1.09% increase in 2013 Municipal Contribution

- | <u>Municipal Contribution Comparisons</u> | <u>2012</u> | <u>2013</u> | <u>Difference</u> |
|---|-------------|-------------|-------------------|
| Deephaven | \$ 412,516 | \$ 413,885 | \$ 1,339 |
| Excelsior | \$ 155,931 | \$ 156,989 | \$ 1,058 |
| Greenwood | \$ 126,444 | \$ 122,948 | \$ (3,496) |
| Shorewood | \$ 585,611 | \$ 608,800 | \$ 23,189 |
| Tonka Bay | \$ 235,790 | \$ 230,303 | \$ (5,487) |
| Total | \$1,516,292 | \$1,532,895 | \$ 16,603 |

- Fund Balance Summary

Projected Operating Fund Balances

| | 2011 Budget Actual | 2012 Projected Budget | 2013 Budget Proposed |
|--|-----------------------------------|--------------------------------------|-------------------------------------|
| January 1 Fund Reserve | 280,239 | 316,769 | 354,079 |
| <u>EFD Annual Expenditures</u> | | | |
| Operating Fund Expenditures | 766,023 | 791,464 | 819,710 |
| Mandatory Fire Relief Contribution | 88,124 | 14,907 | 32,927 |
| CEP Fund Transfer | 160,000 | 165,000 | 170,000 |
| Facilities Fund Transfer | 553,329 | 554,567 | 554,285 |
| Building Fund Transfer | 0 | 0 | 0 |
| Fire Relief Fund Transfer | 0 | 0 | 0 |
| Total Operating Fund Expenditures | 1,567,476 | 1,525,938 | 1,576,922 |
| <u>EFD Annual Revenues</u> | | | |
| EFD Municipal Contributions | 1,511,751 | 1,516,292 | 1,532,895 |
| Interest Income | 3,209 | 4,000 | 3,000 |
| Other Revenues | 27,046 | 20,000 | 8,100 |
| Fire Relief Fund Transfer | 62,000 | 0 | 32,927 |
| Facilities Fund Transfer | 0 | 22,956 | 0 |
| Total Operating Fund Revenues | 1,604,006 | 1,563,248 | 1,576,922 |
| Annual Surplus (Deficit) | 36,530 | 37,310 | 0 |
| December 1 Fund Reserve | 316,769 | 354,079 | 354,079 |
| Fund Reserve Percentage | 37.08% | 43.91% | 41.53% |

Fire District Auditor recommends a Operating Fund Reserve of 20-30% of budgeted expenditures.

Excelsior Fire District

Budget FY 2013
Comparison with Previous Years
With 2012 Projected

8/9/2012 Final Recommended Budget

| Account Code | Object Description | 2007 Actual Amount | 2008 Actual Amount | 2009 Actual Amount | 2010 Actual Amount | 2011 Actual Amount | 2012 Budget Adopted | 2012 Projected | 2013 Requested Budget | 2013 Approved Dollar Increase | Percent Change From 12 Adopted |
|---------------------------------------|------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---------------------------|-------------------|-----------------------------|-------------------------------------|---|
| Fund 230 | FIRE OPERATING FUND | | | | | | | | | | |
| Dep't 42200 | Fire Operations | | | | | | | | | | |
| Personal Services | | | | | | | | | | | |
| 230-42200-101 | Employees Regular | 81,197 | 87,913 | 88,152 | 129,524 | 128,444 | 132,723 | 132,723 | 136,586 | 3,863 | 2.91% |
| 230-42200-103 | Part-Time Employees | 4,769 | 13,290 | 14,575 | 15,480 | 15,795 | 17,243 | 17,243 | 18,115 | 872 | 5.06% |
| 230-42200-106 | Firefighter's Salaries | 116,135 | 121,936 | 133,424 | 149,895 | 142,573 | 161,160 | 161,160 | 164,849 | 3,689 | 2.29% |
| 230-42200-107 | Fire Officer's Salaries | 23,472 | 24,460 | 34,405 | 26,891 | 31,626 | 32,518 | 32,518 | 33,170 | 652 | 2.01% |
| 230-42200-108 | Part-Time Fire Inspector | 36,525 | 36,398 | 31,406 | - | - | - | - | - | - | - |
| 230-42200-121 | PERA | 11,756 | 13,456 | 19,297 | 19,195 | 19,414 | 20,362 | 20,362 | 20,981 | 619 | 3.04% |
| 230-42200-122 | FICA/MC | 14,784 | 16,470 | 19,611 | 19,950 | 18,358 | 18,060 | 18,060 | 18,516 | 456 | 2.52% |
| 230-42200-131 | Employer Paid Health | 14,180 | 11,585 | 21,166 | 20,834 | 25,188 | 27,610 | 27,610 | 23,460 | (4,150) | -15.03% |
| 230-42200-133 | Employer Paid Life Insurance | 21 | 24 | 42 | 25 | 23 | 100 | 100 | 24 | (76) | -76.00% |
| 230-42200-151 | Worker's Comp Insurance Premi | 20,833 | 16,274 | 17,870 | 17,268 | 18,952 | 21,000 | 19,966 | 21,500 | 500 | 2.38% |
| | Total Personal Services | 323,672 | 341,806 | 379,948 | 399,062 | 400,373 | 430,776 | 429,742 | 437,201 | 6,425 | 1.49% |
| Pension | | | | | | | | | | | |
| 230-42200-170 | Firefighter Pension Contribution | 15,000 | 10,000 | - | 58,554 | 88,124 | 12,679 | 14,907 | 32,927 | 20,248 | 159.70% |
| NOTE: (Transfer from fund 240) | | | | | | | | | | | |
| Supplies | | | | | | | | | | | |
| 230-42200-200 | Office Supplies | 5,062 | 3,623 | 3,625 | 3,081 | 4,378 | 4,000 | 4,000 | 4,000 | - | 0.00% |
| 230-42200-212 | Motor Fuels | 11,335 | 13,244 | 10,097 | 11,775 | 13,462 | 15,000 | 15,000 | 15,000 | - | 0.00% |
| 230-42200-217 | Clothing | 12,203 | 20,261 | 19,305 | 17,693 | 19,201 | 21,900 | 24,000 | 23,750 | 1,850 | 8.45% |
| 230-42200-220 | Repair/Maint. Supplies | 6,296 | 4,589 | 6,429 | 6,002 | 4,652 | 6,000 | 6,000 | 6,000 | - | 0.00% |
| 230-42200-221 | First Aid Supplies | 2,536 | 5,099 | 533 | 3,388 | 1,434 | 3,500 | 3,500 | 3,500 | - | 0.00% |
| 230-42200-222 | Firefighting Supplies | 7,071 | 14,355 | 14,239 | 8,576 | 10,837 | 8,500 | 10,000 | 8,500 | - | 0.00% |
| 230-42200-240 | Small Tools and Minor Equipmen | - | - | - | - | - | - | - | - | - | - |
| 230-42200-241 | Fire Prevention Tools | 3,570 | 4,446 | 5,237 | 5,389 | 5,003 | 5,200 | 5,200 | 5,200 | - | 0.00% |
| | Total Supplies | 48,073 | 65,617 | 59,465 | 55,904 | 58,967 | 64,100 | 67,700 | 65,950 | 1,850 | 2.89% |
| Professional Services | | | | | | | | | | | |
| 230-42200-304 | Legal | 1,557 | 660 | 6,526 | 75 | 1,425 | 4,500 | 4,500 | 4,500 | - | 0.00% |
| 230-42200-307 | Fiscal Management Fees | 18,000 | 18,000 | 18,000 | 18,000 | 18,000 | 17,000 | 17,000 | 16,000 | (1,000) | -5.88% |
| 230-42200-311 | Auditing | 6,460 | 7,290 | 7,515 | 7,730 | 9,825 | 10,000 | 10,000 | 10,000 | - | 0.00% |
| 230-42200-312 | Refuse & Recycling Collection | 1,439 | 1,755 | 1,356 | 976 | 1,244 | 1,500 | 1,500 | 1,400 | (100) | -6.67% |
| 230-42200-313 | Janitorial Services | 4,570 | 7,848 | 6,000 | 8,123 | 5,720 | 7,800 | 7,800 | 7,500 | (300) | -3.85% |
| 230-42200-318 | Medical Fees | 9,598 | 10,199 | 8,365 | 6,585 | 5,443 | 7,500 | 7,500 | 7,000 | (500) | -6.67% |
| 230-42200-319 | Professional Services | 12,724 | 24,645 | 14,964 | 18,076 | 25,649 | 23,204 | 23,204 | 27,204 | 4,000 | 17.24% |
| | Total Professional Services | 54,348 | 70,397 | 62,726 | 59,565 | 67,306 | 71,504 | 71,504 | 73,604 | 2,100 | 2.94% |
| Other Services and Charges | | | | | | | | | | | |
| 230-42200-321 | Telephone/Communications | 18,319 | 15,966 | 27,514 | 21,552 | 22,967 | 23,400 | 23,400 | 23,400 | - | 0.00% |
| 230-42200-322 | Postage | 502 | 448 | 306 | 379 | 455 | 500 | 500 | 500 | - | 0.00% |
| 230-42200-323 | Radio Units | 24,022 | 37,767 | 28,493 | 24,787 | 17,526 | 29,500 | 29,500 | 27,500 | (2,000) | -6.78% |
| 230-42200-331 | Conferences | 1,833 | 7,759 | 6,189 | 1,237 | 6,544 | 5,400 | 5,400 | 5,400 | - | 0.00% |
| 230-42200-332 | Mileage | - | 1,091 | 155 | 21 | 13 | 500 | 500 | 500 | - | 0.00% |
| 230-42200-333 | Meeting Expenses | 2,430 | 2,489 | 2,660 | 2,474 | 3,690 | 2,800 | 3,600 | 2,800 | - | 0.00% |
| 230-42200-334 | Training & Schools | 7,418 | 26,049 | 18,229 | 18,746 | 28,786 | 25,700 | 25,700 | 25,700 | - | 0.00% |
| 230-42200-350 | Printing & Publishing | 275 | 575 | 975 | 1,020 | 696 | 1,270 | 1,270 | 1,000 | (270) | -21.26% |
| 230-42200-360 | Insurance | 26,471 | 26,323 | 25,791 | 27,860 | 25,573 | 30,000 | 26,000 | 30,000 | - | 0.00% |
| 230-42200-381 | Electric Utilities | 31,710 | 29,636 | 27,389 | 32,507 | 32,314 | 32,500 | 32,500 | 33,500 | 1,000 | 3.08% |
| 230-42200-383 | Gas Utilities | 23,565 | 23,411 | 12,826 | 14,950 | 13,432 | 15,000 | 15,000 | 15,000 | - | 0.00% |
| 230-42200-386 | Water and Sewer Utilities | 1,149 | 887 | 626 | 924 | 731 | 1,000 | 1,000 | 1,000 | - | 0.00% |
| 230-42200-401 | Repairs & Maint. Contracted Bldg | 14,914 | 17,853 | 31,354 | 23,355 | 32,567 | 36,536 | 36,536 | 38,536 | 2,000 | 5.47% |
| 230-42200-404 | Repairs/Maint. Machinery/Equip. | 14,607 | 20,843 | 29,360 | 25,066 | 29,983 | 22,500 | 22,500 | 23,000 | 500 | 2.22% |
| 230-42200-405 | Fire Equipment Maintenance | 9,886 | 8,822 | 7,318 | 7,346 | 21,210 | 10,885 | 10,885 | 10,885 | - | 0.00% |
| 230-42200-412 | Building Rentals | - | - | - | - | - | - | - | - | - | - |
| 230-42200-430 | Misc Expenses | - | 413 | (646) | 455 | 499 | 500 | 500 | 500 | - | 0.00% |
| 230-42200-433 | Dues and Subscriptions | 1,204 | 2,068 | 2,291 | 2,454 | 2,391 | 2,634 | 2,634 | 3,734 | 1,100 | 41.76% |
| 230-42200-439 | Contingency | 314 | 193 | 475 | - | - | - | - | - | - | - |
| 230-42200-440 | Fund Balance/ Reserve | - | - | - | - | - | - | - | - | - | - |
| 230-42200-444 | WAFTA | - | - | - | - | - | - | - | - | - | - |
| | Total Other Services | 178,619 | 222,593 | 221,305 | 205,133 | 239,377 | 240,625 | 237,425 | 242,955 | 2,330 | 0.97% |
| | Total Operating Budget | 604,712 | 700,413 | 723,444 | 719,664 | 766,023 | 807,005 | 806,371 | 852,637 | 12,705 | 5.65% |
| Capital Outlay | | | | | | | | | | | |
| 230-42200-560 | Furniture and Fixtures | - | - | - | - | - | - | - | - | - | - |
| 230-42200-570 | Office Equip. and Furnishings | - | - | - | - | - | - | - | - | - | - |
| 230-42200-720 | Operating Transfers (Equipment) | 150,000 | 155,000 | 155,000 | 155,000 | 160,000 | 165,000 | 165,000 | 170,000 | 5,000 | 3.03% |
| | Operating Transfers (Building) | 588,065 | 592,473 | 559,000 | 552,859 | 553,329 | 554,567 | 554,567 | 554,285 | (282) | -0.05% |
| | | 738,065 | 747,473 | 714,000 | 707,859 | 713,329 | 719,567 | 719,567 | 724,285 | 4,718 | 0.66% |
| Totals Fund 230 Fire Operating | | 1,342,777 | 1,447,886 | 1,437,444 | 1,573,077 | 1,573,077 | 1,526,572 | 1,525,938 | 1,576,922 | 50,350 | 3.30% |
| Operating Revenue | | | | | | | | | | | |
| 34202 | Municipal Contribution | - | - | - | - | - | - | - | 1,532,895 | - | - |
| 36210 | Interest Income | - | - | - | - | 3,209 | - | - | 3,000 | - | - |
| 36228 | Refunds and Reimbursements | - | - | - | - | 16,910 | - | - | 8,100 | - | - |
| 39203 | Fire Relief Fund Transfer | - | - | - | - | - | - | - | 32,927 | - | - |
| | Total Revenue | - | - | - | - | - | - | - | 1,576,922 | - | - |

(2012 Contribution) = 1,516,292 1,532,895 1.09%

City Contribution increase from 2012 16,603

EXCELSIOR FIRE DISTRICT
2013 FINAL Recommended Operating Budget
August 9, 2012

| CATEGORY | | | | | | | | |
|--|----------------------------------|---------------------------|----------------------|--|--|------------------------|-----------------------|--|
| PERSONAL SERVICES | | | | | | | | |
| | | Detail Item Amount | | | | Line Item Total | Category Total | |
| 101 | Employees Regular (Full-time) | | | | | 136,586 | | |
| | Fire Chief | 94,271 | 2.00% | | | | | |
| | Fire Inspector | 42,315 | 5.00% | | | | | |
| 103 | Part Time employees | | | | | | | |
| | Administrative Specialist | 18,115 | 5.00% | | | 18,115 | | |
| | \$17.42/hr x 20 hours per week | | | | | | | |
| 106 | Firefighters Salaries | | | | | 164,849 | | |
| | East Call Pay | | | | | | | |
| | \$10.40 x 216 x 8 x1 1/4 hrs | 22,464 | 2.00% | | | | | |
| | East Drill Pay | | | | | | | |
| | \$20.80 x 50 x 15 | 15,600 | 2.00% | | | | | |
| | West Call Pay | | | | | | | |
| | \$10.40 x 500 x 14 x 11/4 hrs | 91,000 | 2.00% | | | | | |
| | West Drill Pay | | | | | | | |
| | \$20.80 x 50 x 22 | 22,880 | 2.00% | | | | | |
| | Duty Officer Pay | | | | | | | |
| | \$30 per day x 365 | 10,950 | | | | | | |
| | \$20.80 per call x 94 | 1,955 | 2.00% | | | | | |
| 107 | Fire Officer's Salaries | | | | | 33,170 | | |
| | Assistant Chief | 5,650 | 2.00% | | | | | |
| | Battalion Chiefs (2) | 7,997 | 4215 TO and 3782 CH3 | | | | | |
| | Captains (5) | 11,539 | 2.00% | | | | | |
| | Apparatus Coordinator | 1,977 | 2.00% | | | | | |
| | Asst. Apparatus Coord. | 1,099 | 2.00% | | | | | |
| | Coordinators (6) | 3,955 | 2.00% | | | | | |
| | Maintenance | 953 | 2.00% | | | | | |
| 121 | PERA | | | | | 20,981 | | |
| | Chief | 13,575 | | | | | | |
| | Fire Inspector | 6,093 | | | | | | |
| | Administrative Specialist | 1,313 | | | | | | |
| 122 | FICA | | | | | 13,401 | | |
| | Firefighters | 10,221 | | | | | | |
| | Fire Inspector | - | | | | | | |
| | Administrative Specialist | 1,123 | | | | | | |
| | Fire Officers (10) | 2,057 | | | | | | |
| 123 | Medicare | | | | | 5,115 | | |
| | Chief | 1,367 | | | | | | |
| | Fire Inspector | 614 | | | | | | |
| | Firefighters | 2,390 | | | | | | |
| | Fire Officers (10) | 481 | | | | | | |
| | Administrative Specialist | 263 | | | | | | |
| 131 | Health Insurance | | | | | 23,460 | | |
| | Chief | 12,595 | | | | | | |
| | Fire Inspector | 10,865 | | | | | | |
| 133 | Life Insurance | | | | | 24 | | |
| | Chief | 12 | | | | | | |
| | Fire Inspector | 12 | | | | | | |
| 151 | Workers Compensation | | | | | 21,500 | | |
| TOTAL PERSONAL SERVICES | | | | | | | 437,201 | |
| CATEGORY | | | | | | | | |
| PENSION | | | | | | | | |
| | | Detail Item Amount | | | | Line Item Total | Category Total | |
| | Firefighter Pension Contribution | 32,927 | | | | 32,927 | 32,927 | |
| Note: Transfer from fund 240 - Fire Relief Fund | | | | | | | | |

| CATEGORY | | | | | | | | | |
|----------------------------|---|--|--------------------|--|--|--|-----------------|--|----------------|
| OTHER SERVICES AND CHARGES | | | | | | | | | |
| | | | Detail Item Amount | | | | Line Item Total | | Category Total |
| | 321 Communications | | | | | | 23,400 | | |
| | | Telephone | 13,500 | | | | | | |
| | | Cell Phones | 3,000 | | | | | | |
| | | Pagers (4 @ 475) | 1,900 | | | | | | |
| | | Pager Repair | 1,200 | | | | | | |
| | | Internet | 1,400 | | | | | | |
| | | MDC Air Cards | 2,400 | | | | | | |
| | 322 Postage | | | | | | 500 | | |
| | 323 Radio Units | | | | | | 27,500 | | |
| | | Hennepin County Radio Lease | 25,000 | | | | | | |
| | | Hennepin County Radio Repair | 500 | | | | | | |
| | | MDC Maintenance | 2,000 | | | | | | |
| | 331 Conferences | | | | | | 5,400 | | |
| | | Mn Fire Dept. Conference | 750 | | | | | | |
| | | Mn Fire Chiefs Conference | 500 | | | | | | |
| | | I Chiefs Conference | | | | | | | |
| | | Fire Department Instr. Conf. | 3,500 | | | | | | |
| | | Emergency Mgnt Conf. | 400 | | | | | | |
| | | Fire Inspectors Conference | 250 | | | | | | |
| | 332 Mileage and Travel | | | | | | 500 | | |
| | 333 Meeting Expenses | | | | | | 2,800 | | |
| | 334 Training Expenses | | | | | | 25,700 | | |
| | | Training Tower / Simulator | 3,000 | | | | | | |
| | | EMT (4 @ 800) | 3,200 | | | | | | |
| | | EMT Refresher | 5,500 | | | | | | |
| | | FFI | 2,700 | | | | | | |
| | | FFII | 1,200 | | | | | | |
| | | Haz-Mat Ops | 2,000 | | | | | | |
| | | Vo-Tech Schools | 2,000 | | | | | | |
| | | State Sectional Schools | 2,800 | | | | | | |
| | | Boat Training | 300 | | | | | | |
| | | Bloodborne/Right To Know | 100 | | | | | | |
| | | Guest Speakers | | | | | | | |
| | | Training Aids | 600 | | | | | | |
| | | Support Staff training | 300 | | | | | | |
| | | Fire Chief Training | 300 | | | | | | |
| | | Fire Inspector Training | 700 | | | | | | |
| | | Training Equipment | 1,000 | | | | | | |
| | 350 Printing And Publishing | | | | | | 1,000 | | |
| | | Call Sheets | 325 | | | | | | |
| | | Film & Developing | 100 | | | | | | |
| | | Stationary | 350 | | | | | | |
| | | Printer cartridges | 225 | | | | | | |
| | | Other Printing | | | | | | | |
| | 360 Insurance | | | | | | 30,000 | | |
| | 381 Electric Utilities | | | | | | 33,500 | | |
| | 383 Gas Utilities | | | | | | 15,000 | | |
| | 386 Water and Sewer Utilities | | | | | | 1,000 | | |
| | 401 Building Repair | | | | | | 38,536 | | |
| | | Annual Maintenance | 20,936 | | | | | | |
| | | Sprinkler Alarm Inspection / Testing (Contractor Eval) | 1,800 | | | | | | |
| | | Station Maintenance - (painting, other) | 1,500 | | | | | | |
| | | UPS Replacement at station 1 | 0 | | | | | | |
| | | Elevator Inspection | 1,800 | | | | | | |
| | | Sealcoating for parking lot at Station 1 | 0 | | | | | | |
| | | Generator Repair at Station #1 | 2,000 | | | | | | |
| | | Firefighter Furniture Replacement at Station #1 | 0 | | | | | | |
| | | Station 1 Ice Jam Repair | 5,000 | | | | | | |
| | | Station 1 Outside landscape work | 3,500 | | | | | | |
| | | Station 2 Painting | 0 | | | | | | |
| | | Station 1 bathroom countertops | 2,000 | | | | | | |
| | 404 Repair And Maintenance Of Apparatus | | | | | | 23,000 | | |
| | | Truck Repair | 12,850 | | | | | | |
| | | Pump Testing | 1,700 | | | | | | |
| | | Service | 4,900 | | | | | | |
| | | Major Repairs | 2,700 | | | | | | |
| | | Supplies | 850 | | | | | | |

Excelsior Fire District 2013 - 2033 Capital Improvement Program

| FINAL Recommended CIP Budget - August, 2022 | | | | | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | | |
|---|---------------|---------------|-----------------|----------------|------------------|--------------------|----------------------|-------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--|
| Equipment Item | Date Acquired | Original Cost | Life Bench mark | Proj Repl Date | Proj Equip Costs | Proj Finance Costs | Proj Apparatus Costs | Total Cost of Apparatus | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Beginning Apparatus/Equip Balance | | | | | | | | | 89,854 | 59,814 | 62,842 | 112,368 | 59,519 | 101,614 | 140,050 | 206,486 | 206,751 | 250,992 | 161,618 | 153,456 | 101,631 | 76,770 | 128,251 | 136,262 | 130,433 | 182,988 | 241,974 | 276,693 | 228,909 | 190,169 | 64,155 | 1,740 | | |
| APPARATUS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| #23 - Duty Officer Vehicle | 2008 | 28,033 | 8 yrs | 2016 | 6500 | 0 | 27000 | 33500 | | | | | | | 36,500 | | | | | | 36,500 | | | | | | | | | 41,500 | | | | |
| #25 - Chief Vehicle | 2010 | 31,805 | 9 yrs | 2019 | 5500 | 0 | 25000 | 30500 | 31,805 | | | | | | | | | | | | | | | 39,500 | | | | | | | | | | |
| #20 - Inspector Vehicle | 2003 | 32,500 | 10 yrs | 2013 | 6500 | 0 | 26000 | 32500 | | | | 35,500 | | | | | | | | | | | | | | 40,500 | | | | | | | | |
| #21 - Rescue/Utility 21 | 2005 | 40,000 | 15 yrs | 2020 | 4000 | 0 | 42000 | 46000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| #16 - Rescue 12 - Excursion | 2002 | 37,500 | 15 yrs | 2017 | 3500 | 0 | 40000 | 43500 | | | | | | 43,500 | | | | | | | | | | | | | | | | 45,000 | | | | |
| #17 - Utility 11 -PU Truck | 2002 | 37,500 | 15 yrs | 2019 | 0 | 0 | 40000 | 40000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| #24 - Heavy Rescue/Rescue 11 | 2009 | 284,688 | 20 yrs | 2029 | 25000 | 63492 | 430000 | 518492 | 66,000 | 66,000 | 66,000 | 66,000 | | | | | | | | | | | | | | 103,698 | 103,698 | 103,698 | 103,698 | 103,698 | 103,698 | 103,698 | | |
| #12 - Engine 22 | 1986 | 120,000 | 20 yrs | 2013 | 30000 | 19321.5 | 395000 | 444321.5 | | | | 88,865 | 88,865 | 88,865 | 88,865 | 88,865 | | | | | | | | | | | | | | | | 105,000 | | |
| #15 - Aerial 11 | 1998 | 421,000 | 20 yrs | 2018 | 35000 | 134471 | 680000 | 849471 | 20,000 | | | | | | | | 169,894 | 169,894 | 169,894 | 169,894 | 169,894 | | | | | | | | | | | | | |
| #18 - Engine 11 | 2002 | 327,000 | 20 yrs | 2023 | 30000 | 90274 | 450000 | 570274 | | | | | | | | | | | | | | | 115,054 | 115,054 | 115,054 | 115,054 | 115,054 | | | | | | | |
| #22 - Engine 21 | 2007 | 309,000 | 21 yrs | 2028 | 35000 | 111540 | 480000 | 626540 | 74,032 | 74,032 | | | | | | | | | | | | | | | | | 120,000 | 120,000 | 120,000 | 120,000 | 120,000 | | | |
| #19 - Tanker 11 | 2002 | 181,000 | 25 yrs | 2027 | 25000 | 53100 | 220000 | 298100 | | | | | | | | | | | | | | | | | | | 59,620 | 59,620 | 59,620 | 59,620 | 59,620 | | | |
| Tank for Rescue 21 | 2008 | 5,000 | | 2020 | 5000 | 0 | 0 | 5000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rescue Trailer | 2004 | 40,000 | 15 yrs | 2019 | 20000 | 0 | 10000 | 30000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Snowmobile (replace with ATV) | 1999 | 4,000 | | 2014 | 0 | 0 | 10000 | 10000 | | | | | 12,000 | | | | | | | | | | | | | | | | | | | | | |
| Boat 11 | | 27,000 | | 2017 | 4000 | 0 | 40000 | 44000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Boat 12 | | 8,000 | | 2024 | 0 | 0 | 0 | 15000 | | | | | | | | | | | | | | | | 15,000 | | | | | | | | | | |
| Boat 21 | 2007 | 31,380 | 15 yrs | 2023 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Boat Trailer - #11 | | 5,000 | | 2017 | 0 | 0 | 2000 | 2000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Boat Trailer - #12 | | 2,000 | | 2024 | 0 | 0 | 0 | 1500 | | | | | | | | | | | | | | | | | 1,500 | | | | | | | | | |
| Boat Trailer - #21 | 2008 | 2,860 | 15 yrs | 2023 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ATV - Mule - Utility 12 | 2006 | 12,000 | 15 yrs | 2021 | 0 | 0 | 17000 | 17000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ATV - Mule Trailer | 2006 | 1,700 | 15 yrs | 2021 | 0 | 0 | 2000 | 2000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Capital Truck Maint | | | Ongoing | | | | | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Equipment Lease Costs | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Apparatus Expenses | | | | | | | | | 191,837 | 140,032 | 66,000 | 190,365 | 100,865 | 88,865 | 125,365 | 178,365 | 169,894 | 277,394 | 220,894 | 188,894 | 208,394 | 115,054 | 131,554 | 154,554 | 115,054 | 174,674 | 220,120 | 295,318 | 283,318 | 324,818 | 268,698 | 208,698 | | |
| EQUIPMENT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Air Pack (SCBA) Replacement | 2011 | 166,000 | 10 yrs | | 166000 | 16600 | 0 | 182600 | | | | 34,731 | 34,731 | 34,731 | 34,731 | 34,731 | | | | | | | | | | | | | | | | | | |
| Extrication Tool (Station #2) | 2007 | 28,000 | 15 yrs | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Extrication Tool (Station #1) | 2009 | 29,239 | 15 yrs | | | | | 75000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Upgrade Radio System | 2003 | | | | | | | 90000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Air monitors | | | | | | | | 5000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Defibrillators (5) | | 8,000 | | | | | | 50000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Miscellaneous Equip. (TIC) | | | | | | | | 50000 | | | | 16,000 | 8,000 | | 15,000 | 15,000 | | | | | | | | | | | | | | | | | | |
| Training Equipment | | | | | | | | 10000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Equipment Expenses | | | | | | | | | | 34,731 | 50,731 | 47,731 | 34,731 | 54,731 | | 20,000 | | 25,000 | | 78,000 | 38,000 | 80,000 | 48,000 | 43,000 | 20,000 | 15,000 | | 25,000 | | 50,000 | 45,000 | 55,000 | | |
| BUILDINGS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Building Fund | 2004 | | | | | | | 1,650,000 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Building Expenses | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Expenses | | | | | | | | | 191,837 | 174,763 | 116,731 | 238,096 | 135,596 | 143,596 | 125,365 | 198,365 | 169,894 | 302,394 | 220,894 | 266,894 | 246,394 | 195,054 | 729,554 | 747,554 | 685,054 | 189,674 | 220,120 | 320,318 | 283,318 | 374,818 | 313,698 | 263,698 | | |
| REVENUES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Interest Income | | | | | | | | | 1,797 | 1,196 | 1,257 | 2,247 | 1,190 | 2,032 | 2,801 | 4,130 | 4,135 | 5,020 | 3,232 | 3,069 | 2,033 | 1,535 | 2,565 | 2,725 | 2,609 | 3,660 | 4,839 | 5,534 | 4,578 | 3,803 | 1,283 | 35 | | |
| Sale of Used Equipment | | | | | | | | | 5,000 | 16,595 | | 13,000 | 1,500 | | | 4,000 | 4,500 | 15,000 | 8,000 | 4,500 | 2,000 | 4,500 | 25,000 | | 4,000 | 20,000 | 20,000 | 32,000 | | | | | | |
| Donations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Equipment Lease Proceeds | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cities Contribution | | | | | | | | | 155,000 | 160,000 | 165,000 | 170,000 | 175,000 | 180,000 | 185,000 | 190,000 | 195,000 | 200,000 | 205,000 | 210,000 | 215,000 | 220,000 | 735,000 | 735,000 | 735,000 | 225,000 | 230,000 | 235,000 | 240,000 | 245,000 | 250,000 | 255,000 | | |
| Total Revenues | | | | | | | | | 161,797 | 177,791 | 186,257 | 195,247 | 171,390 | 189,032 | 191,801 | 199,630 | 214,135 | 213,520 | 215,020 | 211,531 | 206,535 | 211,531 | 246,535 | 731,535 | 731,535 | 731,535 | 246,660 | 254,830 | 263,534 | 264,578 | 268,813 | 261,251 | 255,032 | |
| Year End Apparatus/Equip Balance | | | | | | | | | 59,814 | 62,842 | 112,368 | 59,519 | 101,614 | 140,050 | 206,486 | 206,751 | 250,992 | 161,618 | 153,456 | 101,631 | 76,770 | 128,251 | 136,262 | 130,433 | 182,988 | 241,974 | 276,693 | 228,909 | 190,169 | 64,155 | 1,740 | (6,924) | | |

Notes:

- Interest Income estimated at 2.0% to FY 2033.
- Equipment Inflation is estimated to be approximately 7% per year.

| Equipment Item Identifiers |
|--|
| 1. Purchased with District funds, Donated funds, Grant funds from other agency and/or EFFRA relief funds |

RESOLUTION NO. 18-12

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

APPROVING

**IN RE: The Application of 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 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 hillside 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 storm water 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 feet tall 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 the rear yard, not affecting neighboring properties, and improve drainage around the 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 materials that will match and blend with the existing surroundings.
6. The applicants presented to the Planning Commission a detailed plan prepared by a Professional Engineer. The Greenwood City Engineer reviewed the plan and advised that the plan provides adequate drainage

behind the wall and is designed with safety factors of 1.5-2.0 against overturning, sliding, and for bearing. The City Engineer concluded the design was adequate. He also advised that the catch basin serving the property in the rear is of adequate capacity to receive water from the plan without being overwhelmed. The City Engineer did however recommend the placement of a safety fence atop the wall.

7. The Planning Commission discussed the proposed plan and a member with an engineering background observed these walls work well if properly done. It approved to recommend approval of the proposed project on a 5-0 vote.

8. 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.”

9. The Council determined that it is a reasonable use of this residential property, a four-bedroom home, that it have a deeper backyard and improved drainage. The plight of the owner is due to the sloping rear yard that dominates the property and unless changed limits it’s practical use. The variance, if granted, will not alter the essential character of the locality as the drainage plan may help area drainage by sloping the landscape away from the rear of the house in the proposed backyard,

increasing soil infiltration. In addition the property already has rock boulders in place similar to that proposed for the project and they are tasteful in design. There will be no increase in hardcover for the project. However, due to the height of the proposed wall, public safety requires that the applicant install a fence atop the wall.

10. Based on the foregoing, the City council determined that (1) the variance, if granted, would 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, but which is a reasonable use for a residential property with an existing steep hill side yard; (3) the 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; (4) the variance, if granted, will not alter the essential character of the locality as surface water will not be redirected, concentrated, or accelerated in a damaging manner into the existing catch basin or the public street. The proposed height of the new retaining wall is potentially a hazard and if built must be fenced for public safety. In addition the following conditions must be met:
 - A. The project must be completed according to the specifications and design requirements in the submitted plans prepared by Michael R. Johnson P.E. of Civil Engineering Professionals dated June 8, 2012.
 - B. The project must adhere to the comments and requirements Robert E. Bean Jr, P.E. of Bolton & Menk, Inc., which is the City Engineer for Greenwood in the letters to Gus Karpas dated June 12, and June 26, 2012.
 - C. The applicants must enter into a landscaping maintenance agreement, with the city, in form meeting city attorney approval, to ensure future maintenance and repair of the proposed landscaping including the required fencing and repair of the walls as needed to prevent either a) increased drainage onto neighboring properties or b) settling and/or deterioration of the walls that may impact neighboring properties and also c) minimize potential safety issues.
 - D. All trucks used to deliver materials or haul away soil and material shall be 7 tons or less per axle.
 - E. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.

11. Subject to the conditions, the variance, if granted, will be in harmony with the purpose and intent of the zoning ordinance and may 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 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 granted subject to conditions.

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

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 approved subject to the following conditions:

- A. The project must be completed according to the specifications and design requirements in the submitted plans prepared by Michael R. Johnson P.E. of Civil Engineering Professionals dated June 8, 2012.
- B. The project must adhere to the comments and requirements Robert E. Bean Jr, P.E. of Bolton & Menk, Inc., which is the City Engineer for Greenwood in the letters to Gus Karpas dated June 12, and June 26, 2012.
- C. The applicants must enter into a landscaping maintenance agreement with the city to ensure future maintenance and repair of the proposed landscaping including the required fencing and repair of the walls as needed to prevent either a) increased drainage onto neighboring properties or b) settling and/or deterioration of the walls that may impact neighboring properties and also c) minimize potential safety issues.
- D. All trucks used to deliver materials or haul away soil and material shall be 7 tons or less per axle.

- E. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.

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

_____ Ayes, _____ Nays

CITY OF GREENWOOD

ATTEST:

By _____
Debra J. Kind, Mayor

Gus Karpas, Clerk/Administrator

1\RESOLU.Lindberg.Approving



Agenda Number: **6A**

Agenda Date: 09-05-12

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

Summary: At the 08-01-12 council meeting the council approved the Lindberg's variance request to permit an alteration of grade to relocate an existing retaining wall to help with drainage and enlarge the rear yard. The council directed the city attorney to draft findings of fact for approval at the 09-05-12 council meeting. Those findings are attached.

Council Action: Required by September 12, 2012. Potential motions ...

1. I move the council approves resolution 18-12 approving the variance request of Matt and Angela Lindberg.
2. I move the council approves resolution 18-12 approving the variance request of Matt and Angela Lindberg with the following revisions: _____.
3. Another motion ???

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**

APPROVING

**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 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 hillside 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 storm water 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 feet tall 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 the rear yard, not affecting neighboring properties, and improve drainage around the 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 materials that will match and blend with the existing surroundings.
6. The applicants presented to the Planning Commission a detailed plan prepared by a Professional Engineer. The Greenwood City Engineer reviewed the plan and advised that the plan provides adequate drainage

behind the wall and is designed with safety factors of 1.5-2.0 against overturning, sliding, and for bearing. The City Engineer concluded the design was adequate. He also advised that the catch basin serving the property in the rear is of adequate capacity to receive water from the plan without being overwhelmed. The City Engineer did however recommend the placement of a safety fence atop the wall.

7. The Planning Commission discussed the proposed plan and a member with an engineering background observed these walls work well if properly done. It approved to recommend approval of the proposed project on a 5-0 vote.

8. 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.”

9. The Council determined that it is a reasonable use of this residential property, a four-bedroom home, that it have a deeper backyard and improved drainage. The plight of the owner is due to the sloping rear yard that dominates the property and unless changed limits it’s practical use. The variance, if granted, will not alter the essential character of the locality as the drainage plan may help area drainage by sloping the landscape away from the rear of the house in the proposed backyard,

increasing soil infiltration. In addition the property already has rock boulders in place similar to that proposed for the project and they are tasteful in design. There will be no increase in hardcover for the project. However, due to the height of the proposed wall, public safety requires that the applicant install a fence atop the wall.

10. Based on the foregoing, the City council determined that (1) the variance, if granted, would 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, but which is a reasonable use for a residential property with an existing steep hill side yard; (3) the 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; (4) the variance, if granted, will not alter the essential character of the locality as surface water will not be redirected, concentrated, or accelerated in a damaging manner into the existing catch basin or the public street. The proposed height of the new retaining wall is potentially a hazard and if built must be fenced for public safety. In addition the following conditions must be met:
 - A. The project must be completed according to the specifications and design requirements in the submitted plans prepared by Michael R. Johnson P.E. of Civil Engineering Professionals dated June 8, 2012.
 - B. The project must adhere to the comments and requirements Robert E. Bean Jr, P.E. of Bolton & Menk, Inc., which is the City Engineer for Greenwood in the letters to Gus Karpas dated June 12, and June 26, 2012.
 - C. The applicants must enter into a landscaping maintenance agreement, with the city, in form meeting city attorney approval, to ensure future maintenance and repair of the proposed landscaping including the required fencing and repair of the walls as needed to prevent either a) increased drainage onto neighboring properties or b) settling and/or deterioration of the walls that may impact neighboring properties and also c) minimize potential safety issues.
 - D. All trucks used to deliver materials or haul away soil and material shall be 7 tons or less per axle.
 - E. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.

11. Subject to the conditions, the variance, if granted, will be in harmony with the purpose and intent of the zoning ordinance and may 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 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 granted subject to conditions.

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

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 approved subject to the following conditions:

- A. The project must be completed according to the specifications and design requirements in the submitted plans prepared by Michael R. Johnson P.E. of Civil Engineering Professionals dated June 8, 2012.
- B. The project must adhere to the comments and requirements Robert E. Bean Jr, P.E. of Bolton & Menk, Inc., which is the City Engineer for Greenwood in the letters to Gus Karpas dated June 12, and June 26, 2012.
- C. The applicants must enter into a landscaping maintenance agreement with the city to ensure future maintenance and repair of the proposed landscaping including the required fencing and repair of the walls as needed to prevent either a) increased drainage onto neighboring properties or b) settling and/or deterioration of the walls that may impact neighboring properties and also c) minimize potential safety issues.
- D. All trucks used to deliver materials or haul away soil and material shall be 7 tons or less per axle.

- E. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.

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

____ Ayes, ____ Nays

CITY OF GREENWOOD

ATTEST:

By _____
Debra J. Kind, Mayor

Gus Karpas, Clerk/Administrator

1\RESOLU.Lindberg.Approving



Agenda Number: **6B**

Agenda Date: 09-05-12

Agenda Item: 2nd Reading: Ordinance 212 Amending Code Section 425, Municipal Watercraft Spaces

Summary: At the 08-01-12 council meeting the council approved the 1st reading of an ordinance that establishes procedures for canoe racks and also makes other minor revisions to help clarify the process for watercraft spaces in general. At that time the council also discussed the concern raised by property owners whose drivers' licenses do not list Greenwood as their address because their primary residences are in Florida or other winter locations. In Deephaven, the dock requirement is that people need to reside in the city during the boating season. The council decided to not make any changes regarding residency requirements at the 1st reading, and continued the discussion to the 09-05-12 council meeting. If the city council desires to make a change in this regard, the ordinance could be revised at the 2nd reading.

Attached is the clean copy of 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. Both the clean copy and the redlined version include changes approved at the 1st reading. In addition, a resolution approving a summary of ordinance 212 for publication is attached for the council's consideration.

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

1. I move the council approves the 2nd reading of ordinance 212, amending Greenwood code section 425 regulating municipal watercraft spaces as written.
2. I move the council approves the 2nd reading of ordinance 212, amending Greenwood code section 425 regulating municipal watercraft spaces with the following revisions: _____.
3. I move the council approves resolution 19-12, a summary of ordinance 212 for publication.
4. 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 of mailing. 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 be issued per individual per boating season and no more than 1 watercraft space shall be issued per single family residence.~~

~~Subd. 8. Limit on Permits. No more than 1 St. Alban's Bay dock permit may be issued per single-family residence / applicant, per boating season. St. Alban's Bay dock permit holders may not have a Meadville sailboat slip and vice versa, but St. Alban's Bay dock and Meadville sailboat slip permit holders may have a canoe rack space permit. There is no limit to the number of canoe rack space permits issued per single-family residence / applicant, per boating season.~~

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, ~~or 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 MUNICIPAL WATERCRAFT SPACES**

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 a household is assigned a watercraft space, the address may not appear on the same waiting list. 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 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.”

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 will be waived.
- (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 require registration, the requirement for a DNR registration number will be waived.

(e) All watercraft owners must sign an acknowledgement and waiver of claims against the city.”

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 one kayak, or up to two 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 St. Alban’s Bay dock permit may be issued per single-family residence / applicant, per boating season. St. Alban’s Bay dock permit holders may not have a Meadville sailboat slip and vice versa, but St. Alban’s Bay dock and Meadville sailboat slip permit holders may have a canoe rack space permit. There is no limit to the number of canoe rack space permits issued per single-family residence / applicant, per boating season.”

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

**CITY OF GREENWOOD
RESOLUTION 19-12**

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 212 BY TITLE AND SUMMARY**

WHEREAS, on _____, 2012 the city council of the city of Greenwood adopted "Ordinance 212 Amending Greenwood Ordinance Code Section 425 Municipal Watercraft Spaces"

WHEREAS, the city has prepared a summary of ordinance 212 as follows:

1. The purpose of this ordinance is to establish procedures for the new canoe rack installed at the Meadville boat launch.
2. The procedures follow a similar process to what has been established for other municipal watercraft spaces, whereby canoe rack spaces will be assigned on a first-come, first served basis and priority will be given first to off-shore residents, then to lakeshore residents, then to non-residents.
3. Applications for the Meadville canoe rack waiting list will be accepted at the city office beginning _____, 2012 at 8 a.m.
4. Other minor changes to the municipal watercraft space ordinance also were made.

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

1. The city council finds that the above title and summary of ordinance 212 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 212 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

ADOPTED by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2012.

There were ___ AYES and ___ NAYS as follows:

| | | | | |
|------------------------|------|------|---------|--------|
| Greenwood City Council | YEAS | NAYS | ABSTAIN | ABSENT |
|------------------------|------|------|---------|--------|

Mayor Debra Kind
Councilman Tom Fletcher
Councilman H. Kelsey Page
Councilman Bob Quam
Councilman William (Biff) Rose

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

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



Agenda Item: Capital Replacement Fund for the Public Safety Building

Summary: Chief Litsey attended the 08-01-12 council meeting to present the 2013 South Lake Minnetonka Police Department budget. At that time he also presented the concept of creating a Capital Replacement Fund for the public safety facility. Copies of Chief Litsey's memo and the proposed plan are attached. At the 08-01-12 meeting the council discussed funding formula options for the Capital Replacement Fund and decided to continue the discussion to the 09-05-12 council meeting. Since the 08-01-12 council meeting the cities of Excelsior and Shorewood have approved motions to start a Capital Replacement Fund in 2013 in the total amount of \$10,000 with each city's share being based on the debt service formula (tax capacity). The city of Tonka Bay discussed the Capital Replacement Fund concept at their 08-15-12 meeting, but did not take any action.

Council Action: If a Capital Replacement Fund for the police side of the public safety building is to be established, all 4 SLMPD city councils must approve it. No council action is required, but it is highly recommended that the cities establish a fund or at least agree on a formula before a repair is needed.

Potential motions ...

1. I move the city council supports the establishment of a Capital Replacement Fund for the police side of the public safety building with the following condition:
 - a. The funding formula is based on 1/3 tax capacity, 1/3 use, and 1/3 population based on the most recent year-end totals available from the following sources ...

Tax Capacity Source: Hennepin County Taxpayer Services "Adjusted Net Tax Capacity"

Use Source: SLMPD ICRs (does not included citations)

Population Source: www.metrocouncil.org/metroarea/stats.htm

I further move that a copy of this motion be sent to the other SLMPD cities for their consideration with a note stating that the Greenwood city council believes this formula is the most fair because it balances the key ways a formula could be divided without unfairly "dinging" any one city for any one of the key components.

2. I move the council supports the establishment of a Capital Replacement Fund for the police side of the public safety building with the following condition(s): _____.
3. Do nothing or other motion ???



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 |

**SOUTH LAKE MINNETONKA POLICE DEPARTMENT
PUBLIC SAFETY FACILITY - POLICE PORTION**

2013 DEBT SERVICE AMOUNTS

Amount Due to the Shorewood Economic Development Authority (EDA) - \$419,400

| Member City | Tax Capacity | Percentage | Share of Cost |
|--------------------|---------------------|-------------------|----------------------|
| Excelsior | \$3,950,646 | 14.28% | \$59,907 |
| Greenwood | \$3,118,858 | 11.28% | \$47,294 |
| Shorewood | \$15,020,187 | 54.31% | \$227,764 |
| Tonka Bay | \$5,568,116 | 20.13% | \$84,435 |
| TOTAL | \$27,657,807 | 100.00% | \$419,400 |

| NOTATIONS |
|---|
| 2012 Tax Capacity Figures - Hennepin County Assessor's Office - <i>(Data Run: July 1, 2012)</i> |
| Percentages Rounded Based Upon Tax Capacity <i>(ad valorem)</i> Formula |
| Total Debt Service Costs Validated with the Shorewood EDA - <i>(Includes Anticipated Fiscal Agent Fees)</i> |
| Facility Debt Obligation Independent of the SLMPD Operating Budget |

REALLOCATION FORMULA FOR SLMPD OPERATING FUND ~ 2012-2016

Revised 06-28-11

POPULATION BASELINE

| | 2004 Population | % of Total |
|-----------|--------------------|------------|
| Excelsior | 2,400 | 19.3159% |
| Greenwood | 800 | 6.4386% |
| Shorewood | 7,625 | 61.3682% |
| Tonka Bay | 1,600 | 12.8773% |
| | 12,425 | 100.0000% |

TAX CAPACITY BASELINE

| | 2005 Tax Cap | % of Total |
|-----------|-----------------|------------|
| Excelsior | 3,005,669 | 13.7493% |
| Greenwood | 2,079,710 | 9.5135% |
| Shorewood | 12,836,707 | 58.7209% |
| Tonka Bay | 3,938,449 | 18.0163% |
| | 21,860,535 | 100.0000% |

ICR BASELINE

| | 2005 ICR's | % of Total |
|-----------|---------------|------------|
| Excelsior | 2,049 | 31.8762% |
| Greenwood | 369 | 5.7405% |
| Shorewood | 3,308 | 51.4623% |
| Tonka Bay | 702 | 10.9210% |
| | 6,428 | 100.0000% |

POPULATION AVERAGES

| | 2005 | 2006 | 2007 | 2008 | 2009 | Average | % of Avg. Total |
|--|--------|--------|--------|--------|--------|---------|--------------------|
| | 2,380 | 2,395 | 2,437 | 2,382 | 2,360 | 2,391 | 19.4371% |
| | 759 | 814 | 818 | 804 | 806 | 800 | 6.5056% |
| | 7,551 | 7,499 | 7,611 | 7,582 | 7,618 | 7,572 | 61.5616% |
| | 1,545 | 1,525 | 1,534 | 1,532 | 1,549 | 1,537 | 12.4957% |
| | 12,235 | 12,233 | 12,400 | 12,300 | 12,333 | 12,300 | 100.0000% |

TAX CAPACITY AVERAGES

| | 2006 | 2007 | 2008 | 2009 | 2010 | Average | % of Avg. Total |
|--|------------|------------|------------|------------|------------|------------|--------------------|
| | 3,334,776 | 3,917,784 | 4,245,911 | 4,397,510 | 4,235,792 | 4,026,355 | 13.3040% |
| | 2,447,073 | 2,894,806 | 3,377,856 | 3,688,315 | 3,713,570 | 3,224,324 | 10.6539% |
| | 14,477,835 | 16,319,066 | 17,798,714 | 18,513,585 | 18,269,931 | 17,075,826 | 56.4224% |
| | 4,609,014 | 5,358,772 | 6,148,162 | 6,748,501 | 6,824,277 | 5,937,745 | 19.6197% |
| | 24,868,698 | 28,490,428 | 31,570,643 | 33,347,911 | 33,043,570 | 30,264,250 | 100.0000% |

ICRs AVERAGES

| | 2006 | 2007 | 2008 | 2009 | 2010 | Average | % of Avg. Total |
|--|-------|-------|-------|-------|-------|---------|--------------------|
| | 2159 | 2044 | 2316 | 2086 | 2150 | 2,151 | 35.3597% |
| | 341 | 352 | 382 | 352 | 385 | 362 | 5.9574% |
| | 3142 | 2823 | 3190 | 2928 | 2831 | 2,983 | 49.0334% |
| | 596 | 537 | 695 | 598 | 509 | 587 | 9.6495% |
| | 6,238 | 5,756 | 6,583 | 5,964 | 5,875 | 6,083 | 100.0000% |

| | Column A | | | |
|--------------|-----------------|-----------------|-----------------|-----------------------|
| | 1/3 Pop | 1/3 Tax Cap | 1/3 ICRs | Totals for Comparison |
| | 2004 | 2005 | 2005 | |
| Excelsior | 6.4386% | 4.5831% | 10.6254% | 21.6471% |
| Greenwood | 2.1462% | 3.1712% | 1.9135% | 7.2309% |
| Shorewood | 20.4561% | 19.5736% | 17.1541% | 57.1838% |
| Tonka Bay | 4.2924% | 6.0054% | 3.6403% | 13.9382% |
| TOTAL | 33.3333% | 33.3333% | 33.3333% | 100.0000% |

| | Column B | Column C | Column D |
|--|-----------|-------------|-----------|
| | 1/3 Pop | 1/3 Tax Cap | 1/3 ICRs |
| | 2005-2009 | 2006-2010 | 2006-2010 |
| | 6.4790% | 4.4347% | 11.7866% |
| | 2.1685% | 3.5513% | 1.9858% |
| | 20.5205% | 18.8075% | 16.3445% |
| | 4.1652% | 6.5399% | 3.2165% |
| | 33.3332% | 33.3334% | 33.3334% |

| | Totals for 5-Year Avg | Difference Column A & B | Arbitration Allocation | C+D = New Allocation |
|--|-----------------------|-------------------------|------------------------|----------------------|
| | 22.7003% | 1.0532% | 27.0000% | 28.0532% |
| | 7.7056% | 0.4747% | 8.0000% | 8.4747% |
| | 55.6725% | -1.5113% | 50.0000% | 48.4887% |
| | 13.9216% | -0.0166% | 15.0000% | 14.9834% |
| | 100.0000% | | 100.0000% | 100.0000% |

In 2016 the formula will be adjusted for 2017-2021 using Column B percentages as the new baseline numbers for Column A, and the numbers for the new averages will be from 2010-2014 for population, and from 2011-2015 for tax capacity and ICRs.

Going forward the same reallocation formula is used every 5 years.

Tax Capacity Source: Hennepin County Taxpayer Services 'Adjusted Net Tax Capacity'

ICR Source: SLMPD - does not included citations

Population Source: www.metrocouncil.org/metroarea/stats.htm



Agenda Number: **7A**

Agenda Date: 09-05-12

Agenda Item: 2013 Preliminary Tax Levy and Budget

Summary: The updated draft of the 2013 budget based on the council's 08-01-12 worksession discussion is included in the worksession section of the council packet. Changes are highlighted in yellow. This draft of the budget includes a tax levy of \$644,603 -- a slight -.02% reduction from 2012. Further changes may be made to the budget and levy amount based on the discussion held at the worksession and regular meeting on 09-05-12. The PRELIMINARY tax levy must be approved at the 09-05-12 council meeting. Once the preliminary tax levy amount is set the council can go lower, but the council cannot go higher when the final levy is approved at the 12-05-12 council meeting.

Council Action: Required. Suggested motion ...

1. I move the council approves resolution 20-12 approving \$_____ as the preliminary tax levy for 2013.

**CITY OF GREENWOOD
RESOLUTION 20-12**

A RESOLUTION APPROVING PROPOSED TAX LEVY COLLECTIBLE IN 2012.

BE IT RESOLVED by the council of the city of Greenwood, county of Hennepin, Minnesota, that the below sum of money is the amount proposed to be levied for the current year, collectible in 2013, upon taxable property in the city of Greenwood for the following purpose: General Fund

TOTAL: \$ _____

The city clerk is hereby instructed to transmit a certified copy of this resolution to the county auditor of Hennepin County, Minnesota.

ADOPTED by the city council of the city of Greenwood, Minnesota, this ___ day of _____, 2012.

There were ___ AYES and ___ NAYS as follows:

| Greenwood City Council | YEAS | NAYS | ABSTAIN | ABSENT |
|------------------------|------|------|---------|--------|
|------------------------|------|------|---------|--------|

Mayor Debra Kind
Councilman Tom Fletcher
Councilman H. Kelsey Page
Councilman Bob Quam
Councilman William (Biff) Rose

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **7B**

Agenda Date: 09-05-12

Agenda Item: Consider City Council Position Regarding Bean's Greenwood Marina Proposed Dock

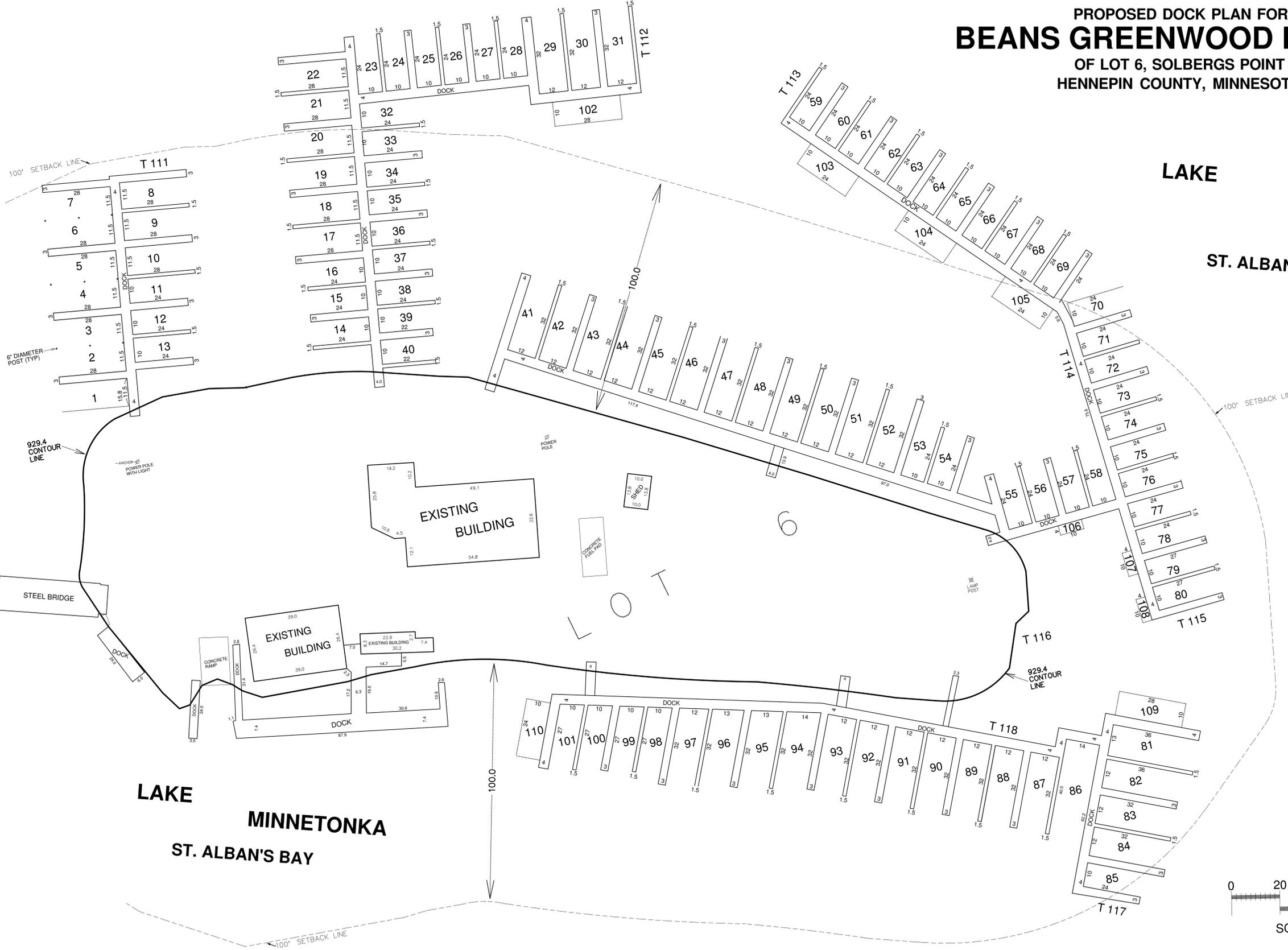
Summary: Aaron Bean from Bean's Greenwood Marina will attend the 09-05-12 city council meeting to present his plan for reconfiguring the docks at the marina. The proposed plan is attached. The Lake Minnetonka Conservation District has jurisdiction regarding the request, but it may be helpful for the marina if the city council were to express support for the plan.

Council Action: None required. Potential motions ...

1. I move the council authorizes the mayor to write a letter of support regarding the proposed dock reconfiguration plan by Bean's Greenwood Marina.
2. I move the council authorizes the mayor to write a letter of support regarding the proposed dock reconfiguration plan by Bean's Greenwood Marina, with the following condition(s): _____.
3. Other motion ???
4. Do nothing.

PROPOSED DOCK PLAN FOR
BEANS GREENWOOD MARINA
 OF LOT 6, SOLBERGS POINT
 HENNEPIN COUNTY, MINNESOTA

LAKE
 MINNETONKA
 ST. ALBAN'S BAY



GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 N. WILLOW DRIVE LONG LAKE, MN 55356
 PHONE: 952-473-4141 FAX: 952-473-4435



DATE: 8-2-12
 SCALE: 1"=20'
 SHEET: 12-030B
 TOTAL SHEETS: 5

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

DESIGNED: _____
 DRAWN: _____
 CHECKED: _____

| DATE | BY | REVISIONS | REMARKS |
|--------|----|-----------|---------|
| 8-2-12 | | | |

MINN. LICENSE NUMBER: _____
 DATE: _____



Agenda Item: Consider Variance Requests, Frank Precopio, 5520 Maple Heights Road

Summary: Frank Precopio is requesting variances to demolish and reconfigure an existing non-conforming deck which would encroach into the minimum required north and south side yard setbacks and exceed the maximum permitted impervious surface. The applicant also proposes to remove and reconstruct an existing non-conforming lakeside accessory structure within the required north side yard setback.

- **Section 1120:15 of the Zoning Ordinance requires a minimum side yard setback of fifteen feet. The applicant proposes a north side yard setback of one foot, nine inches and a south side yard setback of seven feet, ten inches for the proposed deck alteration/expansion. The proposal requires a variance of thirteen feet, three inches of the north side yard setback and seven feet, two inches of the south side yard setback.**

Both the existing and proposed decks are elevated approximately nine feet at their highest point. The existing deck extends towards the lake approximately twenty-seven feet, eight inches from the principal structure at the approximate midpoint of the deck. The proposed deck would extend a maximum of twenty-four feet from the principal structure at the southernmost portion of the deck. The proposed deck complies with the required fifty foot lake yard setback.

- **Section 1120:15 of the Zoning Ordinance requires a minimum side yard setback of fifteen feet. The applicant proposes a north side yard setback of eight feet, five inches for the proposed accessory. The proposal requires a variance of six feet, seven inches of the north side yard setback.**
- **Section 1140.10 of the Zoning Ordinance does not permit the placement of an accessory building between the lakeshore and the side of the principal building nearest the lake.**

The applicant is proposing to remove an existing non-conforming 10x12 shed that sits on the lake side of the principal structure and construct a new relocated 8.5x14.5 accessory structure also on the lake side of the principal structure. The existing shed complies with the required lake yard setback but encroaches approximately two feet, seven inches into the north side yard setback. The proposed accessory structure's location would move it further within the required north side yard setback.

- **Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is seeking a variance to exceed the maximum permitted impervious surface area by 16%.**

The applicant's lot area is about two thirds the minimum required lot area for the zoning district it is located in and he indicates the percentage of impervious surface will remain unchanged from what currently exists.

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

Practical Difficulty Standard

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

Economic considerations alone shall not constitute practical difficulties.

Findings

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

Planning Commission Action: Motion by Lucking to recommend the City Council approve the variance requests to encroach thirteen feet, three inches into the north side yard setback, and seven feet, two inches into the south side yard setback and to exceed the maximum permitted impervious surface area by 16% to alter the existing deck configuration but to only allow the replacement of an accessory structure between the principle structure and the lake as it currently exist in terms of location and dimensions, at 5520 Maple Heights Road. *The Planning Commission stated for the record they viewed the request for the reconstruction and relocation of the proposed accessory structure as reasonable and felt it should be approved but could not determine the appropriate ordinance provisions which granted them the authority to permit the reconstruction and relocation of a non-conforming structure.* A practical difficulty exists in that the proposal to replace a lakeside deck is reasonable, the narrowness of the lot and the placement of the home on the lot prevent the reasonable re-development of the lot within the ordinance requirements and the proposal would not alter the essential character of the neighborhood. Cook seconded the motion. Motion carried 3-1. Commissioner Conrad voted against the motion and explained her opposition. She felt the applicant could have maintained a portion of the existing deck design along the north property line without extending further into the neighboring property and keeping within or behind the existing non-conforming deck.

City Council Action: Action required by September 15, 2012. Possible motions ...

1. I move the Council accepts the recommendation of the Planning Commission and approves the variance requests by Frank Precopio to encroach thirteen feet, three inches into the required north side yard setback and seven feet, two inches into the required south side yard setback and to exceed the maximum permitted impervious surface area by 16% for the deck reconfiguration as presented. I further move that the council approves the variance requests to permit the reconstruction of an accessory structure between the lakeshore and the lake side of the principal structure which would encroach six feet, seven inches into the required north side yard setback. The motion is based on the following findings: _____.
2. I move the Council denies the variance requests as presented by Frank Precopio for the proposed reconstruction of the existing deck and accessory structure which would encroach into the required north and south side yard setbacks and exceed the maximum permitted impervious surface area. The applicants have not met the following criteria as required by the ordinance in that _____.
3. I move the Council directs staff to immediately draft written notice to Frank Precopio stating the Planning Commission needs to extend the 60-day time limit to _____, 2012 for the following reason(s) _____.

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

CITY OF GREENWOOD FILING REQUIREMENTS – VARIANCE

Unless waived by the Zoning Coordinator you must provide all of the following items with this application that apply to your request. Incomplete applications will delay your request.

| Complete | Incomplete | |
|------------|------------|---|
| <u>TVL</u> | <u>MP</u> | Meeting with Zoning Coordinator |
| <u>TVL</u> | <u>MP</u> | Nonrefundable Filing Fee of \$400.00 to \$1,500.00 (payable to "City of Greenwood") |
| <u>TVL</u> | <u>MP</u> | Application for Variance |

Paper copies & an electronic copy (pdf) of the following drawings or plans:

| | | |
|------------|-----------|---|
| <u>TVL</u> | <u>MP</u> | 1 full size scalable certified survey and 1 (11 x 17) copy <ul style="list-style-type: none">• A certified survey with legal description and street address• Parcel size in Acres and Square Feet• Topography of the site - for major construction delineate grading and drainage plan with contours at two-foot intervals;• Location and dimensions of all the existing improvements, including; buildings, structures, retaining walls, steps, parking areas, driveways, storage areas, utilities and wells;• Location and dimension of all proposed buildings and structures;• Impervious surface calculations - existing and proposed - % and square footage;• Outline the setbacks "building pad" on the survey according to the ordinance provisions and show the closest distance between the buildings and front, side, lake and rear lot lines;• Distance between principal buildings and accessory buildings and structures;• Massing, building height, and structure height calculations;• Delineate all wetland, OHWL of Lakes, bluffs, easements and driveways.• Significant tree conditions and all significant trees proposed to be removed. |
|------------|-----------|---|

| | | |
|-------------|-------------|---|
| <u>TVC</u> | <u>A</u> | 1 large scale copy and 1 (11x 17) set of scalable elevation of the proposed structure(s) on all sides & indicate structure height at the roof peak per City Ordinance. Scale must be appropriate for the size of the project (1 inch = 10 feet or 1 inch = 20 feet is preferred in most cases). |
| <u>TVC</u> | <u>N/A</u> | 1 (11 x 17) set of the floor plan (existing and proposed); |
| <u> </u> | <u> </u> | Stake the location in the field of proposed buildings, structures and lot lines; |
| <u>TVC</u> | <u>AD</u> | Applicant is responsible for producing any colored copies; |
| <u>TVC</u> | <u>N/A</u> | Tree preservation plan (if applicable); |
| <u>TVC</u> | <u>N/A</u> | Lighting plan for sports courts, pools, new home construction and accessory buildings, driveways and parking areas (if applicable); and |

City of Greenwood – Variance Application Filing Requirements

- 1) Consult with the Zoning Coordinator to determine the ordinances and procedures applicable to your application. Applications are submitted to the Zoning Coordinator.
- 2) Tree removal, land alteration and wetland alteration all require separate permits and approval from the City.
- 3) All plans, applications and written information become public information once filed, which may be used in the staff report and distributed to the Council and public.
- 4) Application and related materials are due to the Clerk's office by published Planning Commission application deadline. (Speak with Zoning Coordinator with questions)
- 5) The Planning Commission typically meets on the third Wednesday of each month to review requests and the City Council typically meets on the First Tuesday of the following month to consider variance requests. The Planning Commission makes it's recommendation to the City Council, which makes the actual decision on variance requests. Applicant(s)'s and Owner(s)'s presence at both meetings is strongly encouraged as questions may be asked of you that would better assist the Planning Commission and City Council in making an informed decision.
- 6) Notice will be published in the designated paper prior to the Planning Commission meeting and notice will be sent to residents within 350 feet of the subject property.
- 7) If approval is granted you may apply for a building permit.
- 8) **Expiration:** If a variance is granted for the property and the construction of the structure for which it was granted is not commenced within one year after the date of the Council Resolution approving the variance, the variance will expire and will be of no further force and effect.
- 9) The City reserves the right to require additional plans or information as necessary.

- 10) Submittal of an application grants the City permission to inspect and photograph the property.

Zoning Coordinator Gus Karpas
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331

Phone: 952-474-4755
Fax: 952-474-1274
Email: Guskarpas@mchsi.com

City of Greenwood – Variance Application Filing Requirements

 M Date materials received (complete - incomplete), with electronic copy forwarded to Planning Commission members

 M Date sent either notice of incomplete information or notice that information is complete (within 15 workdays from date materials received (above)), with email copy of notice to Mayor and Councilmembers

 60 day deadline 9/15/12

 Notice of 60 day extension

 8/15/12 Planning Commission Meeting (Public Hearing)

 Yes Applicant given Meeting Schedule

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

Variance Application

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

Property address for which variance is requested 5520 MAPLE HEIGHTS ROAD

Applicant (individual or company name): TRAVIS VAN LIERE STUDIO, LLC

Contact for Business: TRAVIS VAN LIERE Title: PRESIDENT / LANDSCAPE

Address: 4146 COFFMAN LANE City: MPLS State: MN Zip: 55406 **ARCHITECT**

Wk Phone: 612.760.0494 Hm Phone: _____

Email address: travisvanliere@gmail.com Fax: _____

Present use of property: RESIDENTIAL (R1-A)

Property acreage: 10,147 SF

Existing Variances: Yes _____ No ← NOT AWARE OF ANY PREVIOUS

If yes, please explain _____

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

What is the Variance being requested for: _____

Variance for:

| | Required | Proposed |
|--|---|--|
| <input checked="" type="checkbox"/> Side Yard (BOTH SIDES) | <u>10</u> feet | <u>SEE PLANS</u> ^{VARIABLES} feet |
| Front Yard | _____ feet | _____ feet |
| Rear Yard | _____ feet | _____ feet |
| Lake setback | _____ feet | _____ feet |
| Building height | _____ feet | _____ feet |
| Structure height | _____ Feet | _____ feet |
| Wetland | _____ feet | _____ feet |
| <input checked="" type="checkbox"/> Impervious Cover | <u>25% Total</u> Sq ft <u>or 2530 sf</u> | <u>SEE PLANS</u> Sq ft |
| Shoreland | _____ feet | _____ feet |
| Massing | _____ volume | _____ volume |
| <input checked="" type="checkbox"/> Other | _____ feet | _____ feet |
| If other, please explain | <u>Replacement of Accessory Structure</u> | <u>124 sf existing 124 sf proposed</u> |

MATCH EXISTING OF 4,670 sf

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

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

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

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

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

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

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

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

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

SEE ATTACHED SEPARATE RESPONSE SHEET

Establishing Practical Difficulty:

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

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

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

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

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

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

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

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

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

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

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

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

_____ LMCD # 952-745-0789

_____ Watershed District # 952-471-0590

Applicant's Acknowledgement & Signature(s)

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

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

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

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

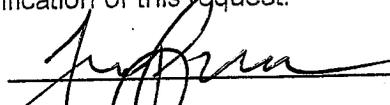
I am the authorized person to make this application and the fee owner has also signed this application.

Applicant's Signature:  Date: 6/17/12

Signature: _____ Date: _____

Owner's Acknowledgement & Signature(s)

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

Owner's Signature:  Date: 6/17/12

Owner's Signature: _____ Date: _____

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

5520 MAPLE HEIGHTS ROAD – VARIANCE APPLICATION

Response to Variance Questions from Application

VARIANCE #1 AND #2 – Request for variance from side yard setbacks of 10' for deck

1. The requested variance, if granted will be in keeping with the spirit and intent of the City Zoning because: **The variance is keeping with the spirit or intent of city zoning by allowing existing non conforming lots to maintain their current standards as they currently existed prior to the establishment of the ordinance codes. The proposed variance is maintaining, replacing and enhancing what is currently there and will be keeping the property in good standards with the health, safety and welfare of the community.**
2. The landowner's (applicant's) property cannot be put to a reasonable use if used under the conditions allowed by the official controls because:
The existing property's structure and deck is non-conforming to the current existing code and would require significant deviation from existing conditions to bring it in to standing with current code regulations.
3. The plight of the landowner (Applicant) is due to circumstances unique to the property and not created by the landowner property because:
The existing property's structure and deck is non-conforming to the current existing code and was in existence prior to the development of these codes. It would require significant deviation from existing conditions to bring it in to standing with current code regulations.
4. The variance, if granted will not alter the essential character of the locality because:
The existing property's structure and deck is already non-conforming to the existing code due to the small size of the existing lot. It will not alter the existing character of the neighborhood as a majority of the adjacent properties are also non-conforming due to the smaller parcel sizes.
5. Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:
The variance would have little effect on the existing neighboring properties as the deck is replacing the current existing deck structure. Cable railings will be used in lieu of wood railings to promote visibility through to the lake beyond. Retaining walls underneath the deck will be removed to promote visibility through to the lake beyond.
6. Describe the effect of the variance, if granted on supply of light and air to adjacent properties:
The variance would have no effect on the light or air qualities to adjacent properties. Cable railings will be used in lieu of wood railings to promote visibility through to the lake beyond. Retaining walls underneath the deck will be removed to promote visibility through to the lake beyond.
7. Describe the effect of the variance, if granted on traffic congestion in the public street:
The variance would have no effect on the traffic congestion in the public streets.
8. Describe the effect of the variance, if granted, on the danger of fire:
The variance would have no effect on the danger of fire as it is replacing the existing deck structure.
9. Describe the effect of the variance, if granted , on the danger to public safety:
The variance would have no effect on public safety.

5520 MAPLE HEIGHTS ROAD – VARIANCE APPLICATION

10. Describe the effect of the variance, if granted on established property values in the surrounding area: **The variance would allow us to maintain our existing property in standards with the surrounding neighborhood and would enhance property values.**
11. Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare. **The variance would have no effect on the public health, safety or welfare. The proposed variance is maintaining, replacing and enhancing what is currently there and will be keeping the property in good standards with the health, safety and welfare of the community.**

**VARIANCE REQUEST #3. Requested variance for hardcover requirements on R1-A property.
(Note existing property is exceeding hardcover requirements and that the proposed new design would maintain the hardcover calculations for this property)**

1. The requested variance, if granted will be in keeping with the spirit and intent of the City Zoning because: **The variance is keeping with the spirit or intent of city zoning by allowing existing non conforming lots to maintain their current standards as they currently existed prior to the establishment of the ordinance codes. The proposed variance is maintaining, replacing and enhancing what is currently there and will be keeping the property in good standards with the health, safety and welfare of the community.**
2. The landowner's (applicant's) property cannot be put to a reasonable use if used under the conditions allowed by the official controls because:
The existing property's structure and deck is non-conforming to the current existing code and would require significant deviation from existing conditions to bring it in to standing with current code regulations.
3. The plight of the landowner (Applicant) is due to circumstances unique to the property and not created by the landowner property because:
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4. The variance, if granted will not alter the essential character of the locality because:
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5. Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:
The variance would have little effect on the existing neighboring properties as the deck is replacing the current existing deck structure. Cable railings will be used in lieu of wood railings to promote visibility through to the lake beyond. Retaining walls underneath the deck will be removed to promote visibility through to the lake beyond.
6. Describe the effect of the variance, if granted on supply of light and air to adjacent properties:

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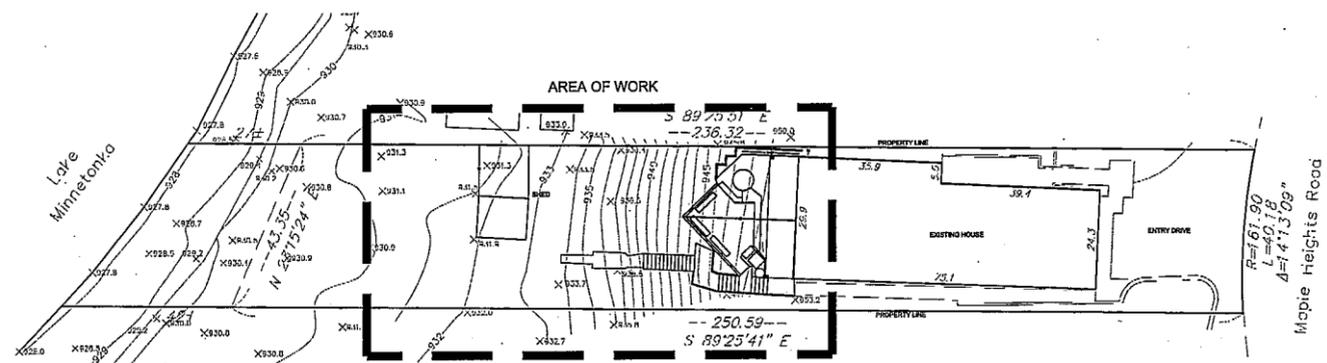
GENERAL NOTES:

1. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFORMATION.
2. ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE W/ PAVING, CONCRETE, AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.
3. REFER TO SHEET L101 FOR EXISTING CONDITIONS PLAN FOR BOUNDARY INFORMATION. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR.
4. DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS ARE TO BE USED FOR ALL LAYOUT WORK.
5. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY LAYOUT DISCREPANCIES.
6. ALL SITE ELEMENTS SHALL BE STAKED IN THE FIELD AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
7. AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

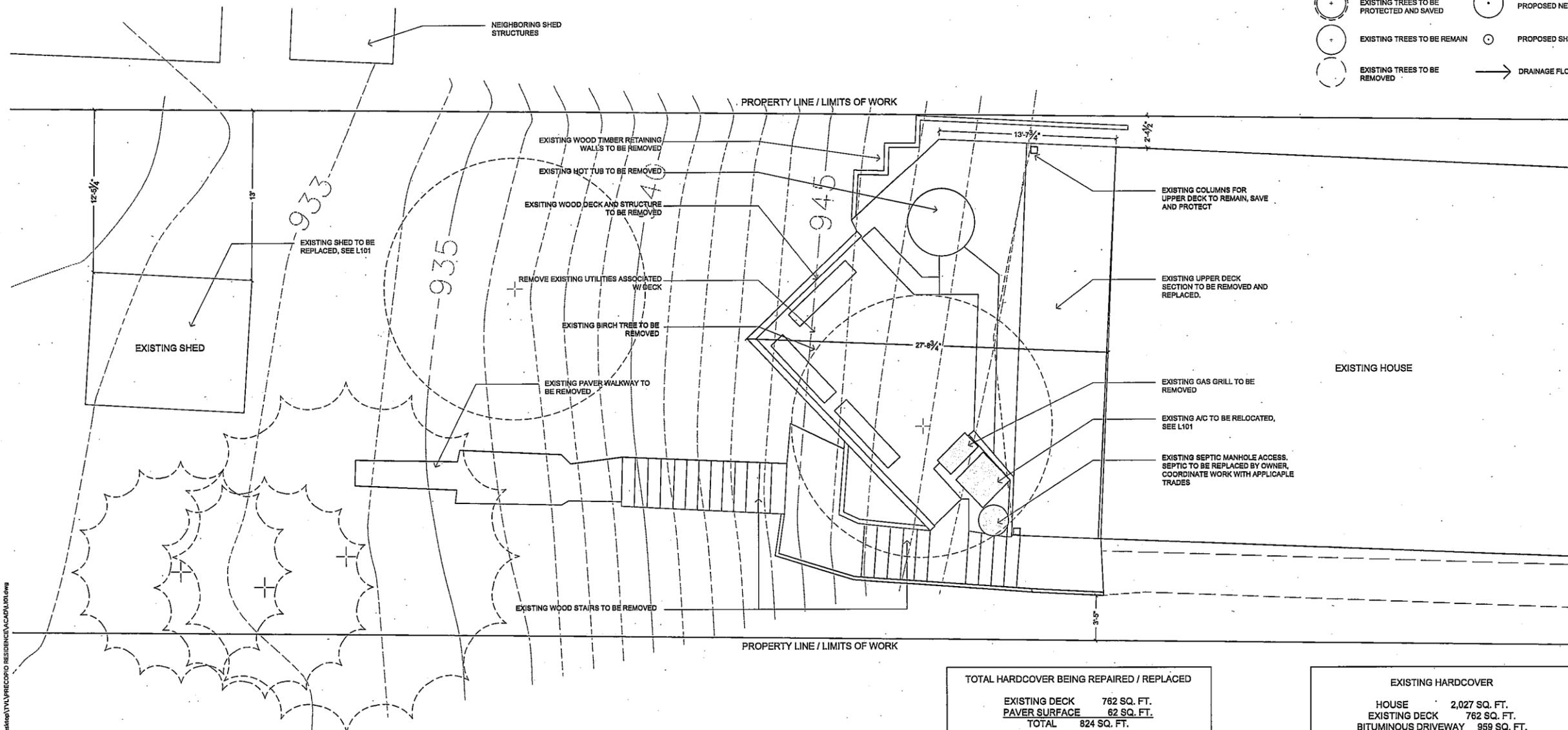
LEGEND

- | | | | |
|--|--|--|--------------------------------------|
| | LAWN / SOD | | NO MOW FESCUE |
| | AGGREGATE SURFACING | | CONCRETE SURFACING |
| | GROUNDCOVER PLANTING | | EXISTING SITE FEATURES TO BE REMOVED |
| | EXISTING CONTOUR | | PROPOSED CONTOUR |
| | EXISTING SPOT ELEVATION | | PROPOSED SPOT ELEVATION |
| | EXISTING TREES TO BE PROTECTED AND SAVED | | PROPOSED NEW TREE |
| | EXISTING TREES TO BE REMAIN | | PROPOSED SHRUB / PERENNIAL |
| | EXISTING TREES TO BE REMOVED | | DRAINAGE FLOW |

28 143.78
5
er deck 209.3
r deck 448.84
ig 15.85
zill hardcover allowed



1 EXISTING CONDITIONS / REMOVALS PLAN
SCALE: 1" = 20' - 0"



TOTAL HARDCOVER BEING REPAIRED / REPLACED

| | |
|---------------|--------------------|
| EXISTING DECK | 762 SQ. FT. |
| PAVER SURFACE | 62 SQ. FT. |
| TOTAL | 824 SQ. FT. |
| SHED | 124 SQ. FT. |
| TOTAL | 124 SQ. FT. |

EXISTING HARDCOVER

| | |
|---------------------------------------|-----------------------|
| HOUSE | 2,027 SQ. FT. |
| EXISTING DECK | 762 SQ. FT. |
| BITUMINOUS DRIVEWAY | 959 SQ. FT. |
| CONCRETE SURFACES | 308 SQ. FT. |
| PAVER SURFACE | 415 SQ. FT. |
| SHED | 124 SQ. FT. |
| RET. WALLS | 75 SQ. FT. |
| TOTAL EXISTING HARDCOVER | 4,670 SQ. FT. |
| AREA OF LOT TO OHW | 10,147 SQ. FT. |
| PERCENTAGE OF HARDCOVER TO LOT | 46% |

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.
print name: TRAVIS VAN LIERE
signature: *TVL*
license no: 43728 date:

NOTE:

| Issue | Revision |
|-------------------|----------|
| ISSUED FOR PERMIT | 07.17.12 |

Precopio Residence

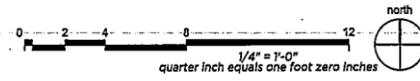
5520 Maple Heights Road
Shorewood, MN 55331

Existing Conditions / Removals Plan

| | |
|----------|----------|
| Project | 1102 |
| Drawn by | TVL |
| Date | 03.13.12 |
| Scale | Varies |
| Sheet | |

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2 ENLARGEMENT EXISTING CONDITIONS AND REMOVALS PLAN
SCALE: 1/4" = 1' - 0"



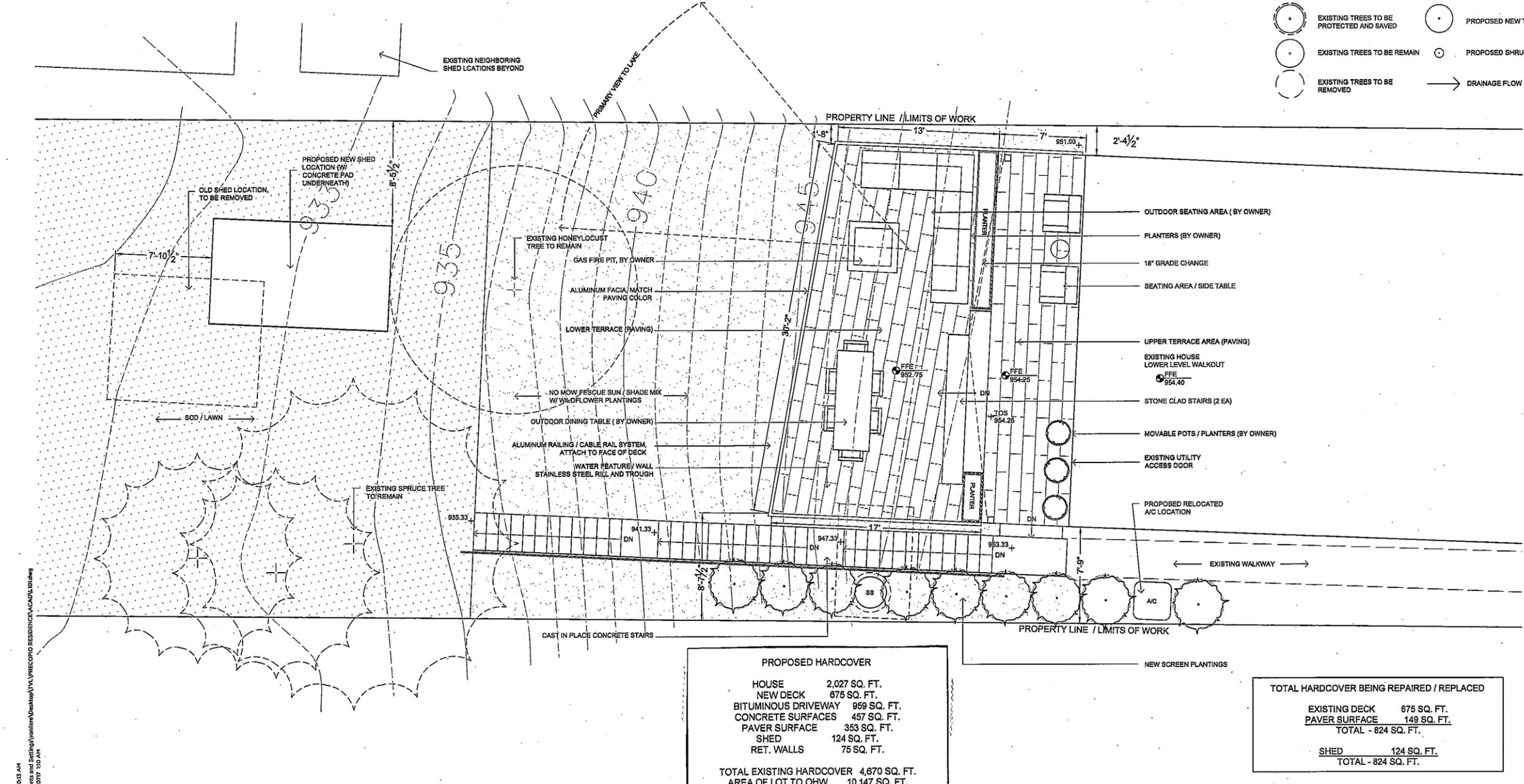
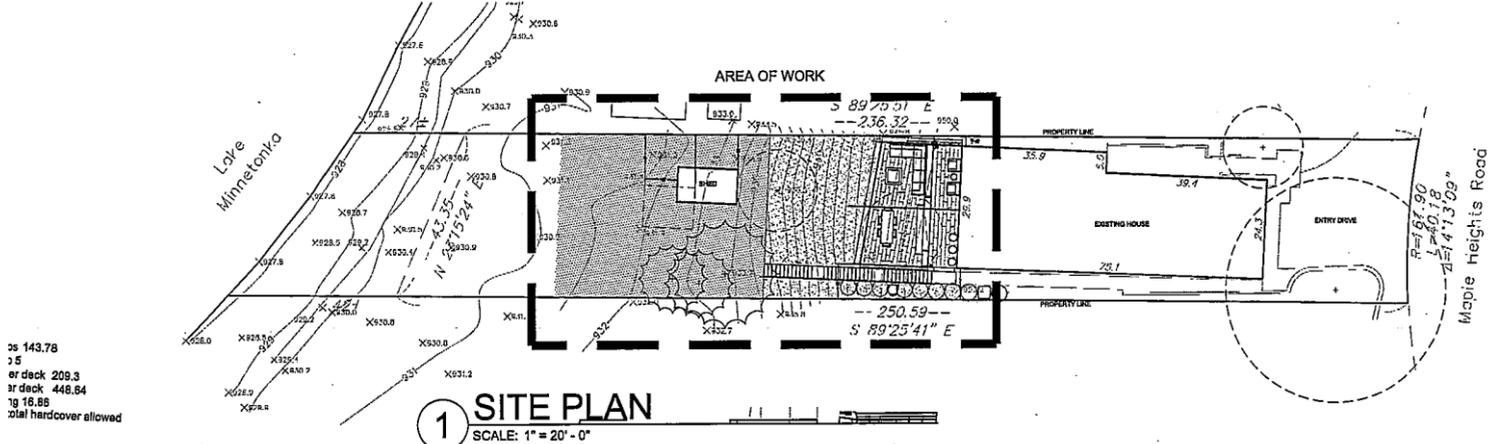
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3. REFER TO SHEET L010 FOR EXISTING CONDITIONS PLAN FOR BOUNDARY INFORMATION. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR.
4. DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS ARE TO BE USED FOR ALL LAYOUT WORK.
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7. AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

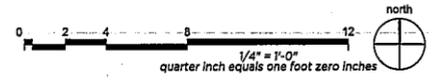
LEGEND

- | | | | |
|--|--|--|--------------------------------------|
| | LAWN / SOD | | NO MOW FESCUE |
| | AGGREGATE SURFACING | | CONCRETE SURFACING |
| | GROUNDCOVER PLANTING | | EXISTING SITE FEATURES TO BE REMOVED |
| | EXISTING CONTOUR | | PROPOSED CONTOUR |
| | EXISTING SPOT ELEVATION | | PROPOSED SPOT ELEVATION |
| | EXISTING TREES TO BE PROTECTED AND SAVED | | PROPOSED NEW TREE |
| | EXISTING TREES TO BE REMAIN | | PROPOSED SHRUB / PERENNIAL |
| | EXISTING TREES TO BE REMOVED | | DRAINAGE FLOW |



| PROPOSED HARDCOVER | |
|--|-----------------------|
| HOUSE | 2,027 SQ. FT. |
| NEW DECK | 875 SQ. FT. |
| BITUMINOUS DRIVEWAY | 959 SQ. FT. |
| CONCRETE SURFACES | 457 SQ. FT. |
| PAVER SURFACE | 383 SQ. FT. |
| SHED | 124 SQ. FT. |
| RET. WALLS | 75 SQ. FT. |
| TOTAL EXISTING HARDCOVER | 4,670 SQ. FT. |
| AREA OF LOT TO OHW | 10,147 SQ. FT. |
| PERCENTAGE OF HARDCOVER TO LOT -- 46% | |

| TOTAL HARDCOVER BEING REPAIRED / REPLACED | |
|---|----------------------|
| EXISTING DECK | 875 SQ. FT. |
| PAVER SURFACE | 149 SQ. FT. |
| TOTAL | - 824 SQ. FT. |
| SHED | 124 SQ. FT. |
| TOTAL | - 824 SQ. FT. |



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.
print name: TRAVIS VAN LIERE
signature: *Travis Van Liere*
license no: 43728 date:

NOTE:

| Issue | Revision |
|-------------------|----------|
| ISSUED FOR PERMIT | 07.17.12 |

Precopio Residence

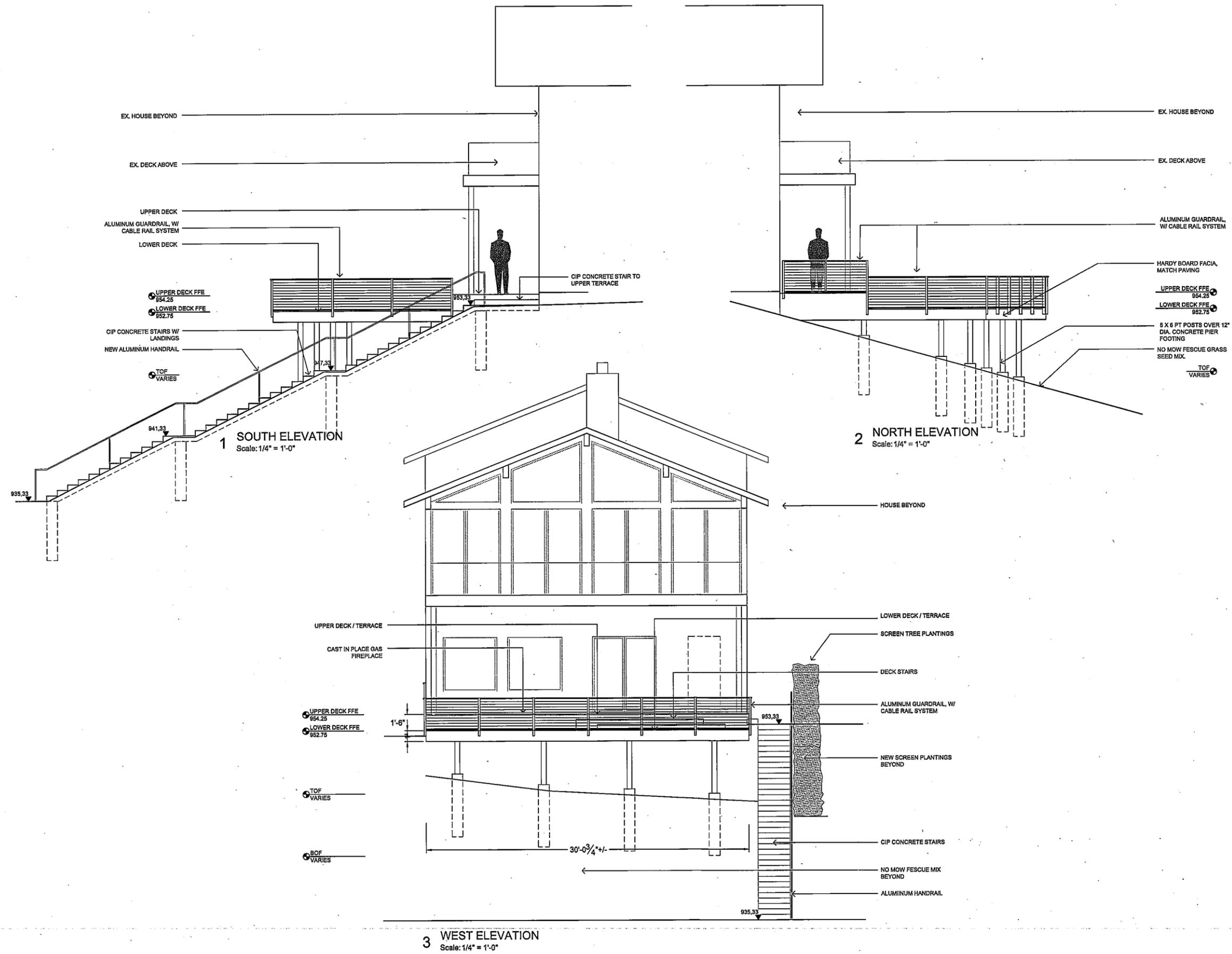
5520 Maple Heights Road
Shorewood, MN 55331

Site Plan

| | |
|----------|-----------|
| Project | 1102 |
| Drawn by | TVL |
| Date | 03.13.12 |
| Scale | 1"=10'-0" |
| Sheet | |

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print name: TRAVIS VAN LIERE
signature: *Travis Van Liere*
license no: 43728 date:

NOTE:

| Issue | Revision |
|-------------------|----------|
| ISSUED FOR PERMIT | 07.17.12 |

Precipio Residence

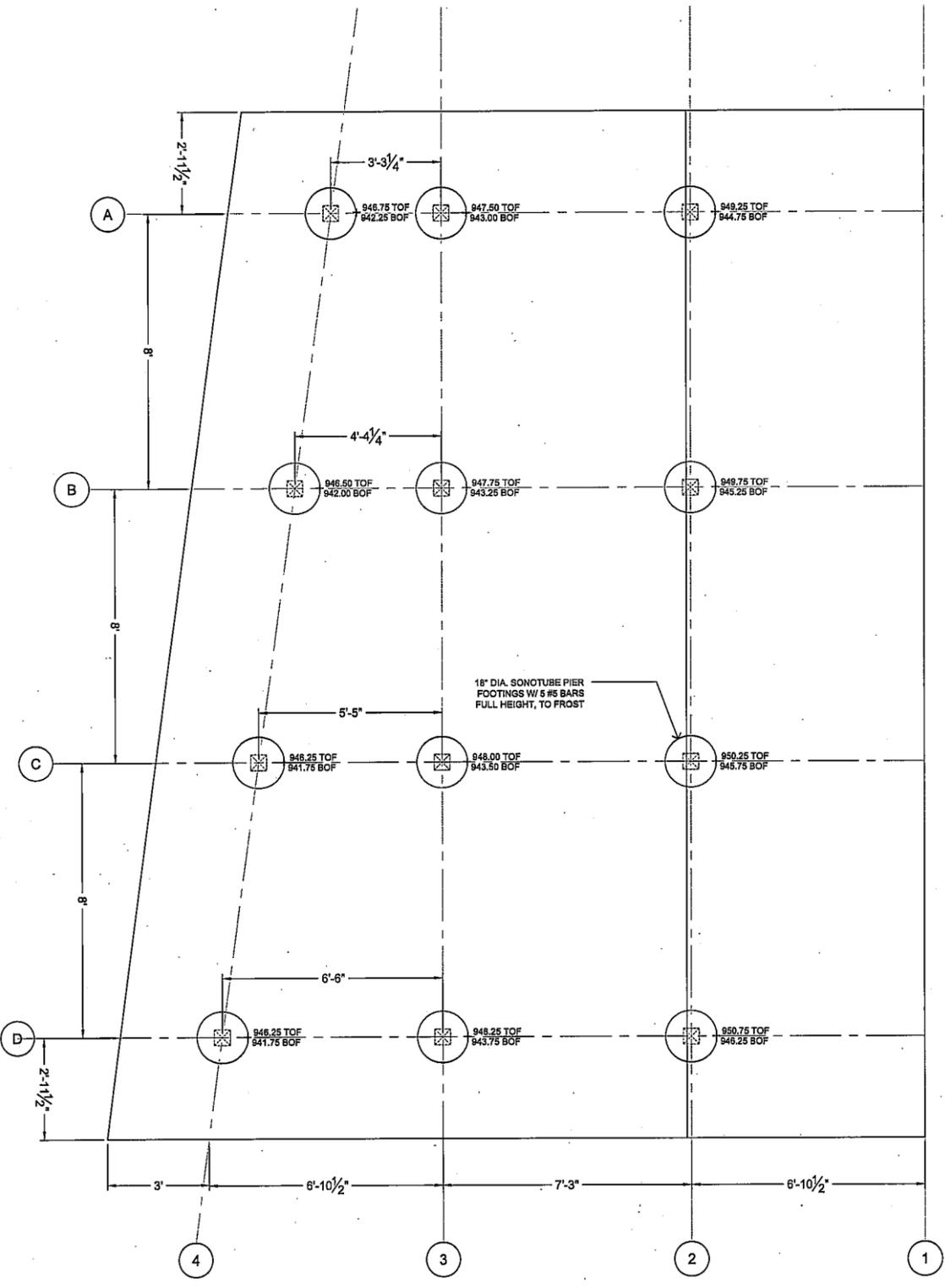
5520 Maple Heights Road
Shorewood, MN 55331

Drawing
Elevations

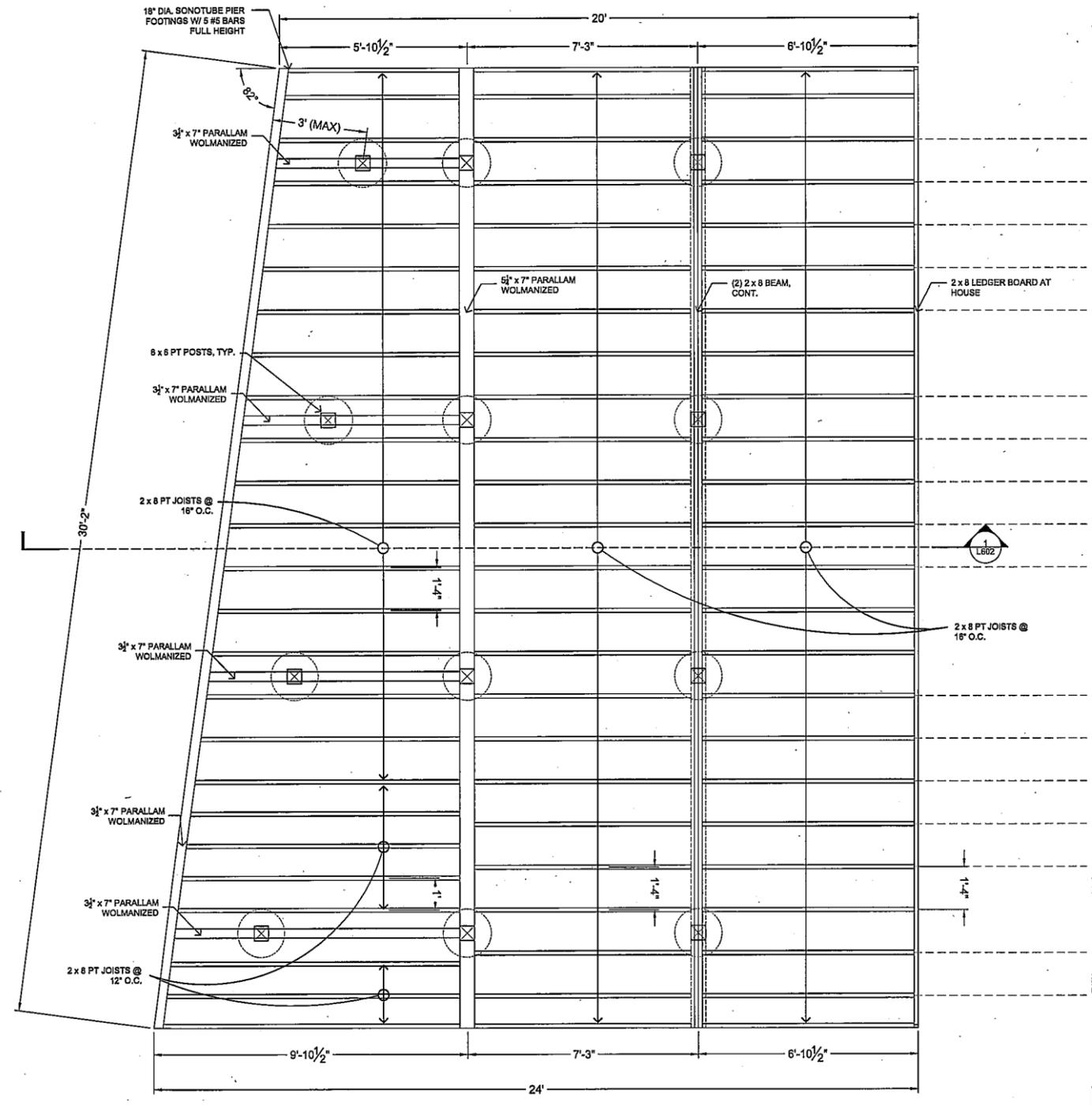
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|----------|------------|
| Project | 1102 |
| Drawn by | TVL |
| Date | 03.13.12 |
| Scale | 1/4"=1'-0" |
| Sheet | |

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1 FOUNDATION PLAN
Scale: 1/2" = 1'-0"



2 FRAMING PLAN
Scale: 1/2" = 1'-0"

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.
print name: TRAVIS VAN LIERE
signature: *[Signature]*
license no: 43728 date:

NOTE:

| Issue | Revision |
|-------------------|----------|
| ISSUED FOR PERMIT | 07.17.12 |

Precopio Residence

5520 Maple Heights Road
Shorewood, MN 55331

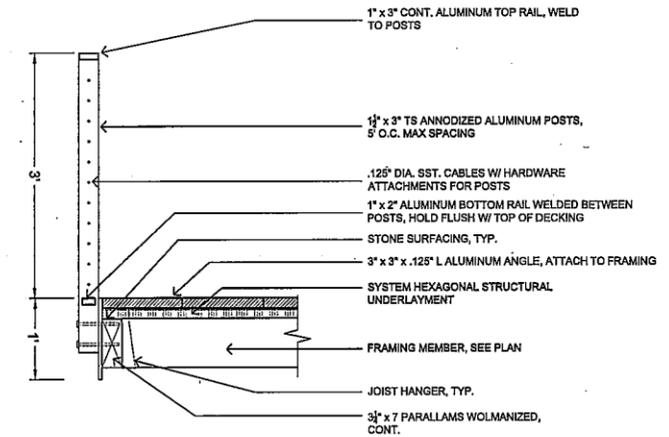
Deck Details

| | |
|----------|--------------|
| Project | 1102 |
| Drawn by | TVL |
| Date | 03.13.12 |
| Scale | 1/4" = 1'-0" |
| Sheet | |

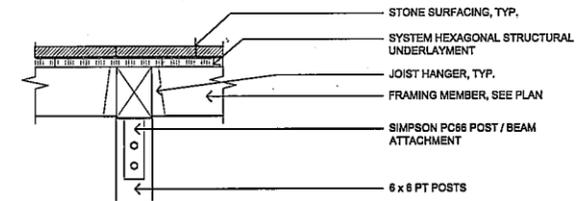
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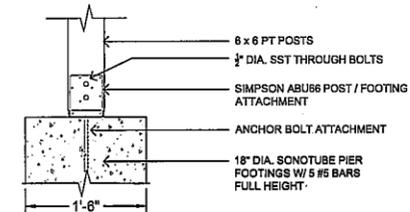
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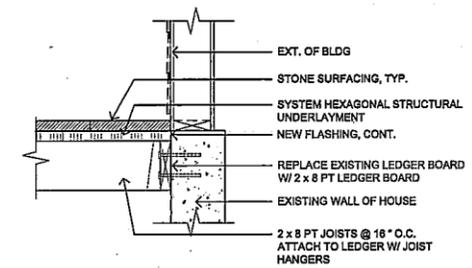
1 CABLE RAILING @ DECK EDGE, TYP.
Scale: 1" = 1'-0"



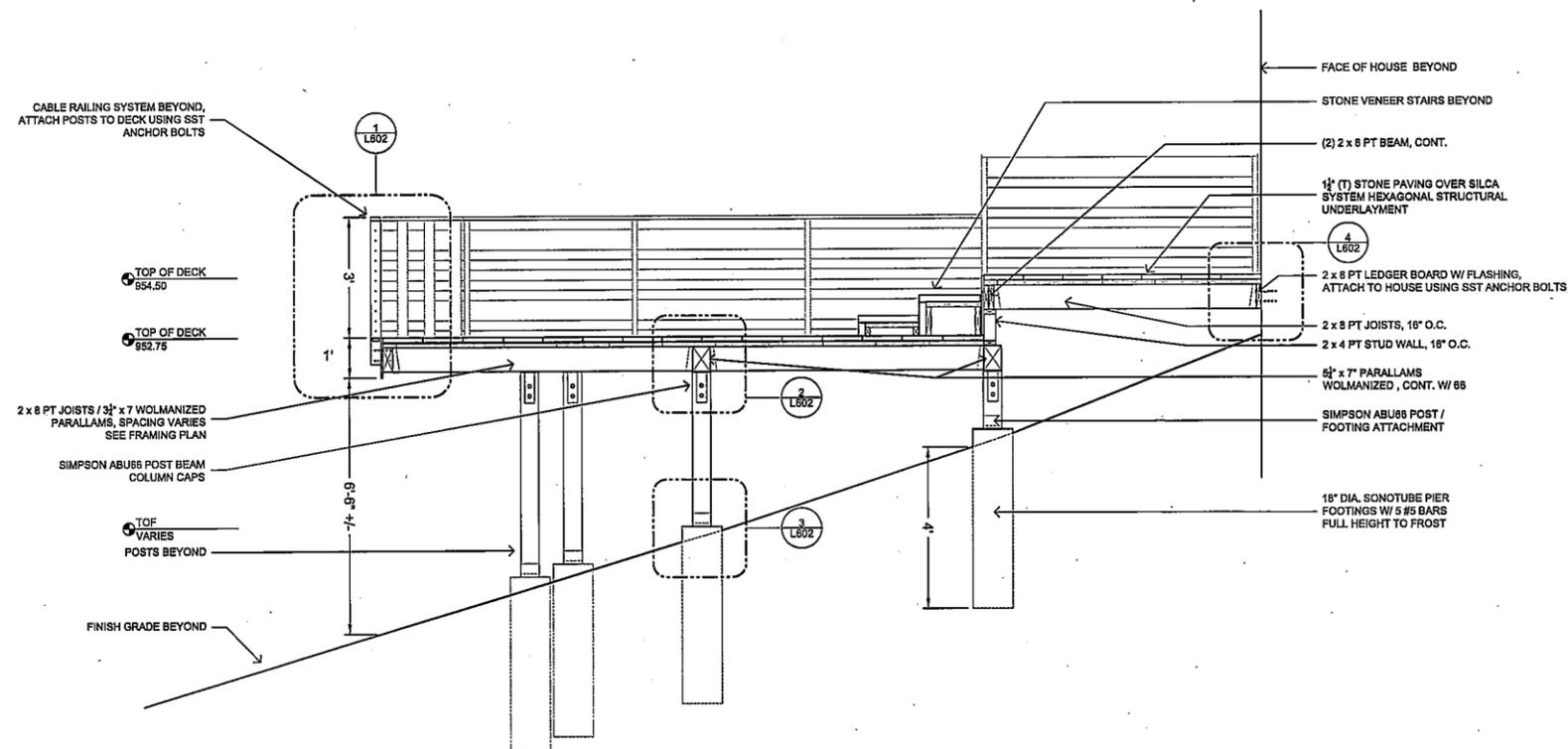
2 POST / BEAM CONNECTION, TYP.
Scale: 1" = 1'-0"



3 POST / FOOTING CONNECTION, TYP.
Scale: 1" = 1'-0"



4 LEDGER BOARD CONNECTION, TYP.
Scale: 1" = 1'-0"



1 SECTION, TYP.
Scale: 1/2" = 1'-0"

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.

print name: TRAVIS VAN LIERE
signature: *Travis Van Liere*
license no: 43728 date:

NOTE:

| Issue | Revision |
|-------------------|----------|
| ISSUED FOR PERMIT | 07.17.12 |

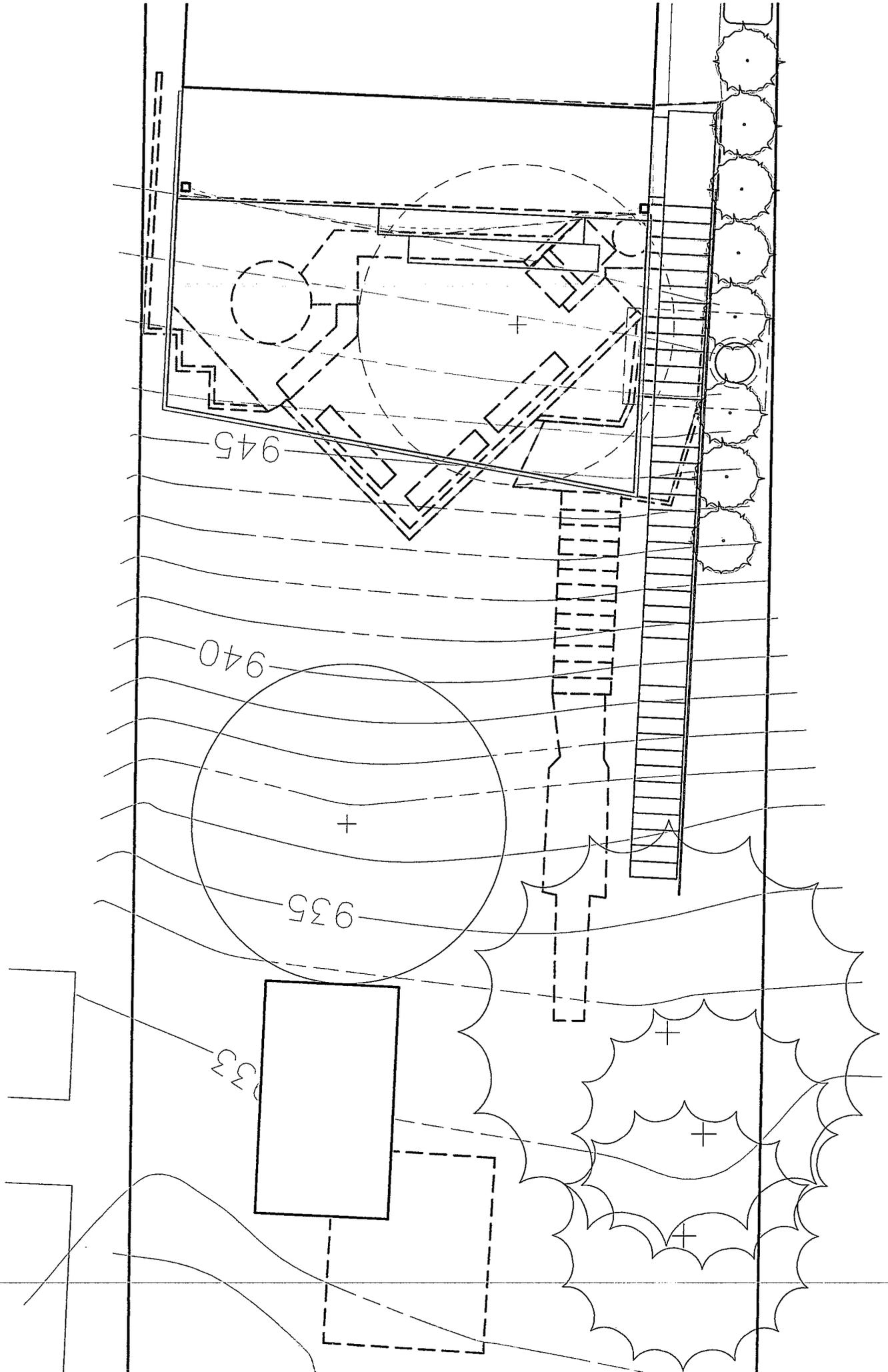
Precopio Residence

5520 Maple Heights Road
Shorewood, MN 55331

Drawing
Deck Details

| | |
|----------|------------|
| Project | 1102 |
| Drawn by | TVL |
| Date | 03.13.12 |
| Scale | 1/4"=1'-0" |
| Sheet | |

L 602



OVERLAY DIAGRAM SHOWING
EXISTING VERSUS PROPOSED

--- EXISTING
— PROPOSED STRUCTURE

ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 www.advsur.com

SURVEY FOR: **FRANK PRECOPIO**

SURVEYED: September 20, 2007 DRAFTED: September 21, 2007

REVISED: September 24, 2007 to change name, add setback dimension

REVISED: November 17, 2011, to show topo in the rear yard and to update the hardcover calc's.

LEGAL DESCRIPTION:

Lot 4, Maple Heights, Hennepin County, Minnesota.

SCOPE OF WORK:

1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. Showing and tabulating hard cover and area of the lot for your review and for the review of such governmental agencies as may have jurisdiction over hard cover requirements.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the map when determining other elevations for use on this site.

STANDARD SYMBOLS & CONVENTIONS:

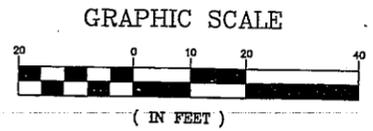
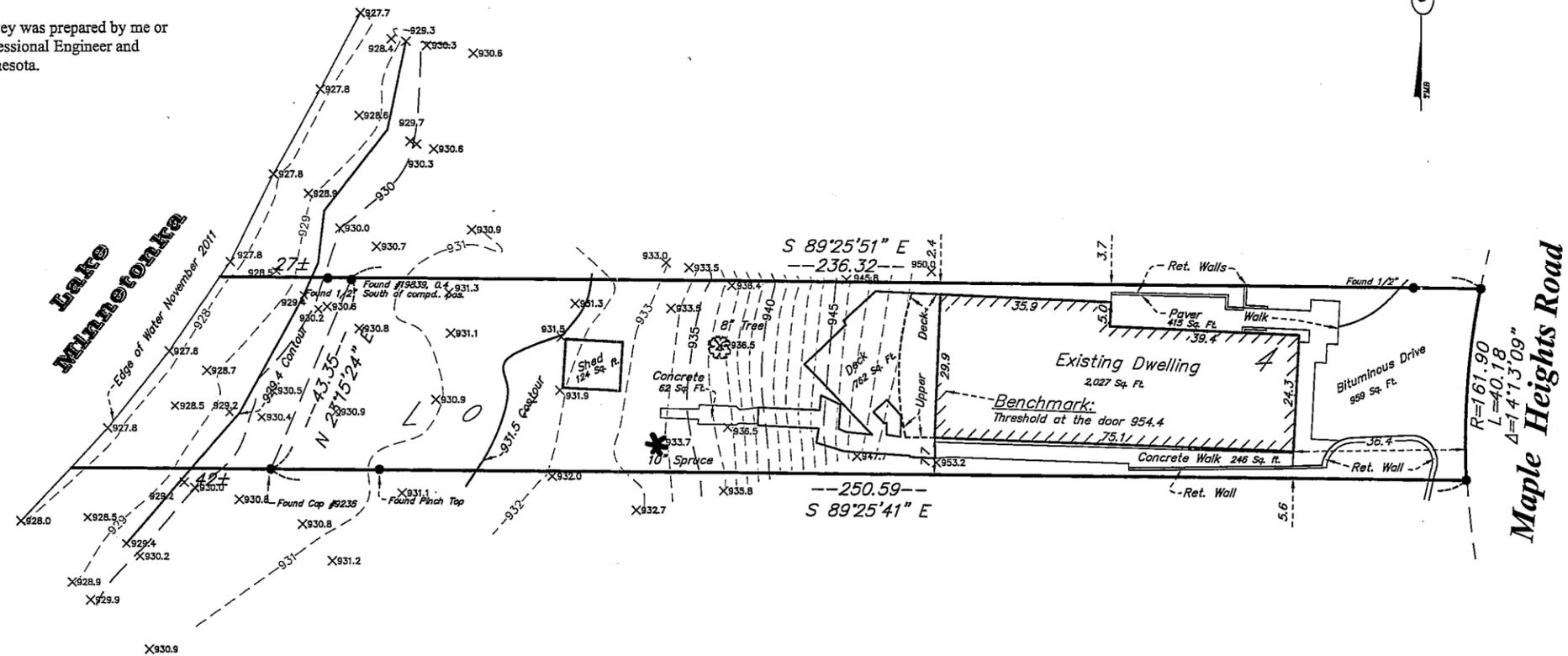
"●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:

I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a licensed Professional Engineer and Professional Surveyor under the laws of the State of Minnesota.

James H. Parker
James H. Parker P.E. & P.S. No. 9235

| EXISTING HARDCOVER | |
|---------------------------------------|----------------------|
| House | 2,027 Sq. Ft. |
| Existing Deck | 762 Sq. Ft. |
| Bituminous Driveway | 959 Sq. Ft. |
| Concrete Surfaces | 308 Sq. Ft. |
| Paver Surface | 415 Sq. Ft. |
| Shed | 124 Sq. Ft. |
| Ret. Walls | 75 Sq. Ft. |
| TOTAL EXISTING HARDCOVER | 4,670 Sq. Ft. |
| AREA OF LOT TO OHW | 10,147 Sq. Ft. |
| PERCENTAGE OF HARDCOVER TO LOT | 46% |



Precopio Residence – Project Description

The Precopio Residence project proposes a series of maintenance updates to the backyard condition of an existing residential home located on the east side of St. Albans Bay on Lake Minnetonka at 5520 Maple Heights Road in Greenwood, MN. The proposed scope of work includes improvements to an existing deck structure, an existing storage shed structure and updating infrastructure on the property. The existing project site is approximately .23 acres in size and is currently zoned R1A. Four variances are being requested for this new scope of work outlined below due to the unique existing conditions of the project.

For this project we are proposing to replace an existing deck structure with a new deck structure. The new deck structure will match the existing deck structure in width however it will pull back from lake approximately 3' from its current furthest condition. The sides of the deck are proposed to extend further from the existing deck as indicated in the variance requests below. The existing deck structure is approximately 20 years old and in need of replacement.

The primary reason for replacing the existing deck is to access and upgrade an existing sanitary lift station and pump that resides underneath the current deck. This existing lift station and pump takes sanitary service from the home and pumps it up hill to a city sanitary service line located under Maple Heights Road. A new larger sanitary lift station and pump for the septic system of the residence will replace the current one and be relocated to an area more easily accessible on site. This septic system will maintain its current connection to the cities sanitary sewer service.

Another reason for replacing the existing deck is to remove a damaged multi-stem birch tree that the deck surface surrounds. This tree has had damage from numerous storms over the years and a portion of the tree now angles toward the home. There is concern about the tree falling onto the existing home in time and causing potential damages. We are proposing to remove this tree at the same time we replace the existing deck and update the septic system.

We are also proposing to replace an existing storage shed down the hill from the residence adjacent to the lake. The existing shed is a wood structure that has fallen in disrepair and is being requested to be replaced with a new structure that will be installed at the same time the other work for the back of the property is being proposed to be completed. The new shed structure will maintain the square footage of the existing shed structure. However, it is proposed to be a longer narrower structure to accommodate the storage of the owner's canoes and kiyaks that currently do not fit into the existing structure. We are also proposing to move the shed from its current location on site further away from the shoreline and adjacent to a series of existing neighboring shed structures so it is better screened from the lake.

The variances being requested for this project include the following...

Variance #1 is a variance request for the side yard setback of deck structure to be decreased from the required 10' setback to a 2' +/- setback on the north side of the property. The existing

deck currently matches this setback however condition we are requesting to extend this side of the deck approximately 6' further towards the lake aligning with an existing wood retaining wall that will be removed completely from the project.

Variance #2 is a variance request for the side yard setback of the deck structure to be decreased from the required 10' setback to a 8' +/- setback on the south side of the property. The existing deck currently matches this setback condition however we are requesting to extend this side of the deck approximately 10' further towards the lake aligning with the existing stair edge of the previous deck structure.

Variance #3 is a variance request to maintain the existing hardcover requirements on the site. The existing property currently is non-conforming and exceeds the allowable hardcover requirements for this site. The proposed new design would maintain the current hardcover calculations that exist for this property.

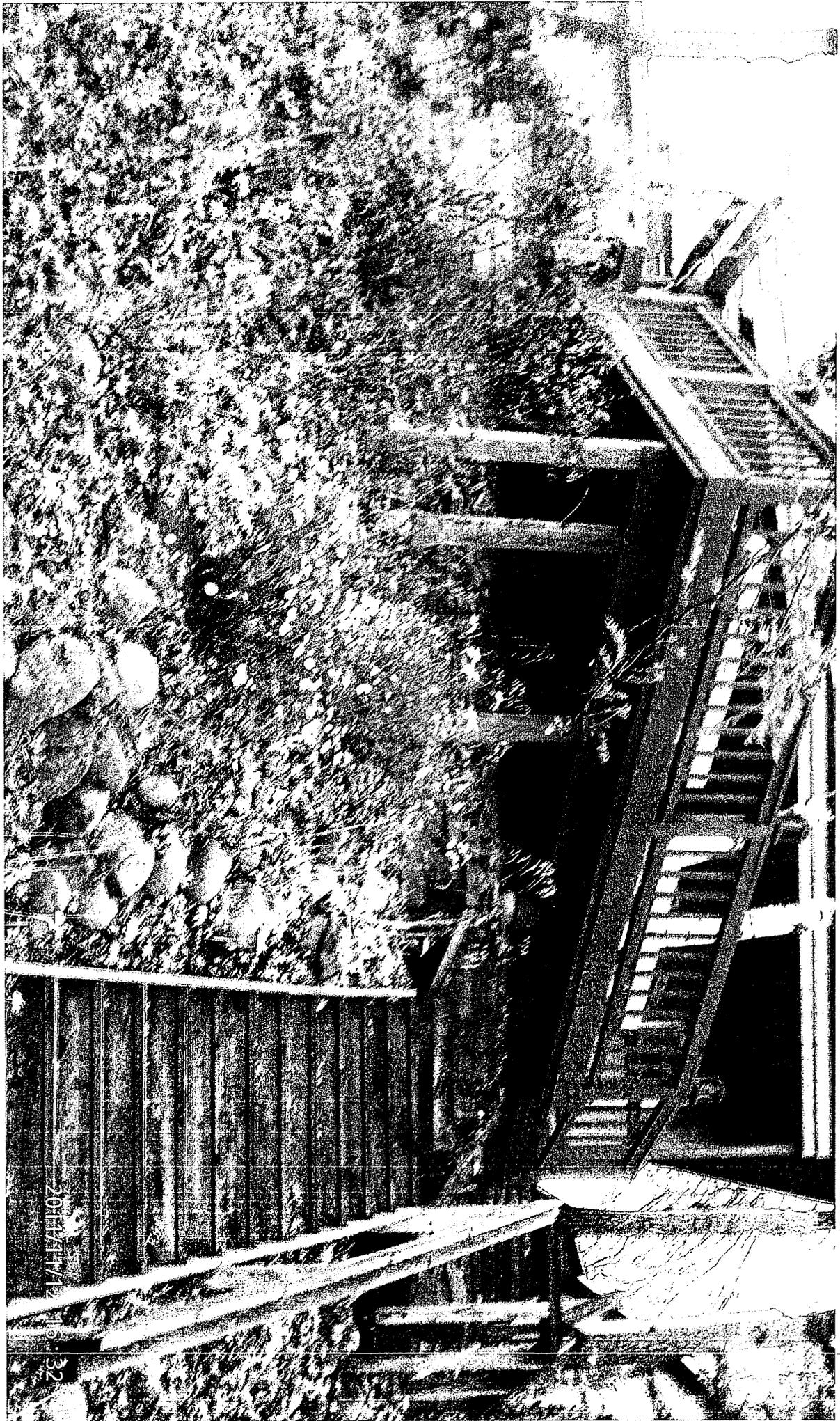
Variance #4 is a variance request to replace an existing accessory structure at the lakeside of property with new structure, maintaining existing square footage of current structure and moving the structure further away from lake and closer to side yard of property. This variance is requested to maintain an existing non-conforming use of allowing sheds along the lakefront of the property.



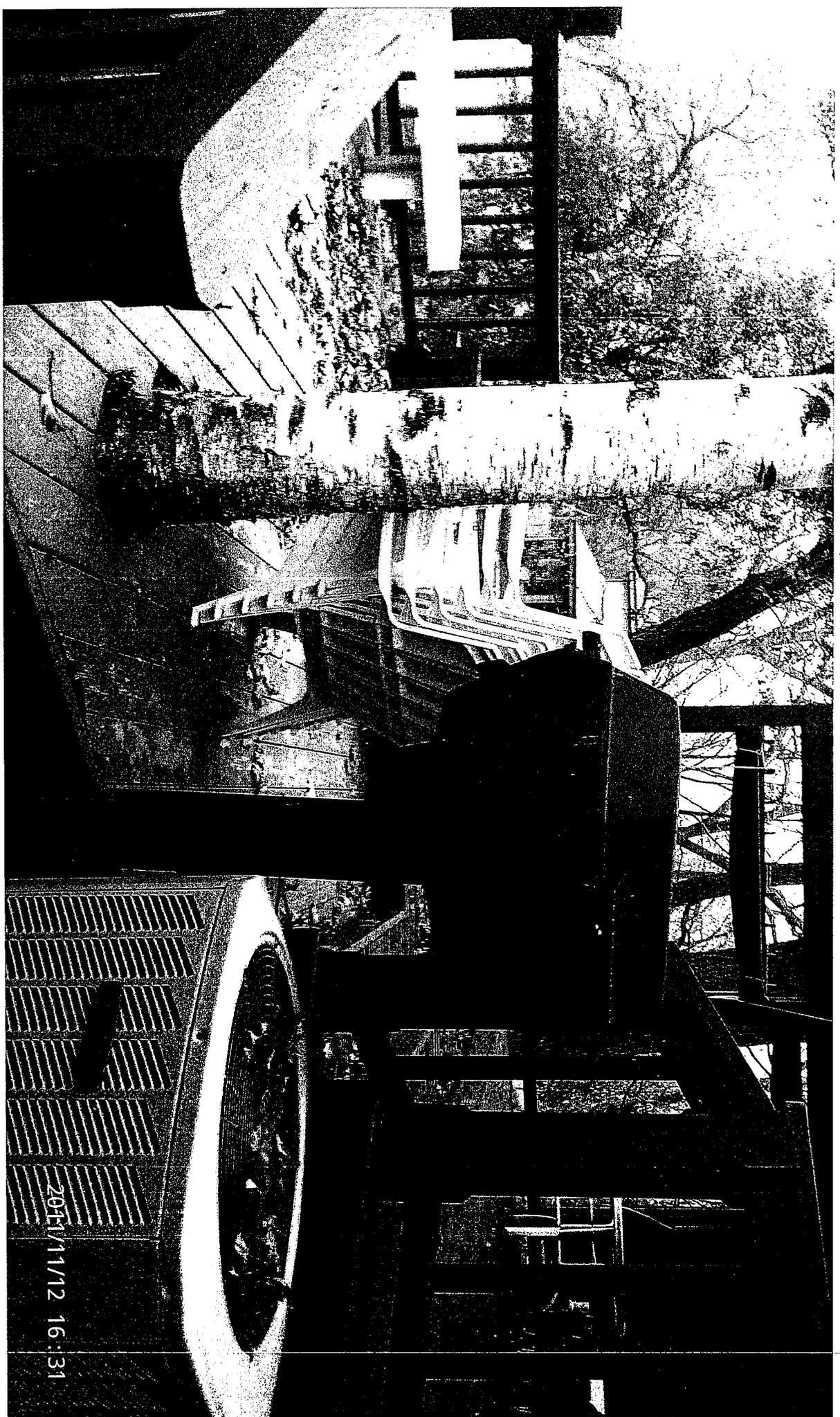
2011/11/12 16:32



2011/11/12 16:33



2011/11/12 10:32



2011/11/12 16:31



John Beal
5470 Maple Heights Road
Greenwood, Minnesota 55331

To: Greenwood Planning Commission

August 12, 2012

Ref: August 15 Review of Frank Precopio's variance requests

I will be absent from the August 15 meeting. I am planning to spend some time with my daughter's family in Chicago.

I want to share my thoughts about Frank Precopio's project and the requested variances.

1. The Deck. The existing deck is a rotting 60's style structure sitting on top of a sanitary lift station that kind of urgently needs to be replaced.

Frank is proposing to demolish the existing deck, replace the lift station, and build a new deck that will be much better looking, be further back from the lake, and not change hardcover.

One could quibble about the fact that the North and South corners of the deck will be closer to the lake than they are now although the center of the deck will move back. I see it as a cleaner, simpler and less obtrusive design.

I think the Planning Commission should recommend that the City Council approve Frank's requests for setback and hardcover variances related to his deck project.

2. The Shed. The purpose of the shed is to store lake stuff (canoes, kayaks, and the like) and garden equipment such as a lawn mower. The existing shed needs to be replaced.

Frank proposes to replace the existing shed with a new one that is narrower and longer with essentially the same floor area. It will be positioned 8 feet further back from the lake and somewhat closer to the neighbor's shed. Frank advises me that it will be painted a neutral color with no contrasting trim.

"Using property in a reasonable manner" is a key to variance considerations.

- a. Without a shed, Mr. Precopio would have to haul his lawn mower up and down a very long flight of stairs. All of the gardening at the Precopio residence is at lake level. It is reasonable to want a storage shed at lake level.

- b. Canoes, kayaks, and masts won't fit in the existing shed. It is reasonable to want to store such items on a lake property. It is not reasonable to expect Mr. Precopio to portage these things to up the stairs to put them away.
- c. There are five houses in a row on Maple Heights Road with accessory structures between the house and the lake. The Precopio residence is the middle house in that group of five.

I think Frank Precopio's requests are quite reasonable. I hope you agree.

Jacobsen, Marietta J

I am in support of my neighbor's remodeling and landscaping plan.

Removing the existing deck and upgrading it plus addressing his lift station makes sense to do all together. Frank no longer uses his hot tub so again, makes sense to remove it. I know the birch tree that the deck was built around by the original owner has gotten large and old. It is a concern when it storms.

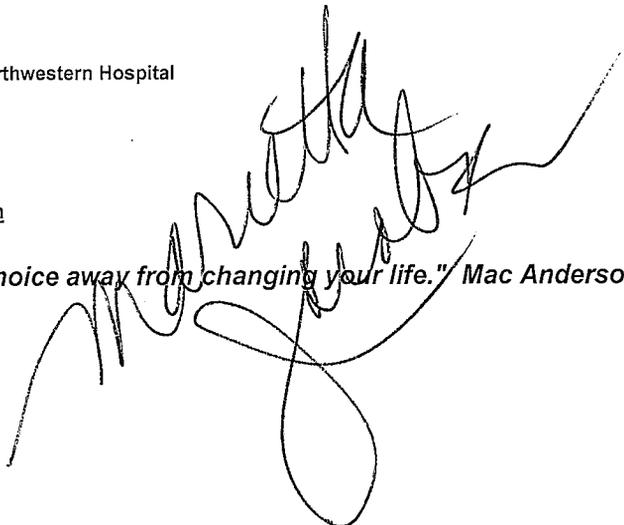
Most of the homeowners on our road have sheds "down by the lake" to keep our water toys as well as our lawn mowers. It would create a hardship if we had to carry everything up and down all our stairs to use the lake and mow our lawns.

The hardcover remains the same as it has been so that is not an issue.

Per the plans, the air conditioning unit will be moved off the deck onto the side yard by me. I am comfortable with the placement of it. Frank has assured me there will be some natural screening (evergreens) around it.

One concern I have is for the large planting of Hydrangeas on my property. They are right on the lot line so I would like them saved from being torn down. Frank is aware of my concern about those bushes.

Marietta Jacobsen
Admitting Manager Abbott Northwestern Hospital
Mail Stop: 11106
800 East 28th Street
Minneapolis, MN 55407
Ph: 612-863-4227
Fax: 612-863-3142
Marietta.Jacobsen@Allina.com



"You are always one choice away from changing your life." Mac Anderson, Simple Truths

Gus Karpas

From: Dave Paeper <DPaeper@hga.com>
Sent: Monday, August 13, 2012 9:50 AM
To: Pat Lucking; Gus Karpas (administrator@greenwoodmn.com)
Subject: Planning commission meeting

My meeting in Milwaukee on Wednesday just got changed to late afternoon, so I'm going to miss the Planning Comm meeting this month.

I visited with Frank Procopio and reviewed his site conditions, and have no problem with approving all his variances, especially since he now has approval letters from both his neighbors. Everything he is doing seems reasonable and practical, and he is not expanding any of his current non-conformances. His lot size alone is a hardship.

At the 5370 Maple Hts property, however, I have the following comments/issues:

- Does this property have two front yards – Maple Hts and Oak Lane? Does their package indicate the correct Oak Lane setback?
- Encroaching on the Oak Lane setback with the Lower Level addition (where the new garage is added facing east on the south end of the house) seems to be 100% for convenience. Even though it's a nice idea and I understand why they would want to do it, their addition could be designed to avoid this setback encroachment and variance, so I do not approve that portion of their proposal.
- Their note that this addition will make their house match the "Maple Heights Road character of two-story houses" is not accurate – only a few houses face Maple Hts, they are all set back substantially, and are a mix of one story ranch and two story.
- No lower level floor plan is provided.
- The floor plans and elevations do not indicate what is existing versus what is new. Do we require this for the submittal? It would really help us understand what's going on if this info were provided.
- I have not checked this against the massing ordinance – I'm sure John Beal and you guys will or have. Grade is being changed a lot (excavated) at the east garage entrance, lowering the average grade height around the house.

Sorry I have to miss this meeting where we have a lot to talk about!

David Paeper
612.743.1635



Agenda Item: Consider Variance Requests, Justin and Jen Zygmunt, 5370 Manor Road

Summary: Justin and Jen Zygmunt are requesting variances to expand and construct a second story over an existing non-conforming structure which would encroach into the minimum required rear yard and exterior south side yard setbacks.

The existing structure is non-conforming in that the footprint extends four feet into the required rear yard setback, seventeen feet into the required exterior side yard setback and eight feet into the required fifteen foot north side yard setback. The proposal is to build a partial second story which only encroaches into the required rear and exterior south side yard setback. The second story maintains the existing encroachment into the required rear yard and reduces the existing encroachment into the required exterior side yard setback by nine feet.

- **Section 1120:15 of the Zoning Ordinance requires a minimum rear yard setback of thirty-five feet and an exterior south side yard setback of thirty feet. The applicants propose a rear yard setback of thirty-one feet and an exterior side yard setback of twenty-two feet for the proposed second story addition. The proposal requires a variance of four feet of the required rear yard setback and eight feet of the required exterior south side yard setback. The proposed second story addition would comply with north side yard and front yard setback.**

The existing structure is non-conforming in that the current garage encroaches seventeen feet at its closet point into the required exterior south side yard setback. The proposal is to attach an addition to the southeast foundation of the garage and continue the angle of the garage to the east to create additional garage space. At the point the proposed addition meets the existing garage it is set back twenty feet from the property line, thus reducing the existing encroachment.

- **Section 1120:15 of the Zoning Ordinance requires a minimum exterior side yard setback of thirty feet. The applicants propose an exterior south side yard setback of twenty for the proposed addition. The proposal requires a variance ten feet of the required exterior south side yard setback.**

Though the applicant's lot area is below the minimum required by the R-1A district, the property currently contains twenty-two percent impervious surface area. The proposal would add nearly six percent of new impervious surface to the lot and would remain in compliance with the maximum permitted impervious surface area.

The project includes a two-story addition off the rear of the home. Based on a surveyed lot area of 12,993 square feet, the applicant is permitted an above grade volume of 59,472. The applicant has submitted calculations indicated the proposed above grade volume is 51,542 cubic feet.

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

Practical Difficulty Standard

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

Economic considerations alone shall not constitute practical difficulties.

Findings

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

Planning Commission Action: Motion by Cook to recommend the City Council approve the variance requests to encroach four feet into the required rear yard setback and eight feet into the required exterior south side yard setback for the proposed second story addition and the variance request to encroach ten feet into the required exterior south side yard setback for the proposed one story addition, as presented for 5370 Manor Road. The request is reasonable in that a garage is an integral part in the use of a residential property, the placement of the existing home within the required setbacks creates a practical difficulty in that any type of reasonable expansion would require a variance, the siting of the home is confusing for visitors in that the front of the home faces Manor Road and the only other remedy would be to pull access of Manor Road which would require additional impervious surface area putting property over the maximum permitted impervious surface area, the subject property is a corner lot and has three setback requirements of at least thirty feet and the proposal would not alter the essential character of the neighborhood. Christian seconded the motion. Motion carried 4-0.

City Council Action: Action required by September 15, 2012. Possible motions ...

1. I move the Council accepts the recommendation of the Planning Commission and approves the variance requests by Justin and Jen Zygmunt to encroach ten feet into the required exterior south side yard setback for the proposed one story addition and to encroach four feet into the required rear yard setback and eight feet into the required exterior south side yard setback for the proposed second story addition as presented. The motion is based on the following findings: _____.
2. I move the Council denies the variance requests as presented by Justin and Jen Zygmunt for the proposed alteration of the single family structure which would encroach into the required rear and exterior south side yard setbacks. The applicants have not met the following criteria as required by the ordinance in that _____.
3. I move the Council directs staff to immediately draft written notice to Justin and Jen Zygmunt stating the Council needs to extend the 60-day time limit to _____, 2012 for the following reason(s) _____.

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

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

Variance Application

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

Property address for which variance is requested 5370 Manor Rd, Greenwood, mn

Applicant (Individual or company name): Auburn Residential Exteriors & Home Remodeling, LLC

Contact for Business: B.J. Shelly Title: owner

Address: 1426 Steiger Lake Lane City: Victoria State: MN Zip: 55386

Wk Phone: 952-657-2865 Hm Phone: 952-836-4332-C

Email address: bshelly@auburnresidential.com Fax: 952-856-5074

Present use of property: Home - primary

Property acreage: _____

Existing Variances: Yes _____ No X

If yes, please explain _____

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

What is the Variance being requested for: 3 of the 4 corners of existing

home lies within the setback. The variance is being requested for an addition that will require use of existing foundation.

| | Required | Proposed |
|--|--------------------|--------------------|
| <input checked="" type="checkbox"/> Side Yard | <u>30'</u> feet | <u>13'</u> feet |
| Front Yard | _____ feet | _____ feet |
| <input checked="" type="checkbox"/> Rear Yard | <u>35</u> feet | <u>32'</u> feet |
| Lake setback | _____ feet | _____ feet |
| Building height | _____ feet | _____ feet |
| Structure height | _____ Feet | _____ feet |
| Wetland | _____ feet | _____ feet |
| <input checked="" type="checkbox"/> Impervious Cover | <u>3,897</u> sq ft | <u>4,408</u> Sq ft |
| Shoreland | _____ feet | _____ feet |
| Massing | _____ volume | _____ volume |
| Other | _____ feet | _____ feet |
| If other, please explain | | |

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

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

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

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

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

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

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

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

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

Well within the cubic footage requirements. Neighborhood

make up consists of 2 story homes so the variance will allow

the property to resemble the majority of the other homes.

Establishing Practical Difficulty: with the hard cover being approved we
will be able to give the home a presence in a manner to match

1. The landowner's (Applicant's) property cannot be put to a reasonable use if used under the address conditions allowed by the official controls because:
3 of 4 corners of the existing footprint are sitting
in noncompliance of city set back.

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

Since the home construction, new setback and building
requirements have been instituted that cause the existing foot
print to be in non-compliance on 3 of 4 corners

3. The variance, if granted, will not alter the essential character of the locality because:
By granting the variance, the property will be brought up
to par with the neighboring homes. The design and direction
of the remodel/addition is esthetically and structurally
consistent with all of the homes in the vicinity.

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

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

There is little to no impact on neighboring properties with the design we have chosen. We purposefully worked the new design to have as little impact on the neighbors as possible while using the existing footprint
Describe the effect of the variance, if granted, on supply of light and air to adjacent properties. as much as possible

NONE

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

NONE

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

NONE

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

NONE

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

The new design will bring improved esthetic and consistency to the neighborhood and will only help to increase the property values

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

N/A

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

LMCD # 952-745-0789

Watershed District # 952-471-0590

Applicant's Acknowledgement & Signature(s)

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

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

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

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

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

Applicant's Signature:  Date: 7/20/12

Signature: _____ Date: _____

Owner's Acknowledgement & Signature(s)

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

Owner's Signature:  Date: 7/20/12

Owner's Signature:  Date: 7/20/12

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

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (WE) Carol Scheurich of 5350 Manor Road
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at 5370 Manor Rd, Greenwood, MN 55331

I (we) understand that in executing this acknowledgement, I am (we are) not asked to declare approval or disapproval of the property or use, but merely to confirm for the City Council that I am (we are) aware of the improvement plans and that the proposed neighbor's project or use requires Council approval.

Carol Scheurich 7-19-12
Property owner's signature Date

Property owner's signature Date

I (we) _____ of _____
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at 5370 Manor Rd, Greenwood, MN 55331.

I (we) understand that in executing this acknowledgement, I am (we are) not asked to declare approval or disapproval of the property or use, but merely to confirm for the City Council that I am (we are) aware of the improvement plans and that the proposed neighbor's project or use requires Council approval.

Property owner's signature Date

Property owner's signature Date

If you have any information that may assist the City in the review of this application, please submit your comments to the City Clerk's office at least 10 days prior to the scheduled Council meeting.

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (WE) Terry & Linnie BAMBARD of 20920 Oak Lane Greenwood, MN
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at 5370 Manor Rd, Greenwood, MN 55221.

I (we) understand that in executing this acknowledgement, I am (we are) not asked to declare approval or disapproval of the property or use, but merely to confirm for the City Council that I am (we are) aware of the improvement plans and that the proposed neighbor's project or use requires Council approval.

[Handwritten Signature]

Property owner's signature

[Handwritten Signature]

Property owner's signature

7/19/12

Date

7/19/2012

Date

I (we) _____ of _____
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at _____.

I (we) understand that in executing this acknowledgement, I am (we are) not asked to declare approval or disapproval of the property or use, but merely to confirm for the City Council that I am (we are) aware of the improvement plans and that the proposed neighbor's project or use requires Council approval.

Property owner's signature

Property owner's signature

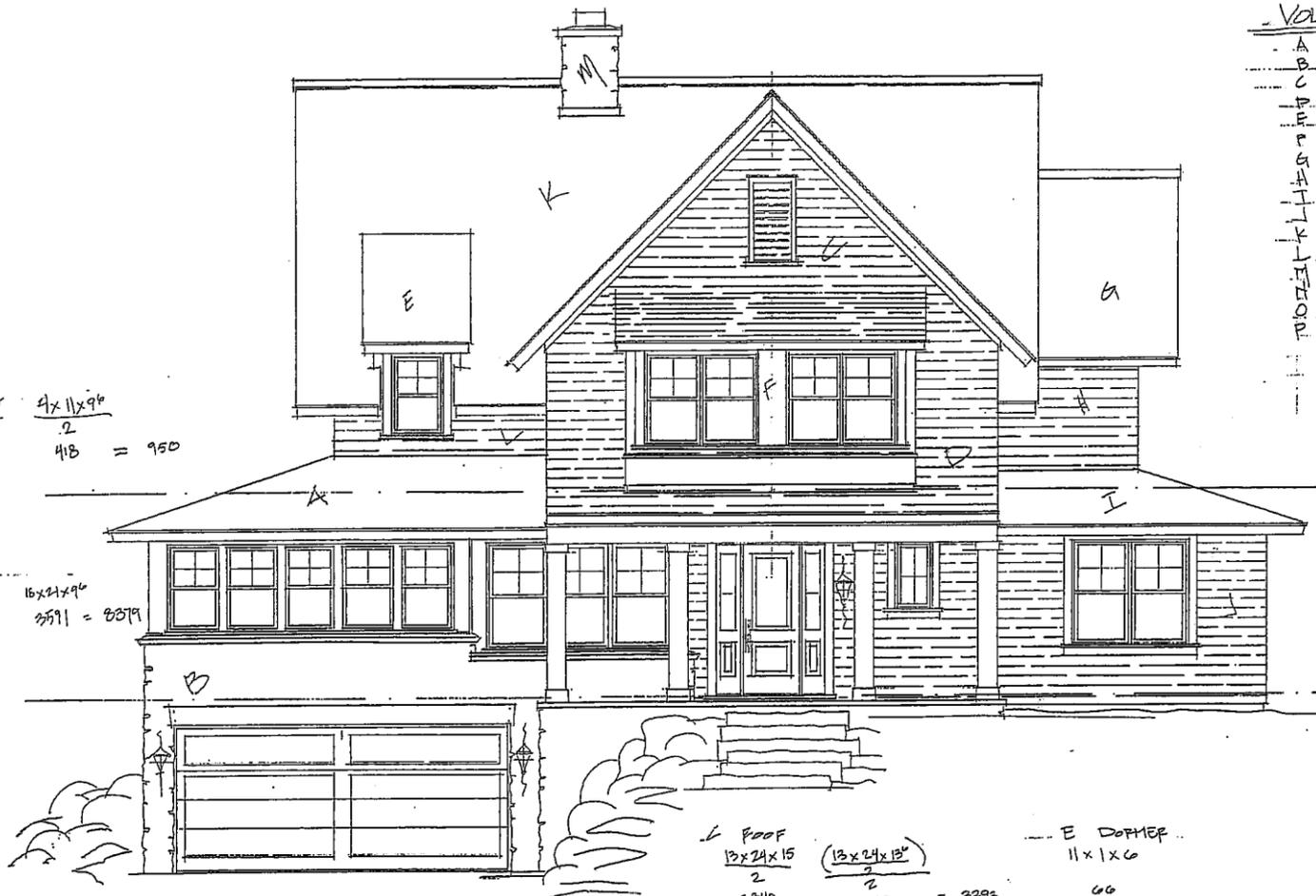
Date

Date

If you have any information that may assist the City in the review of this application, please submit your comments to the city Clerk's office at least 10 days prior to the scheduled Council meeting.

ZYGMUNT RESIDENCE

FA architects 7.18.12



VOLUME CALC.

| | |
|-------|-------------------------|
| A | 950 |
| B | 8379 |
| C | 3393 |
| D | 7200 |
| E | 66 |
| F | 209 |
| G | 405 |
| H | 1012 |
| I | 405 |
| J | 3926 |
| K | 7350 |
| L | 17640 |
| M | 90 |
| N | 252 |
| O | 56 |
| P | 209 |
| <hr/> | |
| | 51,542 CU FT |
| | 4,591,472 CU FT ALLOWED |

A. ROOF
 $\frac{4 \times 23 \times 9}{2} = 952$
 $\frac{4 \times 11 \times 9}{2} = 198$
 952 - 198 = 754

B. ROOF
 $\frac{18 \times 23 \times 9}{2} = 4788$
 $\frac{16 \times 21 \times 9}{2} = 3579$
 4788 - 3579 = 1209

C. ROOF
 $\frac{13 \times 24 \times 15}{2} = 2340$
 $\frac{(13 \times 24 \times 13)}{2} = 1053$
 2340 - 1053 = 1287

D. BODY (open area included)
 $20 \times 24 \times 15 = 7200$

E. DORMER
 $11 \times 1 \times 6 = 66$

F. BODY
 $15 \times 1 \times 9 = 135$

I. ROOF
 $\frac{(7 \times 3 \times 7) \times 2}{2} = 49$
 $\frac{21 \times 3 \times 7}{2} = 230$
 49 + 230 = 279

J. BODY
 $14 \times 23 \times 9 = 2926$

EAST ELEVATION

1/4" = 1'-0"

12,993 Lt Area
 1,500
 $5493 \times 4 = 21,972$
 $21,600 + 21,972 = 43,572$

ZYGMUNT RESIDENCE

architects 7.18.12



K ROOF
15 x 23 x 35
2 7350

L BODY
18 x 23 x 35
17040

M CHIMNEY
6 x 3 x 5
90

G ROOF
8 x 13 x 7
2
405

H BODY
10 x 13 x 7
1012

NORTH ELEVATION

1/4" = 1'-0"

ZYGURT RESIDENCE

Architects 7.18.12



WEST ELEVATION

ZYGMUNT RESIDENCE

Architects 7.18.12

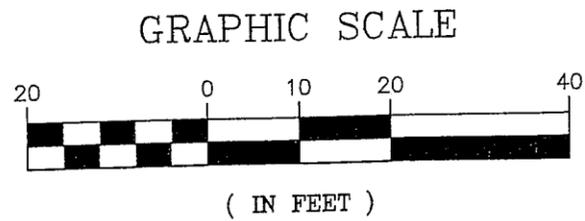
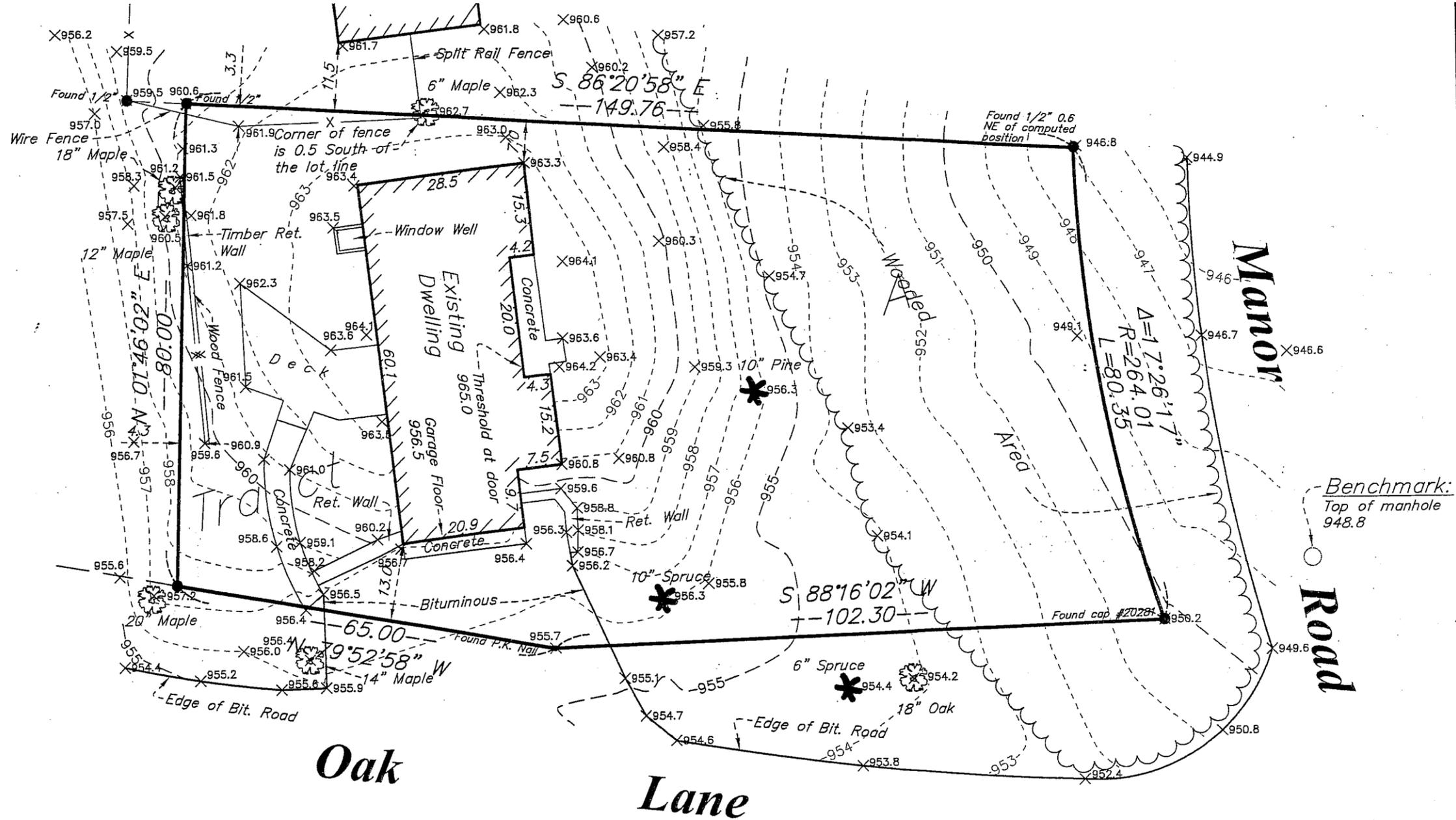


SOUTH ELEVATION

1/4" = 1'-0"

Case Number 9235, set, unless

was prepared by me or
 a Professional Engineer and
 a Licensed Surveyor.



| EXISTING HARDCOVER | |
|---------------------------------------|-----------------------|
| House | 1,544 Sq. Ft. |
| Existing Deck | 324 Sq. Ft. |
| Bituminous Driveway | 627 Sq. Ft. |
| Concrete Surfaces | 284 Sq. Ft. |
| Ret. Walls | 78 Sq. Ft. |
| TOTAL EXISTING HARDCOVER | 2,857 Sq. Ft. |
| AREA OF LOT | 12,993 Sq. Ft. |
| PERCENTAGE OF HARDCOVER TO LOT | 22.0% |

Drw. No. 120399 TB 7 5 2012

deck shown.

gal description. The
 ich is a legal matter.
 petent legal counsel,
 such as easements, that

s of the property.
 e. The elevations shown
 k and check at least one
 on this site.

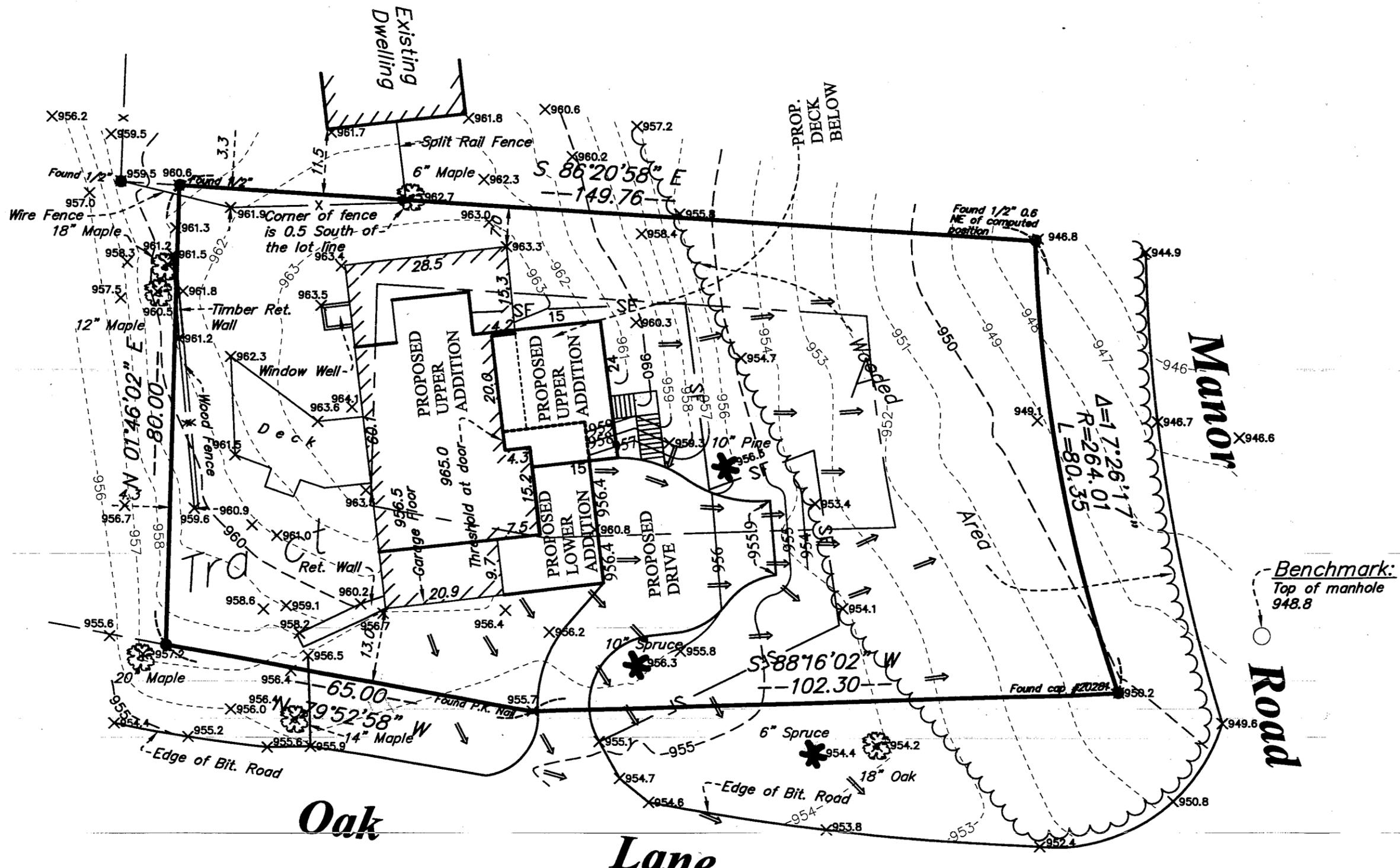
as familiar with your
 mental agencies as their
 proposals are what you
 jurisdiction over your

nd for the review of such
 nts.

r 9235, set, unless

by me or
 and

| EXISTING HARDCOVER | | PROPOSED HARDCOVER | |
|---------------------------------|----------------------|--------------------------------|----------------------|
| House | 1,544 Sq. Ft. | House | 2,277 Sq. Ft. |
| Existing Deck | 324 Sq. Ft. | Existing Deck | 324 Sq. Ft. |
| Bituminous Driveway | 627 Sq. Ft. | Proposed Steps | 66 Sq. Ft. |
| Concrete Surfaces | 284 Sq. Ft. | Bituminous Driveway | 901 Sq. Ft. |
| Ret. Walls | 78 Sq. Ft. | Ret. Walls | 65 Sq. Ft. |
| TOTAL EXISTING HARDCOVER | 2,857 Sq. Ft. | TOTAL PROP. HARDCOVER | 3,633 Sq. Ft. |
| AREA OF LOT | 12,993 Sq. Ft. | AREA OF LOT | 12,993 Sq. Ft. |
| PERCENTAGE OF HARDCOVER TO LOT | 22.0% | PERCENTAGE OF HARDCOVER TO LOT | 28.0% |



Gus Karpas

From: Dave Paeper <DPaeper@hga.com>
Sent: Monday, August 13, 2012 9:50 AM
To: Pat Lucking; Gus Karpas (administrator@greenwoodmn.com)
Subject: Planning commission meeting

My meeting in Milwaukee on Wednesday just got changed to late afternoon, so I'm going to miss the Planning Comm meeting this month.

I visited with Frank Procopio and reviewed his site conditions, and have no problem with approving all his variances, especially since he now has approval letters from both his neighbors. Everything he is doing seems reasonable and practical, and he is not expanding any of his current non-conformances. His lot size alone is a hardship.

At the 5370 Maple Hts property, however, I have the following comments/issues:

- Does this property have two front yards – Maple Hts and Oak Lane? Does their package indicate the correct Oak Lane setback?
- Encroaching on the Oak Lane setback with the Lower Level addition (where the new garage is added facing east on the south end of the house) seems to be 100% for convenience. Even though it's a nice idea and I understand why they would want to do it, their addition could be designed to avoid this setback encroachment and variance, so I do not approve that portion of their proposal.
- Their note that this addition will make their house match the "Maple Heights Road character of two-story houses" is not accurate – only a few houses face Maple Hts, they are all set back substantially, and are a mix of one story ranch and two story.
- No lower level floor plan is provided.
- The floor plans and elevations do not indicate what is existing versus what is new. Do we require this for the submittal? It would really help us understand what's going on if this info were provided.
- I have not checked this against the massing ordinance – I'm sure John Beal and you guys will or have. Grade is being changed a lot (excavated) at the east garage entrance, lowering the average grade height around the house.

Sorry I have to miss this meeting where we have a lot to talk about!

David Paeper
612.743.1635



Agenda Number: **7E**

Agenda Date: 09-05-12

Agenda Item: State of Minnesota eCharging / eComplaints Argeements

Summary: The South Lake Minnetonka Police Department is about to go live with the new eCharging/eComplaint system. The SLMPD has the required documents in place to connect with the system, but also needs each member city to approve separate agreements with the state on behalf of their respective prosecutors. The resolution and related documents are attached for the council's consideration. The resolution and documents are based on model documents provided by Chief Litsey and mirror those approved by the city of Excelsior on 08-08-15.

Also attached is an email from Chief Litsey explaining the need for the cities to enter into the separate agreements, as well as a memo from Detective Sergeant Neururer that outlines the eCharging/eComplaint system, and a copy of the November 2011 resolution approved by the SLMPD coordinating committee that was deemed unacceptable by the state.

Council Action: Optional but recommended.

Potential motions ...

1. I move the city council approves resolution 21-12 approving the state of Minnesota joint powers agreements with the city of Greenwood.
2. Do nothing or other motion ???

From: "Bryan Litsey" <blitsey@southlakepd.com> 
Subject: Immediate Attention
Date: August 3, 2012 1:46:57 PM CDT
To: <guskarpas@mchsi.com>, <danayoung@mchsi.com>
Cc: <dkind100@gmail.com>, <gkeller397@yahoo.com>, <nswanson@southlakepd.com>, <sneururer@southlakepd.com>

4 Attachments, 1.1 MB

Friday – August 3, 2012

Gus Karpas and Dana Young
City of Greenwood

Gus and Dana,

We are about to go live with the new eCharging/eComplaint system as explained on the attached document. The SLMPD has the required documents in place to connect with the system. It was also our understanding in communications with the state that the attached resolution passed by the Coordinating Committee also satisfied the requirements for Prosecutor Ken Potts (Excelsior, Shorewood and Tonka Bay) and Prosecutor Greg Keller (Greenwood) to go live as well. The state has since apologized for the confusion and is now requiring that each individual city enter into two separate agreements with the state on behalf of their respective prosecutor. These agreements are attached. Please put this on your council agenda as soon as possible. You are welcome to use the attached SLMPD resolution as the template for your resolution. Once the resolution and documents are signed, please forward them to Office Manager Nancy Swanson at the SLMPD for processing. Any questions should be directed to Office Manager Nancy Swanson and/or myself.

Thanks for your prompt attention to this time sensitive matter.

Bryan

Chief Bryan Litsey
South Lake Minnetonka Police Department
24150 Smithtown Road
Shorewood, Minnesota 55331
(952) 474-3261 General Number
(952) 960-1601 Direct Number

Proudly Serving Excelsior, Greenwood, Shorewood and Tonka Bay



[SLMPD Mem...pdf \(477 KB\)](#)



[SLMPD Reso...pdf \(373 KB\)](#)



[Greenwood...y.pdf \(98 KB\)](#)



[Greenwood...pdf \(153 KB\)](#)

**CITY OF GREENWOOD
RESOLUTION NO. 21-12**

**RESOLUTION APPROVING STATE OF MINNESOTA
JOINT POWERS AGREEMENTS WITH THE CITY OF GREENWOOD
ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT**

WHEREAS, the City of Greenwood on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity/ systems and tools over the five-year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Greenwood, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Greenwood on behalf of its Prosecuting Attorney and Police Department, are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.
2. That the City Clerk, Gus E. Karpas, or his successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
3. That the City Clerk, Gus E. Karpas, or his successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
4. That Debra J. Kind, the Mayor and Gus E. Karpas, the City Clerk, for the City of Greenwood are authorized to sign the State of Minnesota Joint Powers Agreements.

ADOPTED by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2012.

There were ___ AYES and ___ NAYS as follows:

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

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

COURT DATA SERVICES SUBSCRIBER AMENDMENT TO CJDN SUBSCRIBER AGREEMENT

This Court Data Services Subscriber Amendment (“Subscriber Amendment”) is entered into by the State of Minnesota, acting through its Department of Public Safety, Bureau of Criminal Apprehension, (“BCA”) and City of Greenwood on behalf of its Prosecuting Attorney (“Agency”), and by and for the benefit of the State of Minnesota acting through its State Court Administrator’s Office (“Court”) who shall be entitled to enforce any provisions hereof through any legal action against any party.

Recitals

This Subscriber Amendment modifies and supplements the Agreement between the BCA and Agency, SWIFT Contract number 47077, of even or prior date, for Agency use of BCA systems and tools (referred to herein as “the CJDN Subscriber Agreement”). Certain BCA systems and tools that include access to and/or submission of Court Records may only be utilized by the Agency if the Agency completes this Subscriber Amendment. The Agency desires to use one or more BCA systems and tools to access and/or submit Court Records to assist the Agency in the efficient performance of its duties as required or authorized by law or court rule. Court desires to permit such access and/or submission. This Subscriber Amendment is intended to add Court as a party to the CJDN Subscriber Agreement and to create obligations by the Agency to the Court that can be enforced by the Court. It is also understood that, pursuant to the Master Joint Powers Agreement for Delivery of Court Data Services to CJDN Subscribers (“Master Authorization Agreement”) between the Court and the BCA, the BCA is authorized to sign this Subscriber Amendment on behalf of Court. Upon execution the Subscriber Amendment will be incorporated into the CJDN Subscriber Agreement by reference. The BCA, the Agency and the Court desire to amend the CJDN Subscriber Agreement as stated below.

The CJDN Subscriber Agreement is amended by the addition of the following provisions:

1. **TERM; TERMINATION; ONGOING OBLIGATIONS.** This Subscriber Amendment shall be effective on the date finally executed by all parties and shall remain in effect until expiration or termination of the CJDN Subscriber Agreement unless terminated earlier as provided in this Amendment. Any party may terminate this Amendment with or without cause by giving written notice to all other parties. The effective date of the termination shall be thirty days after the other party's receipt of the notice of termination, unless a later date is specified in the notice. The provisions of sections 5 through 9, 12.b., 12.c., and 15 through 24 shall survive any termination of this Amendment as shall any other provisions which by their nature are intended or expected to survive such termination. Upon termination, the Subscriber shall perform the responsibilities set forth in paragraph 7(f) hereof.

2. **Definitions.** Unless otherwise specifically defined, each term used herein shall have the meaning assigned to such term in the CJDN Subscriber Agreement.

a. “Authorized Court Data Services” means Court Data Services that have been authorized for delivery to CJDN Subscribers via BCA systems and tools pursuant to an Authorization Amendment to the Joint Powers Agreement for Delivery of Court Data Services to CJDN Subscribers (“Master Authorization Agreement”) between the Court and the BCA.

b. “Court Data Services” means one or more of the services set forth on the Justice Agency Resource webpage of the Minnesota Judicial Branch website (for which the current address is www.courts.state.mn.us) or other location designated by the Court, as the same may be amended from time to time by the Court.

c. “Court Records” means all information in any form made available by the Court to Subscriber through the BCA for the purposes of carrying out this Subscriber Amendment, including:

- i. **“Court Case Information”** means any information in the Court Records that conveys information about a particular case or controversy, including without limitation Court Confidential Case Information, as defined herein.
- ii. **“Court Confidential Case Information”** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access and that conveys information about a particular case or controversy.
- iii. **“Court Confidential Security and Activation Information”** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access and that explains how to use or gain access to Court Data Services, including but not limited to login account names, passwords, TCP/IP addresses, Court Data Services user manuals, Court Data Services Programs, Court Data Services Databases, and other technical information.
- iv. **“Court Confidential Information”** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access, including without limitation both i) Court Confidential Case Information; and ii) Court Confidential Security and Activation Information.

d. “DCA” shall mean the district courts of the state of Minnesota and their respective staff.

e. “Policies & Notices” means the policies and notices published by the Court in connection with each of its Court Data Services, on a website or other location designated by the Court, as the same may be amended from time to time by the Court. Policies & Notices for each Authorized Court Data Service identified in an approved request form under section 3, below, are hereby made part of this Subscriber Amendment by this reference and provide additional terms and conditions that govern Subscriber’s use of Court Records accessed through such services, including but not limited to provisions on access and use limitations.

f. “**Rules of Public Access**” means the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court, as the same may be amended from time to time, including without limitation lists or tables published from time to time by the Court entitled *Limits on Public Access to Case Records or Limits on Public Access to Administrative Records*, all of which by this reference are made a part of this Subscriber Amendment. It is the obligation of Subscriber to check from time to time for updated rules, lists, and tables and be familiar with the contents thereof. It is contemplated that such rules, lists, and tables will be posted on the Minnesota Judicial Branch website, for which the current address is www.courts.state.mn.us.

g. “**Court**” shall mean the State of Minnesota, State Court Administrator's Office.

h. “**Subscriber**” shall mean the Agency.

i. “**Subscriber Records**” means any information in any form made available by the Subscriber to the Court for the purposes of carrying out this Subscriber Amendment.

3. REQUESTS FOR AUTHORIZED COURT DATA SERVICES. Following execution of this Amendment by all parties, Subscriber may submit to the BCA one or more separate requests for Authorized Court Data Services. The BCA is authorized in the Master Authorization Agreement to process, credential and approve such requests on behalf of Court and all such requests approved by the BCA are adopted and incorporated herein by this reference the same as if set forth verbatim herein.

a. Activation. Activation of the requested Authorized Court Data Service(s) shall occur promptly following approval.

b. Rejection. Requests may be rejected for any reason, at the discretion of the BCA and/or the Court.

c. Requests for Termination of One or More Authorized Court Data Services. The Subscriber may request the termination of an Authorized Court Data Services previously requested by submitting a notice to Court with a copy to the BCA. Promptly upon receipt of a request for termination of a Authorized Court Data Service, the BCA will deactivate the service requested. The termination of one or more Authorized Court Data Services does not terminate this Subscriber Amendment. Provisions for termination of this Subscriber Amendment are set forth in section 1. Upon termination of Authorized Court Data Services, the Subscriber shall perform the responsibilities set forth in paragraph 7(f) hereof.

4. SCOPE OF ACCESS TO COURT RECORDS LIMITED. Subscriber's access to and/or submission of the Court Records shall be limited to Authorized Court Data Services identified in an approved request form under section 3, above, and other Court Records necessary for Subscriber to use Authorized Court Data Services. Authorized Court Data Services shall only be used according to the instructions provided in corresponding Policies & Notices or

other materials and only as necessary to assist Subscriber in the efficient performance of Subscriber's duties required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body. Subscriber's access to the Court Records for personal or non-official use is prohibited. Subscriber will not use or attempt to use Authorized Court Data Services in any manner not set forth in this Subscriber Amendment, Policies & Notices, or other Authorized Court Data Services documentation, and upon any such unauthorized use or attempted use the Court may immediately terminate this Subscriber Amendment without prior notice to Subscriber.

5. GUARANTEES OF CONFIDENTIALITY. Subscriber agrees:

a. To not disclose Court Confidential Information to any third party except where necessary to carry out the Subscriber's duties as required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body.

b. To take all appropriate action, whether by instruction, agreement, or otherwise, to insure the protection, confidentiality and security of Court Confidential Information and to satisfy Subscriber's obligations under this Subscriber Amendment.

c. To limit the use of and access to Court Confidential Information to Subscriber's bona fide personnel whose use or access is necessary to effect the purposes of this Subscriber Amendment, and to advise each individual who is permitted use of and/or access to any Court Confidential Information of the restrictions upon disclosure and use contained in this Subscriber Amendment, requiring each individual who is permitted use of and/or access to Court Confidential Information to acknowledge in writing that the individual has read and understands such restrictions. Subscriber shall keep such acknowledgements on file for one year following termination of the Subscriber Amendment and/or CJDN Subscriber Agreement, whichever is longer, and shall provide the Court with access to, and copies of, such acknowledgements upon request. For purposes of this Subscriber Amendment, Subscriber's bona fide personnel shall mean individuals who are employees of Subscriber or provide services to Subscriber either on a voluntary basis or as independent contractors with Subscriber.

d. That, without limiting section 1 of this Agreement, the obligations of Subscriber and its bona fide personnel with respect to the confidentiality and security of Court Confidential Information shall survive the termination of this Subscriber Amendment and the CJDN Subscriber Agreement and the termination of their relationship with Subscriber.

e. That, notwithstanding any federal or state law applicable to the nondisclosure obligations of Subscriber and Subscriber's bona fide personnel under this Subscriber Amendment, such obligations of Subscriber and Subscriber's bona fide personnel are founded independently on the provisions of this Subscriber Amendment.

6. APPLICABILITY TO PREVIOUSLY DISCLOSED COURT RECORDS. Subscriber acknowledges and agrees that all Authorized Court Data Services and related Court Records disclosed to Subscriber prior to the effective date of this Subscriber Amendment shall be subject to the provisions of this Subscriber Amendment.

7. LICENSE AND PROTECTION OF PROPRIETARY RIGHTS. During the term of this Subscriber Amendment, subject to the terms and conditions hereof, the Court hereby grants to Subscriber a nonexclusive, nontransferable, limited license to use Court Data Services Programs and Court Data Services Databases to access or receive the Authorized Court Data Services identified in an approved request form under section 3, above, and related Court Records. Court reserves the right to make modifications to the Authorized Court Data Services, Court Data Services Programs, and Court Data Services Databases, and related materials without notice to Subscriber. These modifications shall be treated in all respects as their previous counterparts.

a. Court Data Services Programs. Court is the copyright owner and licensor of the Court Data Services Programs. The combination of ideas, procedures, processes, systems, logic, coherence and methods of operation embodied within the Court Data Services Programs, and all information contained in documentation pertaining to the Court Data Services Programs, including but not limited to manuals, user documentation, and passwords, are trade secret information of Court and its licensors.

b. Court Data Services Databases. Court is the copyright owner and licensor of the Court Data Services Databases and of all copyrightable aspects and components thereof. All specifications and information pertaining to the Court Data Services Databases and their structure, sequence and organization, including without limitation data schemas such as the Court XML Schema, are trade secret information of Court and its licensors.

c. Marks. Subscriber shall neither have nor claim any right, title, or interest in or use of any trademark used in connection with Authorized Court Data Services, including but not limited to the marks "MNCIS" and "Odyssey."

d. Restrictions on Duplication, Disclosure, and Use. Trade secret information of Court and its licensors will be treated by Subscriber in the same manner as Court Confidential Information. In addition, Subscriber will not copy any part of the Court Data Services Programs or Court Data Services Databases, or reverse engineer or otherwise attempt to discern the source code of the Court Data Services Programs or Court Data Services Databases, or use any trademark of Court or its licensors, in any way or for any purpose not specifically and expressly authorized by this Subscriber Amendment. As used herein, "trade secret information of Court and its licensors" means any information possessed by Court which derives independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. "Trade secret information of Court and its licensors" does not, however, include information which was known to Subscriber prior to Subscriber's receipt thereof, either directly or indirectly, from Court or its licensors, information which is independently developed by Subscriber without reference to or use of information received from Court or its licensors, or information which would not qualify as a trade secret under Minnesota law. It will not be a violation of this section 7, sub-section d, for Subscriber to make up to one copy of training materials and configuration documentation, if any, for each individual authorized to access, use, or configure Authorized Court Data Services, solely for its own use in connection with this Subscriber Amendment. Subscriber will take all steps reasonably necessary to protect the copyright, trade secret, and trademark rights of Court and its

licensors and Subscriber will advise its bona fide personnel who are permitted access to any of the Court Data Services Programs and Court Data Services Databases, and trade secret information of Court and its licensors, of the restrictions upon duplication, disclosure and use contained in this Subscriber Amendment.

e. Proprietary Notices. Subscriber will not remove any copyright or proprietary notices included in and/or on the Court Data Services Programs or Court Data Services Databases, related documentation, or trade secret information of Court and its licensors, or any part thereof, made available by Court directly or through the BCA, if any, and Subscriber will include in and/or on any copy of the Court Data Services Programs or Court Data Services Databases, or trade secret information of Court and its licensors and any documents pertaining thereto, the same copyright and other proprietary notices as appear on the copies made available to Subscriber by Court directly or through the BCA, except that copyright notices shall be updated and other proprietary notices added as may be appropriate.

f. Title; Return. The Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration material, if any, and logon account information and passwords, if any, made available by the Court to Subscriber directly or through the BCA and all copies, including partial copies, thereof are and remain the property of the respective licensor. Except as expressly provided in section 12.b., within ten days of the effective date of termination of this Subscriber Amendment or the CJDN Subscriber Agreement or within ten days of a request for termination of Authorized Court Data Service as described in section 4, Subscriber shall either: (i) uninstall and return any and all copies of the applicable Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration materials, if any, and logon account information, if any; or (2) destroy the same and certify in writing to the Court that the same have been destroyed.

8. INJUNCTIVE RELIEF. Subscriber acknowledges that the Court, Court's licensors, and DCA will be irreparably harmed if Subscriber's obligations under this Subscriber Amendment are not specifically enforced and that the Court, Court's licensors, and DCA would not have an adequate remedy at law in the event of an actual or threatened violation by Subscriber of its obligations. Therefore, Subscriber agrees that the Court, Court's licensors, and DCA shall be entitled to an injunction or any appropriate decree of specific performance for any actual or threatened violations or breaches by Subscriber or its bona fide personnel without the necessity of the Court, Court's licensors, or DCA showing actual damages or that monetary damages would not afford an adequate remedy. Unless Subscriber is an office, officer, agency, department, division, or bureau of the state of Minnesota, Subscriber shall be liable to the Court, Court's licensors, and DCA for reasonable attorneys fees incurred by the Court, Court's licensors, and DCA in obtaining any relief pursuant to this Subscriber Amendment.

9. LIABILITY. Subscriber and the Court agree that, except as otherwise expressly provided herein, each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. Liability shall be governed by applicable law. Without limiting the foregoing, liability of the Court and any Subscriber that is an office, officer, agency, department, division, or bureau of the state of Minnesota shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, section 3.376, and other applicable law. Without limiting the foregoing, if

Subscriber is a political subdivision of the state of Minnesota, liability of the Subscriber shall be governed by the provisions of Minn. Stat. Ch. 466 (Tort Liability, Political Subdivisions) or other applicable law. Subscriber and Court further acknowledge that the liability, if any, of the BCA is governed by a separate agreement between the Court and the BCA dated December 13, 2010 with DPS-M -0958.

10. AVAILABILITY. Specific terms of availability shall be established by the Court and communicated to Subscriber by the Court and/or the BCA. The Court reserves the right to terminate this Subscriber Amendment immediately and/or temporarily suspend Subscriber's Authorized Court Data Services in the event the capacity of any host computer system or legislative appropriation of funds is determined solely by the Court to be insufficient to meet the computer needs of the courts served by the host computer system.

11. [reserved]

12. ADDITIONAL USER OBLIGATIONS. The obligations of the Subscriber set forth in this section are in addition to the other obligations of the Subscriber set forth elsewhere in this Subscriber Amendment.

a. Judicial Policy Statement. Subscriber agrees to comply with all policies identified in Policies & Notices applicable to Court Records accessed by Subscriber using Authorized Court Data Services. Upon failure of the Subscriber to comply with such policies, the Court shall have the option of immediately suspending the Subscriber's Authorized Court Data Services on a temporary basis and/or immediately terminating this Subscriber Amendment.

b. Access and Use; Log. Subscriber shall be responsible for all access to and use of Authorized Court Data Services and Court Records by Subscriber's bona fide personnel or by means of Subscriber's equipment or passwords, whether or not Subscriber has knowledge of or authorizes such access and use. Subscriber shall also maintain a log identifying all persons to whom Subscriber has disclosed its Court Confidential Security and Activation Information, such as user ID(s) and password(s), including the date of such disclosure. Subscriber shall maintain such logs for a minimum period of six years from the date of disclosure, and shall provide the Court with access to, and copies of, such logs upon request. The Court may conduct audits of Subscriber's logs and use of Authorized Court Data Services and Court Records from time to time. Upon Subscriber's failure to maintain such logs, to maintain accurate logs, or to promptly provide access by the Court to such logs, the Court may terminate this Subscriber Amendment without prior notice to Subscriber.

c. Personnel. Subscriber agrees to investigate, at the request of the Court and/or the BCA, allegations of misconduct pertaining to Subscriber's bona fide personnel having access to or use of Authorized Court Data Services, Court Confidential Information, or trade secret information of the Court and its licensors where such persons are alleged to have violated the provisions of this Subscriber Amendment, Policies & Notices, Judicial Branch policies, or other security requirements or laws regulating access to the Court Records.

d. Minnesota Data Practices Act Applicability. If Subscriber is a Minnesota Government entity that is subject to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, Subscriber acknowledges and agrees that: (1) the Court is not subject to Minn. Stat. Ch. 13 (see section 13.90) but is subject to the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court; (2) Minn. Stat. section 13.03, subdivision 4(e) requires that Subscriber comply with the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court for access to Court Records provided via the BCA systems and tools under this Amendment; (3) the use of and access to Court Records may be restricted by rules promulgated by the Minnesota Supreme Court, applicable state statute or federal law; and (4) these applicable restrictions must be followed in the appropriate circumstances.

13. FEES; INVOICES. Unless the Subscriber is an office, officer, department, division, agency, or bureau of the state of Minnesota, Subscriber shall pay the fees, if any, set forth in applicable Policies & Notices, together with applicable sales, use or other taxes. Applicable monthly fees commence ten (10) days after notice of approval of the request pursuant to section 3 of this Amendment or upon the initial Subscriber transaction as defined in the Policies & Notices, whichever occurs earlier. When fees apply, the Court shall invoice Subscriber on a monthly basis for charges incurred in the preceding month and applicable taxes, if any, and payment of all amounts shall be due upon receipt of invoice. If all amounts are not paid within 30 days of the date of the invoice, the Court may immediately cancel this Amendment without notice to Subscriber and pursue all available legal remedies. Subscriber certifies that funds have been appropriated for the payment of charges under this Amendment for the current fiscal year, if applicable.

14. MODIFICATION OF FEES. Court may modify the fees by amending the Policies & Notices as provided herein, and the modified fees shall be effective on the date specified in the Policies & Notices, which shall not be less than thirty days from the publication of the Policies & Notices. Subscriber shall have the option of accepting such changes or terminating this Amendment as provided in section 1 hereof.

15. WARRANTY DISCLAIMERS.

a. WARRANTY EXCLUSIONS. EXCEPT AS SPECIFICALLY AND EXPRESSLY PROVIDED HEREIN, COURT, COURT'S LICENSORS, AND DCA MAKE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY, NOR ARE ANY WARRANTIES TO BE IMPLIED, WITH RESPECT TO THE INFORMATION, SERVICES OR COMPUTER PROGRAMS MADE AVAILABLE UNDER THIS AGREEMENT.

b. ACCURACY AND COMPLETENESS OF INFORMATION. WITHOUT LIMITING THE GENERALITY OF THE PRECEDING PARAGRAPH, COURT, COURT'S LICENSORS, AND DCA MAKE NO WARRANTIES AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED IN THE COURT RECORDS.

16. RELATIONSHIP OF THE PARTIES. Subscriber is an independent contractor and shall not be deemed for any purpose to be an employee, partner, agent or franchisee of the Court, Court's licensors, or DCA. Neither Subscriber nor the Court, Court's licensors, or DCA shall have the right nor the authority to assume, create or incur any liability or obligation of any kind, express or implied, against or in the name of or on behalf of the other.

17. NOTICE. Except as provided in section 2 regarding notices of or modifications to Authorized Court Data Services and Policies & Notices, any notice to Court or Subscriber hereunder shall be deemed to have been received when personally delivered in writing or seventy-two (72) hours after it has been deposited in the United States mail, first class, proper postage prepaid, addressed to the party to whom it is intended at the address set forth on page one of this Agreement or at such other address of which notice has been given in accordance herewith.

18. NON-WAIVER. The failure by any party at any time to enforce any of the provisions of this Subscriber Amendment or any right or remedy available hereunder or at law or in equity, or to exercise any option herein provided, shall not constitute a waiver of such provision, remedy or option or in any way affect the validity of this Subscriber Amendment. The waiver of any default by either Party shall not be deemed a continuing waiver, but shall apply solely to the instance to which such waiver is directed.

19. FORCE MAJEURE. Neither Subscriber nor Court shall be responsible for failure or delay in the performance of their respective obligations hereunder caused by acts beyond their reasonable control.

20. SEVERABILITY. Every provision of this subscriber Amendment shall be construed, to the extent possible, so as to be valid and enforceable. If any provision of this Subscriber Amendment so construed is held by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, such provision shall be deemed severed from this Subscriber Amendment, and all other provisions shall remain in full force and effect.

21. ASSIGNMENT AND BINDING EFFECT. Except as otherwise expressly permitted herein, neither Subscriber nor Court may assign, delegate and/or otherwise transfer this Subscriber Amendment or any of its rights or obligations hereunder without the prior written consent of the other. This Subscriber Amendment shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns, including any other legal entity into, by or with which Subscriber may be merged, acquired or consolidated.

22. GOVERNING LAW. This Subscriber Amendment shall in all respects be governed by and interpreted, construed and enforced in accordance with the laws of the United States and of the State of Minnesota.

23. VENUE AND JURISDICTION. Any action arising out of or relating to this Subscriber Amendment, its performance, enforcement or breach will be venued in a state or federal court situated within the State of Minnesota. Subscriber hereby irrevocably consents and submits itself to the personal jurisdiction of said courts for that purpose.

24. INTEGRATION. This Subscriber Amendment contains all negotiations and agreements between the parties. No other understanding regarding this Subscriber Amendment, whether written or oral, may be used to bind either party, provided that all terms and conditions

of the CJDN Subscriber Agreement and all previous amendments remain in full force and effect except as supplemented or modified by this Subscriber Amendment.

IN WITNESS WHEREOF, the Parties have, by their duly authorized officers, executed this Subscriber Amendment in duplicate, intending to be bound thereby.

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.

Name: _____
(PRINTED)

Signed: _____

Date: _____

SWIFT Contract No. _____

2. SUBSCRIBER (AGENCY)

Subscriber must attach written verification of authority to sign on behalf of and bind the entity, such as an opinion of counsel or resolution.

Name: _____
(PRINTED)

Signed: _____

Title: _____
(with delegated authority)

Date: _____

3. DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION

Name: _____
(PRINTED)

Signed: _____

Title: _____
(with delegated authority)

Date: _____

4. COMMISSIONER OF ADMINISTRATION

delegated to Materials Management Division

By: _____

Date: _____

5. COURTS

Authority granted to Bureau of Criminal Apprehension

Name: _____
(PRINTED)

Signed: _____

Title: _____
(with authorized authority)

Date: _____

**STATE OF MINNESOTA
JOINT POWERS AGREEMENT
CRIMINAL JUSTICE AGENCY**

This agreement is between the State of Minnesota, acting through its Department of Public Safety, Bureau of Criminal Apprehension ("BCA") and City of Greenwood on behalf of its Prosecuting Attorney ("Agency").

Recitals

Under Minn. Stat. § 471.59, the BCA and the Agency are empowered to engage in such agreements as are necessary to exercise their powers. Under Minn. Stat. § 299C.46 the BCA must provide a criminal justice data communications network to benefit criminal justice agencies in Minnesota. The Agency is authorized by law to utilize the criminal justice data communications network pursuant to the terms set out in this agreement. In addition, BCA either maintains repositories of data or has access to repositories of data that benefit criminal justice agencies in performing their duties. Agency wants to access these data in support of its criminal justice duties.

The purpose of this Agreement is to create a method by which the Agency has access to those systems and tools for which it has eligibility, and to memorialize the requirements to obtain access and the limitations on the access.

Agreement

1 Term of Agreement

1.1 Effective date: This Agreement is effective on the date the BCA obtains all required signatures under Minn. Stat. § 16C.05, subdivision 2.

1.2 Expiration date: This Agreement expires five years from the date it is effective.

2 Agreement between the Parties

2.1 General access. BCA agrees to provide Agency with access to the Minnesota Criminal Justice Data Communications Network (CJDN) and those systems and tools which the Agency is authorized by law to access via the CJDN for the purposes outlined in Minn. Stat. § 299C.46.

2.2 Methods of access.

The BCA offers three (3) methods of access to its systems and tools. The methods of access are:

A. Direct access occurs when individual users at the Agency use Agency's equipment to access the BCA's systems and tools. This is generally accomplished by an individual user entering a query into one of BCA's systems or tools.

B. Indirect access occurs when individual users at the Agency go to another Agency to obtain data and information from BCA's systems and tools. This method of access generally results in the Agency with indirect access obtaining the needed data and information in a physical format like a paper report.

C. Computer-to-computer system interface occurs when Agency's computer exchanges data and information with BCA's computer systems and tools using an interface. Without limitation, interface types include: state message switch, web services, enterprise service bus and message queuing.

For purposes of this Agreement, Agency employees or contractors may use any of these methods to use BCA's systems and tools as described in this Agreement. Agency will select a method of access and can change the methodology following the process in Clause 2.10.

2.3 Federal systems access. In addition, pursuant to 28 CFR §20.30-38 and Minn. Stat. §299C.58, BCA will provide Agency with access to the Federal Bureau of Investigation (FBI) National Crime Information Center.

2.4 Agency policies. Both the BCA and the FBI's Criminal Justice Information Systems (FBI-CJIS) have policies, regulations and laws on access, use, audit, dissemination, hit confirmation, logging, quality assurance, screening (pre-employment), security, timeliness, training, use of the system, and validation. Agency has created its own policies to ensure that Agency's employees and contractors comply with all applicable requirements. Agency ensures this compliance through appropriate enforcement. These BCA and FBI-CJIS policies and regulations, as amended and updated from time to time, are incorporated into this Agreement by reference. The policies are available at www.dps.state.mn.us/cjdn/.

2.5 Agency resources. To assist Agency in complying with the federal and state requirements on access to and use of the various systems and tools, information is available at <https://sps.x.state.mn.us/sites/bcaservicecatalog/default.aspx>.

2.6 Access granted.

A. Agency is granted permission to use all current and future BCA systems and tools for which Agency is eligible. Eligibility is dependent on Agency (i) satisfying all applicable federal or state statutory requirements; (ii) complying with the terms of this Agreement; and (iii) acceptance by BCA of Agency's written request for use of a specific system or tool.

B. To facilitate changes in systems and tools, Agency grants its Authorized Representative authority to make written requests for those systems and tools provided by BCA that the Agency needs to meet its criminal justice obligations and for which Agency is eligible.

2.7 Future access. On written request by Agency, BCA also may provide Agency with access to those systems or tools which may become available after the signing of this Agreement, to the extent that the access is authorized by applicable state and federal law. Agency agrees to be bound by the terms and conditions contained in this Agreement that when utilizing new systems or tools provided under this Agreement.

2.8 Limitations on access. BCA agrees that it will comply with applicable state and federal laws when making information accessible. Agency agrees that it will comply with applicable state and federal laws when accessing, entering, using, disseminating, and storing data. Each party is responsible for its own compliance with the most current applicable state and federal laws.

2.9 Supersedes prior agreements. This Agreement supersedes any and all prior agreements between the BCA and the Agency regarding access to and use of systems and tools provided by BCA.

2.10 Requirement to update information. The parties agree that if there is a change to any of the information whether required by law or this Agreement, the party will send the new information to the other party in writing within 30 days of the change. This clause does not apply to changes in systems or tools provided under this Agreement.

This requirement to give notice additionally applies to changes in the individual or organization serving a city as its prosecutor. Any change in performance of the prosecutorial function needs to be provided to the BCA in writing by giving notice to the Service Desk, BCA.ServiceDesk@state.mn.us.

2.11 Transaction record. The BCA creates and maintains a transaction record for each exchange of data utilizing its systems and tools. In order to meet FBI-CJIS requirements and to perform the audits described in Clause 7, there must be a method of identifying which individual users at the Agency conducted a particular transaction.

If Agency uses either direct access as described in Clause 2.2A or indirect access as described in Clause 2.2B, BCA's transaction record meets FBI-CJIS requirements.

When Agency's method of access is a computer to computer interface as described in Clause 2.2C, the Agency must keep a transaction record sufficient to satisfy FBI-CJIS requirements and permit the audits described in Clause 7 to occur.

If an Agency accesses and maintains data from the Driver and Vehicle Services Division in the Minnesota Department of Public Safety, Agency must have a transaction record of all access to the data that are maintained. The transaction record must include the individual user who requested access, and the date, time and content of the request. The transaction record must also include the date, time and content of the response along with the destination to which the data were sent. The transaction record must be maintained for a minimum of six (6) years from the date the transaction occurred and must be made available to the BCA within one (1) business day of the BCA's request.

2.12 Court information access. Certain BCA systems and tools that include access to and/or submission of Court Records may only be utilized by the Agency if the Agency completes the Court Data Services Subscriber Amendment, which upon execution will be incorporated into this Agreement by reference. These BCA systems and tools are identified in the written request made by Agency under Clause 2.6 above. The Court Data Services Subscriber Amendment provides important additional terms, including but not limited to privacy (see Clause 8.2, below), fees (see Clause 3 below), and transaction records or logs, that govern Agency's access to and/or submission of the Court Records delivered through the BCA systems and tools.

3 Payment

The Agency understands there is a cost for access to the criminal justice data communications network described in Minn. Stat. § 299C.46. At the time this Agreement is signed, BCA understands that a third party will be responsible for the cost of access.

Agency will identify the third party and provide the BCA with the contact information and its contact person for billing purposes so that billing can be established. The Agency will provide updated information to BCA's Authorized Representative within ten business days when this information changes.

If Agency chooses to execute the Court Data Services Subscriber Amendment referred to in Clause 2.12 in order to access and/or submit Court Records via BCA's systems, additional fees, if any, are addressed in that amendment.

4 Authorized Representatives

The BCA's Authorized Representative is Dana Gotz, Department of Public Safety, Bureau of Criminal Apprehension, Minnesota Justice Information Services, 1430 Maryland Avenue, St. Paul, MN 55106, 651-793-1007, or her successor.

The Agency's Authorized Representative is Gus Karpas, City Clerk for Greenwood, 20225 Cottagewood Road, Deephaven, MN 55331, (952) 358-9938, or his/her successor.

5 Assignment, Amendments, Waiver, and Contract Complete

5.1 Assignment. Neither party may assign nor transfer any rights or obligations under this Agreement.

5.2 Amendments. Any amendment to this Agreement, except those described in Clauses 2.6 and 2.7 above must be in writing and will not be effective until it has been signed and approved by the same parties who signed and approved the original agreement, or their successors in office.

5.3 Waiver. If either party fails to enforce any provision of this Agreement, that failure does not waive the provision or the right to enforce it.

5.4 Contract Complete. This Agreement contains all negotiations and agreements between the BCA and the Agency. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

6 Liability

Each party will be responsible for its own acts and behavior and the results thereof and shall not be responsible or liable for the other party's actions and consequences of those actions. The Minnesota Torts Claims Act, Minn. Stat. § 3.736 and other applicable laws govern the BCA's liability. The Minnesota Municipal Tort Claims Act, Minn. Stat. Ch. 466, governs the Agency's liability.

7 Audits

7.1 Under Minn. Stat. § 16C.05, subd. 5, the Agency's books, records, documents, internal policies and accounting procedures and practices relevant to this Agreement are subject to examination by the BCA, the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement. Under Minn. Stat. § 6.551, the State Auditor may examine the books, records, documents, and accounting procedures and practices of BCA. The examination shall be limited to the books, records, documents, and accounting procedures and practices that are relevant to this Agreement.

7.2 Under applicable state and federal law, the Agency's records are subject to examination by the BCA to ensure compliance with laws, regulations and policies about access, use, and dissemination of data.

7.3 If Agency accesses federal databases, the Agency's records are subject to examination by the FBI and Agency will cooperate with FBI examiners and make any requested data available for review and audit.

7.4 To facilitate the audits required by state and federal law, Agency is required to have an inventory of the equipment used to access the data covered by this Agreement and the physical location of each.

8 Government Data Practices

8.1 BCA and Agency. The Agency and BCA must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data accessible under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Agency under this Agreement. The remedies of Minn. Stat. §§ 13.08 and 13.09 apply to the release of the data referred to in this clause by either the Agency or the BCA.

8.2 Court Records. If Agency chooses to execute the Court Data Services Subscriber Amendment referred to in Clause 2.12 in order to access and/or submit Court Records via BCA's systems, the following provisions regarding data practices also apply. The Court is not subject to Minn. Stat. Ch. 13 (see section 13.90) but is subject to the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court. All parties acknowledge and agree that Minn. Stat. § 13.03, subdivision 4(e) requires that the BCA and the Agency comply with the Rules of Public Access for those data received from Court under the Court Data Services Subscriber Amendment. All parties also acknowledge and agree that the use of, access to or submission of Court Records, as that term is defined in the Court Data Services Subscriber Amendment, may be restricted by rules promulgated by the Minnesota Supreme Court, applicable state statute or federal law. All parties acknowledge and agree that these applicable restrictions must be followed in the appropriate circumstances.

9 Investigation of alleged violations; sanctions

For purposes of this clause, "Individual User" means an employee or contractor of Agency.

9.1 Investigation. Agency and BCA agree to cooperate in the investigation and possible prosecution of suspected violations of federal law, state law, and policies and procedures referenced in this Agreement. When BCA becomes aware that a violation may have occurred, BCA will inform Agency of the suspected violation, subject to any restrictions in applicable law. When Agency becomes aware that a violation has occurred, Agency will inform BCA subject to any restrictions in applicable law.

9.2 Sanctions Involving Only BCA Systems and Tools.

The following provisions apply to BCA systems and tools not covered by the Court Data Services Subscriber Amendment.

9.2.1 For BCA systems and tools that are not covered by the Court Data Services Subscriber Amendment, Agency must determine if and when an involved Individual User's access to systems or tools is to be temporarily or permanently eliminated. The decision to suspend or terminate access may be made as soon as alleged violation is discovered, after notice of an alleged violation is received, or after an investigation has occurred. Agency must report the status of the Individual User's access to BCA without delay.

9.2.2 If BCA determines that Agency has jeopardized the integrity of the systems or tools covered in this Clause 9.2, BCA may temporarily stop providing some or all the systems or tools under this Agreement until the failure is remedied to the BCA's satisfaction. If Agency's failure is continuing or repeated, Clause 11.1 does not apply and BCA may terminate this Agreement immediately.

9.3 Sanctions Involving Only Court Data Services

The following provisions apply to those systems and tools covered by the Court Data Services Subscriber Amendment, if it has been signed by Agency. As part of the agreement between the Court and the BCA for the delivery of the systems and tools that are covered by the Court Data Services Subscriber Amendment, BCA is required to suspend or terminate access to or use of the systems and tools either on its own initiative or when directed by the Court. The decision to suspend or terminate access may be made as soon as an alleged violation is discovered, after notice of an alleged violation is received, or after an investigation has occurred. The decision to suspend or terminate may also be made based on a request from the Authorized Representative of Agency. The agreement further provides that only the Court has the authority to reinstate access and use.

9.3.1 Agency understands that if it has signed the Court Data Services Subscriber Amendment and if Agency's Individual Users violate the provisions of that Amendment, access and use will be suspended by BCA or Court. Agency also understands that reinstatement is only at the direction of the Court.

9.3.2 Agency further agrees that if Agency believes that one or more of its Individual Users have violated the terms of the Amendment, it will notify BCA and Court so that an investigation as described in Clause 9.1 may occur.

10 Venue

Venue for all legal proceedings involving this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

11 Termination

11.1 Termination. The BCA or the Agency may terminate this Agreement at any time, with or without cause, upon 30 days' written notice to the other party's Authorized Representative.

11.2 Termination for Insufficient Funding. Either party may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written notice to the other party's authorized representative. The Agency is not obligated to pay for any services that are provided after notice and effective date of termination. However, the BCA will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. Neither party will be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. Notice of the lack of funding must be provided within a reasonable time of the affected party receiving that notice.

12 Continuing obligations

The following clauses survive the expiration or cancellation of this Agreement: 6. Liability; 7. Audits; 8. Government Data Practices; 9. Investigation of alleged violations; sanctions; and 10. Venue.

The parties indicate their agreement and authority to execute this Agreement by signing below.

1. STATE ENCUMBRANCE VERIFICATION
Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.

Name: _____
(PRINTED)

Signed: _____

Date: _____

SWIFT Contract number _____

2. AGENCY

Name: _____
(PRINTED)

Signed: _____

Title: _____
(with delegated authority)

Date: _____

Name: _____
(PRINTED)

Signed: _____

Title: _____
(with delegated authority)

Date: _____

3. DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION

Name: _____
(PRINTED)

Signed: _____

Title: _____
(with delegated authority)

Date: _____

4. COMMISSIONER OF ADMINISTRATION
delegated to Materials Management Division

By: _____

Date: _____

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

**24150 Smithtown Road
Shorewood, Minnesota 55331**

Bryan T. Litsey
Chief of Police

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

M-E-M-O-R-A-N-D-U-M

**TO: Coordinating Committee Members
Chief Bryan Litsey**

FROM: Detective Sergeant Steve Neururer

DATE: July 18, 2012

RE: eComplaints / eCharging

The final group of law enforcement agencies and prosecuting attorneys in Hennepin County slated for implementing eComplaints is scheduled for the week of August 13th, 2012. The South Lake Minnetonka Police Department (SLMPD) and prosecuting attorneys for Excelsior, Greenwood, Shorewood and Tonka Bay are included in this final group. eComplaints is SLMPD's next phase in a move toward an electronic and paperless criminal process. The first phase began March 14th, 2012, when the SLMPD went online with DWI eCharging.

The workflow for eComplaints is no different from the antiquated process currently in place in Hennepin County. In the current process, the SLMPD sends a police report either by mail or fax to the prosecuting attorney for review. Upon receiving the police report, the prosecuting attorney reviews all the information and then drafts a criminal complaint. If the defendant is in custody, a SLMPD supervisory official or detective is required to pick up the complaint from the prosecuting attorney's office, drive to the Hennepin County Government Center in Minneapolis and have the complaint reviewed in front of a judge. If the defendant is not in custody, the prosecuting attorney will mail the complaint back to the SLMPD where a supervisory official or detective reviews and signs it in front of a notary. The complaint is then hand carried to court where it is signed by a judge. Both aforementioned processes are extremely time consuming and costly because it ties up department personnel for long periods of time.

The implementation of eComplaints through eCharging is a process by which the SLMPD, prosecuting attorneys and courts handle criminal complaints electronically. It eliminates the

Page Two - Memorandum to Chief Bryan Litsey (eComplaints / eCharging)

need for a SLMPD supervisory official or detective to pick up the complaint from the prosecuting attorney's office and then having to drive to the Hennepin County Government Center in Minneapolis to have it signed in front of a judge.

The eComplaint process is accomplished through a secure connection to the Bureau of Criminal Apprehension (BCA) website. The SLMPD will upload the report to this site allowing the prosecuting attorney immediate access to all reports and documentation. The prosecuting attorney will draft a criminal complaint within the BCA eCharging website, and once complete, it is then accessible to the SLMPD supervisory official or detective. The supervisory official or detective electronically signs the criminal complaint where it is then forwarded and signed by a notary. Once complete, the complaint is immediately accessible to a Hennepin County Judge. The entire process is handled within the BCA eCharging secure website thus saving a lot of time and expense for both SLMPD personnel and prosecuting attorneys.

Every step in the eCharging process is electronically tracked. The BCA website automatically sends e-mail notifications to the appropriate recipient, i.e., SLMPD personnel, prosecuting attorney, notary or judge, that their attention is required in the eCharging process. The system will also alert you if a complaint has not been completed.

In preparation of the eCharging implementation, Lieutenant Pierson, Office Manager Swanson and I, along with other law enforcement agencies and their respective prosecuting attorneys, have been participating in weekly conference calls with BCA. Ken Potts' office, prosecuting attorney for Excelsior, Shorewood and Tonka Bay, and Greg Keller's office, prosecuting attorney for Greenwood, have both opted to participate in both the training and eCharging / eComplaint process.

SLMPD has agreed to host the eCharging / eComplaint training. Law enforcement agencies and prosecuting attorneys opting out of this process at the current time, will have to attend training at a later date held at BCA in St. Paul.

The eComplaint process through BCA's eCharging framework saves time and expenses for both the SLMPD personnel and prosecuting attorneys.



RESOLUTION 2011-2

RESOLUTION APPROVING THE STATE OF MINNESOTA JOINT POWERS AGREEMENT WITH THE SOUTH LAKE MINNETONKA POLICE DEPARTMENT AND ITS PROSECUTING ATTORNEY(S)

WHEREAS, the South Lake Minnetonka Police Department and its Prosecuting Attorney(s) desire to enter into a Joint Powers Agreement with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the South Lake Minnetonka Police Department is eligible. The Joint Powers Agreement further provides the South Lake Minnetonka Police Department with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the South Lake Minnetonka Police Department to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the Coordinating Committee for the South Lake Minnetonka Police Department as follows:

1. That the State of Minnesota Joint Powers Agreement by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the South Lake Minnetonka Police Department and its Prosecuting Attorney(s) are hereby approved. A copy of the Joint Powers Agreement is attached to this Resolution and made a part of it.
2. That the Chief of Police, Bryan Litsey, or his successor, is designated the Authorized Representative for the South Lake Minnetonka Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the Department's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Office Administrator Nancy Swanson is appointed as the Authorized Representative's designee.

3. That the Chief of Police, Bryan Litsey, or his successor, is designated the Authorized Representative for the Prosecuting Attorney(s). The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the Department's connection to the systems and tools offered by the State.

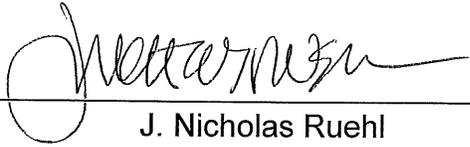
**SOUTH LAKE MINNETONKA POLICE DEPARTMENT
RESOLUTION 2011-2
PAGE 2 OF 2**

To assist the Authorized Representative with the administration of the agreement, Officer Administrator Nancy Swanson is appointed as the Authorized Representative's designee.

4. That J. Nicholas Ruehl, Chair of the South Lake Minnetonka Police Department Coordinating Committee, and Bryan Litsey, Chief of Police of the South Lake Minnetonka Police Department, are authorized to sign the State of Minnesota Joint Powers Agreement.

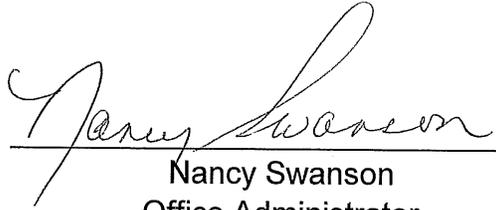
I certify that the above resolution was adopted by the Coordinating Committee for the South Lake Minnetonka Police Department on November 29, 2011.

Signed:



J. Nicholas Ruehl
Committee Chair

Witnessed:



Nancy Swanson
Office Administrator



Agenda Number: **7F**

Agenda Date: 09-05-12

Agenda Item: Consider Hosting Planning & Zoning Workshop

Summary: The council expressed interest in exploring the idea of the city hosting a workshop to train planning commissioners and elected officials from Greenwood and neighboring cities. Interested citizens also would be welcome. A preliminary cost estimate was prepared and an email was sent to representatives from neighboring cities to gauge interest. Based on feedback it appears that we would be close to getting the 18 participants needed to break even. There is enough in the city budget to cover the cost (\$125 per person) for Greenwood planning commissioners, elected officials, and staff. The event is proposed to be held at the Southshore Center in Shorewood on Saturday, 01-12-13 from 9am to 4pm. The workshop would be conducted by facilitators from the Government Training Services (see attached biographies). A draft of the agenda also is attached. This agenda reflects the standard class offered by GTS. If we want to change the agenda, the workshop would cost more.

If the council wants to move forward with offering the workshop, the next step is to sign a contract with GTS and the Southshore Center.

Council Action: Optional. Potential motions ...

1. I move the city council approves the plans for the city to host a Planning & Zoning Workshop as proposed and authorizes the mayor to sign contracts with Government Training Services and the Southshore Center for a workshop to be held on 01-12-13.
2. Do nothing or other motion ???

2012 Planning & Zoning Workshop Cost Estimate

LOCATION: SOUTHSHORE CENTER

| Number of Attendees | 10 | 12 | 14 | 16 | 18 | 20 | 25 | 30 |
|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Workshop Base Cost | \$1,350 | \$1,350 | \$1,350 | \$1,350 | \$1,350 | \$1,350 | \$1,350 | \$1,350 |
| Mileage Cost, federal rate | \$100 | \$100 | \$100 | \$100 | \$100 | \$100 | \$100 | \$100 |
| Additional Cost, \$10 per person for over 25 attendees | | | | | | | | \$50 |
| Materials Cost, \$10 per person | \$100 | \$120 | \$140 | \$160 | \$180 | \$200 | \$250 | \$300 |
| Southshore Activity Rm Rental, \$28 x 8.5 hours (8am-4:30pm*) | \$156 | \$156 | \$156 | \$156 | \$156 | \$156 | \$156 | \$156 |
| Custodial Fee | \$20 | \$20 | \$20 | \$20 | \$20 | \$20 | \$20 | \$20 |
| LCD Projector | \$30 | \$30 | \$30 | \$30 | \$30 | \$30 | \$30 | \$30 |
| Projection Screen | \$15 | \$15 | \$15 | \$15 | \$15 | \$15 | \$15 | \$15 |
| Easel (free), Flip Charts (2 pack for \$25), and Markers (bring own) | \$25 | \$25 | \$25 | \$25 | \$25 | \$25 | \$25 | \$25 |
| AV Set Up | N/C |
| Coffee, \$2 per person | \$20 | \$24 | \$28 | \$32 | \$36 | \$40 | \$50 | \$60 |
| Food, Beverages, Paper Plates, Napkins, \$15 per person | \$150 | \$180 | \$210 | \$240 | \$270 | \$300 | \$375 | \$450 |
| Total Cost | \$1,966 | \$2,020 | \$2,074 | \$2,128 | \$2,182 | \$2,236 | \$2,371 | \$2,556 |
| Cost Per Person | \$197 | \$168 | \$148 | \$133 | \$121 | \$112 | \$95 | \$85 |

At \$125 per person the breakeven point is 18 attendees

* This time includes set-up, check-in time, and clean-up. The event is from 8:30am to 4pm.

Note: The Greenwood budget has included \$600 for training for many years. This amount typically has not been used.

Head count is due to GTS by _____.

Basics of Planning and Zoning

Presenter Biographies

Richard Thompson's background includes a wide range of positions in the field of land use planning. He has been St. Croix County, Wisconsin's planning director, a sector representative, manager of comprehensive plan reviews at the Metropolitan Council and TKDA Consulting Engineers, Architects and Planners of the Twin Cities. Dick currently serves as a consultant for the Metro Council staff on a part-time basis and continues to teach at St. Mary's University.

Michael Couri is a partner with the law firm of Couri & Ruppe located in St. Michael. Couri & Ruppe represents ten cities and 130 townships throughout the State. Mike received his Juris Doctorate from the University of Illinois in 1988. He has been practicing in municipal law for 21 years and is currently the City Attorney for the cities of Albertville, Crosslake, Rockford and St. Augusta. Mike also currently serves as 1st Vice President of the City Attorneys Association.

August 15, 2012

Debra J. Kind, Mayor
City of Greenwood
20225 Cottagewood Road
Greenwood, MN 55331

Dear Mayor Kind:

On behalf of GTS Educational Events, I am pleased to present this letter of agreement to provide an *in house* "Basics of Planning & Zoning" workshop for members of Greenwood's City Council and Planning Commission, as well as elected and appointed officials from neighboring cities, and interested citizens.

This session will be held on Saturday, January 12, 2013 **OR** Saturday, January 26, 2013 from 9:00 a.m. to 4:00 p.m. which includes a 25-minute lunch period and two, 10-minute stretch breaks at the Southshore Center. As discussed, the workshop will be presented by Richard Thompson and Michael Couri with content based upon the GTS "Basics of Planning & Zoning", with a few adjustments to accommodate your slightly abbreviated timeframe. Please provide an address and map/driving directions to the Center for sharing with presenters.

The cost to the City of Greenwood will be \$1,350 for up to 25 people (with additional registrants charged at the rate of \$10/person) plus speakers' mileage (at the prevailing Federal Mileage Reimbursement rate). This amount covers all preparation, presentation and travel time. In addition, the city will be charged for handout materials at the rate of \$10/person. An itemized invoice would be submitted after the January program.

It is understood that the city will be responsible for all facility arrangements including provision of the following: classroom (tables/chairs) seating for participants, standing (or tabletop) podium, flipchart/pad/markers, screen, data projector (laptop will be brought by the instructor) and all appropriate refreshments. **If you have difficulties providing the projector, please advise and we will explore other options.**

So that handout materials can be prepared, we will need to know the exact number of workshop participants by Friday, December 28, 2012.

It is understood that should the city wish to use the training services of Messrs. Thompson or Couri within one year of this workshop, arrangements will be made through GTS. It is also understood that should you cancel the program after this contract is signed, GTS will be reimbursed for all time & expenses incurred to date.

If you agree with the terms and conditions set forth in this letter of agreement, please sign and return one copy via email (cschoeneck@mngts.org) or fax (651-223-5307) to me as soon as possible. GTS will then initiate a contracts with both presenters. Carol Schoeneck, GTS Program Manager, will be your contact for all future communications regarding this event.

I am very pleased that we are able to accommodate your training need at this time. Thanks for thinking about GTS!

Sincerely,

Helene Johnson

Helene Johnson
Executive Director

Approved:

for City of Greenwood



The City Of Greenwood Invites You To A ...
Planning & Zoning Workshop

For newly-elected officials, experienced elected officials,
planning commissioners, city staff, and interested citizens.

Saturday, January 12, 2013

Southshore Center

5735 Country Club Road

Shorewood, MN 55331

9am to 4pm (8:30am check-in)

\$125 per person

This workshop will cover the nuts and bolts of planning, zoning, and subdivision regulations. Participants will learn how planning and zoning is developed, where they fit into the process, and how the different “players” maximize their impact. The topics to be addressed include:

- **The History** – How the system has gotten to where it is today, the authority and limits to planning and zoning.
- **The Land Use & Zoning Tools** – Comprehensive plans, zoning and subdivision ordinances, amendments, permits, and enforcement.
- **Legal Basics** – Avoiding litigation, what is “due process,” what is a “taking,” conducting public hearings, making findings of fact, and understanding the 60-day rule.
- **Your Role, Responsibilities & Opportunities**
- **Hands-On Simulations** – Actual planning and zoning dilemmas.
- **Hot Issues** – Answers to your questions.

Government Training Services’ presenters Richard Thompson and Michael Couri conduct this workshop at locations around the state. This is your opportunity to attend a session in our area! The non-refundable \$125 fee includes workshop materials, continental breakfast, snacks, and lunch.

Mail check to: City of Greenwood, 20225 Cottagewood Road, Deephaven, MN 55331

Make sure to include the names and email addresses of workshop attendees

Registration deadline: 12noon, Friday, December 28, 2012

Questions? Contact Greenwood Mayor Deb Kind, dkind100@gmail.com, 612.718.6753



The City Of Greenwood Welcomes You To The ...

Planning & Zoning Workshop

For newly-elected officials, experienced elected officials, planning commissioners, city staff, and interested citizens.

Saturday, January 12, 2013

AGENDA

- 8:30am Check-In Time
- 9:00am INTRODUCTION TO THE DAY
What To Expect
- 9:15am ALL ABOUT PLANNING
What Is It?
How Does It Work?
How Do You Fit In?
- 10:15am Refreshment Break
- 10:25am USING IMPLEMENTATION TOOLS
Putting Planning Ideas To Work
- 11:10am PRACTICE MAKES PERFECT
Putting Planning Ideas To Work
- 12:10pm Lunch
- 12:35pm KNOW YOUR LEGAL LIMITS
The Foundation For Effective Planning
- 1:35pm Refreshment Break
- 1:45pm BURNING ISSUES
Your Questions Answered
- 2:15pm USING IMPLEMENTATION TOOLS
The Subdivision Ordinance
- 2:45pm PRACTICE MAKES PERFECT
Implementation Tools
- 3:45pm CHALLENGES FOR THE FUTURE
- 4:00pm Adjourn



The City Of Greenwood Welcomes You To The ...

Planning & Zoning Workshop

For newly-elected officials, experienced elected officials, planning commissioners, city staff, and interested citizens.

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Agenda Number: **7G**

Agenda Date: 09-05-12

Agenda Item: LMCIT Liability Waiver

Summary: Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits. The options available to the city are included on the attached document. Historically the council has chosen NOT TO WAIVE the monetary limits on monetary limits, based on the recommendation of the city attorney.

Council Action: Required. Potential motions ...

1. I move the council directs the city clerk to do the following:
 - a. Complete the League of Minnesota Cities Liability Coverage Waiver Form and check the box indicating that the city does not waive the monetary limits on municipal tort liability established by Minnesota Statute 466.04.
 - b. Mail the completed form to the League of Minnesota Cities Insurance Trust.
2. Another motion ???

SECTION I: LIABILITY COVERAGE WAIVER FORM

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

- *If the city does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000. on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.
- *If the city waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$1,500,000. on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000., regardless of the number of claimants.
- *If the city waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

_____ accepts liability coverage limits of \$_____ from the League of Minnesota Cities Insurance Trust (LMCIT).

Check one:

- The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
- The city **WAIVES** the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council meeting _____

Signature _____ Position _____

Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044



Agenda Number: **7H**

Agenda Date: 09-05-12

Agenda Item: 2013 LMCC Budget

Summary: Attached is the cover letter and budget from the Lake Minnetonka Communications Commission. The LMCC budget is funded with franchise fees paid by cable users (not by tax dollars). The LMCC needs approval of the majority of the member cities to proceed with the proposed budget. A copy of the minutes showing the council action regarding the budget needs to be forwarded to the LMCC for their records.

Council Action: Required. Suggested motion ...

1. I move the council approves the 2013 Lake Minnetonka Communications Commission budget as presented and directs staff to forward a copy of the 09-05-12 council minutes to the LMCC.
2. Other motion ???



LMCC

LAKE MINNETONKA COMMUNICATIONS COMMISSION

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

August 27, 2012

DEEPHAVEN

EXCELSIOR

RE: Approval of LMCC 2013 Budget

GREENWOOD

Dear Mayor and Council Members:

INDEPENDENCE

The Lake Minnetonka Communications Commission (LMCC) passed the enclosed budget for 2013, at the Full LMCC Commission meeting on August 21, 2012.

LONG LAKE

This budget is not funded with tax dollars, but rather a cable company franchise fee paid annually to the LMCC. We are also receiving a PEG (public, educational, governmental) access fee for community use of the production studio.

LORETTO

MAPLE PLAIN

I am submitting the budget to all city members of the LMCC for review and approval according to our Joint Powers Agreement. Please send me the minutes or resolution of your actions regarding the LMCC Budget as we keep a record of approval on file at the LMCC Offices.

MEDINA

MINNETONKA BEACH

If you would like me to attend your council meeting to answer any questions please let me know the date and time of the meeting or the time I would be placed on the agenda. The LMCC needs approval of the majority of the cities to proceed with the proposed budget. We would appreciate your approval at your September Council meeting.

MINNETRISTA

ORONO

Thank you for your continued support and use of the television facilities and your participation in our programming on Tonka Report, with your city events and with any election coverage of candidates.

ST. BONIFACIUS

SHOREWOOD

Sincerely,

SPRING PARK

LAKE MINNETONKA COMMUNICATIONS COMMISSION

TONKA BAY

VICTORIA

Sally Koenecke
Executive Director

WOODLAND

Enclosure

Lake Minnetonka Communications Commission Year 2013 Budget

The Lake Minnetonka Communications Commission is not funded by tax dollars and its operating budget is derived from cable franchise fees and PEG fees to cable subscribers. The LMCC studio and offices are located at 4071 Sunset Drive in Spring Park.

The Lake Minnetonka Communications Commission maintains a fund balance as a reserve to continue operations if unforeseeable funding losses should occur. These could include lowered franchise revenue, legislation resulting in reduced funding, or other revenue losses. The LMCC is in the process of franchise renewal and will be working with consultants to determine technical and financial considerations going forward. The LMCC has maintained its budgeted balance for the first seven months of 2012.

The LMCC continues to provide excellent service to area residents with its programming and streaming services. As you may be aware the LMCC included agenda parsing with its streaming capabilities this year and it has been a very worthwhile service to the cities in viewing city council meetings. The streaming service continues to exhibit growth in the numbers of residents accessing the "on demand" city council meetings. The LMCC earned a national programming award this year from the Alliance for Community Media for a program produced for children about public safety. Other programming produced for and with the cities includes fire safety programming, city events and festivals, state of the city addresses, "Tonka Report" with city administrators, candidate forums, community development programs, school district programs and non-profit organizational programming. The LMCC will have extensive election coverage during the next month. The LMCC continues to resolve cable subscriber complaints and monitors the franchise agreement with Mediacom.

The following is a summary of the budget considerations made by the 2013 Budget Committee:

The budget is proportioned into three categories, Franchise, Studio and Capital:

Franchise Administration

This fund is supported entirely by franchise fees and interest on investments. Activities accounted for in this fund are related to the oversight responsibility of the Commission representing the member cities' interest in the cable operator's compliance with the franchise agreement. This fund also supports the complaint process and resolution of subscriber complaints reported to the LMCC. The LMCC also represents its member cities by monitoring and participating in the legislative activities at the state and federal levels. This fund also supports the oversight of the community television studio.

Studio Salaries and Studio Capital

In 2008 due to an FCC ruling the studio budget was presented a little differently. Due to the possibility that the PEG fee may only be used for capital expenditures the Budget Committee put Studio Salaries as an operating expense. The other funds needed for the studio are classified as Access Studio Capital as the expenses incurred here result in a product, that being community programs. The Budget page for studio is divided into two categories, Access Studio Operating (salaries) and Access Studio Capital.

Capital Equipment and Building Improvement

The Capital Improvement Fund supports the acquisition of new equipment and the need for replacement of equipment and leasehold improvements presently existing. A listing of proposed equipment is included. The equipment list is projected, as pricing may have changed prior to the time of purchase. Purchases are subject to approval by the commission and may change if technology dictates better options. A five-year capital plan that staff has developed in strategic planning is included. The LMCC paid off the building in 2012 so there are no longer monthly payments on a contract for deed.

Other Projected Expenditures

Projected expenditures include funds allocated for franchise renewal expense and a franchise fee audit.

Submitted by:
Sally Koenecke
LMCC Executive Director

**Lake Minnetonka Communications Commissions
2013 Proposed Budget**

| | Franchise Administration | Studio Capital | Total All Funds |
|--|-----------------------------|-------------------|--------------------|
|--|-----------------------------|-------------------|--------------------|

Revenues

| | | | |
|--------------------------------|----------------|----------------|----------------|
| Franchise Fees | 179,673 | 306,587 | 485,311 |
| PEG Fees | | 139,262 | 139,262 |
| Mound Usage Fees | | 67,840 | 67,840 |
| Studio Rental Dub Fees | | 2,000 | 2,000 |
| Interest | | 1,500 | 1,500 |
| Insurance Refund | | 500 | 500 |
| Projected Total Revenue | 179,673 | 517,689 | 696,413 |

Expenses

| | | | |
|--|---------|---------|----------------|
| Projected Fr. Exp./Stu. Salaries | 172,919 | 321,705 | 494,624 |
| Projected Total Studio Capital Expenses | | 104,993 | 104,993 |
| Principal Mortgage Payments | | | 0 |
| Communications Education and Assessment | | | 10,000 |
| Franchise Renewal Consulting | | | 20,000 |
| Franchise Fee Audit | | | 7,000 |
| | | | 636,617 |
| <u>Capital Equipment Budget</u> | | | |
| Proposed 2012 Capital Equipment Proposal | | | <u>59,559</u> |
| Projected Total Expenses | | | 696,176 |

Fund Balance

| | |
|--|----------------|
| Projected 2013 Beginning Fund Balance | 325,053 |
| Projected 2013 Revenues | <u>696,413</u> |
| Total Fund Balance and 2013 Revenues | 1,021,466 |
| Projected Total Expenses | <u>696,176</u> |
| Projected Fund Balance Before 10% Contingency | 325,290 |
| 10% Contingency | <u>69,617</u> |
| Projected 2013 Fund Balance After Contingency | 255,673 |

Lake Minnetonka Communications Commission
2013 Proposed Budget

Franchise Expenses

| | 2011 Adopted | 2011 Actual | 2012 Proposed | 2012 6 Mo. Proj | 2012 Projected | 2013 Proposed |
|------------------------------------|-----------------|----------------|------------------|--------------------|-------------------|------------------|
| <u>Personal Services</u> | | | | | | |
| 101 Salaried Full-time | 47,824 | 48,221 | 49,019 | 24,509 | 49,019 | 50,224 |
| 103 Salaried Part-time | 33,000 | 23,725 | 33,825 | 11,324 | 23,372 | 33,825 |
| 121 Pera Cont. | 5,819 | 6,225 | 6,012 | 3,700 | 7,400 | 6,393 |
| 122 FICA Cont. | 6,415 | 7,327 | 6,970 | 5,500 | 7,500 | 7,500 |
| 131 Health Insurance | 11,500 | 15,557 | 15,500 | 8,500 | 15,500 | 15,700 |
| 151 Workers Comp. Insurance | 715 | 2,831 | 775 | 1,684 | 1,684 | 1,684 |
| Total Personal Services | 105,273 | 103,886 | 112,101 | 55,217 | 104,475 | 115,326 |
| <u>Supplies</u> | | | | | | |
| 200 Office Supplies | 1,300 | 1,351 | 1,500 | 750 | 1,500 | 1,500 |
| 210 Special Events/Meetings | 525 | 516 | 525 | 263 | 525 | 525 |
| 220 Repair & Maint. Supplies | 200 | 989 | 200 | 100 | 200 | 300 |
| 225 Studio Expendables | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Supplies | 2,025 | 2,856 | 2,225 | 1,113 | 2,225 | 2,325 |
| <u>Professional Services</u> | | | | | | |
| 301 Accounting/Audit Fees | 6,450 | 7,843 | 7,000 | 4,000 | 7,000 | 7,000 |
| 302 Access Contractors | 0 | 0 | 0 | 0 | 0 | 0 |
| 304 Legal Fees | 10,000 | 5,538 | 10,000 | 4,478 | 9,000 | 10,000 |
| 314 Payroll Services | 800 | 540 | 800 | 360 | 750 | 800 |
| 318 Janitorial Services | 1,200 | 828 | 1,200 | 628 | 1,200 | 1,200 |
| 319 Security Services | 470 | 403 | 470 | 200 | 470 | 470 |
| 325 Computer/Consulting | 1,250 | 1,047 | 1,250 | 340 | 1,250 | 1,250 |
| 326 Training | 400 | 675 | 400 | 200 | 400 | 400 |
| Total Professional Services | 20,570 | 16,874 | 21,120 | 10,206 | 20,070 | 21,120 |
| <u>Other Services and Charges</u> | | | | | | |
| 309 Copier Expense | 3,250 | 3,025 | 3,300 | 1,632 | 3,300 | 1,848 |
| 321 Telephone/Communications | 1,100 | 1,152 | 1,100 | 550 | 1,100 | 1,100 |
| 322 Postage | 1,300 | 987 | 1,300 | 360 | 1,100 | 1,300 |
| 331 Travel School & Conference | 9,000 | 11,213 | 8,500 | 2,570 | 8,500 | 7,500 |
| 332 Mileage | 680 | 73 | 680 | 342 | 680 | 500 |
| 350 Printing and Publishing | 1,500 | 795 | 1,500 | 228 | 1,400 | 1,500 |
| 360 Insurance | 2,200 | 1,970 | 2,000 | 500 | 2,000 | 2,200 |
| 380 Utilities | 4,700 | 3,321 | 4,700 | 2,350 | 4,700 | 3,700 |
| 384 Refuse & Recycling Collection | 500 | 624 | 500 | 250 | 500 | 500 |
| 395 Bank Finance fee | 20 | 57 | 20 | 20 | 20 | 50 |
| 401 Contracted Building Repair | 2,000 | 1,612 | 2,000 | 409 | 1,500 | 2,000 |
| 404 Maint. Repair Equip. | 250 | 2,775 | 400 | 1,200 | 2,000 | 2,000 |
| 413 Equipment Rental | 200 | 335 | 200 | 150 | 300 | 300 |
| 433 Dues & Subscriptions | 2,000 | 1,810 | 2,000 | 1,098 | 1,500 | 2,000 |
| 438 Property Taxes | 0 | 0 | 0 | 0 | 0 | 0 |
| 439 Contingency | 3,000 | 601 | 3,000 | 1,700 | 3,000 | 3,000 |
| 440 Advertising | 300 | 0 | 400 | 0 | 400 | 400 |
| 441 Van Operation | 0 | 0 | 0 | 0 | 0 | 0 |
| 442 Webstreaming/Broadband | 0 | 0 | 0 | 0 | 0 | 0 |
| 443 Licenses | 100 | 221 | 250 | 0 | 100 | 250 |
| Total Other Charges | 32,100 | 30,571 | 31,850 | 13,359 | 32,100 | 30,148 |
| <u>Interest / Capital</u> | | | | | | |
| 411 mortgage interest | 0 | 0 | 3,050 | 0 | 1,500 | 0 |
| 412 mortgage interest | 3,050 | 2,172 | 0 | 0 | 0 | 0 |
| 599 Building Improvements | 5,000 | 6,145 | 5,000 | 2,500 | 5,000 | 4,000 |
| Total Interest / Capital | 8,050 | 8,317 | 8,050 | 2,500 | 6,500 | 4,000 |
| Total Expenditures | 168,018 | 162,504 | 175,346 | 82,395 | 165,370 | 172,919 |

**Lake Minnetonka Communications Commission
2013 Proposed Budget**

Access Studio Operating

| | 2011 Adopted | 2011 Actual | 2012 Proposed | 2012 6 Mo. Proj. | 2012 Projected | 2013 Proposed |
|--|-----------------|----------------|------------------|---------------------|-------------------|------------------|
| <u>Personal Services</u> | | | | | | |
| 101 Salaried Full-time | 201,700 | 191,499 | 206,742 | 88,392 | 206,742 | 211,910 |
| 103 Hourly Part-time | 13,612 | 27,789 | 42,904 | 16,248 | 38,000 | 43,976 |
| 121 Pera Cont. | 14,500 | 14,524 | 14,860 | 8,858 | 17,716 | 17,981 |
| 122 FICA Cont. | 16,500 | 15,698 | 16,900 | 11,886 | 15,023 | 19,158 |
| 131 Health Insurance | 25,417 | 26,490 | 27,000 | 14,504 | 27,000 | 26,490 |
| 151 Workers Comp. Insur | 920 | 3,680 | 1,000 | 2190 | 2190 | 2190 |
| Total Personal Service | 272,649 | 279,680 | 309,406 | 142,078 | 306,671 | 321,705 |
| <u>Access Studio Capital</u> | | | | | | |
| <u>Supplies</u> | | | | | | |
| 200 Office Supplies | 1,200 | 1,351 | 1,500 | 960 | 1,500 | 1,500 |
| 210 Special Events/Meetin | 1,200 | 1,205 | 1,200 | 810 | 1,200 | 1,200 |
| 220 Repair & Maint. Supj | 400 | 989 | 400 | 0 | 400 | 600 |
| 225 Studio Expendables | 3,000 | 2,768 | 2,750 | 1,000 | 2,750 | 3,000 |
| Total Supplies | 5,800 | 6,313 | 5,850 | 2,770 | 5,850 | 6,300 |
| <u>Professional Services</u> | | | | | | |
| 301 Acct. Fees | 6,450 | 7,843 | 7,000 | 2,000 | 7,000 | 7,000 |
| 302 Access Contractors | 26,000 | 25,185 | 26,000 | 9,782 | 26,000 | 26,000 |
| 304 Legal Fees | 3,000 | 2,492 | 3,000 | 1764 | 3,000 | 3,000 |
| 314 Payroll Services | 1,900 | 1,259 | 1,500 | 842 | 1,500 | 1,600 |
| 318 Janitorial Services | 2,575 | 1,931 | 2,575 | 1,466 | 2,700 | 2,575 |
| 319 Security Services | 470 | 403 | 470 | 200 | 470 | 470 |
| 325 Computer/Consulting | 3,000 | 2,444 | 4,000 | 798 | 3,000 | 3,000 |
| 326 Training | 600 | 675 | 600 | 1000 | 1500 | 800 |
| Total Professional Ser | 43,995 | 42,232 | 45,145 | 17,852 | 45,170 | 44,445 |
| <u>Other Services and Charges</u> | | | | | | |
| 309 Copier Expense | 3,250 | 3,026 | 3,250 | 1,584 | 3,250 | 1,848 |
| 321 Telephone/Communit | 2,550 | 2,688 | 2,550 | 1,290 | 2,550 | 2,700 |
| 322 Postage | 1,350 | 987 | 1,250 | 360 | 1,250 | 1,350 |
| 331 Travel School & Con | 4,770 | 1,977 | 4,770 | 1,500 | 4,770 | 4,500 |
| 332 Mileage | 1,000 | 439 | 1,100 | 300 | 1,000 | 900 |
| 350 Printing and Publishi | 1,800 | 795 | 1,600 | 350 | 1,600 | 1,200 |
| 360 Insurance | 4,500 | 4,597 | 4,500 | 4,500 | 4,500 | 4,700 |
| 380 Utilities | 10,500 | 7,750 | 1,000 | 3,779 | 8,000 | 8,500 |
| 384 Refuse & Recycling C | 550 | 624 | 575 | 253 | 575 | 600 |
| 395 Bank Finance Fec | 0 | 0 | 0 | 0 | 0 | 0 |
| 401 Contracted Building I | 1,500 | 1,612 | 1,750 | 266 | 1,750 | 1,800 |
| 404 Maint. Repair Equip. | 2,000 | 2,818 | 2,000 | 1,214 | 2,000 | 3,000 |
| 413 Equipment Rental | 300 | 335 | 100 | 0 | 100 | 300 |
| 433 Dues & Subscriptions | 2,250 | 1,810 | 2,100 | 1,434 | 1,500 | 2,000 |
| 438 Property Taxes | 0 | 0 | 0 | 0 | 0 | 0 |
| 439 Contingency | 1,300 | 601 | 2,000 | 300 | 2,000 | 2,000 |
| 440 Advertising | 1,000 | 2,360 | 3,000 | 696 | 1,500 | 1,500 |
| 441 Van Operation | 2,000 | 505 | 2,000 | 892 | 2,000 | 1,000 |
| 442 Webstreaming/Broadl | 11,000 | 6,862 | 8,000 | 5,318 | 10,700 | 11,000 |
| 443 Licenses | 350 | 663 | 700 | 100 | 400 | 350 |
| Total Other Charges | 51,970 | 40,449 | 42,245 | 24,136 | 49,445 | 49,248 |
| <u>Interest/ Capital</u> | | | | | | |
| 411 Mortgage Interest | 0 | 6,515 | 9,500 | 2,656 | 7,500 | 0 |
| 412 Mortgage Interest Exj | 9,020 | 0 | 0 | 0 | 0 | 0 |
| 599 Building Improvemer | 5,000 | 6,145 | 10,000 | 2,500 | 7,000 | 5,000 |
| Total Interest / Capita | 14,020 | 12,660 | 19,500 | 5,156 | 14,500 | 5,000 |
| Total Expenditures | 388,434 | 381,334 | 422,146 | 191,992 | 421,636 | 426,698 |

2013 Capital Budget

| Qty: | Description: | Mfg.: | Part #: | Cost Each: | Tax Each: | x Qty | Total: |
|-----------------------------------|---------------------------------|---------------|--------------|-------------|------------|-------|--------------------|
| Government Meeting Needs: | | | | | | | |
| 6 | Flash Drive Cameras | Panasonic | AG-HMC80PJ | \$2,055.00 | \$154.13 | 6 | \$13,254.78 |
| 24 | 32 Gig Class 10 Pro Flash Cards | Microcenter | 18267 | \$30.00 | \$2.25 | 24 | \$774.00 |
| 1 | High Speed Card Reader | IO Gear | 239509 | \$34.99 | \$2.62 | 1 | \$37.61 |
| 14 | LCD Monitors w/HDMI Input | RCA | 10LA30RQ | \$149.99 | \$11.25 | 14 | \$2,257.36 |
| 16 | DVD/Hard Drive Recorder | Magnavox | MDR513H/F7 | \$250.00 | \$18.75 | 16 | \$4,300.00 |
| 6 | Flash Drive Camera Cases | Panasonic | CTC-3Pan | \$405.00 | \$30.38 | 6 | \$2,612.28 |
| 16 | Misc. Cables | NA | NA | \$150.00 | \$11.25 | 16 | \$2,580.00 |
| 1 | I-Mac for Edit Station | Apple | ZOJP | \$2,999.00 | \$224.93 | 1 | \$3,223.93 |
| 1 | Final Cut Software | Apple | FC7 | \$1,000.00 | \$75.00 | 1 | \$1,075.00 |
| Subtotal Gov. Meetings | | | | | | | \$30,114.96 |
| ENG Kit Update: | | | | | | | |
| 1 | All in 1 ENG Kit w/Work Surface | Broadcast PIX | Slate 1000GA | \$18,400.00 | \$1,380.00 | 1 | \$19,780.00 |
| 1 | Multi Viewer Monitor | TBD | NA | \$1,000.00 | \$75.00 | 1 | \$1,075.00 |
| 1 | 4 Person Intercom System | Eartec | TCS4000 | \$1,100.00 | \$82.50 | 1 | \$1,182.50 |
| Subtotal ENG Kit Update: | | | | | | | \$22,037.50 |
| Studio Needs: | | | | | | | |
| 2 | Camera Mount Wireless Mics | Sennheiser | EW112-PG3 | \$ 944.72 | \$70.86 | 2 | \$2,031.16 |
| 2 | 8 Channel Audio Mixers | Shure | SCM810 | \$ 1,575.00 | \$ 118.13 | 2 | \$ 3,386.26 |
| 1 | Dual Channel pre Amp | True Systems | P2A | \$ 1,500.00 | \$ 112.50 | 1 | \$ 1,612.50 |
| 1 | Spot/Flood Light | Source 4 | 750 | \$ 350.00 | \$ 26.25 | 1 | \$ 376.25 |
| Subtotal Audio Needs: | | | | | | | \$7,406.17 |
| Total 2013 Capital Budget: | | | | | | | \$59,558.63 |

2013 Capital Equipment 5 Year Plan

| Year 1: | | | | | | | |
|--|---|---------------|--------------|--------------|-------------|--------|---------------|
| Qty: | Description: | Mfg.: | Part #: | Cost Each: | Tax Each: | x Qty | Total: |
| 6 | Flash Drive Cameras | Panasonic | AG-HMC80PJ | \$ 2,055.00 | \$ 154.13 | 6 | \$ 13,254.78 |
| 24 | 32 Gig Class 10 Pro Flash Cards | Microcenter | 18267 | \$ 30.00 | \$ 2.25 | 24 | \$ 774.00 |
| 1 | High Speed Card Reader | IO Gear | 239509 | \$ 34.99 | \$ 2.62 | 1 | \$ 37.61 |
| 14 | LCD Monitors w/HDMI Input | RCA | 10LA30RQ | \$ 149.99 | \$ 11.25 | 14 | \$ 2,257.36 |
| 16 | DVD/Hard Drive Recorder | Magnavox | MDR513H/F7 | \$ 250.00 | \$ 18.75 | 16 | \$ 4,300.00 |
| 6 | Flash Drive Camera Cases | Panasonic | CTC-3Pan | \$ 405.00 | \$ 30.38 | 6 | \$ 2,612.28 |
| 16 | Misc. Cables | NA | NA | \$ 150.00 | \$ 11.25 | 16 | \$ 2,580.00 |
| 1 | i-Mac for Edit Station | Apple | ZOJP | \$ 2,999.00 | \$ 224.93 | 1 | \$ 3,223.93 |
| 1 | Final Cut Software | Apple | FC7 | \$ 1,000.00 | \$ 75.00 | 1 | \$ 1,075.00 |
| 1 | All in 1 ENG Kit w/Work Surface | Broadcast PIX | Slate 1000GA | \$ 18,400.00 | \$ 1,380.00 | 1 | \$ 19,780.00 |
| 1 | Multi Viewer Monitor | TBD | NA | \$ 1,000.00 | \$ 75.00 | 1 | \$ 1,075.00 |
| 1 | 4 Person Intercom System | Eartec | TCS4000 | \$ 1,100.00 | \$ 82.50 | 1 | \$ 1,182.50 |
| 2 | Camera Mount Wireless Mics | Sennheiser | EW112-PG3 | \$ 944.72 | \$ 70.86 | 2 | \$ 2,031.16 |
| 1 | Dual Channel Pre Amp | True Systems | P2A | \$ 1,500.00 | \$ 112.50 | 1 | \$ 1,612.50 |
| 2 | 8 Channel Audio Mixers | Shure | SCM810 | \$ 1,575.00 | \$ 118.13 | 2 | \$ 3,386.26 |
| 1 | Stage Flood/Spot Light | Source 4 | 750 | \$ 350.00 | \$ 26.25 | 1 | \$ 376.25 |
| | | | | | | | \$ 59,558.63 |
| Year 2: Note: Includes the LMCC and LMCD(Wayzata) | | | | | | | |
| Qty: | Description: | Mfg.: | Part #: | Cost: | Tax: | x Qty. | Total: |
| 17 | Live Streaming Encoder | Granicus | MBX | \$ 6,000.00 | \$ 450.00 | 17 | \$ 109,650.00 |
| 17 | Cables/Connectors for Streaming | TBD | NA | \$ 200.00 | \$ 15.00 | 17 | \$ 3,655.00 |
| 17 | Ethernet Switches | Netgear | GS605 | \$ 49.99 | \$ 3.75 | 17 | \$ 913.58 |
| | Note: Host service is free with Granicus | | | | | | \$ 114,218.58 |
| Year 3: | | | | | | | |
| Qty: | Description: | Mfg.: | Part #: | Cost: | Tax: | | Total: |
| 1 | Remote Control Wall Camera | Sony | BRC-300 | \$ 4,695.00 | \$ 312.22 | 1 | \$ 5,007.22 |
| 4 | DV/HD Camera w/Canon Lense | JVC | GY-HM790U | \$ 9,995.00 | \$ 749.63 | 4 | \$ 42,978.52 |

Updated on 8/20/12

2013 Capital Equipment 5 Year Plan

| | | | | | | | |
|---------|--------------------------------|-------|-------------------------|--------------|-------------|---|----------------------|
| 4 | Tripod Adapter Kit | JVC | KA-551U | \$ 345.00 | \$ 25.88 | 4 | \$ 1,483.52 |
| 4 | Servo Zoom Control | JVC | HZ-ZS13U | \$ 856.00 | \$ 64.20 | 4 | \$ 3,680.80 |
| 4 | Manual Focus Control | JVC | HZ-FM15U | \$ 782.00 | \$ 58.65 | 4 | \$ 3,362.60 |
| 4 | 8.4" HD/SD Viewfinder | JVC | VF-HP790G | \$ 4,195.00 | \$ 314.63 | 4 | \$ 18,038.52 |
| 4 | View Finder Mounting Bracket | JVC | SA-K790 | \$ 395.00 | \$ 29.63 | 4 | \$ 1,968.52 |
| 4 | Multicore Studio Module | JVC | KA-M790G | \$ 2,620.00 | \$ 196.50 | 4 | \$ 11,266.00 |
| 4 | Digital Camera Control Unit | JVC | RM-HP790DU | \$ 4,720.00 | \$ 354.00 | 4 | \$ 20,296.00 |
| 4 | 50m Camera Cables for SD/HD | JVC | VC-HP113U | \$ 2,195.00 | \$ 164.63 | 4 | \$ 9,438.52 |
| | | | | | | | \$ 117,520.22 |
| Year 4: | | | | | | | |
| Qty: | Description: | Mfg.: | Part #: | Cost: | Tax: | | Total: |
| 1 | Production Truck(Used) | Any | NA | \$ 90,000.00 | \$ 6,750.00 | 1 | \$ 96,750.00 |
| | | | | | | | \$ 96,750.00 |
| Year 5: | | | | | | | |
| Qty: | Description: | Mfg.: | Part #: | Cost: | Tax: | | Total: |
| 1 | Common Computer/Server | Dell | 1U Rack Mnt (2tb) | \$ 2,700.00 | | | \$ 2,700.00 |
| 3 | Computer Workstations | Dell | Mini Tower / DT (800Gb) | \$ 3,750.00 | \$ 281.25 | | \$ 4,031.25 |
| 3 | Laptop Computers | Dell | XPS (500Gb) | \$ 3,750.00 | \$ 281.25 | | \$ 4,031.25 |
| 1 | Installation | NA | 32hr @ \$100 | \$ 3,200.00 | | | \$ 3,200.00 |
| 4 | Camcorders for Prod. Staff Use | Canon | XL-2E | \$ 15,000.00 | \$ 1,125.00 | | \$ 16,125.00 |
| 4 | Tri Pod Kits | Bogen | 503HDV | \$ 2,580.00 | \$ 193.50 | | \$ 2,773.50 |
| 2 | Final Cut Edit Station | Apple | NA | \$ 25,000.00 | \$ 1,875.00 | 2 | \$ 53,750.00 |
| 1 | 24 Channel Audio Board/Studio | | | | | | |
| | | | | | | | \$ 86,611.00 |

Updated on 8/20/12



Agenda Item: Discuss Potential City Council Input Regarding Various Issues

Summary: The city recently received notifications for the following issues:

1. The Minnehaha Creek Watershed District is seeking public comment regarding the Lake Virginia Regional Infiltration Project. The project will be completed in partnership with the cities of Chanhassen and Victoria. The total estimated cost is \$47,000 paid via MCWD ad valorem tax levy. 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. At the 08-01-12 council meeting the council authorized the mayor to send a letter regarding the Taft-Legion project in Richfield. A copy of that letter is attached.
2. The Hennepin County Sheriff is recommending that the mayor attend a county board briefing meeting at 9:30am on 09-13-13 regarding the potential of the county charging for 911 dispatch services. A copy of the Sheriff's letter is attached. The city already approved a resolution and sent a letter to Commissioner Jan Callison regarding this issue (see attached). The council may wish to reiterate the city's position by resending the resolution and letter to the county board with a cover note stating that city's position has not changed.
3. The MN Department of Commerce is seeking public comment regarding the environmental assessment scoping decision in the matter of the applications for a certificate of need and route permit for the Scott County-Westgate 69kV-115kV Transmission Upgrade Project. In the past the council approved two resolutions and the mayor sent a letter regarding this issue (all are attached). The council may wish to reiterate the city's position by sending copies of these documents to the MN Department of Commerce with a cover note stating that the city's position has not changed.

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 Lake Virginia Regional Infiltration Project and opposes any new ad valorem tax levy for the project.
2. I move the council authorizes the mayor to resend resolution 14-11 and a copy of the 03-12-12 letter to Jan Callison to the county board with a cover note stating that the city's position has not changed.
3. I move the council authorizes the mayor to send resolutions 12-12 and 14-12 and a copy of the 08-01-12 letter to the MN Department of Commerce with a cover note stating that the city's position has not changed.
4. Other motions or do nothing ???

From: Michael Hayman <MHayman@minnehahacreek.org>
Subject: Public Hearing for Lake Virginia Regional Infiltration Project (LV-5)
Date: August 23, 2012 1:50:10 PM CDT

To: "pmoline@co.carver.mn.us" <pmoline@co.carver.mn.us>, "tjeffery@ci.chanhassen.mn.us" <tjeffery@ci.chanhassen.mn.us>, "Gus Karpas (guskarpas@mchsi.com)" <guskarpas@mchsi.com>, "rbintner@edinamn.gov" <rbintner@edinamn.gov>, "dwwisdorf@ci.excelsior.mn.us" <dwwisdorf@ci.excelsior.mn.us>, "tburt@ci.golden-valley.mn.us" <tburt@ci.golden-valley.mn.us>, "eekman@goldenvalleymn.gov" <eekman@goldenvalleymn.gov>, "administrator@greenwoodmn.com" <administrator@greenwoodmn.com>, "jbradford@hopkinsmn.com" <jbradford@hopkinsmn.com>, "dkoch@ci.independence.mn.us" <dkoch@ci.independence.mn.us>, "Marv Wurzer (mwurzer@longlakemn.gov)" <mwurzer@longlakemn.gov>, "tlehmeyer@mapleplain.com" <tlehmeyer@mapleplain.com>, "dusty.finke@ci.medina.mn.us" <dusty.finke@ci.medina.mn.us>, "Lois.Eberhart@ci.minneapolis.mn.us" <Lois.Eberhart@ci.minneapolis.mn.us>, "lstout@eminnetonka.com" <lstout@eminnetonka.com>, "dabel@ci.minnetrista.mn.us" <dabel@ci.minnetrista.mn.us>, "CarltonMoore@cityofmound.com" <CarltonMoore@cityofmound.com>, "Mike Gaffron (mgaffron@ci.orono.mn.us)" <mgaffron@ci.orono.mn.us>, "Derek Asche <DAsche@plymouthmn.gov>, "kasher@cityofrichfield.org" <kasher@cityofrichfield.org>, "jlandini@ci.shorewood.mn.us" <jlandini@ci.shorewood.mn.us>, "dj6590@mchsi.com" <dj6590@mchsi.com>, "stboni@visi.com" <stboni@visi.com>, "ladler@stlouispark.org" <ladler@stlouispark.org>, "gkluver@cityoftonkabay.net" <gkluver@cityoftonkabay.net>, "info@ci.victoria.mn.us" <info@ci.victoria.mn.us>, "hkref@ci.victoria.mn.us" <hkref@ci.victoria.mn.us>, "mike@wayzata.org" <mike@wayzata.org>, "shelley@cityofwoodlandmn.org" <shelley@cityofwoodlandmn.org>, "joel.settles@co.hennepin.mn.us" <joel.settles@co.hennepin.mn.us>, "laketownship@broadband-mn.com" <laketownship@broadband-mn.com>, "dtiegs@ci.minnetonka-beach.mn.us" <dtiegs@ci.minnetonka-beach.mn.us>

Cc: "dhemze@co.carver.mn.us" <dhemze@co.carver.mn.us>, "lahrens@plymouthmn.gov" <lahrens@plymouthmn.gov>, "KenWillcox@wayzata.org" <KenWillcox@wayzata.org>, "HNelson@wayzata.org" <HNelson@wayzata.org>, "duram@ci.victoria.mn.us" <duram@ci.victoria.mn.us>, "bill@labellebarin.com" <bill@labellebarin.com>, "county.admin@co.hennepin.mn.us" <county.admin@co.hennepin.mn.us>, "jdoak.woodland@hotmail.com" <jdoak.woodland@hotmail.com>, "tharmenting@stlouispark.org" <tharmenting@stlouispark.org>, "sgreinhardt@hotmail.com" <sgreinhardt@hotmail.com>, "clizee@ci.shorewood.mn.us" <clizee@ci.shorewood.mn.us>, "jkohlmann@cityoftonkabay.net" <jkohlmann@cityoftonkabay.net>, "jacobsjeffrey@comcast.net" <jacobsjeffrey@comcast.net>, "citycouncil@cityofrichfield.org" <citycouncil@cityofrichfield.org>, "sdevich@ci.richfield.mn.us" <sdevich@ci.richfield.mn.us>, "DTolsma@ci.spring-park.mn.us" <DTolsma@ci.spring-park.mn.us>, "lmcmillan@ci.orono.mn.us" <lmcmillan@ci.orono.mn.us>, "Administrator Bill Joynes (bjoynes@ci.shorewood.mn.us)" <bjoynes@ci.shorewood.mn.us>, "mahanus@frontiernet.net" <mahanus@frontiernet.net>, "KandisHanson@cityofmound.com" <KandisHanson@cityofmound.com>, "kslavik@plymouthmn.gov" <kslavik@plymouthmn.gov>, "tschneider@eminnetonka.com" <tschneider@eminnetonka.com>, "gbarone@eminnetonka.com" <gbarone@eminnetonka.com>, "jloftus@ci.orono.mn.us" <jloftus@ci.orono.mn.us>, "jeremy.hanson@ci.minneapolis.mn.us" <jeremy.hanson@ci.minneapolis.mn.us>, "mfunk@ci.minnetrista.mn.us" <mfunk@ci.minnetrista.mn.us>, "info@ci.minnetonka-beach.mn.us" <info@ci.minnetonka-beach.mn.us>, "Susanne Griffin (sgriffin@ci.minnetonka-beach.mn.us)" <sgriffin@ci.minnetonka-beach.mn.us>, "tgerhardt@ci.chanhassen.mn.us" <tgerhardt@ci.chanhassen.mn.us>, "tfurlong@ci.chanhassen.mn.us" <tfurlong@ci.chanhassen.mn.us>, "DanaYoung@mchsi.com" <DanaYoung@mchsi.com>, "PaulSkrede@mchsi.com" <PaulSkrede@mchsi.com>, "Tom.Crosby@ci.medina.mn.us" <Tom.Crosby@ci.medina.mn.us>, "scott.johnson@ci.medina.mn.us" <scott.johnson@ci.medina.mn.us>, "cityhall@mapleplain.com" <cityhall@mapleplain.com>, "thultmann@longlakemn.gov" <thultmann@longlakemn.gov>, "tpost@longlakemn.gov" <tpost@longlakemn.gov>, "marvdjohnson@gmail.com" <marvdjohnson@gmail.com>, "thirsch@ci.independence.mn.us" <thirsch@ci.independence.mn.us>, "sneal@ci.edina.mn.us" <sneal@ci.edina.mn.us>, "jhovland@krauserollins.com" <jhovland@krauserollins.com>, "nruehl@mchsi.com" <nruehl@mchsi.com>, "sharris@goldenvalleymn.gov" <sharris@goldenvalleymn.gov>, "dkind100@gmail.com" <dkind100@gmail.com>, "mmornson@hopkinsmn.com" <mmornson@hopkinsmn.com>, "emax33721@aol.com" <emax33721@aol.com>, Michael Hayman <MHayman@minnehahacreek.org>

3 Attachments, 3.2 MB

The Minnehaha Creek Watershed District (MCWD) Board of Managers will hold a Public Hearing at the Meeting of the Board of Managers on Thursday, September 6, 2012 at 6:45 p.m. for the Lake Virginia Regional Infiltration Project.

The proposed project will be completed in partnership with the Cities of Chanhassen and Victoria to provide storm water retention and infiltration, streambank restoration, and vegetative buffer establishment in the subwatershed, subsequently improving the quality of water discharged to Lake Virginia and ultimately Lake Minnetonka and Minnehaha Creek. The draft feasibility study for the project is attached and can also be found at: <http://minnehahacreek.org/LV-5>

The total estimated cost for the project is \$47,000 and would be funded through the ad valorem tax levy established by MCWD. 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 September 27, 2012 Board Meeting.

The meeting will be held at the MCWD Offices, 18202 Minnetonka Boulevard, Deephaven, MN 55391.

Per statute, MCWD is required to send notice of the public hearing to all municipalities and counties in the District. This notice is being sent electronically to city and county administrators and staff. A hard copy of the notice is also being mailed to city and county administrators.

If you have any questions regarding this meeting, please feel free to contact me at 952-471-8226.

Michael Hayman
Assistant Planner

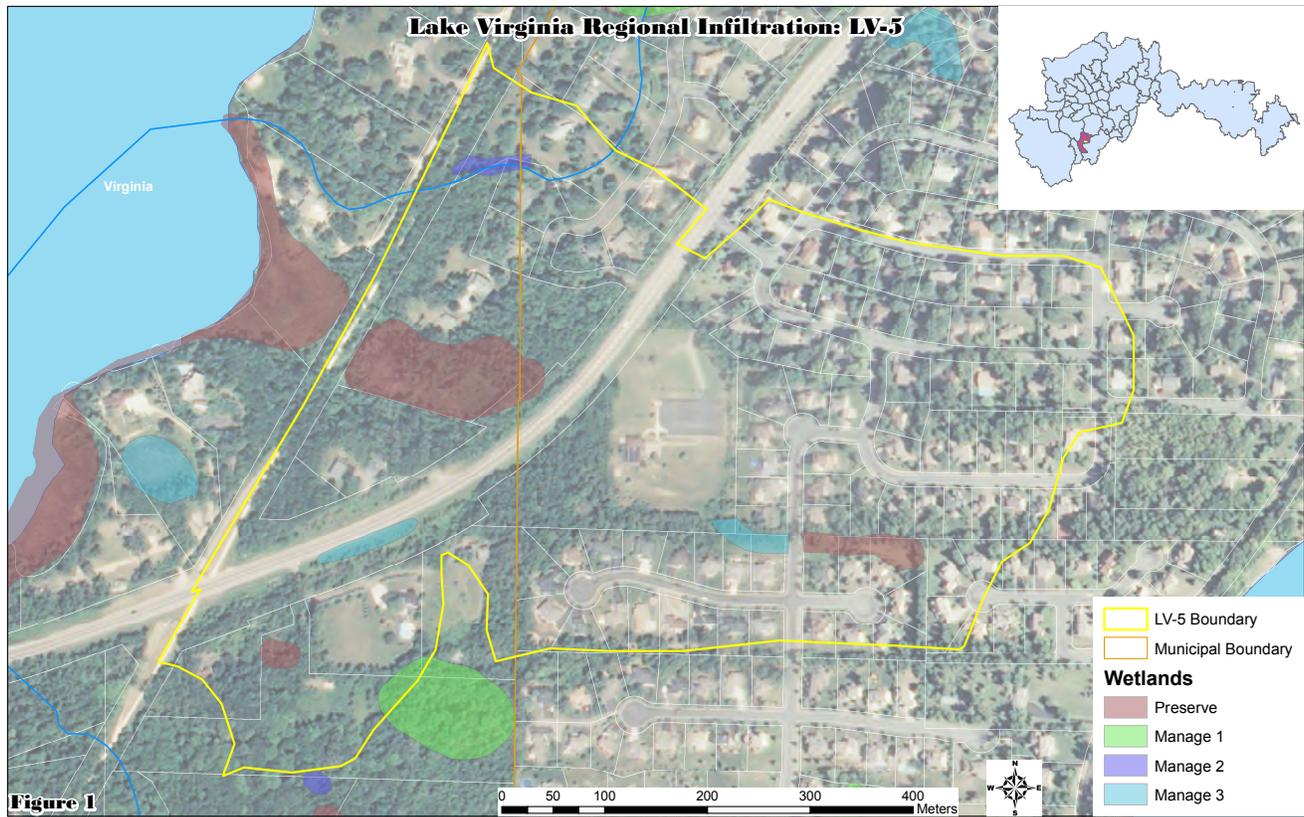
18202 Minnetonka Blvd.
Deephaven, MN 55391
952.471.8226
www.minnehahacreek.org



MINNEHAHA CREEK
WATERSHED DISTRICT



[Memo Draft...5.pdf \(71 KB\)](#)





August 4, 2012

Board of Managers
Minnehaha Creek Watershed District
18202 Minnetonka Blvd.
Deephaven, MN 55391

Re: Taft-Legion Regional Volume and Load Reduction Project

Board of Managers,

On behalf of the Greenwood city council and the residents of Greenwood, I am writing to let you know that we support the Taft-Legion Regional Volume and Load Reduction Project only if the cost is covered by the MCWD's existing tax levy. We do not support any new tax levy for this project.

Sincerely,

A handwritten signature in black ink that reads "Debra J. Kind".

Debra J. Kind
Mayor, City of Greenwood



RICHARD W. STANEK
HENNEPIN COUNTY SHERIFF

August 21, 2012

Mayor Debra J. Kind
20225 Cottagewood Road
Deephaven, MN 55331

City Administrator Gud Karpas
20225 Cottagewood Road
Deephaven, MN 55331

Dear Mayor Kind & City Administrator Karpas:

As one of thirty-six Hennepin County cities that receive dispatch service from the Sheriff's Office, I am writing to update you on developments of the county board led Regional Emergency Communications Integration Study Workgroup.

On Wednesday, August 8, Hennepin County administrator Richard Johnson convened the second meeting of this workgroup, which consists of the independent PSAPs (public safety answering points) in our county. (I sent you a letter in January of this year summarizing the first meeting.) The agenda for this meeting was to review a consultant study on consolidation and/or integration and discuss next steps. The consensus of the workgroup was that there was very little interest in consolidation of facilities, but there is interest in ensuring technology integration.

The Sheriff's Office supports integration of technology across PSAPs as it allows for greater information sharing and ability to assist as needed. It also standardizes and puts into practice common protocols and policies.

At the meeting, there was also discussion about the current payment structure that does not recognize the difference between dependent and independent agencies.

In response, the county commissioners that serve on this workgroup (Commissioner Peter McLaughlin and Commissioner Jeff Johnson) reported that the *policy discussion of whether to review and reevaluate the current funding structure will begin at a board briefing tentatively scheduled for September 13, 9:30 a.m. in the county board room.* As an agency that currently receives dispatch service from the county at no charge, I thought you might be interested in attending this meeting.

I outlined the below in my January letter to you, but I believe it warrants repeating. As you may know, the decision whether or not to charge a fee to cities for dispatch service is

a policy decision to be made by the county board, with advice from the Sheriff, as outlined in MN Statute 383B.255, which I have included for your reference below:

MN Statute 383B.255

Subd. 2. **Policy and operations.** The public safety communications system shall be under the direction of the sheriff. Public safety communications policies may be established by the board of county commissioners.

Subd. 3. **Extension of services; charges.** Public safety communications services may be extended to any statutory or home rule charter city within the county, and to any adjoining county or statutory or home rule charter city in an adjoining county, upon the written request of its governing body to the Hennepin County board. All the communications equipment used in connection with the extended service shall, unless otherwise provided by the Hennepin County board, be owned, maintained, and serviced by Hennepin County. *The board with the advice of the sheriff may establish a charge for extended public safety communications services pursuant to section 383B.118.*

In discussions with the county board, *I have made it clear that I do not support a fee for dispatch service*; however, the decision on whether to charge cities for dispatch service moving forward will be made by the county board. *I encourage your attendance at this September 13 board briefing.*

If you have any questions about the above information or would like to confirm the meeting time on September 13, please feel free to contact Sandra Westerman on my staff, Director of Intergovernmental Relations, at 612.543.0694, or call me directly anytime.

Sincerely,



Richard W. Stanek
Hennepin County Sheriff

Cc:

Police Chief
Fire Chief

**CITY OF GREENWOOD
RESOLUTION NO. 14-11**

**A RESOLUTION SUPPORTING HENNEPIN COUNTY SHERRIF'S
NEW REGIONAL 911 EMERGENCY COMMUNICATIONS FACILITY**

WHEREAS, the City of Greenwood values public safety as a core service of government; and

WHEREAS, reliable emergency communications is a critical component in the delivery of public safety; and

WHEREAS, the City of Greenwood receives police and fire dispatch service from the Hennepin County Sheriff's Office, with over 11,830 police dispatch events handled in 2010 for the South Lake Minnetonka Police Department; and

WHEREAS, the Hennepin County Sheriff's Office currently provides dispatch to 36 entities across Hennepin County from a 60 plus year-old building in Golden Valley scheduled to be replaced in 2012/2013 with a new facility on county-owned property in Plymouth, adjacent to the Adult Correctional Facility at Parkers Lake; and

WHEREAS, the new Hennepin County Sheriff's Office emergency communications facility is important to public safety.

NOW, THEREFORE, BE IT RESOLVED, that the City of Greenwood supports the construction of a new Hennepin County Sheriff's Office Regional 911 Communications Facility **at no cost to the city and with the understanding that no fees will be assessed to the city to support ongoing operations of the new facility;** and

BE IT FURTHER RESOLVED, that due to the regional nature of this project, the City of Greenwood encourages the Minnesota State Legislature and Federal Elected Officials to support this project through state bonding and state and federal grants.

ADOPTED by the city council of the City of Greenwood, Minnesota, this ___ day of _____, 2011.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



March 12, 2012

Commissioner Jan Callison
Hennepin County Commission
A-2400 Government Center
Minneapolis MN 55487

Commissioner Callison,

On behalf of the Greenwood city council, I am writing to let you know we oppose any changes to the current 911 dispatch fee policy. During our council's discussion of this topic it was noted that if cities are charged for their 911 use, Greenwood theoretically would benefit because our tax capacity is high compared to our percentage of use. However, adding 911 charges to the city's budget would mean city taxes would need to be increased to cover the added expense. The council decided that it is extremely unlikely there would be a corresponding reduction in county taxes paid by Greenwood residents. Therefore, we came down on the side of staying with the current 911 dispatch policy, whereby costs are paid through county taxes.

Please call me if you would like to discuss further.

Sincerely,

Debra J. Kind
Mayor, City of Greenwood



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.



August 1, 2012

David Birkholz, State Permit Manager
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St. Paul, Minnesota, 55101-2198
david.birkholz@state.mn.us

Dear Mr. Birkholz:

In Greenwood's resolution 14-12 dated June 6, 2012 regarding Xcel Energy's Westgate 115kV transmission line route permit application on Docket 11-948, we requested that the Public Utilities Commission require Xcel Energy to provide cost and reliability information for burying the 115kV transmission line along the LRT trail in Greenwood. At the scoping meeting on July 18 you indicated that Xcel would probably not be asked to provide the cost for a buried line option because there had not been a request for burying the line at a specific location.

I would accordingly like to reaffirm the city of Greenwood's request that Xcel be required to provide the cost of burying the proposed transmission line starting at Linwood Circle at the east end of Greenwood and continuing to just short of the St Alban's Bay bridge at the west end of Greenwood. It would seem that the LRT trail would be a relatively cost-effective place to install buried cable because it is a linear crushed rock trail with limited grade crossings and potentially lower than normal underground utility conflicts. Without site-specific cost information it is not possible to properly evaluate the buried cable option along this local and regional resource.

The city of Greenwood appreciates your efforts on this project as you try to balance multiple interests.

Sincerely,

A handwritten signature in black ink that reads "Debra J. Kind". The signature is written in a cursive, flowing style.

Debra J. Kind
Mayor, City of Greenwood

Existing 65-ft. Poles



Proposed 80-ft. Poles

















Issued: August 15, 2012

NOTICE OF ENVIRONMENTAL ASSESSMENT SCOPING DECISION

In the Matter of the Applications for a Certificate of Need and Route Permit for the Scott County-Westgate 69 kV-115 kV Transmission Upgrade Project
PUC Docket Nos. E002/CN-11-332, E002/TL-11-948

PLEASE TAKE NOTICE that the Department of Commerce Deputy Commissioner has issued the Environmental Assessment (EA) Scoping Decision for the Scott County-Westgate 115 kV transmission project in Scott, Carver and Hennepin counties. The EA is being prepared by the Department's Energy Facility Permitting (EFP) unit and will address potential human and environmental impacts of the proposed project. Copies of the EA Scoping Decision and other relevant documents are accessible at:

<http://mn.gov/commerce/energyfacilities/Docket.html?Id=32547>

Additional documents can be obtained at <https://www.edockets.state.mn.us/EFiling/search.jsp> via the "eDockets" website by searching for **year: 11** and **number: 332** or **year: 11** and **number: 948**.

PROJECT DESCRIPTION

The Project is a 69 kilovolt (kV) to 115 kV transmission upgrade project located in Carver, Hennepin and Scott counties. Approximately five miles of the line is a double-circuit line built to operate at 115 kV/115 kV, but currently permitted to operate at 69 kV/115 kV. No construction is required for this segment. The remainder of the project is proposed to replace an existing 69 kV line with a 115 kV line along the existing alignment. The replacement section of the project is approximately 15 miles.

REGULATORY PROCESS

Xcel Energy, Inc. (Xcel Energy) filed a route permit application on April 12, 2012, under the alternative process that was accepted as complete by the Minnesota Public Utilities Commission (Commission) on May 24, 2012. Xcel Energy also filed a certificate of need application on March 9, 2012, that was accepted as complete on June 8, 2012.

Minnesota Rule 7849.1900, subpart 1, provides that in the event an applicant for a certificate of need for a high voltage transmission line (HVTL) applies to the Commission for an HVTL route permit prior to completion of the Environmental Report, The Department may elect to prepare an Environmental Assessment in lieu of the required Environmental Report. In that case, EFP must include in the EA the analysis of alternatives required by part 7849.1500, but is not required to prepare an ER under 7849.1200. The Department concluded that preparing a single environmental review document is warranted in this case.

A public hearing on the Route Permit will be held in the Project area shortly after EFP completes preparation of the Environmental Assessment.

SCHEDULE

The Environmental Assessment is scheduled to be completed by November 2012.

PROJECT CONTACT AND INFORMATION

For more information about the process, the project or to place your name on the project mailing list, contact State Permit Manager David Birkholz (651-296-2878, david.birkholz@state.mn.us) Energy Facility Permitting, 85 7th Place East, Suite 500, Saint Paul, Minnesota 55101-2198, or Public Advisor Tricia DeBleeckere (651-201-2254, tricia.debleeckere@state.mn.us) 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0391 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1-800-627-3529 or by dialing 711.

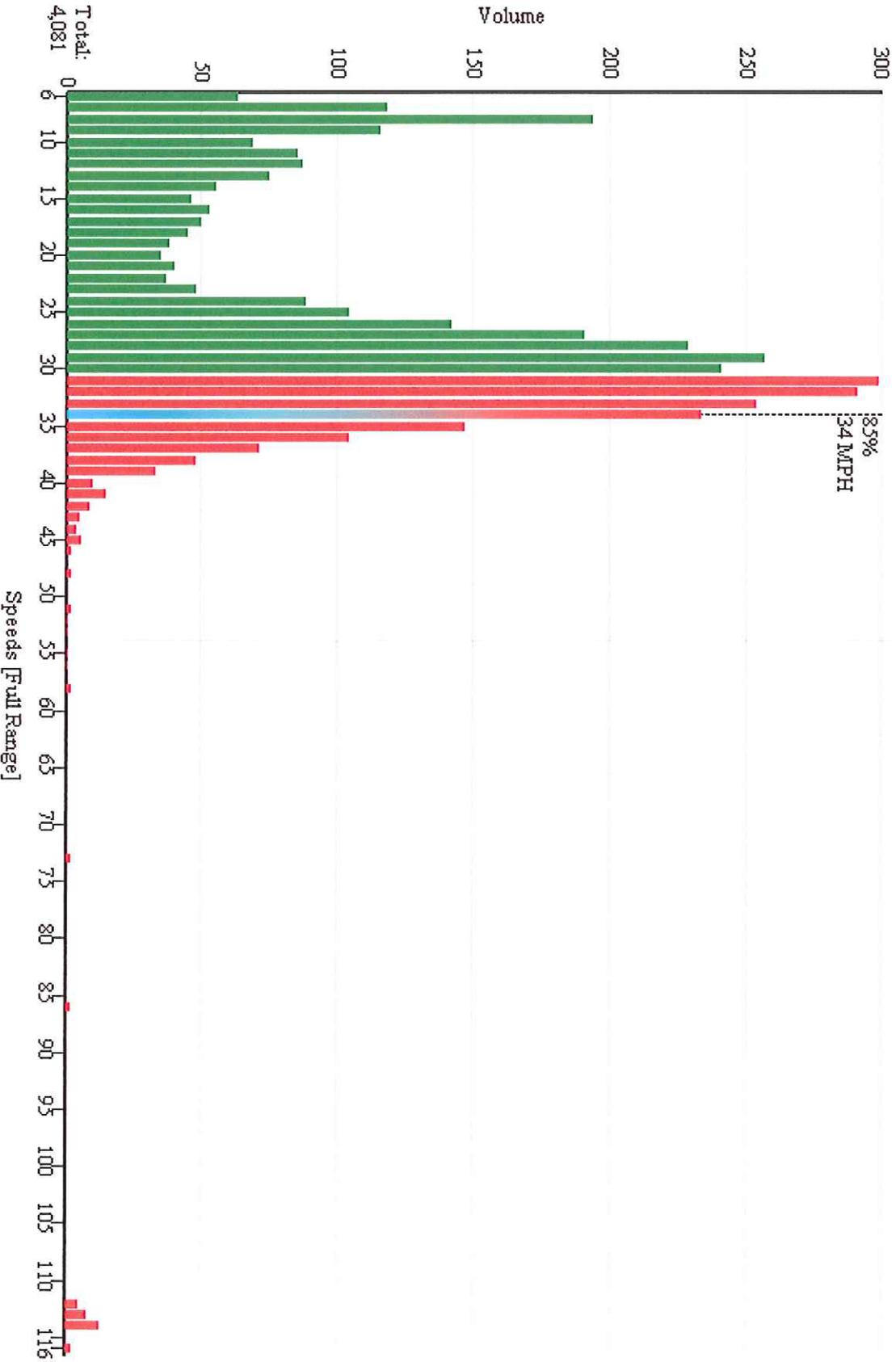
Place Currently Not Set
Speed/Volume Graph

DISPLAY ON

Location: Excelsior Blvd - 21000 Block
Dates: 05-04-2012 to 05-08-2012
85th Percentile: 34 MPH

Zone: Residential
Speed Limit: 30 MPH

Travel Direction: W



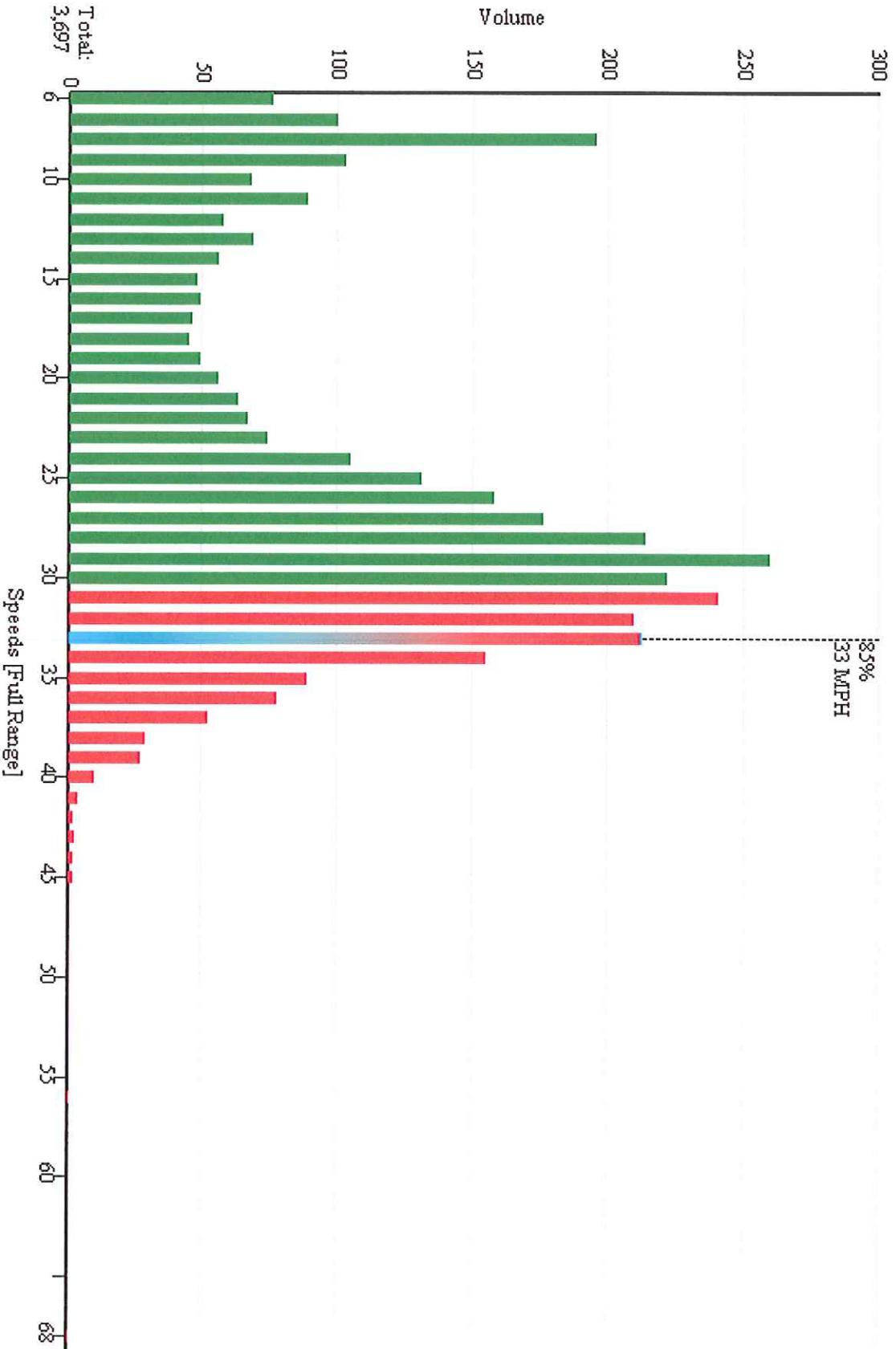
Place Currently Not Set
Speed/Volume Graph

DISPLAY OFF

Location: Excelsior Blvd - 21000 Block
Dates: 05-08-2012 to 05-11-2012
85th Percentile: 33 MPH

Zone: Residential
Speed Limit: 30 MPH

Travel Direction: W



**Place Currently Not Set
Traffic Survey Summary**

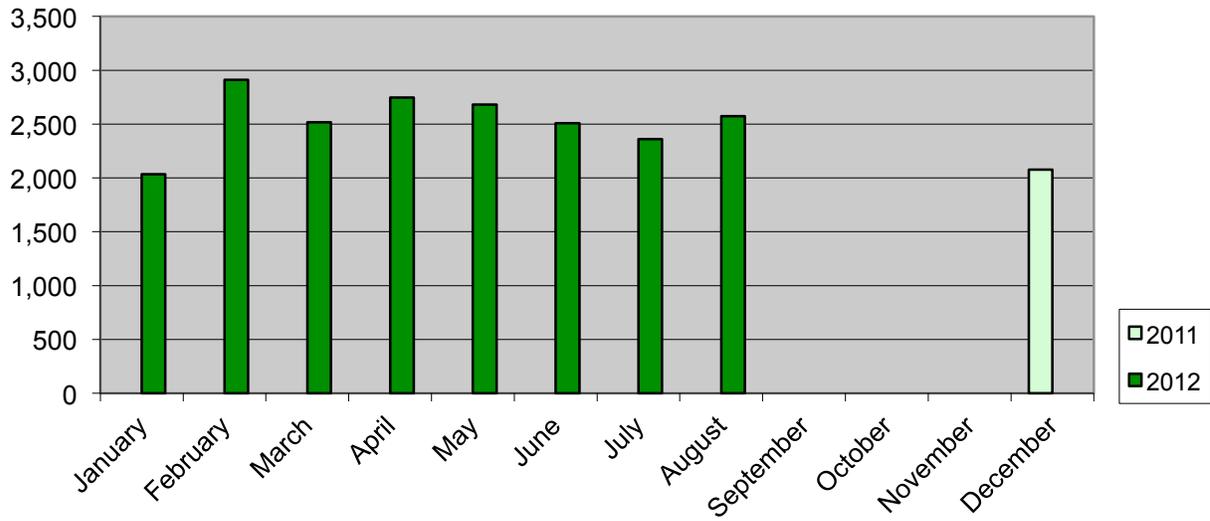
Location: Excelsior Blvd - 21000 Block
Start Date: 05-04-12
End Date: 05-11-12

Zone: Residential
Start Time: 11:10:35
End Time: 10:57:05
Travel Direction: W

| Speed | 1 - 19 | 20 - 21 | 22 - 23 | 24 - 25 | 26 - 27 | 28 - 29 | 30 - 31 | 32 - 33 | 34 - 35 | 36 - 37 | 38 - 39 | 40 - 999 |
|------------|--------|---------|---------|---------|---------|---------|---------|---------|----------------------|---------|---------|----------|
| Volume | 1922 | 171 | 205 | 392 | 593 | 848 | 866 | 833 | 530 | 267 | 121 | 110 |
| % of Total | 28.02% | 2.49% | 2.98% | 5.71% | 8.64% | 12.36% | 12.62% | 12.14% | 7.72% | 3.89% | 1.76% | 1.6% |
| | | | | | | | | | Total Vehicles: 6858 | | | |

| Speed Statistics | | 10 MPH Pace | | Number Exceeding Limit | | | | |
|------------------|-------|----------------|----------|------------------------|--------|-------|-------|--------|
| Posted | 30 | Pace Speed | 25 to 34 | Speed | 30+ | 40+ | 50+ | Total |
| #At/Under Limit | 4543 | # in Pace | 3683 | Number | 2224 | 48 | 43 | 2315 |
| # Over Limit | 2315 | % in Pace | 53.7% | Percent | 32.42% | 0.69% | 0.62% | 33.75% |
| Average Speed | 25.09 | 85% Percentile | 33 | | | | | |

**City of Greenwood
Website Total Hits**



| Month | 2011 | 2012 | Variance with Prior Month | Variance with Prior Year |
|--------------|-------------|-------------|--------------------------------------|-------------------------------------|
| January | 0 | 2,034 | -43 | 2,034 |
| February | 0 | 2,911 | 877 | 2,911 |
| March | 0 | 2,516 | -395 | 2,516 |
| April | 0 | 2,746 | 230 | 2,746 |
| May | 0 | 2,682 | -64 | 2,682 |
| June | 0 | 2,509 | -173 | 2,509 |
| July | 0 | 2,361 | -148 | 2,361 |
| August | 0 | 2,574 | 213 | 2,574 |
| September | 0 | 0 | -2,574 | 0 |
| October | 0 | 0 | 0 | 0 |
| November | 0 | 0 | 0 | 0 |
| December | 2,077 | 0 | 0 | -2,077 |

AVERAGE

2,537

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 | 7/15/2012 |
| End Date | 8/15/2012 |
| Report Name | Page Views (Default) |
| Get Report | |

Page Views by Section

| Section | Page Views | Percent of Total |
|--|------------|------------------|
| Default Home Page | 1108 | 43.05% |
| Agendas, Packets & Minutes | 143 | 5.56% |
| City Departments | 122 | 4.74% |
| Code Book | 106 | 4.12% |
| Mayor & City Council | 74 | 2.87% |
| Welcome to Greenwood | 71 | 2.76% |
| Events | 69 | 2.68% |
| Planning Commission | 66 | 2.56% |
| Forms & Permits | 53 | 2.06% |
| RFPs & Bids | 53 | 2.06% |
| Photo Gallery | 52 | 2.02% |
| What's New? | 48 | 1.86% |
| Comprehensive Plan & Maps | 44 | 1.71% |
| Budget & Finances | 42 | 1.63% |
| Assessments & Taxes | 40 | 1.55% |
| Elections | 38 | 1.48% |
| Watercraft Facilities | 37 | 1.44% |
| Old Log Community Events | 36 | 1.4% |
| Search Results | 33 | 1.28% |
| Garbage & Recycling | 29 | 1.13% |
| Meetings | 28 | 1.09% |
| Links | 28 | 1.09% |
| Milfoil Project | 26 | 1.01% |
| Lake Minnetonka | 26 | 1.01% |
| Well Water | 21 | 0.82% |
| Community Surveys | 21 | 0.82% |
| Email List | 19 | 0.74% |
| Health & Safety | 18 | 0.7% |
| Yeast Project | 17 | 0.66% |

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.

| | | |
|--|-------------|-------------|
| Xcel Project | 17 | 0.66% |
| Meetings on TV | 17 | 0.66% |
| Swiffers NOT Flushable | 16 | 0.62% |
| Spring Clean-Up Day | 16 | 0.62% |
| Southshore Center | 15 | 0.58% |
| Emergency Preparedness | 15 | 0.58% |
| Animal Services | 14 | 0.54% |
| Crime Alert! | 12 | 0.47% |
| Unsubscribe | 1 | 0.04% |
| TOTAL | 2574 | 100% |

Unique IPs by Section

| Section | Unique IPs | Percent of Total IPs |
|----------------------------|-------------|----------------------|
| Default Home Page | 410 | 29.97% |
| City Departments | 79 | 5.77% |
| Agendas, Packets & Minutes | 68 | 4.97% |
| Events | 55 | 4.02% |
| Welcome to Greenwood | 55 | 4.02% |
| Code Book | 49 | 3.58% |
| Mayor & City Council | 48 | 3.51% |
| Photo Gallery | 38 | 2.78% |
| Comprehensive Plan & Maps | 36 | 2.63% |
| Planning Commission | 36 | 2.63% |
| Forms & Permits | 36 | 2.63% |
| What's New? | 32 | 2.34% |
| Old Log Community Events | 29 | 2.12% |
| Watercraft Facilities | 26 | 1.9% |
| Meetings | 26 | 1.9% |
| Elections | 25 | 1.83% |
| Lake Minnetonka | 24 | 1.75% |
| Links | 23 | 1.68% |
| Budget & Finances | 20 | 1.46% |
| Assessments & Taxes | 20 | 1.46% |
| Search Results | 18 | 1.32% |
| Community Surveys | 18 | 1.32% |
| RFPs & Bids | 17 | 1.24% |
| Garbage & Recycling | 17 | 1.24% |
| Well Water | 16 | 1.17% |
| Email List | 15 | 1.1% |
| Meetings on TV | 15 | 1.1% |
| Milfoil Project | 15 | 1.1% |
| Health & Safety | 15 | 1.1% |
| Swiffers NOT Flushable | 14 | 1.02% |
| Xcel Project | 14 | 1.02% |
| Emergency Preparedness | 12 | 0.88% |
| Spring Clean-Up Day | 12 | 0.88% |
| Southshore Center | 12 | 0.88% |
| Crime Alert! | 11 | 0.8% |
| Animal Services | 11 | 0.8% |
| Unsubscribe | 1 | 0.07% |
| TOTAL | 1368 | 100% |

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

Done



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.

Gus Karpas

From: Charles Wendle <charleswendle@msn.com>
Sent: Friday, August 10, 2012 12:19 PM
To: administrator@greenwoodmn.com
Subject: executed "Sanitary Sewer Discharge Certification Form"
Attachments: CCF08102012_00002.pdf

Dear Greenwood City Administrator:

I have attached a scanned copy of my executed "Sanitary Sewer Discharge Certification Form" which I assume is identical to the form required about ten years ago.

IF there is a problem regarding ANY properties which are illegally dumping run-off water into the sanitary sewer, I hereby call upon the City Council to promptly investigate this matter and if there are properties which certified "No Existing Connection" during this procedure ten years ago, I hereby call upon the City Council to retroactively fine or assess these properties the entire quarterly fees, charges, etc. which were threatened, during this procedure ten years ago FOR THE ENTIRE PERIOD SINCE this procedure was undertaken by the City Council (about) ten years ago. Either this current procedure is just "papering over the problem with more paperwork," OR there must be properties which fraudulently submitted the form when this procedure was undertaken by the City Council (about) ten years ago.

Due to the severe penalties threatened in the notice, I hereby request CONFIRMATION from the City that the City has received this form from me. If there is any problem with "how I completed this form," I hereby request free City assistance in completing this form in a manner which satisfies the City.

My only comment on the "validity and enforceability of this notice," is that there will be a number of property owners which will be "on vacation" during the entire period from August 8th through August 22nd, thereby inviting litigation regarding the "reasonableness of this very short period to respond to this notice."

Please distribute this correspondence to the entire City Council.

Thank you,
Charles Wendle
20900 St Albans Green

From: Debra Kind <dkind100@gmail.com>
Subject: Sanitary Sewer Discharge Certification Form
Date: August 17, 2012 10:38:00 AM CDT
To: Charles Wendle <charleswendle@msn.com>
Cc: Gus Karpas <guskarpas@mchsi.com>



Charles --

Gus forwarded your email to the council. I appreciate your feedback. Yes, the 2012 form is similar to the one that was sent to residents in 2006. However, in 2006 there was no follow up with those who did not return the forms. Instead the council at that time decided to focus on other sewer repairs hoping it would help reduce the flow of clean water being treated. Yet, according to the Met Council the city continues to have major increases in flow during rain events (which indicates that some property owners have their sump pumps, drain tile, and/or roof drains connected directly to the sanitary sewer system). In addition to the city (property owners) paying to treat clean water, the Met Council has "threatened" to ding the city with surcharges if we do not reduce our flow during rain events. So the current council decided revise the city's ordinance to allow us to implement a new sewer discharge program that includes the ability for the city to charge a non-compliance fee to those who do not return the form. The ordinance is new, so we cannot go back and retroactively charge the non-compliance fee or assess those who did not return the form in 2006. Also, logistically it would have been difficult to cross check 2012 property owners with those who returned forms in 2006, so the new form went out to every property owner in the city. This time around those who do not return the certification form will be charged a non-compliance fee on their utility bill until an inspector certifies the property does not have connections to the sanitary sewer system.

Regarding the 14-day response time ... The council has discretion regarding this and the fact that the council only meets only once a month builds "grace" into the process.

Bottom line ... I am hopeful that the new certification program will reduce our excess flow and save property owners a lot of money!

Please call or email me if you have any further questions.

Deb

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

From: Debra Kind <dkind100@gmail.com>

Subject: AIS Divisiveness

Date: August 13, 2012 1:13:31 PM CDT

To: Cheryl Fischer <cfischer@ci.minnetrista.mn.us>, clizee@ci.shorewood.mn.us, Debra Kind <dkind100@gmail.com>, Jim Doak <jdoak.woodland@hotmail.com>, Joann Anderson <jdadedessert@aol.com>, kenwinminn@aol.com, lilim@mac.com, Mark Hanus <mahanus@frontiernet.net>, Mary Hershberger-Thun <mlhthun@mchsi.com>, Nick Ruehl <nruehl@mchsi.com>, Paul Skrede <paulskrede@mchsi.com>, sarah@thereinhardts.com, tschneider@eminnetonka.com, bill@labelleassociates.com

Cc: Eric Evenson <eevenson@minnehahacreek.org>, Greg Nybeck <gnybeck@lmcd.org>



Hello Lake Minnetonka Mayors --

I am writing to share the below link to a Lake Minnetonka Patch article and express my concern regarding the divisiveness surrounding the AIS issue. I am hopeful there is an AIS plan that considers all stakeholders and am committed to working towards that goal.

<http://lakeminnetonka.patch.com/articles/gabriel-jabbour-lashes-out-at-dick-osgood-over-new-invasive-species-control-plan>

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

GREENWOOD PLANNING COMMISSION
WEDNESDAY, August 15, 2012
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Lucking and Commission members Bill Cook and Alternate members Lisa Christian and Kristi Conrad

Absent: Commissioners John Beal, David Paeper and Douglas Reeder

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

Due to the absence of Commissioners Beal, Paeper and Reeder, Alternates Christian and Conrad will be a voting members of the Commission at tonight's meeting.

2. APPROVE AGENDA

Commissioner Cook moved to accept the agenda for tonight's meeting. Commissioner Christian seconded the motion. Motion carried 4-0.

3. MINUTES OF June 20, 2012.

Commissioner Cook moved to approve the minutes of June 20, 2012 as amended. Commissioner Conrad seconded the motion. Motion carried 4-0.

LIAISON REPORT

Council Liaison Fletcher informed the Commission that the Council held its budget worksession and the intent is to keep the levy flat again this year. He said the Lindberg variance was initially denied by a 2-2 vote at the July meeting. He said the Council reconsidered the request at their August meeting when the full Council was present and approved the request with conditions on a 3-2 vote.

4. PUBLIC HEARINGS

Frank Precopio, 5520 Maple Heights Road, variance requests to demolish and reconfigure an existing non-conforming deck which would encroach into the minimum required north and south side yard setbacks and exceed the maximum permitted impervious surface.

The applicant also proposes to remove and reconstruct an existing non-conforming lakeside accessory structure within the required north side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum side yard setback of fifteen feet. The applicant proposes a north side yard setback of one foot, nine inches and a south side yard setback of seven feet, ten inches for the proposed deck expansion. The proposal requires a variance of thirteen feet, three inches of the north side yard setback and seven feet, two inches of the south side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum side yard setback of fifteen feet. The applicant proposes a north side yard setback of eight feet, five inches for the proposed accessory. The proposal requires a variance of six feet, seven inches of the north side yard setback.

Section 1140.10 of the Zoning Ordinance does not permit the placement of an accessory building between the lakeshore and the side of the principal building nearest the lake.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, August 15, 2012
7:00 P.M.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is seeking a variance to exceed the maximum permitted impervious surface area by 16%.

Section 1140:19 of the Zoning Ordinance requires the issuance of a variance for any increase in grade greater than one vertical foot within any one hundred square foot of area on the lot.

Chairman Lucking summarized the request and opened the public hearing.

Frank Precopio, discussed the proposal. He said there is an existing lift station located under the deck which is in need of replacement and he felt now was the time to replace both the deck and the lift station given the condition of the deck also. He said the proposed deck would be pulled back from the lake and would maintain the same square footage as the existing deck. He said the deck would be wood framed and covered with paver material. Mr. Precopio said the two Birch trees that are growing through the existing deck are dying and will be removed. He said the lift station would be moved farther down the property, the air conditioning unit would be moved to the side of the house and the stairs would be replaced as part of the overall project. Mr. Precopio discussed the replacement of the lakeside shed noting it was located in the center of the property and was currently in need of repair. His intent was to move it to the north and reconstruct it in a narrower configuration but not exceed the existing square footage.

Marietta Jacobsen, _____ Maple Heights Road, indicated she was in support of the request. She felt removing the deck and upgrading it, plus addressing the lift station made sense. She noted the Birch trees were planted by a previous owner and have become large and old and are a concern during storms. As for the sheds, Ms. Jacobsen noted that a number of homeowners in the area have sheds along the lakeshore for storage. She doesn't feel that impervious surface should be an issue since it virtually remains unchanged. She discussed the relocation of the air conditioning unit but felt comfortable that Mr. Precopio would screen it from her property as he has indicated to her. Her only real concern is that her Hydrangeas bushes on her property line not be torn down during construction.

Chairman Lucking noted that letters of support were submitted by Commissioners John Beal and David Paeper who also live in the neighborhood.

Chairman Lucking asked about the origin of the ordinance prohibiting the placement of accessory structures in the lake yard. City Attorney Kelly said it was adopted around the same time the Shoreland Management Ordinance was enacted in 1992 and was intended to maintain sightline, though existing lake yard structures were grandfathered.

Hearing no further public comment, the hearing was closed.

Commissioner Cook felt the request was appropriate and said typically an accessory structure can be repaired if kept in the same configuration, though he sees a benefit in moving it farther from the lake. He would be interested to know what the adjacent property owner thought about the relocation of the structure. Mr. Precopio said he discussed the proposal with the neighbor.

Chairman Lucking asked if the accessory structure was original with the property. Mr. Precopio said it was built in 1991. City Attorney Kelly said the issue is that the ordinance prohibits the placement of accessory structures between the lake and the principal structure and by State Statute you cannot grant by variance what is prohibited by ordinance. Commissioner Cook feels it becomes a gray area since there is an existing structure that is proposed to be relocated. Kelly said it could also be viewed that once the structure has been removed the original structure has been abandoned, removing any grandfathered protections it may have had.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, August 15, 2012
7:00 P.M.

Commissioner Conrad clarified the Commission cannot grant a variance for the accessory structure. City Attorney Kelly discussed non-conformities and noted by ordinance they are prohibited from being expanded and the Commission needs to determine whether the proposal to relocate the structure in its current square footage meets the intent of maintaining the existing non-conformity or seeking to create a new non-conformity which is prohibited by the ordinance.

Commissioner Cook said the difficulty is that someone else with a lakeside structure could look at the action taken by the Planning Commission on this request and propose something similar creating an unintended consequence not foreseen by the Commission.

City Attorney Kelly said an option available to the Commission is to initial an ordinance amendment which would permit the relocation of lakeside accessory structures as a conditional use permit.

Commissioner Conrad asked about the proposed steps on the south side of the property, noting they encroached closer to the property line than the deck, but the variance was being sought to the deck. Zoning Coordinator Karpas said setbacks were typically measured to the structure and at-grade steps accessing a deck or the lake did not have a setback requirement, though they did count against impervious surface area.

Council Liaison Fletcher discussed the narrowness of the lot and the challenges it posed in the placement of the proposed shed.

Commissioner Conrad felt the applicant made little effort in reducing the overall impervious surface area on the property. Chairman Lucking noted there is a slight overall reduction in the impervious surface area.

Motion by Lucking to recommend the City Council approve the variance requests to encroach thirteen feet, three inches into the north side yard setback, and seven feet, two inches into the south side yard setback and to exceed the maximum permitted impervious surface area by 16% to alter the existing deck configuration but to only allow the replacement of an accessory structure between the principle structure and the lake as it currently exist in terms of location and dimensions, at 5520 Maple Heights Road. **The Planning Commission stated for the record they viewed the request for the reconstruction and relocation of the proposed accessory structure as reasonable and felt it should be approved but could not determine the appropriate ordinance provisions which granted them the authority to permit the reconstruction and relocation of a non-conforming structure.** A practical difficulty exists in that the proposal to replace a lakeside deck is reasonable, the narrowness of the lot and the placement of the home on the lot prevent the reasonable re-development of the lot within the ordinance requirements and the proposal would not alter the essential character of the neighborhood. Cook seconded the motion. Motion carried 3-1. Commissioner Conrad voted against the motion and explained her opposition. She felt the applicant could have maintained a portion of the existing deck design along the north property line without extending further into the neighboring property and keeping within or behind the existing non-conforming deck.

Justin and Jen Zygmunt, 5370 Manor Road, variance requests to expand and construct a second story over an existing non-conforming single family structure which would encroach into minimum required rear and exterior south side yard setbacks.

Section 1120:15 of the Zoning Ordinance requires a minimum rear yard setback of thirty-five feet and an exterior south side yard setback of thirty feet. The applicant proposes a rear yard setback of thirty-one feet and an exterior side yard setback of twenty-two feet for the proposed second story addition. The proposal requires a variance of four feet of the required rear yard setback and eight feet of the required exterior south side yard setback. The proposed second story addition would comply with north side yard and front yard setback.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, August 15, 2012
7:00 P.M.

Section 1120:15 of the Zoning Ordinance requires a minimum exterior side yard setback of thirty feet. The applicant proposes an exterior south side yard setback of twenty for the proposed addition. The proposal requires a variance ten feet of the required exterior south side yard setback.

Chairman Lucking summarized the request and opened the public hearing.

Justin Zygmunt said the intent was to add another level and create garage. Kurt _____, the applicant's architect said ideally they would pull the driveway off of Manor Road so it could run to the front of the home, but there would be issues with impervious surface, so the plan now is to swing the driveway off of Oak Lane to the front of the home. He said they are trying to give the home some presence off of Manor Road.

The Commission clarified existing encroachments from proposed encroachments. A number of Commissioners noted they had difficulties finding the property based on its address and its actual placement.

Hearing no further public comment, the hearing was closed.

Commissioner Cook said he would like to review the specific practical difficulty findings since he was not particularly opposed to the project. He noted there were two encroachments, one vertical and one horizontal. Chairman Lucking commented that the Commission, as a body, has typically permitted vertical encroachments on existing footprints provided they comply with the volume requirements. Lucking said it's harder to with new encroachments, especially with so much buildable area on the lot. Cook said requiring the applicants to comply with the ordinance would create an "L" shaped house. He preferred the proposal over the creation of an unusual structure.

City Attorney Kelly suggested the Commission walk through the practical difficulty criteria.

Motion by Cook to recommend the City Council approve the variance requests to encroach four feet into the required rear yard setback and eight feet into the required exterior south side yard setback for the proposed second story addition and the variance request to encroach ten feet into the required exterior south side yard setback for the proposed one story addition, as presented for 5370 Manor Road. The request is reasonable in that a garage is an integral part in the use of a residential property, the placement of the existing home within the required setbacks creates a practical difficulty in that any type of reasonable expansion would require a variance, the siting of the home is confusing for visitors in that the front of the home faces Manor Road and the only other remedy would be to pull access of Manor Road which would require additional impervious surface area putting property over the maximum permitted impervious surface area, the subject property is a corner lot and has three setback requirements of at least thirty feet and the proposal would not alter the essential character of the neighborhood. Christian seconded the motion. Motion carried 4-0.

5. New Business

Discuss – Impervious Surface Requirements

Zoning Administrator Karpas stated that one of the items discussed at the joint meeting of the City Council and Planning Commission is whether the city wanted to continue letting residents use the concept of removing items such as landscape plastic as a means to decrease their overall impervious surface in order to permit a larger footprint area for structures. The Council would like the Commission to discuss the issue and provide their comments to the Council.

The Commission recalled discussing this issue at the Joint Worksession. Commissioner Cook said he finds a trade-off of something like concrete as acceptable, but is bothered when people

GREENWOOD PLANNING COMMISSION
WEDNESDAY, August 15, 2012
7:00 P.M.

try to trade landscaping type material. Chairman Lucking asked if the Commission would address this through a definition in the ordinance or by the variance procedure. City Attorney Kelly said that is up to the Commission. He said applicants could be forced to define the difference between hardcover associated with landscaping and hardcover associated with structures, and then not be allowed to have one benefit the other.

Commissioner Cook said the city could create separate categories and limit that way. Council Liaison Fletcher suggested that an ordinance amendment may not be necessary and that the city may just have a policy prohibiting such trading from occurring. Commissioner Cook feels there should be something available to provide direction to Planning Commission, Council and residents.

Zoning Coordinator Karpas discuss Woodland's ordinance which sets the maximum structure footprint at 15% of the lot area and which leaves the remaining percentage of available impervious surface for other uses. City Attorney Kelly also said the city could look at a two for one trade where it accepts two times the amount of landscaping hardcover for each amount of structure hardcover it gives. Commissioner Cook said there may be a way to look at a combo of the two.

Chairman Lucking would also look at giving some type of credit for deck since they are porous.

The Commission agreed to continue the conversation to the next meeting.

6. ADJOURN

Motion by Commissioner Cook to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 9:55 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator

August 21, 2012

Mr. Mohamed Kwara
Lakeshore Market
21380 Hwy 7
Greenwood, MN 55331

Dear Mr. Mohamed Kwara:

I have recently received a complaint regarding the exterior condition of the Lakeshore Market in regards to the number of inoperable vehicles in the parking lot and the accumulation of material on the west side of your building. Following an inspection of your property today, you are currently in violation of several sections of the Greenwood City Code, including:

Section 900.70. (B) Inoperable Motor Vehicles. It shall be unlawful to keep, park, store, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation.

The following list of vehicles currently stored in your parking lot are in violation of this section of the Greenwood City Code and will have to be removed, repaired, or provided with a current license tab:

- White Ford Pickup Truck with expired 2007 tabs and debris in the bed of the truck
- Red Ford Van with expired 2011 tabs and a flat tire
- Grey Acura with expired July 2012 tabs and no front left tire
- Black Mercedes with expired 2010 tabs

Section 900.15. (p) Public Nuisances Affecting Peace and Safety. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation.

Section 910.60. Subd. 1. (e) Prohibited Activities Affecting Health and/or Property.

Accumulation of manure, refuse, abandoned, discarded or unused objects or equipment such as non-operating vehicles of all kinds, furniture, appliances, trash, debris, junk, containers, machinery, implements, equipment which is no longer safely useable for the purpose for which they were manufactured, garbage (except in authorized container), ashes, or any other foul or unhealthy material.

The following list of material stored on the west side of your building is in violation of these two sections of the Greenwood City Code and will have to be moved back to their original and proper location or removed from the property:

- Ice freezer, unless operational
- Sign leaning against the building

- Excess lumber
- Banner

The vehicles must be removed, made operational, or currently licensed and the stored material must be either moved back to their original and proper location or removed **no later than Tuesday, September 4, 2012 or you will be subject to the issuance of a civil citation that next day.**

I thank you in advance for your attention to this matter.

Sincerely,

Dana H. Young
Acting Greenwood City Clerk

August 24, 2012

Mayor Deb Kind
City Of Greenwood
5140 Curve Street
Greenwood, MN 55331

Dear Mayor Kind:

As your Metropolitan Council member, it's been a privilege to work with your community and the other cities in Council District 3 over the past year. Today I am writing to invite you to offer your thoughts and ideas to help shape the next statutorily required metropolitan development guide, called *Thrive MSP 2040*.

Thrive MSP 2040, when completed in 2014, will be the regional comprehensive plan to help strengthen our region's economy and expand opportunities for our citizens over the long term.

Thrive MSP will set policy directions and strategies for regional investments, growth and development. When adopted by the Council, *Thrive MSP 2040* will replace the *2030 Regional Development Framework*.

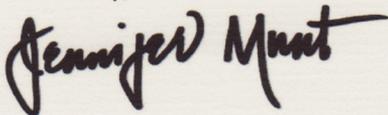
The Council is committed to collaborative decision-making that honors the varying viewpoints of the region. In that spirit, we hope you will participate in building *Thrive MSP 2040*. Before the Council writes the first draft of the document, we would like to hear from you and other community leaders.

Council Members are hosting numerous listening sessions around the region in the coming month. We hope you'll consider attending the session nearest to your community or, alternatively, a session that best fits your busy schedule. A listing of all the regional listening sessions is attached.

We are eager to hear your perspective on the future of our region. If you prefer to share your thoughts via e-mail, you can do so by writing to thrivemsp@metc.state.mn.us. You can also participate in our online public forum at <http://yourideas.metrocouncil.org>. Council staff are closely monitoring input we receive via these methods and will share your feedback with the Council.

We look forward to hearing your thoughts and ideas as we draft *Thrive MSP 2040*!

Sincerely,



Jennifer Munt
Metropolitan Council District 3

P.S. With *Thrive MSP 2040*, we are striving to be inclusive. Enclosed are some brief informational materials detailing how any resident in our region can participate in the planning process. We hope you will share this information with your community. Additional copies and copies in alternative languages can be obtained by calling 651-602-1140.



Thrive MSP 2040 Listening Sessions

Join Metropolitan Council members and staff for an opportunity to help create the vision for the Twin Cities metropolitan region over the next 30 years. Please RSVP to Council public information if you're planning to attend: 651-602-1140 or public.info@metc.state.mn.us

Chanhassen

Tuesday, Sept. 25

5 to 7 p.m.

Chanhassen Library, 7711 Kerber Blvd.
Thornton Wilder Meeting Room

Coon Rapids

Thursday, Sept. 6

5 to 7 p.m.

Coon Rapids Civic Center, 11155 Robinson Drive
Civic Room B

Eagan

Thursday, Sept. 20

5:30 to 7:30 p.m.

Wescott Library, 1340 Wescott Road
Lower Level Meeting Room

Edina

Thursday, Sept. 27

7 to 9 p.m.

Valley View Middle School, 6750 Valley View Road
Auditorium

Minneapolis

Monday, Sept. 24

11:30 a.m. to 1:30 p.m.

Minneapolis Central Library, 300 Nicollet Mall
Pohlad Hall

Plymouth

Thursday, Sept. 13

7:30 to 9:30 a.m.

Plymouth Creek Center, 14800 34th Avenue
Black Box Theatre

St. Paul

Monday, Sept. 10

11:30 a.m. to 1:30 p.m.

Wilder Foundation, 451 Lexington Parkway
Amherst Wilder Auditorium

Savage

Tuesday, Sept. 11

6 to 8 p.m.

McColl Pond Environmental Learning Center, 13550
Dakota Avenue
Aspen Room

Stillwater

Thursday, Sept. 27

6 to 8 p.m.

Washington County Government Center,
14949 62nd St. N.
Lower Level Meeting Room

Vadnais Heights

Wednesday, Sept. 19

6:30 to 8:30 p.m.

Vadnais Heights Commons, 655 East County Road F
East Vadnais Room

Note: If you do not understand or speak English and plan to attend a meeting, please leave a message at 651-602-1500 at least 1 week in advance of the meeting to request an interpreter.

Hadii aadan fahmin ama aadan ku hadlin Ingiriiska oo aad qorshaynayso inaad xaadirto kulan, fadlan fariin ku reeb 651-602-1500 ugu yaraan 1 asbuuc ka hor kulanka si aad u codsato turjumaan.

Si usted no habla inglés o no lo entiende y piensa asistir a una reunión, sírvase dejar un mensaje en el teléfono 651-602-1500 al menos una semana antes de la reunión para solicitar un intérprete.

Yog tias koj tsis nkag siab lossis hais tsis tau lus Askiv thiab npaj koom lub rooj sab laj, caw xa xov rau ntawm 651-602-1500 yam tsawg 1 lim tiam ua ntej ntawm lub rooj sab laj txhawm rau thov ib tug neeg txhais lus.

