

AGENDA - REVISED

Greenwood City Council Meeting

7pm, Wednesday, May 1, 2013
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: 04-03-13 Council Meeting Minutes
 - B. Approve: 04-11-13 Local Board of Appeal & Equalization Minutes
 - C. Approve: 04-11-13 Special Meeting Minutes
 - D. Approve: 04-25-13 Local Board of Appeal & Equalization Minutes
 - E. Approve: 04-25-13 Special Meeting Minutes
 - F. Approve: March Cash Summary Report
 - G. Approve: April Verifieds, Check Register, Electronic Fund Transfers
 - H. Approve: May Payroll Register
 - I. Approve: Public Access Procedures Per Code Section 125 (routine annual item)
- 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. Deputy Chief Dave Pierson & Officer Justin Kuipers: Quarterly Police Report
 - B. City Engineer Dave Martini:
 - (a) 2013 Road Project Recommendations and Rough Estimates
 - (b) Excelsior Blvd. Petition 2 Area Presentation
 - C. Announcement: Spring Clean-Up Day, Saturday, 5/4, 7am
 - D. Announcement: Annual Joint Worksession of the City Council & Planning Commission, 05-15-13, Immediately Following the Planning Commission Meeting (approximately 8pm), Jake O'Connor's, 200 Water Street, Excelsior
 - E. Announcement: Xcel Energy Scott County-Westgate 69kV to 115kV Transmission Upgrade Project, Public Utilities Commission Public Hearing, May 16, 1:30pm-4:30pm and 6pm-9pm, Chanhassen Rec Center (Hwy. 5 & Galpin Blvd.)
- 8:00pm 5. PUBLIC HEARINGS
- A. Public Hearing: Excelsior Blvd. Watermain Project Petition 2 Area (properties between 21150 & 21030 Excelsior Blvd.)
- 8:15pm 6. UNFINISHED BUSINESS
- A. Discuss: Next Steps Regarding Excelsior Blvd. Watermain Project
 - B. 2nd Readings:
 - Ordinance 216 Amending Zoning Code Chapter 11, Residential Uses
 - Ordinance 217 Home Occupations, Amending Code Chapters 4 & 12
 - Ordinance 218 Amending Penal Code Chapter 9 to Add Prohibited Uses of Residential Properties
 - C. Review: Revised Report of Past Variances Granted for Possible Code Revisions
 - D. 2nd Reading: Ordinance 215 Regarding Building Volume Regulations
 - E. Discuss: Lake Improvement District Concept
- 9:15pm 7. NEW BUSINESS
- A. Consider: Certificate of Appreciation Recognizing Outgoing Planning Commissioner Lisa Christian
 - B. 1st Reading: Ordinance 219 Amending Code Section 320 to Establish Minimum Rental Lease Term for Residential Properties
 - C. Discuss: Possible Moratorium to Review the R-1A Zoning District
 - D. Consider: Excelsior Park & Dock Police Patrol Proposal
 - E. Discuss: Potential City Council Input Regarding the Minnehaha Creek Watershed District's Proposed Aquatic Invasive Species Program and Total Maximum Daily Load Distribution Policy
- 10:00pm 8. OTHER BUSINESS
- A. None
- 10:15pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission
 - B. Fletcher: Lk Mtka Comm Commission, Fire, Xcel Project, Lake Improvement District
 - C. Kind: Police, Administration, Mayors' Meetings, Website
 - D. Quam: Roads & Sewer, Minnetonka Community Education
 - E. Roy: Lake Minnetonka Conservation District, Lake Improvement District
- 10:30pm 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, April 3, 2013, 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, Quam and Roy

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

Members Absent: None

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

2. CONSENT AGENDA

Mayor Kind reviewed the items on the consent agenda.

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

- A. March 6, 2013, City Council Meeting Minutes**
- B. March 22, 2013, City Council Special Meeting Minutes**
- C. February 2103 Cash Summary Report**
- D. March Verifieds, Check Register, Electronic Fund Transfers**
- E. April 2013 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

- A. Presentation: CliftonLarsonAllen 2012 Greenwood Auditor's Report**

Mayor Kind introduced Jen Tingly, Chris Knopik and Daniel Persaud with CliftonLarsonAllen who were present this evening to provide a summary of the audit results for the year ending December 31, 2012.

Ms. Tingly noted that she is the audit engagement partner. Mr. Knopik is the audit manager on the City's account. Mr. Persaud is the audit senior. She explained the firm issued an unqualified (i.e.; clean) opinion on the financial statements. The audit provides reasonable, but not absolute assurance because every single transaction is not reviewed. The most significant estimate is for the depreciation of capital assets. Adjustments have been made to ensure the financial statements are in accordance with GAAP (generally

accepted accounting principles); they were to convert cash basis to accrual basis. There are also Governmental Accounting Standards Board (GASB) 34 conversion entries (similar to prior years). The firm received full cooperation from management during the audit process. There were no exceptions with Minnesota legal compliance.

With regard to the City's General Fund, Mr. Persaud explained during 2012 the balance increased approximately \$38,000, for an ending balance of approximately \$351,000. Last year there was a transfer of \$20,000 from the General Fund to the Bridge Fund. That was done this year also. The Office of the State Auditor (OSA) recommends a balance equal to 35 – 50 percent of the next year's operating budgeted expenditures. The 2012 balance was approximately 45 percent of the 2013 budgeted expenditures. The balance has improved from about 39 percent in 2010.

Mayor Kind stated she received a call from a resident expressing concern that the City was building its reserve balance to high. The resident thought the balance in the General Fund should be kept closer to 35 percent. She asked Mr. Persaud to comment on that. Mr. Persaud stated the balance recommendation is based on being able to cover three to five months of expenditures without creating a deficit situation. Kind asked if the City should lower its reserve level. Mr. Knopik explained the OSA wants municipalities to be able to cover expenditures up to the point when municipalities receive their June tax reimbursement from the State. Having sufficient reserves also allows a municipality to fund a project without issuing bonds. Mr. Knopik noted that he has worked with municipalities who did not have the funds to make payroll the beginning of June. Also there were municipalities who had one to two years' worth of reserves. Those municipalities had funds to help them make it through the recession. Kind asked Mr. Knopik if he thought the City had excess reserves. Mr. Knopik responded he did not.

Mr. Persaud noted that from 2010 – 2012 General Fund revenues exceeded expenditures.

Mr. Persaud explained the City has three categories in the General Fund balance – nonspendable (\$4,038), restricted for park dedication (\$27,055) and unassigned (\$320,538).

With regard to the Sewer Enterprise Fund, Mr. Persaud explained the balance increased approximately \$38,000 as a result of a deferring spending on the inflow and infiltration reduction project. A similar project was done in 2011. The City received a grant from the Metropolitan Council for the project in 2011 to help offset the project. Approximately \$350,000 of the Sewer Fund is invested in capital assets.

With regard to the Marina Fund, Mr. Persaud explained that approximately \$26,000 of it is for capital items.

Mr. Knopik stated as part of the audit internal controls are tested. He explained that any findings have to be broken down to material weaknesses and significant deficiencies. The firm found one material weakness regarding the oversight over the financial reporting process and material audit adjustments. Three of the findings identified during the 2011 audit process were resolved this year. They were segregation of duties and review and approval of receipts of disbursements. He recommended Council keep in mind the cost benefit analysis when assessing findings; does it make sense to incur significant costs to address the findings.

Councilmember Fletcher stated he interprets Mr. Knopik to be saying that the firm is okay with the City continuing to have the material weakness because the firm prepares the depreciation schedule and creates the cash-to-accrual journal entries rather than hiring someone else to do them.

Ms. Tingly commented the firm will review the controls for the segregation of duties and approval of receipts and disbursements each year.

Cook moved, Fletcher seconded, Accepting the Financial Statements and Supplementary Information for the Year Ended December 31, 2012, as presented by CliftonLarsonAllen. Motion passed 5/0.

Mayor Kind thanked Ms. Tingly, Mr. Knopik, and Mr. Persaud for their efforts.

B. Local Board of Appeal and Equalization, Thursdays, April 11 and April 25 6:00 P.M.

Mayor Kind noted Local Board of Appeal and Equalization meetings are scheduled for 6:00 P.M. April 11 and 6:00 P.M. April 25. She explained the City Council will act as the Board of Appeal. She encouraged people to call in advance and ask to be placed on the roster. If a property owner can't be at the meeting she asked them to send an appeal the City at the City's email administrator@greenwoodmn.com or to Zoning Administrator/Clerk Karpas at guskarpas@mchsi.com.

C. Spring Clean-up Day, Saturday, May 4, 2013

Mayor Kind noted the City's spring clean-up day will be held on May 4. Residents are asked to have their items out at curbside at 7:00 A.M.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Excelsior Boulevard Watermain Project

Mayor Kind stated Council has three items to consider with regard to the Excelsior Boulevard Watermain Project. She explained the first item is a resolution declaring of adequacy of the petition for the properties along Excelsior Boulevard from 21150 to 21030 and ordering preparation of an engineering feasibility report; or, the adoption of a resolution declaring the insufficiency of the petition. The meeting packet contains a copy of a memorandum from Attorney Kelly stating his perspective on the petition (dated March 15, 2013). Kelly found that one of the signatures on the petition is not the property owner of the property they listed (21080). Zoning Administrator/Clerk Karpas stated he has tried to contact that person numerous times to no avail.

Councilmember Fletcher stated it is his understanding that the property in question is owned under a contract for deed. Mayor Kind and Zoning Administrator/Clerk Karpas stated that is their understanding also. Kind noted the City has no proof that it is owned under a contract for deed.

Attorney Kelly stated if Council is comfortable with the petition, he recommends Council accept the petition for what it is at this time and when doing so note there is uncertainty with one address (the 21080 Excelsior Boulevard property), which means there is not full 100 percent participation of the partition. Council could then direct the feasibility study be prepared. A public hearing could be held after that study is done. The petition does meet the 35 percent threshold.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 12-13, “A Resolution Declaring Adequacy of Petition and Ordering Preparation of Engineering Report,” authorizing the City Clerk to publish a copy of Resolution in the Sun-Sailor to start the 30-day appeal process subject to amending the Resolution to stipulate the filing date was March 20, 2013, and subject to verifying who owns the 21080 Excelsior Boulevard property. Motion passed 5/0.

Mayor Kind stated the second and third items are the Excelsior-Greenwood Water Expansion Agreement and the Excelsior-Greenwood Municipal Water Service Agreement. Zoning Administrator/Clerk Karpas provided Councilmembers with a hardcopy of each agreement (a copy had been emailed to them earlier). Kind noted a quorum of the Greenwood Council attended the April 1, 2013, Excelsior Council meeting. She stated she thought the Agreements reflect the changes discussed during the April 1 Excelsior Council meeting.

Councilmember Fletcher stated the project costs for watermain extension at this time are estimates. He then stated if the watermain extension bid costs opened by Metropolitan Council Environmental Services (MCES) (as part of its forcemain project bid opening) extension come in significantly higher than the estimates he asked if the expansion agreement locks the City into going forward with the project. Attorney Kelly explained when the bid costs come in there is a 7-day window of approval. He stated he thought it would be difficult for Excelsior to make Greenwood move forward under that circumstance.

Cook moved, Quam seconded, approving the Excelsior-Greenwood Water Expansion Agreement subject to filling in the blanks to add “up to 21030 Excelsior Boulevard,” add “900 to 1480 feet,” and add “10 to 16” residential properties.

Mayor Kind offered up a friendly amendment to the motion to include authorizing the Mayor and City Clerk to sign the Agreement.

Without objection from the maker or the seconder, the motion was amended to include and authorizing the Mayor and City Clerk to sign the Agreement. Motion passed 5/0.

Mayor Kind asked Council if the revised Excelsior-Greenwood Municipal Water Service Agreement reflects what was discussed during the April 1 Excelsior Council meeting. Kind explained during the meeting Excelsior agreed to set the out-of-town surcharge at what the current surcharge is. The current surcharge is 21 percent higher for the fixed meter charge and 7 percent higher for the per-gallon charge. Also, any reference to mediation and arbitration has been taken out.

In response to a comment from Councilmember Quam, Councilmember Cook stated any future changes to the agreement would be worked out through negotiation with the last alternative being litigation.

Attorney Kelly clarified that any court case would force the two Cities into mediation.

Councilmember Fletcher stated Excelsior Councilmember Beattie wanted to have a clause in Section 4 in the last sentence “*Except as provided for in Paragraph 7, Excelsior City Code shall control if a conflict with this agreement exists or develops.*” He asked Attorney Kelly to comment on the clause. Kelly stated from his perspective it is gamesmanship and he does not like it because it suggests Excelsior can put whatever it wants in its City Code and Greenwood has effectively agreed to accept it. He noted that Beattie was the one that wanted any reference to arbitration and mediation taken out of the Service Agreement. He stated that he told Council early on that doing so was not in the City’s best interest. It was prudent to have a platform to handle what is in their best interests. He then stated from the positive side the Excelsior Council has accepted the cap on the surcharge and therefore it is less likely that a conflict

will arise. If Excelsior does decide to start acting in a way that the Greenwood takes exception to, there would be a city-to-city exchange about this Agreement. He noted if the City accepts the clause in this Agreement and if it becomes an issue the courts will likely point out that the City Council accepted the Agreement.

Councilmember Roy asked Attorney Kelly how much the Excelsior City Code could be changed for water. Kelly responded the Agreement already states what the non-resident surcharge can be and he finds that to be a safety belt for the City's residents. He commented that he would not put it past someone who thought they were really clever to write something Greenwood would find objectionable.

Councilmember Fletcher noted in the Service Agreement Item 11 Legal Costs states "*Each party shall bear their own legal expenses and costs associated with the drafting and implementing of this Agreement and as otherwise incurred during the term of this Agreement without right of contribution from the other City.*" He asked if, for example, Excelsior could put something in its City Code that would require Greenwood to pay both parties' legal expenses. Attorney Kelly stated the example may be a bit extreme, but it is an example of what is being discussed. He expressed concern that someone thinks they need the clause in the Agreement.

Mayor Kind suggested that if Excelsior makes a code change that is too crazy, the City could always take Excelsior to court.

Councilmember Fletcher stated he had a conversation with an Excelsior Councilmember at the April 1 Excelsior Council meeting and that person expressed that they did not want the tail (Greenwood) wagging the dog (Excelsior). He understands that. He then stated that person wanted to make sure Excelsior could change something with regard to water if it needed to. He noted that he does not like the clause but will rely on Attorney Kelly's advice.

Attorney Kelly stated the clause is located in the section that describes Excelsior's authority that states "*...subject to the provisions of Excelsior's City Code regarding water service including, but not limited to, provisions relating to connection fees, water service pipes, metering, and water billing and rates.*" If the clause is read narrowly in that regard the clause could perhaps be entirely reasonable. If it is read broadly to include any anything Excelsior may craft then it is unreasonable.

Mayor Kind stated she thinks the clause is in context to Paragraph 4. She noted Greenwood pushed to have the language "*...except as provided for in Paragraph 7 ...*" included and Paragraph 7 is about rates.

Attorney Kelly stated from his perspective if Council approves the Service Agreement with the understanding that the last sentence in Paragraph 4 relates to Paragraph 4 there is at least some legislative history about what Greenwood's understanding was when the Agreement was approved.

Fletcher moved, Roy seconded, approving the Excelsior-Greenwood Water Service Agreement as presented and authorizing the Mayor and City Clerk to sign the Agreement with the understanding that the conditions included by Excelsior's request regarding the Excelsior City Code shall control if a conflict or disagreement develops that there is agreement by Excelsior that this is very narrow treatment of very minor treatments to its City Code that would be done for the rest of Excelsior related to Paragraph 4 in the Agreement.

Mayor Kind asked if the resolution could be simplified by saying in conflict with Paragraph 4 of this Agreement. She proposed to amend the last sentence in Paragraph to read "*Except as provided for in Paragraph 7, Excelsior City Code shall control if a conflict with this paragraph exists or develops.*"

Without objection by the maker or seconder, the motion was amended to “approving the Excelsior-Greenwood Water Service Agreement as presented and authorizing the Mayor and City Clerk to sign the Agreement subject to in Paragraph 4 changing “*Except as provided for in Paragraph 7, Excelsior City Code shall control if a conflict with this Agreement exists or develops*” to “*Except as provided for in Paragraph 7, Excelsior City Code shall control if a conflict with this Paragraph 4 exists or develops.*”

Motion passed 5/0.

7. NEW BUSINESS

A. Draft of Residential Uses Ordinances Amending Zoning Code Chapter 11

Mayor Kind noted the discussion of the draft ordinance amendment of the City Code Chapter 11 regarding uses in residential districts and the draft amendment of the City Ordinance Code Chapters 4, 11 and 12 regarding home occupations will be discussed at the same time. Copies of the draft amendments are included in the meeting packet and each has been reviewed by Attorney Kelly. She explained these draft amendments came about in response to what was learned during a January 2012 planning and zoning workshop. Zoning Administrator/Clerk Karpas had been directed to draft the home occupations amendment. During that process Karpas realized that several of the items listed as principal, accessory and conditional uses need to be brought up to current standards in the “residential uses” section (Chapter 11) of the Zoning Code.

Kind explained that since the draft amendments were prepared, the City received a notification of a private residence along Fairview Street being marketed as a vacation rental property. To address this issue language regarding hotel/motel has been added to the draft of the home occupations ordinance. A definition was added as was a prohibition for those uses in a residential area.

Kind stated because both draft ordinances amend the Zoning Code Chapter 11 the Planning Commission must review and make a recommendation to Council. She reviewed the timeline should Council decide to move forward with the draft ordinances. The Planning Commission would review the ordinances and make a recommendation on April 17. Council would consider the first readings of the ordinances during its May 1 meeting and the second readings during its June 5 meeting. The ordinances would go into effect when they are published in the Sun-Sailor on June 13.

Kind then stated there had been some discussion about possibly streamlining the process. She explained in the home occupations ordinance Section 1 (amending the home occupation definition) and Section 2 (amending the hotel/motel definition) deal with Chapter 11, so those two sections could be removed from the draft ordinance and then it would not have to go the Planning Commission. The definitions would still be added to Section 1205. Council could then have its first reading of the ordinance during its April 11 special meeting and the second reading during an April 25 special meeting that would be held after the Local Board of Appeal & Equalization meeting. The ordinances could then be published in the Sun-Sailor on May 2.

Zoning Administrator/Clerk Karpas noted that the Planning Commission must hold a public hearing on proposed changes to the Zoning Code. He explained that typically when Council asks the Planning Commission to consider changes to the Zoning Code the Commission talks about it in one meeting and then holds the public hearing during its next meeting.

Mayor Kind stated based on that the timetable she presented for ordinance amendments to Chapter 11 will not work.

Mayor Kind stated if there are two different hotel/motel definitions in the Code Book (which is what would happen if the definitions in Section 1102 are not amended at the same time as the definitions are added to Section 1205) she asked which one would apply. Attorney Kelly stated the one that is more sympathetic to the person being regulated would apply.

Attorney Kelly stated he drafted a revised definition of hotel/motel. Mayor Kind distributed a copy of it. Kelly suggested that be inserted into the ordinance via friendly amendment. Kelly stated while the ordinance regulates what a person can do as a home occupation, what the City really wants to do is make sure that no one puts a residential property into a hotel/motel use. He noted consideration may be given to writing a provision which stipulates that if a property owner uses a property for a hotel/motel purpose they may be prosecuted. He stated if the City gets into a zoning debate with a property owner the ability to get their attention through a citation is not as great as there is through a penal prosecution. He suggested adding a penal provision to Chapter 9. He noted he would need to define what the provision is.

Attorney Kelly stated a draft penal ordinance could be ready for a first reading during Council's April 11 special meeting. Mayor Kind stated the second reading could be held during the April 25 meeting and penal ordinance could then be published in the Sun-Sailor on May 2.

Councilmember Quam asked if the current ordinance allows for a hotel/motel. Attorney Kelly explained it is not a permitted use in a residential district. The grey area is created by the fact that the property owner has the implied right to rent the property to another person who would use it for a residential purpose. He stated when it starts to get rented on, for example, a weekly basis then a business element is being introduced into a residential neighborhood. He noted the current code does not prohibit that. He then noted in the courts the benefit of the doubt goes to the citizen when the code is vague.

Councilmember Cook stated the way he interprets the ordinance amendment it would prohibit any homeowner from renting their home to someone on a month-to-month basis. Attorney Kelly stated the draft amendment stipulates the initial rental term has to be four months or greater. After four months a rental term could be month-to-month.

Councilmember Cook noted that when he first moved to Greenwood he rented a house on a month-to-month basis and he ended up living there 2.5 months while his house was being torn down and rebuilt. He expressed concern that it would be an undue restriction. He clarified his quibble is about changing it to one month from four months.

Attorney Kelly stated that is draft ordinance is in response to concerns conveyed to the City and that the amount of time set for the initial rental term is a policy discussion for the Council.

Councilmember Cook stated there are about six of the things on the prohibited list that occur in his neighborhood, so that this ordinance would be good to have in place.

David Walsh, 21630 Fairview Street, distributed some documents to Council. Mr. Walsh stated the vacation rental property being talked about along Fairview Street was sold last September. The new owners, Amy and Kevin, are from San Francisco. He and his wife Sue welcomed the new owners. Comments made by the new owners indicated they would not be at their property very much and that Amy's sister would be the person he and Sue would be seeing coming and going from the property.

Mr. Walsh explained that his wife was perusing the internet and came across information that Amy and Kevin's property was for rent. After further research his wife learned that they created a business called Lake Minnetonka Associates (LMA). There are four websites that in detail show how LMA is marketing the property. The information shows that during the high time starting June 1 the property rents for \$5,600 a week and during May it's \$4,200. There is information on the owner's profile which indicates they looked around the Lake Minnetonka area for two years and finally found the perfect property. On the owners Facebook page comments were written that the owners finally found their new venture.

Mr. Walsh stated the calendar on the LMA website indicates the property is booked up. Mayor Kind stated it is possible the owners booked out time for themselves. Mr. Walsh noted that two people left the property today and he believes that cleaning people came in after them.

Mr. Walsh explained that he reviewed the City's Comprehensive Plan (Comp Plan). The Comp Plan's mission is "*The City of Greenwood is primarily a single-family, resident-owned community supporting the orderly development and redevelopment of our property. ... We believe in a balance between private property owners' rights and the preferences of the neighboring properties.*" He stated the LMA business is completely contrary to the mission statement. Under Land Use Element/Goals and Policies it states "*Maintain the character of residential neighborhoods*" and "*Manage commercial areas to be free of encroachments or undue impacts on adjacent residential areas.*"

Mr. Walsh then explained he reviewed the City Code Book. The area he lives in is zoned R-1A, Single-Family Residential. He explained for the R-1A Single-Family Residential District Section 1120.00 Purpose states "*The intent of this district is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district.*" Under Section 1120.05 Permitted Uses Subd. 1(a) it states "*Single-family detached dwellings, excluding the leasing or renting of rooms.*" Under Section 1102 Definition it states "*Dwelling, Single Family means a detached residential dwelling unit designed for and occupied by 1 family only.*"

Mr. Walsh noted he and his neighbors are supportive of the draft amendments being discussed. Speaking for himself and neighbors in the audience, he stated the City already has a Comp Plan and ordinances that prohibit the property from being a vacation rental property. They have concern that if the business starts it will be difficult to stop it. He stated the ordinances are laws and they need to be enforced. They are the rules of the road in Greenwood. They provide the framework for residents to live together peacefully and in an orderly manner. It allows residents to know what to expect from one another in the context of the community. He encouraged the City to use the ordinances already in place to rectify the vacation rental situation even before Council adopts the ordinance amendments, and to continue to move forward with the draft ordinances.

Anne Spaeth, 21700 Fairview Street, stated Council is having a lot of discussion about hotel/motel. She noted in the LMA's advertising it talks about the house possibly being an event center (e.g.; weddings and corporate gatherings). She stated Fairview Street is narrow. The neighbors use each other's driveways when they have events. She encouraged Council to consider traffic and noise issues if it were to be used as an event center. She expressed what troubles her most by this is that young children live in the neighborhood. She noted the residents need Council's proactive help.

Mayor Kind asked Ms. Spaeth what her thoughts are about Councilmember Cook's desire to allow month-to-month initial rental term of single-family housing. Ms. Spaeth responded she is supportive of that. She noted that she does not want to amend the ordinances by reacting out of fear. She stated she thought it is worth further discussion. She then stated a four-month initial term could be reasonable but so could month-to-month. Maybe three months would be appropriate because that would be the three

summer months. Ms. Spaeth stated she wants to be sensitive to property owners who may want to go away for a period of time and rent their home out.

Councilmember Fletcher stated he had heard about the property being marketed possibly as an event center. He could not find that on any of the LMA websites.

Ms. Spaeth stated she found it under the Contact Us tab and there is an option for availability for short- and long-term leasing and events.

Councilmember Quam noted the City Ordinance does have controls for events.

Mr. Walsh stated if a person Google's Lake Minnetonka Associates or Lake Minnetonka rentals they can find a great deal of information.

Joan Moser, 21670 Fairview Street, noted that Mr. Walsh lives on one side of the vacation rental property and she and her husband are on the other side. She stated her only concern with the short-term rental is if people can move in once a month the neighbors don't know who they are. She noted that a minimum fourth-month initial rental term is ideal. She stated renters may not take care of the property very well and there is no way to control the subletting.

Tom Warner, 21710 Fairview Street, commented some of the houses have been there a very long time and the side yard setbacks are quite small. He thought immediate action should be taken. He suggested the City Attorney be asked to promptly send a cease and desist order to stop the rentals immediately. That will allow the City enough time to adequately enhance the ordinances. He mentioned that there have been past situations such as the island property, where potential buyers were told they could not use the property as a hotel/motel.

Zoning Administrator/Clerk Karpas stated the contact he received about the island property was about multi-dwelling units. He explained Section 300 of the Code allows for the registration of rental properties. Within the single-family residential district a person can rent their property. There is a prohibition on that which reads "*The limitation on habitable dwelling units, with the exception of legal nonconforming uses, no property shall be licensed for more dwelling units than are otherwise permitted within the zone the premises is located.*" If the owners of the property license it for an annual \$50 license fee to be a rental property within the City and if they meet the requirements within the Code (which is basically the International Property Maintenance code) the owners can rent the property. There are no restrictions on who is renting it. He noted the owners of the property do not have a rental license. He stated he is not aware of anything in the Code that would prohibit them from getting a rental license.

Mayor Kind asked whether there is anything in the Code currently that would prevent people from renting their homes for a short period of time (e.g., a week). Zoning Administrator/Clerk Karpas stated he could not find anything.

Karpas then asked if the City has a responsibility to let the owners know that they have not applied for a rental license.

Councilmember Cook suggested contacting them immediately and to tell them they are in violation of the City Ordinance because they do not have a rental license and that they should get their website marketing in line with the City Ordinance. If the City Ordinance does not allow event centers in the residential zoning districts they should not market the possibility of an event center.

Councilmember Cook stated the fact that they have already violated the City Ordinance it should be used as the first step in stopping the process.

Mayor Kind stated they can send the City a \$50 check for a rental license. Zoning Administrator/Clerk Karpas clarified they have to submit a rental application also.

Attorney Kelly stated the rental permit ordinance was adopted to make sure buildings were maintained to a certain quality. He stated he has not tried to find out who the owner of record is of the vacation rental property. Mayor Kind clarified Lake Minnetonka Associates is the owner of record based on the tax roll.

Kelly explained the Zoning Code implements the land use plan. The Zoning Code indicates the property is located in the R-1A Single-family Residential Zoning District. How that single-family use is exercised is not defined in the Zoning Code. It does not specify the amount of time. It is being used for residential purposes, albeit short term. The question becomes what is the reasonable regulation of that. He did not think the City would be successful if it issued a complaint and filed it with the District Court at this time for hearing. The City does not have any temporal limitations on the turnover in the residential districts.

Kelly stated when this issue of the vacation rental property first came up the thought was to regulate them in the home occupation ordinance. He noted that he agreed with Mr. Warner's suggestion that the City take the time needed to make sure the ordinances will be enhanced appropriately. He suggested that in addition to the home occupations ordinance, the City should have a flat-out prohibition that would be included in the Zoning Code Section 1140 General Regulations. There also needs to be something in the penal code. Regarding the idea of sending a cease and desist letter, Kelly stated that these types of letters are usually sent in relation to established legal rights that a company might have, such as a violation of trade secrets. He noted that based on his experience he did not think a cease and desist order is appropriate in this situation.

Councilmember Fletcher stated he understands Attorney Kelly to be recommending that the City make the needed amendments to the City Code and then send a letter.

Attorney Kelly noted as soon as the ordinance amendments have been adopted and published in the City's newspaper of record they go into effect. The only thing that would be grandfathered in might be the current rental. A future rental could not take occupancy because it would be in violation of the City Code.

Councilmember Fletcher stated he assumes it would be prudent to have the full tool kit in place before taking any action against the property owner.

Attorney Kelly stated the City has the right to impose reasonable regulations on the use and operation of the property. At a minimum to the extent that the LMA has not booked the property for some particular week then it would be done because the LMA would be on notice. Once the LMA is on notice it cannot continue to rent the property out because it would be in violation.

Zoning Administrator/Clerk Karpas stated he would call the LMA and tell it that he is sending a letter with an application. The LMA would be told they have to submit the application and \$50 fee within a certain time. If the City does not receive the application and fee within the timeframe a civil citation would be issued.

Mayor Kind questioned why the City would want to send the LMA a letter informing the LMA that it needs a rental license.

Councilmember Fletcher stated he does not encourage that. He then stated he understands Attorney Kelly to be recommending the City have no communication with the LMA at this time.

Attorney Kelly stated an amendment to the Zoning Code Section 1140 General Regulations would include a prohibition on events and hotel/motel in a residential district.

Councilmember Roy questioned if this is a buyer-be-aware situation. He stated he thought the LMA should have researched what the property could be used before it purchased the property. It is not up to the City to accommodate the LMA.

Mayor Kind stated if the LMA did do its research the City Code does allow a property to be rented out with no stipulation on the length of time.

Attorney Kelly noted that he does not want the City to send the LMA a letter informing it that it needs to apply for a rental license.

Zoning Administrator/Clerk Karpas asked if Council still wants to consider amendments to City Code Chapters 4 and 12 on April 11 and April 25 and then work on amendments to the Zoning Code. Mayor Kind responded yes.

Attorney Kelly stated the Planning Commission could discuss amendments to the Zoning Code during a regular meeting and then call a special meeting to hold a public hearing on its amendment recommendations.

She asked if Council could have a first reading of the ordinance amendment during this meeting while noting it was not posted that way on the agenda. Attorney Kelly stated that could be done, but he suggested keeping on the April 11 and April 25 timeline.

Attorney Kelly noted the most important thing to do from his perspective is to tweak the Zoning Code. The Planning Commission can have an initial discussion about amendments to the Zoning Code and then call a special meeting to hold the public hearing on the amendments.

Mayor Kind asked if the amendments to the Home Occupations ordinance are sufficient to send a letter to the LMA informing it that it is in violation of the City Code. Attorney Kelly stated he prefers to have the Zoning Code amended first. Kelly stated he needs to refine the draft ordinance amendment to Zoning Code that is included in the meeting packet.

There was agreement that a special Planning Commission meeting be held on April 25 for the purpose of holding a public hearing on amendments to the Zoning Code and then Council can consider the Planning Commission's recommendation and have the first reading of the ordinance during its April 25 meeting. The Commission will have its initial discussions about the amendment during its April 17 meeting.

Councilmember Cook stated he is not convinced that the initial rental term needs to be more than 30 days.

Mayor Kind stated Attorney Kelly's newly revised definition of hotel/motel which addresses subletting will be included in the ordinance amendments the Planning Commission and Council will discuss during their upcoming meetings.

B. Draft of Home Occupations Ordinance Amending Zoning Code Chapters 4, 11, and 12

This was discussed as part of Item 7.A.

C. Report of Past Variances Granted for Possible Code Revisions

Mayor Kind explained that during its March 6, 2013, meeting Council discussed an ordinance amendment that would relax building volume requirements for smaller lots. At the end of the discussion Council directed Zoning Administrator/Clerk Karpas to research past variances that were granted. The intent was for Council to review the variances and use the information to determine if there is a pattern of granting variances for certain things that would warrant the Zoning Code being changed. She noted that earlier in the week she asked Karpas if the information he assembled is supposed to reflect the variances granted or the actual setbacks approved. She explained she had found some inconsistencies. She suggested he recheck his numbers.

There was Council consensus to have the information about variances verified.

Councilmember Quam asked Zoning Administrator/Clerk Karpas to provide a summary of patterns he found along with the verified information.

Councilmember Fletcher noted that during its March 6 Council meeting it continued the second reading of Ordinance 215 to its May 1 meeting. Therefore, it is probable that Council will not consider the Ordinance until its June meeting to give Council time to discuss any changes. Mayor Kind explained Council had the first reading of the Ordinance during its February 6 meeting and the second reading must be done within three months of the first reading. If the second reading is not done within the required time the first reading will have to be done again.

Councilmember Cook asked that the information be updated and made available to the Planning Commission for its next meeting which is later this month.

D. Lake Improvement District Concept

Mayor Kind stated that Councilmember Fletcher brought up the idea of a St. Alban's Bay Lakeshore Improvement District (LID) during Council's March 6, 2013, meeting for managing aquatic invasive species (AIS) in the Bay. During that meeting Council directed Fletcher to research the concept and report back to Council for discussion. She noted that the meeting packet contains a copy of Fletcher's report.

Councilmember Roy stated if Council likes the idea of moving forward with this LID concept he asked Councilmember Fletcher what the next steps in the process would be. He stated he thought it was important to inform the residents of concept. He suggested a timeline for the process be developed. He stated he assumes it will be presented to the Lake Minnetonka Conservation District (LMCD) and the Minnehaha Creek Watershed District (MCWD) as partners with the City. He commented that he thought there will be more of this concept around Lake Minnetonka. He noted St. Alban's Bay will be chemically treated for Eurasian Watermilfoil (milfoil) again in 2013. Therefore, it is likely the Bay will not be treated again in 2014 based on history. He would like to have this in place by 2015 if the lakefront property owners in the City support the idea.

Councilmember Fletcher stated that assuming Council and the owners of the properties that front St. Alban's Bay support the idea along with the Hennepin County Board of Commissioners he thought it is

realistic to get the structure in place this year. Based on the tax cycle, it could not be in place until 2015 to generate funding for treating the Bay.

Councilmember Cook asked what problem is trying to be solved with a LID. He stated from his vantage point the funding process for treating AIS that is in place works. He expressed concern about creating another governing body that would have taxing authority. He explained the City is located in other types of districts with taxing authority that have expanded their role significantly. He stated that St. Alban's Bay is 60 to 70 percent surrounded by Greenwood properties. Therefore, he thought Greenwood should be dealing with funding.

Mayor Kind noted that she shares Councilmember Cook's concern about "mission creep." She stated that the advantage of having a LID is its taxing authority would be focused solely on property owners who front St. Alban's Bay; not on the other property owners who live on the main lake or off-shore. She stated that for the city to budget \$70,000 for the treatment would result in a large tax increase.

Councilmember Quam stated the City could increase its contribution to the chemical treatment to, for example, \$25,000 instated of the \$5,000 it currently contributes.

Mayor Kind stated the main advantage of a LID is that it would provide for a funding source that could be counted on for the long-term.

Mayor Kind recessed the meeting at 8:59 P.M.

Mayor Kind reconvened the meeting at 9:07 P.M.

Councilmember Quam suggested Councilmember Fletcher try to move this forward through the appropriate channels, noting he is supportive of taking a look at this.

Councilmember Roy stated he thought a LID would have a number of advantages. There are residents who benefit who from the treatment who currently don't contribute toward the treatment. He noted that his son owns property that fronts another lake where a LID was created four years ago. It has worked well there. The cost is spread out among property owners equitably. He stated those that contribute to the treatment funding would probably pay less if this were implemented.

Councilmember Quam stated residents who lease the City-owned docks benefit from the treatment as do people who live near the channel. Also, people belonging to homeowners associations may also benefit. He stated they would also have to approve creating a LID. Councilmember Fletcher stated he thought it would be prudent to require a strong/super majority approval of property owners.

Mayor Kind stated if Council chooses to move forward with this then whatever is presented to the public would need to explain how the taxing would be determined. Would it be by per-foot lakefront? Would off-shore residents be taxed? And, so forth. It needs to be clearly thought out and then explained.

Councilmember Quam asked what the next step is the City can take.

Mayor Kind stated there is a suggested motion that would create a LID subcommittee to meet with Hennepin County Board and Minnesota Department of Natural Resources (DNR) representatives to determine if there would be support for establishing a St. Alban's Bay LID.

Councilmember Roy suggested talking to residents first before talking to other agencies. Councilmember Quam stated if that approach is taken and residents get excited about a LID he expressed concern about what the impact of the County and DNR squelching the idea might be.

Councilmember Quam suggested finding out if the County Board and the DNR are open to the concept.

Councilmember Fletcher suggested talking with Hennepin County Commissioner Callison and the DNR upfront to get a sense for where they stand on the concept. He also thought it prudent to get a sense from some residents if they think it is reasonable. Also, contacting the LMCD and the MCWD could prove worthwhile.

Mayor Kind stated the motion could be to establish a subcommittee to determine what the next steps would be.

Mayor Kind reiterated that she does share Councilmember Cook's concern about creating another taxing authority and about mission creep. She stated if this were to get to a by-laws stage she would want them to be extremely clear about what the LID's mission would be.

Councilmember Roy stated it would be totally focused on the management of AIS.

Councilmember Fletcher stated he is involved in a business group that deals with certain services provided to businesses in that area. Based on that, he does think there is value with having some local control. He then stated he thought there will always be a battle with the LMCD about it providing some funding for the chemical treatment of St. Alban's Bay. He went on to state he did not think properties that don't front the Bay should be taxed at the same level by the LID as those that do. He commented that he would be surprised if the DNR was not supportive of this.

Mayor Kind expressed concern about forcing lakefront property owners who have chosen not to contribute toward the chemical treatment to contribute through taxation.

Councilmember Fletcher stated there are people who oppose putting chemicals into the Bay. They will be even more unhappy if they have to pay for it. Councilmember Roy stated there were two people who expressed concern about the chemicals and one of them has moved.

Mayor Kind stated she assumes that Councilmembers Fletcher and Roy would like to serve on the subcommittee. She asked if any other Councilmember wants to do so.

Quam moved, Cook seconded, appointing Councilmembers Fletcher and Roy to a Lake Improvement District subcommittee and directing them to meet with representatives from the Hennepin County Board of Commissioners and the Minnesota Department of Natural Resources and to report back to Council on their observations and recommendations.

Councilmember Fletcher asked if Council wants him and Councilmember Roy to talk to residents about this. Councilmember Quam stated that could be done casually but not formally.

Motion passed 5/0.

8. OTHER BUSINESS

None.

9. COUNCIL REPORTS

A. Cook: Planning Commission

Councilmember Cook stated there was not a Planning meeting in March due to a lack of an agenda.

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

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Councilmember Fletcher stated he had nothing to report. He was not able to attend the LMCC Executive Committee meeting in March and he will not be able to attend the meeting in April.

With regard to the Excelsior Fire District (EFD), Fletcher stated he attended the March 27, 2013, EFD Board meeting. He learned that Pat McCarthy, a Greenwood resident and volunteer firefighter, was promoted to the Battalion Chief of training and Kieran Hannigan, another Greenwood resident and volunteer firefighter, responded to all of the nineteen calls out of Station 2 in February. A short report was given on the EFD's 2012 financial statements. The EFD received a clean audit. The Board accepted the audit reports. There was also a brief discussion about the Excelsior Firefighters Relief Association (EFRA) 2012 audit. The EFRA's fund for pensions was over 100 percent funded at the end of 2012; it has dropped somewhat recently. There was a brief discussion about the informal agreement the EFRA has with the EFD Board that it will not ask the EFD Board to approve a raise in the per-year-of-service benefit until the fund is at least 110 percent funded. A new tanker/pumper truck (Engine 22) will be arriving at Station 2 in the next two months. The new truck will be able to carry 1000 gallons more water than the truck it is replacing.

Fletcher stated there is an EFD Board work session scheduled for April 17 to discuss the draft 2014 EFD Operating Budget and 2014 to 2034 Capital Improvement Program (CIP). He noted that he will not be able to attend the work session so Councilmember Quam, the alternate, will attend in his place. He explained that during the March meeting EFD Chief Gerber presented the highlights of the budget. Detail discussion will occur during the work session. The draft budget reflects a 2 percent increase in the member cities contribution when compared to the 2013 contribution. He explained that the EFD in-service times (turnout times) and response times are lower on weekends and nights than during the weekdays. The EFD has one rotating duty officer on call 24/7. One way to improve those times is to have a partial duty crew from 6:00 P.M. on Friday through 6:00 P.M. on Sunday. The cost to do that (approximately \$106,000) would raise the increase in the member cities contribution for 2014 to 8.91 percent.

Fletcher explained that in 2023 the bonded debt for the public safety facilities is paid off. The CIP reflects that in 2024 to 2026 \$555,000 (approximately the amount of the bonded debt annual payment) will be put into the Building Fund to put aside funds for major repairs to the two fire stations. He recommended extending out some of the capital purchases (e.g.; replacement trucks) and using some of that equipment funding to help fund a duty crew to reduce response times.

Fletcher stated the owners of a property along Maple Heights Road near the island house has expressed in municipal water to him and Mayor Kind. He then stated if he owned the island house property he would likely want to have access to municipal water and as long as there will be trucks going back and forth on that part of Maple Heights Road now may be a good time to extend water to the island house. Kind stated

she told the property owners to petition the City. Kind noted a stub will be installed at the intersection of Maple Heights Road. Kind also noted that road is not being torn up.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated there is nothing new to report.

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

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated the next SLMPD Coordinating Committee is scheduled for May 21 at 5:00 P.M.

With regard to administration, Kind stated representatives from ShopNBC met with Excelsior Fire District Chief, Gerber, SLMPD Chief Litsey and SLMPD Deputy Chief Pierson sometime in the last month. Another meeting has been scheduled with them, herself, Zoning Administrator/Clerk Karpas and another neighbor for April 23 to discuss logistics for ShopNBC's filming on Curve Street and to decide if it can be done or not.

With regard to the City's Sanitary Sewer Discharge Program (often referred to as the sump pump program), Kind stated all but one of the properties that needed to be inspected have been inspected. The owners of that property are away for the winter. That property will be inspected when the owners return to Minnesota. She thought that overall the Program was a big success. Five illegal connections were identified and corrected. Councilmember Cook stated he will have someone at the Metropolitan Council Environmental Services (MCES) estimate what the cost savings to the City will be because the illegal connections were eliminated.

Kind noted that Lisa Christian, Planning Commissioner for Alternate Seat-1, has submitted her resignation because she is moving back to Australia. There are now two openings on the Commission. She encouraged residents to apply for the openings. They can get applications at City Hall or through the City's website. She reviewed the role of the Planning Commission. Councilmember Roy noted that Ms. Christian was a great Lake Minnetonka Association Bay Captain. Kind extended her thanks to Ms. Christian

Kind stated she has received information from the City Engineer and the League of Minnesota Cities (LMC) regarding street improvement districts. The LMC has asked its members to help promote LMC supported legislation that would allow cities to create such districts. The LMC sent two model formats for cities to express support for establishing such legislation – a resolution format and a letter format. She distributed copies of the two formats. She stated the LMC needs information expressing support back as soon as possible.

Councilmember Quam asked why the City should support such legislation. Mayor Kind stated it's her understanding that it is an alternative to assessments. She noted the City does not assess for street improvements; it pays for them out of the General Fund. She explained often cities cannot satisfy the test that the street improvement will improve the value of the property by the amount assessed. Establishing a street improvement district would be another tool a city could use to pay for improvements.

Councilmember Fletcher stated he has no problem supporting legislation that would allow cities to establish street improvement districts. He noted that he does not envision the City ever doing that.

Councilmember Roy stated it would just be another level of taxation.

Mayor Kind stated this would be a level of taxation she could support because it is not based on ad valorem. She then stated the proposed legislation has bipartisan support.

There was Council consensus not to respond to the request for support.

Mayor Kind stated a draft copy of the Minnehaha Creek Watershed District's (MCWD) aquatic invasive species (AIS) plan is available for viewing. She explained she received a letter from the MCWD with a draft amendment to the Plan that the MCWD would like cities to comment on. She asked Zoning Administrator/Clerk Karpas to send a scanned copy of the document to Council and stated it will be on Council's May meeting agenda.

Kind noted that the City has received a copy of the agreement with Metropolitan Council Environmental Services for the cooperative project. She thought the agreement looked okay. She noted that she asked Councilmember Cook to let her know if he finds any issues with it.

Kind stated the City's website now has the entire 2012 to 2013 tax assessment change document on it. She noted that she has been informed that some of the information on the Tax Overview sheet are not correct.

Councilmember Quam asked if the rule about when to move cars when it snows is on the website. Mayor Kind responded it is in the Code Book. Kind stated she will make a note to include the rules in the winter newsletter in the future. For anyone watching the meeting on video, Kind explained cars should be kept off city streets until they are plowed curb to curb.

D. Quam: Roads & Sewer, Minnetonka Community Education

With regard to roads and sewers, Councilmember Quam stated an assessment of the condition of roadways has not been done yet because of the late spring. The plan is to go and look at the roadways next week and to have recommendations for Council for its May meeting.

With regard to Minnetonka Community Education (MCE), Councilmember Quam stated there is nothing new to report.

E. Roy: Lake Minnetonka Conservation District

Councilmember Roy stated the Lake Minnetonka Conservation District's (LMCD) Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan (the Plan) for Lake Minnetonka was approved. The funding for it was taken out of it on a 12/2 vote. It is a Plan that has no funding mechanism.

10. ADJOURNMENT

Roy moved, Quam seconded, adjourning the City Council Regular Meeting of April 3, 2013, at 8:40 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

Greenwood City Council Pre-Board Worksession with Assessors
Wednesday, April 4, 2013 - 6:00 PM
Council Chambers 20225 Cottagewood Road Deephaven, MN 55331

MINUTES

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

Mayor Kind called the meeting to order at 6:00 PM

Councilmembers present: Cook, Kind, Fletcher, Quam, and Roy

Councilmembers absent: None

Staff present: Clerk Karpas

Hennepin County Assessors: Melissa Potter and Rob Winge

Councilmember Quam moved to approve the agenda. Second by Councilmember Cook.

Motion carried 5-0.

2. Pre-Board Worksession with Assessors

Mayor Kind introduced the representatives from Hennepin County Assessor's Office and asked if they had any comments.

Melissa Potter, Hennepin County, said she has received five calls from residents seeking meetings with her to appeal their valuation and has heard from one resident who wants to appeal their actual tax amount. She said this resident is basing his complaint on the handout included in the newsletter showing the property tax on a typical house valued at \$750,000. He said his taxes are above that level even though his home is at a lower value than that. Mayor Kind noted the tax rate she used in the diagram came from Hennepin County and surmised there may be something missing in the calculations. She will recheck to rates to make sure they are correct.

Ms. Potter said the current valuations are based on 17 good sales. Fifteen were single family homes, while two were condo sales. Ten of the single family sales were lakeshore properties. She said the city had four foreclosures during the valuation period. She said some current and pending sales that impact next year's assessment point to an increase in valuations. Ms. Potter stated that the total estimated market value for the city is \$262,483,000. Mayor Kind confirmed that the local board's authority would be to reduce property valuations by a total 1%, which would be \$2,624,830.

Councilmember Fletcher noted there has been a large increase on Fairview Street lakeshore properties on the lakeshore schedule. Mayor Kind expressed concern about the double digit increases on a number of the homes on Fairview Street. Ms. Potter said recent sales on Fairview Street indicated the increases were necessary. As for the lakeshore valuations, they had to be brought up so they were equalized with lakeshore valuations in other neighborhoods. Fletcher noted the increase brought Fairview lakeshore beyond the valuation of Meadville lakeshore.

Mayor Kind discussed the property sales shown on the spreadsheet provided by the county. She questioned a number of the increases which seemed out of place. Ms. Potter said property increases were based on a sales review for the city.

3. Adjourn

Councilmember Fletcher moved to adjourn the meeting at 6:58 p.m. Second by Councilmember Cook. Motion carried 5-0.

Respectfully submitted,

Gus E. Karpas
Greenwood City Clerk

Greenwood City Council as Board of Appeal and Equalization
Thursday, April 11, 2013 - 6:00 PM
Council Chambers 20225 Cottagewood Road Deephaven, MN 55331

MINUTES

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

Mayor Kind called the meeting to order at 6:00 PM

Councilmembers present: Cook, Kind, Fletcher, and Roy

Councilmembers absent: Quam

Staff present: Clerk Karpas

Hennepin County Assessors: Melissa Potter and Rob Winge

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

2. Hear Resident Property Valuation Appeals

Mayor Kind reviewed the appeals process. She said there were a number of appeals before the Board of Review.

- a. Jake Strothman, 4636 Linwood Road submitted his appeal in writing. He raised concerns about the amount of lake frontage attributed to his property and the formula used by the county which gave the property an additional ten feet of frontage that did not exist. Rob Winge, Hennepin County, said the lake frontage was determined using the effective lake frontage formula. Councilmember Fletcher asked if that was an average of the road frontage and lake frontage. Mr. Winge drew a diagram showing how effective lake frontage was obtained and explained how a property with less lake frontage can be valued greater than one with more frontage due to a larger building pad. He said this frontage is measured at the building line and that this method is applied uniformly across the entire lake. Melissa Potter, Hennepin County, said they were still working with Mr. Strothman. Mr. Winge added if they had to make a recommendation today, they would recommend no change, but they are still working with him.
- b. John Musgjerd, 5145 Curve Street, submitted an appeal in writing outlining his argument for a reduction based on the reductions in his neighborhood. Even though he's received reductions, his have not been at the same percentage as the other homes. Mayor Kind said she conducted her own research, since she lives next door to Mr. Musgjerd, and said it appears he is correct. She noted he did build a garage addition which could account for some of the disparity. She said that Mr. Musgjerd did get a reduction from the board in the past. Ms. Potter said she was not prepared to speak about the previous years' reductions, but said he did receive a reduction last year that the other properties did not receive which they are receiving this year. If he's been getting annual reductions from the Board, his reductions may be coming a year prior to the rest of the neighborhoods.
- c. Robert and Maureen Burns, 5080 Meadville Street. Robert Burns presented an appeal based on a recent property valuation search on the internet showing a lower valuation than the assessed valuation for their property. Ms. Potter noted the valuation being used by the Burns was based on the previous year's assessment and the property has actually been assessed at a value lower than the valuation shown on the website visited by the Burns.
- d. Frank and Suzanne Brixius, 21720 Fairview Street, submitted their appeal in writing. Their concern was that the value of the house was increased by \$200,000. Ms. Potter said she has tried to contact the Brixius' and have not heard back from them. She said she would have to see the house and has nothing to report at this time.

- e. Kevin and Amy Connors, 21650 Fairview Street. Amy Connors said she and her husband purchased the property in September without seeing the property or comparing it with any comparables in the area. She believes she and her husband paid too much for the property. She noted the price paid for the property included a number of items above and beyond the land and the home including a boat, a dock system and furniture. She said the current assessment of the property was made without this knowledge. Ms. Potter said there was no personal property indicated on the sale, if there is some documentation of the amount it will be subtracted. Councilmember Cook asked if a reduction would ripple throughout the neighborhood since this sale was used to assess other properties. Mr. Winge said they, as Assessors, don't have the authority to do so, but the Board does. Mayor Kind stated that the Board has the power to make a street-wide adjustments, but asked whether the assessor needed to physically get inside the homes. Mr. Winge said the board can make market-based adjustments to a street without the assessor viewing the inside of the homes, but suggested that the board may want to notify those involved because some people may not want their land value lowered.
- f. Kam Talebi, 5560 Maple Heights Road. Mr. Talebi said he paid \$1,875,000 for the property and an additional \$200,000 for some furniture and stone. He said the property is very unique and they've been trying to figure out what to do with it. He was hoping the value would be based on the purchase price and increased as the property is developed. Mayor Kind asked if the purchase price included both the island and the property on the mainland. Mr. Talebi said it did. Ms. Potter said she would like to view both structures to get a better idea of their condition.
- g. Jason and Amy Spaeth, 21700 Fairview Street. They submitted a letter indicating they felt their double digit increase was too much. Ms. Potter said they are still reviewing this property.
- h. David and Susan Walsh, 21630 Fairview Street. Concerned their land value is too high. Ms. Potter would like to visit the property.
- i. Paul Boedecker, 21925 Byron Circle, contacted Ms. Potter with a concern about his value in comparison with the neighboring properties. Mayor Kind said it looks like he went down more than his neighbors. Ms. Potter said Mr. Boedecker is looking at value, not percentage. She said she has scheduled a meeting with him.
- j. Tom Warner, 21710 Fairview Street, said he would like to meet with Ms. Potter. He would like her to take a look at his house which is one of the oldest on Lake Minnetonka.
- k. Jeff Svendson, 5050 Kings Court. Ms. Potter said Mr. Svendson's concern was the overall valuation of the land and building. She met with the property owner and has yet to get back to him and let him know that she has reduced the building from \$237,000 to \$198,000.
- l. Councilmember Fletcher asked about the process since he was under the impression that this was the meeting to make your appeal and that the second meeting is when the assessors come back with their recommendation. He questioned whether those appealing would have an opportunity to speak at the April 26th meeting. Councilmember Rose felt they should be able to. Ms. Potter said it was up to the Council serving as the board of appeal.

Mayor Kind asked if the assessors would follow up with those appealing to gain access prior to the next meeting. Ms. Potter said she would follow up and if they aren't able to gain access, they would recommend no change but that doesn't prohibit them from going on to the County Board. Mayor Kind clarified that according to law, the local board cannot make a change

benefiting a property owner who refuses access to the assessor. So if Ms. Potter and the property owners are unable to find a time for her to review their homes, the local board cannot take any action.

Jeannie Bowers-Stead, 21600 Fairview Street, commented the use of the effective foot frontage negatively impacts her property and said the Board does have the authority to lower the valuation in a neighborhood provided they do not exceed the one percent threshold. She feels the lakeshore value on Fairview Street is too high and said when people purchase property above what they're worth, the rest of the neighborhood should not be penalized.

Councilmember Fletcher asked if the two recent sales drove the value increases. Ms. Potter said they did along with a sale from the previous year. She said the sale of 21580 Fairview Street at \$1,850,000 was viewed as a vacant lot since the home was immediately demolished. This gave the impression the land had that value. Ms. Bowers-Stead said that depends on who the buyer is, noting someone may have bought the property and kept the home as it was.

Councilmember Fletcher discussed the different in the per foot valuation between Fairview and Meadville Street lakeshore and questioned whether there was that much difference between the quality of the lakeshore. Ms. Potter said the increase on Fairview Street was based on equalization due to sales. She said pending sales are pointing to increases in valuations next year so if the Board were to do a unilateral decrease this year, next year's increase would seem even higher. She noted the ratio used by the County for increases is set by the Department of Commerce. Ms. Bowers-Stead said that assessing used to be done based on the lot and what existed on the property, now it's so subjective on what people may be willing to pay for the property.

3. Recess

Councilmember Cook moved to recess the Board of Review to April 25 at 6 p.m. Second by Councilmember Roy. Motion carried 4-0. The Board adjourned at 7:13 p.m.

Respectfully submitted,

Gus E. Karpas
Greenwood City Clerk

MINUTES

Greenwood City Council

Special Meeting

7pm, Thursday, April 11, 2013
20225 Cottagewood Road, Deephaven, MN 55331

1. Call to Order ~ Roll Call ~ Approve Agenda

Mayor Kind called the meeting to order at 7:15 pm.

Council present: Mayor Deb Kind, Councilmembers Bill Cook, Tom Fletcher, and Rob Roy
Council absent: Councilmember Bob Quam
Others present: City Attorney Mark Kelly, City Clerk Gus Karpas and City Engineer Dave Martini

Cook moved to approve the agenda. Second by Roy. Motion carried 4-0.

2. Consider: Resolution 13-13 Receiving Feasibility Report and Ordering Public Hearing for Excelsior Boulevard Watermain Project Petition Zone 2 (properties between 21150 and 21030 Excelsior Boulevard)

City Engineer Martini summarized the feasibility report for the project in petition zone 2 saying it would also piggyback on the Met Council's project along Excelsior Boulevard. He said the estimated per property cost for the project is \$10,915. Martini mentioned there would also be a per household charge of \$1,143 to cover the gap between where the existing Excelsior line ends and where the Greenwood line would begin. Councilmember Fletcher thought that cost was going to be covered as a Met Council cost. Martini said the Met Council has only committed to putting in more conventional connections for the existing Greenwood homeowners, but said the proposed pipe in the gap area is something the city could negotiate with the Met Council.

Councilmember Fletcher asked if the process was still on track. Councilmember Cook said he has received the agreement with the Met Council and is currently reviewing it. He has made some suggested changes that he will pass on. He believes the bid process will begin at the end of April and the project will begin either late Fall or early Spring.

Cook moved, Roy seconded, Adopting RESOLUTION NO. 13-13, "A Resolution Receiving Feasibility Report and Calling Hearing on Proposed Improvement." Motion passed 4/0.

Mayor Kind drew the Council's attention to an email she received from the City of Excelsior indicating the proposed change to paragraph 4 was viewed as more than just a minor change and in the opinion of their city attorney reflects a change in the intent of the Excelsior City Council. Councilmember Fletcher said he doesn't support signing a bad agreement given there is no clear indication exactly what could be changed. City Attorney Kelly said the document has not been drafted in good faith and now that the city has brought this provision to the City of Excelsior's attention, it puts the City of Greenwood on the record as knowing what the exact terms were when they signed the agreement leaving little chance of a future court challenge if an unfavorable change is made to Excelsior's ordinance. Mayor Kind said she's not supportive of the agreement with the clause as written. Councilmember Cook agreed and noted that without the "paragraph 4" language in place of "agreement" there is no agreement in his opinion. Councilmember Fletcher doesn't understand the stance of the City of Excelsior since the language is pretty basic and doesn't tie them down or commit them to anything out of the ordinary.

The Council agreed to have Mayor Kind and Councilmember Cook attend the next Excelsior City Council meeting to discuss the city's concern about paragraph 4.

3. 1st Reading: Ordinance 217 Home Occupations Ordinance Amending Code Chapters 4 & 12

Mayor Kind summarized Ordinance 217 saying it was an ordinance to regulate home occupations and includes a definition of home occupation and defines a couple of specific types of home occupations.

Mayor Kind, in reference to the definitions of Event Center and Hotel, Motel asked the City Attorney if the lease term should be shown in days or months since the definition has a blank for both. City Attorney Kelly said either could be used.

City Attorney Kelly explained the Home Occupation ordinance was being developed prior to a recent issue regarding a transient use came to the attention of the city. He said concern about the potential use did prompt a change in the draft of the ordinance to create a suggested prohibition on transient uses. Mayor Kind noted that another ordinance would be discussed later that outlines the penalty for violations of the home occupation ordinance.

Councilmember Cook is concerned about the definition of hotel which would limit the rights of all property owners to rent their property. He said residents should have a right to lease their house on a month-to-month basis if they can't find a commitment for a long-term lease. City Attorney Kelly said state law anticipates that rental property terms will become a month-to-month lease and the proposal is not intended to make a month-to-month rental property a hotel. Cook said he was in a similar position last year where he had to potentially rent his house. He supports anything less than a month. He wants to protect a homeowner's ability to rent their home on a month-to-month basis.

Councilmember Fletcher asked about the definition of a home occupation and if it included those situations where you may have an actual business elsewhere, but also had a home office. City Attorney Kelly said the ordinance looks at those elements that become obtrusive in a residential district. Fletcher expressed concern that his commercial vehicle may be in violation of the ordinance. Zoning Coordinator Karpas suggested the proposed ordinance language be changed to prohibit the outdoor parking of vehicles associated with the home occupation, rather than listing the vehicles permitted to park on properties hosting home occupations.

Kristi Conrad, 21780 Fairview Street, expressed concern about her business being conducted outside the principal structure, including the storage of materials. Mayor Kind said any home occupation may vary from two of the requirements with a license issued by the city. City Attorney Kelly said the intent was to keep a garage from becoming a service center.

Mayor Kind asked the members of the public if they had any thoughts on the minimum time limit on rentals.

Joan Moser, 21670 Fairview Street, is totally opposed to short-term rental periods. She said there is a lot of initial excitement when someone first gets on the lake and that excitement will be never ending if there is continual turnover. The character has to be maintained and transient neighbors will add lots of noise and commotion. She supports a minimum one-year lease even though she understands it may be more difficult to find tenants. She believes the very minimum should be four months. She said the people in the neighborhood spend a lot of money to live there and should have the right to some stability.

Amy Connors, 21650 Fairview Street, agrees she doesn't want to change the neighborhood. She state she and her husband would like to retire to their Greenwood home in the future, but until then they want to be able to rent it out to cover their taxes. She understands the concerns about creating a transient neighborhood. She has no intention of changing the neighborhood and doesn't believe anyone will know the difference. She feels there is a right to rent their home.

Mayor Kind asked what she believed was a reasonable rental period. Ms. Connors believes that you have more control over what happens on the property with shorter leases.

Mayor Kind said the city needs to be careful since there may be a number of properties that rent on a month-to-month basis in the city, including Georgetown Manor.

Ms. Moser said the council needs to consider what the vision is for the city.

Jeannie Bowers-Stead, 21600 Fairview Street, said she went to the website and looked at the rental rates for the property. She feels what makes the property on Fairview Street different from other residents renting their home is the fact it is an LLC. It was purchased as a business and it has an absentee landlord. She feels the best way to protect the character of the neighborhood is by having non-transient rentals.

Ed Townsend, Tonka Bay, Amy Connors father discussed a situation where he had to rent his home and spoke to

his daughter's desire to move back to the area once her husband retires.

Councilmember Roy said he tends to lean towards a 90-day period though he's conflicted with some of the situations that people run into.

Councilmember Cook still supports a 30-day maximum. He's sympathetic to not turning neighborhoods into hotel zones, but the city shouldn't address this issue by establishing an arbitrarily long lease period which may have unintended consequences. He views establishing a long lease term as solving the problem of one neighborhood.

Councilmember Fletcher understands the desire for longer leases in areas such as the Fairview neighborhood but feels the council has to be careful and give consideration to other places in the city that may have month-to-month rentals. He state that he owns rental properties and prefers month-to-month leasing because it provides flexibility for both parties.

Mayor Kind suggested the council direct staff to survey the existing rental properties to see what their current lease structures are to gauge what type of impact the ordinance could have on them. The Council agreed. Kind suggested inserting a 30-day minimum lease period for the first reading with an understanding that period could be adjusted if necessary as part of the second reading.

Fletcher moved, Cook seconded, adopting the first reading of Ordinance 217 amending Greenwood Ordinance Code Chapter 4, Permits and Licenses to Add Section 480, Home Occupations and Adding Related Definitions to Chapter 12. The motion sets the initial lease period for the hosting of private gatherings and the consideration of the structure being a private rental at 30 consecutive days. Motion passed 4/0.

4. 1st Reading: Ordinance 218 Amending Penal Code Chapter 9 to Add Prohibited Uses of Residential Properties

City Attorney Kelly explained the proposed ordinance adds a prohibition of the defined uses in Ordinance 217 in residential districts and would apply the existing legal remedies within the code to force compliance.

Fletcher moved, Cook seconded, adopting the first reading of Ordinance 218 amending Greenwood Ordinance Code Chapter 9, Nuisances and Penal Regulations, by the Addition of Section 910.70 Prohibited Use of Residential Property. Motion passed 4/0.

5. Adjournment

Cook moved to adjourn at 8:45pm. Second by Roy. Motion carried 4-0.

Respectfully submitted by Gus Karpas, City Clerk

Check Issue Date(s): 04/01/2013 - 04/30/2013

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/13	04/15/2013	10800	762	CATALYST GRAPHICS INC	101-20100	234.25
04/13	04/15/2013	10801	9	CITY OF DEEPHAVEN	101-20100	18,608.16
04/13	04/15/2013	10802	757	CliftonLarsonAllen, LLP	101-20100	10,716.95
04/13	04/15/2013	10803	792	CORNERSTONE INDUSTRIES INC	101-20100	1,568.75
04/13	04/15/2013	10804	52	EXCELSIOR FIRE DISTRICT	101-20100	30,737.01
04/13	04/15/2013	10805	68	GOPHER STATE ONE CALL	602-20100	24.75
04/13	04/15/2013	10806	3	KELLY LAW OFFICES	101-20100	3,059.00
04/13	04/15/2013	10807	816	LABEL PRODUCTS	101-20100	403.01
04/13	04/15/2013	10808	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,497.36
04/13	04/15/2013	10809	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	26,828.32
04/13	04/15/2013	10810	136	Sun Newspapers	101-20100	188.59
04/13	04/15/2013	10811	158	US POSTMASTER	101-20100	25.00
04/13	04/15/2013	10812	745	Vintage Waste Systems	101-20100	1,628.25
04/13	04/15/2013	10813	145	XCEL ENERGY	101-20100	658.04
Totals:						<u>97,177.44</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	81366	CITY NEWSLETTER	03/25/2013	94.40
		81368	PROPERTY TAX OVERVIEW	03/25/2013	139.85
	Total CATALYST GRAPHICS INC				234.25
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	APRIL 2013	Clerk Services	04/01/2013	2,589.60
			RENT & EQUIPMENT		542.95
			COPIES		17.60
			SEWER		1,127.71
			SNOW PLOWING/SANDING/SALT		2,425.38
			STREETS		757.62
			ZONING		496.89
			1st Qtr Building Permits		10,650.41
	Total CITY OF DEEPHAVEN				18,608.16
CliftonLarsonAllen, LLP					
757	CliftonLarsonAllen, LLP	612335	2012 AUDIT	03/29/2013	10,716.95
	Total CliftonLarsonAllen, LLP				10,716.95
CORNERSTONE INDUSTRIES INC					
792	CORNERSTONE INDUSTRIES INC	1249	TRAIL PLOWING	04/01/2013	1,568.75
	Total CORNERSTONE INDUSTRIES INC				1,568.75
EXCELSIOR FIRE DISTRICT					
52	EXCELSIOR FIRE DISTRICT	13-010	2nd Quarter - Buildings	04/15/2013	14,523.08
			2nd Quarter - Operations		16,213.93
	Total EXCELSIOR FIRE DISTRICT				30,737.01
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	65842	Gopher State calls	03/31/2013	24.75
	Total GOPHER STATE ONE CALL				24.75
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	6087	GENERAL LEGAL	03/25/2013	1,667.50
			GENERAL LEGAL		1,046.50
		6088	LAW ENFORCE PROSECUTION	03/25/2013	345.00
	Total KELLY LAW OFFICES				3,059.00
LABEL PRODUCTS					
816	LABEL PRODUCTS	67322	PARKING STICKERS	03/18/2013	403.01
	Total LABEL PRODUCTS				403.01
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERVIC	0001013776	Monthly wastewater Charge	04/04/2013	2,497.36
	Total METRO COUNCIL ENVIRO SERVICES				2,497.36
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE DE	032513	Hennepin Co. Processing Fees	03/25/2013	250.32
		040113	2nd quarter lease	04/01/2013	11,824.00

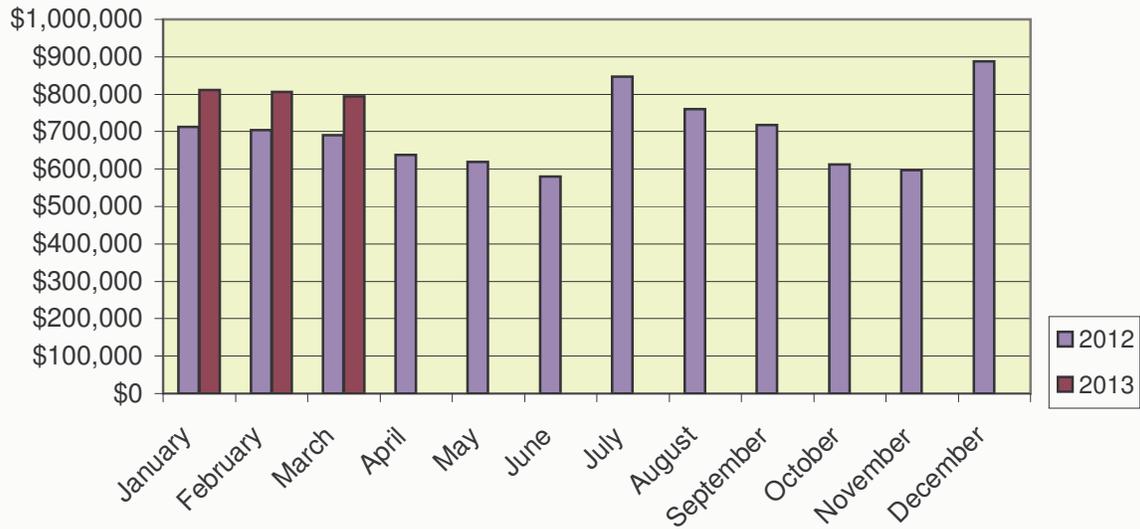
Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
		APRIL 2013	2013 OPERATING BUDGET EXP	04/01/2013	14,754.00
	Total SO LAKE MINNETONKA POLICE DEPT				26,828.32
Sun Newspapers					
136	Sun Newspapers	1153800	Legal Notices	03/28/2013	74.93
		1155949	Legal Notices	04/04/2013	113.66
	Total Sun Newspapers				188.59
US POSTMASTER					
158	US POSTMASTER	041513	POSTAGE	04/15/2013	25.00
	Total US POSTMASTER				25.00
Vintage Waste Systems					
745	Vintage Waste Systems	032613	City Recycling Contract	03/26/2013	1,628.25
	Total Vintage Waste Systems				1,628.25
XCEL ENERGY					
145	XCEL ENERGY	032513	4925 MEADVILLE STREET *	03/25/2013	9.73
			SIREN		3.70
			LIFT STATION #1		46.47
			LIFT STATION #2		39.95
			LIFT STATION #3		23.46
			LIFT STATION #4		31.57
			LIFT STATION #6		65.51
			Sleepy Hollow Road *		9.72
			Street Lights *		427.93
	Total XCEL ENERGY				658.04

Total Paid: 97,177.44

Total Unpaid: -

Grand Total: 97,177.44

City of Greenwood Monthly Cash Summary



Month	2012	2013	Variance with Prior Month	Variance with Prior Year
January	\$712,814	\$812,019	-\$76,100	\$99,205
February	\$704,873	\$805,692	-\$6,327	\$100,819
March	\$690,422	\$793,435	-\$12,257	\$103,013
April	\$637,990	\$0	-\$793,435	-\$637,990
May	\$618,262	\$0	\$0	-\$618,262
June	\$580,578	\$0	\$0	-\$580,578
July	\$846,897	\$0	\$0	-\$846,897
August	\$760,682	\$0	\$0	-\$760,682
September	\$717,852	\$0	\$0	-\$717,852
October	\$611,894	\$0	\$0	-\$611,894
November	\$597,127	\$0	\$0	-\$597,127
December	\$888,119	\$0	\$0	-\$888,119

Bridgewater Bank Money Market	\$524,530
Bridgewater Bank Checking	\$5,586
Beacon Bank CD	\$240,000
Beacon Bank Money Market	\$23,219
Beacon Bank Checking	\$100
<hr/>	
	\$793,435

ALLOCATION BY FUND

General Fund	\$224,046
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$78,613
Stormwater Special Revenue Fund	\$5,613
Sewer Enterprise Fund	\$408,085
Marina Enterprise Fund	\$50,023
<hr/>	
	\$793,435

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
05/01/13	PC	05/01/13	5011301	COOK, WILLIAM B.	37	184.70
05/01/13	PC	05/01/13	5011302	Fletcher, Thomas M	33	84.70
05/01/13	PC	05/01/13	5011303	Kind, Debra J.	34	277.05
05/01/13	PC	05/01/13	5011304	Quam, Robert	32	184.70
05/01/13	PC	05/01/13	5011305	ROY, ROBERT J.	38	184.70
Grand Totals:						<u>915.85</u>



CITY OF GREENWOOD NOTICE

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

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

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

Updated May 1, 2013



Agenda Item: Quarterly Police Update

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

Council Action: None required.

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

City of Greenwood
Activity Report
January - March 2013

AGN	ICR	Title	Create Date	City	Reported Date
SLMPD	13000014	Traffic Stop - Drugs	1/2/2013	Greenwood	1/2/2013
SLMPD	13000039	Lock out	1/2/2013	Greenwood	1/2/2013
SLMPD	13000045	Alarm	1/2/2013	Greenwood	1/2/2013
SLMPD	13000056	Motorist Assist	1/3/2013	Greenwood	1/3/2013
SLMPD	13000082	Traffic Stop - Citation	1/4/2013	Greenwood	1/4/2013
SLMPD	13000086	Traffic Stop - Equipment Repair	1/4/2013	Greenwood	1/4/2013
SLMPD	13000089	Welfare Check	1/4/2013	Greenwood	1/4/2013
SLMPD	13000090	Medical	1/4/2013	Greenwood	1/4/2013
SLMPD	13000127	Traffic Complaint	1/5/2013	Greenwood	1/5/2013
SLMPD	13000181	Records Check	1/8/2013	Greenwood	1/8/2013
SLMPD	13000185	Traffic Stop - Equipment Repair	1/8/2013	Greenwood	1/8/2013
SLMPD	13000186	Traffic Stop - Equipment Repair	1/8/2013	Greenwood	1/8/2013
SLMPD	13000220	Traffic Stop - citation	1/10/2013	Greenwood	1/10/2013
SLMPD	13000239	House Check	1/10/2013	Greenwood	1/10/2013
SLMPD	13000241	House Check	1/10/2013	Greenwood	1/10/2013
SLMPD	13000242	House Check	1/10/2013	Greenwood	1/10/2013
SLMPD	13000243	House Check	1/10/2013	Greenwood	1/10/2013
SLMPD	13000264	Gun Permit	1/11/2013	Greenwood	1/11/2013
SLMPD	13000268	Gun Permit	1/11/2013	Greenwood	1/11/2013
SLMPD	13000307	Spot Check	1/11/2013	Greenwood	1/11/2013
SLMPD	13000311	Animal Complaint	1/11/2013	Greenwood	1/11/2013
SLMPD	13000344	Traffic Stop - Verbal Warning	1/13/2013	Greenwood	1/13/2013
SLMPD	13000370	Alarm	1/14/2013	Greenwood	1/14/2013
SLMPD	13000459	Traffic Stop - Verbal Warning	1/17/2013	Greenwood	1/17/2013
SLMPD	13000460	Traffic Stop - Equipment Repair	1/17/2013	Greenwood	1/17/2013
SLMPD	13000463	Theft	1/18/2013	Greenwood	1/18/2013
SLMPD	13000467	Animal Complaint	1/18/2013	Greenwood	1/18/2013
SLMPD	13000476	Gun Permit	1/18/2013	Greenwood	1/18/2013
SLMPD	13000489	Traffic Stop - Verbal Warning	1/19/2013	Greenwood	1/19/2013
SLMPD	13000527	DWI	1/20/2013	Greenwood	1/20/2013
SLMPD	13000544	Traffic Stop - Equipment Repair	1/20/2013	Greenwood	1/20/2013
SLMPD	13000611	Welfare Check	1/22/2013	Greenwood	1/22/2013
SLMPD	13000629	Gun Permit - Denied	1/23/2013	Greenwood	1/23/2013
SLMPD	13000699	Assist Other Agency	1/26/2013	Greenwood	1/26/2013
SLMPD	13000728	Traffic Stop - Verbal Warning	1/27/2013	Greenwood	1/27/2013
SLMPD	13000736	Animal Complaint	1/27/2013	Greenwood	1/27/2013
SLMPD	13000749	Missing Dog	1/27/2013	Greenwood	1/27/2013
SLMPD	13000779	Traffic Complaint - UTL	1/29/2013	Greenwood	1/29/2013
SLMPD	13000790	Theft	1/29/2013	Greenwood	1/29/2013
SLMPD	13000826	Traffic Stop - Verbal Warning	1/30/2013	Greenwood	1/30/2013

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

City of Greenwood
Activity Report
January - March 2013

AGN	ICR	Title	Create Date	City	Reported Date
SLMPD	13000830	Traffic Stop - Verbal Warning	1/30/2013	Greenwood	1/30/2013
SLMPD	13000832	Traffic Stop - Verbal Warning	1/30/2013	Greenwood	1/30/2013
SLMPD	13000833	Traffic Complaint - Citation	1/30/2013	Greenwood	1/30/2013
SLMPD	13000843	Adult Protection	1/31/2013	Greenwood	1/11/2013
SLMPD	13000907	Domestic	2/3/2013	Greenwood	2/3/2013
SLMPD	13000934	Bad Check Report	2/4/2013	Greenwood	2/4/2013
SLMPD	13000935	Bad Check Report	2/4/2013	Greenwood	2/4/2013
SLMPD	13000936	Bad Check Report	2/4/2013	Greenwood	2/4/2013
SLMPD	13000969	Traffic Stop - Verbal Warning	2/5/2013	Greenwood	2/5/2013
SLMPD	13000981	Gun Permit	2/6/2013	Greenwood	2/6/2013
SLMPD	13000986	Gun Permit	2/6/2013	Greenwood	2/6/2013
SLMPD	13001025	Traffic Stop - Equipment Repair	2/7/2013	Greenwood	2/7/2013
SLMPD	13001097	Civil Matter	2/11/2013	Greenwood	2/11/2013
SLMPD	13001098	Civil Matter	2/11/2013	Greenwood	2/11/2013
SLMPD	13001130	Spot Check	2/12/2013	Greenwood	2/12/2013
SLMPD	13001149	Residential Fire Alarm	2/13/2013	Greenwood	2/13/2013
SLMPD	13001150	Information Only - System Down	2/13/2013	Greenwood	2/13/2013
SLMPD	13001153	Parking Complaint	2/13/2013	Greenwood	2/13/2013
SLMPD	13001169	Accident	2/14/2013	Greenwood	2/14/2013
SLMPD	13001179	Harassing Communications	2/14/2013	Greenwood	2/14/2013
SLMPD	13001188	Traffic Stop - Equipment Repair	2/14/2013	Greenwood	2/14/2013
SLMPD	13001231	Suspicious Activity	2/16/2013	Greenwood	2/16/2013
SLMPD	13001251	Traffic Stop - Citation	2/17/2013	Greenwood	2/17/2013
SLMPD	13001264	Traffic Stop - Equipment Repair	2/17/2013	Greenwood	2/17/2013
SLMPD	13001309	Traffic Stop - Citation	2/19/2013	Greenwood	2/19/2013
SLMPD	13001313	Fire	2/19/2013	Greenwood	2/19/2013
SLMPD	13001319	Agency Assist	2/19/2013	Greenwood	2/19/2013
SLMPD	13001336	Traffic Stop - Verbal Warning	2/20/2013	Greenwood	2/20/2013
SLMPD	13001404	Welfare Check	2/22/2013	Greenwood	2/22/2013
SLMPD	13001407	Traffic Stop - Equipment Repair	2/23/2013	Greenwood	2/23/2013
SLMPD	13001522	Found Animal	2/27/2013	Greenwood	2/27/2013
SLMPD	13001528	Welfare Check	2/27/2013	Greenwood	2/27/2013
SLMPD	13001529	Traffic Stop - Equipment Repair	2/27/2013	Greenwood	2/27/2013
SLMPD	13001542	Alarm	2/28/2013	Greenwood	2/28/2013
SLMPD	13001567	Information	3/1/2013	Greenwood	2/28/2013
SLMPD	13001571	OPF	3/1/2013	Greenwood	3/1/2013
SLMPD	13001574	Theft	3/1/2013	Greenwood	3/1/2013
SLMPD	13001637	Phone Call	3/3/2013	Greenwood	3/3/2013
SLMPD	13001689	Accident - Property Damage	3/5/2013	Greenwood	3/5/2013
SLMPD	13001765	Accident/Pd	3/7/2013	Greenwood	3/7/2013

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

City of Greenwood
Activity Report
January - March 2013

AGN	ICR	Title	Create Date	City	Reported Date
SLMPD	13001771	Traffic Stop - Equipment Repair	3/8/2013	Greenwood	3/8/2013
SLMPD	13001845	Traffic Stop - Verbal Warning	3/10/2013	Greenwood	3/10/2013
SLMPD	13001852	Civil Matter	3/10/2013	Greenwood	3/10/2013
SLMPD	13001890	Welfare Check	3/11/2013	Greenwood	3/11/2013
SLMPD	13001920	Phone Call	3/13/2013	Greenwood	3/13/2013
SLMPD	13001927	Suspicious Activity	3/13/2013	Greenwood	3/13/2013
SLMPD	13001947	Alarm	3/14/2013	Greenwood	3/14/2013
SLMPD	13001976	Animal Complaint	3/15/2013	Greenwood	3/15/2013
SLMPD	13002010	Spot Check	3/16/2013	Greenwood	3/16/2013
SLMPD	13002066	Medical	3/17/2013	Greenwood	3/17/2013
SLMPD	13002067	Theft	3/17/2013	Greenwood	3/17/2013
SLMPD	13002088	Information Only	3/18/2013	Greenwood	3/18/2013
SLMPD	13002108	Alarm	3/19/2013	Greenwood	3/19/2013
SLMPD	13002150	Civil Matter	3/19/2013	Greenwood	3/19/2013
SLMPD	13002159	Alarm	3/20/2013	Greenwood	3/20/2013
SLMPD	13002168	Traffic Stop - Equipment Repair	3/20/2013	Greenwood	3/20/2013
SLMPD	13002196	Traffic Stop - Equipment Repair	3/22/2013	Greenwood	3/22/2013
SLMPD	13002201	Traffic Stop - Equipment Repair	3/22/2013	Greenwood	3/22/2013
SLMPD	13002245	Traffic Stop - Equipment Repair	3/23/2013	Greenwood	3/23/2013
SLMPD	13002249	Traffic Stop - Equipment Repair	3/23/2013	Greenwood	3/23/2013
SLMPD	13002260	Parking Complaint- Citation	3/23/2013	Greenwood	3/23/2013
SLMPD	13002274	DWI	3/24/2013	Greenwood	3/24/2013
SLMPD	13002278	Spot Checking	3/24/2013	Greenwood	3/24/2013
SLMPD	13002373	Traffic Stop - Verbal Warning	3/28/2013	Greenwood	3/28/2013
SLMPD	13002412	Traffic Stop - Verbal Warning	3/29/2013	Greenwood	3/29/2013
SLMPD	13002415	Traffic Stop - Verbal Warning	3/29/2013	Greenwood	3/29/2013
SLMPD	13002423	Traffic Stop - Citation	3/29/2013	Greenwood	3/29/2013
SLMPD	13002460	Traffic/Complaint	3/29/2013	Greenwood	3/29/2013
SLMPD	13002478	Car/Stalled	3/30/2013	Greenwood	3/30/2013
SLMPD	13002486	DWI: Third Degree	3/31/2013	Greenwood	3/31/2013
SLMPD	13002491	Alarm - Residential	3/31/2013	Greenwood	3/31/2013
SLMPD	13002493	Sign/Signal Prob	3/31/2013	Greenwood	3/31/2013
SLMPD	13002494	Alarm	3/31/2013	Greenwood	3/31/2013
SLMPD	13002497	Alarm-Residential	3/31/2013	Greenwood	3/31/2013
SLMPD	13002500	Expired Tabs- Equipment Repair	3/31/2013	Greenwood	3/31/2013
SLMPD	13002502	Information Only	3/31/2013	Greenwood	3/31/2013

116 TOTAL ACTIVITIES - (Source: LETG Records Management System - April 19, 2013)



Agenda Number: **4Ba**

Agenda Date: 05-01-13

Agenda Item: 2013 Road Project Recommendations and Rough Estimates

Summary: Last month city engineer Dave Martini, councilmember Bob Quam, and mayor Deb Kind toured the city to review the current conditions of the roads and identify potential road projects for 2013. Based on the review, a list of recommended road projects was compiled and rough estimates are attached for the council's consideration. The 2013 road project budget is \$130,000 for construction and engineering. At the 05-01-13 meeting the council needs to approve the road projects to put out for official bids.

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

Council Action: None required. Possible motions ...

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



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

April 24, 2013

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

RE: 2013 Street Improvements

Dear Mr. Quam:

Based on the condition of the City's streets as observed on our tour on April 10th, the following street segments are proposed for improvements in 2013:

- **Byron Circle** from Minnetonka Boulevard to the north leg that was resurfaced in 2007. The recommended improvements include removing the existing bituminous pavement, re-grading and preparing the existing base, 3.5" of new bituminous surface, and turf and driveway restoration as needed.

The estimated construction cost for the recommended improvements is **\$51,460**

- **Covington Street** from Meadville to Fairview. The recommended improvements include complete reconstruction of the roadway including drainage improvements. The existing bituminous pavement will be removed and the road will be excavated. A new aggregate base will be constructed along with 3.5" of new bituminous surface. The ditch on the west side of the road will be regarded to improve drainage in the area and allow water to shed from the roadway surface. Turf and driveway restoration will be completed as needed. The design work for this portion of the project will include the collection of topographic survey information so that the needed drainage improvements can be properly designed.

The estimated cost for the recommended improvements is **\$59,475**

All cost estimates include contingency and soft costs. In total, the recommended improvements have an estimated cost of \$110,935. This total is below the City's budgeted amount for street improvements. With that in mind, it is recommended that the City solicited bids for the recommended work and then determine if there are remaining funds available for additional work this year. If funds are available, it is recommend that the City consider preventative maintenance work in the Lodge Lane area or possibly seal coating Sleepy Hollow Road and Weeks Road.

I will be at the City Council meeting on May 1st to answer questions you may have regarding this information, however, please give me a call if you have any questions or need additional information before the meeting.

Sincerely,
BOLTON & MENK, INC.

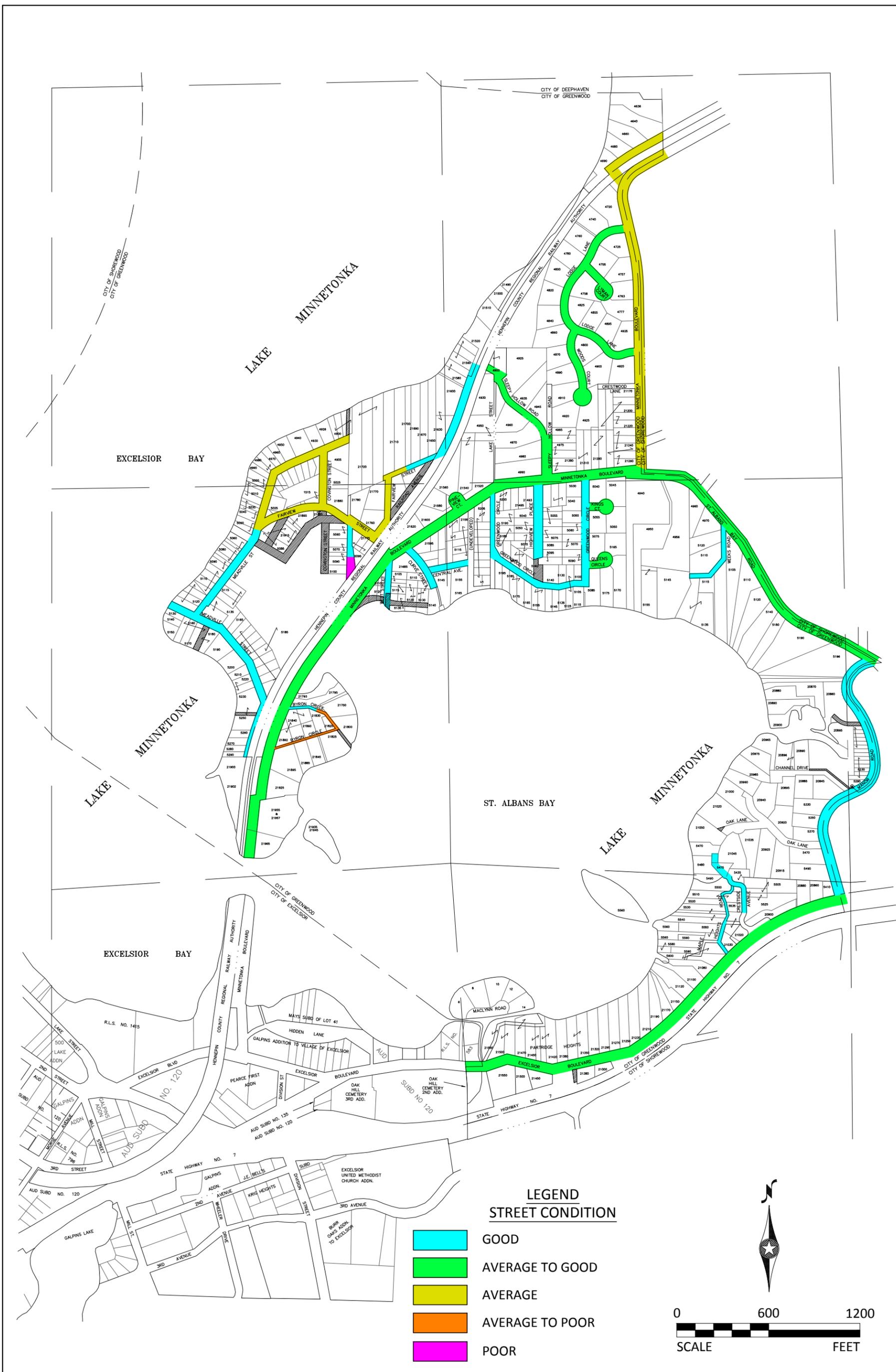
David P. Martini, P.E.
Principal Engineer

H:\GRWD\C13106046\1_Corres\ID_Docs\4-24-13 2013 Street Improvements.doc

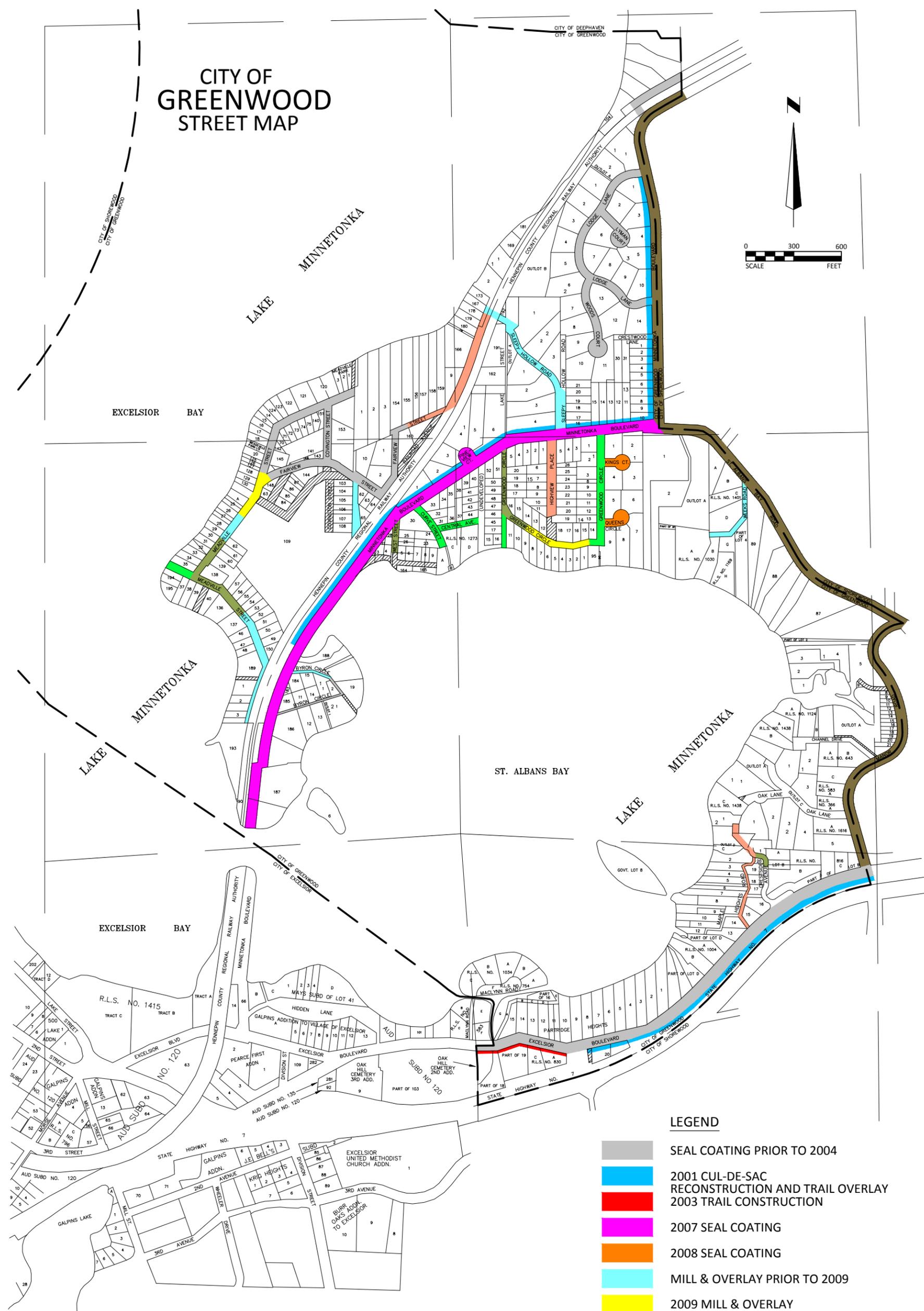
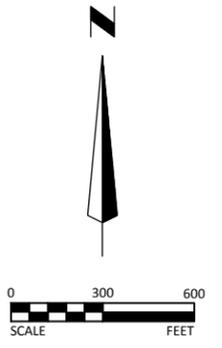
DESIGNING FOR A BETTER TOMORROW
Bolton & Menk is an equal opportunity employer

Covington Street, Spring 2013





CITY OF GREENWOOD STREET MAP



LEGEND

- SEAL COATING PRIOR TO 2004
- 2001 CUL-DE-SAC RECONSTRUCTION AND TRAIL OVERLAY
- 2003 TRAIL CONSTRUCTION
- 2007 SEAL COATING
- 2008 SEAL COATING
- MILL & OVERLAY PRIOR TO 2009
- 2009 MILL & OVERLAY
- 2010 MILL & OVERLAY
- 2011 SEAL COATING
- 2011 MILL & OVERLAY
- 2012 MILL & OVERLAY

BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
 WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
 BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA

C:\GRWD\MAPS\STREET CONSTRUCTION 2013.dwg 4/18/13 9:25 am



Agenda Number: **4Bb**

Agenda Date: 05-01-13

Agenda Item: City Engineer Dave Martini, Presentation of Excelsior Blvd. Watermain Project Petition 2 Area

Summary: The city received a second petition dated 03-15-13 from the residents between 21150 and 21030 Excelsior Blvd. (Petition 2 Area) requesting city water be extended to their homes as part of the upcoming Met Council sanitary sewer forcemain project. As a result of the petition the city council ordered a feasibility report prepared by the city engineer. The next step in the process is for the city council to hold a public hearing at the 05-01-13 council meeting.

The city engineer will give a presentation to explain the Petition 2 Area project (including costs) to the public in preparation for the public hearing to be held later on the agenda.

Council Action: None needed.



Agenda Number: **5A**

Agenda Date: 05-01-13

Agenda Item: Public Hearing, Excelsior Blvd. Watermain Project Petition 2 Area

Summary: This public hearing will be held after the presentation by the city engineer regarding the "Petition 2 Area " project to expand city watermain service to properties between 21150 and 21030 Excelsior Blvd. This project would be completed as part of the 2013 Met Council sanitary sewer forcemain project.

Council Action: Council action is required to open and close the public hearing.

1. I move the council opens the public hearing.
2. I move the council closes the public hearing.

The next steps in the process and an update on the potential project will be discussed next on the agenda.



Agenda Number: **6A**

Agenda Date: 05-01-13

Agenda Item: Discuss Next Steps Regarding Excelsior Blvd. Watermain Project

Summary: The next step in the process is for the council to approve a resolution ordering the improvement and preparation of plans for the Petition 2 area.* However, as of the deadline for this meeting packet, the city council still has not been able to finalize water *expansion* and water *service* agreements with the city of Excelsior. Meetings between city officials took place the week of 04-22-13. Mayor Kind will report the results of those meetings at the 04-25-13 special city council meeting (after this packet deadline). If new information becomes available, items will be sent to the council electronically and hard copies will be printed for the 05-01-13 meeting.

The city council also needs to be mindful of the attached updated timeline to stay on schedule with the Met Council project.

** Note: The council already approved a resolution ordering the improvement and preparation of plans for the Option 1 area (1st petition), which has been included in the Met Council's bid. The Petition 2 area will be handled as a change order if the project proceeds.*

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

1. I move the city council approves the _____, 2013 drafts of the water expansion and water service agreements as presented, and authorizes the mayor and city clerk to sign the agreements.
2. I move the city council approves the _____, 2013 drafts of the water expansion and water service agreements with the following changes _____, and authorizes the mayor and city clerk to sign the agreements.
3. Do nothing or other motion ???

**CITY OF GREENWOOD
RESOLUTION NO. 14-13**

A RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a resolution of the city council adopted the 11th day of April 2013 fixed a date for a council hearing on Petition 2 Area, the proposed improvement on Excelsior Boulevard between the west line of 21150 Excelsior Boulevard and the east line of 21030 Excelsior Boulevard, Greenwood, Minnesota by installing a watermain; and

WHEREAS, ten days mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 1st day of May 2013, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the 11th day of April 2013.
3. The city's planning commission has reviewed the proposed capital improvement and reported to the council its findings as to compliance of the proposed improvement with the comprehensive municipal plan, and found it compliant therewith.
4. City engineer, David Martini of Bolton & Menk shall work in cooperation with the city of _____ and the Met Council to prepare the plans. The official plans will be prepared by the Met Council.
5. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of property assessments.

ADOPTED by the city council of the city of Greenwood, Minnesota this ____ day of _____, 2013.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

Excelsior Blvd. Watermain Project Timeline

Updated 04-24-13

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	Publish resolution declaring adequacy of petition.	4/11/13
4	GW preliminary feasibility report completed for Option 1 (see footnote)	10/3/12
5	Feasibility report reviewed by GW planning commission for compliance with comp plan	10/17/12
6	GW deadline to submit public hearing notice for Option 1 to Sun-Sailor (Thursday before publication)	12/13/12
7	GW publishes notice of hearing for Option 1 (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
8	GW affidavit of mailing notice to affected property owners for Option 1 . 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
9	GW public hearing for Option 1 . Minutes of public hearing showing testimony and findings. NOTE: Council action is required within 6 months of the public hearing date.	1/2/13
10	Deadline for drafts of EX-GW cooperative agreement for the Option 1 watermain project (including pricing) and agreement for water service for all GW users. Draft created by GW city attorney.	2/6/13
11	GW reviews EX-GW cooperative agreements for submitting to EX.	2/6/13
12	GW considers resolution ordering improvement and preparation of plans (Forms 7, 7A, 8).	2/6/13
13	Deadline to post notice for 2/20 special meeting (72 hours notice required).	2/15/13
14	GW considers resolution approving plans. NOTE: MCES will be advertising for bids.	2/20/13
15	GW considers resolution approving cooperative agreement with MCES to include the Excelsior Blvd. watermain project, sidewalk improvements, and tree replacement plan.	2/20/13
16	MCES advertizes for bids.	3/4/13
17	EX reviews EX-GW cooperative agreements.	3/4/13
18	GW reviews EX edits of EX-GW cooperative agreements.	3/6/13
19	Petition 2 received from next 6 properties.	3/15/13
21	GW considers resolution declaring adequacy of Petition 2 and ordering preparation of feasibility report.	4/3/13
24	Publish resolution declaring adequacy of Petition 2 to start 30-day appeal clock ticking.	4/11/13
25	GW preliminary feasibility report completed for Petition 2 Area .	4/11/13
26	GW considers resolution receiving feasibility report and ordering public hearing for Petition 2 Zone (after previously scheduled 6pm Local Board of Appeal meeting)	4/11/13
27	GW deadline to submit public hearing notice for Petition 2 Area to Sun-Sailor (Thursday before publication)	4/11/13
28	GW publishes notices (2 consecutive weeks) of public hearing for Petition 2 Area . See line 6 above.	4/18 & 4/25
29	GW affidavit of mailing notice to affected property owners for Petition 2 Area . See line 7 above.	4/19/13
30	GW public hearing for Petition 2 Area . See line 8 above.	5/1/13
22	GW approves water <i>expansion</i> and water <i>service</i> agreements with city of _____	TBD
31	GW considers resolution ordering Petition 2 Area improvement and preparation of plans.	TBD
23	MCES opens bids.	TBD
32	GW go / no-go decision (per co-op agreement with MCES).	5/13/13
33	GW considers resolution approving final plans and "change order" to MCES project.	6/5/13
34	MCES notice to proceed.	6/7/13
35	MCES starts construction.	Before 7/1
36	GW preparation of assessment roll. (Forms 12, 13)	TBD
37	GW resolution for hearing on proposed assessment. (Form 14)	TBD
38	GW affidavit of publication of notice of hearing. (Form 15)	TBD
39	GW affidavit of mailing notice to affected property owners. (Form 15A)	TBD
40	GW minutes of public hearing showing testimony and findings.	TBD
41	GW resolution adopting assessment. (Form 16)	TBD
42	GW notice of final assessment. NOTE: This may be an optional step. (See Form 17A)	TBD
43	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, **Option 1** = 21380 - 21170 Excelsior Blvd, **Petition 2 Zone** = 21150 - 21030 Excelsior Blvd.



Agenda Number: **6B**

Agenda Date: 05-01-13

Agenda Item: Possible 2nd Reading: Ordinance 216 Amending Zoning Code Chapter 11 Regarding Residential Uses

Summary: In response to information learned at the January planning and zoning workshop, the city council directed staff to draft an ordinance to address "Home Occupations." During the process, staff noticed that several of the items listed as principal, accessory, and conditional uses needed to be updated in the "residential uses" section of the zoning code. Therefore, ordinance 216 regarding residential uses was drafted. The ordinance includes a prohibition of hotels / motels, event centers, etc. in residential districts.

At the 04-25-13 special planning commission meeting, a public hearing was held regarding ordinance 216. At the time of this packet deadline, the planning commission's recommendation is unknown. At the 04-25-13 special city council meeting, the city council considered a 1st reading of ordinance 216. At the time of this packet deadline, the city council's action is unknown. If the council approved the 1st reading of the ordinance, the council may consider a 2nd reading of the ordinance at the 05-01-13 meeting.

The attached draft of the ordinance is the same as the version considered at the 1st reading on 04-25-13, since any changes are unknown at the time of this packet deadline.

Timeline

- 05-01-13 City Council Considers 2nd Reading, Ordinance 216 Residential Uses
- 05-02-13 City Clerk Submits Ordinance 216 to Sun-Sailor
- 05-09-13 Ordinance 216 Published in Sun-Sailor

City Council Action: Optional. Potential motions ...

1. I move the city council approves the 2nd reading of ordinance 216 regarding residential uses as written (or with the following changes _____), and directs staff to send the ordinance to the Sun-sailor for publication.
2. Do nothing or other motion ???

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must hold a public hearing and make a recommendation to the city council regarding any changes to the zoning code chapter 11.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING
GREENWOOD ORDINANCE CODE CHAPTER 11 REGARDING USES IN RESIDENTIAL DISTRICTS**

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

SECTION 1.

Greenwood ordinance code section 1102 is amended to add the following definitions:

“Event Center means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public or available for the conduct of public or private gatherings of people or for the conduct of events thereat of any sort or kind in exchange for valuable consideration, provided that the use of a single-family home by the property owner, or, if leased, by a leasehold tenant with leasehold possessory rights of not less than 30 days for private family gatherings, or an occasional party host to specific invitees are excepted.

(THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

“Lake Recreation Center means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public or available for the conduct of public or private gatherings of people or for the conduct of events thereat of any sort or kind of lake use or lake access related activity, including, but not limited to, the hosting of gatherings or events, the provision of food, refreshments, services of any kind, equipment rentals, swimming, fishing, camping, water skiing, personal water craft use, boat launch or docking services, (of whatever length of term), or charter boat passenger collection point, in exchange for valuable consideration.

(THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

“Marina means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public offering power boat, sailboat or personal watercraft launching, mooring (however temporary), or available for the conduct of any sort or kind of lake use or lake access related activity, including, but not limited to, the provision of food, refreshments, ice, fuel, services of any kind, water-related equipment or boat rentals, swimming, fishing, waterskiing, personal watercraft use, or charter boat passenger collection point, in exchange for valuable consideration.

(THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

SECTION 2.

Greenwood ordinance code section 1102 definition of “Home Occupation” is amended to read as follows:

“Home Occupation means a business office and related support services of a business located or operated from a residence whose business activity is conducted entirely within the dwelling and carried on by individuals residing therein. Home occupations must be incidental and secondary to the primary residential use of the dwelling and may not in the judgment of the zoning administrator adversely impact or change the residential appearance and character thereof. No dwelling may be used exclusively for a home occupation. The zoning administrator shall have authority to review and approve or disapprove home occupations. (THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

SECTION 3.

Greenwood ordinance code section 1102 definition of ‘Hotel, Motel’ is amended to read as follows:

“Hotel, Motel means any building or portion of a building where residential use, or occupancy, or sleeping accommodations is offered to persons for short-term or transient use in exchange for compensation on a per-use, per-day, per-week, per-month, or per-season basis. A residential property that is rented for 30 days or more is not considered to be a “Hotel / Motel” provided that there is a written lease to a specific tenant(s), without right of sub-letting or assignment. (THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)”

SECTION 4.

Greenwood ordinance code section 1120.05 is amended to read as follows:

“Section 1120.05. R-1A Permitted Uses.

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1120 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

- a) Single-family detached dwellings, ~~excluding the leasing or renting of rooms.~~
- b) Open area, parks and playgrounds owned and operated by a public agency, or by a home association for a subdivision or neighborhood.
- c) Residential subdivisions, including streets, lighting and water service.

- d) Uses mandated in state statutes as permitted uses.

Subd. 2. Accessory Uses.

- a) Private garages.
- b) Tool house, sheds and similar storage areas for domestic supplies.
- c) Privately-owned swimming pools for the use and convenience of the resident and their guests.
- d) Off-street parking.
- e) Commonly accepted playground equipment and park shelter buildings.
- f) Home occupations as regulated by section 480.
- g) Swimming beaches.
- h) Boat docks.
- i) Signs as regulated in section 1140 et seq.

Subd. 3. Conditional Uses.

- a) Public utilities, including such items as electrical distribution stations or any such similar structure located above ground.
- ~~b) Boat houses.~~
- ~~c) Theaters.~~
- b) Uses mandated in state statutes as conditional uses.”

SECTION 5.

Greenwood ordinance code section 1122.05 is amended to read as follows:

“Section 1122.05. R-1B Permitted Uses.

No building shall be used or shall hereafter be erected, altered, or converted in any manner, except as provided in section 1122 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

- (a) Single-family detached dwellings. ~~excluding the leasing or renting of rooms.~~
- (b) Open area, parks and playgrounds owned and operated by a public agency, or by a home association for a subdivision or neighborhood.
- (c) Residential subdivisions, including streets, lighting, and water service.
- (d) Uses mandated in state statutes as permitted uses.

Subd. 2. Accessory Uses.

- a) Private garages.
- b) Sheds and similar storage areas for domestic supplies.
- c) Privately-owned swimming pools for the use and convenience of the resident and their guests.
- d) Off-street parking.
- e) Commonly accepted residential playground equipment and park shelter buildings.
- f) Boat docks.
- g) Home occupations as regulated by section 480.
- h) Signs as regulated in section 1140 et seq.

Subd. 3. Conditional Uses.

- a) Public utilities including such items as electrical distribution stations or any such similar structure located above ground.
- b) Uses mandated in state statutes as conditional uses.”

SECTION 6.

Greenwood ordinance code section 1125.05 is amended to read as follows:

“Section 1125.05. R-2 Permitted Uses.

No building shall be used or shall hereafter be erected, altered or connected in any manner except as provided in this section. Permitted uses shall be:

Subd. 1. Principal Uses:

- a) Uses as permitted in the R-1A district.
- b) Single-family detached buildings.
- c) Uses mandated in state statutes as permitted uses.

Subd. 2. Accessory Uses:

- a) Uses as permitted in the R-1A district.
- b) Home occupations as regulated by section 480.

Subd. 3. Conditional Uses:

- a) Churches, chapels, synagogues, temples, and similar religious buildings.
- ~~b) Parking lots.~~
- ~~c) Home nurseries provided the management and supervision is provided completely by the occupants of the principal use.~~
- ~~d) Two-family dwellings.~~
- ~~e) Home occupations.~~
- ~~f) Professional offices and studios provided there is no exterior change in the structure and that not more than 1/4 of the floor area of the dwelling is devoted to the accessory use.~~
- b) Uses mandated in state statutes as permitted uses.”

SECTION 7.

Greenwood ordinance code section 1140.05 is amended to read as follows:

“Section 1140.05. Dwelling/Lot; Prohibited Uses.

Subd. 1. Dwellings /Lot. In any residence district not more than 1 dwelling shall be permitted to be erected on a single lot. Grouping of buildings designed for dwelling purposes may only be permitted through a conditional use.

Subd. 2. Prohibited Uses, All Districts. No property or lot of record may be put to a use or employed for a use or purpose other than those specifically enumerated as permitted uses, accessory uses, or conditional uses under the applicable respective zoning code regulations for the district host to such property or lot.

Subd. 3. Specifically Prohibited Uses and Activities in Residential Districts. No property or lot of record zoned residential (R-1A, R-1B, or R-2) may be employed for used for or as (1) a “Hotel, Motel,” (2) an “Event Center,” (3) a “Marina,” or (4) a “Lake Recreation Center.”

Subd. 4. Leasehold Term Minimums. To preserve the residential character and assure that the city’s single-family residential districts will be exclusive of other types of uses, no residentially-zoned property may be leased to third parties for any purpose other than single-family residential use and in no event shall such leaseholds or sub-leaseholds be for an initial term of less than 30 days in exchange for fair market rental value.”

SECTION 8.

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 _____, 2013.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: _____, 2013
Second reading: _____, 2013
Publication: _____, 2013



Agenda Number: **6D**

Agenda Date: 05-01-13

Agenda Item: 2nd Reading Ordinance 215 Regarding Building Volume Regulations

Summary: At the 03-06-13 meeting the city council “continued” action on the 2nd reading of ordinance 215 regarding relaxing building volume requirements for smaller lots, pending the results of the research regarding past variances granted. The research project is not urgent, so the council may wish to “continue” the 2nd reading again due to a full agenda. However, if the 2nd reading is “continued” again, the time limit for the 2nd reading will expire, so the next reading will be a 1st reading again.

City Council Action: Optional. Potential motions ...

1. I move the city council approves the 2nd reading of ordinance 215 regarding building volume regulations as presented.
2. I move the city council approves the 2nd reading of ordinance 215 regarding building volume regulations with the following revisions: _____.
3. Do nothing or other motion ???

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must hold a public hearing and make a recommendation to the city council regarding any changes to the zoning code chapter 11.

ORDINANCE NO. 215

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE ZONING CODE ~~CHAPTER 11 REGARDING RULES FOR SMALL LOTS~~
SECTION 1140.18 REGARDING BUILDING VOLUME**

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

SECTION 1.

Greenwood ordinance code section 1140.18 subd. 3 (1) ~~(2) & (3) is are~~ amended to read as follows:

- “(1) Lots of 7500 square feet or less in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 6 times the lot area.
- (2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to ~~37,500~~ 42,000 cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).
- (3) Lots greater than 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to ~~67,500~~ 75,000 cubic feet plus a volume of cubic feet equal to a figure 2 times (lot area minus 15,000 square feet).”

SECTION 2.

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

Enacted by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2013.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: February 6, 2013
Second reading: _____, 2013
Publication: _____, 2013



Agenda Number: **6E**

Agenda Date: 05-01-13

Agenda Item: Discuss Lake Improvement District Concept

Summary: At the 05-01-13 meeting the council appointed Councilman Fletcher and Councilman Roy to a subcommittee, to look further into the concept of a Lake Improvement District (LID) to manage aquatic invasive species in St. Alban's Bay. The subcommittee will report back to the council at the 05-01-13 council meeting.

City Council Action: None required.



Agenda Number: **7A**

Agenda Date: 05-01-13

Agenda Item: Certificate of Appreciation for Retiring Planning Commissioner Lisa Christian

Summary: Planning Commissioner Lisa Christian has retired from the commission. Attached is a proposed certificate of appreciation recognizing her contributions to the city.

Council Action: Optional. Potential motion ...

1. I move that the city council approves the certificate of appreciation recognizing the contributions of Planning Commissioner Lisa Christian.



Certificate of Appreciation

WHEREAS, Lisa Christian served as a member of the Greenwood planning commission from June 2012 through March 2013; and

WHEREAS, during her term Commissioner Christian gave her time and served her 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:

LISA CHRISTIAN

Thank you for your service!

Debra J. Kind, Mayor

Date



Agenda Number: **7B**

Agenda Date: 05-01-13

Agenda Item: 1st Reading: Ordinance 219 Amending Code Section 320 to Establish Minimum Rental Lease Term for Residential Properties

Summary: In response to resident concerns regarding the potential use of residential properties as high-turnover vacation rentals, Councilman Tom Fletcher requested that the attached ordinance be included on the 05-01-13 council agenda for consideration.

City Council Action: Optional. Potential motions ...

1. I move the city council approves the 1st reading of ordinance 219 regarding residential uses as written (or with the following changes _____), and directs the ordinance be included on the 06-05-13 council agenda for a 2nd reading.
2. Do nothing or other motion ???

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must hold a public hearing and make a recommendation to the city council regarding any changes to the zoning code chapter 11.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 320
REGARDING RENTAL PROPERTIES**

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

SECTION 1.

Greenwood ordinance code section 320 heading is amended to read as follows:

“SECTION 320. ~~MULTIPLE DWELLINGS.~~ RENTAL PROPERTIES.”

SECTION 2.

Greenwood ordinance code section 320.30 Registration of Rental Properties Required is amended by the addition of the following subdivision:

“Subd 7. Lease Term. The minimum initial lease term for a residential rental property shall be 30 days. License holders shall provide leaseholder name and contact information to the city clerk in writing prior to the commencement of each new lease.”

SECTION 3.

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

Enacted by the city council of the city of Greenwood, Minnesota this __ day of _____, 2013.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: _____, 2013
Second reading: _____, 2013
Publication: _____, 2013



Agenda Number: **7C**

Agenda Date: 05-01-13

Agenda Item: Discuss Potential Moratorium to Review the R-1A Zoning District

Summary: The city attorney requested that this topic be put on the agenda for discussion. A related memo is attached. The city attorney will update the council at the 05-01-13 regarding the reasons for his request.

City Council Action: None required.

KELLY LAW OFFICES

M E M O R A N D U M

TO: Mayor and City Council Members

FROM: Mark W. Kelly

DATE: April 24, 2013

RE: Zoning of R-1A Residential District and Moratorium

Executive Summary

Minnesota authorizes cities to adopt a Moratorium zoning ordinance so as to stay development while the city studies appropriate zoning regulation. Minnesota statute M.S. 462.355 provides:

If a municipality is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section [462.352, subdivision 15](#), or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. ***The interim ordinance may regulate, restrict, or prohibit any use, development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.*** M.S. 462.355

During a moratorium no person may make application for a building/zoning permit in the restricted zone. However, an interim ordinance or moratorium may

not delay or prohibit a subdivision that has been given preliminary approval, nor extend the time for action under the 60 day rule with respect to any application filed prior to the effective date of the interim ordinance.

For your information, below is an excerpt from a League of Minnesota Cities memorandum on this matter.

Interim Ordinances (Moratoria)

Minn. Stat. § 462.355, subd. 4; *Pawn America Minnesota, LLC v. City of St Louis Park*, 787 N.W.2d 565 (Minn. 2010)

Adoption of an interim ordinance (more commonly known as a moratorium) may aid cities in the zoning ordinance amendment process, by allowing a city to study an issue without the pressure of time generated by pending applications. Cities may use a moratorium to protect the planning process, particularly when formal studies may be needed on a particular issue. Cities must follow the procedures established in state statute to initiate a moratorium.

a) Procedure for interim ordinance adoption

Minn. Stat. § 462.355, subd. 4(a)

Cities must initiate a moratorium by adopting an ordinance (interim ordinance). The interim ordinance may regulate, restrict, or prohibit any use, development, or subdivision within the city or a portion of the city for a period not to exceed one year from the effective date of the ordinance.

An interim ordinance may only be adopted where the city:

- Is conducting studies on the issue.
- Has authorized a study to be conducted.
- Has held or scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or other official controls, including the zoning code, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.
- Has annexed new territory into the city for which plans or controls have not been adopted. The legal justification for the interim ordinance should be stated in the findings of fact when the ordinance is adopted.

Minn. Stat. § 462.355, subd. 4(b)

No notice or hearing is generally necessary before an interim ordinance is enacted. However, a public hearing must be held if the proposed interim ordinance regulates, restricts or prohibits livestock production (feedlots). In such case, the notice of the hearing must be published at least ten days prior to the hearing in a newspaper of general circulation in the city.

b) Procedure for interim ordinance extension

Minn. Stat. § 462.355, subd. 4(c).

An interim ordinance may be extended only in limited circumstances if the procedures of state statute are followed. An interim ordinance may be extended if the city holds a public hearing and adopts findings of fact stating that additional time is needed to:

Minn. Stat. § 462.355, subd.4(c)(3)

- Complete and adopt a comprehensive plan in cities that did not have comprehensive plan in place when the interim ordinance was adopted. This allows an extension for an additional year.

Minn. Stat. § 462.355, subd. 4(c) (1).

- Obtain final approval or review by a federal, state, or metropolitan agency of the proposed amendment to the city's official controls, when such approval is required by law and the review or approval has not been completed and received by the municipality at least 30 days before the expiration of the interim ordinance. This allows an extension for an additional 120 days.

Minn. Stat. § 462.355, subd. 4(c) (2).

- Complete "any other process" required by a state statute, federal law, or court order and when the process has not been completed at least 30 days before the expiration of the interim ordinance. This allows an extension for an additional 120 days.

Minn. Stat. § 462.355, subd. 4(c).

- Review an area that is affected by a city's master plan for a municipal airport. This allows for an additional period of 18 months. The required public hearing must be held at least 15 days but not more than 30 days before the expiration of the interim ordinance, and notice of the hearing must be published at least ten days before the hearing.

c) Applicability

Minn. Stat. § 462.355, subd. 4(c)

An interim ordinance or moratorium may not delay or prohibit a subdivision that has been given preliminary approval, nor extend the time for action under the 60 day rule with respect to any application filed prior to the effective date of the interim ordinance.



Agenda Number: **7D**

Agenda Date: 05-01-13

Agenda Item: Excelsior Park & Dock Police Patrol Proposal

Summary: This is an annual request from the South Lake Minnetonka Police Department and the city of Excelsior to approve the proposal for summer park and dock patrol.

City Council Action: Required. Potential motions ...

1. I move the city council approves the Excelsior Park & Dock Police Patrol Proposal for 2013.
2. Do nothing or other motion ???



Park and Dock Patrol Services SLMPD Proposal

**City of Excelsior
2013 Summer Season**

Prepared by Chief Bryan Litsey

OVERVIEW

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

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

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

SEASONAL PART-TIME POSITIONS

Park Police Officer

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

Park and Dock Patrol Services - SLMPD Proposal
City of Excelsior - 2013 Summer Season
Page 2 of 3

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

Park Service Officer

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

Compensation for the job classification of park service officer is determined through an annual review process, which supports a modest increase in the 2013 pay rate after two seasons of remaining the same. Benefits provided for this seasonal position are limited to uniforms and gear along with the required amount of training.

OTHER CONSIDERATIONS

SLMPD Coordinator/Community Liaison

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

Field Supervision

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

Park and Dock Patrol Services - SLMPD Proposal
City of Excelsior - 2013 Summer Season
Page 3 of 3

Training

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

Cost to Excelsior

All-inclusive hourly rates have been established for the job classifications of park police officer and park service officer. These are based on actual payroll costs plus a five percent administration fee. **See Appendix B.** Park police officers will receive a salary increase of 1.25 percent based on the current labor agreement. Park service officers will receive the same percentage increase after two seasons of no increases. The percentage contribution toward payroll taxes remains the same with a slight increase in the workers compensation rate. There is no required contribution to the state pension fund since these are seasonal part-time positions. The five percent administration fee is intended to recapture the overhead costs associated with the SLMPD administrating and supervising these additional services along with providing vehicles and equipment (radios, cellular phones, etc.). Uniforms, gear and training expenses are an additional expense for the City of Excelsior. These expenses will be less for returning personnel and more for new personnel.

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

CONCLUSION

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



APPENDIX A

Job Descriptions

Park Police Officer

Park Service Officer

DEPARTMENT MANUAL

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

REQUIREMENTS

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

NATURE OF DUTIES

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

EXAMPLE OF WORK PERFORMED

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

PAGE 2 - REVISED GENERAL ORDER NUMBER 118

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

DEPARTMENT MANUAL

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

REQUIREMENTS

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

NATURE OF DUTIES

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

PARK PATROL - EXAMPLE OF WORK PERFORMED

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

DOCK PATROL - EXAMPLE OF WORK PERFORMED

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

PAGE 3 - REVISED GENERAL ORDER NUMBER 146

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



APPENDIX B

*Projected Cost to Excelsior
Year 2013*

Park and Dock Patrol Services

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

Excelsior Park and Dock Patrol Services

2013 Summer Season

SLMPD Proposal - Hourly Cost of Seasonal Part-Time Positions

Seasonal Part-Time Positions	Hourly Rate	Payroll Taxes	Workers Compensation	Administration Fee	Total
		(1)	(2)	(3)	
Park Police Officer	\$24.47	\$1.87	\$0.84	\$1.22	\$28.40
Park Service Officer	\$14.18	\$1.08	\$0.49	\$0.71	\$16.46

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

(2) Employer Workers Compensation Rate - 3.45%

(3) SLMPD Administration Fee - 5.0%

Notations: Additional Cost for Uniforms and Gear

Figures Rounded

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

Excelsior Park and Dock Patrol Services

2013 Summer Season

SLMPD Proposal - Projected Budget

Part-Time Seasonal Positions	Projected Hours 2013 Season	Hourly Rate Total	Total Amount
Park Police Officer <i>Licensed Police Officer Position - Patrol Commons Park and Central Business/Residential Areas</i>	272	\$28.40	\$7,725
Park Service Officer - Commons Park <i>Civilian Position - Patrol Commons Park and Adjacent Residential/Business Areas</i>	389	\$16.46	\$6,403
Park Service Officer - Municipal Docks <i>Civilian Position - Patrol Port of Excelsior and Municipal Docks</i>	317	\$16.46	\$5,218
Training			\$600
Uniforms and Gear			\$800
Total	978		\$20,746
Projected Budget - 2012 Season	979	Plus Training & Uniforms	\$20,512
Actual Total Cost - 2012 Season			\$17,738

Notation: Figures Rounded



Agenda Number: **7E**

Agenda Date: 05-01-13

Agenda Item: Potential City Council Input Regarding Minnehaha Creek Watershed District AIS Plan and TMDL Policy

Summary: The city recently received notifications for the following issues:

1. The Minnehaha Creek Watershed District is seeking comments from cities regarding their Draft Plan Amendment to amend their Comprehensive Water Resource Management Plan to add an Aquatic Invasive Species Management Program (section 6.10).
2. The Minnehaha Creek Watershed District is seeking comments from cities regarding the draft of the MCWD Board policy for the distribution of pollutant reduction credit from MCWD projects for the purpose of TMDL reporting.

The city council may wish to weigh in on these topics, given that Greenwood property owners pay approximately \$54,000 to the MCWD via ad valorem taxes. Rough drafts of potential memos are attached for the council's discussion.

Council Action: None required. Potential motions ...

1. I move the council authorizes the mayor to send the memo to Minnehaha Creek Watershed District regarding the proposed AIS program with the following revisions: _____.
2. I move the council authorizes the mayor to send the memo to Minnehaha Creek Watershed District regarding the proposed TMDL distribution policy with the following revisions: _____.
3. Do nothing or other motions ???

MINNEHAHA CREEK WATERSHED DISTRICT

QUALITY OF WATER



QUALITY OF LIFE

Date: April 1, 2013

To: Local Government Units within the Minnehaha Creek Watershed District, State Review Agencies

From: Craig W. Dawson, Director, Aquatic Invasive Species Program, MCWD

Re: Draft Plan Amendment – Addition of Section 6.10, Aquatic Invasive Species (AIS) Management Program; 60-Day Comment Period

The Minnehaha Creek Watershed District welcomes public comment on a draft amendment to its Comprehensive water Resource Management Plan for aquatic invasive species (AIS) management and prevention.

In 2011, after conversations with cities and other units of local government throughout the MCWD, there was general agreement that the District should be the local government to take a lead role in (AIS) within its boundaries. The goal of the MCWD's AIS Program would be to prevent the introduction and spread of AIS and manage existing AIS within the watershed while maintaining access to public water bodies and preventing significant harm or changes to native ecosystems.

In order to enable and enhance the District's involvement in this area, the Board of Managers directed that an Aquatic Invasive Species Management Program be developed and included by amendment in the District's Comprehensive Water Resource Management Plan. To ensure a transparent, inclusive process in which all viewpoints and ideas are considered, the Board appointed an AIS Plan Task Force in 2012 to develop the AIS Management Plan. Its members were drawn from residents with interests in water bodies, water-oriented businesses, outdoor recreationists, and policymaker-level representatives of key local governments. To provide further information and guidance to the Task Force, a Technical Advisory Committee also was convened. Its members largely came from the professional staffs of a variety of governmental agencies (including the MN DNR) and the University of Minnesota. Through nine months of hard work and the important input and leadership from the Task Force members, a consensus emerged on AIS management that has the support of all stakeholders on the Task Force. The AIS Management Plan, and the recommendations within it, is the product of that consensus.

The Minnehaha Creek Watershed District is committed to a leadership role in protecting, improving and managing the surface waters and affiliated groundwater resources within the District, including their relationships to the ecosystems of which they are an integral part. We achieve our mission through regulation, capital projects, education, cooperative endeavors, and other programs based on sound science, innovative thinking, an informed and engaged constituency, and the cost effective use of public funds.

The purpose of the AIS Management Plan is to guide the MCWD in the management of aquatic invasive species and, through education and awareness, prevention measures, and applied research, work with state and local partners to protect the District's water resources from this environmental threat.

The AIS Management Plan is organized around three goals: Prevention, Containment of new introductions, and Control of existing populations. The emphasis of the plan is on prevention, as the costs to manage AIS after they are present are significant. The policies and goals in the District's Comprehensive Plan are designed around the ecological integrity of water resources within the District. Accordingly, the District's involvement in the long-term management (i.e., control) of AIS present would be based on the benefit to the watershed's ecological systems. Other benefits would be secondary.

The Plan follows several themes to support achievement of the three major goals:

- Research (basic and applied) – The District will be a ready partner for pilot projects.
- Reliance on partnerships – The District is fully committed to collaboration.
- Working with willing partners – The District will perform activities where local governments and other organizations are willing to invest and work with the District to implement them.
- Adaptive management – The Plan provides a framework to adapt to rapidly changing conditions.
- Funding for implementation – The Plan includes guiding principles for decisions on implementing activities, which will be made during the District's annual budgeting process.

The Plan is not intended to be static or prescriptive. It provides a framework to address any AIS, not just a particular species. In designing management activities, the District will not supplant the work of others but will complement them and/or fill in gaps in what is being performed.

The AIS Management Plan has been prepared in the official amendment format. The entire 60+-page plan is new, and all of the text and graphics are underlined to show that they would be added as Section 6.10 of the Comprehensive Water Resource Management Plan. For readability, a version of the plan without such underlining is enclosed for your review. The official amendment format version and the more readable version of the AIS Management Plan are available on the District's website, www.minnehahacreek.org, or will be mailed to you upon request.

The MCWD Board of Managers has authorized staff to distribute the enclosed draft plan amendment for a 60-day comment period prior to a public hearing and adoption. Please submit your comments by Monday, June 3, 2013. The public hearing must be held no sooner than 14 days after the end of the 60-day comment period. We will notify you of the date and time of the public hearing once it is established.

After responding to comments during the public comment and hearing process, and making any changes it deems necessary, the District will send the proposed amendment to the Metropolitan Council, state review agencies, and Board of Water and Soil Resources (BWSR) for final review. BWSR has a 90-day period to complete its final review.

If you have any questions or concerns regarding the draft plan amendment, District staff will be happy to meet with you to answer questions and provide clarity on any of the contents of the amendment.

Please feel free to contact MCWD AIS Program Director Craig Dawson at cdawson@minnehahacreek.org or 952.406.2715.

From: Becky Houdek <BHoudek@minnehahacreek.org>
Subject: TMDL Credit Policy
Date: April 23, 2013 9:21:57 AM CDT

Dear Upper Watershed TMDL Stakeholders,

At our last stakeholder meeting in February, I introduced the idea of giving credit to member communities for pollutant reductions achieved through projects funded by the MCWD. At that meeting, the group seemed generally supportive of the proposal and requested that I distribute the language once it was drafted. The proposed policy is attached for your review.

Essentially, this policy would allow cities to claim a portion of the pollutant reductions achieved through District-funded projects, which will be counted toward the TMDL in their annual report to the MPCA. We believe this is a common sense approach that spreads the credit from District projects more broadly and evenly throughout the watershed. It also ensures that the District can continue to put projects where they will have the greatest water quality benefit and be most cost-effective.

Please review the draft policy and let me know if you have any questions or concerns. I also would appreciate knowing if you are supportive of the proposed policy. Please provide your comments by May 7th.

Thank you,

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

Background

There are two Total Maximum Daily Load (TMDL) studies currently underway by the Minnesota Pollution Control Agency (MPCA) for waterbodies within the District. The Minnehaha Creek-Lake Hiawatha TMDL Study addresses the nutrient impairment for Lake Hiawatha and the E. coli impairment for Minnehaha Creek. The Upper Minnehaha Creek Watershed TMDL Study addresses nutrient impairments for 21 of the lakes and bays in the upper watershed as well as the E. coli impairment for Painter Creek. In addition, the MCWD Lakes TMDL addressing nutrient impairments for Lake Nokomis, Parley Lake, Lake Virginia, and Wasserman Lake was approved by the EPA in April 2011.

Through these TMDL studies, the MPCA assigns allowable loads to the regulated Municipal Separate Storm Sewer Systems (MS4s) which include the municipalities, road authorities, and the District. These obligations become conditions of MS4 federal stormwater permits and MS4s are then required to report annually to the MPCA on their progress toward achieving the necessary reductions. Although MCWD is a regulated MS4, our jurisdiction is limited to the County and Judicial ditches for which we are ditch authority and so there have been little or no load requirements assigned to MCWD through these TMDLs (reductions of approximately 39 lbs/yr for Halsted's Bay and <1 lb/yr for Gleason Lake).

The District's 2007 Comprehensive Water Resources Management Plan was structured much like a TMDL in that it set target phosphorus concentrations, determined the allowable loads, and assigned a portion of the necessary load reductions to local government units (LGUs) based on land use. The Plan then identified capital improvement projects the District would undertake in order to achieve the remaining reductions necessary to meet the targets.

Since the District generally does not need the credit for the reductions it will achieve through its capital improvement program for the purpose of MS4 permit compliance, staff is recommending that the Board adopt a policy that allows for the distribution of this credit among those member communities that do require reductions in loading to achieve MS4 permit compliance associated with TMDLs.

Minnehaha Creek Watershed District
Board Policy

Distribution of Pollutant Reduction Credit from District Projects for the Purpose of TMDL Reporting

Policy

It is the policy of the Minnehaha Creek Watershed District (MCWD) that credit for pollutant reductions achieved through District projects be distributed, as specified below, among its member communities for the purpose of MS4 permit compliance associated with TMDLs.

Purpose

The main purpose behind the proposed policy is to ensure that credit for pollutant reductions achieved through District projects is distributed in a fair and equitable way among its member communities in recognition that the funding for those projects comes from a watershed-wide *ad valorem* tax levy.

In the absence of such a policy, it might be assumed that credit for District projects either would not be applied to the obligations of any MS4, or would go either solely to the MS4 where the project is located or to MS4s whose runoff is being treated by the project, which would likely result in increased political pressure to place projects in specific cities. By contrast, this policy would allow the District to put projects where they will be most effective for improving the resource and where opportunities exist without concern for political boundaries.

Applicability

- This policy applies to the distribution of pollutant reduction credit for the purpose of MS4 permit compliance associated with TMDL requirements. It does not apply to or affect a municipality's phosphorus load reduction obligations assigned through the District's 2007 Comprehensive Water Resources Management Plan.
- It applies to pollutant reductions achieved through the District's capital improvement projects as well as cost-share projects to the extent that they are funded by the District. To the extent the District is able to quantify load reduction and the proper allocation of reduction credits for particular past projects, this includes such projects back to the baseline year identified in each TMDL. It does not apply to reductions achieved through the requirements of the District's regulatory program.
- It applies to phosphorus, *E. coli*, and any other pollutants identified through a TMDL study for which the District is able to quantify a load reduction achieved through its projects.

Distribution of Credit

Credit for pollutant reductions achieved through District projects will be distributed in the following order:

- First, to the extent that a project addresses non-regulated load sources (i.e. internal load, streambank erosion, or others defined in the TMDL), the reductions will be applied toward the reduction targets specified for those sources.
- Second, consistent with past practice, if an MS4 has partnered with the District and contributed funding towards a project, it will receive credit proportional to its percent financial contribution or as otherwise defined in the project cooperative agreement between the District and MS4(s). Eligible costs will be defined in the agreement but will generally include: design, construction, maintenance, and land purchases or value of land provided by the MS4. This policy will not supersede any allocation of credit made through project agreements already in place.
- Third, in areas where the District has a load reduction assigned to it through a TMDL (i.e., where there is a ditch under the District's jurisdiction), the credit will go toward achieving that reduction.
- Finally, the remaining credit will be distributed amongst all MS4 member communities within the drainage area of the impaired water. Credit will be distributed using the same percentages used to partition the wasteload allocations for that particular TMDL. If an MS4 has already met its reduction needs for the TMDL, its portion of the credit will be distributed among the remaining MS4 communities.

Tracking and Reporting

- The reductions achieved through District projects will be determined by the District as part of project development, and the method of calculation will be documented.
- The District will track and report annually, by May 30th, to the MS4s and MPCA a summary of the reductions achieved in the previous calendar year and the breakdown of credit by MS4.

DRAFT



Date: May __, 2013

To: Minnehaha Creek Watershed District
Craig Dawson, Director Aquatic Invasive Species Program
cdawson@minnehahacreek.org

From: Greenwood City Council

Re: **Comments Regarding Draft Plan Amendment – Addition of Section 6.10 Aquatic Invasive Species Management Program**

At our 05-01-13 meeting the Greenwood city council reviewed and discussed the Draft Plan Amendment to amend the Minnehaha Creek Watershed District's (MCWD) Comprehensive Water Resource Management Plan to add an Aquatic Invasive Species Management Program (section 6.10). The following outlines our comments:

1. We support the concept of the MCWD expanding its role to manage AIS only if this can be done by reallocating existing funding.
2. We support an AIS plan that includes management of existing AIS – not just prevention.
3. _____
4. _____

Thank you for the opportunity to comment on this topic. If you have any questions regarding our comments, please contact Mayor Deb Kind, 952.401.9181, dkind100@gmail.com.

DRAFT



Date: May __, 2013

To: Minnehaha Creek Watershed District
Becky Houdek, MCWD Planner
bhoudek@minnehahacreek.org

From: Greenwood City Council

Re: **Comments Regarding MCWD Board Policy for Distribution of Pollutant Reduction Credit from District Projects for the Purpose of TMDL Reporting**

At our 05-01-13 meeting the Greenwood city council reviewed and discussed the draft of the MCWD Board policy for the distribution of pollutant reduction credit from MCWD projects for the purpose of TMDL reporting. The following outlines our comments:

1. _____
2. _____
3. _____
4. _____

Thank you for the opportunity to comment on this topic. 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.



April 4, 2013

Morgan V, LLC
34321 Myrtle Lane
Union City, CA 94587

To Whom It May Concern:

You were sent notification on March 7th regarding the illegal status of the vehicle parked on your property at 21380 State Highway 7, commonly known as the Lakeshore Market. The vehicle was left by the former tenant of the structure and you could not remove it for twenty-eight days without incurring storage cost. The city understood and gave you a deadline of March 29th to remove the vehicle from the property. As of the date of this letter, the vehicle has not been removed.

This letter serves as notification that the vehicle must be removed from the property no later than April 15th. Failure to do so will result in the issuance of an Administrative Citation.

Sincerely,

A handwritten signature in black ink that reads "Gus Karpas". The signature is fluid and cursive, with the first name "Gus" being more prominent than the last name "Karpas".

Gus Karpas
City Clerk/Zoning Administrator

Cc: File
Mayor Kind and City Councilmembers
City Attorney Mark Kelly



April 4, 2013

Marco, Inc.
Attn: Leasing Department
3000 Division Street
P.O. Box 250
St. Cloud, MN 56302-0250

RE: Lease Agreement # 500-0156281-000

To Whom It May Concern:

I am in receipt of a letter dated March 27th regarding the status of the city's lease agreement with your company (attached) and the end of its initial term. I spoke with a representative from the leasing department and sent a follow-up letter (attached) indicating the City of Greenwood would be terminating the lease at the end of its initial term.

In addition, the city has no intention of retaining ownership of the equipment and will be returning upon termination of the lease.

To reiterate, the City of Greenwood entered into Lease Agreement # 500-0156281-000 with Marco, Inc. to lease a **Konica Model: 4038321 (C252), Serial Number: 321800645** in 2008. That lease is set to expire in May. It is the intention of the city not to renew the lease at that time. We request that Marco take the steps necessary to terminate the lease on the expiration date and arrangements be made to remove the equipment from City Hall.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gus Karpas", written over a white background.

Gus Karpas
City Clerk

Cc: File
Mayor Kind and City Councilmembers

MARCO INC

1310 Madrid Street, Suite 101
Marshall, MN 56258
800-828-8246

Wednesday, March 27, 2013

CITY OF GREENWOOD
20225 COTTAGEWOOD RD
EXCELSIOR, MN 553316700

Re: Contract(s)

500-0156281-000

Dear CITY OF GREENWOOD,

We appreciate the opportunity to be working with you on the above referenced contract, which is nearing the end of its initial term.

In our commitment to providing you with superior service, we endeavor to make every transaction flow smoothly and efficiently to ensure a trouble-free relationship. Please refer to the terms and conditions of your agreement for important details concerning any end of term notification requirements as well as equipment purchase options and return requirements. If you do not notify us of your decision regarding your end of term options within the timeframe provided in your agreement, we may continue to invoice you per the terms of the agreement.

If you have not already done so, please contact your MARCO INC account representative today for all of your financing options.

If your agreement provides that the equipment may be returned to us, please also be advised that you are solely responsible for removing any data that may reside in the equipment you return, including, but not limited to, hard drives, disk drives or any other form of memory. We are not responsible for any disclosure of your confidential or private information stored on the equipment as a result of your failure to remove such information prior to returning any equipment to us. Please refer to your agreement, which may contain more specific requirements in this regard.

We are pleased to have assisted you with your equipment investment and hope we can be of service to you again in the future.

Thank you for your business.

Sincerely,

Asset Management



January 10, 2013

Marco, Inc.
Attn: Leasing Department
3000 Division Street
P.O. Box 250
St. Cloud, MN 56302-0250

RE: Lease Agreement # 500-0156281-000

To Whom It May Concern:

The City of Greenwood entered into Lease Agreement # 500-0156281-000 with Marco, Inc. to lease a **Konica Model: 4038321 (C252), Serial Number: 321800645** in 2008. That lease is set to expire in May. It is the intention of the city not to renew the lease at that time. We request that steps be taken to terminate the lease on the expiration date and arrangements be made to remove the machine from City Hall.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Gus Karpas". The signature is stylized and cursive.

Gus Karpas
City Clerk

Cc: File
Mayor Kind and City Councilmembers



A handwritten signature in cursive script that reads "Burl W. Haar".

Burl W. Haar, Executive Secretary

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

NOTICE OF PUBLIC HEARING

Issued: April 10, 2013

In the Matters of the Applications for a Route Permit and Certificate of Need for the Scott County-Westgate 69 kV to 115 kV Transmission Upgrade Project

Public Utilities Commission (PUC) Docket Number/s: E002/CN-11-332
E002/TL-11-948

Office of Administrative Hearings (OAH) Docket Number: 16-2500-22873

Date: May 16, 2013

Times: 1:30pm – 4:30pm
6:00pm – 9:00pm

Location: Chanhassen Recreation Center
2310 Coulter Boulevard
Chanhassen MN 55317

Hearing Information: Citizens will have the opportunity to offer oral and/or written comments into the record. Staff from the Public Utilities Commission, Department of Commerce (DOC), and Xcel Energy will be available to answer questions about the project and the review process. The hearing will last until all citizens in attendance have had the opportunity to offer comments or ask questions.

Topic/s Open for Comment:

- Is the proposed transmission line needed and in the public interest?
- What are the costs and benefits of the proposed transmission line?
- What are the environmental and human impacts of each route and how can these impacts be reduced?
- Are there other issues or concerns related to the project?

Comment Period: The comment period on the project continues after the public hearings, through May 31, 2013 at 4:30pm.

Submit Public Comments: The Honorable Ann C. O'Reilly
Office of Administrative Hearings
Email: RouteComments.OAH@state.mn.us
Fax: 651-361-7936
P.O. Box 64620
600 North Robert Street
St. Paul MN 55164-0620

Please include the PUC and OAH Docket Numbers (above) in all communications.

Project Description

Xcel Energy proposes to upgrade the Scott County-Bluff Creek-Westgate 69 kV transmission line to 115 kV capacity near the cities of Chanhassen, Shorewood, Excelsior, Deephaven, Greenwood, Minnetonka and Eden Prairie.

Xcel Energy's original proposal includes upgrading approximately 20 miles of 69 kV transmission line to 115 kV capacity including the following upgrades and additions:

- Changing the voltage of approximately 5.3 miles of 115/69 kV transmission line to 115/115 kV operation between the Scott County and Bluff Creek substations
- Converting approximately 3.6 miles of 69 kV transmission line to 115 kV transmission line between the Bluff Creek and Excelsior Substations
- Converting approximately 3.0 miles of 69 kV transmission line to 115 kV capacity between the Excelsior and Deephaven Substations
- Converting approximately 7.5 miles of 69 kV transmission line to 115 kV capacity between the Deephaven and Westgate (Highway 5) Substations
- Upgrading the Excelsior and Deephaven Substations to 115 kV capacity

Xcel Energy's *Highway 5 Alternative* proposal includes:

- Using existing structures along Highway 5
- Building a new substation
- Building a short segment of 69kV transmission line
- Relocating the 34.5 kV feeder line along Highway 5
- Upgrading the Westgate Substation 115/69 kV transformer to 70 MVA or larger capacity

Process Information

Before the project can be built, the Public Utilities Commission (PUC) must approve a certificate of need and a route permit. Xcel Energy submitted the certificate of need application in March 2012, and the route permit application was accepted in May 2012.

The Department of Commerce prepared an environmental assessment for this project. The environmental assessment reviewed the potential human and environmental impacts of the proposed project and alternatives, as well as ways to mitigate impacts. The environmental assessment was published in February 2013.

Judge O'Reilly will use information gathered at the public hearings and during the comment period to write a report for the PUC. The report will include findings, conclusions and recommendations about this project. After receiving the Judge's report, the PUC will make final decisions on this project, expected by August 2013.

Eminent Domain: If issued a route permit by the Commission, Xcel Energy and Great River Energy may exercise the power of eminent domain to acquire land for this project.

How to Learn More

Department of Commerce Project Website:

<http://mn.gov/commerce/energyfacilities/Docket.html?Id=32547>

Full Case Record: All documents filed in this docket are available on the Commission's website at www.puc.state.mn.us, select "Search eDockets," enter the year (*ex. 11*) and the docket number (*ex. 332*), select "Search."

Project Mailing List: Sign up to receive notices about project milestones and opportunities to participate (meetings, comment periods, etc.). Contact the Public Advisor (see below) or visit <http://mn.gov/commerce/energyfacilities/#mailing> to sign up for the project mailing list.

Public Libraries: The certificate of need, route permit application, and environmental assessment are available at the following public libraries:

- Chanhassen Public Library, 7711 Kerber Boulevard, Chanhassen MN 55317
- Eden Prairie Public Library, 565 Prairie Center Drive, Eden Prairie MN 55344
- Excelsior Public Library, 343 Third Street, Excelsior MN 55331
- Minnetonka Public Library, 17524 Excelsior Boulevard, Minnetonka MN 55345

Project Contacts

- **Public Utilities Commission Public Advisor**
Tracy Smetana at consumer.puc@state.mn.us, 651-296-0406 or 1-800-657-3782
- **Public Utilities Commission Staff Analyst**
Michael Kaluzniak at mike.kaluzniak@state.mn.us or 651-201-2257
- **Department of Commerce Environmental Review Manager**
David Birkholz at david.birkholz@state.mn.us, 651-296-2878 or 1-800-657-3794

- **Xcel Energy Project Contact – Certificate of Need**

Paul Lehman at paul.lehman@xcelenergy.com or 612-330-7529

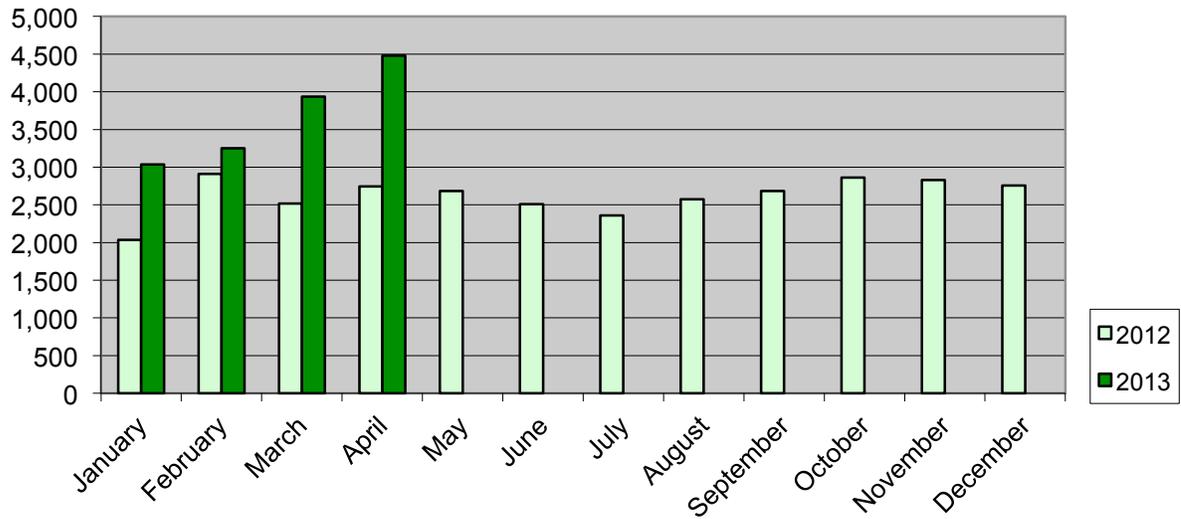
- **Xcel Energy Project Contact – Route Application**

Timothy Rogers at timothy.g.rogers@xcelenergy.com or 612-330-1955

If any reasonable accommodation is needed to enable you to fully participate in these meetings (e.g., sign language or large print materials), please contact the Office of Administrative Hearings at 651-361-7000 (voice) or 651-361-7878 (TTY) at least one week in advance of the meeting.

This document can be made available in alternative formats (e.g., large print or audio) by calling 651-296-0406 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

**City of Greenwood
Website Total Hits**



Month	2012	2013	Variance with Prior Month	Variance with Prior Year	Bulk Email List
January	2,034	3,038	280	1,004	134
February	2,911	3,252	214	341	136
March	2,516	3,936	684	1,420	137
April	2,746	4,478	542	1,732	138
May	2,682		-4,478	-2,682	
June	2,509		0	-2,509	
July	2,361		0	-2,361	
August	2,574		0	-2,574	
September	2,682		0	-2,682	
October	2,860		0	-2,860	
November	2,828		0	-2,828	
December	2,758		0	-2,758	
AVERAGE	2,622	3,676			

POPULATION: 688
EMAIL ADDRESSES % OF POPULATION: 20.06%

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	1819	40.62%
Agendas, Packets & Minutes	483	10.79%
City Departments	158	3.53%
Assessments & Taxes	155	3.46%
Code Book	124	2.77%
Planning Commission	112	2.5%
Welcome to Greenwood	111	2.48%
Mayor & City Council	110	2.46%
Budget & Finances	109	2.43%
Forms & Permits	78	1.74%
Swiffers NOT Flushable	70	1.56%
Photo Gallery	66	1.47%
Comprehensive Plan & Maps	66	1.47%
Search Results	63	1.41%
RFPs & Bids	61	1.36%
Garbage & Recycling	59	1.32%
Watercraft Spaces	58	1.3%
What's New?	56	1.25%
Links	56	1.25%
Lake Minnetonka	55	1.23%
Meetings	53	1.18%
Meetings on TV	50	1.12%
Xcel Project Update!	49	1.09%
Spring Clean-Up Day	44	0.98%
Public Safety	42	0.94%
Events	40	0.89%
Animal Services	40	0.89%
Email List	36	0.8%
Old Lee Community Events	24	0.76%

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.

Old Log Community Events	37	0.73%
Elections	32	0.71%
Well Water	30	0.67%
Southshore Center	29	0.65%
Health & Safety	29	0.65%
Milfoil Project	28	0.63%
Community Surveys	26	0.58%
Planning & Zoning Workshop	22	0.49%
Crime Alert!	13	0.29%
Unsubscribe	12	0.27%
TOTAL	4478	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	510	31.12%
Agendas, Packets & Minutes	169	10.31%
City Departments	103	6.28%
Welcome to Greenwood	63	3.84%
Mayor & City Council	57	3.48%
Assessments & Taxes	49	2.99%
Code Book	48	2.93%
Planning Commission	43	2.62%
Photo Gallery	40	2.44%
Forms & Permits	32	1.95%
What's New?	31	1.89%
Links	30	1.83%
Lake Minnetonka	29	1.77%
Budget & Finances	28	1.71%
Watercraft Spaces	27	1.65%
Meetings	26	1.59%
Search Results	26	1.59%
Xcel Project Update!	26	1.59%
Comprehensive Plan & Maps	25	1.53%
Spring Clean-Up Day	23	1.4%
RFPs & Bids	22	1.34%
Animal Services	21	1.28%
Public Safety	21	1.28%
Garbage & Recycling	21	1.28%
Swiffers NOT Flushable	20	1.22%
Email List	19	1.16%
Old Log Community Events	17	1.04%
Meetings on TV	16	0.98%
Milfoil Project	14	0.85%
Well Water	13	0.79%
Southshore Center	13	0.79%
Elections	12	0.73%
Community Surveys	11	0.67%
Events	10	0.61%
Health & Safety	9	0.55%
Unsubscribe	9	0.55%
Planning & Zoning Workshop	4	0.24%
Crime Alert!	2	0.12%
TOTAL	1639	100%

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

Done

GREENWOOD PLANNING COMMISSION
WEDNESDAY, April 17, 2013
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Lucking and Commission members John Beal, Kristi Conrad, and Douglas Reeder

Absent: Commissioner David Paeper

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

2. OATH OF OFFICE – City Attorney Kelly Administered the Oath of Office to Commissioner Kristi Conrad and Chairman Patrick Lucking.

3. APPROVE AGENDA

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

4. MINUTES OF January 16, 2013.

Commissioner Conrad moved to approve the minutes of January 16, 2013 as presented. Commissioner Lucking seconded the motion. Motion carried 3-0-1. Commissioner Beal abstained.

5. PUBLIC HEARING

Jim Pastor, 5100 Greenwood Circle, variance requests to construct a new single family home on a non-conforming foundation which encroaches into the minimum required exterior east side, west side and rear yard setbacks and exceeds the maximum permitted impervious surface. The home would also exceed the maximum permitted structure volume.

The applicant also proposes to replace the roof on an existing non-conforming detached accessory structure within the required rear and west side yard setbacks.

Section 1120:15 of the Zoning Ordinance requires a minimum exterior east side yard setback of thirty feet. The applicant proposes an exterior east side yard setback of eight feet for the proposed single family home. The proposal requires a variance of twenty-two feet of the exterior east side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum west side yard setback of fifteen feet. The applicant proposes a west side yard setback of eight feet, two inches for the proposed single family home. The proposal requires a variance of six foot, ten inches of the west side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum rear yard setback of thirty-five feet. The applicant proposes a rear yard setback of twenty-four feet for the proposed single family home. The proposal requires a variance of eleven feet of the rear yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is proposing an impervious surface area of 47.3% and is seeking a variance to exceed the maximum permitted impervious surface area by 17.3%.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, April 17, 2013
7:00 P.M.

Section 1140.18(3) regulates the maximum permitted above grade structure volume based on lot area. Based on the applicant's lot area, the permitted above grade structure volume for the property is 32,250 cubic feet. The applicant proposed a structure volume of 37,964 cubic feet. The applicant is seeking a variance to exceed the maximum permitted above grade structure volume by 5,714 cubic feet.

Chairman Lucking summarized the request and opened the public hearing.

Jim Pastor said the plan was to square off the back of the home, construct an addition to the front of the home and wrap a deck around the front and side portions of the home. He said the flat roof on the north side garage would be altered to a pitched roof to match the home and railings would be added to the garage on the south side to match the deck.

Commissioner Beal noted both garages were located on the property lines and said the city didn't have the authority to approve an encroachment onto adjacent properties even if it were just a roof overhang. He said the applicant would need to alter the roof design on the north garage or obtain an easement from the neighbor.

Brian Malo, 5070 Greenwood Circle asked about the lower garage and if any additional overhang would be counted as impervious surface. Mr. Pastor said no additional overhang would be added.

Chairman Lucking asked the applicant how important the deck was to his overall plan for the property. Mr. Pastor said the house is very narrow and he thought the deck would give the house some character and width while taking advantage of the lake. Lucking asked if that could be accomplished with a deck the width of the house on just the front portion, since it feels it may be hard to convince the Council a practical difficulty exists for the deck as it is currently proposed. Mr. Pastor felt the deck would be too small.

City Attorney Kelly noted that Greenwood Circle cut across the lot on the southeast corner which adds impervious surface to the calculation. He said the principle reason for the corner lot setback was for visibility considerations. He feels the nature of this road as a curve and its grade may not warrant such a strict standard. Kelly said the existing footprint is grandfathered. He said the deck may be reasonable use, not impact the character of the neighborhood and a good idea to take advantage of a lake view, but it's a matter to what degree the city is willing to approve and Chairman Lucking's question as to whether limiting the deck to the front of the house is a fair question.

Commissioner Beal expressed concern about the increase in height, noting the applicant is permitted the height he currently has. Commissioner Conrad said the homes along the north side of Greenwood Circle are rather large and doesn't feel the proposed height will impact the adjacent homes. Beal asked about the height of the home. Chairman Lucking said the height is about twenty-two feet.

The Commission discussed the proposed deck projections into the required west side setback. It was noted only a garage exists on that lot now and that the property was legally attached to the lot across the street even though it has a separate property id number. There is a question as to whether this lot could be sold separately. Commissioner Conrad said she would never support a variance granted for aesthetics but if there would never be a structure on the west lot, she wouldn't have the same concern she normally would.

The Planning Commission discussed the current driveway access and the challenges it poses. There may be some grade alterations necessary that exceed the ordinance requirements. Mr. Pastor is not sure exactly what they are going to do at this time.

Hearing no further public comment, the public hearing was closed.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, April 17, 2013
7:00 P.M.

Council Liaison Cook said he would like to hear the comments of the Commission on the impervious surface request. City Attorney Kelly commented that the home is very nominal as it exists. Zoning Coordinator Karpas said that there could be some steps through the reduction of the deck to reduce the impervious surface area, but noted the lot is very small.

Commissioner Beal discussed the proposed east side encroachment noting the actual structure is located a long way from the paved edge of the road. He said the property is small and required to comply with two "front" yard setbacks.

City Attorney Kelly discussed the retaining wall located between the east property line and the edge of the road stating it serves the applicant's property and there may be an issue with future maintenance. Maybe some sort of agreement could be reached about maintenance through this process. He said the applicant may even want to petition the city to vacate that portion of property which would give him ownership of the wall. In addition it would increase his lot area decreasing his variance request in terms of east side yard setback and impervious surface area.

Chairman Lucking discussed the options available to the applicant since it appeared the application would not receive a positive recommendation from the Commission. City Attorney Kelly said there will be a struggle on exactly what portions of the request this body has the authority to approve. Commissioner Conrad said the Commission is tied to meeting a practical difficulty standard.

Commissioner Reeder feels the applicant has done a good job with what he's got given what he had to work with. Chairman Lucking commented he doesn't recall ever approving a variance request where an existing encroachment was permitted to be increased into a required yard.

The Commission discussed the options for potentially reconfiguring the garages. City Attorney Kelly said removing one of the curb cuts may be beneficial in terms of aesthetics. Chairman Lucking said relocating the garages may impact the floor plan of the home.

Chairman Lucking suggested the applicant continue his request to the May meeting. City Attorney Kelly said the applicant may look at removing the south garage as a way of reducing impervious surface area and developing a way to redirect runoff from the deck to a central point. Commissioner Beal suggest it would be wise to investigate vacating the city property along Greenwood Circle.

Commissioner Reeder felt the Planning Commission should give the applicant clearer direction on what they expected for the impervious surface percentage. Council Liaison Cook cautioned about giving too much direction to an applicant since their advice may not be shared by the City Council who is the body that makes the final decision.

Mr. Pastor said he's very frustrated since he thought he had a nice plan for this property and felt it would receive a more positive response. City Attorney Kelly feels a solution can be crafted.

Council Liaison Cook also cautioned about making the right of way too narrow.

Motion by Commissioner Reeder that the request be continued to the May meeting to permit the applicant to consider the comments of the Planning Commission and amend the plan if he felt it necessary. Beal seconded the motion. Motion carried 4-0.

6. NEW BUSINESS

Discuss - ORDINANCE NO. 216 – Amendment of Greenwood Zoning Ordinance Code, Chapter 11, Regarding Rules for Uses in Residential Districts and Amendments of Definitions within Said Chapter.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, April 17, 2013
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Zoning Coordinator presented the ordinance noting a portion of the ordinance was creating definitions to address issues to be included in the Home Occupation ordinance currently under review by the City Council and the other portion was amending the permitted and conditional uses in the residential districts to bring them into compliance with state statutes.

Commissioner Beal discussed the establishment of a minimum lease period and the notion that those who rent for less than a thirty day period are less desirable and annoying and somehow those who rent longer are considered better.

City Attorney Kelly said a property owner has an inherent right to rent their property, but the length of time is a grey area and there is a concern about absentee and reckless landlords renting their properties on a nightly basis. He said this issue was raised due to an advertised vacation rental in the city.

Council Liaison Cook feels the process may take more steps to protect resident's rights to rent their property. He said those most concerned about rental properties are seeking leases between twelve and eighteen months.

Zoning Coordinator Karpas said this ordinance has been scheduled for a public hearing at the Commission's special meeting on April 25th. He asked if there were any proposed changes at this time.

The Commission had no changes and directed staff to proceed with the public hearing.

7. LIAISON REPORT

Council Liaison Cook informed the Commission that the Council is currently going through the Board of Review process and that a number of residents are appealing their valuations, but overall taxes have went down, noting that the trend is indicating valuations are most likely going up next year. He said the Council is currently reviewing a Home Occupation ordinance. The Council heard a presentation from its Auditors and no deficiencies were found. He said the Council has been working on a joint agreement with the City of Excelsior for water service which has been going back and forth and will be settled in the near future, it has yet to been determined if a final agreement can be reached. Finally, the Council is discussing the creation of a Lake Improvement District which would have taxing authority to fund milfoil removal in St. Alban's Bay.

8. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 9:17 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator



April 23, 2013

Carl Bergquist
21050 Oak Lane
Greenwood MN 55331

Dear Mr. Bergquist,

RE: Alarm Permit Requirement

Excelsior Fire District has notified the city that the alarm system monitored at 21050 Oak Lane, Greenwood, Minnesota, 55331, has had two false alarms. The alarms were registered on February 13, 2013 and March 14, 2013.

Greenwood City Code section 1051:04(3) states, "Upon receipt and determination of the second false fire alarm report at an address within a twelve (12) month period, the Fire Chief, after review, shall notify the City Clerk, who shall then assess the alarm user for an alarm user's permit. The assessment invoice shall be sent by certified mail or delivered and accepted personally. The alarm user must submit the required permit fee to the City Clerk within ten (10) working days after receipt of the assessment invoice in order to continue to use his/her alarm system. Any subsequent false fire alarms at that address within a period of twelve (12) months from the date of issuance of the permit shall automatically revoke the permit and the process must then be repeated and a new permit obtained. A permit holder shall comply with all orders and direction of the Fire Chief made pursuant to this ordinance."

If you intend to continue the operation of your alarm system, you must within ten (10) working days of the receipt of this letter, pay to the City Clerk the required permit fee of \$75.00.

I have attached a copy of the Alarm User Response Report from the Excelsior Fire District.

City of Greenwood

A handwritten signature in black ink, appearing to read "Gus Karpas", is written over the typed name.

Gus Karpas
City Clerk

Encl.