

AGENDA

Greenwood City Council Meeting

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



The public is invited to address the council regarding any item on the regular agenda. If your topic is not on the agenda, you may speak during Matters from the Floor. Comments are limited to 3 minutes. Agenda times are approximate.

- 7:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00pm 2. CONSENT AGENDA
Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.
- A. Approve: 11-07-12 Council Meeting Minutes
 - B. Approve: 11-13-12 Special Meeting Minutes
 - C. Approve: October Cash Summary Report
 - D. Approve: November Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: December Payroll Register
 - F. 2nd Reading: Ordinance 213 Amending Code Chapters 5 & 7 to Update Fees
- 7:05pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to 3 minutes.
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS
- A. City Engineer Dave Martini: Update on Excelsior Blvd. Watermain Project and the I/I Grant Application
Consider: Resolution 30-12 Accepting Feasibility Report and Calling for Public Hearing
Consider Resolution 31-12 Ordering Excelsior Blvd. Watermain Feasibility Report for Option 2 (Excelsior / Shorewood interconnection project with stubs for adjacent Greenwood properties)
 - B. Presentation: Certificate of Appreciation for Outgoing Councilmember Kelsey Page
 - C. Announcement: Planning Commission Term Expirations (Seat B1 - Pat Lucking, Seat B2 - Kristi Conrad, Alternate Seat 2 - Vacant)
 - D. Announcement: Greenwood Hosting Planning & Zoning Workshop, 01-12-13, 9am, Southshore Center
- 7:30pm 5. PUBLIC HEARINGS
- A. None
- 7:30pm 6. UNFINISHED BUSINESS
- A. None
- 7:30pm 7. NEW BUSINESS
- A. Consider: Variance Requests, David and Kim Barry, 21550 Excelsior Boulevard
 - B. Consider: Resolution 32-12 Approving Final Levy for Taxes Payable in 2013
 - C. Consider: Resolution 33-12 Approving Final 2013 Budget
 - D. Consider: Fund Transfers, Budget Line Adjustments, and Year-End Contributions
 - E. Consider: 2013 Licenses (liquor, tobacco, trash haulers, commercial marinas)
 - F. Consider: 2012 Recycling Reports and Activities
 - G. Discuss: Location of City's Primary Checking Account
 - H. Discuss: Response to LMCD Draft of a Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan
- 8:45pm 8. OTHER BUSINESS
- A. None
- 8:45pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission
 - B. Fletcher: Lake Minnetonka Communications Commission, Xcel Project, Excelsior Fire District
 - C. Kind: Police, Administration, Mayors' Meetings, Website
 - D. Page: Lake Minnetonka Conservation District
 - E. Quam: Roads & Sewer, Minnetonka Community Education
- 9:00pm 10. ADJOURNMENT



Agenda Item: Consent Agenda

Summary: The consent agenda typically includes the most recent council minutes, cash summary report, verified report, electronic fund transfers, and check registers. The consent agenda also may include the 2nd reading of ordinances that were approved unanimously by the council at the 1st reading. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

Council Action: Required. Possible motion ...

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

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

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

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

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

Others Present: City Attorney Kelly (arrived at 7:31 P.M. and departed at 8:30 P.M.), City Zoning Administrator/City Clerk Karpas, City Engineer Martini (departed the meeting at 7:39 P.M.)

Members Absent: None

Councilmember Fletcher asked that Item 7.A be discussed after Item 4.B on the agenda because the applicant is already here.

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

2. CONSENT AGENDA

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

- A. October 3, 2012, City Council Work Session Minutes**
- B. October 3, 2012, City Council Meeting Minutes**
- C. September 2012 Cash Summary Report**
- D. October 2012 Verifieds, Check Register, Electronic Fund Transfers**
- E. November 2012 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

None.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

- A. South Lake Minnetonka Police Department Quarterly Update**

Mayor Kind noted South Lake Minnetonka Police Department (SLMPD) Lieutenant Dave Pierson is present this evening to provide Council with a SLMPD quarterly update.

Lieutenant Pierson noted SLMPD Patrol Officer Denis Hansen, the coordinator of the SLMPD's Reserve Unit, is also present this evening. He explained the reserve unit is made up of private citizens and they are residents from the SLMPD as well as other communities. Hansen was a member of the SLMPD's Reserve Unit before he became a patrol officer, as was Pierson.

Officer Hansen explained SLMPD reserve officers are unpaid volunteers. One is a resident of Greenwood. Some of the reserve officers' responsibilities include assisting licensed patrol officers (including riding along with them), providing assistance at community events (e.g. crowd control), assisting with traffic control, conducting house checks, providing assistance with booking detainees (reserve officers are all trained in finger printing) and so forth. There are openings in the Reserve Unit. Some reserve officers just want to volunteer in the community. Others are planning to enter the law enforcement profession. Some of the qualifications for becoming a reserve officer include: being at least 19 years of age; being in good physical condition; possessing a valid driver's license; never having been convicted of a felony or gross misdemeanor; passing an oral examination; and, passing a background investigation. Reserve officers must give 120 hours of volunteer time each year. Reserve officers are trained in use of force and in how to use a Taser. They do not carry a weapon because they are unlicensed officers. The SLMPD has a paging system for reserve officers. The SLMPD's Reserve Unit has been in existing for more than 30 years.

Councilmember Page asked Officer Hansen what legal authority reserve officers have being they are not a peace officer. Do they have the same authority as any other citizen when it comes to things such as making an arrest? Hansen explained a licensed peace officer handles any arrest situations. Reserve officers cannot issue citations.

Councilmember Quam asked if the officers down at the dock are reserve officers. Officer Hansen stated they typically are, while noting park service officers are also used for that. Some park service officers are also reserve officers. The park service officers are paid.

Mayor Kind noted Council had been forwarded information about year-to-date offenses and calls in the City.

Councilmember Fletcher asked if there is anything to be concerned about based on that information. Lieutenant Pierson stated he does not see any trends with regard to burglaries or major crimes. Fletcher then asked if there is anything the City should be doing differently. Pierson stated he cannot think of anything, and noted that the types of crimes in Greenwood are consistent with other communities.

Lieutenant Pierson stated the SLMPD appreciates receiving calls about suspicious people or activities. And he encourages residents to call.

In response to a question from Councilmember Fletcher, Lieutenant Pierson stated the types of calls received from Greenwood residents are no different than in the other three SLMPD member cities or other surrounding communities.

Councilmember Fletcher stated that he went on a ride along when he participated in the SLMPD Citizens Police Academy in 2011. He became very aware of how beneficial it is to have reserve officers providing assistance to patrol officers. Lieutenant Pierson stated reserve officers provide another set of needed eyes and ears in the patrol cars.

Mayor Kind thanked Lieutenant Pierson and Officer Hansen for coming this evening.

B. Update on Excelsior Boulevard Watermain and Sidewalk Projects

1. Support of Concept for Excelsior/Shorewood Watermain Interconnection Through Greenwood

Engineer Martini stated he continues to work on the project to possibly extend watermain along Excelsior Boulevard. Over the last month Martini and Councilmembers Cook and Fletcher have been meeting with representatives from the Cities of Excelsior and Shorewood to discuss how the project the Greenwood is considering to extend Excelsior watermain along Excelsior Boulevard would tie into the potential Excelsior and Shorewood interconnect project (which requires watermain being installed along Excelsior Boulevard in Greenwood). A draft feasibility study report has been prepared to potentially extend watermain to the residents in Greenwood along Excelsior Boulevard who petitioned for municipal water service. The draft feasibility report was presented to the Planning Commission during its October 17, 2012 meeting. The Commission considered the report from the perspective of compliance with the City's Comprehensive (Comp) Plan. The Commission determined there would not be an issue.

Martini noted the meeting packet contains a copy of an email dated October 18, 2012, sent by him outlining two options identified by him and Councilmembers Cook and Fletcher based on their meeting with representatives from Excelsior and Shorewood. He then noted the Metropolitan (Met) Council has adjusted its schedule for finalizing the scope of its Force Main Upgrade Project to accommodate the three Cities deciding on what they would like to do with regard to potential watermain expansion and interconnection. He explained that the Met Council hopes to finalize its plans and advertise for the project in February 2013 and to start construction in May 2013. He noted the meeting a packet contains a copy of a preliminary schedule identifying milestones including when decisions need to be made about extending watermain.

Councilmember Fletcher stated he spoke with Excelsior City Manager Luger earlier in the day and learned that the Excelsior City Council is going to be discussing the potential interconnect project during its November 19, 2012 work session. It's his understanding that Excelsior's engineer has told the Excelsior Council it has to decide what it wants to do.

Engineer Martini noted the three Cities have received the 90-percent-complete plan from the Met Council for what it wants to do. Staff is in the process of reviewing that plan to ensure there is consistency with what the City may want to do. The current plan shows watermain being extended to the properties of the owners who petitioned for water service. It also shows an option to extend watermain through Greenwood. The scope of the effort can be downsized once the bids are received.

Mayor Kind explained that when the meeting packet was being prepared there was discussion that it may be helpful for Council to consider a motion which would express its support for the concept of the Excelsior and Shorewood interconnect project. She asked the other Councilmembers if they think it would be helpful to take a position on that.

Engineer Martini stated that in the past there has been discussion that if watermain is ultimately extended through Greenwood it would make sense to provide water service for future connections. That would involve properties that are not asking for water service at this time. He then stated it is up to Excelsior and Shorewood to decide if they want to interconnect their water systems. It would be prudent for Greenwood to have a plan for what it wants to do if that connection is made.

Mayor Kind stated she thinks the council should consider acting as a body because the memorandum reflects the recommendations of Engineer Martini and Councilmembers Cook and Fletcher. She suggested that full Council should consider endorsing what is being proposed.

Councilmember Page asked if the potential sidewalk would be on the south side of Excelsior Boulevard near the cemetery property. Engineer Martini responded it would be on the south side. Martini explained the intent would be to have concrete curb and gutter on both sides of Excelsior Boulevard and there would be a new trail behind the curb along the south side of the roadway. Page then asked which agency is taking the lead on the terrible drainage issues in that area. Martini explained he and a drainage expert with Bolton & Menk went to look at the area and met with a couple of property owners in that area to enhance their understanding of the residents' concerns and the existing problems. He also walked the area with Councilmember Quam and with representatives from Met Council. The intent is to control the stormwater and direct its flow with curb and gutter. There is no plan to add storm sewer or do extensive repairs in that area. Page went on to ask who is reconstructing the roadway. Mayor Kind explained the Met Council will be contracting for that. Martini noted that he is making sure that addressing stormwater control is included in the Met Council's plans.

Councilmember Quam noted the engineers from Met Council have been out to that area twice to gain an understanding of how to address the stormwater issue. He also noted there is no sidewalk now alongside of the cemetery; that would be added. He clarified that when Engineer Martini said the watermain would be extended throughout Greenwood he means along Excelsior Boulevard only, not the entire city.

Councilmember Cook stated there is some Excelsior watermain installed in Greenwood. He asked if Greenwood has an agreement with Excelsior regarding locating those Excelsior facilities in Greenwood's right-of-way (ROW). He recommended the City be prepared to amend an existing agreement or craft a new agreement if watermain is to be extended in Greenwood. He asked someone to research if there is an existing agreement and to determine what needs to be done regarding future agreements. Councilmember Quam stated he assumed there must be an agreement for watermain that is currently installed in Greenwood.

Cook then stated from his vantage point the interconnection being considered is essentially for the benefit of Excelsior and Shorewood. Council has to decide if this would be an assessment arrangement or a resident project and if the watermain would be extended partially down Excelsior Boulevard or all the way along Excelsior Boulevard in Greenwood. He thought a motion of support for the interconnect project would be premature at this time. Councilmember Quam agreed with Cook's statement. Cook stated that support would be appropriate after Excelsior and Shorewood decide what they want to do.

Engineer Martini stated based on past conversations it's his understanding that Greenwood has no interest in promoting the extension of watermain for that interconnection. Rather, the City needs to think about what it would want to do in the future if that is done.

Mayor Kind noted that for the City to manage to the timeline Excelsior needs to make its decision about what it wants to do by November 28. She asked that be communicated to Excelsior staff. Engineer Martini stated that one of the reasons for sending the email is to put this back into Excelsior's court. Martini noted that the extension of the watermain in Greenwood would never be more feasible than doing it in conjunction with the Met Council project.

Mayor Kind stated this evening Council could via motion endorse its support for the concept that Engineer Martini and Councilmembers Cook and Fletcher have presented. Councilmember Fletcher stated he would find that helpful. Councilmember Quam asked if it is necessary to pass a motion. Kind stated

there needs to be some understanding of Council's position on this. Kind noted she is in support of the concept and therefore there are three Councilmembers that agree with the concept.

Councilmember Quam stated he thought it would be better if the Greenwood waits for Excelsior and Shorewood to say they want to do the interconnect project.

Engineer Martini stated he understands there to be Council support for the concept he and Councilmembers Cook and Fletcher presented. He then stated the intent was for that to be a framework for a future agreement. It does not commit Greenwood to anything at this time. He asked Councilmember Fletcher to continue his communications with Excelsior staff. He stated he will pass the information on to the other engineers involved with this at Bolton & Menk.

Councilmember Fletcher noted he does not hear any disagreement from Councilmembers about the concept presented.

2. Sidewalk Plan Options

Councilmember Fletcher stated he and Engineer Martini walked the area for the proposed sidewalk and determined it was not feasible to have a boulevard between the sidewalk and the roadway.

Engineer Martini stated starting at the west limits of Greenwood and going to the east through Christmas Lake Road there is an opportunity and room to construct an eight-foot-wide sidewalk. At the start of the hill the landscaping gets really close to the roadway and the ditch is pretty narrow; therefore, what is feasible is limited with regard to expanding the trail. The intent is to make the sidewalk as wide as possible, especially through the intersection, and then it would become narrower (close to its current width) as it goes up the hill. There will be a recommendation to relocate poles that are located in the current trail, and to do some landscape trimming.

Mayor Kind asked if Council will have an opportunity to see the plan for the walkway. Engineer Martini stated he can forward a copy of the plan to Council. Kind asked if that means there already is a plan with the Met Council. Martini stated it is the 90-percent-complete plan. Kind suggested Martini email the portion of the plan affecting Greenwood to Zoning Administrator/Clerk Karpas and he can then forward it on to Council.

Engineer Martini departed the meeting at 7:39 P.M.

Discussion moved to Item 7.A on the agenda.

C. Assessor Sales Ratio Meeting Update

This was discussed after Item 7.A.

Mayor Kind stated she and Councilmember Fletcher attended the fall sales ratio study meeting with the assessors on October 25. She noted the meeting packet contains a copy of the Fall Residential Direct Ratio Study reports. She explained the study indicates the assessed values for offshore residential properties decreased slightly for 2013. The assessed values are based on four sales of residential properties and the amounts decreased 3.36 percent. The assessed values for residential properties that front Lake Minnetonka went down significantly. The assessed values are based on eight sales of residential lakefront properties and the amounts decreased 18.66 percent. The assessed values for condominiums remained about the same. The assessed values are based on the sale of one condominium

and the amount increased 0.96 percent. She distributed a copy of the actual study which she received from the assessor earlier in the day. She explained there were a couple of sales that occurred after the attending the October 25 meeting. That changed the median for residential lakeshore properties to 102.47 percent.

Kind explained the Assessment Growth Report (a copy of which is included in the meeting packet) which is for the last 11 years indicates Greenwood is number one in residential lakeshore assessment growth when compared to 12 other cities that have properties that front Lake Minnetonka. Greenwood's growth is 71.8 percent. The average growth for the other South Lake area Cities of Deephaven, Excelsior, Shorewood and Tonka Bay is 48.4 percent; a difference of 23.4 percent. She noted she told the assessor that Greenwood is a great place to live, but she did not think it is that much better than the neighboring cities. She explained 15.8 percent of the 23.4 percent was based on very few sales. This year there were 10 sales. The City will be working with the assessor to ensure the growth appropriately reflects a lower growth rate.

Councilmember Fletcher clarified the City does not control what the assessor does in terms of assessment. He stated he hoped that by showing interest and concern it would lead to changes.

Attorney Kelly stated the public does not distinguish whether a house is located in any particular South Lake city. From his vantage point when a person is shopping for property in the area they are shopping in the entire South Lake area.

Mayor Kind stated the City will continue to show interest in assessments and hopefully that will narrow the growth gap between Greenwood and the other cities in the South Lake area.

D. Election Canvassing Meeting, 6:00 P.M., Tuesday November 13, 2012

Mayor Kind noted that the 2012 Election Canvassing meeting is scheduled for November 13, 2012, at 6:00 P.M. The date has been changed because the original date was the Veterans Day holiday.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Sanitary Sewer Discharge Program Report and Next Steps

Mayor Kind explained the sanitary sewer discharge program has been an ongoing project for Council and Staff. The City is attempting to reduce excess flow into its sanitary sewer system. Two mailings have been sent out to residents. The second mailing was sent to 54 properties. The City has still not received sanitary sewer discharge certification forms for 20 properties. Zoning Administrator/Clerk Karpas noted the City has received a couple more since the meeting packet information was prepared. Kind noted she could not find the addresses for a couple of them. Kind explained the information in the meeting packet contains two possible motions for Council's consideration. The basic difference between them is one directs Zoning Administrator/Clerk Karpas to call the owners of the properties for which the City has not received a certification form back.

Councilmember Fletcher asked Zoning Administrator/Clerk Karpas what his preference is. Karpas stated the number of property owners to call is manageable.

Fletcher moved, Quam seconded, authorizing the following regarding the City's sanitary sewer discharge program: a) the City Clerk to call each of the owners of the properties that have not returned a sanitary sewer certification discharge form to inform them of the financial consequences for not returning the form, to leave a message if there is no answer, and if there is no known phone number to implement steps b-d; b) the City's utility billing clerk to add the "Sanitary Sewer Non-Compliance Surcharge" (\$300 residential, \$750 commercial) to the next utility bill for the properties that did not return the sewer certification form, and to include copies of the certification letter and form in the bills with an additional letter stating that the surcharge fee will be removed from future bills once the property owner certifies that there is no existing connection; c) the City's utility billing clerk to have discretion to waive the surcharge fee for new homeowners who return the completed certification form with their utility bill payment; and, d) the City's utility billing clerk to have discretion to waive the surcharge fee for someone who claims to have returned the certification form and returns a newly-completed certification form with their utility bill payment.

Zoning Administrator/Clerk Karpas explained there are a number of property owners who would like an inspection because they do not know if their sump pump is connected to the sanitary sewer system. Councilmember Quam then asked how many need to be connected to negatively impact the flow. Cook had responded 6 are enough to make a huge difference. He noted there are 17 people requesting inspections.

Councilmember Cook explained that one sump pump connected to the sanitary sewer system has the potential of being equivalent to the discharge into the system from 12 – 15 homes.

Zoning Administrator/Clerk Karpas stated the City is trying to reduce excess flow into the system. Councilmember Quam explained the City is fined by Metropolitan Council Environmental Services (MCES) for excess flow into the sanitary sewer system which ultimately flows into the MCES system.

Mayor Kind noted that to date there have been four people who have said they are going to disconnect their sump pump from the sanitary sewer system because of this certification process.

Councilmember Cook stated step d in the motion on the table seems to be incomplete to him. He thought steps c and d are the same thing. Mayor Kind stated step c is for new homeowners and step d is for someone who claims to have returned the form.

Councilmember Page stated Council has given property owners sufficient time to return their sanitary sewer certification discharge forms. He expressed some reluctance to agree to the motion. He noted he wants those who have not returned the forms to clearly understand that they have to submit their forms by the end of this utility billing period or they will be fined.

Councilmember Fletcher expressed his preference to leave the motion as stated.

Motion passed 5/0.

Discussion moved to Item 7.B on the agenda.

7. NEW BUSINESS

A. Variance Extension, Bob Schmitt Property (License Center)

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

Mayor Kind explained on December 2, 2008, Council adopted Resolution No. 23-08, a resolution approving a variance and conditional use request to develop a commercial parcel of property owned by Robert Schmitt, Jr. at 21550 State Highway 7. Variances expire one year after approval. The reason for expiration dates is to prevent a property owner from claiming that a variance approved decades ago is still valid. Typically cities extend these types of variances. Council approved variance extensions for Mr. Schmitt's property in 2009, 2010 and 2011. The current extension expires on December 2, 2012. Mr. Schmitt has submitted a letter seeking another extension to expire on December 2, 2013.

Councilmember Cook asked what the variances are for.

Robert Schmitt Jr., business address 21550 State Highway 7, stated he is asking for an extension because of these historic economic times which he has no control over. He explained when the variance was first approved there were a number of people interested in putting a retail operation on that site. People have pulled back because of the economy. It does not make sense to invest in the property at this time based on the improvements he would have to make and the rent he would be able to collect. His investors don't want him to jump into something. He noted that when he can make this work it would add to Greenwood's tax base. He explained the variances are for hardcover and signage. He noted that his Deputy Register business on his site is very restricted to where he can be located. If he moves it even a block the State could tell him he does not qualify. He stated he is taking a chance by putting a development on that property. He noted he and his father have had that site for 28 years.

Page moved, Fletcher seconded, granting a twelve month extension to expire on December 2, 2013, of Resolution No. 23-08 a Conditional Use Permit and Variance for Robert C. Smith Jr. for the real property located at 21550 State Highway 7, Greenwood, Minnesota (PID No. 35-117-23-12-0016), with the understanding that no further extension will be granted and further development similar to those outlined in Resolution No. 23-08 will require the property owner to resubmit the necessary applications.

Councilmember Quam asked Councilmember Page why he wants to make this the last extension. Page responded this has already been extended three times; this will be the fourth time. Page noted he is aware that Mr. Schmitt has put a lot of money into the site, and that some of the ordinances have changed. He stated either the financing will work out over the next twelve months or it is time to reassess especially when this Council can't remember what the variances are for. Quam noted the original paper work can always be found in the file.

Mr. Schmitt stated the times are different than what they were when the variances were originally approved. He then stated based on what Zoning Administrator/Clerk Karpas has told him if he lets this go he cannot get them again. Mayor Kind clarified that he could reapply. Karpas noted that the hardship criterion has actually been relaxed to a "practical difficulty" standard. Mr. Schmitt questioned what the harm would be in extending this annually. He stated he wants to develop the site and that would generate additional tax revenue for the City. He then stated he has other investors and none want to build something only to lose it all. He noted that there are many buildings for lease along Highway 7.

Mayor Kind asked Mr. Schmitt if he is actively trying to market the site. Mr. Schmitt responded he is.

Councilmember Fletcher stated he could not find the subject property on the Minnesota Association of Commercial Relators' website. He explained the property should be listed on that website if the intent is to market the property. He then explained the reason he seconded the motion is because he does not see any evidence that is being actively marketed.

In response to a comment from Councilmember Cook, Mayor Kind explained the billboards would only be taken down if Mr. Schmitt builds a new development.

Councilmember Quam questioned the need to limit this renewal to one more time. Mayor Kind stated the best reason she can think of is it will put an emphasis on getting it done. Quam noted Mr. Schmitt's financial dealings are not the City's business.

Councilmember Fletcher reaffirmed his support for the motion on the table.

Motion passed 3/2 with Cook and Kind dissenting.

Councilmember Quam noted Council can consider extending it another year in 2013.

Mayor Kind informed Mr. Schmitt that he has been put on notice that the variances may not be renewed again in 2013.

Discussion returned to Item 4.C on the agenda.

B. Variance Requests, Chip and Kathy Fischer, 5185 Greenwood Circle (setback, hardcover, and structure volume variances to remove and rebuild an existing legal nonconforming home and existing legal nonconforming lakeside accessory structure)

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

Mayor Kind stated Chip and Kathy Fisher, 5185 Greenwood Circle, are requesting setback, hardcover and structure volume variances to remove and rebuild an existing legal nonconforming home and an existing nonconforming lakeside accessory structure.

Zoning Administrator/Clerk Karpas explained the applicant is requesting variances to remove an existing nonconforming single family home on the property located at 5185 Greenwood Circle and construct a new single family home which would encroach into required front and east side yard setbacks, and exceed the maximum permitted impervious surface and the maximum structure volume. The applicant also proposes to reconstruct an existing nonconforming lakeside accessory structure within the required lake and west side yard setbacks. The existing house encroaches 14 feet into the required 15-foot east side yard setback. The applicants would increase that setback from 1 foot to 6 feet requiring a variance of 9 feet. The existing house encroaches 28 feet into the required 30-foot front yard setback. That setback would be doubled to 4 feet requiring a variance of 26 feet of the front yard setback. The current west side yard setback is 2 feet 6 inches. The applicant is proposing a setback of 15 feet which would be within the City Code. The current lake yard setback is 39 feet. The applicant proposes to comply with the setback of 50 feet. The plan shows a 30-inch cantilever off of the balcony. The overall height of the proposed structure is 31 feet and that is in compliance with the ordinance. The current impervious surface is 31.7 percent and it is proposed to be increased to 36.3 percent. That requires a variance of 6.3 percent. The applicant is permitted a structure volume of 32,390 cubic feet. They are proposing a structure volume of 34,946 cubic feet; a variance of 2,556 cubic feet.

Karpas then explained this is a second generation plan. The applicant originally came before the Planning Commission with a different plan that also sought a variance of the lake yard setback to maintain a setback of the existing house. It sought a greater volume request which included an increase in height of

the existing boat house. The Planning Commission told the applicant to rework the plan. They submitted a revised plan which the Commission did discuss. He noted the meeting packet contains the verbiage of the Commission's action as well as a copy of the Planning Commission meeting minutes when the revised plan was discussed.

Councilmember Page asked if Planning Commissioner Beal was in attendance when the Commission discussed this. Zoning Administrator/Clerk Karpas stated he was present for the discussion about the original plan but not for the revised plan. Karpas noted that Beal worked very closely with the architect on the structure volume calculations after the original submittal. Mayor Kind noted that she spoke with Beal about this and his perspective was that because of the drastic drop-off so much of the home that would normally be considered basement is considered above grade because of the drop-off. Beal thought some slack should be granted. Councilmember Fletcher stated he was the Council liaison to the Commission meeting when the original plan was discussed and based on the revised plan he thought Beal's concerns with the original plan had been addressed in the revised plan.

Councilmember Quam asked what the differences were between the original plan and the revised plan. Zoning Administrator/Clerk Karpas stated the structure volume was reduced by over 3,000 square feet. The lake yard setback was increased by 11 feet not counting the balcony cantilever. The structure was moved closer to the street. The height of the new boathouse would be consistent with the height of the existing boathouse.

Mayor Kind noted the front yard setback is proposed to be improved by 2 feet, the east side yard setback is proposed to be improved by 5 feet and that the overall height of 31 feet is well below the allowable 42 feet. The 31 foot height does not include the chimney. She explained the accessory nonconforming structure is legal so by state law the applicant is allowed to rebuild the structure but they cannot expand it.

Councilmember Page asked if the chimney is supposed to count in the overall height per the City Ordinance. Mayor Kind stated the chimney is allowed to go 5 feet above the roofline.

Mayor Kind stated the City Ordinance states cantilevers and balcony overhangs are allowed in front or rear yards but not side or lake yards. Therefore, two additional variances would be needed for encroachment into the side yard and the lake yard. Attorney Kelly stated the City has always allowed for stoops and certain side yard amenities, but the concept of a cantilevered deck has not been addressed in the City Ordinance. Kelly encouraged Council to address it directly, while expressing caution that it could set a precedent. Kind noted that it does count as hardcover and that it was included in the hardcover calculations. Kelly asked if it is distinctive to have a cantilevered item versus one with posts. Kind stated that traditionally if the Ordinance is silent on something it means that it is not allowed. Councilmember Fletcher stated another way of looking at it is the structure, even with the overhang in front, is still improving the lake side setback and with the bump out on the west side it is still improving the setback from 2.5 feet to 13 feet. Kind asked if that needs to be added to the list of variances or if it allowed by Code. Kelly asked if Council was ready to amend the code to allow for cantilevered projections of less than a to-be-determined size. Kind clarified she does not have an objection to the cantilevers; the question is whether or not it encroaches into the setback.

In response to a comment from Mayor Kind, Attorney Kelly stated a bay window is allowed in the Code within a certain distance. Kind stated it is allowed in front and rear yards but it is silent on side yards.

Councilmember Fletcher stated that given the applicant is going to improve setbacks he did not think approving this would be setting a precedent.

Mayor Kind stated she wants to be clear about what variances are required. From her vantage point the cantilevers encroach into the west side yard setback and into the lake side setback.

Attorney Kelly noted that in the Carlson matter setbacks were measured from the projection of the fireplace cantilever. Mayor Kind stated therefore the cantilevers for the Fisher plan should be measured the same way. Kelly agreed that the cantilever measurements should be from the edge of the projection.

Chip Fisher, 5185 Greenwood Circle, asked the Councilmembers how many of them had the opportunity to go and walk their property. He stated it is impossible to build on the site without being granted various variances. He noted they have been speaking with Zoning Administrator/Clerk Karpas for 5 to 6 months about their proposed project as well as with the Planning Commission. He then stated the biggest issue the Commission had with their original proposal was the structure volume issue. He noted there is no way to build a house on their property without a variance for structure volume that would be economically practical.

Ms. Fisher explained the City Code addresses practical difficulties a lot like theirs has. There are a number of practical difficulties as it relates to meeting the restrictions. The property itself is less than 6,500 square feet and that is significantly below what the City Ordinance requires for minimum lot size. He noted the high water table prevents having a basement. Therefore, almost the entire house has to be built above grade which results in everything counting toward structure volume. He explained the elevation drops dramatically from the street level to the flat part of the property near the lake.

Mr. Fisher then explained the Ordinance made it very clear that the intent of the Ordinance is to ensure a wise use in development of the neighborhood that is impacted. The Ordinance talks about using general uniformity in the scale of houses. It refers to mansionization and states mansionization that threatens to substantially and negatively alter the appearances and general character of the existing neighborhood. It states it wants homes that will be in scale with the existing homes. They propose a 2,400 square foot house which would clearly be the smallest house in the neighborhood. It is estimated that 8 out of 9 houses in the area have larger cubic volume than theirs and 7 out of 9 of the properties in the area have more hardcover percentage than theirs. He stated in this instance there is the opposite of mansionization. Their house is actually getting to the point that it is too small for the neighborhood. If it was any smaller it would have a negative impact on the neighborhood and the mansionization provision is intended to prevent that.

Mr. Fisher stated he and Kathy and their architect have worked hard at coming up with what they believe is a reasonable plan that will work on their property and that they can live with. He noted that the architect, various builders and relators have indicated that a smaller house will not fit in with the character of the neighborhood and it would not be an economically feasible investment.

Councilmember Quam asked how the structure volume was reduced between the first and second proposals. Mr. Fisher explained the house has a flat roof over the garage. The original roofline went all the way over the garage which allowed for much needed storage space. That is gone in the plan being considered. The footprint was shortened resulting in rooms being smaller. The 39-foot setback from the lake was moved back 11 feet.

Councilmember Fletcher stated the main bedroom upstairs was larger in the original proposal.

Mr. Fisher stated the house in the original design had approximately 3,000 square feet of living space. The house in this plan will have 2,400 square feet.

In response to a question from Mayor Kind, Rehn Hassell, with Yunker Associates, Inc. and the architect for the Fishers, stated the chimney on the proposed house would be approximately 3 feet higher than the ridge. Kind noted that would be well within Code. Kind then asked Mr. Hassell to confirm that the proposed plan for the lakeside structure is to build it with the same footprint and height as the current accessory structure. Mr. Hassell confirmed that.

Mr. Hassell noted the Planning Commission encouraged him and the Fishers to get closer to the structure volume restriction. He explained the only way they could do that was to shorten the house and take the storage space out above the garage. Small things were done all over. For example, the original plan had larger gables and they were clipped off in the revised plan. He stated the balcony cantilever issue is his misinterpretation because he took the lake side yard to be the rear yard.

Mayor Kind noted the setback would count from that overhang then, but it would still be farther back than today.

Mr. Hassell stated the provision in the ordinance for overhanging eaves and gutters was used for the side yard setback. That was a little vague. He explained because of the effort to keep the house so narrow that feature on the side is very important to the design of the house.

Mayor Kind stated that philosophically she does not have an issue with either of the cantilevers because there is no hardcover below them. But, they would technically require a variance into the lake side and side yard setbacks.

Mayor Kind stated when she went to the site it was apparent that it would be easy to park a car on the driveway because there is a wide unpaved right of way boulevard that allows for a longer driveway.

Mr. Hassell stated the existing garage is a one-stall garage. The proposed wider garage will be farther back than the current garage.

Mayor Kind explained there is currently an area that has gravel on it and gravel counts as hardcover. The area is in the in the City's right-of-way (ROW). The City Ordinance does require the adjacent property to landscape with planting materials. She asked if the applicant would be open to have that area landscaped rather than be gravel. Mr. Fisher stated they would prefer it be landscaped. Councilmember Page noted that is where people are parking before they go down to the boat slips. Kind said they can park on the street. Page stated that is not how they do it now and he wants the gravel to remain so people can continue to park there, noting the road is narrow and there is no shoulder on the other side of the road. That is why it was done. Zoning Administrator/Clerk Karpas noted that public parking is only on that side of the street.

Mayor Kind explained City Code Section 1140.60 Regulations on Screening, Landscaping, Lighting, Storage and Outdoor Displays Subd. 2.A states "*Landscaping Required. Within all zoning districts, exposed ground areas surrounding a principal or accessory use including street boulevards which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental landscaping material.*" Councilmember Cook stated he thought parking could be one of the other uses.

Councilmember Fletcher stated he did not think the landscaping would hold up very well in that area because people will likely park on it. Councilmember Page stated people go over the curb to allow more room for traffic on the street.

Mayor Kind stated her reading of the City Code is that area needs to be landscaped.

Mr. Fisher noted there is a tree in that area of City ROW that is dead and needs to be removed. Mayor Kind noted the City will have that tree removed.

Councilmember Page stated the retaining wall on the Fishers plan appears to go into the ROW. Mayor Kind stated it is an existing condition.

Bob Newman, 5230 Meadville Street, explained when the City was devising the massing ordinance it was a very complex issue. The then council struggled with how to make it fair for the smaller lots. The curve it drew for what the volume measurement should be was almost parabolic based on the size of the lot. It increased greatly in the smaller lots. The then council could not come to a consensus on what the volume should be for the smaller lots. Back then there was a sense that over time it would play out as to what was practical and appropriate.

Mr. Newman then explained that Mr. Steussi submitted something to the neighbors which stated that so much of the City Ordinance is centered around the minimum lot size of 15,000 square feet. He noted that many lots are larger than that and many are smaller. He stated to impose the same setbacks on lots smaller than 15,000 square feet seems onerous in some cases. He explained that in the past the smaller lot variance requests were considered from the perspective of what would be reasonable, what would be consistent with past actions that would not set precedent for the future and would fit in with the neighborhood. That opens the door widely for opinionated taste type decisions. He stated it would be most appropriate if ordinances could be adjusted to be less flexible (more clearly defined) so variances of the magnitude of the Fishers' requests are not required. He then stated if 15-foot setbacks are required for 15,000 square foot lots then certainly they must be less than that for smaller lots. Otherwise, it ends up with a very small house in the middle of the lot. If a lot is less than 15,000 square feet and if a property owner abides by all of the setback requirements that to some degree ends up with houses being too small for the size of the lot and the character of Greenwood.

Mr. Newman stated he thought it is an injustice to impose large lot restrictions on small lots. He then stated he thought it is worthy of discussion by Council to assess how to impose different restrictions (e.g., side yard setbacks) based on lot size. The intent would be to allow the houses on small lots to fit in somewhat with the look on larger lots.

In response to a comment from Mr. Newman, Zoning Administrator/Clerk Karpas explained that lowest finished floor elevation has to be three feet above the ordinary high water level. The Fishers' proposed house is at 933.75 and it has to be at 932.4; it is about 1 foot above what is required. The Fishers house will be a slab on grade.

Mr. Newman stated if all of the ordinances are strictly interpreted as they are written for the larger size lots the result is counterproductive for this property. He asked Council to make sure it does not go too far in the wrong direction for this lot.

Councilmember Quam stated Mr. Newman is looking at a broader plan that can be applied in the future. This evening Council has to deal with what is before them. He then stated variances are because things seem unfair for a particular lot. He clarified he is not disagreeing with Mr. Newman's suggestion.

Mayor Kind recessed the meeting at 8:56 P.M.

Mayor Kind reconvened the meeting at 9:10 P.M.

Councilmember Cook stated he serves as the Council Liaison to the Planning Commission and he expressed his willingness to convey to the Commission the direction Council would like it to take regarding re-evaluating the City Ordinances that could possibly be changed to accommodate smaller lots. He noted that he is in agreement with doing that because he went through a similar process as the Fishers are going through about 10 years ago. He stated he has some thoughts about how to do that, noting he would like to keep it as simple as possible.

Councilmember Cook recommended the lake side setback be 48 feet to avoid having to deal with the issue of the overhang. He stated if the bump-out on the left side is an issue he recommended granting a variance for that as well. He noted that he is personally getting concerned that the house is getting to be too small, and that it will be a problem in the neighborhood if it has to be made any smaller.

Zoning Administrator/Clerk Karpas stated during the election a resident expressed concern to him about construction parking on that narrow street. The resident wanted to know if Council could do anything to control the construction parking. Mayor Kind explained the City has a Construction Management Ordinance and therefore the City can impose some parking requirements. Kind that thought ordinance would cover parking. Karpas stated it does.

Cook moved, Fletcher seconded, approving the variance application of Chip and Kathy Fischer, 5185 Greenwood Circle, subject to the lake side setback being 48 feet and granting a side yard setback variance encroachment of 2 feet to accommodate the bump out based on the following findings and conditions and directing the City Attorney to prepare findings of fact in resolution form. Findings: a) the variances, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because it maintains the character of the neighborhood; b) the variances, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because of the character of the proposed use which is consistent with the applicable zoning; c) the property owner's proposed manner of use of the property is reasonable because the house being proposed is a very modest single-family house and it will be located in a single-family neighborhood; d) the plight of the landowner-applicant is due to property geometry, elevation difference and property dimensions circumstances unique to the property and not created by the landowner; and, e) the variances, if granted, will not alter the essential character of the locality because it is a single family house in a single-family neighborhood.

Without objection from the maker, the seconder amended the motion to change "subject to lake side setback being 48 feet and granting a side yard setback variance encroachment of 2 feet to accommodate the bump out" to "subject to approving additional variances to allow a 24-inch overhang on the west side of the first floor and a 30-inch cantilevered balcony on the lake side as shown on the plans submitted with the variance application".

Councilmember Fletcher stated there is a special Council meeting, the election canvassing meeting, scheduled for November 13, 2012. He asked Attorney Kelly if it would be appropriate to have findings of fact ready for consideration during that meeting or would it be more appropriate to wait to approve findings of fact during Council's regular December 2012 meeting. Kelly stated that could be added to the agenda, and noted that it has to be included in the public notice for the meeting.

Attorney Kelly stated there are also the conditions that the structures be built according to the plans as submitted and that the applicant records the variances of record that need to be added.

Without objection from the maker or seconder, the motion was amended to include the conditions that the structures be built according to the plans as submitted and that the applicant records the variances of record.

Mayor Kind proposed amending the motion to add the following conditions: Based on to City Code Section 1140.17 Height Regulations Subd. 2(1) a condition be added to restrict the chimney height to no more than 5 feet above the roofline. Based on City Code Section 1140.60 Regulations on Screening, Landscaping, Lighting, Storage and Outdoor Displays Subd. 2.A a condition be added to remove the existing gravel in the street boulevard and replace it with grass, shrubs, trees or other ornamental landscaping material in order to reduce run-off and noted that plastic sheets and other hardcover may not be used in the street boulevard.

Without objection from the maker or seconder, the motion was amended to include the condition to restrict the chimney height to no more than 5 feet above the roofline. Cook and Fletcher did not agree to the additional condition regarding landscaping the boulevard.

Councilmember Quam expressed concern that the restrictions are over-squeezing the size of the proposed structure. He stated the City's massing ordinance was put in place to protect against constructing a great big house in a neighborhood with a bunch of little houses. In this case the majority of houses are mansions. He expressed concern that the City is squeezing the applicant a little too much with regard to the intent and spirit of the massing ordinance. He recommended the applicant be allowed to put the storage area back above the garage. He did not think that would create much of a problem as it relates to the massing factor / structure volume.

Mayor Kind explained she spoke with Planning Commissioner Beal who was one of the "architects" of the massing ordinance. Beal reminded her that the intent when the ordinance was approved was it could be tweaked if in practice it was discovered that it would not work well for smaller lots. She related Beal suggested that for lots of 7,500 square feet or less in size that the massing factor be 6. She explained if a factor of 6 were used for this lot size of 6,478 square feet the mass could be calculated to be 38,868 cubic feet (6478*6). That is very close to what the applicant originally proposed.

Councilmember Quam stated from his vantage point allowing the roofline to flow over the garage and thereby allow the storage space above the garage would improve the appearance of the proposed house without adding any difficulty to the neighborhood.

Councilmember Page stated his recollection of the massing ordinance is very different, noting he was present for all of the time it was being developed through the Planning Commission and then through the then council. He noted that he has no problem with the setback variances. He does have objection to exceeding the structure volume. He stated the massing ordinance was developed over a long period of time with architectural models. He explained City Code Section 1140.18. Building Volume Structure Limitations Subd. 1 states "... *general uniformity in the scale of houses located on similarly sized lots in neighborhoods throughout the community* ...". He stated from his perspective the aim of the massing ordinance was to ensure that there was adequate green space and to provide a variety of housing in Greenwood. It was not to try and match it up to a particular neighborhood. The objective was to make a break with the prior ordinance and to make houses fit lots; not the neighborhood. He cited the house to the east of the applicants. That house crept over the years by violation and otherwise so it is not a good example of what the City should have in the neighborhood. He stated there are plenty of smaller houses even along the bottom of Greenwood Circle that the proposed house is of comparable size to.

Page noted that he does not think there is any reason not to require the proposed house to meet the massing requirements set forth in the massing ordinance. He then noted that every other application considered since the massing ordinance was approved has met the massing criteria. He stated he thought the applicant should meet the massing criteria. He noted economic practicability does not count when granting variances. He stated the applicant bought their property with the knowledge of what the existing massing ordinance was. The applicant made an economic decision to do that. He did not think Council can agree with the economic argument.

Page stated that when he looks at the front of the proposed house (the lake side of the house) he sees the very thing that the then planning commission and council objected to when the massing ordinance was approved. That was the above grade looking basement, which is in essence what the applicant is claiming. Back when the massing ordinance was being discussed everyone agreed that it did not want the Tonka Bay look in Greenwood. People did not want to allow a lot more structure volume above the grade because people could not have a basement. He stated from his perspective it is a bad look and it negatively impacts surrounding houses, in particular if they are smaller houses. He noted the massing ordinance states that mansionization “... *adversely impacts upon the health, safety, welfare and quality of life in Greenwood ...*” That was already been decided when the ordinance was approved.

Page noted that he is opposed to any variances related to the volume structure cubic feet requirement. Other than that he does not have any complaints about what is being proposed.

Councilmember Quam stated when ordinances are put in place they do not necessarily have to be cast in concrete. If that were the case applicants would not have to come before Council with variance requests. He then stated the applicants will be very short on storage space, other than their small accessory structure (boat house / shed). He clarified that comparing the house to other houses in the neighborhood is not his reason for recommending the roofline be carried across the garage to allow for storage space. He thinks that is an area of the house the applicants need. He noted he does not think it would establish a precedent, while noting anytime a variance is granted it potentially establishes a precedent.

Mayor Kind asked the council how they felt about possibly adding the volume above the garage back.

Councilmember Cook recommended moving on the application before Council as presented.

Councilmember Page stated he would not give the applicant more than they are asking for.

Councilmember Fletcher stated he agrees with Councilmember Cook. He then stated the Planning Commission recommended the applicant to scale back the massing. The applicant did that and the Commission accepted it. He noted that he is fine with the motion on the table.

Councilmember Quam explained that he is not going to vote against the plan being considered, but he did want to have Council give some consideration to restoring the structure volume to what was originally submitted.

Motion passed 4/1 with Page dissenting.

Mayor Kind noted that the findings of fact will be considered during Council’s special meeting on November 13, 2012.

Councilmember Fletcher stated that he thought this was the best variance application presentation that he has seen.

C. First Reading: Ordinance 213 Amending Code Chapters 5 and 7 to Update Fees

Mayor Kind stated this is the first reading of Ordinance 213, amending Ordinance Code Chapters 5 & 7 to update fees. Council discussed changes to fees during its October 3, 2012, work session. The meeting packet contains a copy of draft Ordinance 213 which is based on the discussion during that work session. It was determined that Hennepin County recommends the amount of assessment penalties Greenwood currently charges, but individual cities have the final authority regarding the amounts. The Cities of Deephaven, Greenwood and Woodland charged 8 percent interest plus \$20 per utility account with the recent assessment for delinquent accounts. Those amounts are similar to what most cities charge. All of the money (including the assessment penalties) comes back to cities. She noted the amendment also adds a provision which states "*Blanket special operating permit holders must pay the additional March 1-May 1 per round trip fee for operation of vehicles in excess of the stated March 1-May 1 weight restriction.*" A few other changes were made to clean up the language in the Code.

Quam moved, Page seconded, adopting the first reading of Ordinance 213, amending Greenwood Ordinance Code Chapters 5 and 7 to update fees. Motion passed 5/0.

D. Draft Ordinance Regarding Impervious Surface Requirements (trading landscaping hardcover for structural hardcover)

Attorney Kelly noted that he spoke with Mayor Kind about some of his ideas about the draft ordinance regarding impervious surface requirement related to trading landscaping hardcover for structural hardcover. He will be happy to share them with the Planning Commission. He asked to be respectfully excused from the meeting at this time. He departed the meeting at 8:30 P.M.

Mayor Kind explained that during the May 16, 2012, City Council and Planning Commission joint work session an issue was raised regarding trading landscaping for structural hardcover in the issuance of variances. At that time it was decided to have the Commission discuss the issue further and make a recommendation to Council. She noted that this topic has been on Planning Commission agendas since May but the Commission has yet to take up the discussion. To help move that discussion along she along with Attorney Kelly and Zoning Administrator/Clerk Karpas thought it would be helpful to draft an ordinance for the Commission to react to. The meeting packet contains a copy of a draft ordinance for Councilmembers to discuss. If Council agrees with the concept of the draft ordinance the next step would be to send it to the Commission for review and revision, and then return it to Council for a first and second reading. With the goal being to publish the final ordinance in the Sun-Sailor on February 14, 2013, at which time it would go into effect.

Kind noted that at the dais this evening was a document written by Councilmember Fletcher that would expand the scope of this draft ordinance.

Zoning Administrator/Clerk Karpas stated when people are looking to put an addition on their house over existing impervious surface and they are already at 40 percent impervious surface they question why they need a variance to do that. He explained he tries to explain to them it is a different visual and that there is more structure. He noted there will be a variance coming before the Planning Commission this month where the applicant proposes to attach a detached garage to a structure. The applicants say they are not increasing their impervious surface and question why they need a variance. He explained to them there will be more structure. He stated the draft ordinance goes a long way toward addressing replacing nonstructural hardcover with structural hardcover. He noted that he thought it is a good ordinance and that

it is a very good start. He stated it was time to take the position that removing landscaping plastic will not allow people to build structures.

Mayor Kind stated that the City has been gamed before when people put down landscaping plastic over the years and then remove some of the plastic and claim that they are reducing their hardcover when they seek a variance to construct a larger home. Councilmember Quam stated that means people are illegally putting down impervious surface. Kind stated she thought they were unwittingly doing that.

Councilmember Quam noted structure is different from impervious surface. Structure is dealt with in the massing ordinance. Impervious surface is the same whether it be landscaping plastic or run-off from a building. Visual has nothing to do with impervious surfaces. Councilmember Fletcher agreed that massing deals with structure size.

Councilmember Cook stated he has heard of the comment about people gaming the system. In his opinion people are just following the system.

Cook moved, Page seconded, directing the Planning Commission to discuss and revise as it deems appropriate the draft ordinance regarding variances and impervious surfaces during its upcoming meetings and to return a revised ordinance to Council for a first reading during Council's February 2013 meeting.

Councilmember Fletcher reviewed the document he distributed earlier this evening expanding the scope of the draft ordinance. He explained Section 5 takes R-2 zoning where 10,000 square foot lots have a 10-foot side yard setback requirement and increases the setback as lots approach 15,000 square feet in size. For every additional 500 square feet of area another 6 inches of setback is required.

Councilmember Page recommending taking action on the motion on the table, noting he does not accept an amendment to his motion.

Motion passed 5/0.

Mayor Kind asked Council if it had interest in directing the Planning Commission to consider an ordinance that includes Councilmember Fletcher's suggestions which he distributed.

Page moved, Cook seconded, referring Councilmember Fletcher's suggestions to the Planning Commission for review and comment based on the same schedule as the previous motion.

Councilmember Fletcher explained the second suggestion he presented is to increase the hardcover allowance as the size of the lot decreases. The third suggestion is a cleanup item to make commercial impervious surface allowances consistent. He clarified the numbers in his suggestions were intended to start discussion.

Motion passed 5/0.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Cook: Planning Commission

Councilmember Cook explained the Planning Commission spent a great deal of time on the Fishers' request.

B. Fletcher: Lake Minnetonka Communications Commission, Xcel Energy Project, Excelsior Fire District

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Fletcher stated the LMCC is still busy working on the franchise renewal.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated the Department of Commerce has gotten an extension until November 9, 2012, to submit its report on findings.

With regard to the Excelsior Fire District (EFD), Fletcher stated EFD Chief Gerber was asked by the State of Minnesota Homeland Security and Emergency Management (HSEM) to be part of a five member Incident Management Team from Minnesota to deploy to the State of Massachusetts for support to their Massachusetts EOC in response and recovery efforts related to Hurricane Sandy. He went on to the State of New York to do the same thing. He then stated he thought that was a good thing in terms of providing support and also in terms of the experience that Gerber gained in the event of a significant emergency here. He noted there are two training sessions scheduled for elected officials all around Lake Minnetonka to discuss NIMS (National Incident Management System), ICS (Incident Command System) and the roles elected officials play in it. One is scheduled for November 20, 2012, and the other for January 30, 2013, at the Long Lake Fire Department Station 1. Gerber will be conducting the training. He also noted there had not been an EFD Board meeting since the last Council meeting. The next meeting is scheduled for November 28, 2012.

Mayor Kind noted that the training is required of elected officials.

C. Kind: Police, Administration, Mayors Meetings, Website

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated she attended a League of Minnesota Cities (LMC) work session titled *Policing and the New Normal*. The main thrust of the session was managing risk by setting policies for law enforcement personnel. Another key point conveyed was psychological training is more important than firearms training. She then stated she is attending the SLMPD Citizens Police Academy.

With regard to administration, Kind stated she attended local board training regarding the assessment process. She noted the local board (city council) can appeal to the Hennepin County Board if it feels there is an injustice in a certain area of the City and that the local board has the authority to add properties to the assessment roll to make changes in valuations even if the property owners did not appeal their valuation.

Kind stated she received an invitation from the Minnehaha Creek Watershed District (MCWD) for the City Council to share its thoughts about a draft stop-gap plan to control aquatic invasive species. The MCWD wants the feedback by November 26. Councilmember Page asked that it be forwarded to all Councilmembers. Kind stated that because Council's next regular meeting is on December 5, 2012, she asked how Council wants to deal with a response. The council decided to discuss this further during Councilman Page's LMCD report.

With regard to mayors meetings, Kind noted she attended a mayors' lunch on October 17. She learned that quite a few of the cities in the school district do not have a civil citation process like Greenwood does. She provided those interested with a copy of the City's ordinance. During the luncheon a question was raised regarding cities having policies about council meeting attendance. Apparently there are a few candidates that ran for office who knew they would be gone during the winter months.

Mayor Kind noted residents can sign up on the City's website to receive email blasts from the City. They are generally done on a monthly basis.

D. Page: Lake Minnetonka Conservation District

Councilmember Page reported on significant Lake Minnetonka Conservation District (LMCD) activities. The LMCD's Lake Vegetation Management Plan has moved from the LMCD Aquatic Invasive Species (AIS) Task Force sub-committee on to the AIS Task Force. The Plan was presented to the LMCD Board during its last meeting. The Board made various suggestions to tweak some of the language. The Bay Captains in attendance at the last Board meeting were not able to provide input because they were not on the agenda for a public hearing. The Captains have since provided feedback in a memorandum. Based on direction from the LMCD Executive Director he directed the memorandum be sent out with the revised Plan to all LMCD Boardmembers. The revised Plan recommended by the AIS Task Force will be discussed by the Board during its November 14 meeting, but it will not be voted on. He thought a public hearing on the Plan was scheduled for December 12.

Mayor Kind asked Councilmember Page if he can provide Council with the copy of the recommended Plan. Page stated he can when he receives the revised recommended Plan.

Councilmember Page stated he thought there are two issues that are up for substantial discussion. One is which agency is going to manage the herbicide treatment if herbicide treatment is done. That was not decided at the AIS Task Force level. He noted the majority of the Task Force members thought the LMCD should be the manager of all AIS management. The LMA takes issue with that because it could potentially be providing the greater portion of the funding, and therefore it should manage it. He stated that is a legitimate discussion point at the Board level. He noted the LMCD Board Chair thinks the LMCD should be the manager, but he does not think there is LMCD Board consensus about that. He stated the second issue is the amount of funding that will be provided by the LMCD. The AIS Task Force recommends the LMCD make \$75,000 available annually for herbicide treatment. That would be new levy money. The Plan recommends to quit fooling around with grants to the Save-the-Lake Fund each year.

Page then stated it is his understanding that the Minnehaha Creek Watershed District (MCWD) wants to develop a plan for AIS management. The MCWD does not want to implement or manage their plan; it wants to help fund it. The MCWD can determine what it wants to allocate when it finds out the LMCD proposes to allocate \$75,000 toward herbicide treatment. The Minnesota Department of Natural Resources (DNR) can also decide what it wants to contribute. He noted this will be a public and private monetary partnership. He explained the LMCD lacks the authority to levy enough to conduct the entire program. He stated he does not think the \$75,000 will cost Greenwood more than \$1,000.

Page explained there are subsidiary issues related to funding. He told the LMCD Board Chair that if the \$75,000 is levied for herbicide treatment it must be spent on that. The Chair supports putting \$75,000 in the budget, but it should include the \$21,000 the DNR has been giving. He noted that he does not support counting on the DNR's money as part of the \$75,000.

Mayor Kind stated that because Council's next regular meeting is on December 5, 2012, she asked how Council wants to deal with a response to the MCWD about the draft ordinance (discussed in her report) by November 26. Councilmember Page suggested having it on the agenda for November 13 special Council meeting (the election canvassing meeting) which starts at 6:00 P.M. Zoning Administrator/Clerk Karpas noted the Woodland City Council has a meeting at 7:00 P.M. that evening, so that the Greenwood special meeting would need to adjourn by 7:00 P.M.

E. Quam: Roads & Sewer, Minnetonka Community Education

With regard to Minnetonka Community Education (MCE), Councilmember Quam stated there is nothing special going on at this time.

With regard to roads and sewers, Quam stated the sewer system is working and the roads are plowed.

10. ADJOURNMENT

Page moved, Cook seconded, Adjourning the City Council Regular Meeting of November 7, 2012, at 10:10 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

**Greenwood City Council
Worksession Minutes**

6:00 pm, Tuesday, November 13, 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 6:01 pm.

Council members present: Cook, Quam and Page
Others present: City Clerk Karpas

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

2. Canvass General Election Results

Mayor Kind presented Resolution 29-12 outlining the results of the November 6 General Election for city offices indicating the she had been re-elected to serve an additional two years for Mayor and Bill Cook and Rob Roy had been elected to serve four-year terms as Councilmembers.

Cook moved, Quam seconded, Adopting RESOLUTION NO. 29-12, “A Resolution of the City Council of the City of Greenwood, Canvassing the November 6, 2012 General Election Results.” Motion passed 4/0.

3. Consider: Resolution 28-12 Variances Findings of Fact, Chip and Kathy Fisher, 5185 Greenwood Circle

Mayor Kind presented the proposed findings for the approval of the Fisher variance. She said it reflected the action taken by the Council at its November 7 meeting.

Cook moved, Quam seconded, Adopting RESOLUTION NO. 28-12, “A Resolution of the City Council of the City of Greenwood, Minnesota Acting as the Board of Appeals and Adjustments, for real property located at 5185 Greenwood Circle setting out the findings of fact and conclusions of law regarding the Chip and Kathy Fisher variances to side, front, and lake yard setbacks, impervious surface and maximum structure volume to permit construction of a new home on an existing lot.” Motion carried 3/1.

4. Consider: Response to Draft 2013 Proposed Plan for Additional AIS (Aquatic Invasive Species) Prevention Programs

Mayor Kind summarized the issue and gave a brief overview of her proposed response on behalf of the city to the proposed draft AIS plan. She asked if the Council had any questions or comments. Councilmember Quam asked where the money quoted in the draft plan was coming from. Mayor Kind said the funds would come from the Minnehaha Creek Watershed District (MCWD).

Councilmember Page took exception to the comment regarding the effectiveness of inspection program and questioned how it can be proven that some of the AIS have come in on boats. Mayor Kind believes the inspections haven't worked and doesn't feel the \$250,000 budgeted is enough to pay for 24/7 inspections. Page said that most large water bodies within the state have inspections programs and said there are a number of AIS not in our watershed district due to the inspection program. He feels the budgeted amount will be used to enhance the existing inspection program. Kind said it's not clear what lakes would be covered under the proposed

program. Councilmember Quam asked where the funding would come from. Mayor Kind said the MCWD would provide the funding but that it was unclear whether they would be raising their tax levy or not. Page said the funding would provide increased inspections within the existing program and noted that Lake Minnetonka is the largest water body within that program. He said he doesn't support the bullet points. Kind offered to remove the top four bullet points referencing the inspection program but would like to keep the bullet point supporting the lake sticker concept. Page said he's not sure he supports the lake sticker program but he's supportive of some type of sticker/seal program. The Council agreed on amended language in support of a sticker/seal program for AIS control.

Councilmember Page indicated he did not like the last bullet point in the memo referring to the city's opposition to the use of taxpayer money for lobbying efforts. He felt that's exactly what the city wants. Mayor Kind said she meant to remove that bullet point.

Mayor Kind discussed the Self-Certification Program contained in the draft plan. She said the plan noted a violation would result in a permit being revoked for an unspecified amount of time. She believes this is too lenient. She believes the city should support a stronger penalty. Councilman Cook asked what the MCWD means by a "negligent" violation. The council consensus was that the language in the city's response should specify support for stronger penalties for "any" violation.

The Council discussed the Communications portion of the draft plan. They agreed the proposed budget is sufficient and that communications is key in the ongoing efforts to control AIS. Councilmember Page noted that the MCWD donated a portion of their Communications budget last year to the Lake Minnetonka Conservation District (LMCD) for inspectors, calling that "communications." Councilmember Cook asked if the city should encourage the MCWD to actually spend their entire communications budget on communications. Page said he would support communication in the form of increased ramp signage and the like. Councilmember Quam suggested including a positive statement about the importance of communication in combating AIS and maybe indicating adding to the existing communication tools. The Council agreed to amend the letter to reference additional, effective communication methods.

Mayor Kind said the last paragraph discussed the city's opposition to the adoption of a new tax levy to fund AIS programs. Councilmember Page said the MCWD's proposed plan does not specify how these programs are to be funded and maybe the letter should ask the MCWD for clarification on their funding methods. The Council agreed.

Mayor Kind said she would make the amendments to the letter and asked the Council if they would be agreeable to her sending it out since it needs to be received by the MCWD prior to the Council's next meeting.

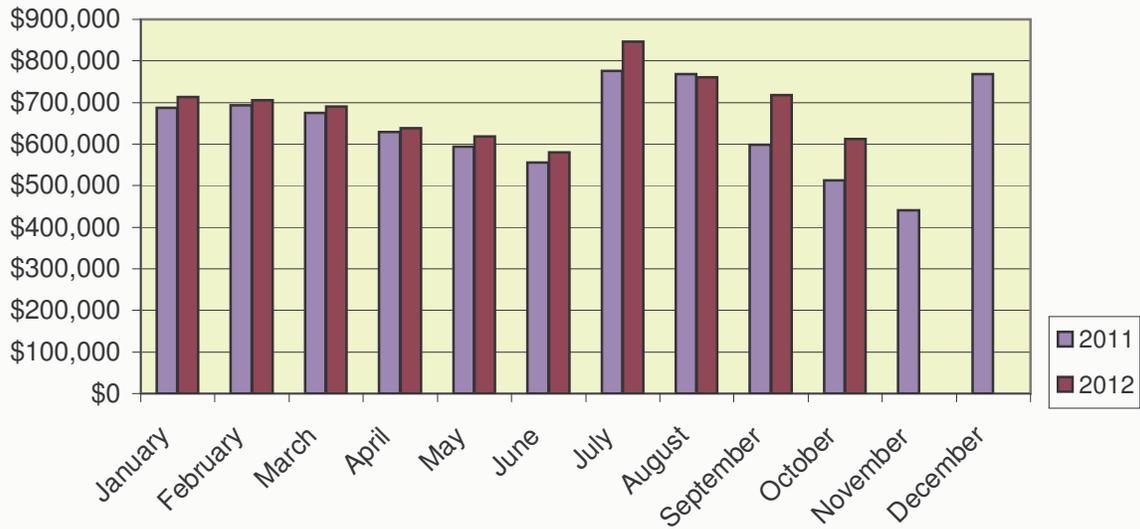
Page moved, Cook seconded, Approval of the revised letter to the MCWD regarding 2013 AIS prevention programs. Motion carried 4/0.

5. Adjournment

Page moved to adjourn the work session. Second by Quam. The work session adjourned at 6:33 pm.

Respectfully submitted
Gus Karpas
City Clerk

City of Greenwood Monthly Cash Summary



Month	2011	2012	Variance with Prior Month	Variance with Prior Year
January	\$686,781	\$712,814	-\$56,305	\$26,033
February	\$693,859	\$704,873	-\$7,941	\$11,014
March	\$675,719	\$690,422	-\$14,451	\$14,703
April	\$629,569	\$637,990	-\$52,432	\$8,421
May	\$593,928	\$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	\$760,682	-\$86,215	-\$7,541
September	\$599,139	\$717,852	-\$42,830	\$118,713
October	\$512,188	\$611,894	-\$105,958	\$99,706
November	\$440,946	\$0	-\$611,894	-\$440,946
December	\$769,119	\$0	\$0	-\$769,119

Bridgewater Bank Money Market	\$343,086
Bridgewater Bank Checking	\$5,503
Beacon Bank CD	\$240,000
Beacon Bank Money Market	\$23,205
Beacon Bank Checking	\$100
<hr/>	
	\$611,894

ALLOCATION BY FUND

General Fund	\$56,552
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$58,613
Stormwater Special Revenue Fund	\$12,090
Sewer Enterprise Fund	\$415,311
Marina Enterprise Fund	\$42,273
<hr/>	
	\$611,894

Check Issue Date(s): 11/01/2012 - 11/30/2012

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
11/12	11/14/2012	10693	51	BOLTON & MENK, INC.	502-20100	9,305.50
11/12	11/14/2012	10694		Information Only Check	101-20100	.00 V
11/12	11/14/2012	10695	9	CITY OF DEEPHAVEN	101-20100	5,763.31
11/12	11/14/2012	10696	761	DEBRA KIND	101-20100	106.14
11/12	11/14/2012	10697	315	DOCK & LIFT INC.	605-20100	1,500.00
11/12	11/14/2012	10698	68	GOPHER STATE ONE CALL	602-20100	69.60
11/12	11/14/2012	10699	765	GUS KARPAS	101-20100	103.23
11/12	11/14/2012	10700	601	HENNEPIN COUNTY TREASURER	101-20100	7,000.00
11/12	11/14/2012	10701	753	J.P. Cooke Co	101-20100	54.96
11/12	11/14/2012	10702	3	KELLY LAW OFFICES	101-20100	1,414.50
11/12	11/14/2012	10703	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,598.16
11/12	11/14/2012	10704	689	Mission Communications LLC	602-20100	1,737.00
11/12	11/14/2012	10705	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	14,376.58
11/12	11/14/2012	10706	136	Sun Newspapers	101-20100	262.25
11/12	11/14/2012	10707	745	Vintage Waste Systems	101-20100	1,628.25
11/12	11/14/2012	10708	145	XCEL	602-20100	587.58
11/12	11/27/2012	10709	625	BONNIE LANE	101-20100	352.00
11/12	11/27/2012	10710	777	CHERYL SVENDSEN	101-20100	139.50
11/12	11/27/2012	10711	774	CINDY PAEPER	101-20100	171.00
11/12	11/27/2012	10712	626	HENRY WUDLICK	101-20100	180.00
11/12	11/27/2012	10713	629	JAN GRAY	101-20100	99.00
11/12	11/27/2012	10714	776	JUDY SPIEGEL	101-20100	144.00
11/12	11/27/2012	10715	771	LISA CHRISTIAN	101-20100	144.00
11/12	11/27/2012	10716	742	Marco, Inc.	101-20100	222.90
11/12	11/27/2012	10717	747	Mary Jo Newman	101-20100	171.00
11/12	11/27/2012	10718	712	Pamela Canning	101-20100	144.00
11/12	11/27/2012	10719	772	PAT MCGOWAN	101-20100	171.00
11/12	11/27/2012	10720	773	SALLY OLSON	101-20100	171.00
11/12	11/27/2012	10721	136	Sun Newspapers	101-20100	32.97
11/12	11/27/2012	10722	145	XCEL	602-20100	172.43
Totals:						<u>48,821.86</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0151789	2012 MISC ENGINEERING FEES	10/31/2012	188.00
			2012 MISC ENGINEERING FEES		524.50
			2012 MISC ENGINEERING FEES		90.00
		0151790	2012 STREET IMPROVEMENT	01/03/1212	1,271.50
		0151791	EXC BLVD DRAINAGE IMPROV	10/31/2012	901.50
		0151792	WATERMAIN FEASIBILITY REPORT	10/31/2012	4,338.50
		0151793	I & I GRANT APPLICATION	10/31/2012	1,991.50
	Total BOLTON & MENK, INC.				9,305.50
BONNIE LANE					
625	BONNIE LANE	112112	HEAD ELECTION JUDGE	11/21/2012	352.00
	Total BONNIE LANE				352.00
CHERYL SVENDSEN					
777	CHERYL SVENDSEN	112112	ELECTION JUDGE	11/21/2012	139.50
	Total CHERYL SVENDSEN				139.50
CINDY PAEPER					
774	CINDY PAEPER	112112	ELECTION JUDGE	11/21/2012	171.00
	Total CINDY PAEPER				171.00
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	NOV 2012	Postage	11/01/2012	48.60
			COPIES		2.50
			SEWER		641.92
			STREETS		81.26
			WEED/TREE/MOWING		812.60
			RENT & EQUIPMENT		542.95
			Clerk Services		2,514.40
			ZONING		357.42
			BRUSH REMOVAL-MULCH STORE		30.00
			HAZARDOUS TREE MNTNCE		560.00
			Stormwater Coalition Membership Renewal		171.66
	Total CITY OF DEEPHAVEN				5,763.31
DEBRA KIND					
761	DEBRA KIND	111412	APPREC GIFT FOR K PAGE GREEN FOLDERS	11/14/2012	10.64 95.50
	Total DEBRA KIND				106.14
DOCK & LIFT INC.					
315	DOCK & LIFT INC.	22262	REMOVE FLOATING DOCK	11/01/2012	1,500.00
	Total DOCK & LIFT INC.				1,500.00
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	53294	Gopher State calls	11/05/2012	69.60
	Total GOPHER STATE ONE CALL				69.60
GUS KARPAS					
765	GUS KARPAS	110612	ELECTION JUDGE MEALS	11/06/2012	103.23

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total GUS KARPAS				103.23
HENNEPIN COUNTY TREASURER					
601	HENNEPIN COUNTY TREASURER	1000022203	1ST 1/2 2013 ASSESSMENTS	11/06/2012	7,000.00
	Total HENNEPIN COUNTY TREASURER				7,000.00
HENRY WUDLICK					
626	HENRY WUDLICK	112112	ELECTION JUDGE	11/21/2012	180.00
	Total HENRY WUDLICK				180.00
J.P. Cooke Co					
753	J.P. Cooke Co	206302	City Dog Tags	11/06/2012	54.96
	Total J.P. Cooke Co				54.96
JAN GRAY					
629	JAN GRAY	112112	ELECTION JUDGE	11/21/2012	99.00
	Total JAN GRAY				99.00
JUDY SPIEGEL					
776	JUDY SPIEGEL	112112	ELECTION JUDGE	11/21/2012	144.00
	Total JUDY SPIEGEL				144.00
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	6028	GENERAL LEGAL	11/01/2012	1,069.50
		6029	LAW ENFORCE PROSECUTION	11/06/2012	345.00
	Total KELLY LAW OFFICES				1,414.50
LISA CHRISTIAN					
771	LISA CHRISTIAN	112112	ELECTION JUDGE	11/21/2012	144.00
	Total LISA CHRISTIAN				144.00
Marco, Inc.					
742	Marco, Inc.	215958448	Copier lease	11/13/2012	222.90
	Total Marco, Inc.				222.90
Mary Jo Newman					
747	Mary Jo Newman	112112	Election Judge	11/21/2012	171.00
	Total Mary Jo Newman				171.00
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERVIC	0001002490	Monthly wastewater Charge	11/05/2012	2,598.16
	Total METRO COUNCIL ENVIRO SERVICES				2,598.16
Mission Communications LLC					
689	Mission Communications LLC	40018459	Annual Service Package	10/18/2012	1,737.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total Mission Communications LLC				1,737.00
Pamela Canning					
712	Pamela Canning	112112	Election Judge	11/21/2012	144.00
	Total Pamela Canning				144.00
PAT MCGOWAN					
772	PAT MCGOWAN	112112	ELECTION JUDGE	11/21/2012	171.00
	Total PAT MCGOWAN				171.00
SALLY OLSON					
773	SALLY OLSON	112112	ELECTION JUDGE	11/21/2012	171.00
	Total SALLY OLSON				171.00
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE DE	NOV 2012	2012 OPERATING BUDGET EXP	11/01/2012	14,376.58
	Total SO LAKE MINNETONKA POLICE DEPT				14,376.58
Sun Newspapers					
136	Sun Newspapers	1131497	General Election Notice	10/25/2012	80.91
		1132751	General Election Notice	11/01/2012	49.45
		1134044	Legal Notice - 21550 EXC BLVD	11/01/2012	59.95
		1134052	RESOLUTION 15-12	11/01/2012	71.94
		1137193	PUBLIC NOTICE	11/22/2012	32.97
	Total Sun Newspapers				295.22
Vintage Waste Systems					
745	Vintage Waste Systems	102512	City Recycling Contract	10/25/2012	1,628.25
	Total Vintage Waste Systems				1,628.25
XCEL					
145	XCEL	102212	4925 MEADVILLE STREET *	10/22/2012	8.82
			SIREN		3.44
			Sleepy Hollow Road *		8.84
			LIFT STATION #1		35.74
			LIFT STATION #2		34.21
			LIFT STATION #3		22.14
			LIFT STATION #4		29.87
			LIFT STATION #6		60.74
		110512	Street Lights *	11/05/2012	383.78
		112012	LIFT STATION #1	11/20/2012	33.83
			LIFT STATION #2		31.52
			LIFT STATION #3		21.30
			LIFT STATION #4		28.35
			LIFT STATION #6		57.43
	Total XCEL				760.01

Total Paid:	48,821.86
Total Unpaid:	<u>-</u>
Grand Total:	<u><u>48,821.86</u></u>

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
12/01/12	PC	12/01/12	12011201	COOK, WILLIAM B.	37	188.70
12/01/12	PC	12/01/12	12011202	Debra J. Kind	34	283.05
12/01/12	PC	12/01/12	12011203	Fletcher, Thomas M	33	88.70
12/01/12	PC	12/01/12	12011204	H. Kelsey Page	35	188.70
12/01/12	PC	12/01/12	12011205	Quam, Robert	32	188.70
Grand Totals:						<u>937.85</u>

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTERS 5 & 7 TO UPDATE FEES**

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

SECTION 1.

Greenwood ordinance code section 500.10 is amended to read as follows:

“Section 500.10. Collection, Late Payment Charge, Special Assessment.

Payment in accordance with billings shall be made no later than the billing date established for the account. In addition to the charges provided, there shall be a late charge for payments made after the 30th day after the billing date. When a charge is more than 30 days past due, it shall be considered delinquent. It shall be the duty of the clerk to endeavor to promptly collect delinquent accounts. All delinquent accounts shall be certified by the clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The city council may set an additional assessment penalty fee for delinquent accounts that are certified to the county for collection. The assessment roll shall be delivered to the council for adoption on or before October 10 of each year. Such action may be optional or subsequent to taking legal action to collect delinquent accounts. The delinquent account fee and additional assessment penalty fee shall be determined by the council and set forth in the section 510 fee schedule of this chapter.”

SECTION 2.

The Greenwood ordinance code section 510 fee schedule is amended to revise and add the following fees:

Delinquent Accounts	500.10, 520.15, 525.15 & 475.30	The greater of \$5 or 5% of the delinquent amount per quarter.	Applied to accounts that are 30 days past due. Unpaid balances are certified to county annually.
Delinquent Accounts: Assessment Penalty	500.10	8% of the assessment amount, plus \$20 for each delinquent category (\$20 sewer, \$20 for recycling, \$20 for stormwater, \$20 for other)	Added to the unpaid delinquent balance and certified to the county annually.
Docks: Municipal St. Alban's Bay Dock Permit	425.30 (5)	\$1150	Per slip, per season
Docks: Municipal Sailboat Space Permit	425.30 (5)	\$300	Per slip, per season
Docks: Municipal Canoe / Kayak Permit	425.30 (5)	\$60	Per space, per season
Load Limit Fee: Per Trip Special Operating Permit (Jan 1-Feb 29 and May 2-Dec 31)	730.00	\$50	Per round trip. Not required for building projects exceeding \$20,000 in value.
Load Limit Fee: Per Trip Special Operating Permit (Mar 1-May 1)	730.00	\$500 per round trip. Or \$450 per round trip with Blanket Special Operating Permit.	
Load Limit Fee: Blanket Special Operating Permit	730.00	20% of the Building Permit or Moving Fee	Required for building projects exceeding \$20,000 in value. Blanket special operating permit holders must pay the additional March 1-May 1 per round trip fee for operation of vehicles in excess of the stated March 1-May 1 weight restriction.
Sewer: Sewer Access Charge (SAC)		As set by the Metropolitan Council	
Sanitary Sewer Non-Compliance Surcharge: Residential	310.30 5(f)	\$300	Quarterly
Sanitary Sewer Non-Compliance Surcharge: Commercial	310.30 5(f)	\$750	Quarterly
Zoning: Variance Application Fee	1155.25	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application

SECTION 3.

The Greenwood ordinance code section 730.00 subd. 5 is amended to read as follows:

“Subd 7. Blanket Special Operating Permit. The city council or its designated agent may on application thereto and a finding of undue hardship grant a blanket special operating permit for operation of vehicles in excess of the stated weight restriction for a building project or building moving project for which a permit is being issued. A blanket special operating permit is required for any building project exceeding the value set forth in chapter 5 of this code book. The blanket special operating permit fee is determined by the city council and set forth in chapter 5 of this code book. Blanket special operating permit holders must pay the additional March 1-May 1 per round trip fee for operation of vehicles in excess of

the stated March 1-May 1 weight restriction. The blanket special operating permit does not cover operation of vehicles for landscaping related work as part of a building project.”

SECTION 4.

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 Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: November 7, 2012
Second reading: _____, 2012
Publication: _____, 2012



Agenda Item: City Engineer Dave Martini - Update on Excelsior Blvd. Watermain Project & I/I Grant Application
Consider Resolution 30-12 Accepting Excelsior Blvd. Watermain Feasibility Report and Calling for a Public Hearing
Consider Resolution 31-12 Ordering Excelsior Blvd. Watermain Feasibility Report for Option 2 (Excelsior / Shorewood interconnection project with stubs for adjacent Greenwood properties)

Summary: At the 10-03-12 city council worksession the council met with city engineer Dave Martini and representatives from the Met Council to discuss the draft of the feasibility report for the potential watermain project along Excelsior Blvd. The report included extending the existing Excelsior watermain along Excelsior Blvd. to upgrade existing unconventional connections and add new connections for properties located in the petition zone (Option 1). The worksession group also discussed Option 2 (adding stubs for all of the properties along Excelsior Blvd. should the cities of Excelsior and Shorewood decide to proceed with an interconnection project). The council expressed interest in Option 2 if Excelsior and Shorewood pay for the watermain and Greenwood adjacent property owners pay for the stubs. The council asked Dave Martini, Councilmember Bill Cook, and Councilmember Tom Fletcher (the "committee") to set up a meeting with representatives from Excelsior and Shorewood to determine their plans, so that the Greenwood council can determine how to proceed. The Greenwood committee met with representatives from Excelsior and Shorewood in October. The attached copy of a 10-18-12 email from Martini outlines Option 1 and Option 2 concepts discussed at the meeting. To stay on track with the timeline, the planning commission reviewed the Option 1 feasibility report at their 10-17-12 meeting and found that it is not in conflict with the city's comprehensive plan. At the 11-07-12 council meeting the council discussed the timeline and decided to wait one more month to allow time for Excelsior to make a decision regarding the potential interconnection project. Dave Martini will attend the 12-05-12 council meeting to update the council on the status of the project. Dave also will give the council an update regarding the Inflow and Infiltration grant application.

Council Action: Council action is recommended if the council desires to have the watermain project included as part of the MCES sanitary sewer forcemain project slated to begin in May 2013. See the attached spreadsheet for a timeline showing a "parallel track" to keep both Option 1 and Option 2 open as possibilities. Potential motions ...

1. I move the council approves resolution 30-12 accepting the Excelsior Blvd. Watermain feasibility report for **Option 1** (petition zone) and calling for a public hearing.
2. I move the council approves resolution 31-12 ordering an Excelsior Blvd. Watermain feasibility report for **Option 2** (Excelsior / Shorewood interconnection project with stubs for adjacent Greenwood properties) and set the following timeline to keep the project on schedule:
 - a. The city engineer will have 1 week to prepare the new report.
 - b. The planning commission will hold a special meeting at 6pm on December 12, 2012 to review the **Option 2** feasibility report for compliance with the city's comprehensive plan and makes a recommendation to the city council.
 - c. The city council will hold a special meeting immediately following the special planning commission meeting on December 12, 2012 to consider a resolution accepting the **Option 2** feasibility report and calling for a public hearing.
3. Other motions ???

From: David Martini [mailto:davidma@bolton-menk.com]

Sent: Thursday, October 18, 2012 4:43 PM **To:** 'Morgan Dawley'; 'Fick, Daniel'; 'Davison, Chad'; 'James Landini'; 'lbrown@ci.shorewood.mn.us'; 'tfletcher@aexcom.com'; 'WILLIAM COOK'

Subject: FW: Excelsior Boulevard Watermain Extension

All,

A committee consisting of two Greenwood Council Members and Bolton & Menk, has met to review options related to the extension of watermain from the City of Excelsior into the City of Greenwood. To date, the work of this committee have not been reviewed or approved by the whole Council. The following is a summary of the options that the committee has considered:

Option 1:

Watermain would be extended to 21170 Excelsior Boulevard to serve 12 properties as requested in a resident petition. With this option, it is assumed that the Met Council will pay to reconnect the five Greenwood residents who have existing services west of Christmas Lake Road. The remainder of the costs associated with the watermain extension including fire hydrants and service stubs to all properties would be assessed to the benefiting properties. The estimated costs of this option is \$126,165, which equates to \$9,705 per unit. Commercial properties are proposed to be assessed at a rate of 1.5 ERU's.

Option 2:

Watermain would be extended through Greenwood to provide a connection between Excelsior and Shorewood. Based on past inquiries, the Greenwood residents east of 21170 Excelsior Boulevard have little to no interest in being provided water service. However, the Greenwood City Council recognizes that once watermain is adjacent to those properties, it is likely that there will be requests to hook up to the system in the future. This raises the concern that the cost to connect will be significantly higher after Met Council's project is completed and future connections will require the new road to be excavated if services stubs are not provide with the project. Therefore, to address these concerns, the City of Greenwood sees the benefit in constructing water service stubs to all of the properties along Excelsior Boulevard between Christmas Lake Road and Manor Road. The costs associated with this option are proposed to be apportioned as follows:

1. Each property on Excelsior Boulevard between Christmas Lake Road and Manor Road will be assessed for the cost of the water service stub. The total estimated cost of the service stubs is \$57,461 (approximate \$2,612 per unit).
2. Each property on Excelsior Boulevard between Christmas Lake Road and Manor Road will be assessed for a prorated share of the fire hydrants located in Greenwood. The amount per unit will need to be negotiated between Excelsior and Greenwood but should not exceed 50% of the cost. The total estimated cost of six fire hydrants is \$46,760.
3. At the time of connection, it is anticipated that Excelsior will charge a trunk fee to recuperate a portion of the cost of the watermain. The amount of the trunk fee will need to be negotiated between Excelsior, Shorewood and Greenwood so that the costs are fairly apportioned to all of the benefiting parties. The total estimated cost of the 12" watermain extension between the existing system and Manor Road is \$206,770.

Regardless of the option that is selected, the City of Greenwood believes that the water system should be owned and operated by the City of Excelsior. An agreement between the City of Greenwood and Excelsior will need to be developed to better define the responsibilities of each party. The City of Greenwood is willing to pass an ordinance, which defines the terms of the agreement for Excelsior to provide optional water service to Greenwood residents.

Please share this information with others as you see appropriate and let me know if you have questions or comments.

Thanks.

David P. Martini, P.E.

Principal Engineer

Bolton & Menk, Inc.

Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200

Chaska, MN 55318-1172

P: (952) 448-8838 ext. 2458

M: (612) 756-4315

F: (952) 448-8805

email: davidma@bolton-menk.com

www.bolton-menk.com

**CITY OF GREENWOOD
RESOLUTION NO. 30-12**

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

WHEREAS, pursuant resolution 15-12 of the council adopted the 7th day of July 2012, a report has been prepared by city engineer David Martini of Bolton & Menk with reference to proposed Improvement No. 1, being the improvement between 21170 and 21380 Excelsior Boulevard, Greenwood, Minnesota by installing a watermain, and this report was received by the council on the **3rd day of October 2012**; and

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

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

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

1. The report prepared by city engineer David Martini with reference to proposed Improvement No. 1 is received.
2. The council will consider the improvement of Excelsior Blvd. in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of **\$136,695**.
3. A public hearing shall be held by the city council of the city of Greenwood, Minnesota on the Excelsior Blvd. proposed improvement (Improvement No.1) on the **3rd day of January 2013** in the council chambers of the Deephaven City Hall, 20225 Cottagewood Road, Deephaven, Minnesota 55331 at **7pm**. The clerk shall give mailed and published notice of such hearing and improvement as required by law.

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 Bill Cook
Councilman Tom Fletcher
Councilman H. Kelsey Page
Councilman Bob Quam

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

**CITY OF GREENWOOD
RESOLUTION NO. 31-12**

**A Resolution Ordering Preparation of Feasibility Report
for Option 2 Excelsior Blvd. Watermain Improvement**

WHEREAS, it is proposed to improve Excelsior Blvd. between the west line of _____ Excelsior Blvd. and the east line of 21170 Excelsior Blvd, Greenwood, MN by installing stubs and fire hydrants connecting to a new city of Excelsior watermain and to assess the benefited properties for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

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

That the proposed improvement, called Improvement No. 2 be referred to city engineer David Martini of Bolton & Menk for study and that that person is instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

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 Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

Note: This resolution may be used to commence proceedings under the improvement code in all cases where the council proceeds on its own motion without petition. It need not be published except where publication of resolutions is required by the city's charter.

Excelsior Blvd. Watermain Project Timeline for Option 1 & Option 2 Parallel Track

Updated 11-21-12

		Goal Date	Completion Date
1	Petition received from GW Excelsior Blvd. residents		6/13/12
2	GW resolution declaring adequacy of petition and ordering preparation of feasibility report		7/5/12
3	GW preliminary feasibility report completed for Option 1 (see footnote)		10/3/12
4	Feasibility report reviewed by GW planning commission for compliance with comp plan	10/17/12	10/17/12
5	GW discussion of Option 2 Concept for a EX/SW watermain interconnection project (including pricing concept)	11/7/12	11/7/12
6	Deadline for EX and SW to approve Option 2 Concept for a watermain interconnection project (including pricing concept)	11/28/12	
7	GW considers resolution accepting feasibility report for Option 1 and calling for hearing (Form 5)	12/5/12	
8	GW considers resolution ordering feasibility report for Option 2 (Form 4A)	12/5/12	
9	GW special planning commission (review compliance with comp plan) followed by a special city council meeting to consider a resolution accepting the Option 2 feasibility report and ordering a public hearing.	12/12/12	
10	Deadline to submit public hearing notice for Option 1 and Option 2 to Sun-Sailor (Thursday before publication)	12/13/12	
11	GW publishes notice of hearing for Option 1 and Option 2 (Form 6). Per statute, the city clerk must cause notice thereof to be given by TWO publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications must be a week apart, and the hearing must be at least three days after the second publication. NOTE: Typically, cities assess all properties abutting or bordering on the improvement, but the council may wish to levy assessments against adjacent, non-abutting properties if the properties benefit from the improvement. In that event the Notice of Hearing must include the following statement: "The area proposed to be assessed for such improvement is"	12/20/12 and 12/27/12	
12	GW affidavit of mailing notice to affected property owners for Option 1 and Option 2 . Not less than ten days before the hearing, notice of the hearing must also be mailed to the owner of each parcel within the area proposed to be assessed and must contain a statement that a reasonable estimate of the impact of the assessment will be available at the hearing, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings.	12/21/12	
13	Deadline for draft of cooperative agreement for the watermain project (including pricing) between the cities of GW & EX. Draft created by ???	12/26/12	
14	GW public hearing for Option 1 and Option 2 . Minutes of public hearing showing testimony and findings. NOTE: Council action is required within 6 months of the public hearing date.	1/2/13	
15	GW considers approval of cooperative agreement with EX.	1/2/13	
16	Deadline for GW and EX to approve cooperative agreement.	1/15/13	
17	GW Special Meeting: Resolution ordering improvement and preparation of plans (Forms 7, 7A, 8)	1/16/13	
18	GW Special Meeting: Resolution approving plans. NOTE: MCES will be advertising for bids.	2/6/13	
19	GW Special Meeting: Approval of cooperative agreement with MCES to include the Excelsior Blvd. watermain project and sidewalk improvements to their sanitary sewer project.	2/6/13	
20	MCES advertizes for bids.	Feb.	
21	MCES opens bids.	Wed. Early Mar.	
22	GW & EX go/no-go decision (per co-op agreements with MCES)	Fri. or Mon. after bid opening	
23	MCES contracts and approvals.	Mar. & Apr.	
24	MCES starts construction.	May	
25	GW preparation of assessment roll. (Forms 12, 13)	TBD	
26	GW resolution for hearing on proposed assessment. (Form 14)	TBD	
27	GW affidavit of publication of notice of hearing. (Form 15)	TBD	
28	GW affidavit of mailing notice to affected property owners. (Form 15A)	TBD	
29	GW minutes of public hearing showing testimony and findings.	TBD	
30	GW resolution adopting assessment. (Form 16)	TBD	
31	GW notice of final assessment. NOTE: This may be an optional step. (See Form 17A)	TBD	
32	GW certification of assessment to county auditor. (Form 18, 18A) NOTE: If annual certification plan is followed, the clerk may wish to include a separate sub-step for each year.	TBD	

GW = Greenwood, EX = Excelsior, SW = Shorewood

Option 1: EX watermain extension to GW petition area only

Option 2: EX/SW watermain interconnection project with stubs for GW properties along Excelsior Blvd.

FEASIBILITY STUDY
FOR
EXCELSIOR BOULEVARD WATERMAIN EXTENSION
OPTION 1
GREENWOOD, MN



NOVEMBER 2012



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

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

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

www.bolton-menk.com

November 27, 2012

City of Greenwood
Attn: Gus Karpas
20225 Cottagewood Road
Deephaven, MN

RE: Excelsior Boulevard Watermain Extension, Option 1
City of Greenwood, MN

Honorable Mayor and City Council:

As directed, we have prepared a feasibility study for Option 1 of the Excelsior Boulevard Watermain Extension Project. The impetus for this study is a petition to the City Council requesting the installation of watermain on Excelsior Boulevard from 21170 to 21380 Excelsior Boulevard. The Watermain would be an extension from a City of Excelsior watermain.

The study provides background information for the project, a description of the proposed improvements, cost estimates, a preliminary assessment roll, and a discussion of project financing.

I will be at the Council Workshop on December 5th to discuss the study with the City Council.

Please contact me if you have any questions or need additional information.

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer

FEASIBILITY STUDY
FOR
EXCELSIOR BOULEVARD WATERMAIN EXTENSION
OPTION 1
CITY OF GREENWOOD, MINNESOTA

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



David P. Martini, P.E.

Date: 11/27/12

Registration No. 26122

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1	Impetus	2
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4	Estimated Costs	7

APPENDIX

Figure 1, Excelsior Boulevard Watermain Extension - Option 1

Table 1, Detailed Cost Estimate

Table 2, Preliminary Assessment Tabulation

City of Excelsior Water Rate Resolution

SUMMARY AND CONCLUSIONS

1. The preparation of this feasibility study was authorized by the Greenwood City Council in response to a petition received which requested extension of watermain to service properties from 21170 to 21380 Excelsior Boulevard.
2. The Metropolitan Council Environmental Services (MCES) is proposing construction of a 24-inch diameter forcemain on Excelsior Boulevard which is scheduled for construction in 2013 and 2014. Included with the forcemain construction is the complete reconstruction of Excelsior Boulevard.
3. The City of Excelsior is planning to upgrade its watermain, which ends about 300 feet west of Christmas Lake Road, to 12-inch diameter in conjunction with the MCES project.
4. The proposed watermain extension consists of construction of about 300 feet of 12-inch diameter and 900 feet of 8-inch diameter watermain on Excelsior Boulevard from the end of the Excelsior watermain. Also included is the construction of service pipe stubs to the property line of each lot.
5. Five parcels, three residential and two commercial parcels, in Greenwood which are east of the end of the Excelsior watermain are connected with long unconventional water services. With the proposed watermain extension, reconstruction of the water services is proposed to provide shorter conventional services.
6. The total estimated project cost for the watermain extension is \$136,695. This cost includes a 30 percent allowance for contingencies and soft costs.
7. The project cost is proposed to be funded by Special Assessments. The estimated assessment rate for the watermain extension is \$10,515 per residential parcel and \$15,773 per commercial parcel.
8. The existing water service reconstruction, street reconstruction, driveway restoration and majority of the boulevard restoration costs will be funded by MCES. The costs of upgrading the existing watermain will be funded by the City of Excelsior.
9. In addition to the assessment for the watermain extension, parcels connecting to the watermain will be subject to additional costs including one-time Excelsior charges and the service extension to and into the house.
10. The improvements proposed within this study are feasible from a technical perspective. The improvements are necessary to provide municipal water service to the properties and represent cost effective methods for doing so.

SECTION 1
IMPETUS

The impetus for this study is a petition to the City Council of Greenwood dated June 13, 2012 requesting the installation of watermain on Excelsior Boulevard from 21170 to 21380 Excelsior Boulevard. The watermain would be an extension from a City of Excelsior watermain which ends about 300 feet west of Christmas Lake Road.

SECTION 2 BACKGROUND INFORMATION

The City of Excelsior has an existing 6-inch watermain on Excelsior Boulevard which ends about 300 feet west of Christmas Lake Road intersection. Five properties in Greenwood between the end of the watermain and Christmas Lake Road are currently connected to the Excelsior water system even though the watermain doesn't pass in front of these properties. The service is provided by long, unconventional water services. Several Greenwood properties west of the above five properties have watermain frontage and are also connected.

The Metropolitan Council Environmental Services (MCES) has a 24-inch diameter forcemain under Excelsior Boulevard. MCES is proposing to construct a second 24-inch forcemain to allow for inspection and repair of the 40+ year old existing forcemain and also to provide redundancy and improved reliability in its system. The forcemain construction will require street reconstruction on Excelsior Boulevard. The forcemain and related street reconstruction will be funded entirely by MCES with no costs to cities and no assessments to fronting properties.

MCES is collaborating with cities along the route so that city improvements planned for the same route can be constructed at the same time. The City of Excelsior is planning to include improvements to City utilities in conjunction with the forcemain project including upgrading of the 6-inch watermain on Excelsior Boulevard to 12-inch. The Excelsior City Engineer did a preliminary analysis of extending the watermain east to Maple Heights Road in Greenwood. This analysis included a cost estimate and preliminary assessment rate calculation for the Greenwood properties that would have water service made available to them. We understand this information was considered by the Greenwood residents that signed the petition.

The City of Greenwood previously considered extension of watermain on Excelsior Boulevard based on a feasibility study dated November 2000. This was done in conjunction with the City of Excelsior considering upgrading their existing 6-inch watermain to a 12-inch watermain. The feasibility study presented options for the extent of the watermain extension with the greatest extension ending at Manor Road. None of the watermain improvements considered by Excelsior or Greenwood were implemented.

The current schedule for the MCES forcemain project is to receive bids in early 2013, start

construction in spring 2013 and complete construction in 2014. The schedule for construction of the segment in Greenwood is not currently defined. MCES may divide the project into two construction contracts in which case the Greenwood segment would likely be constructed in 2013.

SECTION 3
PROPOSED WATERMAIN IMPROVEMENTS

A. WATERMAIN EXTENSION

The proposed watermain extension is shown on Figure 1. This consists of the watermain between 21170 and 21380 Excelsior Boulevard as requested in the petition plus the watermain west of 21380 to the existing watermain. The watermain size proposed for the needs of the Greenwood project area is 12-inch diameter to Christmas Lake Road and 8-inch diameter east of this point. These sizes are required to provide adequate fire flow to both the residential and commercial properties fronting on the watermain. The proposed watermain location east of Christmas Lake Road is generally at the north edge of the street.

The watermain construction would include construction of three hydrants along the route and of service pipe stubs up to the property line for each lot. The water service sizes would be 1-inch for services with total lengths from the watermain to the house of up to 100 feet, 1½-inch for total service lengths of over 100 feet and 6-inch for commercial services. The 1½-inch size is proposed for the longer residential services to offset the loss of pressure in the longer services. The 6-inch size is proposed for commercial property services to allow for future fire protection sprinkler systems.

The proposed reconstructed street consists of a 26 foot wide street with concrete curb and gutter on both sides. The existing bituminous walk on the south side will be reconstructed to a 6 to 8 foot width. The City of Greenwood has reviewed this design and has provided comments to Met Council regarding drainage improvements. Typically, about 10 feet of the driveways will be reconstructed to match into the new street. Disturbed boulevard areas will be restored. All of the street reconstruction, driveway restoration and typical boulevard restoration will be funded by MCES. The only restoration cost included with the watermain cost is the restoration of the areas disturbed by water service construction which extends beyond the area disturbed by forcemain and street construction.

B. WATER SERVICE RECONSTRUCTION

The proposed watermain extension west of Christmas Lake Road will provide watermain frontage to five properties which currently do not have frontage but which

are connected to the existing watermain with long, unconventional private service pipes. These existing services are shown schematically on Figure 1. These services will likely be impacted by the proposed forcemain construction and require reconstruction. With the proposed watermain extension, it is appropriate to consider the construction of conventional water service connections which significantly reduce the length of the services for the three easterly properties. The benefits of the reduced service length include improved water pressure and reduced liability in event of failure of the service pipe. Any repair of a failed service within the Excelsior Boulevard right-of-way would require complete restoration of the disturbed street and boulevard. The proposed service pipe reconstruction is also shown on Figure 1. The sizing of service pipes would be the same as described under the proposed watermain extension. Connection of the new service pipe to the existing water services at the property line is included in the project. The water service reconstruction cost is proposed to be included with the MCES forcemain project.

SECTION 4 ESTIMATED COSTS

A. PROJECT COST ESTIMATE

The total estimated project cost for the proposed watermain extension is \$136,695. An itemized cost estimate is included on Table 1 in the Appendix. This consists of the estimated construction costs plus a 30 percent allowance for contingencies and soft costs. The soft costs include project related engineering, administrative, legal, fiscal and miscellaneous costs. The construction costs consist of the watermain extensions east of Christmas Lake Road plus the 300 feet of watermain extension west of Christmas Lake Road along with the services to all lots. The existing water service reconstruction, street reconstruction, driveway restoration and majority of the boulevard restoration costs will be funded by MCES. The costs of upgrading the existing watermain will be funded by the City of Excelsior.

B. FINANCING

The watermain improvements are proposed to be funded by special assessments to the benefitting properties. It is anticipated that the project costs will be initially financed through the sale of Chapter 429 Improvement Bonds.

The properties benefitted by the proposed watermain extension are identified by the proposed assessment area on Figure 1. The assessment area consists of ten single family residential parcels and two commercial parcels. The Owners of six of the residential parcels signed the petition. The proposed assessment method is the unit assessment which assesses like parcels the same amount as each will get equal benefit which is defined as the availability of municipal water service and fire protection. The two commercial properties are proposed to be assessed at 1.5 times the residential rate to reflect that commercial parcels may have greater water demand and fire flow needs than residential units and that 6-inch diameter water services will be provided.

On this basis, the estimated assessment rate is \$10,515 for residential parcels and \$15,772.50 for commercial parcels. Each parcel within the assessment area will be subject to this assessment regardless if it connects to the watermain.

A preliminary assessment roll listing the properties and owners is provided on Table 2 in the Appendix.

C. ADDITIONAL EXPENSES

In addition to the assessment for the cost of the watermain improvements, each property receiving water service from the watermain extension will incur other expenses including, but not limited to the following:

One-Time City of Excelsior Charges

Connection Charge	\$2,000.00
Water Meter - 1 inch	\$ 328.46 plus tax

The above charges are subject to change and are typically adjusted annually.

Water Service Construction

The public improvement project will extend a water service stub to the property line of each parcel. The property owner will need to hire a contractor to extend the service to the house and make the necessary connection inside the house. Service construction costs can vary significantly based on length and size of the service, construction method and costs for restoration of disturbed surfaces.

Rates and Fees for Water Usage

The proposed watermain is connected to the City of Excelsior water system. The Greenwood parcels that connect to the system will be billed on a quarterly basis by Excelsior for water usage. The current usage rates are provided in the City of Excelsior resolution which is included in the Appendix.



Table 1

CITY OF GREENWOOD
EXCELSIOR BOULEVARD WATERMAIN EXTENSION
Option 1
PROJECT COST ESTIMATE
November 2012

Item No.	Item	Est. Qty.	Unit	Est. Unit Price	Amount
1	MOBILIZATION	1	LS	\$5,000.00	\$ 5,000.00
2	12" DIP WATERMAIN	320	LF	\$55.00	\$ 17,600.00
3	8" DIP WATERMAIN	900	LF	\$40.00	\$ 36,000.00
4	6" DIP HYDRANT LEAD & SERVICE PIPE	130	LF	\$40.00	\$ 5,200.00
5	8" GATE VALVE	1	EA	\$1,800.00	\$ 1,800.00
6	6" GATE VALVE	5	EA	\$1,300.00	\$ 6,500.00
7	HYDRANT	3	EA	\$3,200.00	\$ 9,600.00
8	WATERMAIN FITTINGS	1,000	LBS	\$6.00	\$ 6,000.00
9	1" SERVICE GROUP	3	EA	\$400.00	\$ 1,200.00
10	1-1/2" SERVICE GROUP	7	EA	\$550.00	\$ 3,850.00
11	1" COPPER SERVICE PIPE	100	LF	\$30.00	\$ 3,000.00
12	1-1/2" COPPER SERVICE PIPE	200	LF	\$35.00	\$ 7,000.00
13	SOD	400	SY	\$6.00	\$ 2,400.00
<i>TOTAL ESTIMATED CONSTRUCTION COST</i>					\$ 105,150.00
CONTINGENCIES AND SOFT COSTS - 30%					\$ 31,545.00
TOTAL ESTIMATED PROJECT COST					\$ 136,695.00

TABLE 2
CITY OF GREENWOOD
EXCELSIOR BOULEVARD WATERMAIN EXTENSION
OPTION 1
NOVEMBER 2012

WATERMAIN EXTENSION								
	PID	FEE OWNER	FEE OWNER ADDRESS	CITY/STATE	ZIP CODE	PROPERTY ADDRESS	USE DESCRIPTION	ASSESSMENT RATE (UNIT)
1	35-117-23-12-0035	KIM, JUNG L. & SUNNY S.	4614 WOODDALE AVE	EDINA, MN	55424	21380 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
2	35-117-23-12-0009	DAHLIN, GENE R. & CAROL L.	7400 ESTERO BLVD #508	FORT MEYERS, FL	33931	21350 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
3	35-117-23-12-0008					21320 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
4	35-117-23-12-0007	BRANDS, WILLIAM J.	21290 EXCELSIOR BLVD	GREENWOOD, MN	55331	21290 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
5	35-117-23-12-0006	ROY, JOLEEN M. & ROBERT J.	21270 EXCELSIOR BLVD	GREENWOOD, MN	55331	21270 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
6	35-117-23-12-0005	LANE, BONNIE & TIMOTHY	21250 EXCELSIOR BLVD	GREENWOOD, MN	55331	21250 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
7	35-117-23-12-0004	FARRAHER, MICHAEL & ANNE	21230 EXCELSIOR BLVD	GREENWOOD, MN	55331	21230 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
8	35-117-23-12-0003	JANOUSEK, STEVEN	21210 EXCELSIOR BLVD	GREENWOOD, MN	55331	21210 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
9	35-117-23-11-0021	FLETCHER, THOMAS M. & PATRICIA	21190 EXCELSIOR BLVD	GREENWOOD, MN	55331	21190 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
10	35-117-23-11-0022	OGILVIE, CHRISTIAN & SARAH	21170 EXCELSIOR BLVD	GREENWOOD, MN	55331	21170 EXCELSIOR BLVD	RESIDENTIAL	\$10,515.00
11	35-117-23-12-0017	MORGAN V LLC	34321 MYRTLE LA	UNION CITY, CA	94587	21380 STATE HWY NO 7	COMMERCIAL	\$15,772.50
12	35-117-23-12-0016	5TH STREET VENTURES LLC	102 JONATHAN BLVD N #200	CHASKA, MN	55318	21000 STATE HWY NO 7	COMMERCIAL	\$15,772.50
TOTAL:								\$136,695.00

City of Excelsior

Resolution No. 2012 - ____

A Resolution Establishing
Rates for the Water Utilities

WHEREAS, the City Council of the City of Excelsior has hereby established a water utility; and

WHEREAS, pursuant to Sec. 34-92 of the City Code of Ordinances, the City Council may from time to time by resolution, establish the rates and fees to be charged for water units.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Excelsior that beginning January 1, 2012, all properties with a building having a connection to the City's water system shall pay water rates per quarter based upon the water meter reading per quarter, as follows:

Residential Properties			
Tier	Distribution – Per Unit (*)	In Town Rate Per 1,000 Gallons	Out-Of-Town Rate Per 1,000 Gallons
Fixed Charge	Per Meter	\$27.56	\$33.10
Tier 1	0 - 20,000 Gallons	\$4.00	\$4.27
Tier 2	20,000 - 40,000 Gallons	\$5.00	\$5.34
Tier 3	Over 40,000	\$7.50	\$8.01
* A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking, and eating shall be considered one unit.			

Commercial Properties w/Greenspace Areas and w/o Irrigation Meters			
Tier	Distribution – Per Meter	In City Rate Per 1,000 Gallons	Out-Of- City Rate Per 1,000 Gallons
Fixed Charge	Per Meter	\$27.56	\$33.10
Tier 1	0 - 20,000 Gallons	\$4.00	\$4.27
Tier 2	20,000 - 40,000 Gallons	\$5.00	\$5.34
Tier 3	Over 40,000	\$7.50	\$8.01

Commercial Properties w/Greenspace Areas and w/Irrigation Meters or w/o Greenspace Areas			
Tier	Distribution — Per Meter	In Town Rate Per 1,000 Gallons	Out-Of- Town Rate Per 1,000 Gallons
Fixed Charge	Per Meter	\$27.56	\$33.10
	Every 1,000 gallons or portion thereof	\$4.00	\$4.27
<ol style="list-style-type: none"> 1. The property irrigates from other sources. City staff can verify that irrigation is not from the City water supply. 2. The property contains native, low, watering plants. Property owner must submit a letter from a Master Gardener certifying that the plantings require low water and are native to the area. 3. Less than 500 square feet of greenspace. 			

Irrigation Meters			
Tier	Distribution — Per Meter	In City Rate Per 1,000 Gallons	Out-Of- City Rate Per 1,000 Gallons
Fixed Charge	Per Meter	\$27.56	\$33.10
Tier 1	0 - 20,000 Gallons	\$5.00	\$5.34
Tier 2	Over 20,000 Gallons	\$7.50	\$8.01

Adopted by the Council of the City of Excelsior, Minnesota, this 3rd of
January, 2012.

J. Nicholas Ruehl, Mayor

ATTEST:

Cheri Johnson, City Clerk

Kristi Luger, City Manager

From: David Martini <davidma@bolton-menk.com> 
Subject: FW: The 2012 Application for Municipal I/I Grant for Greenwood Review
Date: November 20, 2012 3:40:01 PM CST
To: 'Debra Kind' <dkind100@gmail.com>
Cc: "Bob Quam (quamco@aol.com)" <quamco@aol.com>, Gus Karpas <guskarpas@mchsi.com>

1 Attachment, 5 KB

Deb,
Please add this to the agenda for December 5th.

Thanks.

David P. Martini, P.E.
Bolton & Menk, Inc.
P: (952) 448-8838 ext. 2458
M: (612) 756-4315
email: davidma@bolton-menk.com

From: Reimer, Chuck [mailto:chuck.reimer@metc.state.mn.us]
Sent: Tuesday, November 20, 2012 2:08 PM
To: David Martini
Cc: Atkins, John
Subject: The 2012 Application for Municipal I/I Grant for Greenwood Review
Importance: High

David,
The 2012 Application for Municipal I/I Grant for Greenwood Review
Metropolitan Council Environmental Services (MCES) staff has completed its review of the eligibility of proposed expenses and determined a Preliminary Minimum Allocation (PMA) for the 2012 Municipal I&I Grant Program.
As with the previous 2010 I&I Grant program, the maximum grants to any city cannot exceed 50% of eligible I&I costs. In addition, as the total requested exceeded available funding, all individual PMAs were pro-rated and are less than the maximum for each applicant.
The total eligible project amount stated in your application is \$65,110. MCES staff has determined the total eligible project amount to be \$39,455. The PMA for your city is calculated at \$19,728.
Metropolitan Council guidelines provide each city the opportunity to withdraw or partially withdraw (if there are multiple projects) by submitting withdrawal intentions no later than December 21st. MCES staff will then re-allocate any funds arising from withdrawals and, if available, any unused funds from the 2010 grant and determine a Final Reimbursement Award (FRA) for each city. Notification of FRAs will occur by December 31, 2012.
If you have any questions or concerns, please contact Chuck Reimer via email at Chuck.Reimer@METC.state.mn.us.



Chuck Reimer

MCES Finance
chuck.reimer@metc.state.mn.us
P. 651.602.1802 | F. 651.602.1477
390 North Robert Street | St. Paul, MN | 55101 | metro council.org



Agenda Number: **4B**

Agenda Date: 12-05-12

Agenda Item: Certificate of Appreciation for Outgoing Councilmember Kelsey Page

Summary: Councilman Kelsey Page's last council meeting will be on 12-05-12. The council may wish to recognize this auspicious occasion by presenting the attached certificate of appreciation to him.

Council Action: Optional. Potential motions ...

1. I move that the city council approves the certificate of appreciation recognizing the contributions of Councilman H. Kelsey Page.
2. Do nothing ☺
3. Other motions ???



CERTIFICATE OF APPRECIATION

WHEREAS, H. Kelsey Page served as a city council member on the Greenwood city council from January 2009 through December 2012; and

WHEREAS, during his term Councilman Page 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:

H. Kelsey Page

Thank you for your service!

Debra J. Kind, Mayor

Date



Agenda Number: **4C**

Agenda Date: 12-05-12

Agenda Item: Planning Commission Term Expirations

Summary: The planning commission holds public hearings and makes recommendations to the city council regarding zoning issues including variances and conditional use permits. The planning commission is comprised of 5 voting members and 2 alternate members. Each year the city council appoints 3 to 4 planning commission members to the commission. Planning commission terms are for 2 years. There is no limit to the number of terms a planning commissioner may serve. In March 2013 the following terms will expire: Seat B1 - Pat Lucking, Seat B2 - Kristi Conrad, Alternate Seat 2 - Vacant. The city clerk will notify the commissioners whose terms expire to let them know that they will need to submit written notification of their desire to be considered for reappointment. New planning commission candidates need to complete an application form available at city hall or at www.greenwoodmn.com. The upcoming city newsletter also will include an article seeking planning commission applications. Planning commission applicants will be invited to the March council meeting where the council will have the opportunity to ask the applicants questions, review the applications, and make the final appointments.

Council Action: None required.



Agenda Number: **4D**

Agenda Date: 12-05-12

Agenda Item: Greenwood Hosting Planning & Zoning Workshop

Summary: At the 09-05-12 council meeting the council approved moving forward with the city hosting a Planning & Zoning Workshop on 01-12-13 at the Southshore Center from 9am to 4pm. The goal is to train planning commissioners and elected officials from Greenwood and neighboring cities. Interested citizens also are welcome. There is enough in the city budget to cover the cost (\$125 per person) for Greenwood planning commissioners, elected officials, and staff who want to participate. The workshop will be led by facilitators from the Government Training Services. The workshop agenda is attached. Also attached is a copy of workshop invitation that was emailed to city administrators and mayors in the area. The invitation is available for downloading at www.greenwoodmn.com. The registration deadline is 12-27-12. Gus will give an update on registrations at the 12-05-12 council meeting.

Council Action: None required.



The city of Greenwood invites you to a ...
Planning & Zoning Workshop

For newly-elected officials, experienced 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 non-refundable \$125 fee includes workshop materials, continental breakfast, snacks, and lunch. 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!

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

Participant Name (print clearly) _____

City _____

Title _____

Email address _____

Mail this form and \$125 check to: City of Greenwood, 20225 Cottagewood Road, Deephaven, MN 55331 ~ Deadline: 12-27-12



The city of Greenwood welcomes you to today's ...

Planning & Zoning Workshop

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

Saturday, January 12, 2013

- 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



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Agenda Number: **7A**

Agenda Date: 12-05-12

CITY COUNCIL MEMO Variance Request

Agenda Item: Consider Variance Requests, David and Kim Barry, 21550 Excelsior Boulevard

Summary: Copies of the application materials and staff report are attached for the council's reference. Notice of the public hearing was published in the Sun-Sailor newspaper on November 1, 2012. The planning commission held the public hearings at their November 21, 2012 meeting (see the FYI section of the council packet for planning commission minutes). City code section 1155.20, subd. 5 lists the practical difficulty standards which are included in the potential council motion below.

Planning Commission Action: Motion by Commissioner Paeper to recommend the Council approve the variance requests by David and Kim Barry to encroach eight feet into the required fifty foot front yard setback. The dimensions of the lot and location of the existing detached garage create a practical difficulty in the reasonable development of the property and the proposed structure will maintain the essential character of the neighborhood. He recommends the Council approve the variance to exceed the maximum permitted impervious surface area by 16%. The proposal would not alter the existing impervious surface area on the property or be out of character with the impervious on other lots in the area. There is a need for additional storage on the property since storage cannot be create within the principal structure due to the flood elevation in relation to the required lowest floor elevation. It is noted the non-conforming garage footprint is protected by State Statutes. Commissioner Beal seconded the motion. Motion carried 4-0.

Council Action: Action required by December 15, 2012. Potential motions ...

1. I move the city council **approves** the variance application of David and Kim Barry, 21550 Excelsior Boulevard based on the following findings and conditions and directs the official findings of fact be prepared by the city attorney in resolution form for approval at the _____, 2012 council meeting.

FINDINGS

- a. The variance(s) if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because: _____.
- b. The variance, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because of the character of the proposed use which is consistent with the applicable zoning. OR _____.
- c. Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because _____.
- d. The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because _____.
- e. The variance, if granted, will not alter the essential character of the locality, because _____.
- f. The variance, if granted, will not:
 - i. Impair an adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in the public street;
 - iii. Increase the danger of fire or endanger the public safety; or
 - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. _____
- B. _____
- C. _____

If the council is undecided, it is the council's statutory duty to move for additional time to consider under 15.99. Potential motions ...

- 2. I move the city council directs staff to immediately draft written notice to the applicant, stating the council needs to extend the 60-day time limit for action by ____ days, so official findings of fact **pro and con** can be prepared by the city attorney in resolution form for consideration by the council at the _____, 2012 council meeting.
- 3. I move the city staff exercise the right to take up to 60 additional days to process the variance application of David and Kim Barry.

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).



PLANNING COMMISSION MEMO

Variance Request

Agenda Item: Consider Variance Requests, David and Kim Barry, 21550 Excelsior Boulevard

Summary: David and Kim Barry are requesting a variance to connect an existing detached garage to their principal structure which would encroach into the required lake yard setback along the east side yard and exceed the maximum permitted impervious surface.

The applicant proposes to lift the detached garage off the existing slab and place a full frost footing under the existing footprint and extend it to the home and replace the garage on that footprint and construct their addition to the home. The proposed garage and addition complies with the required thirty foot front, fifteen foot west side and fifty foot lake yard setbacks and with the twenty-eight foot structure height requirement.

Proposed Home	Front Yard	East Side Yard*	West Side Yard	Lake Yard (North)	Structure Height	Impervious Surface	Structure Volume
Required/Permitted	30'	50'	15'	50'	28' - Eaves	30%	71,364 cu. ft.
Existing	49'	42'	14'-9"	100'	Unknown	46%	Unknown
Proposed	49'	42'	16'	98'	16' - Overall	46%	37,832 cu. ft.

*Lake Yard Setback

The survey submitted by the applicant indicates the existing impervious surface on the property is approximately 46%. The applicant indicates the proposed connection to the home would be constructed over existing impervious surface area and would not increase the existing percentage. The minimum lot area for the zoning district in which the lot is located is 15,000 square feet. The applicant has a lot area of 16,932 square feet.

- **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 shoreline of the lake wraps around the east and north side of the lot. This creates a lake yard setback along both yards.

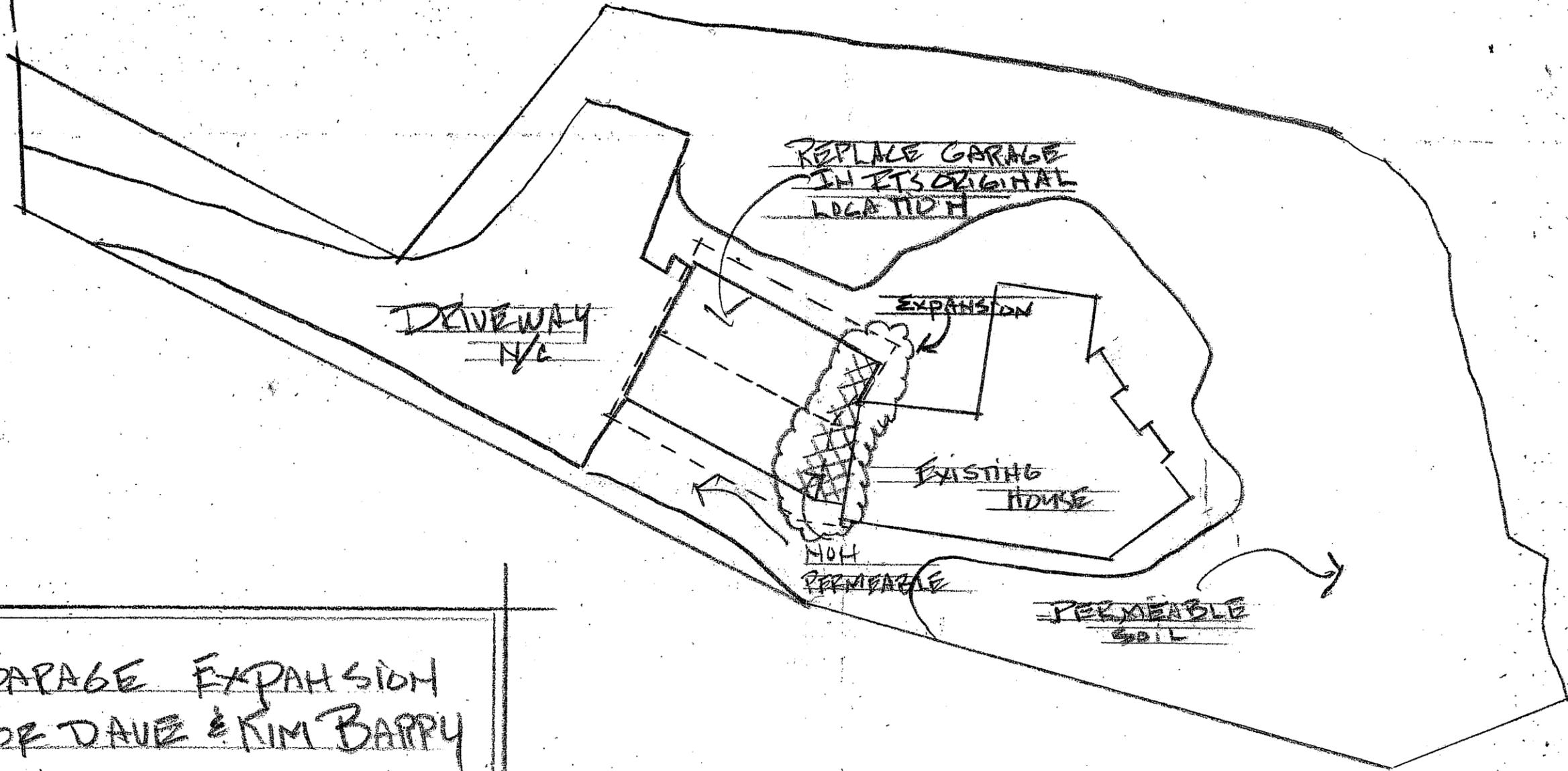
- **Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet. The applicant proposes a lake yard setback of four-two feet for the proposed garage foundation. The proposal requires a variance of eight feet of the required lake yard setback.**

The applicant is proposing to lift the existing garage which is built on a slab and put a full frost footing so the proposed addition can be connected to the principal structure which has a frost footing. The existing detached garage encroaches eight feet into the required lake setback along the east property line, the proposal would maintain this encroachment.

The applicant is expanding the total volume of structure area on the property. Based on the applicant's lot area, the permitted structure volume for the property is 71,364 cubic feet. The existing above grade structure area is unknown, the proposed above grade structure area is 37,832 cubic feet. The proposal complies with the ordinance requirement.

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).

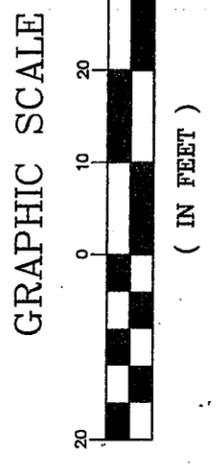
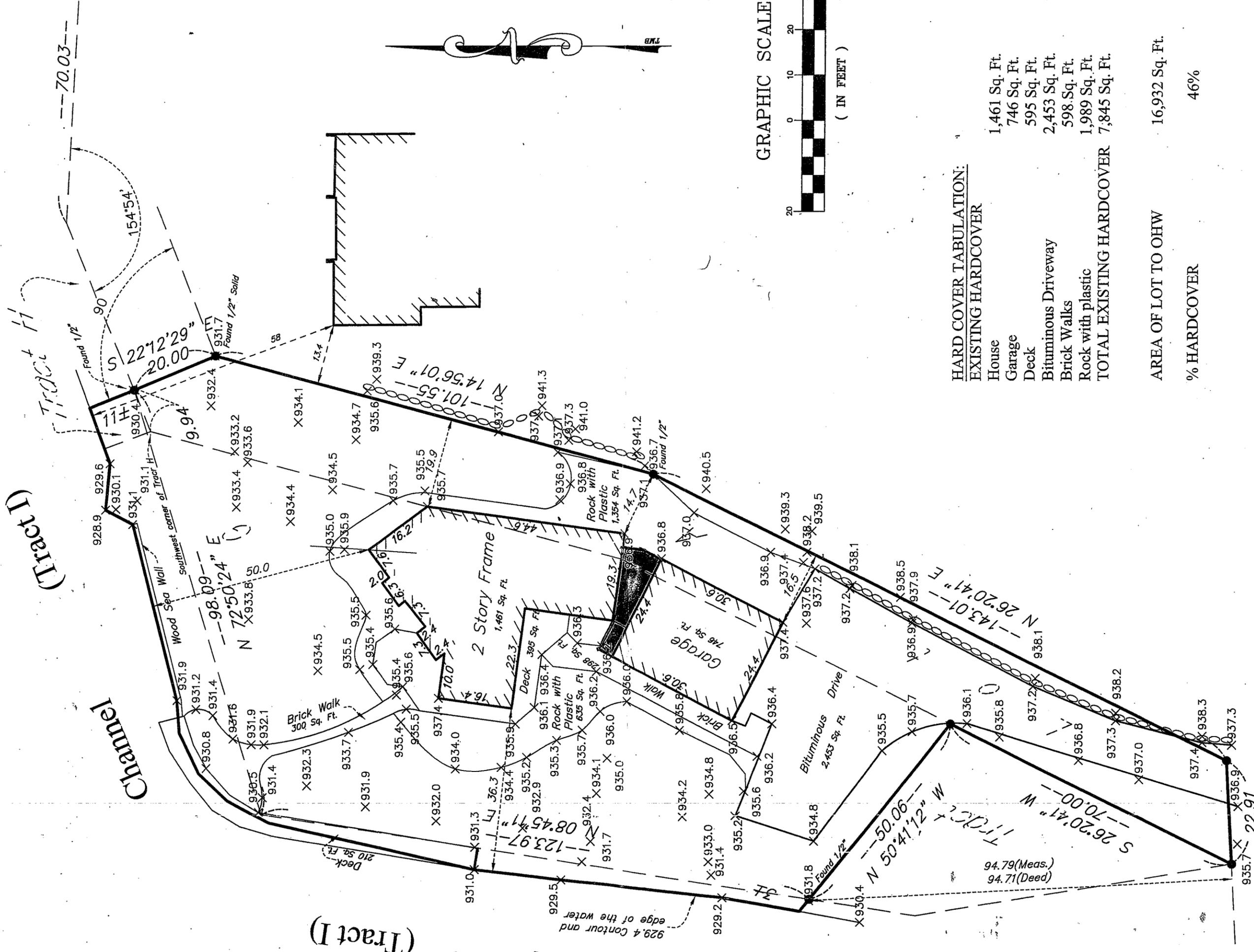
Excelsior Blvd



GARAGE EXPANSION
FOR DAVE & KIM BARRY
RESIDENCE, Oct. 9, 2012
21550 Excelsior Blvd
GREENWOOD, MN.

NORTH

1" = 20 FT
BOYER BUILDING
RES
DAVE & KIM BARRY.



**HARD COVER TABULATION:
EXISTING HARDCOVER**

House	1,461 Sq. Ft.
Garage	746 Sq. Ft.
Deck	595 Sq. Ft.
Bituminous Driveway	2,453 Sq. Ft.
Brick Walks	598 Sq. Ft.
Rock with plastic	1,989 Sq. Ft.
TOTAL EXISTING HARDCOVER	7,845 Sq. Ft.

AREA OF LOT TO OHW 16,932 Sq. Ft.
% HARDCOVER 46%

Excelsior Blvd.
N 87°10'01" E

Drw. No. C

WALKWAY TO
REMAIN

NEW GARAGE DR

EXISTING GARAGE, MOVE &
RESET IN THE EXISTING SPOT
NEW CONNECTION CONSTRUCTED TO
THE HOUSE

REMOVE WALL

EXISTING
ENTRY

RELOCATE
SERVICE
MAST

NEW GARAGE
SPACE

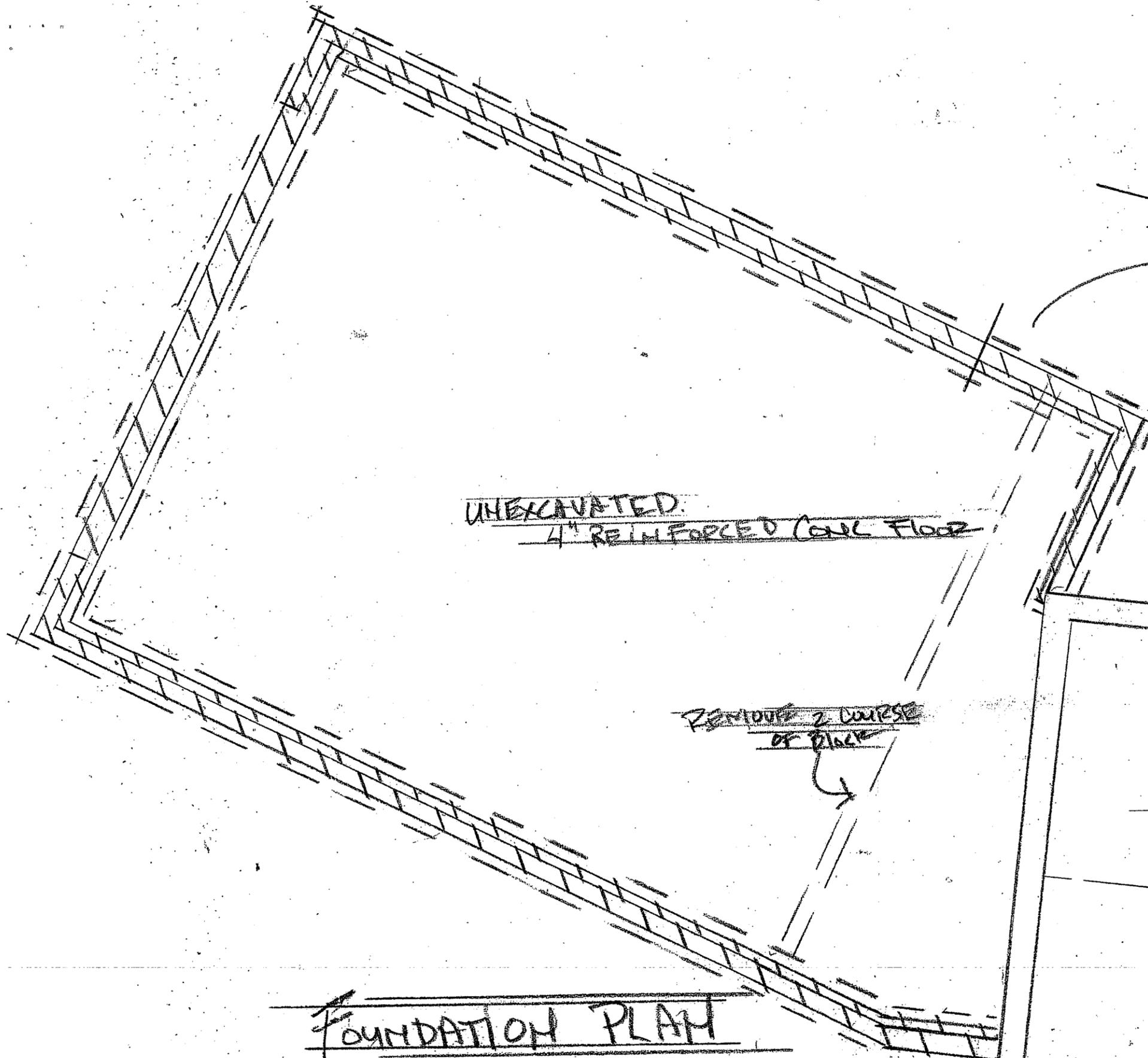
EXISTING
DOOR

NEW ZONE
DOOR

EXISTING HALLWAY

4x4 DOOR
STOOP

BOYER BUILDING
DAVE & KIM BARRY
2006



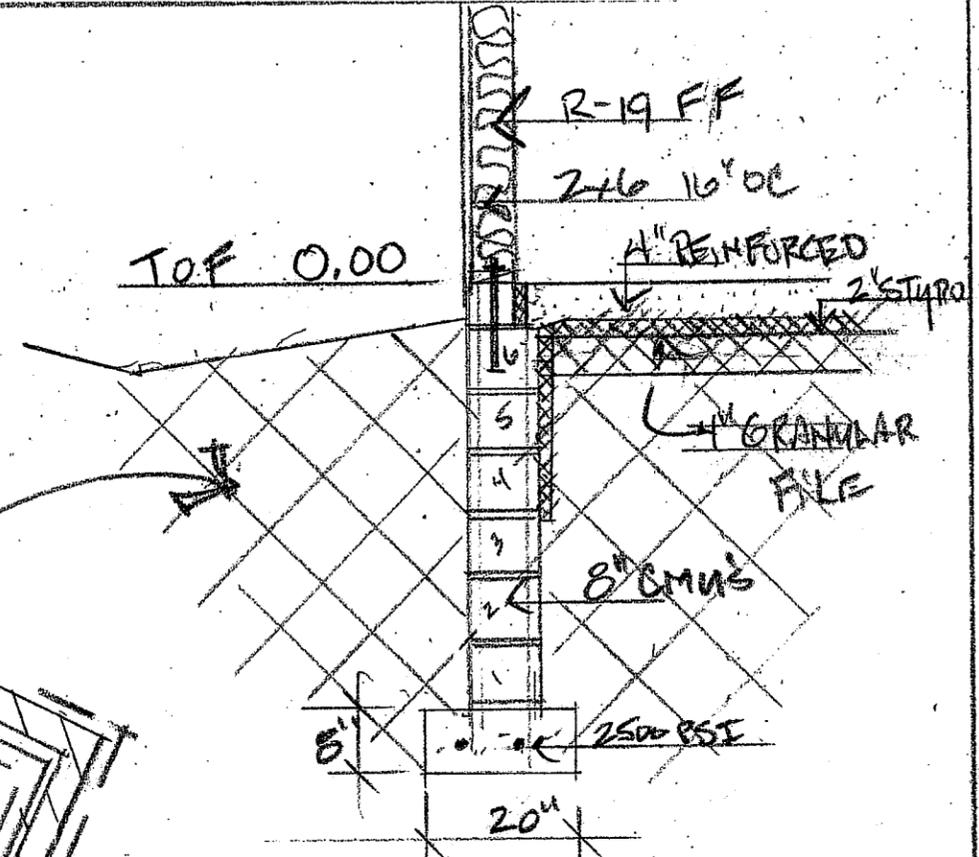
UNEXCAVATED
4" REINFORCED CONC FLOOR

REMOVE 2 COURSE
OF BRICK

FOUNDATION PLAN

1/4" = 1' SCALE

TOP 0.00



R-19 FF

2#6 @ 16" OC

4" REINFORCED

2" STUCCO

4" GRANULAR FILL

8" CMU'S

5"

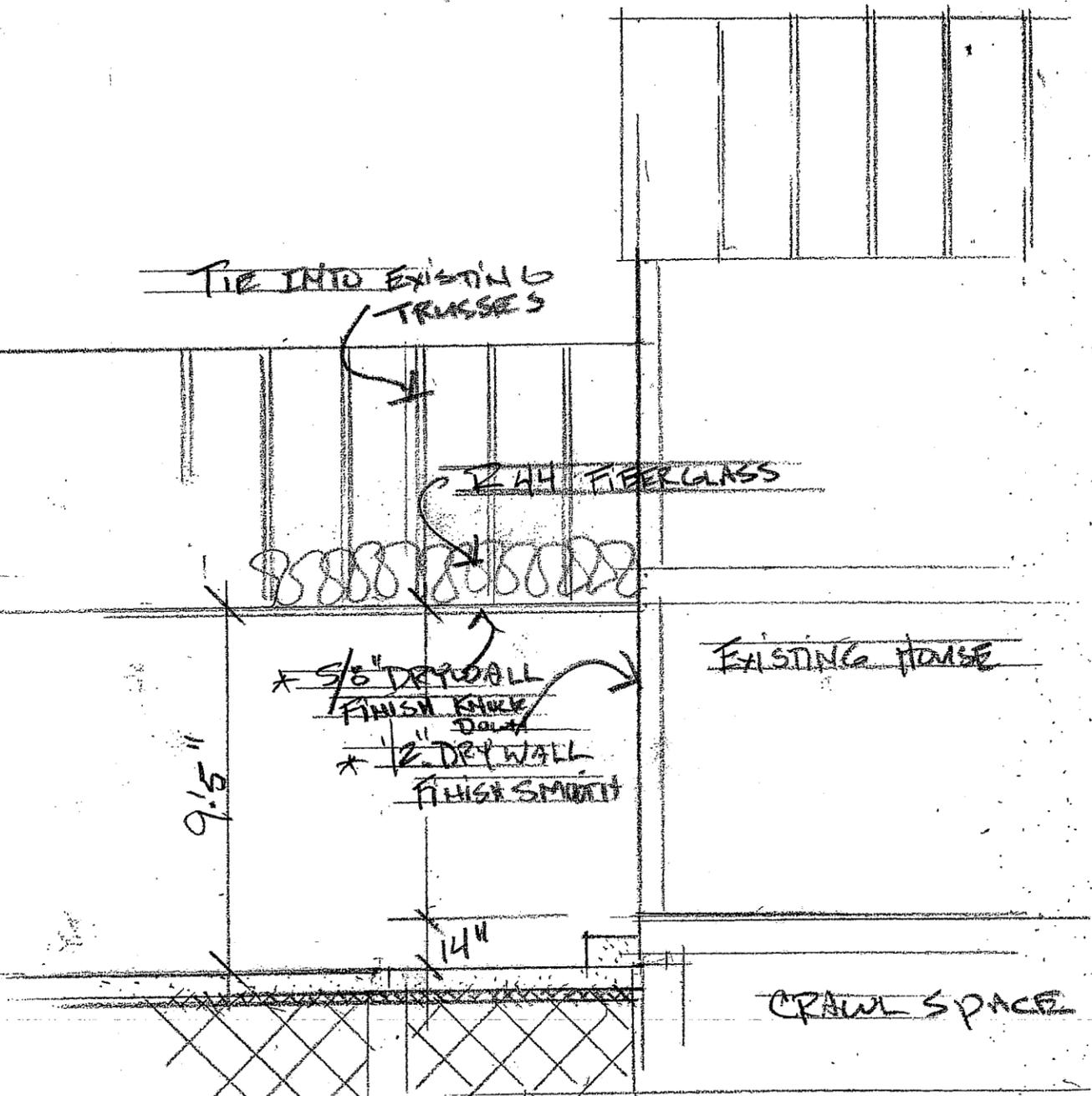
2500 PSI

20"

TYPICAL

EXISTING CRAWL SPACE

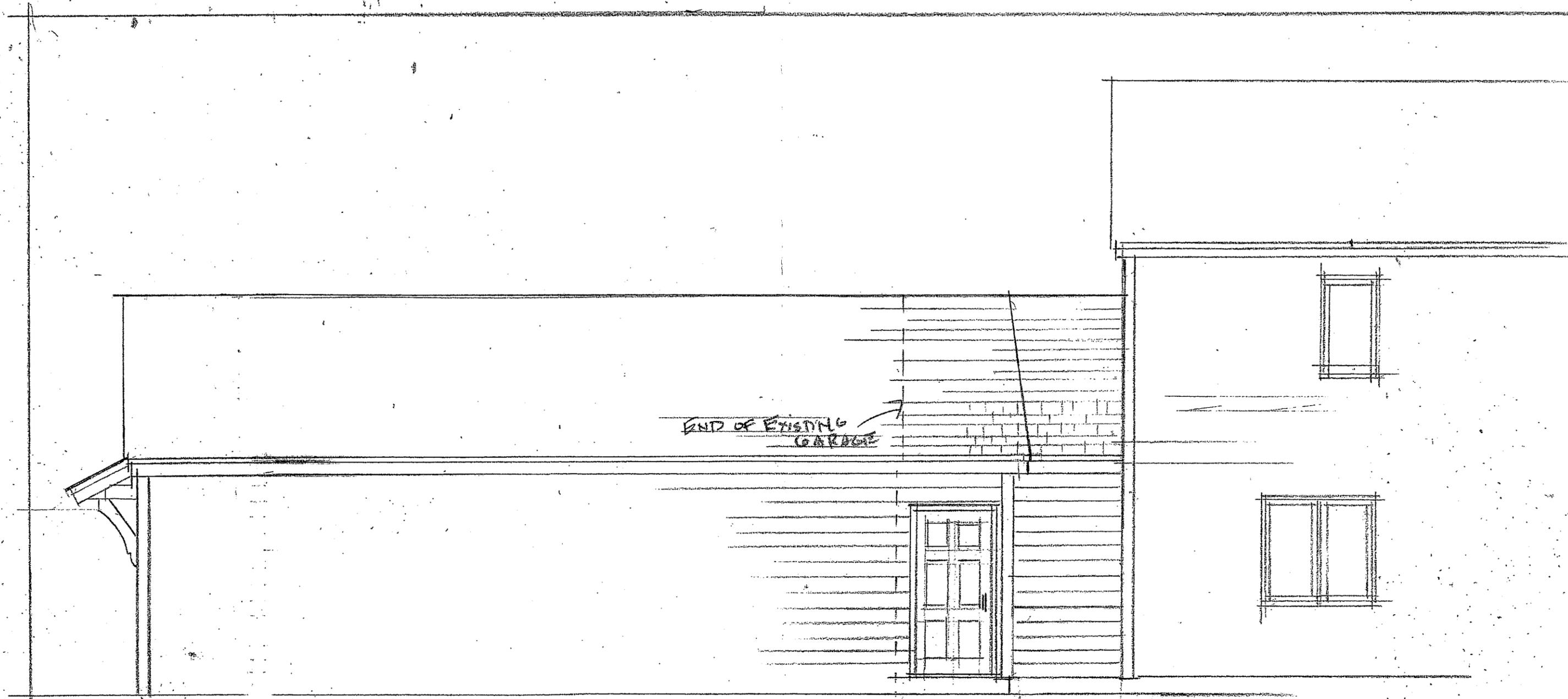
N/C



WILDING
ATRY

SECTION PLAN

BOYER BUILDING
DAVE & KIM BARRY



END OF EXISTING GARAGE

EAST WALL 30'-6"
EXISTING

9'-0"
NEW SPACE

EXISTING HOUSE

1/4" = 1' SCALE

BOYER BUILDING
BARRY RES

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 21550 Excelsior Blvd.

Applicant (individual or company name): Dave & Kim Barry

Contact for Business: _____ Title: _____

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

Wk Phone: _____ Hm Phone: _____

Email address: _____ Fax: _____

Present use of property: Residential - Single Family

Property acreage: 16,932 sq ft

Existing Variances: Yes No

If yes, please explain Deck - Never went forward with project

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

What is the Variance being requested for: Extend the Existing Garage to the house & Attach. Extend Roofline also & Install new Foundation.

Variance for:

	Required	Proposed
Side Yard	<u>15'</u> feet	<u>16.5</u> feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	<u>49.9</u> feet
Lake setback	_____ feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
<input checked="" type="checkbox"/> Impervious Cover	<u>7845</u> sq ft	<u>7845</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:

We are not asking for a variance. The Existing Garage & house will not change. We are simply filling Between the two.

Establishing Practical Difficulty:

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

The owner wishes to improve the usability and provide better security.

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:

It will not modify the appearance or character of the existing home.

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:

The garage will be extended 8' to the house.
No site lines will be affected.

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

The addition does not impact light or air flow for the neighboring properties
Describe the effect of the variance, if granted, on traffic congestion in the public street.

The addition will not increase or decrease traffic in front of the house.

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

The garage when attached will be required to meet all the applicable codes relative to attached garages.

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

The garage addition will greatly improve the safety of the occupant by allowing them to enter the house without going outdoors.

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

It will improve the value of this home do to the fact, we are attaching the garage. No neighboring property values will be affected.

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

an attached garage vastly improves the safety of occupants in a home.

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.

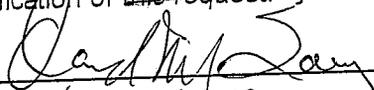
I am the authorized person to make this application and the fee owner has also signed this application.

Applicant's Signature:  Date: 10/9/12

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: 10-11-12

Owner's Signature:  Date: 10-11-12

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



Building Corporation

3435 County Road #101 • Minnetonka, MN 55345-1017 • (952) 475-2097

Volume Calculation

Dave and Kim Barry Residence
21550 Excelsior Blvd
Greenwood MN

House volume	1462 x 17ft =	24,859.00
House Attic Volume		3,959.00
Garage volume	747x12=	8,964.00
Small pump house		50.00
Total volume		37,832.00
Allowable Volume		71364.00



Agenda Item: Res 32-12 Approving Final Levy for Taxes Payable in 2013 and Res 33-12 Approving Final 2013 Budget

Summary: Attached is a copy of the final budget, which includes the tax levy amount of \$644,668 in the green box at the top of page 1. This is the amount that is included on the attached resolution 32-12 for approving the final tax levy for taxes payable in 2013. Also attached is resolution 33-12 to approve the 2013 general fund budget amount of \$726,270.

The tax levy and budget are the result of council discussions at worksessions and council meetings in August and September. The preliminary tax levy of \$644,668 was approved at the September council meeting. The tax levy and total general fund amounts have not changed since the preliminary levy was approved. However a few adjustments have been made to the 2012 budget spreadsheet (see yellow highlights):

1. Year-to-date numbers were updated to include the most current numbers available from October 2012.
2. Page 2, line 43 – City Council & Planning Commission, the title was changed to add “planning commission” since the expenses include amounts for both the city council and planning commission.
3. Page 2, line 47 – Training / Conference Registration, amount was increased from \$600 to \$1200 to cover the city’s cost for Greenwood council members and planning commission members to attend the Planning & Zoning Workshop scheduled for 01-12-13.
4. Page 4, lines 113 and 114 – Major Road Improvements Construction and Engineering, amounts were changed to reflect a more accurate breakdown of construction and engineering costs based on 2011 and 2012 actual numbers. The total amount of \$130,000 has not changed.
5. Page 4, line 143 – Contingency, amount was reduced by \$600 to offset the \$600 increase for the training workshop. This keeps the bottom line total expenses at the same amount as the preliminary budget – \$726,270.

The budgets for the following funds also are included on the spreadsheet for the council’s reference:

- A. Sewer Enterprise Fund
- B. Stormwater Special Revenue Fund
- C. Park Special Revenue Fund
- D. Marina Enterprise Fund
- E. Bridge Capital Project Fund

The council is not required to take action on these fund budgets. However, since the 2011 budget process, the council has included the above fund budgets on the spreadsheet for the council’s reference and for the general public to view.

The spreadsheet showing the preliminary 2013 budget was posted on the city website after it was approved in September. The spreadsheet showing the final 2013 budget will be posted on the city website after it is approved at the 12-05-12 council meeting.

Council Action: Required. Suggested motions ...

1. I move the council adopts resolution 32-12 approving the 2012 tax levy in the amount of \$644,668 to be collected in 2013.
2. I move the council adopts resolution 33-12 approving the 2013 general fund budget in the amount of \$726,270.

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget
GENERAL FUND REVENUE								
1	TAXES							
2	101-31010 General Property Tax	627,879	645,417	320,379	644,719	644,668	-0.01%	
3	101-31020 General Property Tax - Delinquent	5,396	0	4,677	0	0	#DIV/0!	
4	101-31040 Fiscal Disparities	5,013	0	1,949	0	0	#DIV/0!	
5	101-31800 Surcharge Revenue	46	0	21	0	0	#DIV/0!	
6	101-31910 Penalties	0	0	0	0	0	#DIV/0!	
7		638,334	645,417	327,025	644,719	644,668	-0.01%	88.76%
8	LICENSES & PERMITS							
9	101-32110 3.2 Beer, Liquor, Cigarette License	50	3,250	3,000	3,000	3,000	0.00%	
10	101-32180 Other Business Licenses / Permits (Rental, Peddler, Commercial Marina, Trash, Tree Contractors)	4,615	3,400	1,100	3,400	2,000	-41.18%	
11	101-32210 Building Permits	29,962	12,000	14,128	16,000	16,000	0.00%	
12	101-32211 Electric Permits	21,156	1,200	1,012	1,000	1,000	0.00%	
13	101-32240 Animal Licenses	950	200	150	200	950	375.00%	
14		56,733	20,050	19,391	23,600	22,950	-2.75%	3.16%
15	INTERGOVERNMENT REVENUE							
16	101-33402 Homestead Credit (Market Value Credit)	0	0	0	0	0	#DIV/0!	
17	101-33423 Other State Grants / Aids (Recycle Grant, Etc.)	2,645	0	2,608	0	0	#DIV/0!	
18	101-33610 County Aid to Municipalities (CAM Road Aid)	3,442	0	1,377	0	0	#DIV/0!	
19	101-33630 Local Government Aid (LGA)	0	0	0	0	0	#DIV/0!	
20		6,087	0	3,985	0	0	#DIV/0!	0.00%
21	PUBLIC CHARGES FOR SERVICES							
22	101-34103 Zoning & Subdivisions (Variances)	1,000	1,500	3,600	500	1,000	100.00%	
23	101-34207 False Alarm Fee	75	200	0	0	75	#DIV/0!	
24	101-34304 Load Limit Fees	2,588	2,000	2,798	2,000	2,500	25.00%	
25	101-34409 Recycling Fees	19,318	18,819	18,292	18,819	19,000	0.96%	
26		22,981	22,519	24,689	21,319	22,575	5.89%	3.11%
27	FINES, FORFEITURES & PENALTIES							
28	101-35101 Court Fines	6,861	4,500	6,956	4,500	4,500	0.00%	0.62%
29								
30	MISC. INCOME							
31	101-36102 Investment Income	5,227	5,000	2,876	6,000	3,500	-41.67%	
32	101-36225 Excelsior Blvd. Watermain Project Revenue	0	0	586	0	0	#DIV/0!	
33	101-36230 Copies, Donations, Refunds, Parking Permit Revenue, Etc.	15	0	738	0	0	#DIV/0!	
34		5,241	5,000	4,200	6,000	3,500	-41.67%	0.48%
35	OTHER FINANCING SOURCES							
36	101-39201 Interfund Operating Transfer: From Marina Fund	15,000	15,000	0	12,130	12,500	3.05%	
37	101-39200 Administration Expense Reimbursement: 10% of Marina Revenue	0	0	0	2,790	3,086	10.61%	
38	101-39202 Administrative Expense Reimbursement: 10% of Sewer Revenue	10,650	10,650	0	10,866	10,866	0.00%	
39	101-39203 Administrative Expense Reimbursement: 10% of Stormwater Revenue	1,650	1,650	0	1,625	1,625	0.00%	
40		27,300	27,300	0	27,411	28,077	2.43%	3.87%
41								
42	Total Revenue	758,296	724,786	382,046	727,549	726,270	-0.18%	

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget
GENERAL FUND EXPENSES								
43	COUNCIL & PLANNING COMMISSION							
44	101-41100-103 Council Salaries (Gross)	13,200	13,200	11,000	13,200	13,200	0.00%	
45	101-41100-122 FICA Contributions (6.2%)	818	818	682	818	818	0.00%	
46	101-41100-123 Medicare Contributions (1.45%)	191	191	160	191	191	0.00%	
47	101-41100-371 Training / Conference Registration (League of Minnesota Cities Training)	0	600	81	600	1,200	100.00%	
48	101-41100-372 Meals / Lodging	0	100	0	100	100	0.00%	
49	101-41100-433 Misc. (Dues, Subscriptions, Supplies, Etc.)	125	150	30	150	150	0.00%	
50		14,334	15,060	11,953	15,060	15,660	3.98%	2.16%
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	196	150	0	-100.00%	
57	101-41200-439 Misc. (Supplies, Postage, Public Notices, Etc.)	0	50	449	250	0	-100.00%	
58		0	250	946	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	117	0	150	#DIV/0!	
63	101-41400-202 Duplicating	515	200	323	500	500	0.00%	
64	101-41400-204 Stationary, Forms, Printing	396	525	1,101	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	28,857	35,267	36,665	3.96%	
67	101-41400-311 Office (Rent and Equipment)	6,034	6,800	5,430	6,600	6,500	-1.52%	
68	101-41400-313 Professional Services (Civic Accounting)	1,940	1,920	1,964	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	605	1,300	800	-38.46%	
71	101-41400-351 Newspaper Legal Notices	873	2,000	995	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	2,672	2,100	903	-57.00%	
74	101-41400-439 Misc. (Equipment, Dog Tags, Etc.)	256	400	44	300	300	0.00%	
75		54,652	52,021	42,455	50,507	50,208	-0.59%	6.91%

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget
76	ASSESSOR							
77	101-41500-309 Assessor - Contract (Hennepin Co.)	13,891	14,000	7,054	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	7,143	14,120	14,100	-0.14%	1.94%
80	LEGAL SERVICES							
81	101-41600-304 Legal Services - General	9,367	15,000	4,324	12,000	12,000	0.00%	
82	101-41600-308 Legal Services - Prosecution	4,634	4,000	4,025	4,000	4,000	0.00%	
83		14,001	19,000	8,349	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. meeting w/Daniel \$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	80,145	108,137	106,098	-1.89%	14.61%
90	LAW ENFORCEMENT							
91	101-42100-310 Law Enforcement - Contract (Monthly)	158,676	158,672	143,766	172,519	177,053	2.63%	
92	101-42100-311 Police Side Lease - Facilities (Quarterly)	47,264	47,263	45,468	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	189,234	218,988	225,347	2.90%	31.03%
95	FIRE							
96	101-42200-309 Fire Protection - Operations (Quarterly)	68,492	68,492	66,439	66,439	64,856	-2.38%	
97	101-42200-311 Fire Side Lease - Facilities (Quarterly)	59,293	59,239	60,005	60,005	58,092	-3.19%	
98		127,785	127,731	126,444	126,444	122,948	-2.76%	16.93%
99	PUBLIC SAFETY TOTAL	334,930	334,666	315,678	345,432	348,295	0.83%	47.96%
100	ZONING							
101	101-42400-308 Zoning Administration	2,979	4,000	2,479	3,000	3,000	0.00%	
102	101-42400-309 Public Notices	566	1,500	803	700	700	0.00%	
103	101-42400-310 Building Inspections	21,535	6,500	10,929	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	14,326	11,900	14,900	25.21%	2.05%
106	ENGINEERING							
107	101-42600-303 Engineering Fees - Misc.	870	3,500	1,125	1,200	1,000	-16.67%	
108		870	3,500	1,125	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	3,943	4,300	4,600	6.98%	
111	101-43100-409 Other - Road Repair & Maintenance (Public Works Repairs)	12,133	5,000	2,243	5,000	5,000	0.00%	
112		16,717	9,000	6,186	9,300	9,600	3.23%	1.32%

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget
	MAJOR ROAD IMPROVEMENTS							
113	101-43200-229 Major Road Improvements - Construction	102,468	115,000	108,715	115,000	110,000	-4.35%	
114	101-43200-303 Major Road Improvements - Engineering	23,104	15,000	21,553	15,000	20,000	33.3%	
115		125,572	130,000	130,268	130,000	130,000	0.00%	17.90%
116	PUBLIC WORKS							
117	101-43900-226 Signs (2012-2018: Retroreflectivity Project)	6,373	5,000	10,906	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	15,876	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	1,338	1,250	2,100	68.00%	
123	101-43900-439 Misc.	2,323	0	0	0	0	#DIV/0!	
124		48,706	38,000	36,326	41,750	50,100	20.00%	6.90%
125	ROADS & PUBLIC WORKS TOTAL	191,866	180,500	173,905	182,250	190,700	4.64%	26.26%
126								
127	MISC. EXPENSES							
128	101-49000-310 Recycling Contract	17,252	18,819	15,760	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	99	100	110	10.00%	
132	101-49000-432 Excelsior Blvd. Watermain Expenses	0	0	12,020	0	0	#DIV/0!	
133	101-49000-433 Misc. Expenses	0	0	95	0	0	#DIV/0!	
134	101-49000-434 Southshore Community Center	900	1,200	0	900	1,200	33.33%	
135	101-49000-435 League of Minnesota Cities	722	997	747	1,000	750	-25.00%	
136	101-49000-436 Lake Minnetonka Conservation District	6,507	6,507	6,264	6,264	6,450	2.97%	
137	101-49000-437 July 4th Fireworks (\$1400) & Parade (\$100)	1,401	1,300	1,450	1,400	1,500	7.14%	
138	MISC. TOTAL	32,511	39,033	38,905	34,384	34,730	1.01%	4.78%
139								
140	Subtotal	691,102	675,730	622,958	682,103	694,723	1.85%	
141								
142	CONTINGENCY & FUND TRANSFERS							
143	101-49000-439 Contingency (4.3% of subtotal in 2011, 3.7% in 2012, 1.7% in 2013)	5,266	29,056	449	25,446	11,547	-54.62%	
144	101-49000-500 Transfer to Bridge Fund	20,000	20,000	0	20,000	20,000	0.00%	
145	CONTINGENCY & FUND TRANSFERS TOTAL	25,266	49,056	449	45,446	31,547	-30.58%	4.34%
146								
147	Total Expenses	716,368	724,786	623,407	727,549	726,270	-0.18%	
148								
149	GENERAL FUND CASH BALANCE (Goal: 35%-50% of Total Expenses)	283,546	252,058		283,546	283,546		39.04%

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	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	99,826	108,660	108,660	0.00%	
152	602-34402	REVENUE: Late Charges & Penalties	620	2,000	652	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	100	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	800	0	0	#DIV/0!	
158	602-43200-303	EXPENSE: Engineering Sewer	12,721	2,700	4,000	4,000	4,000	0.00%	
159	602-43200-309	EXPENSE: Met Council and Excelsior	35,123	52,000	57,720	57,720	40,000	-30.70%	
160	602-43200-310	EXPENSE: Public Works Sewer	3,608	5,000	2,500	2,500	3,700	48.00%	
161	602-43200-381	EXPENSE: Utility Services - Electric	2,116	1,700	1,673	2,500	2,500	0.00%	
162	602-43200-404	EXPENSE: Repair & Maintenance	5,614	7,000	448	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	623	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	34,414	-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	15,213	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	4,470	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	51	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	8,426	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 FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	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 (\$1150 x 26 boats, \$300 x 2 sailboats, \$60 x 6 canoes)	25,300	25,300	27,655	27,900	30,860	10.61%	
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	1,848	300	300	0.00%	
192	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License \$350, Milfoil \$5000, Insurance \$873)	1,559	350	2,384	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	3,086	10.61%	
196		Net Total	5,427	5,050	19,799	5,247	7,837	49.36%	
197		MARINA ENTERPRISE FUND CASH BALANCE	22,474	21,753		27,721	35,558		
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	1,357	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	-1,357	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	795,301	1.12%	

**CITY OF GREENWOOD
RESOLUTION NO. 32-12**

A RESOLUTION APPROVING THE 2012 TAX LEVY, COLLECTIBLE IN 2013

BE IT RESOLVED by the city council of the city of Greenwood that the following sum of money be levied for the current year, collectible in 2013, upon taxable property in the city of Greenwood, Minnesota for general fund activities:

TOTAL LEVY: \$644,668

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 Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

**CITY OF GREENWOOD
RESOLUTION NO. 33-12**

A RESOLUTION APPROVING THE 2013 CITY BUDGET

WHEREAS, the city council of the city of Greenwood has reviewed the 2013 city budget and determined that the proposed expenditures and revenues adequately address the needs of the city and the residents it serves,

WHEREAS, the public had the opportunity to comment on the 2013 city budget at the December 5, 2012 city council meeting.

NOW, THEREFORE BE IT RESOLVED by the city council of the city of Greenwood, that the 2013 general fund budget in the amount of **\$726,270** is hereby approved.

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 Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Item: Consider Fund Transfers, Budget Line Adjustments, and Year-End Contributions

Summary: Each year the council considers fund transfers and year-end contributions. Based on the auditor's recommendation the council also needs to consider budget line item adjustments on an annual basis to ensure the actual expenses do not exceed the budgeted expenses for the current year, and also make the corresponding adjustments to the revenue side to keep a balanced budget. The administrative committee (Mayor Kind and Councilman Fletcher) reviewed the 2012 expenses as of October 2012. Based on their review it appears that 2012 expenses are on track with what was budgeted, so the administrative committee is recommending that the council does not make any budget line adjustments at this time.

The council may wish to refer to the cash summary report (consent agenda) and the October 2012 YTD and 2012 Budget columns on the 2013 Budget Spreadsheet (7A on the agenda). Based on these reports, it is the administrative committee's recommendation that the council approves the suggested motions below.

Council Action: Required. Suggested motions ...

1. I move the council approves the following 2012 budgeted fund transfers:
 - a. \$2,790 from 605-49300-721 Marina Fund Transfer to 101-39200 General Fund for Administrative Expense Reimbursement
 - b. \$12,130 from 605-49300-720 Marina Fund Transfer to 101-39201 General Fund
 - c. \$10,866 from 602-43200-720 Sewer Fund Transfer to 101-39202 General Fund for Administrative Expense Reimbursement
 - d. \$1,625 from 502-43200-720 Stormwater Fund Transfer to 101-39203 General Fund for Administrative Expense Reimbursement
 - e. \$20,000 from 101-49000-500 General Fund Bridge Transfer to 403-39200 Bridge Fund
2. I move the council approves the following 2012 budgeted contribution:
 - a. \$900 (101-49000-434) to the Southshore Community Center and designate that a portion of the funds are to be used for an identified need of a new coffee maker.
3. Other motions ???



Agenda Number: **7E**

Agenda Date: 12-05-12

Agenda Item: 2013 Licenses

Summary: 12-31-12 is the deadline for applications and fees for 2013 licenses that require council approval. Since the city has not received all of the applications and fees at this time, it is recommended that the council approves the licenses listed in the motion below contingent upon the city receiving applications and fees by the deadline. This is the same procedure that has been followed in the past.

Council Action: Required. Suggested motion ...

1. I move the council approves 2013 licenses for the entities listed below contingent upon the city receiving applications and fees by 12-31-12:
 - a) Liquor Old Log Theater
 - b) Trash Allied Waste, Aspen Waste, Blackowiack Disposal, Randy's Sanitation, Vintage Waste, Waste Management, Waste Technology
 - c) Tobacco Christmas Lake Gas
 - d) Commercial Marinas Bean's Greenwood Marina, Excelsior Bay Harbor, Kreslin's Marina



Agenda Item: Recycling Reports and Activities

Summary: On November 30, 2011 the Hennepin County Board approved the 2012 Hennepin County Residential Recycling Funding Policy to comply with the Minnesota Pollution Control Agency's (MPCA) 2010-2030 Metropolitan Solid Waste Management Policy Plan that establishes a goal that by 2015 at least 45% of municipal waste generated in Hennepin county will be recycled. The county currently has a recycling rate of 38%. The city approved the attached agreement with the county in 2012. In addition to requiring reporting from the city's recycling provider, the city's contract with Hennepin county also requires education and outreach activities. Below is the list showing the city's compliance with these requirements:

- a) County terminology has been used in city communications when describing recycling guidelines.
- b) Images provided by the county have been used when describing the recycling program.
- c) The county's terminology, guidelines, and images are being used on the city website.
- d) The county's recycling guide will be included in the December newsletter mailing.
- e) The city council will determine two education activities to be completed to support the recycling campaign.

The city's agreement with Vintage Waste requires two reports:

1. Each November a written report showing the October household participation in the recycling program shall be provided to the city. *(This report is attached.)*
2. At the end of each year, a written report detailing types of recycling and tonnage as required by the Hennepin County Residential Recycling Program shall be provided to the city. *(The January council packet deadline is prior to the end of the year, therefore this report will be included in the February council packet.)*

The city is required to update the recycling grant agreement with the county by February 15 of each year through 2015. Vintage's recycling reports and a list of the education / outreach activities from the previous year will be included as part of the annual application update that the council will authorize at the February council meeting.

Council Action: Required. Suggested motion ...

1. I move the council approves the October 2012 household participation recycling report from Vintage Waste and directs the city clerk to include a copy of the report along with the other reports required to be submitted to Hennepin county with the annual recycling grant agreement update due February 15.



520 Tamarack Ave.
Long Lake, MN. 55356

November 15, 2012

Dear Mrs. Mayor Kind and Council Members,

Below is a simple chart illustrating the participation or set-out rates for the City of Greenwood's residential city-wide recycling for the month of October, 2012. The residential dwellings in the City of Greenwood are doing a terrific job on the consistency of set-out and making certain that the material in the cart is acceptable. For the four weeks of collection in October the set-out numbers were as follows:

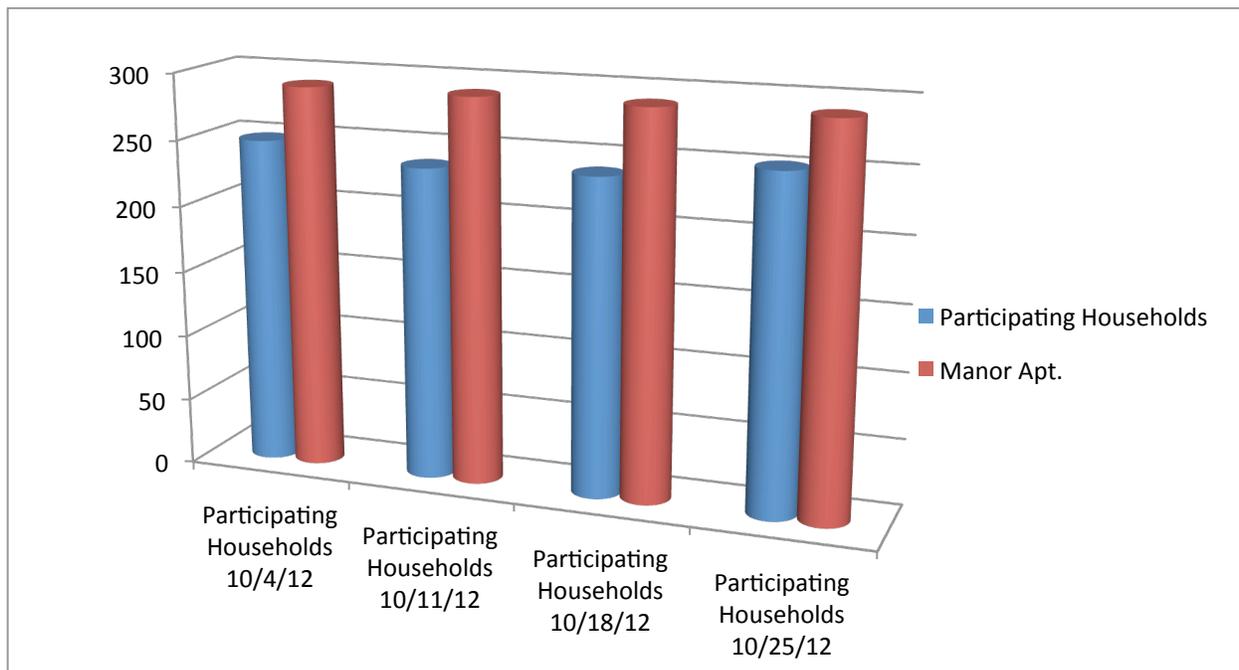
October 04, 2012: 248/290

October 11, 2012: 236/290

October 18, 2012: 239/290

October 25, 2012: 252/290

The one commercial location has a 100% set-out rate and is consistently full each week. All material collected is delivered to Tennis Sanitation and Recycling in St. Paul Park, MN. The percentage of homes consistently not out, have been the same homes that have never participated in the recycling program.



If you have any questions regarding these finds, please feel free to contact us.

Thank you for your time,

Corey & Emilee Metcalf | Vintage Waste Systems, Inc. | 952-472-0401



Agenda Number: **7G**

Agenda Date: 12-05-12

Agenda Item: Discuss Location of the City's Primary Checking Account

Summary: City Treasurer Mary Courtney would like the council to consider authorizing her to use the city's existing checking account at Beacon Bank as the city's primary checking account. Currently the city uses the checking account at Bridgewater as the city's primary account. Mary would like to change to Beacon because she manages other accounts that are at Beacon Bank, she has an excellent working relationship with Beacon Bank, and Beacon Bank also has a drive-up window. The council has authorized both Beacon and Bridgewater as the city's depositories.

Council Action: None required. Potential motions ...

1. I move the council authorizes the city treasurer to use the city's existing Beacon Bank checking account as the city's primary checking account.
2. Do nothing.



Agenda Number: **7H**

Agenda Date: 12-05-12

Agenda Item: Response to LMCD Draft Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan

Summary: The city received a copy of the LMCD Draft Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan, a cover letter, and a copy of a public hearing notice from LMCD Executive Director Greg Nybeck. Copies of these documents were emailed to the council. Hard copies of the cover letter and public hearing notice are included in the council packet. The public hearing is scheduled for 12-12-12. Stakeholder input may be done in person and/or provided in writing. Attached is a draft of a proposed written response for the council's consideration.

Council Action: None required. Potential motions ...

1. I move the council authorizes the mayor to send the city's written response (with no changes) to LMCD's draft of the comprehensive eurasian watermilfoil and curly-leaf pondweed plan to the LMCD Board in care of LMCD Executive Director Greg Nybeck.
2. I move the council authorizes the mayor to **revise the draft** of the city's written response to LMCD's draft of the comprehensive eurasian watermilfoil and curly-leaf pondweed plan **based on the council's discussion** and to send the response to the LMCD Board in care of LMCD Executive Director Greg Nybeck.
3. Other motion or do nothing ???



LAKE MINNETONKA CONSERVATION DISTRICT

23505 SMITHTOWN ROAD, SUITE 120 • SHOREWOOD, MINNESOTA 55331 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

November 15, 2012

TO: LMCD City Administrators
LMCD Board Members

FROM: Greg Nybeck, Executive Director 

SUBJECT: Draft Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan

Background

In April of 2012, the Lake Minnetonka Conservation District's (LMCD) Aquatic Invasive Species (AIS) Task Force reviewed the results of the 2008-2011 coordinated, whole bay herbicide treatment demonstration projects for Carmans, Grays, and Phelps Bays. As a result, it was their recommendation that the LMCD Board of Directors not extend the three-bay projects beyond 2012 or consider additional whole bay or large scale herbicide treatments on other bays until a comprehensive vegetation management plan is developed for Lake Minnetonka. The Board concurred with that recommendation and directed the Task Force to prepare a Plan for their review.

Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan

That plan, known as the Comprehensive Eurasian Watermilfoil (EWM) and Curly-Leaf Pondweed (CLP) Plan was developed by a sub-committee of the AIS Task Force and approved to be presented to the LMCD Board. The LMCD Board has accepted the draft Plan for public hearing on December 12th. The purpose of the public hearing is to gather testimony from Lake Minnetonka stakeholders. Highlights of the attached Plan include the following:

- Management activities of the LMCD will focus on the public areas of Lake Minnetonka where there will be public benefit. Public areas have been defined as: 1) all areas 100 feet offshore and outside of the authorized dock use area established for abutting properties and 2) all areas adjacent to publically owned lands or other public access points.
- Mechanical harvesting will be the primary tool used to manage EWM and CLP in public areas, similar to how it has been utilized. Historical funding sources used for this management tool, a levy to the 14 Lake Minnetonka communities and the Minnesota Department of Natural Resources, are proposed to continue.
- A recommendation has been made that eight management areas are suitable candidates for whole bay or large scale herbicide treatments on Lake Minnetonka as a complement to mechanical harvesting. These areas have been identified within current financial, technical, and regulatory constraints (recognizing that



additional areas could be considered if changes occur). A recommendation has been made for the LMCD to budget an additional levy of \$75,000 to the 14 Lake Minnetonka communities for this.

For the member cities that are not within the initial management areas recommended for herbicide treatments, you may be asking, "What is in it for us?" The LMCD believes that in treating more management areas, via the above recommended process, more harvesting could be performed in the other bays (opening up more time to harvest). Additionally, although a member city may not be listed within the initial management area, criteria for assessment of such are subject to change over time (as outlined within the Plan).

LMCD Public Hearing

A public hearing on this matter is scheduled for Wednesday, December 12, 2012 at Wayzata City Hall, 600 Rice Street, at 7:00 p.m. A copy of the public hearing notice to that affect is attached for your review.

The LMCD welcomes your participation in this public hearing, in which all present would be given an opportunity to be heard. Your city's written comments prior to that time would also be helpful if city participation at the public hearing is not anticipated.

Upon review of the draft Plan, please do not hesitate to call with any questions you may have. I can be reached at 952-745-0789 or at gnybeck@lmcd.org.



LAKE MINNETONKA CONSERVATION DISTRICT

23505 SMITHTOWN ROAD, SUITE 120 • SHOREWOOD, MINNESOTA 55331 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

Public Hearing Notice
Wednesday, December 12, 2012
Wayzata City Hall, 600 Rice Street, 7:00 p.m.

RE: Draft Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan

The Lake Minnetonka Conservation District (LMCD) Board of Directors invites you to attend a public hearing on a draft Comprehensive Eurasian Watermilfoil (EWM) and Curly-Leaf Pondweed (CLP) Plan.

Background:

From 2008 through 2012, the LMCD partnered with the Lake Minnetonka Association, and a number of other public sector agencies, on a five-year, whole bay herbicide treatment demonstration project on Carmans, Grays, and Phelps Bays. The goals of the demonstration project were to evaluate: 1) whether EWM and CLP could be managed with lower dosages of herbicides on a whole bay and 2) whether the treatments would damage the native plants.

In April of 2012, the LMCD's Aquatic Invasive Species (AIS) Task Force, which served as the technical committee for the demonstration project, evaluated the results and recommended that the LMCD Board of Directors not extend the three-bay project beyond 2012 or consider expansion to other management areas of Lake Minnetonka, until a comprehensive vegetation management plan is developed for Lake Minnetonka. The Board concurred with that recommendation.

Comprehensive EWM and CLP Plan (Plan)

This past summer, the Task Force prepared a draft Plan for Board consideration at their October 24th and November 14th Regular Board meetings. At their November 14th meeting, the Board accepted the draft Plan for a public hearing on Wednesday, December 12th. The purpose of the public hearing is to gather testimony from Lake Minnetonka stakeholders. The draft Plan is attached for your review.

Public Voice/Viewing

All interested parties that attend this public hearing will be given an opportunity to be heard. The Lake Minnetonka Cable Commission will air the hearing on Mediacom cable (Government Channel 20) to provide stakeholders, unable to attend the hearing, the ability to provide input via e-mail at lmcd@lmcd.org or by calling the LMCD office.

Questions and comments can be directed to LMCD Executive Director Greg Nybeck at (952) 745-0789 or gnybeck@lmcd.org.

DRAFT



Date: December 5, 2012

To: LMCD Board
c/o Greg Nybeck
Executive Director
Lake Minnetonka Conservation District
Email: gnybeck@lmcd.org

From: Greenwood City Council

Re: **Comments Regarding the LMCD's Draft Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan**

The Greenwood city council reviewed and discussed the LMCD's Draft Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan. The following outlines our comments:

- We believe that private-public funding is the most viable source of funding for herbicide treatment for the foreseeable future. Therefore, we agree that harvesting is the appropriate plant management tool for public areas of the lake where private funding is not viable.
- We are "okay" with the proposed increase to the LMCD levy for the specific purpose of funding AIS management. However, we are concerned that some cities may offset the increase by a corresponding decrease in their contribution to herbicide treatment. Therefore there may be no net increase to public herbicide funding.
- Herbicides have reduced the area that is required to be harvested. So there should be some savings with reduced harvesting requirements that could be used to fund the herbicide program, which would minimize increases in the LMCD levy.
- The entire lake is an asset to ALL of the LMCD cities. If each city only used "their" respective bays, Lake Minnetonka would not be very desirable. From Greenwood's perspective, the fantastic success of herbicide treatment for St. Alban's Bay has opened up the bay to users from everywhere. It is great to see St. Alban's Bay enjoyed by boaters, waterskiers, and kayakers who live in the city of Greenwood as well as those who live in Mound and Minneapolis! You asked: "What is in it for cities that do not benefit directly from herbicide treatment?" Our answer: "We all get to enjoy a better Lake Minnetonka!" If one bay is improved, we all benefit.
- Regarding management of the herbicide treatment program ... We are supportive of having a qualified manager in charge of the program. It does not matter to us whether the program manager is employed by the LMCD, LMA, DNR, PLM, or XYX company. However, since the Bay Captains still will be raising the majority of the money, we support the Bay Captains choosing the program manager. Also, since herbicide funding will come from both the public and private sector, the program manager should be required to provide appropriate oversight and reporting.
- One last comment ... We are wondering why the plan is specific to only two invasive plant species? We support a comprehensive AIS plan that addresses zebra mussels and other potential threats to Lake Minnetonka as well.

We support the LMCD's involvement with AIS and believe this is a very important issue. Thank you for moving the ball forward with the development of a plan.

If you have any questions regarding our comments, please contact Mayor Deb Kind, 952.401.9181, dkind100@gmail.com.



Agenda Number: **9A-E**

Agenda Item: Council Reports

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

Council Action: None required.



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

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

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

REPORT: BUC80BSUP
RUN DATE/TIME: 11/01/12 8:23:08

LEAGUE OF MN CITIES INS TRUST
OPEN CLAIMS AND CLAIMS CLOSED AFTER 12/31/1993 BY CO, ACCOUNT, EFFDTE, POLICY, CLAIM, CLAIMT
VALUED AS OF 10/31/2012 ACCIDENT DATE RANGE: INCEPTION - 10/31/2012

PAGE: 642
CLAIMT

INSURED NUMBER/NAME : 0000011574 GREENWOOD, CITY OF
CLAIM/CLAIMANT/POLICY : 02716634/ A/CMC1033590 STATUS: CLOSED
CLAIM TYPE (ASLOB) : 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE : 7/10/89
POLICY EFF DATE : 10/12/89
CLAIM MADE DATE : 10/30/89
CLAIMANT NAME : PLOWMAN, BROEMAN
INSURED DRIVER NAME :
LITIGATION (Y/N) : Y
CAUSE CODE : 0162 - BI PREMISES/OPS-OTHER
DEFAMATION (SEE: 11D00039) (101 L 2163).
ACCIDENT DESC : DEFAMATION

PAID LOSSES..... 0
PAID EXPENSES..... 6,726
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 6,726
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... 0

INSURED NUMBER/NAME : 0000011574 GREENWOOD, CITY OF
CLAIM/CLAIMANT/POLICY : 11D00039/ A/CMC1033590 STATUS: CLOSED
CLAIM TYPE (ASLOB) : 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE : 7/10/89
POLICY EFF DATE : 10/12/89
CLAIM MADE DATE : 10/12/89
CLAIMANT NAME : DANTEL PLOWMAN
INSURED DRIVER NAME :
LITIGATION (Y/N) : N
CAUSE CODE : 0162 - BI PREMISES/OPS-OTHER
ACCIDENT DESC : 10112163/02716634 CONTRACT TAIL RUNOFF ALLEGES

PAID LOSSES..... 0
PAID EXPENSES..... 13,182
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 13,182
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... 0

POLICY TOTAL: CMC1033590 WITH EFF DATE: 10/12/1989
INSURED NAME: GREENWOOD, CITY OF

PAID LOSSES..... 0
PAID EXPENSES..... 19,908
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 19,908
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... 0

INSURED NUMBER/NAME : 0000011574 GREENWOOD
CLAIM/CLAIMANT/POLICY : 11012148/ A/CMC 15828 STATUS: CLOSED
CLAIM TYPE (ASLOB) : 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE : 1/02/96
POLICY EFF DATE : 10/12/95
CLAIM MADE DATE : 1/17/96
CLAIMANT NAME : DUFF'S ENTERPRISES, INC.
INSURED DRIVER NAME :
LITIGATION (Y/N) : Y
CAUSE CODE : 1018 - E & O-DEPRIVATION CIVIL R
ACCIDENT DESC : LAND USE DISPUTE RE: ZONING

PAID LOSSES..... 0
PAID EXPENSES..... 0
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 0
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... 0

INSURED NUMBER/NAME : 0000011574 GREENWOOD
CLAIM/CLAIMANT/POLICY : 11012255/ A/CMC 15828 STATUS: CLOSED
CLAIM TYPE (ASLOB) : 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE : 1/01/96
POLICY EFF DATE : 10/12/95
CLAIM MADE DATE : 1/24/96
CLAIMANT NAME : BRUCE G. NICOLLE
INSURED DRIVER NAME :
LITIGATION (Y/N) : N
CAUSE CODE : 1018 - E & O-DEPRIVATION CIVIL R
ACCIDENT DESC : CIMNT ALLEGES EFFECTIVE CONDEMNATION OF PROPERTY

PAID LOSSES..... 0
PAID EXPENSES..... 0
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 0
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... 0

REPORT: BUXC80BSUP
RUN DATE/TIME: 11/01/12 8:23:08

LEAGUE OF MN CITIES INS TRUST
OPEN CLAIMS AND CLAIMS CLOSED AFTER 12/31/1993 BY CO, ACCOUNT, EFFDTE, POLICY, CLAIM, CLMNT
VALUED AS OF 10/31/2012 ACCIDENT DATE RANGE: INCEPTION - 10/31/2012
PAGE: 643

POLICY TOTAL: CMC 15828 WITH EFF DATE: 10/12/1995
INSURED NAME: GREENWOOD

PAID LOSSES..... 0
PAID EXPENSES..... 0
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 0
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... 0

INSURED NUMBER/NAME : 0000011574 GREENWOOD
CLAIM/CLAIMANT/POLICY : 11017397/A/CMC 17312
CLAIM TYPE (ASLOB) .. 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE 4/02/97
POLICY EFF DATE 1/01/97
CLAIM MADE DATE ... 5/21/97
CLAIMANT NAME H. KELSEY PAGE
INSURED DRIVER NAME
LITIGATION (Y/N) .. Y
CAUSE CODE 1062 - E & O-OTHER
ACCIDENT DESC CIMT ALLEGES CITY VIOLATED ORDINANCE REGULATING USE OF DOCKS AND ISSUANCE OF DOCK SLIP PERMITS

POLICY TOTAL: CMC 17312 WITH EFF DATE: 01/01/1997
INSURED NAME: GREENWOOD

PAID LOSSES..... 0
PAID EXPENSES..... 150
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 150
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... 0

INSURED NUMBER/NAME : 0000011574 GREENWOOD
CLAIM/CLAIMANT/POLICY : 11028951/A/CMC 19873
CLAIM TYPE (ASLOB) .. 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE 10/29/99
POLICY EFF DATE 10/12/99
CLAIM MADE DATE ... 11/01/99
CLAIMANT NAME JOAN MOSER
INSURED DRIVER NAME
LITIGATION (Y/N) .. N
CAUSE CODE 1047 - E & O-PROPERTY DAMAGE
ACCIDENT DESC SEWER BACKUP

PAID LOSSES..... 0
PAID EXPENSES..... 0
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 0
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... 0

INSURED NUMBER/NAME : 0000011574 GREENWOOD
CLAIM/CLAIMANT/POLICY : 11028952/A/CMC 19873
CLAIM TYPE (ASLOB) .. 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE 11/02/99
POLICY EFF DATE 10/12/99
CLAIM MADE DATE ... 11/02/99
CLAIMANT NAME JAMES C. WICKA
INSURED DRIVER NAME
LITIGATION (Y/N) .. N
CAUSE CODE 1047 - E & O-PROPERTY DAMAGE
ACCIDENT DESC CIMT ALLEGES DEFACTION

PAID LOSSES..... 0
PAID EXPENSES..... 986
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 986
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -250

REPORT: BUXG80BSUP
RUN DATE/TIME: 11/01/12 8:23:08

LEAGUE OF MN CITIES INS TRUST
OPEN CLAIMS AND CLAIMS CLOSED AFTER 12/31/1993 BY CO, ACCOUNT, EFFDTE, POLICY, CLAIM, CLMNT
VALUED AS OF 10/31/2012 ACCIDENT DATE RANGE: INCEPTION - 10/31/2012

INSURED NUMBER/NAME : 0000011574 GREENWOOD STATUS: CLOSED
CLAIM/CLAIMANT/POLICY : 11029043/ A/CMC 19873 (EXC PROD/COMP OPS)
CLAIM TYPE (ASLOB) : 170 - OTHER LIAB
ACCIDENT DATE : 10/20/99
POLICY EFF DATE : 10/12/99
CLAIM MADE DATE : 11/02/99
CLAIMANT NAME : JAMES HULBERT
INSURED DRIVER NAME :
LITIGATION (Y/N) : N
CAUSE CODE : 1047 - E & O-PROPERTY DAMAGE
ACCIDENT DESC : CLAIMANT ALLEGES DISCRIMINATION AGAINST SENIOR CITIZENS REFERENCE TO SELECTIVE ENFORCEMENT OF

PAID LOSSES..... 0
PAID EXPENSES..... 0
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 0
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... 0

INSURED NUMBER/NAME : 0000011574 GREENWOOD STATUS: CLOSED
CLAIM/CLAIMANT/POLICY : 11029228/ A/CMC 19873 (EXC PROD/COMP OPS)
CLAIM TYPE (ASLOB) : 170 - OTHER LIAB
ACCIDENT DATE : 11/22/99
POLICY EFF DATE : 10/12/99
CLAIM MADE DATE : 11/29/99
CLAIMANT NAME : JEANNIE STEAD-BOWERS
INSURED DRIVER NAME :
LITIGATION (Y/N) : Y
CAUSE CODE : 1047 - E & O-PROPERTY DAMAGE
ACCIDENT DESC : CLMT ALLEGES MALICIOUS PROSECUTION RE: CRIMINAL PROCEEDINGS THAT WERE COMMENCED AGAINST HER.

PAID LOSSES..... 0
PAID EXPENSES..... 38,530
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 38,530
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -500

INSURED NUMBER/NAME : 0000011574 GREENWOOD, CITY OF STATUS: CLOSED
CLAIM/CLAIMANT/POLICY : 11033108/ A/CMC 20902 (EXC PROD/COMP OPS)
CLAIM TYPE (ASLOB) : 170 - OTHER LIAB
ACCIDENT DATE : 1/18/00
POLICY EFF DATE : 10/12/00
CLAIM MADE DATE : 11/13/00
CLAIMANT NAME : JO ANNA BAME
INSURED DRIVER NAME :
LITIGATION (Y/N) : Y
CAUSE CODE : 1047 - E & O-PROPERTY DAMAGE
ACCIDENT DESC : CLMT ALLEGES VIOLATION OF DATA PRACTICES ACT

PAID LOSSES..... 6,333
PAID EXPENSES..... 11,111
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 17,444
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -250

INSURED NUMBER/NAME : 0000011574 GREENWOOD, CITY OF STATUS: CLOSED
CLAIM/CLAIMANT/POLICY : 11033354/ A/CMC 20902
CLAIM TYPE (ASLOB) : 010 - FIRE
ACCIDENT DATE : 11/28/00
POLICY EFF DATE : 10/12/00
CLAIM MADE DATE : 11/28/00
CLAIMANT NAME : GREENWOOD, CITY OF
INSURED DRIVER NAME :
LITIGATION (Y/N) : N
CAUSE CODE : 6947 - OTHER PROPERTY-PROPERTY D
ACCIDENT DESC : AN UNKNOWN VEHICLE HIT & DAMAGED LIFT STATION

PAID LOSSES..... 1,153
PAID EXPENSES..... 0
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 1,153
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -250

REPORT: BUKG80BSUP
RUN DATE/TIME: 11/01/12 8:23:08

LEAGUE OF MN CITIES INS TRUST
OPEN CLAIMS AND CLAIMS CLOSED AFTER 12/31/1993 BY CO, ACCOUNT, EFFDTE, POLICY, CLAIM, CLMNT
VALUED AS OF 10/31/2012 ACCIDENT DATE RANGE: INCEPTION - 10/31/2012

INSURED NUMBER/NAME : 0000011574 GREENWOOD, CITY OF STATUS: CLOSED
CLAIM/CLAIMANT/POLICY: 11034702/ A/CMC 20902
CLAIM TYPE (ASLOB) .. 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE 7/11/00
POLICY EFF DATE ... 10/12/00
CLAIM MADE DATE ... 3/16/01
CLAIMANT NAME JOHN MUSGJERD
INSURED DRIVER NAME
LITIGATION (Y/N) .. Y
CAUSE CODE 1047 - E & O-PROPERTY DAMAGE
ACCIDENT DESC CLMT ALLEGES HE WAS DEFORMED BY COUNCILMEMBER AT A COUNCIL MEETING

PAID LOSSES..... 0
PAID EXPENSES..... 17,511
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 17,511
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -250

INSURED NUMBER/NAME : 0000011574 GREENWOOD, CITY OF STATUS: CLOSED
CLAIM/CLAIMANT/POLICY: 11037069/ A/CMC 20902
CLAIM TYPE (ASLOB) .. 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE 6/25/01
POLICY EFF DATE ... 10/12/00
CLAIM MADE DATE ... 8/27/01
CLAIMANT NAME JOHN MUSGJERD
INSURED DRIVER NAME
LITIGATION (Y/N) .. Y
CAUSE CODE 0447 - PD PREMISES/OPS-PROPERTY
ACCIDENT DESC PUBLIC WORKS CREW CLEANING PATH DAMAGED CLMT PROPERTY (TREES)

PAID LOSSES..... 0
PAID EXPENSES..... 2,995
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 2,995
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -250

POLICY TOTAL: CMC 20902 WITH EFF DATE: 10/12/2000
INSURED NAME: GREENWOOD, CITY OF

PAID LOSSES..... 7,486
PAID EXPENSES..... 31,617
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 39,102
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -1,000

INSURED NUMBER/NAME : 0000011574 GREENWOOD, CITY OF STATUS: CLOSED
CLAIM/CLAIMANT/POLICY: 11039280/ A/CMC 22062
CLAIM TYPE (ASLOB) .. 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE 3/13/02
POLICY EFF DATE ... 10/12/01
CLAIM MADE DATE ... 3/19/02
CLAIMANT NAME KAY JASPER
INSURED DRIVER NAME
LITIGATION (Y/N) .. N
CAUSE CODE 0447 - PD PREMISES/OPS-PROPERTY
ACCIDENT DESC SEWER BACKUP DUE FROM EXCELSIOR LIFT STATION FAILURE

PAID LOSSES..... 194
PAID EXPENSES..... 0
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 194
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -194

POLICY TOTAL: CMC 22062 WITH EFF DATE: 10/12/2001
INSURED NAME: GREENWOOD, CITY OF

PAID LOSSES..... 194
PAID EXPENSES..... 0
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 194
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -194

REPORT: BUXC80BSUP
RUN DATE/TIME: 11/01/12 8:23:08

LEAGUE OF MN CITIES INS TRUST
OPEN CLAIMS AND CLAIMS CLOSED AFTER 12/31/1993 BY CO, ACCOUNT, EFFDTE, POLICY, CLAIM, CLMNT
VALUED AS OF 10/31/2012 ACCIDENT DATE RANGE: INCEPTION - 10/31/2012
PAGE: 646

INSURED NUMBER/NAME : 0000011574 GREENWOOD, CITY OF
CLAIM/CLAIMANT/POLICY: 11048586/ A/CMC 24139 STATUS: CLOSED
CLAIM TYPE (ASJOB) .. 170 - OTHER LIAB (EXC PROD/COMP OPS)
ACCIDENT DATE 6/08/04
POLICY EFF DATE ... 10/12/03
CLAIM MADE DATE ... 6/09/04
CLAIMANT NAME JIM HILBERT
INSURED DRIVER NAME
LITIGATION (Y/N) .. N
CAUSE CODE 1047 - E & O-PROPERTY DAMAGE
ACCIDENT DESC CITY WORKING ON PROJECT WHEN PUMP FAILED CAUSING SEWER BACKUP

POLICY TOTAL: CMC 24139 WITH EFF DATE: 10/12/2003
INSURED NAME: GREENWOOD, CITY OF
PAID LOSSES..... 6,014
PAID EXPENSES..... 0
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 6,014
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -250

INSURED TOTAL: 0000011574
INSURED NAME: GREENWOOD, CITY OF
PAID LOSSES..... 13,694
PAID EXPENSES..... 90,205
RESERVE LOSSES..... 0
RESERVE EXPENSES..... 0
TOTAL INCURRED AMOUNT... 103,899
SAL/SUBRO AMOUNT..... 0
DEDUCTIBLE RECOVERY..... -1,944



Date: November 13, 2012
To: MCWD Board of Managers
c/o Craig W. Dawson
Director, Aquatic Invasive Species (AIS) Program
Minnehaha Creek Watershed District
Email: cdawson@minnehahacreek.org
From: Greenwood City Council
Re: Comments Regarding 2013 MCWD Proposed Plan for Additional AIS Prevention Programs

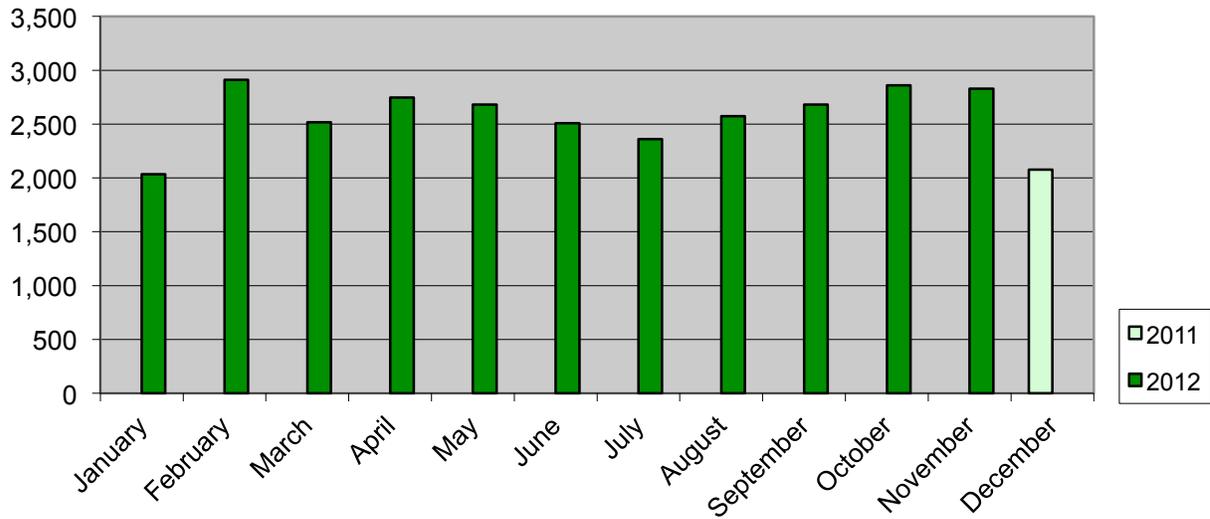
The Greenwood city council's position stated in our January 4, 2011 letter to the MCWD has changed slightly ... While we still support the DNR taking the lead regarding AIS issues, we understand and support the MCWD undertaking stop-gap measures that may challenge the DNR to implement a statewide comprehensive AIS plan. The city council reviewed and discussed the draft of the 2013 MCWD Proposed Plan for Additional AIS Prevention. The following outlines our comments:

- Early Detection Monitoring for Zebra Mussels - \$5000
Good use of funds.
- Volunteer Monitoring Program - \$5000
We agree this concept has excellent potential for high impact at a low cost.
- Watercraft Operator Education & Inspector Program - \$250,000
We support this general concept. We also support a sticker/seal type program. See the attached **Lake Sticker** concept for our ideas in that regard.
- Self-Certification Program - \$10,000
We agree this concept has excellent potential for high impact at a low cost. However, we support a stronger penalty for any violation. Note: Self-certification also is included as part of the attached Lake Sticker concept.
- MCWD Clean Boats Grant Program - \$50,000
We support this concept and especially like the public/private partnership aspect of this idea. Having places to send boaters who fail inspections is key to the success of an AIS program.
- Communications - \$5,000 (plus \$30,000 in AIS Work Plan Budget)
We agree that communications will be an ongoing need for AIS efforts and we encourage the MCWD to look for additional effective communication methods. We also like the Lake Service Provider PLUS concept.

We support the MCWD's involvement with AIS and believe this is a very important issue. However, it is unclear whether the MCWD is proposing to use existing tax levy funds for the proposed AIS plan or is proposing a new tax levy. This needs to be clarified.

If you have any questions regarding our comments, please contact Mayor Deb Kind, 952.401.9181, dkind100@gmail.com.

**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	2,682	108	2,682
October	0	2,860	178	2,860
November	0	2,828	-32	2,828
December	2,077	0	-2,828	-2,077

AVERAGE

2,537

TOTAL NUMBER OF EMAIL ADDRESSES IN BULK MAIL DATABASE: 132

Site Statistics

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

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

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

Begin Date

End Date

Report Name

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	1138	40.24%
Agendas, Packets & Minutes	335	11.85%
City Departments	101	3.57%
Planning Commission	93	3.29%
Budget & Finances	88	3.11%
Mayor & City Council	88	3.11%
Elections	77	2.72%
Welcome to Greenwood	61	2.16%
Forms & Permits	57	2.02%
RFPs & Bids	56	1.98%
Photo Gallery	49	1.73%
Assessments & Taxes	48	1.7%
Code Book	47	1.66%
Events	45	1.59%
Meetings	38	1.34%
Comprehensive Plan & Maps	38	1.34%
What's New?	38	1.34%
Watercraft Spaces	33	1.17%
Garbage & Recycling	33	1.17%
Swiffers NOT Flushable	30	1.06%
Search Results	29	1.03%
Lake Minnetonka	28	0.99%
Crime Alert!	26	0.92%
Old Log Community Events	26	0.92%
Meetings on TV	25	0.88%
Links	24	0.85%
Xcel Project	21	0.74%
Well Water	19	0.67%
Spring Clean Up Day	10	0.67%

Quick Tips

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

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

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

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

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

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

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

Spring Clean-Up Day	15	0.57%
Email List	18	0.64%
Community Surveys	17	0.6%
Unsubscribe	15	0.53%
Health & Safety	14	0.5%
Milfoil Project	14	0.5%
Southshore Center	12	0.42%
Emergency Preparedness	11	0.39%
Animal Services	9	0.32%
Planning & Zoning Workshop	8	0.28%
TOTAL	2828	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	413	32.17%
Agendas, Packets & Minutes	144	11.21%
City Departments	66	5.14%
Elections	58	4.52%
Mayor & City Council	55	4.28%
Welcome to Greenwood	37	2.88%
Photo Gallery	35	2.73%
Planning Commission	33	2.57%
Forms & Permits	25	1.95%
What's New?	24	1.87%
Code Book	23	1.79%
Meetings	23	1.79%
Assessments & Taxes	22	1.71%
Comprehensive Plan & Maps	22	1.71%
Events	21	1.64%
Watercraft Spaces	21	1.64%
Old Log Community Events	18	1.4%
Swiffers NOT Flushable	18	1.4%
Lake Minnetonka	17	1.32%
Budget & Finances	16	1.25%
RFPs & Bids	16	1.25%
Search Results	16	1.25%
Crime Alert!	16	1.25%
Links	15	1.17%
Garbage & Recycling	14	1.09%
Meetings on TV	13	1.01%
Well Water	13	1.01%
Spring Clean-Up Day	11	0.86%
Milfoil Project	10	0.78%
Community Surveys	10	0.78%
Southshore Center	9	0.7%
Email List	9	0.7%
Unsubscribe	8	0.62%
Health & Safety	8	0.62%
Planning & Zoning Workshop	8	0.62%
Xcel Project	7	0.55%
Emergency Preparedness	6	0.47%
Animal Services	4	0.31%
TOTAL	1284	100%

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

Done

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 Beal, Christian and Paeper

Absent: Commissioners Douglas Reeder and Kristi Conrad

Others Present: Council Liaison Bill Cook, City Attorney Kelly and Zoning Administrator Gus Karpas.

Due to the absence of Commissioners Reeder and Conrad, Alternate Christian will be voting members of the Commission at tonight's meeting.

2. APPROVE AGENDA

Commissioner Beal moved to accept the agenda for tonight's meeting. Commissioner Paper seconded the motion. Motion carried 4-0.

3. MINUTES OF August 15th, 2012.

There was not a quorum of members at the meeting that were in attendance at the August 15th meeting so the agenda item was continued to the December 19th meeting.

MINUTES OF October 17th, 2012

There was not a quorum of members at the meeting that were in attendance at the October 17th meeting so the agenda item was continued to the December 19th meeting.

4. PUBLIC HEARING

Dave and Kim Barry, 21550 Excelsior Boulevard, variance requests to encroach into the required lake yard setback and to exceed the maximum permitted impervious surface to attach the existing detached garage to the principal structure.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet. The applicant proposes a lake yard setback of forty-two feet for the proposed replacement of the foundation under the existing detached garage to a full frost footing. The proposal requires a variance of eight feet of the lake yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The existing a proposed impervious surface on the property is 46%. The applicant is seeking a variance to exceed the maximum permitted impervious surface area by 16%.

Chairman Lucking summarized the request and opened the public hearing.

Commissioner Beal said he visited the site and noted the space between the garage and the principal structure was rather small and he felt the request was not a real big deal.

Dave Barry noted the Channel in which they were seeking a setback from was typically low and the structure is actually pretty far from the edge of the water. Commissioner Beal said he usually pushes hard on the lake yard setback because he feels it's important to regulate the view of structures from the lake, but in this case, you can't see the home from the lake.

Chairman Lucking asked if the intent was to heat the garage. Mr. Barry said it was. Bob Boyer, Boyer Building Corp., said the intent was to connect only a portion of the garage. Mr. Barry said the garage would be enlarged to provide storage since the home did not have a basement which is also why it would be heated.

Zoning Coordinator Karpas noted the garage would be placed on the existing footprint and would only be lifted so a full frost footing could be placed under it to allow it to be attached to the home. He said the footprint itself is protected under the state statutes and that only a corner of the proposed addition, where it connects to the home, actually encroaches into the lake setback.

Commissioners Paeper and Christian had no concerns with the request as presented.

Hearing no further public comment, the hearing was closed.

Motion by Chairman Paeper to recommend the Council approve the variance requests by Dave and Kim Barry to encroach into the required lake yard setback and to exceed the maximum permitted impervious surface to attach the existing detached garage to the principal structure. The dimensions of the lot and locations of the existing garage in relation to the property lines create a practical difficulty in the reasonable development of the property and the proposed alteration will maintain the essential character of the neighborhood. A practical difficulty exists in the requirement for a frost footing in order to attach the garage to the home and need for additional storage on the property since the flood elevation requirement prevent the construction of a basement on the property. Beal seconded the motion. Motion carried 4-0.

5. Discuss – Draft Impervious Surface Amendments

Chairman Lucking said there are two sets of ordinances one being some suggested changes by Councilmember Fletcher to tweak the regulations for lots less than 15,000 square foot in area. Commissioner Beal questioned what problem the city is trying to solve. Lucking said the ordinance is trying to deal with some of the issues raised by a certain resident, plus to allow a greater percentage of impervious surface area based on a smaller lot area. Beal said the problem is there have been a lot of meetings with a lot of hurt feelings with this particular resident because he wants to have some type of city policy developed on what people can build on smaller lots. City Attorney Kelly said he also have a concern that he's getting an inflated value based on what has been approved on adjacent lot with no guarantee he'll be able to do the same with his lot.

Commissioner Beal said every property owner is guaranteed Greenwood specified setbacks and impervious surface area, plus the protected footprint under the state statutes. This resident doesn't believe that protection exists for non-conformities. Beal said, even with the proposed changes suggested in the ordinances, the lots will still have their non-conformities. He feels the city would be better off staying with the ordinances it has and the existing non-conformities. He doesn't believe the claim the city makes

residents grovel to develop their properties during the variance process. He believes the process would be more complicated if the city were to adopt the proposed language pertaining to smaller lots.

Council Liaison Cook said Councilmember Fletcher drafted this language to coincide with the discussion from the joint meeting in which the Planning Commission and Council decided it wanted to take a look at setbacks and impervious surface. He said the ordinance was also in reaction to the comments raised by a resident about the Fisher variance. He feels Commissioner Beal's comments are correct in that a number of people purchase lots not knowing they need variances to develop them. The city is better off taking the approach is that you are entitled to what you have, anything beyond that requires a variance. This proposed language was just drafted and he thinks the Planning Commission needs to take some time to look at it.

Council Liaison Cook said he's not interested in changing a bunch of numbers and having to change them back due to unintended circumstances. Commissioner Beal agreed. He said 80% of the lots less than 10,000 square feet will still have the non-conformities they have even if this ordinance is put in place.

City Attorney Kelly said the justification can be made for the Fisher approval is that the applicant brought the property in compliance with the lake yard and at least one of the side yards and increased the other side yard for safety. Commissioner Beal added the elevation drop off on the property was also very unique in that it prevented the property from having a basement.

Council Liaison Cook said he just wanted the Planning Commission to think about the ordinance before acting.

Commissioner Beal said in terms of the impervious surface ordinance, he liked some of the thoughts included in it. City Attorney Kelly would like to see some principles. If the property is over 30%, the applicant must present a plan to further reduce impervious surface over what is being proposed as additional impervious surface.

The Commission discussed a reasonable amount of reduction. It was agreed that for every 1% of proposed impervious surface area, the applicant should remove 1.5% of impervious surface area.

6. LIAISON REPORT

Council Liaison Cook said the Council extending the approval for the Bob Schmitt variance which was originally approved in December 2008. The Council conditioned the approval that it will expire in December 2013, if a building permit has not been obtained at that time the applicant will have to resubmit a new application.

7. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Christian seconded the motion. The meeting was adjourned at 7:58 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator

5. Old Business

Discuss – Draft Impervious Surface Amendments

6. Liaison Report

7. Adjourn