

# AGENDA

## Greenwood City Council Meeting

Wednesday, November 6, 2013  
20225 Cottagewood Road, Deephaven, MN 55331



*The public is invited to address the council regarding any agenda item.  
If your topic is not on the agenda, you may speak during Matters from the Floor.*

- 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: 10-02-13 City Council Meeting Minutes
  - B. Approve: September Cash Summary Report
  - C. Approve: October Verifieds, Check Register, Electronic Fund Transfers
  - D. Approve: November Payroll Register
- 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. Guest: Sergeant Heidi Speak, Three Rivers Park District, Trail Rules & Enforcement
  - B. Report: Deputy Chief Dave Pierson & Detective Christina Olson, Quarterly Police Update
  - C. Report: City Engineer Dave Martini, Curve Street Drainage Committee Update
- 7:30pm 5. PUBLIC HEARINGS
- A. None
- 7:30pm 6. UNFINISHED BUSINESS
- A. 2nd Reading: Ordinance 222, Establishing R-1C Single-Family District, Chapters 11 & 12  
Consider: Resolution 29-13, Summary of Ordinance 222 for Publication
  - B. 2nd Reading: Ordinance 223, Updating Fees, Code Section 510
  - C. Discuss: Potential Ordinance Regarding Swimming Pool Regulations
  - D. 1st Reading: Ordinance 224, Amending Animal Regulations, Code Section 445
- 8:00pm 7. NEW BUSINESS
- A. Consider: Res 30-13, Bridgewater Bank, 21500 Hwy 7, Variance Request (awnings setback)
  - B. Consider: Rescinding Withdrawal from the Lake Minnetonka Communications Commission
  - C. Discuss: Community Survey Results and Potential Action Items
- 8:45pm 8. OTHER BUSINESS
- A. None
- 8:45pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission
  - B. Fletcher: Lake Minnetonka Communications Commission, Fire, Xcel Project
  - C. Kind: Police, Administration, Mayors' Meetings, Website, Southshore Center Committee
  - D. Quam: Roads & Sewer, Minnetonka Community Education
  - E. Roy: Lake Minnetonka Conservation District, Lake Improvement District
- 9:00pm 10. ADJOURNMENT



**Agenda Item:** Consent Agenda

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

**Council Action:** Required. Possible motion ...

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

# MINUTES

## Greenwood City Council Meeting

Wednesday, October 2, 2013

20225 Cottagewood Road, Deephaven, MN 55331



### 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Deb Kind; Councilmembers Bill Cook, Tom Fletcher, Bob Quam, and Rob Roy

Others Present: Attorney Mark Kelly, City Zoning Administrator / City Clerk Gus Karpas, Engineer Dave Martini

Members Absent: None

**Motion by Kind, second by Fletcher, to approve the agenda as presented. Motion passed 5-0.**

### 2. CONSENT AGENDA

- A. 09-04-13 City Council Worksession Minutes
- B. 09-04-13 City Council Meeting Minutes
- C. August Cash Summary Report
- D. September Verifieds, Check Register, Electronic Fund Transfers
- E. October Payroll Register

**Motion by Kind, second by Cook, to approve the consent agenda items as presented.**

**Motion passed 5-0.**

### 3. MATTERS FROM THE FLOOR

Public Comment: Keith Steussi, 5000 Meadville Street, presented concerns regarding the assessor's methods.

No council action taken.

### 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

- A. Commissioner Jan Callison: Annual Hennepin County Update

No council action taken.

- B. Greg Keller: Annual City Prosecution Update

No council action taken.

- C. City Engineer Dave Martini: Update Regarding Curve Street Drainage

Council Consensus: The committee of Martini, Cook, and Quam will meet to determine a proposed plan or plans and estimates for presentation at the November council meeting.

### 5. PUBLIC HEARINGS

- A. Hearing on Proposed Assessment for Excelsior Blvd Watermain

**Motion by Cook, second by Roy, to open the public hearing. Motion passed 5-0.**

Public Comment: John Wood, Senior Property Manager, 5th Street Ventures LLC, 21000 State Hwy 7 (Miracle Ear Building), stated he did not agree with commercial properties being assessed at 1.5 times the residential assessment. He understands the pipes for the commercial properties are larger than the residential properties to allow for future fire suppression sprinkling of commercial properties. However, he believes that the water use

would be more for residential properties compared to commercial properties, so he would like the council to consider setting the assessment for commercial properties at the same amount set for residential properties.

**Motion by Quam, second by Cook, to close the public hearing. Motion passed 5-0.**

- B. Hearing on Conduit Bond Financing for Chaska Senior Housing Project – CANCELLED
- C. Hearing on Delinquent Sewer, Stormwater, and Recycling Charges

**Motion by Quam, second by Cook, to open the public hearing. Motion passed 5-0.**

There were no comments during the public hearing.

**Motion by Roy, second by Cook, to close the public hearing. Motion passed 5-0.**

## 6. UNFINISHED BUSINESS

- A. Excelsior Blvd Watermain Project ...

Consider: Resolution 24-13, Accepting Work and Authorizing Payment

**Motion by Fletcher, second by Roy, to approve Resolution 24-13, Accepting Work and Authorizing Payment with the following instructions:**

- (a) The city engineer and mayor must review and approve the invoice prior to payment.
- (b) The payment shall be paid from the sewer fund.
- (c) Journal entries shall be made to move all past and future Excelsior Blvd watermain project revenue and expenses to new line items in the sewer fund.
- (d) The city engineer delivers a signed completion statement to the city clerk.

**Motion passed 5-0.**

Consider: Resolution 25-13, Adopting Assessment

**Motion by Quam, second by Cook, to approve Resolution 25-13, Adopting the Assessment including the Assessment Roll dated 10-02-13. Motion passed 5-0.**

- B. 2nd Reading: Ordinance 220, Establishing Municipal Water Service Regulations

**Motion by Cook, second by Fletcher, to approve the 2nd reading of ordinance 220 with a revision to delete the following text: "In addition, the water provider may collect a Water Availability Charge on behalf of the Metropolitan Council." Motion passed 5-0.**

Consider: Resolution 26-13, Summary of Ordinance 220 for Publication

**Motion by Cook, second by Roy, to approve Resolution 26-13, Summary of Ordinance 220 for publication. Motion passed 5-0.**

- C. 2nd Reading: Ordinance 221, Establishing Requirements for City Approvals, Reasonable Accommodation Regulation, and Payment of Assessment Regulation

**Motion by Cook, second by Quam, to approve the 2nd reading of Ordinance 221, Establishing Requirements for City Approvals, Reasonable Accommodation Regulation, and Payment of Assessment Regulation with revisions so the following text reads: "A property that receives a deferment under (a) and (b) above may not have an annual household income that exceeds the federal poverty level." Motion passed 5-0.**

Consider: Resolution 27-13, Summary of Ordinance 221 for Publication

**Motion by Cook, second by Quam, to approve Resolution 27-13, Summary of Ordinance 221 for publication with revisions so the following text reads: "A property that receives a deferment under (a) and**

**(b) above may not have an annual household income that exceeds the federal poverty level." Motion passed 5-0.**

**7. NEW BUSINESS**

A. Consider: Resolution 28-13, Delinquent Sewer, Stormwater, and Recycling Charges

**Motion by Roy, second by Cook, to approve Resolution 28-13, Delinquent Sewer, Stormwater, and Recycling Charges with the Assessment Roll dated 09-24-13. Motion passed 5-0.**

B. 1st Reading: Ordinance 222, Establishing R-1C Single-Family District

Public Comment: Julie Ekelund, 5135 Meadville Street, expressed a desire for the city to have conditions in the ordinance to ensure the Old Log is compatible with the residential neighborhood.

Public Comment: Kristi Conrad, 21780 Fairview Street, stated that sound travels long distances on nice evenings, She said she can hear boats all the way from St Alban's Bay, and it does not bother her.

**Motion by Cook, second by Roy, to approve the 1st reading of Ordinance 222, Establishing R-1C Single-Family District with revisions so the following texts and charts read:**

**"Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events."**

	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Lot Depth (Ft.)	Maximum Lot Coverage
Single Family	Same as R-1A	Same as R-1A	Same as R-1A	As permitted by shoreland management district ordinance, section 1176
Theater with Attached Restaurant	4 acres	600	600	

Land Use	Front Yard** (ft.)	Lot, Interior - Side Yard (ft.)	Exterior Side Yard (ft.)	Rear Yard (ft.)
Single-Family Principal Structure	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Municipal Park Equipment	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Single-Family Accessory Structures	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Theater with Attached Restaurant	50	50	50	50

**"Subd. 2. The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq."**

**Motion passed 5-0.**

C. 1st Reading: Ordinance 223, Updating Chapter 5 Fees

**Motion by Fletcher, second by Cook, to approve the 1st reading of ordinance 223 amending code chapter 5 with the following revisions: (a) Remove all of the zoning fee changes except for the variance extension fee. (b) Remove the amendment to code section 1155.10 subd 9 and refer that amendment to the planning commission for a public hearing and recommendation. Motion passed 5-0.**

D. Consider: Lake Minnetonka Communications Commission Member Status & 2014 Budget

**Motion by Roy, second by Quam, to authorize the mayor to sent the proposed letter to the LMCC giving withdrawal notice by October 15 to be effective on December 31, 2013, with the understanding that the letter may be rescinded for any reason before December 31, 2013. Motion passed 5-0.**

**Motion by Fletcher, second by Cook, to approve the amendments to the LMCC Joint & Cooperative Agreement as drafted by LMCC attorney Bob Vose, and as recommended by the LMCC board. Motion passed 5-0.**

**Motion by Fletcher, second by Quam, to not approve the LMCC board-recommended 2014 LMCC budget. Motion passed 5-0.**

E. Consider: 2013-14 Trail Plowing

**Motion by Cook, second by Fletcher, to authorize the city clerk to engage Deeplaven Public Works for 2013-14 trail plowing services. Motion passed 5-0.**

F. Consider: Three Rivers Park District Permit for Winter Trail Activities

**Motion by Fletcher, second by Quam, to direct the city clerk to do the following:**

**(a) Complete the Three Rivers Park District Regional Trail System Winter Use Permit form indicating the city's desire to use the trail for cross-country skiing and walking.**

**(b) Mail the following to the park district:**

**i. Completed permit form.**

**ii. Certificate of insurance.**

**iii. Copy of the city council minutes showing the council action.**

**(c) Inform Deeplaven Public Works of their responsibilities for trail maintenance.**

**Motion passed 5-0.**

G. Consider: LMCIT Liability Waiver Form

**Motion by Fletcher, second by Cook, to direct the city clerk to do the following:**

**(a) Sign the League of Minnesota Cities Liability Coverage Waiver Form with a check in the box indicating that the city does not waive the monetary limits on municipal tort liability established by Minnesota Statute 466.04.**

**(b) Send the completed form to the city's insurance representative Carl Bennetsen, so he can forward it to the League of Minnesota Cities Insurance Trust underwriter.**

**Motion passed 5-0.**

H. Discuss: Potential Revisions to Swimming Pool Regulations, Section 330

Public Comment: Mike Mulvaney, pool installer representing Bill Cooper, 5030 Meadville Street, asked that the council consider an amendment to the city's swimming pool code to allow electric pool covers in lieu of a fence.

Public Comment: Kristi Conrad, 21780 Fairview Street, noted that there are a lot of children in the neighborhood, and encouraged the council to consider safety if the swimming pool code is amended.

Public Comment: Eric Stafford, 21880 Fairview Street, would like the council to consider reducing the amount of cement apron required to surround pools and consider designating pools as pervious since they catch stormwater and do not create runoff.

Council Consensus: Karpas and Cook will work together to create a draft ordinance for the city council's consideration at the 11-06-13 city council meeting.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

- A. Cook: Planning Commission
- B. Fletcher: Lake Minnetonka Communications Commission, Fire, Xcel Project
- C. Kind: Police, Administration, Mayors' Meetings, Website, Southshore Center Committee
- D. Quam: Roads & Sewer, Minnetonka Community Education
- E. Roy: Lake Minnetonka Conservation District, Lake Improvement District

Council Consensus: Try minimal minutes that meet statutory requirements beginning with the 10-02-13 minutes.

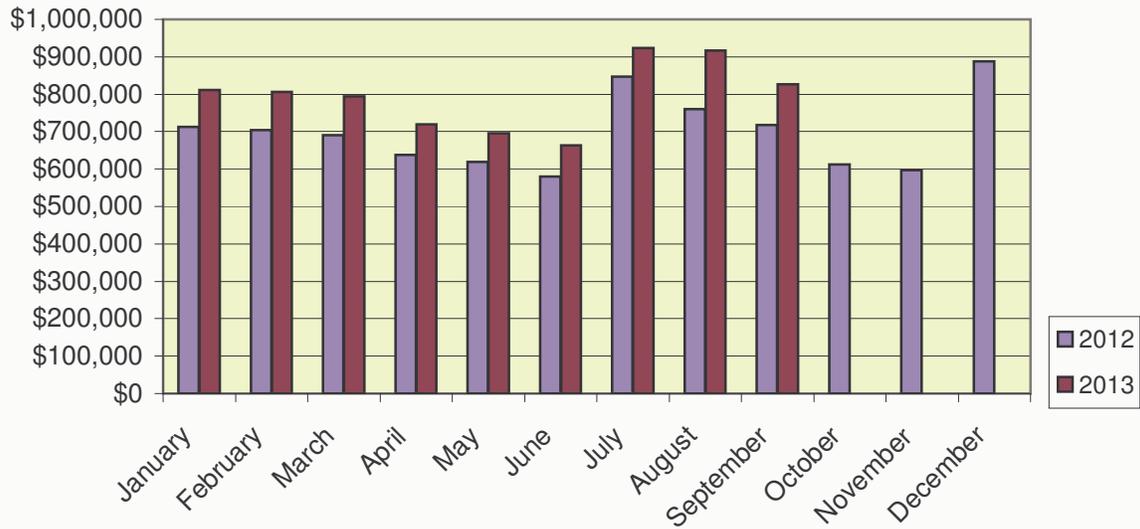
No other action was taken on any of the council reports.

10. ADJOURNMENT

**Motion by Cook, second by Roy, to adjourn the meeting at 10:27pm. Motion passed 5-0.**

*This document is intended to meet statutory requirements for city council meeting minutes. A video recording was made of the meeting, which provides a verbatim account of what transpired. The video recording is available for viewing on LMCC TV channel 8 for 1 month, at [www.lmcc-tv.org](http://www.lmcc-tv.org) for 1 year, and on DVD at the city office (permanent archive).*

### 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	\$720,170	-\$73,265	\$82,180
May	\$618,262	\$694,987	-\$25,183	\$76,725
June	\$580,578	\$663,171	-\$31,816	\$82,593
July	\$846,897	\$924,057	\$260,886	\$77,160
August	\$760,682	\$917,234	-\$6,823	\$156,552
September	\$717,852	\$826,755	-\$90,479	\$108,903
October	\$611,894	\$0	-\$826,755	-\$611,894
November	\$597,127	\$0	\$0	-\$597,127
December	\$888,119	\$0	\$0	-\$888,119

Bridgewater Bank Money Market	\$557,431
Bridgewater Bank Checking	\$5,987
Beacon Bank CD	\$240,000
Beacon Bank Money Market	\$23,237
Beacon Bank Checking	\$100
	<u>\$826,755</u>

#### **ALLOCATION BY FUND**

General Fund	\$253,204
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$78,613
Stormwater Special Revenue Fund	\$9,024
Sewer Enterprise Fund	\$409,234
Marina Enterprise Fund	\$49,625
	<u>\$826,755</u>

Check Issue Date(s): 10/01/2013 - 10/31/2013

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/13	10/07/2013	10906	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	44.83
10/13	10/07/2013	10907	10	AMERICAN SOLUTIONS FOR BUSINES	101-20100	224.27
10/13	10/07/2013	10908	596	BARBER CONSTRUCTION, INC.	101-20100	5,334.79
10/13	10/07/2013	10909		Information Only Check	101-20100	.00 V
10/13	10/07/2013	10910	9	CITY OF DEEPHAVEN	101-20100	23,653.77
10/13	10/07/2013	10911	792	CORNERSTONE INDUSTRIES INC	101-20100	6,465.48
10/13	10/07/2013	10912	823	CUSTOM POOLS	101-20100	400.00
10/13	10/07/2013	10913	822	ECM PUBLISHERS INC	602-20100	379.62
10/13	10/07/2013	10914	52	EXCELSIOR FIRE DISTRICT	101-20100	30,737.01
10/13	10/07/2013	10915	68	GOPHER STATE ONE CALL	602-20100	55.10
10/13	10/07/2013	10916	3	KELLY LAW OFFICES	101-20100	1,316.75
10/13	10/07/2013	10917	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,497.36
10/13	10/07/2013	10918	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	26,578.00
10/13	10/07/2013	10919	745	Vintage Waste Systems	101-20100	1,628.25
10/13	10/07/2013	10920	145	XCEL ENERGY	101-20100	240.79
10/13	10/28/2013	10921	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	415.53
10/13	10/28/2013	10922	51	BOLTON & MENK, INC.	602-20100	4,496.50
10/13	10/28/2013	10923	9	CITY OF DEEPHAVEN	502-20100	171.66
10/13	10/28/2013	10924	822	ECM PUBLISHERS INC	101-20100	279.29
10/13	10/28/2013	10925	581	EMERY'S TREE SERVICE, INC.	101-20100	922.57
10/13	10/28/2013	10926	689	Mission Communications LLC	602-20100	1,737.00
10/13	10/28/2013	10927	145	XCEL ENERGY	101-20100	426.84
10/13	10/29/2013	10928	99	LAKE MTKA CONSERVATION DISTRIC	605-20100	342.50
Totals:						<u>108,347.91</u>

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Recorder: \_\_\_\_\_

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>ADVANTAGE SIGNS &amp; GRAPHICS INC</b>					
808	ADVANTAGE SIGNS & GRAPHICS I	00020911	SIGN - WEEKS RD	10/04/2013	44.83
		00020989	SIGNS	10/16/2013	415.53
Total ADVANTAGE SIGNS & GRAPHICS INC					460.36
<b>AMERICAN SOLUTIONS FOR BUSINES</b>					
10	AMERICAN SOLUTIONS FOR BUSI	INV01568941	NEWSLETTERS/SURVEY	09/25/2013	135.02
		INV01570151	ENVELOPES	09/26/2013	89.25
Total AMERICAN SOLUTIONS FOR BUSINES					224.27
<b>BARBER CONSTRUCTION, INC.</b>					
596	BARBER CONSTRUCTION, INC.	092413	2013 ST IMPROVEMENT - FINAL	09/24/2013	5,334.79
Total BARBER CONSTRUCTION, INC.					5,334.79
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0160472	2013 I & I PROJECT	09/30/2013	604.00
		0160473	2013 STREET IMPROVEMENTS	09/30/2013	2,084.00
		0160474	2013 EXC BLVD OVERSIGHT	09/30/2013	544.50
		0160475	2013 MISC ENGINEERING	09/30/2013	218.00
			2013 MISC ENGINEERING		101.00
		0160476	2013 EXC BLVD WATERMAIN	09/30/2013	945.00
Total BOLTON & MENK, INC.					4,496.50
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	102813	Stormwater Coalition Membership Renewal	10/28/2013	171.66
		OCT 2103	RENT & EQUIPMENT	10/01/2013	542.95
			COPIES		103.10
			Postage		196.62
			SEWER		201.74
			STREETS		168.36
			WEED/TREE/MOWING		505.08
			Clerk Services		2,589.60
			ZONING		556.60
			BATTERIES		101.86
			NEWSLETTER POSTAGE		146.74
			3RD QTR BLDG PERMITS		18,541.12
Total CITY OF DEEPHAVEN					23,825.43
<b>CORNERSTONE INDUSTRIES INC</b>					
792	CORNERSTONE INDUSTRIES INC	1319	SIGN/POST MNTNCE	09/19/2013	6,465.48
Total CORNERSTONE INDUSTRIES INC					6,465.48
<b>CUSTOM POOLS</b>					
823	CUSTOM POOLS	100713	POOL ORDINANCE REQUEST REFUND	10/07/2013	400.00
Total CUSTOM POOLS					400.00
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	26097	LEGAL NOTICE	09/20/2013	109.89
		28353	LEGAL NOTICE	09/26/2013	269.73
		31071	LEGAL NOTICE	10/03/2013	64.95
		33561	LEGAL NOTICE	10/10/2013	90.93
		33562	LEGAL NOTICE	10/10/2013	123.41

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total ECM PUBLISHERS INC				658.91
<b>EMERY'S TREE SERVICE, INC.</b>					
581	EMERY'S TREE SERVICE, INC.	18626	TREE MAINTENANCE	10/19/2013	922.57
	Total EMERY'S TREE SERVICE, INC.				922.57
<b>EXCELSIOR FIRE DISTRICT</b>					
52	EXCELSIOR FIRE DISTRICT	OCT 2013	4th Qtr. Facilities	10/07/2013	14,523.08
			4th Qtr. Operations		16,213.93
	Total EXCELSIOR FIRE DISTRICT				30,737.01
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	78757	Gopher State calls	09/30/2013	55.10
	Total GOPHER STATE ONE CALL				55.10
<b>KELLY LAW OFFICES</b>					
3	KELLY LAW OFFICES	6162	GENERAL LEGAL	08/28/2013	718.75
		6163	LAW ENFORCE PROSECUTION	08/28/2013	598.00
	Total KELLY LAW OFFICES				1,316.75
<b>LAKE MTKA CONSERVATION DISTRIC</b>					
99	LAKE MTKA CONSERVATION DIST	2014	2014 DOCK RENEWAL	10/29/2013	342.50
	Total LAKE MTKA CONSERVATION DISTRIC				342.50
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERVIC	0001025940	Monthly wastewater Charge	10/03/2013	2,497.36
	Total METRO COUNCIL ENVIRO SERVICES				2,497.36
<b>Mission Communications LLC</b>					
689	Mission Communications LLC	40022441	Annual Service Package	10/10/2013	1,737.00
	Total Mission Communications LLC				1,737.00
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE DE	OCT 1 2013	4th Quarter Lease	10/01/2013	11,824.00
		OCT 2013	OPERATING BUDGET	10/01/2013	14,754.00
	Total SO LAKE MINNETONKA POLICE DEPT				26,578.00
<b>Vintage Waste Systems</b>					
745	Vintage Waste Systems	092513	City Recycling Contract	09/25/2013	1,628.25
	Total Vintage Waste Systems				1,628.25
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	092313	LIFT STATION #1	09/23/2013	37.32
			LIFT STATION #2		40.08
			LIFT STATION #3		26.09
			LIFT STATION #4		39.41
			LIFT STATION #6		74.20
			SIREN		4.14
			4925 MEADVILLE STREET *		9.76

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<u>Vendor</u>	<u>Vendor Name</u>	<u>Invoice No</u>	<u>Description</u>	<u>Inv Date</u>	<u>Net Inv Amt</u>
			Sleepy Hollow Road *		9.79
		100313	Street Lights *	10/03/2013	426.84
	Total XCEL ENERGY				<u>667.63</u>

Total Paid: 108,347.91  
Total Unpaid: -  
Grand Total: 108,347.91

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
11/01/13	PC	11/01/13	11011301	COOK, WILLIAM B.	37		001-10101	184.70
11/01/13	PC	11/01/13	11011302	Fletcher, Thomas M	33		001-10101	84.70
11/01/13	PC	11/01/13	11011303	Kind, Debra J.	34		001-10101	277.05
11/01/13	PC	11/01/13	11011304	Quam, Robert	32		001-10101	184.70
11/01/13	PC	11/01/13	11011305	ROY, ROBERT J.	38		001-10101	184.70
Grand Totals:								<u>915.85</u>



**Agenda Number: 4A**

**Agenda Date: 11-06-13**

*Prepared by Deb Kind*

**Agenda Item:** Sergeant Heidi Speak, Three Rivers Park District, Trail Rules & Enforcement

**Summary:** During the traffic control signage discussion at the 08-07-13 city council meeting, concerns were raised regarding trail rules and enforcement. The council asked staff to invite a representative from Three Rivers Park District to come to a council meeting to discuss concerns. Sergeant Heidi Speak will attend the 11-06-13 council meeting to answer the city council's questions.

**Council Action:** None required.



**Agenda Number: 4B**

**Agenda Date: 11-06-13**

*Prepared by Deb Kind*

**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. Attached is the latest police activities report for Greenwood.

**Council Action:** None required.

## SOUTH LAKE MINNETONKA POLICE DEPARTMENT

### City of Greenwood

#### Activity Report

January - September 2013

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

## SOUTH LAKE MINNETONKA POLICE DEPARTMENT

SLMPD	13000830	Traffic Stop - Verbal Warning	Greenwood	1/30/2013
SLMPD	13000832	Traffic Stop - Verbal Warning	Greenwood	1/30/2013
SLMPD	13000833	Traffic Complaint - Citation	Greenwood	1/30/2013
SLMPD	13000843	Adult Protection	Greenwood	1/11/2013
SLMPD	13000907	Domestic	Greenwood	2/3/2013
SLMPD	13000934	Bad Check Report	Greenwood	2/4/2013
SLMPD	13000935	Bad Check Report	Greenwood	2/4/2013
SLMPD	13000936	Bad Check Report	Greenwood	2/4/2013
SLMPD	13000969	Traffic Stop - Verbal Warning	Greenwood	2/5/2013
SLMPD	13000981	Gun Permit	Greenwood	2/6/2013
SLMPD	13000986	Gun Permit	Greenwood	2/6/2013
SLMPD	13001025	Traffic Stop - Equipment Repair	Greenwood	2/7/2013
SLMPD	13001097	Civil Matter	Greenwood	2/11/2013
SLMPD	13001098	Civil Matter	Greenwood	2/11/2013
SLMPD	13001130	Spot Check	Greenwood	2/12/2013
SLMPD	13001149	Residential Fire Alarm	Greenwood	2/13/2013
SLMPD	13001150	Information Only - System Down	Greenwood	2/13/2013
SLMPD	13001153	Parking Complaint	Greenwood	2/13/2013
SLMPD	13001169	Accident	Greenwood	2/14/2013
SLMPD	13001179	Harassment Communications	Greenwood	2/14/2013
SLMPD	13001188	Traffic Stop - Equipment Repair	Greenwood	2/14/2013
SLMPD	13001231	Suspicious Activity	Greenwood	2/16/2013
SLMPD	13001251	Traffic Stop - Citation	Greenwood	2/17/2013
SLMPD	13001264	Traffic Stop - Equipment Repair	Greenwood	2/17/2013
SLMPD	13001309	Traffic Stop - Citation	Greenwood	2/19/2013
SLMPD	13001313	Fire	Greenwood	2/19/2013
SLMPD	13001319	Agency Assist	Greenwood	2/19/2013
SLMPD	13001336	Traffic Stop - Verbal Warning	Greenwood	2/20/2013
SLMPD	13001404	Welfare Check	Greenwood	2/22/2013
SLMPD	13001407	Traffic Stop - Equipment Repair	Greenwood	2/23/2013
SLMPD	13001522	Found Animal	Greenwood	2/27/2013
SLMPD	13001528	Welfare Check	Greenwood	2/27/2013
SLMPD	13001529	Traffic Stop - Equipment Repair	Greenwood	2/27/2013
SLMPD	13001542	Alarm	Greenwood	2/28/2013
SLMPD	13001567	Information	Greenwood	2/28/2013
SLMPD	13001571	OFD	Greenwood	3/1/2013
SLMPD	13001574	Theft	Greenwood	3/1/2013
SLMPD	13001637	Phone Call	Greenwood	3/3/2013
SLMPD	13001689	Accident - Property Damage	Greenwood	3/5/2013
SLMPD	13001765	Accident/Pd	Greenwood	3/7/2013
SLMPD	13001771	Traffic Stop - Equipment Repair	Greenwood	3/8/2013
SLMPD	13001845	Traffic Stop - Verbal Warning	Greenwood	3/10/2013
SLMPD	13001852	Civil Matter	Greenwood	3/10/2013
SLMPD	13001890	Welfare Check	Greenwood	3/11/2013
SLMPD	13001920	Phone Call	Greenwood	3/13/2013

## SOUTH LAKE MINNETONKA POLICE DPEARTMENT

SLMPD	13001927	Suspicious Activity	Greenwood	3/13/2013
SLMPD	13001947	Alarm	Greenwood	3/14/2013
SLMPD	13001976	Animal Complaint - Aggressive Dogs	Greenwood	3/15/2013
SLMPD	13002010	Spot Check	Greenwood	3/16/2013
SLMPD	13002066	Medical	Greenwood	3/17/2013
SLMPD	13002067	Theft	Greenwood	3/17/2013
SLMPD	13002088	Information Only	Greenwood	3/18/2013
SLMPD	13002108	Alarm	Greenwood	3/19/2013
SLMPD	13002150	Civil Matter	Greenwood	3/19/2013
SLMPD	13002159	Alarm	Greenwood	3/20/2013
SLMPD	13002168	Traffic Stop - Equipment Repair	Greenwood	3/20/2013
SLMPD	13002196	Traffic Stop - Equipment Repair	Greenwood	3/22/2013
SLMPD	13002201	Traffic Stop - Equipment Repair	Greenwood	3/22/2013
SLMPD	13002245	Traffic Stop - Equipment Repair	Greenwood	3/23/2013
SLMPD	13002249	Traffic Stop - Equipment Repair	Greenwood	3/23/2013
SLMPD	13002260	Parking Complaint- Citation	Greenwood	3/23/2013
SLMPD	13002274	DWI	Greenwood	3/24/2013
SLMPD	13002278	Spot Checking	Greenwood	3/24/2013
SLMPD	13002373	Traffic Stop - Verbal Warning	Greenwood	3/28/2013
SLMPD	13002412	Traffic Stop - Verbal Warning	Greenwood	3/29/2013
SLMPD	13002415	Traffic Stop - Verbal Warning	Greenwood	3/29/2013
SLMPD	13002423	Traffic Stop - Citation	Greenwood	3/29/2013
SLMPD	13002460	Traffic/Complaint	Greenwood	3/29/2013
SLMPD	13002478	Car/Stalled	Greenwood	3/30/2013
SLMPD	13002486	DWI: Third Degree	Greenwood	3/31/2013
SLMPD	13002491	Alarm - Residential	Greenwood	3/31/2013
SLMPD	13002493	Sign/Signal Prob	Greenwood	3/31/2013
SLMPD	13002494	Alarm	Greenwood	3/31/2013
SLMPD	13002497	Alarm-Residential	Greenwood	3/31/2013
SLMPD	13002500	Expired Tabs- Equipment Repair	Greenwood	3/31/2013
SLMPD	13002502	Information Only	Greenwood	3/31/2013
SLMPD	13002560	Alarm/Police	Greenwood	4/3/2013
SLMPD	13002585	Utility Check	Greenwood	4/4/2013
SLMPD	13002606	Traffic Stop - Equipment Repair	Greenwood	4/5/2013
SLMPD	13002633	Medical	Greenwood	4/7/2013
SLMPD	13002643	Traffic Stop - Citation	Greenwood	4/7/2013
SLMPD	13002661	Parking Complaint	Greenwood	4/8/2013
SLMPD	13002692	Traffic Stop	Greenwood	4/9/2013
SLMPD	13002765	Accident	Greenwood	4/11/2013
SLMPD	13002864	Traffic Stop - No Action	Greenwood	4/14/2013
SLMPD	13002866	Assist Other Agency	Greenwood	4/14/2013
SLMPD	13002900	Alarm	Greenwood	4/15/2013
SLMPD	13002908	Missing Dog	Greenwood	4/15/2013
SLMPD	13002934	Gas Odor	Greenwood	4/16/2013
SLMPD	13002997	PD Crash	Greenwood	4/18/2013

## SOUTH LAKE MINNETONKA POLICE DPEARTMENT

SLMPD	13003013	DWI	Greenwood	4/19/2013
SLMPD	13003031	Gun Permit	Greenwood	4/19/2013
SLMPD	13003032	Gun Permit	Greenwood	4/19/2013
SLMPD	13003049	Traffic Stop - Citation	Greenwood	4/19/2013
SLMPD	13003050	Traffic Stop - Written Warning	Greenwood	4/19/2013
SLMPD	13003166	Traffic Stop - Citation	Greenwood	4/23/2013
SLMPD	13003203	Suspicious Activity	Greenwood	4/24/2013
SLMPD	13003211	Alarm	Greenwood	4/24/2013
SLMPD	13003212	Traffic Stop - Written Warning	Greenwood	4/24/2013
SLMPD	13003214	Traffic Stop - Written Warning	Greenwood	4/24/2013
SLMPD	13003216	Traffic Stop - Equipment Repair	Greenwood	4/24/2013
SLMPD	13003228	Traffic Stop - Citation	Greenwood	4/25/2013
SLMPD	13003251	Traffic Stop - Citation	Greenwood	4/25/2013
SLMPD	13003268	Traffic Stop - Equipment Repair	Greenwood	4/25/2013
SLMPD	13003294	Traffic Stop - Citation	Greenwood	4/26/2013
SLMPD	13003308	Suspicious Activity	Greenwood	4/26/2013
SLMPD	13003313	Traffic Stop - Equipment Repair	Greenwood	4/26/2013
SLMPD	13003314	Traffic Stop - Equipment Repair	Greenwood	4/26/2013
SLMPD	13003321	Missing Dog	Greenwood	4/26/2013
SLMPD	13003330	Accident/Pd	Greenwood	4/27/2013
SLMPD	13003358	Assist other Agency	Greenwood	4/27/2013
SLMPD	13003365	Traffic Stop - Equipment Repair	Greenwood	4/28/2013
SLMPD	13003482	Liquor License - New	Greenwood	5/1/2013
SLMPD	13003532	Traffic Stop - Verbal Warning	Greenwood	5/2/2013
SLMPD	13003542	Alarm - Residential	Greenwood	5/3/2013
SLMPD	13003664	Traffic Stop - Verbal Warning	Greenwood	5/5/2013
SLMPD	13003713	Suspicious Incident	Greenwood	5/7/2013
SLMPD	13003719	Traffic/Complain	Greenwood	5/7/2013
SLMPD	13003733	Spot Check	Greenwood	5/7/2013
SLMPD	13003743	Traffic Stop - Verbal Warning	Greenwood	5/8/2013
SLMPD	13003762	Traffic/Complaint	Greenwood	5/8/2013
SLMPD	13003790	Animal Complaint - Wild Animal Problem	Greenwood	5/9/2013
SLMPD	13003795	Animal Complaint - Wild Animal Problem	Greenwood	5/9/2013
SLMPD	13003806	Accident	Greenwood	5/9/2013
SLMPD	13003824	Medical	Greenwood	5/10/2013
SLMPD	13003865	Traffic Stop - Verbal Warning	Greenwood	5/11/2013
SLMPD	13003902	Traffic Stop - Verbal Warning	Greenwood	5/12/2013
SLMPD	13003903	Traffic Stop - Verbal Warning	Greenwood	5/12/2013
SLMPD	13003904	Traffic Stop - Verbal Warning	Greenwood	5/12/2013
SLMPD	13003905	Traffic Stop - Verbal Warning	Greenwood	5/12/2013
SLMPD	13003907	Traffic Stop - Verbal Warning	Greenwood	5/12/2013
SLMPD	13003908	Traffic Stop - Verbal Warning	Greenwood	5/12/2013
SLMPD	13003913	Alarm	Greenwood	5/12/2013
SLMPD	13003927	Traffic Stop - Equipment Repair	Greenwood	5/12/2013
SLMPD	13003994	Traffic Stop - Citation	Greenwood	5/14/2013

## SOUTH LAKE MINNETONKA POLICE DPEARTMENT

SLMPD	13004018	Theft	Greenwood	5/15/2013
SLMPD	13004034	Alarm	Greenwood	5/16/2013
SLMPD	13004045	Traffic Stop - Verbal Warning	Greenwood	5/16/2013
SLMPD	13004103	Traffic Stop - Verbal Warning	Greenwood	5/18/2013
SLMPD	13004107	Traffic Stop - Verbal Warning	Greenwood	5/18/2013
SLMPD	13004113	Traffic Stop - Verbal Warning	Greenwood	5/18/2013
SLMPD	13004140	Fire	Greenwood	5/18/2013
SLMPD	13004164	Traffic Stop - Verbal Warning	Greenwood	5/19/2013
SLMPD	13004190	Extra Patrol Request	Greenwood	5/19/2013
SLMPD	13004240	Public Assist	Greenwood	5/21/2013
SLMPD	13004250	Spot Check	Greenwood	5/21/2013
SLMPD	13004296	Special Event Permit	Greenwood	5/23/2013
SLMPD	13004307	Traffic Stop - Citation	Greenwood	5/23/2013
SLMPD	13004310	Traffic Stop - Citation	Greenwood	5/23/2013
SLMPD	13004312	Traffic Stop - Citation	Greenwood	5/23/2013
SLMPD	13004344	Burglary	Greenwood	5/24/2013
SLMPD	13004396	Alarm	Greenwood	5/25/2013
SLMPD	13004417	Spot Checking	Greenwood	5/26/2013
SLMPD	13004453	Alarm	Greenwood	5/27/2013
SLMPD	13004589	Spot Checking	Greenwood	5/29/2013
SLMPD	13004638	Traffic Stop - Verbal Warning	Greenwood	5/30/2013
SLMPD	13004640	Traffic Stop - Citation	Greenwood	5/30/2013
SLMPD	13004687	Records Check	Greenwood	5/31/2013
SLMPD	13004712	Assist Other Agency	Greenwood	6/1/2013
SLMPD	13004768	Traffic Stop - Verbal Warning	Greenwood	6/2/2013
SLMPD	13004800	Traffic Stop - Verbal Warning	Greenwood	6/4/2013
SLMPD	13004805	Harassment	Greenwood	6/4/2013
SLMPD	13004816	Spot Check	Greenwood	6/4/2013
SLMPD	13004861	Animal Complaint - Barking Dog	Greenwood	6/5/2013
SLMPD	13004877	Suspicious Activity	Greenwood	6/6/2013
SLMPD	13004892	Intrusion Alarm	Greenwood	6/6/2013
SLMPD	13004898	Traffic Stop - Written Warning	Greenwood	6/7/2013
SLMPD	13004946	Traffic Stop - Equipment Repair	Greenwood	6/7/2013
SLMPD	13005045	DAS	Greenwood	6/10/2013
SLMPD	13005064	Spot Checking	Greenwood	6/10/2013
SLMPD	13005071	Traffic Stop - Verbal Warning	Greenwood	6/11/2013
SLMPD	13005077	Alarm	Greenwood	6/11/2013
SLMPD	13005078	Alarm	Greenwood	6/11/2013
SLMPD	13005095	Alarm	Greenwood	6/11/2013
SLMPD	13005132	Traffic Stop - Verbal Warning	Greenwood	6/12/2013
SLMPD	13005145	Notification	Greenwood	6/13/2013
SLMPD	13005187	Traffic Stop - Verbal Warning	Greenwood	6/14/2013
SLMPD	13005193	Civil Matter	Greenwood	6/14/2013
SLMPD	13005286	Traffic Stop - Verbal Warning	Greenwood	6/17/2013
SLMPD	13005311	Dumping Complaint	Greenwood	6/17/2013

## SOUTH LAKE MINNETONKA POLICE DPEARTMENT

SLMPD	13005331	Traffic Stop - Citation	Greenwood	6/18/2013
SLMPD	13005352	Signal Problem	Greenwood	6/18/2013
SLMPD	13005415	Traffic Stop - Citation	Greenwood	6/20/2013
SLMPD	13005442	Public Assist	Greenwood	6/21/2013
SLMPD	13005468	Traffic Stop - Citation	Greenwood	6/21/2013
SLMPD	13005470	Traffic Stop - Verbal Warning	Greenwood	6/21/2013
SLMPD	13005474	Traffic Stop - Citation	Greenwood	6/21/2013
SLMPD	13005502	Alarm	Greenwood	6/21/2013
SLMPD	13005513	Condition/Debris	Greenwood	6/21/2013
SLMPD	13005516	Traffic Stop - Verbal Warning	Greenwood	6/21/2013
SLMPD	13005570	Traffic Stop - Verbal Warning	Greenwood	6/23/2013
SLMPD	13005576	Condition/Debris	Greenwood	6/23/2013
SLMPD	13005577	Traffic Stop - Citation	Greenwood	6/23/2013
SLMPD	13005595	Traffic Stop - Verbal Warning	Greenwood	6/24/2013
SLMPD	13005596	Traffic Stop - Verbal Warning	Greenwood	6/24/2013
SLMPD	13005597	Traffic Stop - Citation	Greenwood	6/24/2013
SLMPD	13005624	Firearm Received	Greenwood	6/24/2013
SLMPD	13005627	Theft	Greenwood	6/24/2013
SLMPD	13005632	Spot Checking	Greenwood	6/24/2013
SLMPD	13005636	Animal Complaint - Barking Dog	Greenwood	6/24/2013
SLMPD	13005652	Medical	Greenwood	6/25/2013
SLMPD	13005707	Parking Complaint	Greenwood	6/27/2013
SLMPD	13005712	Gun Permit	Greenwood	6/27/2013
SLMPD	13005734	Traffic Stop - Verbal Warning	Greenwood	6/28/2013
SLMPD	13005736	Traffic Stop - Verbal Warning	Greenwood	6/28/2013
SLMPD	13005737	Suspicious Activity	Greenwood	6/28/2013
SLMPD	13005738	Traffic Stop - Verbal Warning	Greenwood	6/28/2013
SLMPD	13005745	Medical	Greenwood	6/28/2013
SLMPD	13005750	Traffic Complaint	Greenwood	6/28/2013
SLMPD	13005788	Traffic Stop - Verbal Warning	Greenwood	6/29/2013
SLMPD	13005793	Traffic Stop - Verbal Warning	Greenwood	6/29/2013
SLMPD	13005794	Traffic Stop - Verbal Warning	Greenwood	6/29/2013
SLMPD	13005803	Parking Complaint- Verbal Warning	Greenwood	6/29/2013
SLMPD	13005816	Traffic Stop - Verbal Warning	Greenwood	6/29/2013
SLMPD	13005817	Traffic Stop - Verbal Warning	Greenwood	6/29/2013
SLMPD	13005890	Accident	Greenwood	7/1/2013
SLMPD	13005927	Car/Stalled	Greenwood	7/2/2013
SLMPD	13005969	Traffic Stop - VOID	Greenwood	7/4/2013
SLMPD	13005972	DK Problem	Greenwood	7/4/2013
SLMPD	13006022	Vehicle Theft	Greenwood	7/4/2013
SLMPD	13006042	Welfare Check	Greenwood	7/5/2013
SLMPD	13006043	Drunk Problem	Greenwood	7/5/2013
SLMPD	13006054	Accident	Greenwood	7/5/2013
SLMPD	13006058	Hangup 911	Greenwood	7/5/2013
SLMPD	13006071	Domestic	Greenwood	7/5/2013

## SOUTH LAKE MINNETONKA POLICE DPEARTMENT

SLMPD	13006083	Suspicious Activity	Greenwood	7/6/2013
SLMPD	13006084	Civil Matter	Greenwood	7/6/2013
SLMPD	13006090	Traffic Stop - Citation	Greenwood	7/6/2013
SLMPD	13006091	Condition/Debris	Greenwood	7/6/2013
SLMPD	13006123	Condition/Debris	Greenwood	7/7/2013
SLMPD	13006128	Animal Complaint - Missing Dog	Greenwood	7/8/2013
SLMPD	13006179	Death Investigation	Greenwood	7/10/2013
SLMPD	13006193	DWI	Greenwood	7/10/2013
SLMPD	13006206	Traffic Stop - Verbal Warning	Greenwood	7/11/2013
SLMPD	13006246	Animal Complaint - Dogs at Large	Greenwood	7/12/2013
SLMPD	13006288	Alarm	Greenwood	7/12/2013
SLMPD	13006291	Traffic Stop - Written Warning	Greenwood	7/12/2013
SLMPD	13006336	Alarm/Police	Greenwood	7/14/2013
SLMPD	13006337	Traffic Stop - Written Warning	Greenwood	7/14/2013
SLMPD	13006340	Alarm - Residential	Greenwood	7/14/2013
SLMPD	13006367	Traffic Stop- Verbal Warning	Greenwood	7/14/2013
SLMPD	13006440	Car/Stalled	Greenwood	7/17/2013
SLMPD	13006471	Damage to Property Complaint	Greenwood	7/18/2013
SLMPD	13006476	Traffic Stop - verbal warning	Greenwood	7/18/2013
SLMPD	13006592	Traffic Stop - Written Warning	Greenwood	7/21/2013
SLMPD	13006628	Traffic Complaint	Greenwood	7/22/2013
SLMPD	13006637	Burglary	Greenwood	7/23/2013
SLMPD	13006654	Traffic Stop - Verbal Warning	Greenwood	7/23/2013
SLMPD	13006658	Safety Check	Greenwood	7/24/2013
SLMPD	13006674	Spot Check	Greenwood	7/24/2013
SLMPD	13006696	Civil	Greenwood	7/25/2013
SLMPD	13006721	Solicitor Complaint	Greenwood	7/26/2013
SLMPD	13006730	Open Door	Greenwood	7/26/2013
SLMPD	13006739	Welfare Check	Greenwood	7/26/2013
SLMPD	13006752	Utility Check	Greenwood	7/27/2013
SLMPD	13006772	Traffic Stop - Verbal Warning	Greenwood	7/27/2013
SLMPD	13006781	Suspicious Act	Greenwood	7/28/2013
SLMPD	13006787	Spot Checking	Greenwood	7/28/2013
SLMPD	13006824	Gas Odor	Greenwood	7/29/2013
SLMPD	13006828	Alarm	Greenwood	7/29/2013
SLMPD	13006837	Traffic Stop - Verbal Warning	Greenwood	7/30/2013
SLMPD	13006844	Spot Check	Greenwood	7/30/2013
SLMPD	13006845	Found Property	Greenwood	7/30/2013
SLMPD	13006869	Traffic Stop - Verbal Warning	Greenwood	7/31/2013
SLMPD	13006884	Parking Complaint	Greenwood	8/1/2013
SLMPD	13006919	Suspicious Act	Greenwood	8/2/2013
SLMPD	13006937	Disturbance	Greenwood	8/3/2013
SLMPD	13006987	Disturbance	Greenwood	8/5/2013
SLMPD	13006989	House Check Request	Greenwood	8/5/2013
SLMPD	13006993	Civil Matter	Greenwood	8/5/2013

## SOUTH LAKE MINNETONKA POLICE DPEARTMENT

SLMPD	13007026	Theft	Greenwood	8/7/2013
SLMPD	13007030	Gun Permit	Greenwood	8/5/2013
SLMPD	13007051	Harassing Communications	Greenwood	8/8/2013
SLMPD	13007054	Theft	Greenwood	8/7/2013
SLMPD	13007056	Burglary	Greenwood	8/7/2013
SLMPD	13007064	Suspicious Activity	Greenwood	8/9/2013
SLMPD	13007085	Traffic Stop - Citation	Greenwood	8/9/2013
SLMPD	13007101	Animal Complaint - Wild Animal Problem	Greenwood	8/10/2013
SLMPD	13007107	Spot Check	Greenwood	8/10/2013
SLMPD	13007119	Animal Complaint - Barking Dog	Greenwood	8/10/2013
SLMPD	13007120	Animal Complaint - Missing Cat	Greenwood	8/10/2013
SLMPD	13007137	Traffic Stop - Verbal Warning	Greenwood	8/11/2013
SLMPD	13007176	Traffic Complaint	Greenwood	8/12/2013
SLMPD	13007228	Traffic Stop - Citation	Greenwood	8/14/2013
SLMPD	13007265	Traffic Stop - Verbal Warning	Greenwood	8/16/2013
SLMPD	13007291	Traffic Stop - Citation	Greenwood	8/16/2013
SLMPD	13007309	Traffic Stop - Citation	Greenwood	8/16/2013
SLMPD	13007330	Civil Matter	Greenwood	8/17/2013
SLMPD	13007333	Traffic Stop-Verbal Warning	Greenwood	8/17/2013
SLMPD	13007335	Traffic Stop - Verbal Warning	Greenwood	8/17/2013
SLMPD	13007350	Traffic Stop - Citation	Greenwood	8/17/2013
SLMPD	13007354	Traffic Stop - Verbal Warning	Greenwood	8/17/2013
SLMPD	13007374	Condition/Debris	Greenwood	8/18/2013
SLMPD	13007412	Utility Problem	Greenwood	8/20/2013
SLMPD	13007422	Assist Other Agency	Greenwood	8/20/2013
SLMPD	13007439	Ignition Interlock Viol	Greenwood	8/21/2013
SLMPD	13007580	Motorist Assist	Greenwood	8/25/2013
SLMPD	13007633	Spot Check	Greenwood	8/27/2013
SLMPD	13007638	Welfare Check	Greenwood	8/27/2013
SLMPD	13007639	Traffic Stop - Verbal Warning	Greenwood	8/27/2013
SLMPD	13007659	Alarm	Greenwood	8/28/2013
SLMPD	13007671	Traffic Stop - Verbal Warning	Greenwood	8/28/2013
SLMPD	13007672	Traffic Stop - Verbal Warning	Greenwood	8/28/2013
SLMPD	13007673	Traffic Stop - Verbal Warning	Greenwood	8/28/2013
SLMPD	13007680	Alarm	Greenwood	8/29/2013
SLMPD	13007684	Alarm-Residential	Greenwood	8/29/2013
SLMPD	13007685	Assist Other Agency	Greenwood	8/29/2013
SLMPD	13007776	Residential Alarm	Greenwood	8/31/2013
SLMPD	13007809	Traffic Stop - Citation	Greenwood	9/1/2013
SLMPD	13007815	Traffic Stop - Equipment Repair	Greenwood	9/1/2013
SLMPD	13007842	Medical	Greenwood	9/3/2013
SLMPD	13007846	Traffic Stop - Equipment Repair	Greenwood	9/3/2013
SLMPD	13007933	Theft	Greenwood	9/6/2013
SLMPD	13007947	Parking Permit	Greenwood	9/6/2013
SLMPD	13008004	Traffic Stop - Verbal Warning	Greenwood	9/8/2013

## SOUTH LAKE MINNETONKA POLICE DPEARTMENT

SLMPD	13008007	Safety Check	Greenwood	9/8/2013
SLMPD	13008013	Traffic Stop - Verbal Warning	Greenwood	9/8/2013
SLMPD	13008014	Traffic Stop - Citation	Greenwood	9/8/2013
SLMPD	13008015	Traffic Stop - Verbal Warning	Greenwood	9/8/2013
SLMPD	13008016	Traffic Stop - Verbal Warning	Greenwood	9/8/2013
SLMPD	13008055	Agency Assist	Greenwood	9/9/2013
SLMPD	13008060	Traffic Stop - Verbal Warning	Greenwood	9/9/2013
SLMPD	13008061	Traffic Stop - Verbal Warning	Greenwood	9/9/2013
SLMPD	13008062	Traffic Stop - Verbal Warning	Greenwood	9/9/2013
SLMPD	13008066	Traffic Stop - Verbal Warning	Greenwood	9/9/2013
SLMPD	13008067	Traffic Stop - Verbal Warning	Greenwood	9/9/2013
SLMPD	13008084	Traffic Stop - Verbal Warning	Greenwood	9/10/2013
SLMPD	13008092	Alarm	Greenwood	9/11/2013
SLMPD	13008099	Condition/Debris	Greenwood	9/11/2013
SLMPD	13008142	Suspicious Activity	Greenwood	9/13/2013
SLMPD	13008150	Traffic Stop - Verbal Warning	Greenwood	9/13/2013
SLMPD	13008151	Traffic Stop - Verbal Warning	Greenwood	9/13/2013
SLMPD	13008152	Driving After Suspension	Greenwood	9/13/2013
SLMPD	13008153	Traffic Stop - Verbal Warning	Greenwood	9/13/2013
SLMPD	13008176	Traffic Stop - Verbal Warning	Greenwood	9/14/2013
SLMPD	13008177	Traffic Stop - Verbal Warning	Greenwood	9/14/2013
SLMPD	13008178	Traffic Stop - Verbal Warning	Greenwood	9/14/2013
SLMPD	13008274	Assist/Police	Greenwood	9/18/2013
SLMPD	13008304	Traffic Complaint	Greenwood	9/20/2013
SLMPD	13008322	Traffic Stop - Verbal Warning	Greenwood	9/21/2013
SLMPD	13008339	Traffic Stop - Verbal Warning	Greenwood	9/21/2013
SLMPD	13008343	Loud Music	Greenwood	9/22/2013
SLMPD	13008388	Property Damage	Greenwood	9/23/2013
SLMPD	13008413	Spot Check	Greenwood	9/24/2013
SLMPD	13008416	Road Conditions	Greenwood	9/24/2013
SLMPD	13008426	Medical	Greenwood	9/25/2013
SLMPD	13008437	Property Damage	Greenwood	9/26/2013
SLMPD	13008452	Traffic Stop - Verbal Warning	Greenwood	9/26/2013
SLMPD	13008462	Neighbor Trouble	Greenwood	9/27/2013

**389 Total Activities - (January - September 2013)**

Source - LETG Records Management System  
Report Prepared/Formatted by Chief Bryan Litsey



**Agenda Number: 4C**

**Agenda Date: 11-06-13**

*Prepared by Deb Kind*

**Agenda Item:** City Engineer Dave Martini, Curve Street Drainage Committee Update

**Summary:** At the 09-04-13 meeting the council discussed a drainage issue on Curve Street. The council appointed a subcommittee (Councilman Cook, Councilman Quam, City Engineer Dave Martini) to review the situation and report back to the city council with their recommendations.

**Council Action:** None required.



**Agenda Number: 6A**

**Agenda Date: 11-06-13**

*Prepared by Deb Kind*

**Agenda Item:** 2nd Reading Ordinance 222 R-1C Single-Family Residential District

**Summary:** When reviewing the R-1A Single-Family Residential District for adoption of ordinance 216 related to home occupations, the city council decided it was not appropriate to list "Theater" as a conditional use in the entire R-1A, so the council removed Theater from the list of conditional uses when ordinance 216 was approved. By doing so the Old Log became a "legal nonconforming use" -- which means the Old Log's structures can be maintained, but they cannot be expanded. Since it never was the city council's intention to keep a "legal nonconforming" status for the Old Log, the council directed that an R-1C district be established with the same rules for the property that were in place when it was purchased. A draft of the R-1C ordinance was sent to the planning commission for a public hearing and their recommendation. Based on public comment, input from the property owner, and planning commission discussion, the planning commission recommended changes to the ordinance and forwarded the revised ordinance to the city council for a 1st reading.

The city council heard additional public comment at the 10-02-13 council meeting and approved the 1st reading of the ordinance with revisions (see the attached redlined document). A clean version of the revised ordinance also is attached. The council will consider the 2nd reading of the ordinance at the 11-06-13 council meeting.

**Timeline:**

- 08-08-13 Public hearing notice submitted to Sun-Sailor.
- 08-15-13 Public hearing notice published in Sun-Sailor (must be at least 10 days prior to the public hearing).
- 09-18-13 Planning commission held the public hearing and made a recommendation to the city council.
- 10-02-13 City council approved the 1st reading of the ordinance with revisions.
- 11-06-13 City council considers 2nd reading of the ordinance.
- 11-07-13 Ordinance submitted to Sun-Sailor.
- 11-14-13 Ordinance published in Sun-Sailor (the ordinance goes into effect the date it is published).

**Council Action:** None required. Potential motions ...

1. I move the city council approves the 2nd reading of ordinance 222 as presented.
2. I move the city council approves the 2nd reading of ordinance 222 with the following revisions \_\_\_\_\_.
3. 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.*

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ZONING CODE CHAPTER 11 TO ADD SECTION 1123  
R-1C SINGLE-FAMILY RESIDENTIAL DISTRICT, ADD RELATED DEFINITIONS TO CHAPTER 12,  
AND AMEND SECTION 1150.20 REGARDING CONDITIONAL USES**

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

**SECTION 1.**

Greenwood ordinance code section 1102 definition of "Theater" is amended to read as follows:

"Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.  
(THIS DEFINITION ALSO APPEARS IN CHAPTER 12)."

Debra Kind 10/4/13 10:09 AM  
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**SECTION 2.**

Greenwood ordinance code section 1205 is amended to add the following definitions:

"Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.  
(THIS DEFINITION ALSO APPEARS IN CHAPTER 11)."

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**SECTION 3.**

Greenwood ordinance code section 1115.00 is amended to add the following zoning district:

"R-1C Single-Family Residential"

Debra Kind 10/4/13 10:11 AM  
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**SECTION 4.**

Greenwood zoning district map in section 1115 shall be revised to designate the following properties as the R-1C district:

- PID# 2611723310028
- PID# 2611723310036

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**SECTION 5.**

Greenwood ordinance code chapter 11 is amended to add the following new section 1123:

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**"SECTION 1123. R-1C SINGLE FAMILY RESIDENTIAL DISTRICT.**

**Section 1123.00. Purpose.**

The intent of this district is to provide a zone for low-density single-family dwellings and a theater with attached restaurant that:

1. Encourages the historical operation of a privately-owned, live, onstage theater with a supporting restaurant,
2. Provides the flexibility to address changing business conditions,
3. Is compatible with the residential community that surrounds and eventually may be included in the district.

**Section 1123.05. Permitted Uses.**

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1123 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) 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) Theater with attached restaurant.
- (c) Uses mandated in state statutes as conditional uses.

**Section 1123.10. R-1C Lot Dimensions.**

The following required lot area, width, depth, and lot coverage regulations shall be considered as minimum standards for buildings:

	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Lot Depth (Ft.)	Maximum Lot Coverage
Single Family	Same as R-1A	Same as R-1A	Same as R-1A	As permitted by shoreland management district ordinance, section 1176
Theater with Attached Restaurant	4 acres	600	600	

**Section 1123.15. R-1C Setbacks.**

Subject to the provisions of section 1176 et seq., the following front side and rear yard setbacks shall be considered as minimum standards for buildings:

Land Use	Front Yard** (ft.)	Lot, Interior - Side Yard (ft.)	Exterior Side Yard (ft.)	Rear Yard (ft.)
Single-Family Principal Structure	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Municipal Park Equipment	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Single-Family Accessory Structures	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Theater with Attached Restaurant	50	50	50	50

\*\* Lots that meet the definition of "Lot, Corner" shall not be required to provide more than 2 front yard setbacks per lot. The location of the 2 front yard setbacks on lots abutting 3 or more platted right-of-ways shall be at the discretion of the zoning administrator and the remaining yard shall meet the "Lot, Interior - Side Yard" setback requirement in the chart above.

**Section 1123.20. R-1C Building Minimum Requirements.**

Subd. 1. Principal structures in the R-1C district shall:

- (a) not exceed 28 feet in building height and 42 feet in structure height,
- (b) be of a minimum width of 25 feet,
- (c) have a minimum floor space of 800 square feet,
- (d) be supported by foundation walls and frost footings of 42 inches in depth or current state building code requirements whichever is greater,
- (e) meet all current standards of city building codes and appendices,
- (f) be served with a private garage and hard-surfaced (e.g. cement or blacktop) driveway to the public street.

Subd. 2. Accessory structures in the R-1C district shall:

- (a) be limited to 1 private garage, and 1 tool house shed or similar storage building per principal structure,
- (b) not exceed 15 feet in building height,
- (c) have a maximum combined floor space of all accessory structures on the lot of 1,000 square feet and in no event shall the accessory structures of private garage, tool house shed and similar storage buildings combined exceed 60% of the total at grade, main floor square footage of the principal structure,
- (d) meet all current standards of city building codes and appendices.

**Section 1123.25. R-1C General Regulations.**

Additional requirements for the R-1C district are set forth in section 1140 et seq. of this ordinance."

SECTION 6.

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Greenwood ordinance code section 1150.20 subd. 2 is amended to read as follows:

"Subd. 2. The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq."

Debra Kind 10/4/13 10:14 AM

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SECTION 7.

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

Debra Kind 10/4/13 10:11 AM

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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: October 2, 2013  
Second reading: \_\_\_\_\_, 2013  
Publication: \_\_\_\_\_, 2013

Debra Kind 10/4/13 10:15 AM

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ORDINANCE NO. 222

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ZONING CODE CHAPTER 11 TO ADD SECTION 1123  
R-1C SINGLE-FAMILY RESIDENTIAL DISTRICT, ADD RELATED DEFINITIONS TO CHAPTER 12,  
AND AMEND SECTION 1150.20 REGARDING CONDITIONAL USES**

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

SECTION 1.

Greenwood ordinance code section 1102 definition of "Theater" is amended to read as follows:

"Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 12). "

SECTION 2.

Greenwood ordinance code section 1205 is amended to add the following definitions:

"Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 11)."

SECTION 3.

Greenwood ordinance code section 1115.00 is amended to add the following zoning district:

"R-1C Single-Family Residential"

SECTION 4.

Greenwood zoning district map in section 1115 shall be revised to designate the following properties as the R-1C district:

PID# 2611723310028

PID# 2611723310036

SECTION 5.

Greenwood ordinance code chapter 11 is amended to add the following new section 1123:

**"SECTION 1123. R-1C SINGLE FAMILY RESIDENTIAL DISTRICT.**

**Section 1123.00. Purpose.**

The intent of this district is to provide a zone for low-density single-family dwellings and a theater with attached restaurant that:

1. Encourages the historical operation of a privately-owned, live, onstage theater with a supporting restaurant,
2. Provides the flexibility to address changing business conditions,
3. Is compatible with the residential community that surrounds and eventually may be included in the district.

**Section 1123.05. Permitted Uses.**

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1123 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

- (a) Single-family detached dwellings, excluding the leasing or renting of rooms.
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Subd. 2. Accessory Uses.

- (a) Private garages.

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- (g) 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.
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**Section 1123.10. R-1C Lot Dimensions.**

The following required lot area, width, depth, and lot coverage regulations shall be considered as minimum standards for buildings:

	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Lot Depth (Ft.)	Maximum Lot Coverage
Single Family	Same as R-1A	Same as R-1A	Same as R-1A	As permitted by shoreland management district ordinance, section 1176
Theater with Attached Restaurant	4 acres	600	600	

**Section 1123.15. R-1C Setbacks.**

Subject to the provisions of section 1176 et seq., the following front side and rear yard setbacks shall be considered as minimum standards for buildings:

Land Use	Front Yard** (ft.)	Lot, Interior - Side Yard (ft.)	Exterior Side Yard (ft.)	Rear Yard (ft.)
Single-Family Principal Structure	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Municipal Park Equipment	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Single-Family Accessory Structures	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Theater with Attached Restaurant	50	50	50	50

\*\* Lots that meet the definition of "Lot, Corner" shall not be required to provide more than 2 front yard setbacks per lot. The location of the 2 front yard setbacks on lots abutting 3 or more platted right-of-ways shall be at the discretion of the zoning administrator and the remaining yard shall meet the "Lot, Interior - Side Yard" setback requirement in the chart above.

**Section 1123.20. R-1C Building Minimum Requirements.**

Subd. 1. Principal structures in the R-1C district shall:

- (a) not exceed 28 feet in building height and 42 feet in structure height,
- (b) be of a minimum width of 25 feet,
- (c) have a minimum floor space of 800 square feet,
- (d) be supported by foundation walls and frost footings of 42 inches in depth or current state building code requirements whichever is greater,
- (e) meet all current standards of city building codes and appendices,
- (f) be served with a private garage and hard-surfaced (e.g. cement or blacktop) driveway to the public street.

Subd. 2. Accessory structures in the R-1C district shall:

- (a) be limited to 1 private garage, and 1 tool house shed or similar storage building per principal structure,
- (b) not exceed 15 feet in building height,
- (c) have a maximum combined floor space of all accessory structures on the lot of 1,000 square feet and in no event shall the accessory structures of private garage, tool house shed and similar storage buildings combined exceed 60% of the total at grade, main floor square footage of the principal structure,
- (d) meet all current standards of city building codes and appendices.

**Section 1123.25. R-1C General Regulations.**

Additional requirements for the R-1C district are set forth in section 1140 et seq. of this ordinance."

Greenwood ordinance code section 1150.20 subd. 2 is amended to read as follows:

"Subd. 2. The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq."

SECTION 7.

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: October 2, 2013  
Second reading: \_\_\_\_\_, 2013  
Publication: \_\_\_\_\_, 2013

**RESOLUTION 29-13**

**A RESOLUTION APPROVING PUBLICATION  
OF ORDINANCE NUMBER 222 BY TITLE AND SUMMARY**

WHEREAS, on \_\_\_\_\_, 2013 the city council of the city of Greenwood adopted "ORDINANCE 222 AMENDING GREENWOOD ORDINANCE CODE SECTION CHAPTER 11 TO ADD SECTION 1123 R-1C SINGLE-FAMILY RESIDENTIAL DISTRICT, ADD RELATED DEFINITIONS TO CHAPTER 12, AND AMEND SECTION 1150.20 REGARDING CONDITIONAL USES."

**WHEREAS**, the city has prepared a summary of ordinance 222 as follows:

1. The intent of this ordinance is to provide a zone for low-density single-family dwellings and a theater with attached restaurant that:
  - (a) Encourages the historical operation of a privately-owned, live, onstage theater with a supporting restaurant,
  - (b) Provides the flexibility to address changing business conditions,
  - (c) Is compatible with the residential community that surrounds and eventually may be included in the district.
2. The permitted principal uses and regulations are identical to the uses listed in the current R-1A Single-Family Residential District.
3. The permitted accessory uses and regulations are identical to the uses listed in the current R-1A Single-Family Residential District.
4. The permitted conditional uses and regulations are identical to the uses listed in the current R-1A Single-Family Residential District, with the addition of "Theater with Attached Restaurant."
5. The ordinance includes the following definition: Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.
6. The ordinance adds operational conditions (hours of operation, controlling noise, controlling lighting, controlling odors) to the list of example conditions that may be imposed on conditional use permits.

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

1. The city council finds that the above title and summary of ordinance 222 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 222 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

**ADOPTED** by the city council of the city of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Gus E. Karpas, City Clerk

First reading: \_\_\_\_\_, 2013

Second reading: \_\_\_\_\_, 2013

Publication: \_\_\_\_\_, 2013



**Agenda Number: 6B**

**Agenda Date: 11-06-13**

*Prepared by Deb Kind*

**Agenda Item:** 2nd Reading, Ordinance 223, Updating Chapter 5 Fees

**Summary:** Each fall the council reviews fees for potential updates. The council discussed the fees to be changed at the 09-04-13 worksession and approved the 1st reading of the ordinance with revisions at the 10-02-13 council meeting. Attached is a redlined version of the ordinance showing the revisions, and a clean version of the ordinance with the revisions.

**Timetable:**

10-02-13	1st reading of ordinance changing fees
11-06-13	2nd reading of ordinance changing fees
11-14-13	Ordinance published in Sun-Sailor (goes into effect on this date)

The above timetable will allow the fees to be in effect for 2014.

**Council Action:** Optional. Potential motions ...

1. I move the council approves the 2nd reading of ordinance 223 amending code chapter 5 as presented.
2. I move the council approves the 2nd reading of ordinance 223 amending code chapter 5 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.*

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 5 FEES AND RELATED SECTION 11**

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

SECTION 1.

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

Boat Launch Permit <u>Sticker</u> (for Meadville fire lane): Resident	<del>425.40</del> 425.45	FREE First 2 Stickers are Free, Additional Stickers \$10 Each	Annual. Maximum of 2 free permits per address. Must show 2 free stickers per address. Additional stickers require proof of residency and provide vehicle information / license plate number.
Boat Launch Permit <u>Sticker</u> (for Meadville fire lane): Non-Resident	<del>425.40</del> 425.45	\$50	Annual per vehicle. Must provide vehicle information / license plate number.
Docks: Municipal St. Alban's Bay Dock Permit	425.30 (5)	<del>\$1450</del> \$1250	Per slip, per season
Docks: Municipal Canoe / Kayak Permit	425.30 (5)	<del>\$60</del> \$50	Per space, per season
Garage Sale Permit (more than 1 in 12-month period)	450.25	<del>\$50</del> \$150 per event, plus cost of mailing and publishing notification, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Right-Of-Way Encroachment Permit	630.05	<del>Minimum \$50</del> Council approval required. Actual Fee will be determined by the city council, based on the proposed intensity of use.	
Showcase Event Permit	450.25	<del>\$50</del> \$250 per event, plus cost of mailing and publishing notification, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Stormwater Management Utility Fee: Residential	525.00	\$12	Quarterly
Stormwater Management Utility Fee: Commercial	<del>525.10</del> (3)	3 x Current Residential Rate	Quarterly

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: \_\_\_\_\_, 2013  
Second reading: \_\_\_\_\_, 2013  
Publication: \_\_\_\_\_, 2013

Debra Kind 10/30/13 7:29 PM  
**Deleted:** Zoning: Code Amendment Application Fee ... [1]

Debra Kind 10/30/13 7:30 PM  
**Deleted:** SECTION 2. ... [2]

Debra Kind 10/30/13 7:30 PM  
**Deleted:** 3

Zoning: Code Amendment Application Fee	1160.05	<del>\$900 \$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount</del>
Zoning: Conditional Use Permit Application Fee	1150.15	<del>\$700 \$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount</del>
Zoning: Misc. Administrative Review Fee	Chapter 11	<del>\$500 \$200 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount</del>
Zoning: Preliminary Plat Application Fee	600.10	<del>\$900 \$500 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount</del>
Zoning: Variance Application Fee	1155.25	<del>\$700 \$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount</del>
<u>Zoning: Variance Extension</u>		1st 1-Year Extension: \$50 (approved by zoning administrator) Subsequent 1-Year Extensions: \$350 (approved by city council)

## SECTION 2.

The Greenwood ordinance code section 1155.10 subd. 9 is amended to read as follows:

"Subd. 9. Lifespan of Variances Granted. Variances permitting the erection or alteration of a building shall be valid for a period of 1 year from the date of final approval unless a building permit for such erection or alteration is issued and construction is actually begun within said period. Failure to obtain an approved, final inspection (in the case of remodeling) or an occupancy permit (in the case of new construction) within 1 year from the date a building permit for such construction and/or alteration has been issued, shall cause the variance relied upon to become null and void. The structure shall then become a nonconforming structure. A 1-year variance extension may be granted by the city zoning administrator, and subsequent 1-year variance extensions may be granted by the city council. Requests for variance extensions must be made in writing and must be accompanied by payment of the fee established by the city council and set forth in chapter 5 of this code book."

ORDINANCE NO. 223

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 5 FEES AND RELATED SECTION 11**

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

SECTION 1.

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

Boat Launch Permit Sticker (for Meadville fire lane): Resident	425.45	First 2 Stickers are Free, Additional Stickers \$10 Each	Annual. 2 free stickers per address. Additional stickers require proof of residency and vehicle information / license plate number.
Boat Launch Permit Sticker (for Meadville fire lane): Non-Resident	425.45	\$50	Annual per vehicle. Must provide vehicle information / license plate number.
Docks: Municipal St. Alban's Bay Dock Permit	425.30 (5)	\$1250	Per slip, per season
Docks: Municipal Canoe / Kayak Permit	425.30 (5)	\$50	Per space, per season
Garage Sale Permit (more than 1 in 12-month period)	450.25	\$150 per event, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Right-Of-Way Encroachment Permit	630.05	Council approval required. Fee will be determined by the city council.	
Showcase Event Permit	450.25	\$250 per event, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Stormwater Management Utility Fee: Residential	525.00	\$12	Quarterly
Stormwater Management Utility Fee: Commercial	525.10(3)	3 x Current Residential Rate	Quarterly

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: October 2, 2013  
Second reading: \_\_\_\_\_, 2013  
Publication: \_\_\_\_\_, 2013



**Agenda Number: 6C**

**Agenda Date: 11-06-13**

*Prepared by Gus Karpas*

**Agenda Item:** Potential Ordinance Regarding Swimming Pool Regulations

**Summary:** The city council directed the zoning administrator and Councilmember Bill Cook (the committee) to review the existing swimming pool regulations and report to the council any proposed changes they would suggest to the ordinance. In reviewing the ordinance the committee believes the majority of the ordinance is not necessary for the regulation of individual residential pools and could be deleted and those items in the ordinance that are relevant could be moved to the nuisance and zoning ordinances. The ordinance considerations would be as follows:

Nuisance:

*To be discussed at 11-06-13 council meeting.*

Zoning:

- 1) Swimming Pools are already defined as and Accessory Use, Building or Structure and have specific setback requirements. Clarification may need to be provided on where the setback is measured, whether to the edge of the water or to the pool decking. Staff would recommend the setback be measured to the edge of the decking.
- 2) Swimming Pools are currently considered impervious surface area under the Shoreland Management ordinance so no change would be necessary. The council was asked by a resident to exclude the pool area containing water from the impervious surface standards.
- 3) The current pool ordinance permits above-ground pools as a conditional use, but it is not mentioned as a conditional use in any of the residential zoning districts. The council must decide if it would like to see above-ground pools in the city. If it does not, the ordinance does not have to be change. If above-ground pools are to be permitted the ordinance would need to be amended to allow them as a conditional use.
- 4) Fencing was the last area of discussion. Fencing is not required by any state statute and is left up to individual cities. Currently, the pool ordinance requires a four-foot, non-climbing type fencing with self-closing gates. As you recall the council was approached about amending that provision to permit automatic pool covers as another alternative, which led to this ordinance review.
  - (a) The first questions are whether the city wants to require any type of fence and what would be the purpose of the fence? Staff believes a fence does not necessarily deter an individual who wants to access a pool from gaining access. The city of Deephaven does not have a fencing requirement for security reasons rather it requires fencing, landscaping, or a combination of the two in order to screen the pool on all sides that abut an adjoining residential property or public street. The minimum height of this screening must be six feet. This buffer serves to make the "attractive nuisance" invisible outside the property.
  - (b) If the council desires a security measure, the committee does not recommend the idea of permitting a pool cover as a safety alternative, since it relies too much on human interaction to make it effective.
  - (c) Regardless of how the council views the fencing / pool cover issue, the committee recommends the regulations be addressed in the city's zoning and nuisance ordinances.

**Council Action:** None required. Suggested motions ...

1. I move the council directs the city zoning administrator to draft a pool ordinance based on the council's discussion and also directs the planning commission to hold a public hearing and make a recommendation to the city council regarding the pool ordinance.
2. Do nothing.



**Agenda Number: 6D**

**Agenda Date: 11-06-13**

*Prepared by Deb Kind*

**Agenda Item:** 1st Reading of Animal Ordinance 224

**Summary:** In May 2012, in response to concerns raised by animal enforcement officers, the South Lake Minnetonka Police Department (SLMPD) coordinating committee directed SLMPD staff to work with city administrators to draft a uniform animal ordinance to make enforcement consistent between the jurisdictions served by the department. City Attorney Mark Kelly also was instrumental in providing input during the draft process for the uniform animal ordinance. The final draft of the ordinance was approved by the coordinating committee for consideration by the 4 city councils.

At the 06-05-13 council meeting, the city council "continued" discussion regarding the ordinance pending input from other cities and authorized the mayor to send a letter to Chief Litsey to let him and the other cities know that the Greenwood council is supportive of a unified ordinance and is open to considering changes that the other cities would like to make.

In October, the cities of Excelsior and Shorewood approved the ordinance with minor revisions (see the attached redlined version from Excelsior). Tonka Bay has not taken any action on the ordinance yet.

Since Excelsior and Shorewood have approved the ordinance, Chief Litsey would like Greenwood to approve the ordinance as well. Attached is the ordinance formatted for Greenwood's code book style. This ordinance includes the minor revisions made by Excelsior. The "appendix" section includes items specific to Greenwood. The city council may wish to amend these items or add other items.

For the council's reference, a copy of Greenwood's current animal code is attached.

If the Greenwood city council desires to move forward with the ordinance, here is the timeline:

11-06-13	1st reading at regular council meeting
12-04-13	2nd reading at regular city council meeting
12-05-13	Submission to the Sun-Sailor
12-12-13	Publication in the Sun-Sailor (ordinance goes into effect on this date)

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

1. I move the council approves the 1st reading of ordinance 224 regarding animal regulations.
2. I move the council approves the 1st reading of ordinance 224 regarding animal 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.*

# REDLINING SHOWS EXCELSIOR'S CHANGES TO THE DRAFT ORDINANCE

City of Excelsior  
Hennepin County, Minnesota

Ordinance No. 503

An Ordinance to Amend Chapter 6  
of the Excelsior City Code of Ordinances, Animals

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THE CITY COUNCIL OF EXCELSIOR, MINNESOTA, HEREBY ORDAINS:

SECTION ONE: Amendment. That Part II, Chapter 6, Sections 6-1 through 6-21 of the Excelsior City Code be deleted in its entirety and replaced with the following:

## **Chapter 6 ANIMALS**

- Sec. 6-1. Purpose of Chapter
- Sec. 6-2. Definitions
- Sec. 6-3. Registration and Licensing Requirements
- Sec. 6-4. Permitted Domesticated Animals
- Sec. 6-5. Permitted Non-Domesticated Animals
- Sec. 6-6. Limitations on Number of Dogs
- Sec. 6-7. Limitations on Number of Cats
- Sec. 6-8. Animal Breeders and Dealers
- Sec. 6-9. Running at Large
- Sec. 6-10. Impoundment Authority
- Sec. 6-11. Animal Nuisances
- Sec. 6-12. Confinement of Certain Animals
- Sec. 6-13. Impounded Animal Redemption
- Sec. 6-14. Rabies Control
- Sec. 6-15. Abuse/Neglect of Animals
- Sec. 6-16. Dangerous Animals and Potentially Dangerous Animals
- Sec. 6-17. Penalties for Violation
- Sec. 6-18. Enforcement
- Sec. 6-19. Appendices

### **Sec. 6-1. Purpose of Chapter**

To preserve the public health, safety and welfare, and guard against public nuisances, the ownership and possession of animals must be regulated.

### **Sec. 6-2. Definitions**

For the purpose of this ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

*ANIMAL CONTROL AUTHORITY.* An agency of the state, county, municipality or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

*ANIMAL ENFORCEMENT OFFICER.* The designated law enforcement personnel charged by the City with enforcement of this ordinance.

*ANIMAL SHELTER.* Any premises designated by the City Council or the SLMPD for the purpose of impounding and caring for animals held under the authority of this ordinance.

*AT LARGE.* An animal is at large when it is off the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal, and the animal is not under restraint.

*BARKING.* The phrase "to bark excessively, continuously, or untimely" includes, but is not limited to, barking, whining, howling, baying, crying, or making other noise excessively, such that the creation of the noise by any single or combination of dogs can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period. "Untimely" includes, but is not limited to, the noise which occurs repeatedly over a two-minute period of time with one-minute or less lapse of time between each animal noise during the two-minute period, between 10:00 p.m. and 7:00 a.m.

*BODILY HARM.* Physical pain or injury, illness, or any impairment of physical condition.

*SUBSTANTIAL BODILY HARM.* Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

*GREAT BODILY HARM.* Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

*CITY.* The City of Excelsior.

*COMMERCIAL KENNEL.* A kennel used for boarding and breeding or selling dogs for a profit.

*DANGEROUS ANIMAL.* An animal, including dangerous dogs, as defined in Minnesota Statutes, Section 347.50, as amended, which has:

- (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property; or

- (b) Killed a domestic animal without provocation while off the owner's property; or
- (c) Been found to be potentially dangerous and, after the owner has received notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

*DEALER.* A public or private agency, person, society, or corporation that sells or transfers dogs or cats to corporations, institutions or to other dealers who sell or transfer to corporations or institutions.

*ANIMAL WASTE DEVICE.* A device for sanitary removal of animal feces.

*DOMESTICATED (DOMESTIC) ANIMAL.* Such animals as dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar domesticated animals.

*NON-DOMESTICATED (NON-DOMESTIC) ANIMAL.* Animals which are naturally wild and not naturally trained or domesticated, or which are inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- (a) Any member of the cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;
- (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs;
- (c) Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets;
- (d) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators; and
- (e) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subsection including, but not limited to, bears, deer, monkeys and other species non-indigenous to Minnesota.
- (f) Any animal defined as livestock by Minnesota Department of Agriculture Rule 1515.3100.

*OWNER.* Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

*POTENTIALLY DANGEROUS ANIMAL.* Any animal, including a potentially dangerous dog as defined in Minnesota Statutes, Section 347.50, as amended, that:

- (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
- (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
- (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or
- (d) Has been declared a potentially dangerous dog or potentially dangerous animal by any lawful authority of this or any other state or subdivision thereof.

*PREMISES.* A building, structure, shelter, or land where a dog or other domesticated or non-domesticated animal is kept or confined, and specifically excludes all public rights-of-way, sidewalks, and streets.

*PROPER ENCLOSURE.* Securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting.

*PROVOCATION.* An act that an adult could reasonably expect may cause an animal to attack or bite. With regard to an animal other than a dog, provocation also means an act that an adult could reasonably expect may cause an animal of that species to attack or bite.

*PUBLIC NUISANCE - ANIMAL.* Any animal that habitually worries, chases or molests persons travelling peaceably on a public road or off the premises of its owner, or violates a prohibition of this ordinance, is a public nuisance. It shall be considered a nuisance for any animal to bark excessively, continuously or untimely; to frequent school grounds, parks, or public beaches; to chase vehicles; to chase, molest, annoy or bite any person if the person is not on the property of the owner or custodian of the animal; to molest, defile or destroy any property, public or private; or to defecate in or upon public property or the property of another without being cleaned up immediately by the person in charge of the animal. The person having custody of the animal is responsible for disposing of the animal feces in a

sanitary manner. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall subject the owner or custodian to the penalty hereinafter provided.

*RESTRAINT.* An animal is considered to be under restraint, provided that:

- (a) It is on the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or
- (b) It is in a private motor vehicle or camper, with secured windows and doors, of a person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or
- (c) In all other locations, other than animals in a designated "off-leash" park, it is on a secure leash of no longer than six feet in length.

*SLMPD.* The South Lake Minnetonka Police Department.

### **Sec. 6-3. Registration and Licensing Requirements**

Subd. 1. *Licensure required.* All dogs over the age of six months kept in this City, including those allowed by a multiple dog license, shall be licensed and registered by the owner with the City. The fee for the license and registration shall be set by resolution of the City Council. License applications shall be made at the office of the City Clerk on City forms, setting forth the name and address of the owner, the name, breed, age, color, and gender of the dog, and such other information as may be considered necessary by the City. Applicants shall provide proof that each dog has current vaccination against rabies. License tags, if issued at the election of the City, shall be securely attached around the dog's neck at all times during the license term. If the tag is lost or stolen, the owner may obtain a duplicate license and tag upon payment of a fee set by resolution of the City Council.

Subd. 2. *Term of license.* The license period shall be that specified by the City in Appendix.

Subd. 3. *New residents of city.* Any person who moves into and becomes a resident of the city and who owns a dog within the city shall cause the same to be registered and licensed as provided hereinbefore within a period of not more than 30 days after becoming a resident of the city.

Subd. 4. *Transfer of license.* The license of any dog, licensed by the City, may be transferred to a new owner of the licensed dog for the duration of that license. The transfer is when the information regarding the new owner is filed with the City Clerk. The fee for license transfers shall be set by resolution of the City Council.

Subd. 5. *Revocation.* Any person making any false statement on any license application required by this section shall be guilty of a misdemeanor. The City Clerk/Treasurer shall revoke any license issued under this section if the owner has

made any false statement on the license application. No refund of any fees shall be due to the licensee whose license has been revoked.

Subd. 6. *Reinstatement.* Any person whose license has been revoked under this section may reapply for such license after all deficiencies have been corrected. Any person making application after any revocation shall follow the procedures set out for the initial issuance of the license and shall pay the fees in the full amount that would be required for an original license.

**Sec. 6-4. Permitted Domesticated Animals**

Any person may own, keep, harbor, or maintain any of the various domesticated animals, including but not limited to, dogs and cats, adapted so as to live with humans in a tame condition.

**Sec. 6-5. Non-Domesticated Animals**

No person may own, keep, harbor, or maintain any non-domestic animal within the city limits.

**Sec. 6-6. Limitations on Number of Dogs**

Within the limits of the city, no person may own, keep, harbor, or maintain more than 2 dogs over the age of 6 months unless a multiple dog license is first obtained from the city.

**Sec. 6-7. Limitations on Number of Cats**

Within the limits of the city, an owner or household may not own, keep, harbor, or maintain more than 3 cats over the age of 6 months.

**Sec. 6-8. Animal Breeders and Dealers**

No person, firm, or corporation shall establish, maintain, conduct, or operate a commercial kennel or operate as a breeder or dealer of any animal within this city without first obtaining approval by the City Council.

**Sec. 6-9. Running At Large**

No owner of any animal shall permit such animal to run or move at large at any time within the city. The finding of any animal running at large shall be prima facie evidence of violation of this section by the owner of the animal.

**Sec. 6-10. Impound Authority**

The animal enforcement officer shall have authority to take into custody and impound those animals, found at large within the city. If the Animal Enforcement Officer is unable to take an animal into custody, the officer may, where possible, follow the animal to the property of its owner, and may issue a citation to the

Kevin Staunton 10/8/13 12:03 PM

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owner for violation of this ordinance. The Officer shall not take into custody an animal once it is upon the property of its owner except:

- (a) Where the Officer finds no one present upon the property and custody is necessary to prevent the animal from further running at large; or
- (b) The animal is previously declared as a dangerous dog or dangerous animal; or
- (c) It is a prohibited non-domesticated animal or which is inherently dangerous and, if left uncontrolled, poses a danger to public health, safety or welfare.

**Sec. 6-11. Animal Nuisances**

Subd. 1. It shall be unlawful for any owner to fail to exercise reasonable care and control of his or her animals to prevent them from becoming a public nuisance.

Subd. 2. The person having custody of the animal must have in their possession a device for removal of animal feces when in or on any public trail, sidewalk, in any city park, or along any public right-of-way (for example, along roadways and streets), or any other property, public or private, which is not the premises of the person owning, keeping, harboring, or maintaining the animal.

Subd. 3. No person having custody or control of a domesticated animal shall allow such animal on any public swimming beach or any public grounds where any sign is posted prohibiting animals in that area, except a recognized animal for life assistance.

**Sec. 6-12. Confinement of Certain Animals**

Every female animal in heat shall be confined in a building or other secure enclosure in such manner that such female animal cannot come into contact with another animal, except for planned breeding.

**Sec. 6-13. Impounded Animal Redemption**

Subd. 1. *Pound.* The City shall provide an adequate pound or facilities where animals taken into custody by an Animal Enforcement Officer shall be kept and properly fed and cared for until disposed of according to the provisions of this ordinance.

Subd. 2. *Notice of impoundment.* Within 24 hours of taking an animal into custody, the Animal Enforcement Officer shall give notice of the animal impoundment to the last known owner(s) and/or custodian(s) of the animal. If no address is available from Police records, City license records, or available microchip identification, notice shall be given to the residence with which the animal was last associated. The notice shall reasonably describe the animal and advise that, in the event the animal is not redeemed within five regular business days after a stated date, the animal may be destroyed.

Subd. 3. *Redemption by owner.* The owner of any animal seized pursuant to this section may retrieve the animal from the City's animal impound shelter, provided that the owner purchases the appropriate license within seven days, if the animal is not already properly licensed, pays all impound fees to cover the cost of apprehending the animal, boarding fees to cover the cost of sheltering the animal, any veterinary costs incurred by the Animal Control Authority, and any other costs incurred by the Animal Control Authority. Any owner who fails to comply with these requirements within five regular business days, shall be deemed to have forfeited any property right to the animal and the Animal Control Authority may dispose of it, pursuant to subdivision 5 of this section. In determining the impounding fee, the City may establish a schedule of fees based on the number of times an animal has been impounded. Boarding fees shall be according to a schedule adopted and maintained by the SLMPD. License fees shall be adopted by the City Council by resolution.

Subd. 4. *Disposition of unclaimed or injured animals.* Upon expiration of the five regular business day period, an animal in the custody of the Animal Enforcement Officer may be surrendered to the Animal Humane Society or euthanized. Nothing in this ordinance shall prevent the Animal Enforcement Officer from causing the animal to be euthanized in less than the five regular business days waiting period as aforesaid where the animal is injured and, in the opinion of the Animal Enforcement Officer or a veterinarian, the only humane act would be one of euthanization.

Subd. 5. *Records kept.* The Animal Enforcement Officer shall keep an accurate account of all animals received at the pound and all animals euthanized or released therefrom.

#### **Sec. 6-14. Rabies Control**

Subd. 1. *Rabies Vaccination Required.* It is unlawful for any person to own, keep, harbor, or maintain any animal over the age of six months which is susceptible to rabies unless that animal is vaccinated against rabies.

Subd. 2. *Quarantine of biting animals.*

- (a) Upon a written report being filed with the Animal Control Authority stating that an animal has bitten a human being and setting forth the name of the animal, if known, and the name and address of the owner or custodian, if known, the name of the person bitten and when and where the incident occurred, the Animal Enforcement Officer shall order the animal quarantined for a period of ten days. During quarantine, the animal shall be securely confined and kept from contact with any other animals.
- (b) At the discretion of the Animal Enforcement Officer, the quarantine may be on the premises of the owner. If the Animal Enforcement Officer so requires, the owner shall, at his or her own expense, place the animal in a veterinary hospital for the period of confinement or

surrender the animal to the Animal Enforcement Officer for confinement. The animal shall not be released from confinement until the Animal Control Officer has determined that the animal is free from rabies and until the owner has paid the costs of any veterinary tests made upon the animal, as well as the costs of any confinement on premises other than that of the owner.

- (c) If the costs are not paid by the owner or custodian within ten days following written notice to the owner or custodian that the animal is available for release, the Animal Enforcement Officer shall forthwith cause the animal to be surrendered to the Animal Humane Society or to be euthanized.
- (d) Any person who shall fail to deliver to the Animal Enforcement Officer any animal which has bitten a human being and against which a sworn, written complaint has been filed, shall be guilty of a misdemeanor. Each day's neglect or failure to comply with the provisions of this subdivision shall be deemed a separate offense.
- (e) A dog or other animal displaying symptoms of being rabid may be seized at any place or time and shall be confined in the City impounding facility at the expense of the owner until found to be free from rabies.
- (f) If a dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and the dog or other animal cannot be impounded without serious risk of personal injury, the dog or other animal may be destroyed, if reasonably necessary for the safety of any person or persons.

Subd. 3. Rabies in city, proclamation.

The City adopts Minnesota statute 35.68 and 35.69 and any revisions thereof regarding rabies proclamations.

**Sec. 6-15. Abuse/Neglect of Animals**

Subd. 1. *Improper care.*

- (a) *Food.* Animals must be provided with food of sufficient quantity and quality to allow for normal growth and maintenance of body weight.
- (b) *Water.* Animals must be provided with clean, fresh water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water supply.
- (c) *Shelter.* Animals must be provided with proper shelter and protection from the weather. A person in charge or control of any animal which is kept outdoors or in an unheated enclosure shall provide the animal with shelter and bedding as prescribed in this section as a minimum. The shelter shall include a moisture proof and wind

proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31, the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. Shade from the direct rays of the sun, during the months of May to October shall be provided.

- (d) *Sanitation.* It shall be unlawful for any person to allow food and water receptacles, kennels, yards, or the premises where the animal is kept to be or to remain in an unhealthy, unsanitary, or obnoxious condition, or to permit the premises to be in such condition that obnoxious odors can be plainly detected on adjacent public or private property.
- (e) *Veterinary Care.* The owner or custodian of a domesticated animal shall provide adequate health care, including parasite and pest control, and care needed to prevent suffering.
- (f) *Cruelty to animals.* It shall be unlawful for any owner to beat, cruelly ill-treat, torment or otherwise abuse or neglect any animal. A person may not inflict cruelty on a pet or companion animal by the use of a cruel training or handling device or method.
- (g) *Interpretation of Terms.* A dispute as to the meaning of abuse, cruelty, neglect or adequate healthcare shall be resolved by an expert opinion.
- (h) *Animals in motor vehicles.* A person may not leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety. Animals carried in open vehicles, including trucks, boats, motorcycles, dirt bikes, trailers, etc., must be restrained in a crate or carrier or restrained by a chain or cable to prevent the animal from leaving the vehicle or being tossed out.

Subd. 2. *Removal of animals.* A Peace Officer, Animal Enforcement Officer, or a volunteer or professional member of a fire or rescue department of a political subdivision may use reasonable force to enter a motor vehicle and remove an animal which has been left in the vehicle in violation of this section. A person removing an animal under this subdivision shall use reasonable means to contact the owner of the animal to arrange for its return home. If the person is unable to contact the owner, the person may take the animal to an animal shelter.

**Sec. 6-16. Dangerous Animals and Potentially Dangerous Animals**

The City is authorized pursuant to Minnesota Statute Section 347.53 to regulate potentially dangerous and dangerous dogs or other animals.

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### Potentially Dangerous Animals; Declaration

The Animal Control Authority shall make such declaration upon a finding that the animal in question:

- (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
- (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
- (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or
- (d) Has been declared a potentially dangerous animal by any lawful authority of this or any other state or subdivision thereof.

In making such a determination, the Animal Enforcement Officer may rely upon any or all of the following:

- (a) Citizen complaint from an identified member of the public;
- (b) Police or citizen reports of running at large or other public nuisance;
- (c) Citation or convictions of an ordinance or statutory violation independent of site of violation involving the animal in question with the exception of a charge of failure to license;
- (d) Determination by any state or subdivision thereof that the animal in question is a potentially dangerous animal.

### Potentially Dangerous Animals; Requirements

- (a) *Microchip Identification.* The owner of a potentially dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the animal's owner. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous animal.
- (b) *Confinement.* All potentially dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen, kennel, or fenced yard, except when leashed as required. Confinement does not include a porch, patio, unfenced yard, "invisible fence" or any part of a

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house, garage, cage, or other structure that would allow the animal to exit of its own volition or any house or structure in which screens are the only obstacles to preventing the animal from exiting.

- (c) *Impoundment.* Any potentially dangerous animal found off the premises of the owner, harborer, keeper, or custodian of same, is subject to immediate seizure and impoundment.

**Dangerous Animals; Declaration**

The Animal Control Authority shall make such declaration upon a finding that the animal in question has:

- (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- (b) Killed a domestic animal without provocation while off the owner's property; or
- (c) Been found to be potentially dangerous and, after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

In making such a determination, the Animal Enforcement Officer may rely upon any or all of the following:

- (a) Citizen complaint from an identified member of the public;
- (b) Police or citizen reports of running at large or other public nuisance;
- (c) Citation or convictions of an ordinance or statutory violation independent of site of violation involving the animal in question with the exception of a charge of failure to license;
- (d) Determination by any state or subdivision thereof that the animal in question is a dangerous animal.

**Dangerous Animals; Registration**

Subd 1. *Requirement.* No person may own a dangerous animal in the city unless the animal is registered as provided in this section.

Subd. 2. *Registration.* The Animal Control Authority shall issue a Certificate of Registration to the owner of a dangerous animal, if the owner presents sufficient evidence that:

- (a) A proper enclosure exists for the dangerous animal and a posting on the premises with a clearly visible warning sign that there is a

dangerous animal on the property, including a warning symbol to inform children;

- (b) A policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$1,000,000.00 insuring the owner for any personal injuries inflicted by the dangerous animal;
- (c) The owner has paid an annual fee to the SLMPD, in addition to any regular licensing fees, to obtain a Certificate of Registration for a dangerous animal under this section; and
- (d) The owner has had microchip identification implanted in the dangerous animal.

**Subd. 3. *Warning Symbol.*** If the Animal Control Authority issues a Certificate of Registration to the owner of a dangerous animal pursuant to Subdivision 2, the Animal Control Authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous animal on the property. The warning symbol must be the uniform symbol provided by the Minnesota Commissioner of Public Safety. The Animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

**Subd. 4. *Dangerous Animal Designation Review.*** Beginning six months after an animal is declared dangerous, an owner may request annually that the designating Animal Control Authority review the designation. The owner must provide evidence that the animal 's behavior has changed due to age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Animal Control Authority finds sufficient evidence that the animal 's behavior has changed, the Authority may rescind the dangerous animal designation.

**Subd. 5. *Law Enforcement; Exemption.*** The provisions of this section do not apply to dogs used by law enforcement officials for police work.

**Subd. 6. *Exemption.*** Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:

- (a) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
- (b) Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
- (c) Who was committing or attempting to commit a crime.

**Subd. 7. *Tag.*** A dangerous animal registered under this section must have a standardized, easily identifiable tag identifying the animal as dangerous and

containing the uniform dangerous animal symbol, affixed to the animal's collar at all times.

**Dangerous Animals; Requirements**

- (a) An owner of a dangerous animal shall keep the animal, while on the owner's property, in a proper enclosure. If the animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible adult. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration.
- (b) The owner of a dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the animal's owner. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous animal.
- (c) An owner of a dangerous animal must renew the registration of the animal annually until the animal is deceased. If the animal is removed from the jurisdiction, it must be registered as a dangerous animal in its new jurisdiction.
- (d) An owner of a dangerous animal must notify the Animal Control Authority in writing of the death of the animal or its transfer to a new location where the animal will reside, within 30 days of the death or transfer, and must, if requested by the Animal Control Authority, execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition or the complete name, address, and telephone number of the person to whom the animal has been transferred or the address where the animal has been relocated.
- (e) An Animal Control Authority shall require a dangerous animal to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the Animal Control Authority shall seize the animal and have it sterilized at the owner's expense.
- (f) A person who owns a dangerous animal and who rents property from another where the animal will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will reside at the property.

Subd. 1. *Right to hearing.* The owner of any animal declared dangerous has the right to a hearing concerning the dangerous dog or dangerous animal declaration and, if applicable, prior potentially dangerous dog or potentially dangerous animal declarations for the animal. The animal owner must make the request in writing, on a form provided by the SLMPD, within 14 days of receiving notice of the declaration. Failure to do so within 14 days of the date of receiving the notice will terminate the owner's right to a hearing under this section. Any hearing must be held within 14 days of the request to determine the validity of the declaration. The Hearing Officer must be an impartial person retained by the City or by the SLMPD to conduct the hearing. In the event that the declaration is upheld by the Hearing Officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the animal's owner. The Hearing Officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Animal Control Authority.

Subd. 2. *Requirements during appeals process.*

- (a) While awaiting final disposition of an appeal of a dangerous animal declaration, the owner of the animal shall keep the animal, while on the owner's property, in a proper enclosure. If the animal is outside the proper enclosure, it must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration. A person who transfers ownership of a dangerous dog or dangerous animal must notify the new owner that the Animal Control Authority has identified the animal as dangerous. The current owner must also notify the Animal Control Authority in writing of the transfer of ownership and provide the Animal Control Authority with the new owner's name, address, and telephone number.

### **Confiscation**

Subd. 1. *Seizure.*

- (a) The Animal Control Authority having jurisdiction shall immediately seize any dangerous animal if:
  - 1) After 14 days after the owner has notice that the animal is dangerous, the animal is not validly registered under this section; or
  - 2) After 14 days after the owner has notice that the animal is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under this section; or
  - 3) The animal is not maintained in the proper enclosure; or

- 4) The animal is outside the proper enclosure and not under physical restraint of a responsible person as required in the previous section.
  - 5) The animal is not sterilized within 30 days.
- (b) If an owner of an animal is convicted of a crime for which the animal was originally seized, the court may order that the animal be confiscated and may be disposed of in a manner permitted by law and that the owner pay the costs incurred in confiscating, confining, and destroying the animal.

Subd. 2. *Animals reclaimed.* A dangerous animal seized under Subdivision 1 may be reclaimed by the owner of the animal, upon payment of impounding and boarding fees, and presenting proof to the Animal Control Authority that the requirements of the previous section will be met. An animal not reclaimed under this subdivision within seven days may be surrendered to the Animal Humane Society or humanely euthanized, and the owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the animal.

#### **Destruction of Animals in Certain Circumstances**

##### Subd. 1. *Circumstances*

An animal may be destroyed in a proper and humane manner by the Animal Control Authority if the animal:

- (a) Inflicted substantial or great bodily harm on a human on public or private property without provocation; or
- (b) Inflicted multiple bites on a human on public or private property without provocation; or
- (c) Bit multiple human victims on public or private property in the same attack without provocation; or
- (d) Bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.

Subd. 2. *Right to hearing.* The Animal Control Authority may not destroy an animal until the animal owner has had the opportunity for a hearing before an impartial Hearing Officer designated by the Animal Control Authority. The animal owner must request a hearing within 14 days after the Animal Control Authority provides notice that it intends to destroy the animal.

#### **Sec. 6-17. Penalties for Violation**

- (a) A person who violates a provision of this ordinance is guilty of a misdemeanor.

**Sec. 6-18. Enforcement**

Citations are issued for certain violations. The Animal Control Officer or Police Officer is authorized to issue a citation to any person, firm, or entity for any alleged violations of this ordinance and any other ordinances or statutes which provide the basis for prosecution of violations of this ordinance. Nothing within this ordinance shall be construed to limit the authority of Animal Control Officers or Police Officers to enforce any provisions of this ordinance or related statutes or ordinances.

**Sec. 6-19. Appendices**

SECTION TWO: Effective Date. This Ordinance shall be effective thirty (30) days after its passage and publication.

Adopted by the Excelsior City Council this 7<sup>th</sup> day of October, 2013.

\_\_\_\_\_  
Mark W. Gaylord, Mayor

ATTEST:

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Shirley Murphy, City Clerk

\_\_\_\_\_  
Cheri Johnson, Interim City Manager

First Reading of the Ordinance:	September 9, 2013
Second Reading and Adoption:	October 7, 2013
Publication of Ordinance:	October 10, 2013
Effective Date:	November 9, 2013

**Section 440.15. Permit Required for Excess of 50 Cubic Yards.**

Any digging, shifting, moving, removal, filling or depositing of material or earth of an amount in excess of 50 cubic yards without first having to obtain such a permit, except as required for the purpose of construction for which a building permit has been issued, shall be prima facie evidence of violation of this ordinance.

**Section 440.20. Fee and Penalty**

Such application shall be filed with the city clerk with an application fee payable to the city. The fee amount shall be determined by the city council from time to time and set forth in chapter 5 of this code book. Failure to comply with this ordinance shall constitute a misdemeanor.

**SECTION 445. ANIMALS.****Section 445.00. Definitions.**

See chapter 12 for definitions.

**Section 445.05. Limitations of Number.**

Subd. 1. Limit on Number of Dogs. Within the limits of the city, a person may possess, harbor, or keep more than 2 dogs over the age of 6 months nor shall any single family residential unit be host to more than 2 dogs over the age of 6 months unless the owners, or if property is leased, the lessees, of the real property shall have first obtained a private kennel license, provided that in no event may any person possess, nor may any single family residential unit be host to more than 1 of either of the following:

1. "Potentially dangerous animal"; or
2. "Dangerous dog."

Subd. 2. Limit on Number of Cats, or Other Animals. Within the limits of the city, an owner may not possess, harbor, or keep more than 3 cats over the age of 6 months, nor shall any single family residential unit be host to more than 3 cats over the age of 6 months.

Subd. 3. Private Kennel License. Persons desiring to keep more than 2 dogs, but in no event not more than 3 dogs must first obtain a private kennel license. Private kennel licenses may be issued by the city clerk upon the applicant meeting the following conditions:

- (a) Payment of an annual private kennel license fee as set by the city council from time to time and set forth in chapter 5 of this code book;
- (b) Identification of the single family residential unit by address and property tax ID number of the parcel to be licensed together with a signed application by the applicant and, if different, the real property owners of the property to be licensed (if the property is leased, the application must be signed by both the lessee and the real property owner). The applicant, real property owner and lessee, must certify the information provided to the city in the application and agree to be bound by the terms and conditions of licensing, city ordinances and state laws regarding animals.
- (c) A description as to the type of facilities available for keeping the dogs confined on the premises of the owner. Confinement means fencing of the yard or kennel runs, and that the dogs cannot leave of their own volition. "Invisible fence" type fencing is not acceptable for containment of more than 2 animals. The city may require changes in the confinement system as a condition of issuance or continued license validity. If the animals are known to have been able to breach confinement or have otherwise caused disturbance to neighboring property owners, animals, or the public, in general, the city may require the licensee to change the confinement system on 30 days prior written notice. Failure to make the required change shall cause the private kennel license to be revoked.
- (d) A description and verification that each animal will have access to an individual dog house or other suitable shelter from weather, as well as adequate food and water at all times.
- (e) Demonstration of the method that the applicant will use for preventing the dogs from running at large and/or causing a disturbance or nuisance to passers-by, neighboring property owners, or the public in general.
- (f) Fully paid dog licenses for each animal to be kept within the private kennel.
- (g) Verification that the applicant and the real property owner of the site, at which the private kennel is located, have had no violations of city or state regulations regarding the keeping of animals or the behavior of such animals while in the control or custody of either the applicant or the real property owner, or the real property owner's lessee.

(h) Verification that the applicant and property owner do not possess more than one of the following:

1. A “potentially dangerous animal”; or
2. A “dangerous dog” as defined under this ordinance.

Subd. 3. Revocation of Private Kennel License. In addition to sanction for any violation of municipal regulations, the violation of any terms or conditions of section 445 et seq shall cause any private kennel license holder to be placed on probationary status for a term of two years. During probationary term, any violation of section 445 et seq shall cause the private kennel license to be revoked automatically. Violations of section 445 et seq include violations attributable to any dog, under the control of the licensee, independent of whether or not the dog that caused the violation was owned by the licensee or merely kept or harbored at the licensed premises at the time of the event. Any private kennel license revoked shall not be renewed for a term of 6 months from the date of revocation. Persons aggrieved by a private kennel license revocation may appeal pursuant to the process outlined in chapter 12 of this code book.

Subs. 4. Limitation on Number and Transfer of Private Kennel Licenses. Private kennel licenses shall be limited to 1 per single-family residential unit and in no event shall more than 1 private kennel license be issued per taxable real estate parcel. Private kennel licenses are not transferable and in the event of probation or revocation of same, such licenses may not be transferred or otherwise reissued to persons otherwise resident in the single-family taxable real estate parcel unless the property has been sold or the former dog owner has otherwise vacated the premises.

### **Section 445.10. Dog Licensing Required.**

Every owner of a dog within the city shall cause the same to be registered and licensed as hereinafter provided:

1. All dogs kept in the city, including those allowed by private kennel license, shall be registered in the office of the city clerk. The owner shall obtain a license and tag for each dog and pay for each such fee as the city council may adopt and set forth in chapter 5 of this code book. The council may provide for higher license fees for female dogs than for male or spayed females. The license tag shall be securely attached around the dog’s neck and kept there at all times during the license period. If the tag is lost or stolen, the owner shall purchase a duplicate license and tag from the city clerk.
2. The license shall be for a term of 2 years provided that in the event the dog’s rabies certificate from a licensed veterinarian expires prior to the end of the license term, the owner shall, on or before expiration of the rabies certificate, provide evidence of a new, valid rabies certificate or the license shall become null and void. No license shall be issued for a dog unless the owner shall show written evidence that the dog has been inoculated for the prevention of rabies within the past 2 years.

### **Section 445.15. Prohibited Activities.**

Subd. 1. Running at Large Prohibited. No owner of a dog, cat, or other animal owner, shall permit same to run at large, but this shall not prohibit the appearance of the animal upon the streets or other public places when such animal is under restraint. The finding of any dog, cat or animal running at large shall be prima facie evidence of a violation of this section by the owner of said animal. Any female dog in season shall be kept completely confined indoors by the owner, or else impounded for the duration of her season in a commercial dog kennel or dog pound.

Subd. 2. Public Nuisance. It shall be unlawful for the owner of any animal to fail to exercise proper care and control of same so as to prevent any animal, dog or cat, under their control or ownership from becoming a public nuisance, animal, or otherwise, committing any act described in the definition of “public nuisance animal” (section 445:00, paragraph 8).

Subd. 3. Disturbing the Peace.

1. No owner of a dog, cat, or other animal shall permit same to bark, howl, yelp, meow, or cause other audible disturbance:
  - (a) Continuously for a period greater than 10 minutes between the hours of 7 AM and 10 PM daily; or
  - (b) Intermittently for periods of 5 minutes or greater 4 times or more in any 1-hour period between the hours of 7 AM and 10 PM daily.It shall be a defense to allegations of continuous or intermittent disturbance that the dog, cat, or animal was responding to an intruder or stranger upon the premises of the owner.
2. No owner of a dog, cat or other animal shall permit same to create an audible disturbance between 10 PM and 7 AM daily.

Subd. 4. Care. It shall be unlawful for any owner to fail to provide animals, under their control or custody, with:

- (a) Sufficient quantity of wholesome food and water;
- (b) Proper shelter and protection from the elements;

- (c) Necessary veterinary care so as to prevent suffering; or
- (d) Humanely care and provisions for animals which they own, harbor, keep or have custody of.

Subd. 5. It shall be unlawful for any person to beat, kill, ill treat, abandon, torment, or otherwise abuse any dog, cat, or other animal, or leave unattended in a vehicle subject to excessive heat or cold or inadequate ventilation.

Subd. 6. No person shall keep, own, harbor, or otherwise possess a wild animal within the city provided, however, that wild animals may be brought into the city for the purpose of entertainment, education, or display by any of the following:

- (a) A zoo operated by a governmental agency or tax exempt non-profit corporation;
- (b) The Department of Natural Resources, State of Minnesota;
- (c) Other similar public, educational, or charitable organization; or
- (d) A theatre or circus.

In no event shall such wild animals remain within the confines of city for a period greater than 72 hours in any 30-day period. Provided, that in the event, wild animals are required for a public educational or charitable organization demonstration or theatrical presentation, a special permit may be applied for by application to the city clerk and upon approval by the city council which such reasonable conditions as the city may require and the payment of a fee established by the city council from time to time and set forth in chapter 5 of this code book.

Subd. 7. No person shall keep, own, harbor or otherwise possess livestock within the city, provided horses may be ridden or walked within the city under the physical control of the rider or custodian.

### **Section 445.20. Dangerous Dogs.**

Subd. 1. Adoption of Minnesota Statutes Regulating Dangerous Dogs. The provisions of Minnesota statutes section 347.50 to 347.55, as amended or augmented from time to time, are adopted relative to the regulation of “dangerous dogs” as defined by the laws of the State of Minnesota.

Subd. 2. Definition of Dangerous Dog. “Dangerous dog” means any dog that has:

- (a) Without provocation inflicted substantial bodily harm on a human being on public or private property;
- (b) Killed a domestic animal without provocation while off the owner’s property; or
- (c) Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

The above definition is included herein for reference only. This definition is subject to an amendment as may be adopted from time to time by the legislature of the state of Minnesota.

Subd. 3. Possession. No person may possess a dangerous dog or dangerous animal in the city.

### **Section 445.25. Potentially Dangerous Animal.**

Subd. 1. Statutory Authority. The city of Greenwood is authorized pursuant to Minnesota statutes section 347.53 to regulate “potentially dangerous dogs and animals.”

Subd. 2. Definition of Potentially Dangerous Animal. A “potentially dangerous animal” means any animal that:

- (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property other than the dog owner’s property, in an apparent attitude of attack; or
- (c) Has a known propensity, tendency, or disposition to attack, unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 3. Declaration of Potentially Dangerous Animal.

The city clerk shall make such declaration upon a finding that the animal in question has:

- (a) When unprovoked, inflicted a bite upon a human or domestic animal on public or private property; or
- (b) When unprovoked, chased, or approached a person, including a person on a bicycle, upon the street, sidewalk, or any public or private property other than the owner’s property, in an apparent attitude of attack; or
- (c) Has a known propensity, tendency, or disposition to attack unprovoked causing injury or otherwise threatening the safety of humans or domestic animals (or)
- (d) Has been declared a “potentially dangerous dog” or “dangerous dog” or potentially dangerous animal by any lawful authority of this or any other state or subdivision thereof.

In making such a determination, the city clerk may rely upon:

- (a) Sworn statement of complaint from members of the public;
- (b) Police or citizen reports of running at large or other public nuisance;
- (c) Citation or convictions of an ordinance or statutory violation independent of site of violation involving the dog or animal in question with the exception of a charge of "failure to license";
- (d) Determination by any state or subdivision thereof that the dog or animal in question is a "potentially dangerous dog" as defined by that municipality or that the dog or animal in question is a "dangerous dog" as defined under Minnesota statutes.

Subd. 4. Regulation of Potentially Dangerous Animals. The owner of a potentially dangerous animal in addition to all other regulations shall comply with the following requirements:

1. License Insurance and Bond. Upon written notice from the city to the owner that an animal has been determined to be a potentially dangerous animal, the owner shall within 10 business days of said notice:
  - (a) Remove the animal from the city and advise the city clerk in writing of the name and address of the new owner/custodian of the animal and the address of the premises outside of the city of Greenwood at which the animal will be kept; or
  - (b) Complete a license application for a potentially dangerous animal license. All potential dangerous animal license applicants shall:
    - i. Acknowledge the animal in question status as a potentially dangerous animal; and
    - ii. Acknowledge receipt of a copy of the animal control ordinance; iii. Pay a potentially dangerous animal annual license fee as set from time to time by the city council and set forth in chapter 5 of this code book; iv. Provide all details required of a private kennel licensee application under this code.
    - v. Provide written verification from applicant's insurer against dog bites in an amount of set forth in chapter 5 of this code book.
2. Leashing. Cause any potentially dangerous animal to be leashed at all times when the animal is outside the confines of the kennel or fenced yard of the animal's owner or custodian. The person in custody of the animal shall make use of a leash not greater than 6 feet in length.
3. Muzzling. The owner or custodian of the "potentially dangerous animal" shall not permit the "potentially dangerous animal" outside of its kennel or fenced yard nor off the premises of the owner, custodian, except when muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.
4. Confinement. All potentially dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen, kennel, or fenced yard except when leashed and muzzled as required. Confinement does not include a porch, patio, unfenced yard, "invisible fence" or any part of a house, garage, cage, or other structure that would allow the animal to exit of its own volition or any house or structure in which screens are the only obstacles to preventing the animal from exiting.

Subd. 5. No owner, keeper, harborer, or custodian of any potentially dangerous animal shall:

- (a) Permit same to run at large;
- (b) Permit same to run upon the premises of the owner, harborer, keeper, or custodian unless said premises is physically fenced so that the potentially dangerous animal may not exit the confined space at its own volition.

Subd. 6. Any previously declared "potentially dangerous animal" which subsequently: (a) inflicts a bite on a human or domestic animal on public or private property; or (b) unprovoked, chases, or approaches a person, including a person on a bicycle upon the streets, sidewalks or any public or private property other than the owner's property in an apparent attitude of attack; shall be permanently removed from the confines of the city; and may be declared by the city to be a "dangerous dog" or dangerous animal under the meaning of the term pursuant to Minnesota statutes, as amended, and the city may take all action as state law permits to regulate dangerous dogs or animals. The city may, if necessary, seek a court injunction to enforce this subdivision.

Subd. 7. Custody. No person may possess or have custody of a "potentially dangerous animal" that has been ordered removed from the city pursuant to section 445.25, subdivision 6.

Subd. 8. Impoundment. Any "potentially dangerous animal" found off the premises of the owner, harborer, keeper, or custodian of same, is subject to immediate seizure and impoundment; any "potentially dangerous animal" banned from the city under section 445.25, subdivision 6 is subject to immediate seizure and impoundment.

Subd. 9. Violations. The violation of any animal control ordinance by the owner, or custodian of a "potentially dangerous animal," shall cause the revocation of the license issued to the owner of the "potentially dangerous animal" in question and the bond shall be forfeit to the city. The owner may apply for a new "potentially dangerous animal" license but shall agree that upon another violation of section 445 et seq, the owner or custodian shall immediately remove the "potentially dangerous animal" from the city and the owner may not then keep the potentially dangerous animal in the city. The ownership of the animal may not be transferred to any other person for the purpose of reintroducing the animal into the city.

**Section 445.30. Enforcement of Ordinance.**

Subd. 1. Animal Enforcement Officer. The council shall either appoint an animal enforcement officer or shall enter into a contract with a person, firm or corporation whose duties shall be to enforce this ordinance. Any contract so entered shall provide, as the council deems fit, certain fees for the keeping and disposal of animals herein governed.

Subd. 2. Authority. The person, firm or corporation charged with enforcement duties shall have authority to take into custody and impound those dogs, or animals, found at large within the city. If the animal enforcement officer is unable to take a dog or animal into custody the officer may, where possible, follow the animal to the property of its owner, and may issue a citation to the owner for violation of this ordinance. The officer shall not be authorized to take into custody an animal once it is upon the property of its owner except:

- (a) Where the officer finds no one present upon the property and custody is necessary to prevent the animal from further running at large; or
- (b) The animal is a potentially dangerous animal or dangerous dog or animal; or
- (c) In those instances where such custody is required or permitted for the health and welfare of the public.

Subd. 3. Impoundment Facilities. The city shall provide an adequate point or facilities where animals taken into custody by the animal enforcement officer shall be kept and properly fed until disposed of according to the provisions of this ordinance.

Subd. 4. Owner Notification. Within 24 hours after taking an animal into custody the animal enforcement officer shall, if the animal has on it an official tag, notify the person shown as owner of the animal, that the animal is in their custody and will not be disposed of if redeemed within a stated time, which time shall not be less than 5 full days after such animal was taken into custody.

Subd. 5. Owner to Pay Fees Upon Impoundment. Every owner or person having the custody of an animal may redeem the same from the animal enforcement officer by paying for impounding fees as charged by the Animal Enforcement Officer or company and where necessary veterinary care, flea bath, and board and associated costs, for each day or fraction thereof as such animal is held in custody by the animal enforcement officer, and the cost of obtaining a license for said animal in accordance with this ordinance if license has not been issued for said animal. The owner of any dog found "running at large" also shall pay the city the applicable fee in the amount set forth in chapter 5 of this code book.

Subd. 6. Disposed Animals. Upon expiration of the 5 day period, an animal in the custody of the animal enforcement officer shall be disposed of by a humane method. The animal enforcement officer shall keep an accurate account of all animals received at the pound and all animals killed and released therefrom.

**Section 445.35. Rabies; Animal Bites.**

Subd. 1. A dog or animal displaying symptoms of being rabid, may be seized at any place or time and shall be confined in the city impounding facility at the expense of the owner until found to be free from rabies.

Subd. 2. If a dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and the dog or other animal cannot be impounded without serious risk of personal injury, the dog or other animal may be killed if reasonably necessary for the safety of any person or person.

Subd. 3. When a dog or other animal has bitten a person and the skin has been punctured, or the services of a doctor are required, the owner or custodian of the biting animal, and the person bitten or their parent or guardian shall report the incident to the police within 24 hours of the bite. The dog or other animal shall be confined for a period of not less than 10 days in a veterinary hospital. If the owner fails to comply with this requirement, the authorized city personnel may enter onto the property, cease the animal, and remove it to the veterinary hospital. The owner shall be responsible for all costs of confinement incurred.

**Section 445.40. Forfeiture of Ownership Rights.**

Subd. 1. The ownership rights of a person owning the following types of animals may be forfeited to the city pursuant to the procedure in this section:

- (a) Public nuisance animal;
- (b) A wild animal;
- (c) A maltreated animal;
- (d) Livestock; or
- (e) Potentially dangerous animal or dangerous animal.

In addition, the ownership rights of any all other animals owned by the same owner may be forfeited if the owner has demonstrated an inability or unwillingness to properly care for or control the animal in order to prevent it from becoming a public nuisance or maltreated animal.

Subd. 2. Authorized city personnel shall notify the owner or apparent owner of the animal sought to be forfeited that the city intends to forfeit the owner's ownership rights. The notice shall be in writing and state the reasons why forfeiture is sought including a summary of applicable incidents. The notice shall state that the owner has a right to request a hearing pursuant the process outlined in chapter 12 of this code book. A failure to request the hearing shall constitute an admission of facts alleged in the notice and the animal shall be deemed forfeited to the city.

Subd. 3. After receiving the forfeiture notice, and during the forfeiture proceeding, the owner shall keep the subject animal confined within the home or within a secured, covered enclosure. If the owner fails to do so, or if there is an immediate threat to the public health or safety, or to the animal's health or safety, authorized city personnel may immediately impound the animal and keep it at the impound facility until a forfeiture determination has been made.

Subd. 4. If the animal is deemed or ordered forfeited, the owner must immediately give the animal to authorized city personnel and a failure or refusal to do so shall be a misdemeanor. Authorized city personnel may use reasonable force and go on to private property to take the animal into custody.

Subd. 5. Authorized city personnel shall determine, on a case-by-case basis, whether forfeited animals may be destroyed or given to new owners who will adequately care for and control the animal.

## **SECTION 450. GARAGE SALES AND HOME SHOWCASE EVENTS.**

### **Section 450.00. Purpose and Objectives.**

The purpose of this section is to establish standards to protect the health, safety and general welfare of the public from the undesirable effects associated with garage sales and home showcase events conducted at residentially zoned property.

### **Section 450.05. Definitions.**

See chapter 12 for definitions.

### **Section 450.10. Permits Required.**

Subd. 1. No showcase event may occur at a residential property unless a showcase event permit has been first procured from the city. A person seeking issuance of a permit shall file an application with the city. The application shall be accompanied by the fee listed in chapter 5 of this code book. To ensure an orderly approval process, a permit application must be filed not less than 60 days before the first date of the showcase event. The application shall set forth all such information as the city shall find necessary to properly evaluate the application. Failure to file a complete application in a timely manner is grounds for denial of the permit.

Subd. 2. In the event a given residential property has been the site of a garage sale at anytime in the preceding 12-month period, no other garage sale may occur at such residential property unless a garage sale permit has been first procured from the city. A person seeking issuance of a permit shall file an application with the city. The application shall be accompanied by the fee listed in chapter 5 of this code book. To ensure an orderly approval process, a permit application must be filed not less than 60 days before the first date of the garage sale. The application shall set forth all such information as the city shall find necessary to properly evaluate the application. Failure to file a complete application in a timely manner is grounds for denial of the permit.

### **Section 450.15. Limits on Garage Sales and Showcase Events.**

Subd. 1. Showcase events may be held Thursdays through Sundays over a consecutive 3-week period. Applicants are limited to obtaining one showcase event permit per calendar year at the same street address.

Subd. 2. Garage sales may be held Thursdays through Sundays over a single weekend period. Any given residential property may be host to a single garage sale each year without a permit first required. Thereafter permits are required. Applicants are limited to obtaining one garage sale permit per calendar year at the same street address.

### **Section 450.20. Procedure.**

Subd. 1. Notice. The city shall send mailed notice of the date of the council meeting at which the application will be heard at least 10 days before the meeting. The notice will be published in the official city newspaper and mailed to all

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 445 REGARDING ANIMALS**

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

SECTION 1.

Greenwood ordinance code section 445 is deleted in its entirety and replaced with the following:

**“SECTION 445. ANIMALS.**

**Section 445.00. Definitions.**

See chapter 12 for definitions.

**Section 445.05. Purpose.**

To preserve the public health, safety and welfare, and guard against public nuisances, the ownership and possession of animals must be regulated.

**Section 445.05. Registration and Licensing Requirements.**

Subd. 1. Licensure Required. All dogs over the age of six months kept in this city, including those allowed by a multiple dog license, shall be licensed and registered by the owner with the city. The fee for the license and registration shall be set by resolution of the city council. License applications shall be made at the office of the city clerk on city forms, setting forth the name and address of the owner, the name, breed, age, color, and gender of the dog, and such other information as may be considered necessary by the city. Applicants shall provide proof that each dog has current vaccination against rabies. License tags, if issued at the election of the city, shall be securely attached around the dog's neck at all times during the license term. If the tag is lost or stolen, the owner may obtain a duplicate license and tag upon payment of a fee set by resolution of the city council.

Subd. 2. Term of License. The license period shall be that specified by the city in appendix.

Subd. 3. New Residents of City. Any person who moves into and becomes a resident of the city and who owns a dog within the city shall cause the same to be registered and licensed as provided hereinbefore within a period of not more than 30 days after becoming a resident of the city.

Subd. 4. Transfer of License. The license of any dog, licensed by the city, may be transferred to a new owner of the licensed dog for the duration of that license. The transfer is when the information regarding the new owner is filed with the city clerk. The fee for license transfers shall be set by resolution of the city council.

Subd. 5. Revocation. Any person making any false statement on any license application required by this section shall be guilty of a misdemeanor. The city clerk / treasurer shall revoke any license issued under this section if the owner has made any false statement on the license application. No refund of any fees shall be due to the licensee whose license has been revoked.

Subd. 6. Reinstatement. Any person whose license has been revoked under this section may reapply for such license after all deficiencies have been corrected. Any person making application after any revocation shall follow the procedures set out for the initial issuance of the license and shall pay the fees in the full amount that would be required for an original license.

**Section 445.05. Permitted Domesticated Animals.**

Any person may own, keep, harbor, or maintain any of the various domesticated animals, including but not limited to, dogs and cats, adapted so as to live with humans in a tame condition.

**Section 445.10. Non-Domesticated Animals.**

No person may own, keep, harbor, or maintain any non-domestic animal within the city limits.

### **Section 445.15. Limitations on Number of Dogs.**

Within the limits of the city, no person may own, keep, harbor, or maintain more than 2 dogs over the age of 6 months unless a multiple dog license is first obtained from the city.

### **Section 445.20. Limitations on Number of Cats.**

Within the limits of the city, an owner or household may not own, keep, harbor, or maintain more than 3 cats over the age of 6 months.

### **Section 445.25. Animal Breeders and Dealers.**

No person, firm, or corporation shall establish, maintain, conduct, or operate a commercial kennel or operate as a breeder or dealer of any animal within this city without first obtaining approval by the city council.

### **Section 445.30. Running At Large.**

No owner of any animal shall permit such animal to run or move at large at any time within the city. The finding of any animal running at large shall be prima facie evidence of violation of this section by the owner of the animal.

### **Section 445.35. Impound Authority.**

The animal enforcement officer shall have authority to take into custody and impound those animals, found at large within the city. If the animal enforcement officer is unable to take an animal into custody, the officer may, where possible, follow the animal to the property of its owner, and may issue a citation to the owner for violation of this ordinance. The officer shall not take into custody an animal once it is upon the property of its owner except:

- (a) Where the officer finds no one present upon the property and custody is necessary to prevent the animal from further running at large; or
- (b) The animal is previously declared as a dangerous dog or dangerous animal; or
- (c) It is a prohibited non-domesticated animal or which is inherently dangerous and, if left uncontrolled, poses a danger to public health, safety or welfare.

### **Section 445.40. Animal Nuisances.**

Subd. 1. It shall be unlawful for any owner to fail to exercise reasonable care and control of his or her animals to prevent them from becoming a public nuisance.

Subd. 2. The person having custody of the animal must have in their possession a device for removal of animal feces when in or on any public trail, sidewalk, in any city park, or along any public right-of-way (for example, along roadways and streets), or any other property, public or private, which is not the premises of the person owning, keeping, harboring, or maintaining the animal.

Subd. 3. No person having custody or control of a domesticated animal shall allow such animal on any public swimming beach or any public grounds where any sign is posted prohibiting animals in that area, except a recognized animal for life assistance.

### **Section 445.45. Confinement of Certain Animals.**

Every female animal in heat shall be confined in a building or other secure enclosure in such manner that such female animal cannot come into contact with another animal, except for planned breeding.

### **Section 445.50. Impounded Animal Redemption.**

Subd. 1. Pound. The city shall provide an adequate pound or facilities where animals taken into custody by an animal enforcement officer shall be kept and properly fed and cared for until disposed of according to the provisions of this ordinance.

Subd. 2. Notice of Impoundment. Within 24 hours of taking an animal into custody, the animal enforcement officer shall give notice of the animal impoundment to the last known owner(s) and / or custodian(s) of the animal. If no address is available from Police records, city license records, or available microchip identification, notice shall be given to the residence with which the animal was last associated. The notice shall reasonably describe the animal and advise that, in the event the animal is not redeemed within five regular business days after a stated date, the animal may be destroyed.

Subd. 3. Redemption by Owner. The owner of any animal seized pursuant to this section may retrieve the animal from the city's animal impound shelter, provided that the owner purchases the appropriate license within seven days, if the

animal is not already properly licensed, pays all impound fees to cover the cost of apprehending the animal, boarding fees to cover the cost of sheltering the animal, any veterinary costs incurred by the animal control authority, and any other costs incurred by the animal control authority. Any owner who fails to comply with these requirements within five regular business days, shall be deemed to have forfeited any property right to the animal and the animal control authority may dispose of it, pursuant to subdivision 5 of this section. In determining the impounding fee, the city may establish a schedule of fees based on the number of times an animal has been impounded. Boarding fees shall be according to a schedule adopted and maintained by the SLMPD. License fees shall be adopted by the city council by resolution.

Subd. 4. Disposition of Unclaimed or Injured Animals. Upon expiration of the five regular business day period, an animal in the custody of the animal enforcement officer may be surrendered to the Animal Humane Society or euthanized. Nothing in this ordinance shall prevent the animal enforcement officer from causing the animal to be euthanized in less than the five regular business days waiting period as aforesaid where the animal is injured and, in the opinion of the animal enforcement officer or a veterinarian, the only humane act would be one of euthanization.

Subd. 5. Records Kept. The animal enforcement officer shall keep an accurate account of all animals received at the pound and all animals euthanized or released therefrom.

### **Section 445.55. Rabies Control.**

Subd. 1. Rabies Vaccination Required. It is unlawful for any person to own, keep, harbor, or maintain any animal over the age of 6 months which is susceptible to rabies unless that animal is vaccinated against rabies.

Subd. 2. Quarantine of Biting Animals.

- (a) Upon a written report being filed with the animal control authority stating that an animal has bitten a human being and setting forth the name of the animal, if known, and the name and address of the owner or custodian, if known, the name of the person bitten and when and where the incident occurred, the animal enforcement officer shall order the animal quarantined for a period of ten days. During quarantine, the animal shall be securely confined and kept from contact with any other animals.
- (b) At the discretion of the animal enforcement officer, the quarantine may be on the premises of the owner. If the animal enforcement officer so requires, the owner shall, at his or her own expense, place the animal in a veterinary hospital for the period of confinement or surrender the animal to the animal enforcement officer for confinement. The animal shall not be released from confinement until the animal control officer has determined that the animal is free from rabies and until the owner has paid the costs of any veterinary tests made upon the animal, as well as the costs of any confinement on premises other than that of the owner.
- (c) If the costs are not paid by the owner or custodian within ten days following written notice to the owner or custodian that the animal is available for release, the animal enforcement officer shall forthwith cause the animal to be surrendered to the Animal Humane Society or to be euthanized.
- (d) Any person who shall fail to deliver to the animal enforcement officer any animal which has bitten a human being and against which a sworn, written complaint has been filed, shall be guilty of a misdemeanor. Each day's neglect or failure to comply with the provisions of this subdivision shall be deemed a separate offense.
- (e) A dog or other animal displaying symptoms of being rabid may be seized at any place or time and shall be confined in the city impounding facility at the expense of the owner until found to be free from rabies.
- (f) If a dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and the dog or other animal cannot be impounded without serious risk of personal injury, the dog or other animal may be destroyed, if reasonably necessary for the safety of any person or persons.

Subd. 3. Rabies in City, Proclamation.

The city adopts Minnesota statutes 35.68 and 35.69, and any revisions thereof, regarding rabies proclamations.

### **Section 445.60. Abuse / Neglect of Animals.**

Subd. 1. Improper Care.

- (a) *Food.* Animals must be provided with food of sufficient quantity and quality to allow for normal growth and maintenance of body weight.
- (b) *Water.* Animals must be provided with clean, fresh water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water supply.
- (c) *Shelter.* Animals must be provided with proper shelter and protection from the weather. A person in charge or control of any animal which is kept outdoors or in an unheated enclosure shall provide the animal with shelter and bedding as prescribed in this section as a minimum. The shelter shall include a moisture proof and wind proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31, the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of

suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. Shade from the direct rays of the sun, during the months of May to October shall be provided.

- (d) *Sanitation*. It shall be unlawful for any person to allow food and water receptacles, kennels, yards, or the premises where the animal is kept to be or to remain in an unhealthy, unsanitary, or obnoxious condition, or to permit the premises to be in such condition that obnoxious odors can be plainly detected on adjacent public or private property.
- (e) *Veterinary Care*. The owner or custodian of a domesticated animal shall provide adequate health care, including parasite and pest control, and care needed to prevent suffering.
- (f) *Cruelty to animals*. It shall be unlawful for any owner to beat, cruelly ill-treat, torment or otherwise abuse or neglect any animal. A person may not inflict cruelty on a pet or companion animal by the use of a cruel training or handling device or method.
- (g) *Interpretation of Terms*. A dispute as to the meaning of abuse, cruelty, neglect or adequate healthcare shall be resolved by an expert opinion.
- (h) *Animals in motor vehicles*. A person may not leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety. Animals carried in open vehicles, including trucks, boats, motorcycles, dirt bikes, trailers, etc., must be restrained in a crate or carrier or restrained by a chain or cable to prevent the animal from leaving the vehicle or being tossed out.

Subd. 2. Removal of Animals. A peace officer, animal enforcement officer, or a volunteer or professional member of a fire or rescue department of a political subdivision may use reasonable force to enter a motor vehicle and remove an animal which has been left in the vehicle in violation of this section. A person removing an animal under this subdivision shall use reasonable means to contact the owner of the animal to arrange for its return home. If the person is unable to contact the owner, the person may take the animal to an animal shelter.

## **Section 445.65. Dangerous Animals and Potentially Dangerous Animals.**

The city is authorized pursuant to Minnesota Statute Section 347.53 to regulate potentially dangerous and dangerous dogs or other animals.

### Subd. 1. Potentially Dangerous Animals; Declaration.

1. The animal control authority shall make such declaration upon a finding that the animal in question:
  - (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
  - (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
  - (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or
  - (d) Has been declared a potentially dangerous animal by any lawful authority of this or any other state or subdivision thereof.
2. In making such a determination, the animal enforcement officer may rely upon any or all of the following:
  - (a) Citizen complaint from an identified member of the public;
  - (b) Police or citizen reports of running at large or other public nuisance;
  - (c) Citation or convictions of an ordinance or statutory violation independent of site of violation involving the animal in question with the exception of a charge of failure to license;
  - (d) Determination by any state or subdivision thereof that the animal in question is a potentially dangerous animal.

### Subd. 2. Potentially Dangerous Animals; Requirements.

- (a) *Microchip Identification*. The owner of a potentially dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the animal's owner. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous animal.
- (b) *Confinement*. All potentially dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen, kennel, or fenced yard, except when leashed as required. Confinement does not include a porch, patio, unfenced yard, "invisible fence" or any part of a house, garage, cage, or other structure that would allow the animal to exit of its own volition or any house or structure in which screens are the only obstacles to preventing the animal from exiting.
- (c) *Impoundment*. Any potentially dangerous animal found off the premises of the owner, harbinger, keeper, or custodian of same, is subject to immediate seizure and impoundment.

### Subd. 3. Dangerous Animals; Declaration.

The animal control authority shall make such declaration upon a finding that the animal in question has:

- (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- (b) Killed a domestic animal without provocation while off the owner's property; or
- (c) Been found to be potentially dangerous and, after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

In making such a determination, the animal enforcement officer may rely upon any or all of the following:

- (a) Citizen complaint from an identified member of the public;
- (b) Police or citizen reports of running at large or other public nuisance;
- (c) Citation or convictions of an ordinance or statutory violation independent of site of violation involving the animal in question with the exception of a charge of failure to license;
- (d) Determination by any state or subdivision thereof that the animal in question is a dangerous animal.

#### Subd. 4. Dangerous Animals; Registration.

1. *Requirement.* No person may own a dangerous animal in the city unless the animal is registered as provided in this section.
2. *Registration.* The animal control authority shall issue a certificate of registration to the owner of a dangerous animal, if the owner presents sufficient evidence that:
  - (a) A proper enclosure exists for the dangerous animal and a posting on the premises with a clearly visible warning sign that there is a dangerous animal on the property, including a warning symbol to inform children;
  - (b) A policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$1,000,000 insuring the owner for any personal injuries inflicted by the dangerous animal;
  - (c) The owner has paid an annual fee to the SLMPD, in addition to any regular licensing fees, to obtain a certificate of registration for a dangerous animal under this section; and
  - (d) The owner has had microchip identification implanted in the dangerous animal.
3. *Warning Symbol.* If the animal control authority issues a certificate of registration to the owner of a dangerous animal pursuant to Subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous animal on the property. The warning symbol must be the uniform symbol provided by the Minnesota Commissioner of Public Safety. The Animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.
4. *Dangerous Animal Designation Review.* Beginning six months after an animal is declared dangerous, an owner may request annually that the designating animal control authority review the designation. The owner must provide evidence that the animal's behavior has changed due to age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the animal's behavior has changed, the Authority may rescind the dangerous animal designation.
5. *Law Enforcement; Exemption.* The provisions of this section do not apply to dogs used by law enforcement officials for police work.
6. *Exemption.* Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:
  - (a) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
  - (b) Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
  - (c) Who was committing or attempting to commit a crime.
7. *Tag.* A dangerous animal registered under this section must have a standardized, easily identifiable tag identifying the animal as dangerous and containing the uniform dangerous animal symbol, affixed to the animal's collar at all times.

#### Subd. 5. Dangerous Animals; Requirements.

1. *Requirements.*
  - (a) An owner of a dangerous animal shall keep the animal, while on the owner's property, in a proper enclosure. If the animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible adult. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration.

- (b) The owner of a dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the animal's owner. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous animal.
  - (c) An owner of a dangerous animal must renew the registration of the animal annually until the animal is deceased. If the animal is removed from the jurisdiction, it must be registered as a dangerous animal in its new jurisdiction.
  - (d) An owner of a dangerous animal must notify the animal control authority in writing of the death of the animal or its transfer to a new location where the animal will reside, within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition or the complete name, address, and telephone number of the person to whom the animal has been transferred or the address where the animal has been relocated.
  - (e) An animal control authority shall require a dangerous animal to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the animal and have it sterilized at the owner's expense.
  - (f) A person who owns a dangerous animal and who rents property from another where the animal will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will reside at the property.
2. *Right to hearing.* The owner of any animal declared dangerous has the right to a hearing concerning the dangerous dog or dangerous animal declaration and, if applicable, prior potentially dangerous dog or potentially dangerous animal declarations for the animal. The animal owner must make the request in writing, on a form provided by the SLMPD, within 14 days of receiving notice of the declaration. Failure to do so within 14 days of the date of receiving the notice will terminate the owner's right to a hearing under this section. Any hearing must be held within 14 days of the request to determine the validity of the declaration. The hearing officer must be an impartial person retained by the city or by the SLMPD to conduct the hearing. In the event that the declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the animal's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.
3. *Requirements during appeals process.* While awaiting final disposition of an appeal of a dangerous animal declaration, the owner of the animal shall keep the animal, while on the owner's property, in a proper enclosure. If the animal is outside the proper enclosure, it must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration. A person who transfers ownership of a dangerous dog or dangerous animal must notify the new owner that the animal control authority has identified the animal as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

#### Subd. 6. Confiscation.

##### 1. *Seizure.*

- (a) The animal control authority having jurisdiction shall immediately seize any dangerous animal if:
    - 1) After 14 days after the owner has notice that the animal is dangerous, the animal is not validly registered under this section; or
    - 2) After 14 days after the owner has notice that the animal is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under this section; or
    - 3) The animal is not maintained in the proper enclosure; or
    - 4) The animal is outside the proper enclosure and not under physical restraint of a responsible person as required in the previous section.
    - 5) The animal is not sterilized within 30 days.
  - (b) If an owner of an animal is convicted of a crime for which the animal was originally seized, the court may order that the animal be confiscated and may be disposed of in a manner permitted by law and that the owner pay the costs incurred in confiscating, confining, and destroying the animal.
2. *Animals reclaimed.* A dangerous animal seized under subd 6(1) may be reclaimed by the owner of the animal, upon payment of impounding and boarding fees, and presenting proof to the animal control authority that the requirements of the previous section will be met. An animal not reclaimed under this subdivision within seven days may be surrendered to the Animal Humane Society or humanely euthanized, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the animal.

#### Subd. 7. Destruction of Animals in Certain Circumstances.

1. *Circumstances.* An animal may be destroyed in a proper and humane manner by the animal control authority if the animal:
  - (a) Inflicted substantial or great bodily harm on a human on public or private property without provocation; or
  - (b) Inflicted multiple bites on a human on public or private property without provocation; or
  - (c) Bit multiple human victims on public or private property in the same attack without provocation; or
  - (d) Bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.
2. *Right to hearing.* The animal control authority may not destroy an animal until the animal owner has had the opportunity for a hearing before an impartial hearing officer designated by the animal control authority. The animal owner must request a hearing within 14 days after the animal control authority provides notice that it intends to destroy the animal.

#### **Section 445.70. Penalties for Violation.**

A person who violates a provision of this ordinance is guilty of a misdemeanor.

#### **Section 445.75. Enforcement.**

Citations are issued for certain violations. The animal control officer or police officer is authorized to issue a citation to any person, firm, or entity for any alleged violations of this ordinance and any other ordinances or statutes which provide the basis for prosecution of violations of this ordinance. Nothing within this ordinance shall be construed to limit the authority of animal control officers or police officers to enforce any provisions of this ordinance or related statutes or ordinances.

#### **Section 445.80. Appendices.**

##### Subd. 1. Dog Licensing Required.

- (a) All dogs kept in the city shall be registered in the office of the city clerk. The owner shall obtain a license and tag for each dog and pay for each such fee as the city council may adopt and set forth in chapter 5 of this code book. The council may provide for higher license fees for female dogs than for male or spayed females. The license tag shall be securely attached around the dog's neck and kept there at all times during the license period. If the tag is lost or stolen, the owner shall purchase a duplicate license and tag from the city clerk.
- (b) The license shall be for a term of up to 2 years provided that in the event the dog's rabies certificate from a licensed veterinarian expires prior to the end of the license term, the owner shall, on or before expiration of the rabies certificate, provide evidence of a new, valid rabies certificate or the license shall become null and void. No license shall be issued for a dog unless the owner shall show written evidence that the dog has been inoculated for the prevention of rabies within the past 2 years.

Subd. 2. Limit on Number of Cats, Dogs, or Other Animals. No person shall own, keep, harbor, or maintain, or otherwise house more than a combined total of 3 cats, dogs, or other animals over the age of 6 months, within any household.

Subd. 3. Running at Large Prohibited. No owner of a dog, cat, or other animal owner, shall permit same to run at large, but this shall not prohibit the appearance of the animal upon the streets or other public places when such animal is under restraint. The finding of any dog, cat or animal running at large shall be prima facie evidence of a violation of this section by the owner of said animal."

#### SECTION 2.

Greenwood ordinance code section 1205.00 is amended to add the following definitions:

"Animal Control Authority means an agency of the state, county, municipality or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Animal Shelter means any premises designated by the city council or the SLMPD for the purpose of impounding and caring for animals held under the authority of this ordinance.

Barking. The phrase "to bark excessively, continuously, or untimely" includes, but is not limited to, barking, whining, howling, baying, crying, or making other noise excessively, such that the creation of the noise by any single or combination of dogs can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least

a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period. "Untimely" includes, but is not limited to, the noise which occurs repeatedly over a two-minute period of time with one-minute or less lapse of time between each animal noise during the two-minute period, between 10pm and 7am.

Bodily Harm means physical pain or injury, illness, or any impairment of physical condition.

Bodily Harm, Substantial means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Bodily Harm, Great means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Commercial means a kennel used for boarding and breeding or selling dogs for a profit.

Dangerous Animal means an animal, including dangerous dogs, as defined in Minnesota statutes section 347.50, as amended, which states:

- (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- (b) Killed a domestic animal without provocation while off the owner's property; or
- (c) Been found to be potentially dangerous and, after the owner has received notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Dealer, Animal means a public or private agency, person, society, or corporation that sells or transfers dogs or cats to corporations, institutions or to other dealers who sell or transfer to corporations or institutions.

Animal Waste Device means a device for sanitary removal of animal feces.

Domesticated (Domestic) Animal means such animals as dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar domesticated animals.

Non-Domesticated (Non-Domestic) Animal means animals which are naturally wild and not naturally trained or domesticated, or which are inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- (a) Any member of the cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;
- (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs;
- (c) Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets;
- (d) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators; and
- (e) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subsection including, but not limited to, bears, deer, monkeys and other species non-indigenous to Minnesota.
- (f) Any animal defined as livestock by Minnesota Department of Agriculture Rule 1515.3100.

Owner, Animal means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

Potentially Dangerous Animal means any animal, including a potentially dangerous dog as defined in Minnesota Statutes, Section 347.50, as amended, that:

- (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
- (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
- (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or
- (d) Has been declared a potentially dangerous dog or potentially dangerous animal by any lawful authority of this or any other state or subdivision thereof.

Premises, Animal means a building, structure, shelter, or land where a dog or other domesticated or non-domesticated animal is kept or confined, and specifically excludes all public rights-of-way, sidewalks, and streets.

Proper Enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting.

Provocation means an act that an adult could reasonably expect may cause an animal to attack or bite. With regard to an animal other than a dog, provocation also means an act that an adult could reasonably expect may cause an animal of that species to attack or bite.

Restraint. An animal is considered to be under restraint, provided that:

- (a) It is on the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or
- (b) It is in a private motor vehicle or camper, with secured windows and doors, of a person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or
- (c) In all other locations, other than animals in a designated "off-leash" park, it is on a secure leash of no longer than six feet in length.

*SLMPD* means the South Lake Minnetonka Police Department."

## SECTION 2.

The following definitions in Greenwood ordinance code section 1205.00 are deleted in their entirety and replaced with the following:

"At Large means any animal when it is off the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal, and the animal is not under restraint.

Public Nuisance, Animal means any animal that habitually worries, chases or molests persons travelling peaceably on a public road or off the premises of its owner, or violates a prohibition of this ordinance, is a public nuisance. It shall be considered a nuisance for any animal to bark excessively, continuously or untimely; to frequent school grounds, parks, or public beaches; to chase vehicles; to chase, molest, annoy or bite any person if the person is not on the property of the owner or custodian of the animal; to molest, defile or destroy any property, public or private; or to defecate in or upon public property or the property of another without being cleaned up immediately by the person in charge of the animal. The person having custody of the animal is responsible for disposing of the animal feces in a sanitary manner. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall subject the owner or custodian to penalty."

## SECTION 3.

The following definitions in Greenwood ordinance code section 1205.00 are deleted in their entirety:

"Private Kennel means any place where more than 2, but in no event more than 3 dogs, cats, or other animals over 6 months of age are kenneled, kept, or harbored.

Under Restraint means an animal that is: (a) On the premises of the person harboring or keeping the animal; or (b) If off the premises of the owner, the animal is on a leash."

## SECTION 4.

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

Enacted by the city council 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: **7A**

Agenda Date: **11-06-13**

Prepared by *Gus Karpas*

**Agenda Item:** Bridgewater Bank, 21500 State Highway 7, Resolution 30-13, Variance Findings

**Summary:** The planning commission considered the applicant's comments, application materials, staff report, city code variance standards, and public comments when making their recommendation and conditions. See the planning commission motion below and the FYI section of the council packet for a copy of the planning commission minutes. For the city council's reference, copies of the staff report, variance standards, and application are attached. A resolution with findings of fact drafted by the city attorney also is attached.

**Planning Commission Action:** Motion by Commissioner Paeper to recommend the city council approve the application of Bridgewater for a variance of Greenwood Ordinance Code section 1120:15 to permit the construction of awnings ten feet, three inches (10'-3") within the required west side yard setback as presented. The plight of the property owner is due to the size of the non-conforming lot and placement of structure on the lot, the proposal is a reasonable use of the property and the essential character would not be altered. Commissioner Conrad seconded the motion. Motion carried 4-0.

<b>Key Dates:</b>	08-20-13	Application complete
	09-11-13	60-day extension requested by Applicant
	10-03-13	Notice of the public hearing published in Sun-Sailor
	10-16-13	Public hearing held by the planning commission
	11-06-13	City council consideration
	12-16-13	120-day deadline

**Council Action:** The city council must take action by 12-16-13. The applicant has already granted an extension of the 60-day deadline. Additional extensions must be granted by the applicant. Suggested motions ...

1. I move the city council approves resolution 30-13 **approving** the variance application of Bridgewater Bank as presented (or with the following revisions: \_\_\_\_\_). I further move the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for the mailing in the property file.
2. I move the city council directs the city attorney to draft "findings for **denial**" for the council's consideration at the 12-04-13 city council meeting.

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



# STAFF REPORT

Agenda Date: 11-06-13

Prepared by Gus Karpas

## ***Agenda Item: Consider Variance Requests, Bridgewater Bank, 21500 State Highway 7***

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**Summary:** Bridgewater Bank is requesting a variance to encroach into the required west side yard setback to construct window awnings on their commercial structure at 21500 State Highway 7.

The applicant proposes to add awnings to the west side of the building to “complete” the look of the building and permit full use of the offices during the afternoon hours without having the interior blinds closed.

The proposed west side awnings would have a depth of two (2) feet and closest awning would be located four feet, nine inches (4'-9") from the west property line.

- **Section 1120:15 of the Zoning Ordinance requires a minimum west side yard setback of fifteen (15) feet. The applicant proposes a west side yard setback of four feet, nine inches (4'-9") for the closest proposed awning encroachment. The proposal requires a ten foot, three inch (10'-3") variance of the west side yard setback.**

The proposed awnings add to the overall impervious surface are on the property, but the increase was included on a joint conditional use application previously approved by the city council.

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

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

**Variance Application**

Applicant is (circle one) Owner Developer Contractor Architect Other \_\_\_\_\_

Property address for which variance is requested 21500 STATE Highway 7  
 GREENWOOD, MN. 55331

Applicant (individual or company name): BRIDGEWATER PROPERTIES GREENWOOD, LLC.

Contact for Business: JERRY BAACK Title: SECRETARY

Address: 3800 AMERICAN BLVD. WEST  
 SUITE 100 City: BEDFORDTON State: MN Zip: 55431

Wk Phone: 952-893-6868 Hm Phone: N/A

Email address: JERRY@BRIDGEWATERBANKMN.COM Fax: 952-893-6850

Present use of property: OFFICE

Property acreage: 14,061 SF = .322 ACRES.

Existing Variances: Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain \_\_\_\_\_

Describe Request: Build New \_\_\_\_\_ Add On \_\_\_\_\_ Remodel X Replace \_\_\_\_\_

What is the Variance being requested for: (2) AWNINGS OVER WINDOWS FACING WEST.

Variance for:

	Required	Proposed
<u>X</u> Side Yard	<u>15</u> feet	<u>4-9 1/2" 1/4</u> <u>9'-3 1/2"</u> feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
Lake setback	_____ feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
Impervious Cover	_____ sq ft	_____ Sq ft
Shoreland	_____ feet	_____ feet
Massing	_____ volume	_____ volume
Other	_____ feet	_____ feet
<b>If other, please explain</b>		

## MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

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

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

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

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

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

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

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

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

SEE NARRATIVE

Establishing Practical Difficulty:

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

SEE NARRATIVE

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

SEE NARRATIVE

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

SEE NARRATIVE

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

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

SEE NARRATIVE

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

SEE NARRATIVE

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

SEE NARRATIVE

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

SEE NARRATIVE

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

SEE NARRATIVE

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

SEE NARRATIVE

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

SEE NARRATIVE

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

\_\_\_\_\_ LMCD # 952-745-0789

\_\_\_\_\_ Watershed District # 952-471-0590

**Applicant's Acknowledgement & Signature(s)**

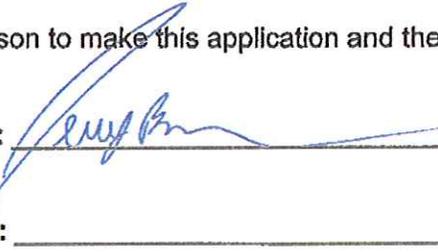
This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application.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

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

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

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

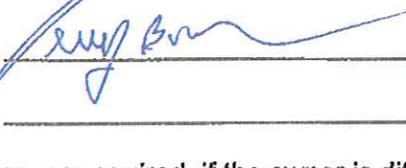
I am the authorized person to make this application and the fee owner has also signed this application.

Applicant's Signature:  Date: 8/16/13

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Owner's Acknowledgement & Signature(s)**

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

Owner's Signature:  Date: 8/16/13

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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



August 20, 2013

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

**RE: BRIDGEWATER BANK  
APPLICATION FOR VARIANCE FOR WEST AWNINGS**

Gus,

We are proud to submit our application for review and consideration by your legislative bodies. We are proposing new awnings to be mounted to the west facade of the building to allow for a more enjoyable work environment within the building. The modifications proposed on this submittal will only add to the enjoyment of the interior environment of the affected offices within this building by controlling the harsh afternoon sun. We are confident that they will not diminish the rights of adjacent property owners.

**DESCRIPTION OF REQUEST:**

We are requesting a sideyard setback Variance for two (2) 2'-2" deep Awnings proposed to be mounted to the west facade of the Bank building.

**ESTABLISHING THAT THE REQUESTED VARIANCE/CUP, IF GRANTED, WILL BE IN KEEPING WITH THE SPIRIT AND INTENT OF THE ZONING CODE:**

**WEST AWNINGS:** The west awnings will complete the look of the building while allowing for full use of the offices during the afternoon sun. The awnings will help shade the interior of the offices, and not require the interior blinds to be closed during the afternoon. The existing windows are very attractive from the exterior, but with the excessive size (they extend to 10' above the finished floor), the afternoon sun makes for a very unpleasant and hot experience on the interior of these offices. The front of the building currently has awnings and the proposed awnings would allow the sides of the building match the front.

**MOMENTUM DESIGN GROUP, LLC.**

THE SECURITY BUILDING  
2395 UNIVERSITY AVENUE WEST; SUITE 206  
ST. PAUL, MINNESOTA 55114  
P: 952.583.9788  
[www.alwaysbuilding.com](http://www.alwaysbuilding.com)

**ESTABLISHING PRACTICAL DIFFICULTY:**

- 1. THE LANDOWNER'S (APPLICANT'S) PROPERTY CANNOT BE PUT TO A REASONABLE USE IF USED UNDER CONDITIONS ALLOWED BY THE OFFICIAL CONTROLS BECAUSE:**

**WEST AWNINGS:** The window blinds tend to be closed during most of the day due to the excessive glare from the sun and heat gain into the offices. With the addition of the awnings, the sun can be controlled better, and the users of the offices will be able to have the blinds open for extended periods of time.

- 2. THE PLIGHT OF THE LANDOWNER (APPLICANT) IS DUE TO CIRCUMSTANCES UNIQUE TO THE PROPERTY NOT CREATED BY THE LANDOWNER PROPERTY BECAUSE:**

**WEST AWNINGS:** The original developer of the property re-designed the building for a new use as an office building several years ago. The original use as an automotive parts store did not require sun control as most of the building was dedicated for parts storage. Sun control is a typical feature designed into most Class A Office buildings to allow for natural light and the unencumbered views to the outdoors. The existing building was placed upon the site close to the property lines during it's original construction many years ago. The new use as an office building cannot change the property lines nor the close proximity of the setbacks. The western awnings have been redesigned from the previous Variance submittal in 2006, to be shallower (2'-2" deep in lieu of 3'-6" deep), but will cover the windows more, thus still controlling the sun and heat entering the offices.

- 3. THE VARIANCE/CUP, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY BECAUSE:**

**WEST AWNINGS:** The awnings will complete the appearance of the building by having matching awnings on all public sides of the building.

**ESTABLISHING THE VARIANCE/CUP, IF GRANTED, WILL NOT ADVERSELY IMPACT THE RIGHTS OF OTHERS:**

- A. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON NEIGHBORING PROPERTIES AND ON THE NEIGHBOHOOD IN GENERAL:**

**WEST AWNINGS:** The addition of the awnings will not affect neighboring properties or the neighborhood. In general, the building will be more attractive.

- B. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTIES:**

**WEST AWNINGS:** The addition of the awnings will not affect the supply of light and air to neighboring properties.

- C. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON TRAFFIC CONGESTION IN THE PUBLIC STREET:**

**WEST AWNINGS:** The addition of the awnings will not affect traffic in the public street.

- D. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON THE DANGER OF FIRE:**

**MOMENTUM DESIGN GROUP, LLC.**

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**WEST AWNINGS:** The addition of the awnings will not create an adverse fire danger.

**E. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON THE DANGER TO PUBLIC SAFETY:**

**WEST AWNINGS:** The addition of the awnings will not affect the public safety.

**F. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON ESTABLISHED PROPERTY VALUES IN THE SURROUNDING AREA:**

**WEST AWNINGS:** The addition of the awnings will only make the building more attractive. There will be no effect on surrounding property values in the neighborhood.

**G. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON THE IMPAIRMENT OF THE PUBLIC HEALTH, SAFETY OR WELFARE:**

**WEST AWNINGS:** The addition of the awnings will not affect the public health, safety, or welfare. It will make for a more pleasant working environment.

We appreciate your review of this application and as always, are available to meet with you to discuss any issues that you may have concerns with. Please feel free to call to discuss any of the items for further clarification.

Sincerely,

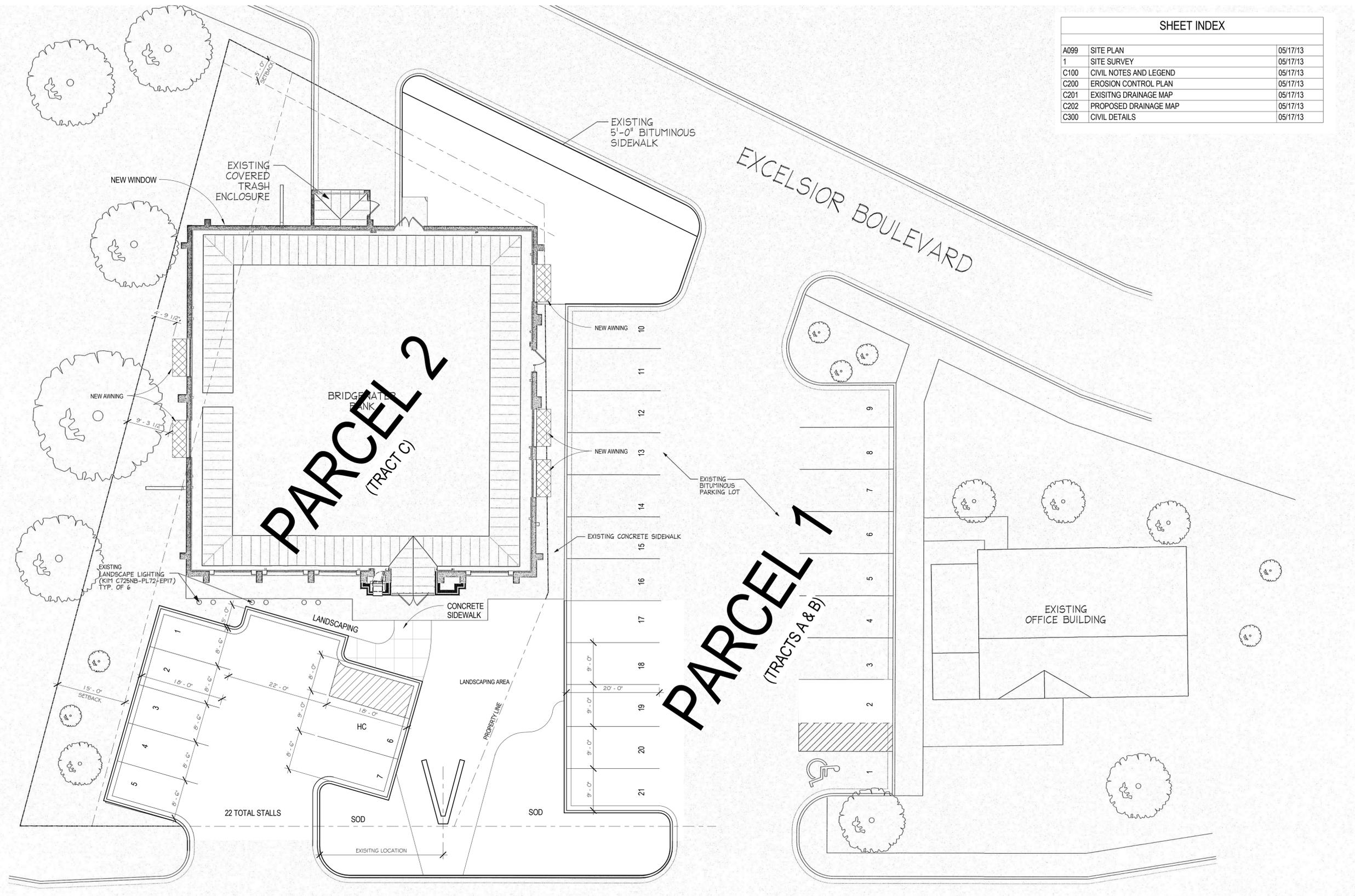
**Momentum Design Group, LLC.**

Jeff Wrede, Architect  
Partner

**MOMENTUM DESIGN GROUP, LLC.**

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SHEET INDEX		
A099	SITE PLAN	05/17/13
1	SITE SURVEY	05/17/13
C100	CIVIL NOTES AND LEGEND	05/17/13
C200	EROSION CONTROL PLAN	05/17/13
C201	EXISTING DRAINAGE MAP	05/17/13
C202	PROPOSED DRAINAGE MAP	05/17/13
C300	CIVIL DETAILS	05/17/13



**1 PROPOSED SITE PLAN**  
 SCALE 1" = 10'-0"

Date	05/17/13
Project Architect	TBD
Permit Submit Date	TBD
Project Number	13002

SITE PLAN

A099

**PARTRIDGE HEIGHTS**

**EXCELSIOR BOULEVARD**

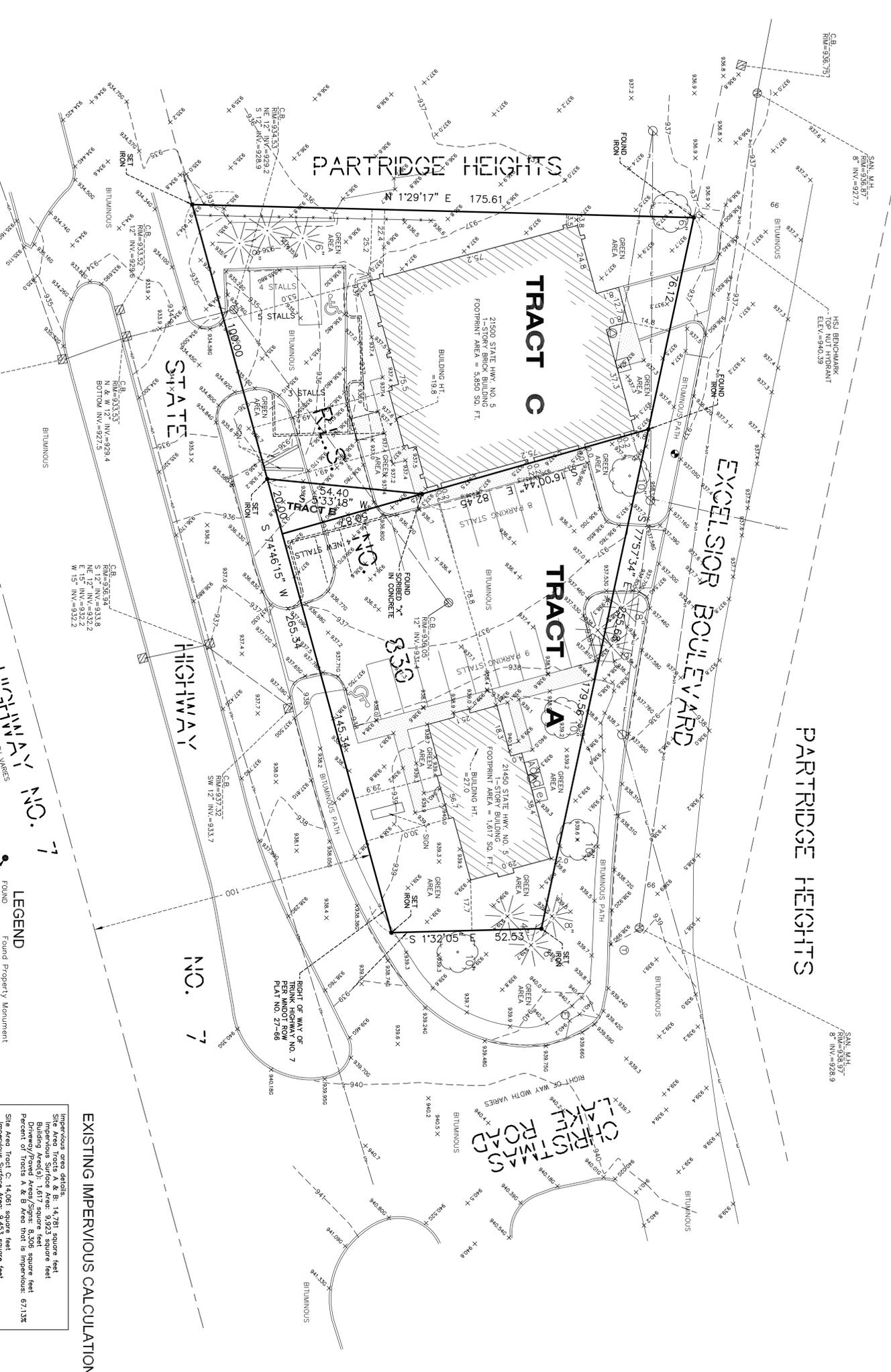
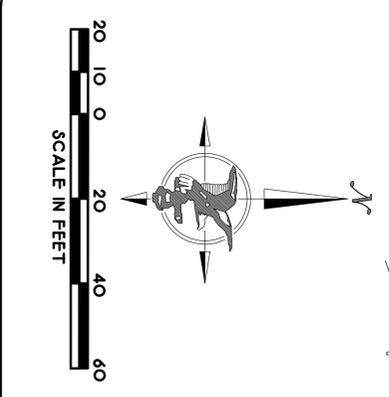
**PARTRIDGE HEIGHTS**

**STATE HIGHWAY NO. 7**

**STATE HIGHWAY**

**NO. 7**

**CHRISTINA LAKE RD**



**LEGEND**

- FOUND IRON
- SET IRON
- Found Property Monument (Set Property Monument (Min. Req. No. 23677))
- Concrete
- Concrete Curb
- Fence
- Overhead Electric
- Underground Electric
- Underground Telephone
- Water
- Gas
- Storm Sewer
- Electric Meter
- Electric Manhole
- Power Pole
- Catchbasin
- Air Conditioning Unit
- Gas Meter
- Telephone Monhole
- Existing Contour
- Existing Spot Elevation
- Existing Spot Elevation

**EXISTING IMPERVIOUS CALCULATIONS:**

Tract A	14,781 square feet
Tract B	9,923 square feet
Tract C	1,617 square feet
<b>Total</b>	<b>26,321 square feet</b>

**PROPOSED IMPERVIOUS CHANGES:**

Tract A	67,188 square feet
Tract B	19,242 square feet
Tract C	3,603 square feet
<b>Total</b>	<b>90,033 square feet</b>

**LEGAL DESCRIPTION**

Tracts A and B, Registered Land Survey No. 830, subject to highway, Hennepin County, Minnesota.

AND

Tract C, Registered Land Survey No. 830, subject to highway, Hennepin County, Minnesota.

- GENERAL NOTES:**
- The bearing system used is assumed.
  - The location of the underground utilities shown herein, if any, are approximate only, PURSUANT TO USA 2160 CONTACT Gopher State ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
  - Site area: Tracts A and B, Registered Land Survey No. 830, subject to highway, Hennepin County, Minnesota. 14,781 square feet = 0.339 acres. Tract C, Registered Land Survey No. 830, subject to highway, Hennepin County, Minnesota. 1,617 square feet = 0.373 acres.
  - This survey was made on the ground.
  - No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to review upon receipt of current title work.
  - Elevation datum is based on NAD 88 data.
  - Highwater mark is located Top Nut Hydrant (AS SHOWN ON SURVEY)
  - Elevation = 520.33

**LOT CERTIFICATE SURVEY WITH ELEVATIONS FOR:**

**BRIDGEWATER BANK**

**SITE: 21450 & 21500 STATE HWY. NO. 7 GREENWOOD, MINNESOTA**

**CERTIFICATION:**

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

Date: May 7, 2013

*Thomas E. Hiedorf*  
 Thomas E. Hiedorf  
 Minn. Reg. No. 23677

Sheet No. **1 OF 1** Date **629** Page **56**

File No. **2013187.01** Job No. **CT**

1-3-85341

**HARRY S. JOHNSON CO., INC.**  
 LAND SURVEYORS CONSULTANTS  
 BLOOMINGTON, MINNESOTA  
 PHONE: 952-884-5341 FAX: 952-884-5344

**RESOLUTION NO. 30-13**

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

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**APPROVING**

**IN RE: The Application of Bridgewater Bank for variance under  
Greenwood Ordinance Code Section 1130:10 to permit  
installation of awnings encroaching on West side yard setback.**

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**WHEREAS**, Bridgewater Bank, acting on behalf of Bridgewater Properties, Greenwood, LLC, owner of 21500 State Highway 7, Greenwood, Minnesota, has made application for a variance to permit installation of awnings encroaching on the West side yard property setback of 15 feet; and

**WHEREAS**, the Greenwood Ordinance Code, Section 1130:10, Subd. 3, requires a 15 foot side yard setback in the C-1 commercial district; and

**WHEREAS**, the existing building upon the Applicant's property at 21500 State Highway 7, dates to 1971 and is built on an irregular shaped lot. The existing building has a West side yard runs from 21.6 feet at the SW corner to 1.8 feet at the NW corner necessitating a variance to the required side yard setback to construct the proposed awnings; and

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

**WHEREAS**, public comment was taken at the Public Hearing before the Planning Commission on October 16, 2013; and

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

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

**FINDINGS OF FACT**

1. That the real property located at 21500 State Highway 7, Greenwood, Minnesota 55331 (PID No. 26-117-23-12-0029) is a commercial lot located within the C-1 Commercial District.

2. The existing building upon the Applicant's property at 21500 State Highway 7, dates to 1971 and has a West side yard that runs from 21.6 feet at the SW building corner to 1.8 feet at the NW corner.
3. The Applicant and owner of 21500 State Highway 7, Greenwood, Minnesota, were previously granted a variance to permit installation of awnings on the windows on the building East side, which by easement agreement with the neighboring property encroach on the entire available east side yard of the property as built. The present variance, if granted, would allow the building to install two matching awnings on the West side for symmetry of design and interior sun shade. The proposal requires a variance to Greenwood Ordinance Code, Section 1130:10, Subd. 3, of 10.3 feet for the most northerly proposed awning and a variance of 5.7 feet for the most southerly proposed awning.
4. The Applicant advises the awnings will be similar to the previously permitted awnings installed on the building's East side and provide symmetry of architectural design and appearance and also screen the building interior from the afternoon sun.
5. The applicant advises that the variance, if granted, will be keeping with the spirit and intent of the zoning code because the awnings will be in keeping with previous variance grant and also with the existing character of the commercial district in terms of materials, scale, design and amenities common thereto, and the density of the improvements therein.
7. The applicant advises the addition of awnings to a commercial property such as this putting the property to a use in a manner that is a reasonable use of a commercially zoned property in this district as same are used under the conditions allowed by the official controls and one already approved by recent prior variance.
8. The applicant advises that the plight of the owner is due to circumstances unique to the property and not created by the land owner because the building was built 45 years ago without regard to side yard setbacks or knowledge of current code.
9. The applicant advises the variance, if granted, will not alter the essential character of the locale because the awnings will blend with the established appearance of the existing building and not conflict with the character of neighboring properties.
10. The applicant represents that the variance, if granted, will not affect the neighboring properties to light, air, contribute to traffic congestion or danger of fire or create a danger to public safety, and if granted, the property to be built as proposed will not adversely impact surrounding property values.

11. The Planning Commission discussed the proposed plan and recommended approval of the project as proposed for the reason that the existing building placement and lot size creates a practical difficulty and doing so would be justified for aesthetic symmetry consistent with the recent prior variance allowing awnings on the building's East side.

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

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

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

Economic considerations alone shall not constitute practical difficulties.

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

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

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

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

13. Based upon the foregoing, the City Council determined that the variance to Greenwood Ordinance Code, Section 1130:10, Subd. 3, to permit the addition of awnings to the West side of the Applicant's building - a variance of 10.3 feet for the most northerly proposed awning and a variance of 5.7 feet for the most southerly proposed awning - if granted, will be in harmony and keeping with the spirit and intent of the Zoning Code because it will maintain the character of the neighborhood and consistent with the Comprehensive Plan's guiding use for the subject

property in the applicable zone because the character of the proposed use is consistent with the applicable zoning.

14. The property owner's proposed manner of use of the property, although not permitted under the Zoning Code in a lot of this size without a variance, is a reasonable use because the awnings are appropriate for a commercial C-1 zoned property. The plight of the land owner/applicant is due to circumstances unique to the property and not created by the land owner. The variance, if granted, will not alter the essential character of the locality.
15. The variance, if granted, will not impair an adequate supply of light and air to adjacent property, unreasonably increase congestion on public street, increase danger of fire or endanger public health, safety, and welfare or unreasonably diminish or impair established property values in the neighborhood.
16. The following conditions should be imposed on any variance grant:
  - A. The project must be completed according to the specifications and design requirements in the submitted plans.
  - B. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, The City Council acting as the Board of Appeals makes the following Conclusions of Law:

1. The applicant has made an adequate demonstration of facts meeting the standards of Section 1155.10 necessary for the grant of the following variance to Section 1130:10, Subd. 3:
  - A. A variance permitting a West side yard encroachment of 10.3 feet for the most northerly proposed awning and a West side yard encroachment of 5.7 feet for the most southerly proposed awning,and same should be granted.

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

That the application of Bridgewater Bank, acting on behalf of Bridgewater Properties, Greenwood, LLC for variance to Greenwood Ordinance Code Sections 1130:10, Subd. 3 is granted as follows:

- A. A variance to permit a West side yard encroachment of 10.3 feet for the most northerly proposed awning and a variance to permit a West side yard encroachment of 5.7 feet for the most southerly proposed awning,

on the following conditions:

1. The project must be completed according to the specifications and design requirements in the submitted plans.
2. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.

PASSED THIS \_\_\_\_ DAY OF NOVEMBER, 2013 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

\_\_\_\_ Ayes, \_\_\_\_ Nays

**CITY OF GREENWOOD**

ATTEST:

By \_\_\_\_\_  
Debra J. Kind, Mayor

\_\_\_\_\_  
Gus Karpas, Clerk/Administrator

1\RESOLU.Bridgewater3revised



**Agenda Number: 7B**

**Agenda Date: 11-06-13**

*Prepared by Deb Kind*

**Agenda Item:** Consider Rescinding Withdrawal from the Lake Minnetonka Communications Commission

**Summary:** At the 10-02-13 city council meeting the council authorized the mayor to send a letter to the LMCC with a notification of withdrawal knowing that the withdrawal letter can be rescinded if key amendments are approved by 100% of the LMCC cities. The 2 key amendments are:

1. Requiring a 2/3 majority to make amendments to the JPA (currently 100% approval is required).
2. Allowing withdrawal by giving notice before October 1 of any given year to go into effect on December 31 of the following year.

As of 10-23-13 a total of 8 cities (including Greenwood) have approved the above JPA amendments. However, it appears that many of the cities committed to leaving the LMCC will not take action on the JPA amendments, so it is very unlikely that there will be the required 100% approval of the JPA amendments prior to 12-31-13. On the other hand, it appears that 100% of the cities committed to staying in the LMCC are expected to approve the JPA amendments. Therefore, it is with this good faith expectation that the JPA amendments will occur, that Greenwood's LMCC representatives (Councilman Tom Fletcher and Mayor Deb Kind) recommend that the city council approve the attached letter to rescind the city's withdrawal from the LMCC.

**Council Action:** Optional. Potential motions ...

1. I move the council approves the attached letter to the LMCC rescinding the city's withdrawal notice.
2. Do nothing or other motion ???

## LMCC City Status

Updated 10-23-13

	Sent Withdrawal Letter	Did NOT Send Withdrawal Letter	Likely to Rescind Withdrawal	Approved JPA Amendments	Likely to Approve JPA Amendments
Deephaven		1		1	
Excelsior		1		1	
Greenwood	1		1	1	
Independence		1		1	
Long Lake		1			?
Loretto	1		1		1
Maple Plain	1		1	1	
Medina	1				
Minnetonka Beach		1		1	
Minnetrista	1		?	1	
Orono	1				
St. Bonifacious	1		1		1
Shorewood		1		1	
Spring Park		1			1
Tonka Bay	1		?		?
Victoria	1				
Woodland		1			1
<b>TOTALS</b>	<b>9</b>	<b>8</b>	<b>4-6</b>	<b>8</b>	<b>4-6</b>

Likely to Stay in LMCC

12-14

DRAFT



November \_\_, 2013  
Lake Minnetonka Communications Commission  
Attn: Tom Fletcher, Secretary  
tfletcher@aexcom.com

**RE: Notice to Rescind Withdrawal from the Lake Minnetonka Communications Commission**

Dear Mr. Fletcher,

As directed by the Greenwood city council, the city of Greenwood hereby gives formal notice to rescind our Lake Minnetonka Communications Commission (LMCC) withdrawal letter dated 10-02-13.

As stated in our 10-02-13 letter, Greenwood believes there is value in working with other cities via the LMCC to share costs, provide services, and negotiate / manage our relationship with Mediacom. We also stated that we likely would rescind our withdrawal if the following changes are made to the joint powers agreement (JPA):

1. Change the 100% approval requirement for JPA amendments to be a 2/3 super majority of member cities.
2. Allow member cities to withdraw from the LMCC by giving notice by October 1 of any given year to go into effect on December 31 of the following year (15+ months notice).

As of 10-30-13 a total of \_\_ cities (including Greenwood) have approved the above JPA amendments. However, it appears that many of the cities committed to leaving the LMCC will not take action on the JPA amendments, so it is very unlikely that there will be the required 100% approval of the JPA amendments prior to 12-31-13. On the other hand, it is our understanding that 100% of the cities committed to staying in the LMCC are expected approve the JPA amendments. Therefore, it is with this good faith expectation that the JPA amendments will occur, that the Greenwood city council has authorized this letter to rescind our withdrawal from the LMCC.

The city of Greenwood is looking forward to being part of the group of LMCC cities that will ensure the organization is positioned for the future.

Sincerely,

A handwritten signature in black ink that reads "Debra J Kind". The signature is written in a cursive, flowing style.

Debra J Kind  
Mayor, City of Greenwood

cc: Sally Koenecke, LMCC Executive Director, [sally@lmcc-tv.org](mailto:sally@lmcc-tv.org) for immediate email distribution to all LMCC board members and mayors.



**Agenda Number: 7C**

**Agenda Date: 11-06-13**

*Prepared by Deb Kind*

**Agenda Item:** Community Survey Results and Potential Action Items

**Summary:** At the 09-04-13 council meeting the city council authorized the attached community survey to be sent with the September utility bill mailing. 315 surveys were mailed, and 132 were returned. This is a 42% response rate. By comparison the response rates were 41% for the 2009 Community Survey, 44% for the Southshore Center Survey, 25% for the Tonkaconnect Survey.

The city council will discuss the 2013 survey results and potential action items at the 11-06-13 city council meeting.

The following items are attached for the council's reference ...

1. A summary sheet showing the results of the survey.
2. A summary sheet of the written comments.
3. Since several of the written comments were regarding Shuman Woods Park, a map showing the location of Shuman Woods Park is attached.
4. An email from resident Chris Stein regarding the potential installation of stairs at the LRT overlook.
5. An estimate for repairing the tennis court at Greenwood Park.

**Council Action:** None required.



# 2013 COMMUNITY SURVEY

Your opinions are needed to help guide the future of Greenwood.  
 Please complete this quick survey and return in the enclosed stamped envelope.  
 Deadline: October 15, 2013. Your input is appreciated!

One survey is provided per property. Photocopies will not be accepted.

FEEL FREE TO LEAVE THE BOXES BLANK IF YOU HAVE NO OPINION ON A QUESTION

How frequently does your household do the following? ...

	Never	1-3 times per YEAR	1-3 times per MONTH	1-3 times per WEEK	4+ times per WEEK
Attend events or programs at the Southshore Community Center (located at 5735 Country Club Rd, Shorewood).	<input type="checkbox"/>				
Use the tennis court at Greenwood Park (located by the intersection of Fairview and Covington).	<input type="checkbox"/>				

Please share your opinion on the following statement ...

	Way Too Much	Too Much	About Right	Too Little	Way Too Little
The police presence in Greenwood is ...	<input type="checkbox"/>				

Please share your opinion on the following statements ...

	Very Poor	Poor	Acceptable	Good	Very Good
My experience with city staff has been ...	<input type="checkbox"/>				
My experience with city planning commissioners has been ...	<input type="checkbox"/>				
My experience with city council members has been ...	<input type="checkbox"/>				

How strongly do you agree or disagree with the following statements ...

Note: Greenwood city taxes are about 16% of your property tax bill. In other words, for every \$1 paid in property taxes, 16¢ goes to the city (7.7¢ police/fire, 4.2¢ public works/roads, 2.4¢ general govt, 1.8¢ bridge/zoning/misc).

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
I get good value for my CITY tax dollar.	<input type="checkbox"/>				
I support spending \$2500 to \$5000 ( \$7 to \$14 per household) per year towards Southshore Community Center operations.	<input type="checkbox"/>				
I support improving the tennis court at Greenwood Park.	<input type="checkbox"/>				
I support replacing the tennis court with an open field for playing catch, kicking a soccer ball, playing Frisbee, etc.	<input type="checkbox"/>				
I support removing the tennis court and letting the area become a natural area.	<input type="checkbox"/>				
I support installing stairs for improved swimming access at the LRT trail overlook by the Lyman Lodge area.	<input type="checkbox"/>				
Greenwood feels like a safe community.	<input type="checkbox"/>				
Greenwood is a great place to live.	<input type="checkbox"/>				

Your Street Name (optional):

Other Comments (optional):

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# 2013 GREENWOOD COMMUNITY SURVEY RESULTS

*How frequently does your household do the following? ...*

	TOTAL	Never 5	1-3 times per YEAR 4	1-3 times per MONTH 3	1-3 times per WEEK 2	4+ times per WEEK 1	AVERAGE
Attend events or programs at the Southshore Community Center.	130	100	24	3	2	1	<b>4.69</b>
Use the tennis court at Greenwood Park.	128	94	19	8	7		<b>4.56</b>



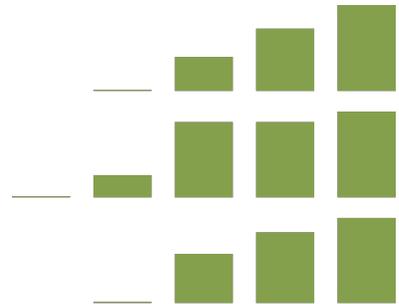
*Please share your opinion on the following statement ...*

	TOTAL	Way Too Much 5	Too Much 4	About Right 3	Too Little 2	Way Too Little 1	AVERAGE
The police presence in Greenwood is ...	126	2	3	102	17	2	<b>2.89</b>



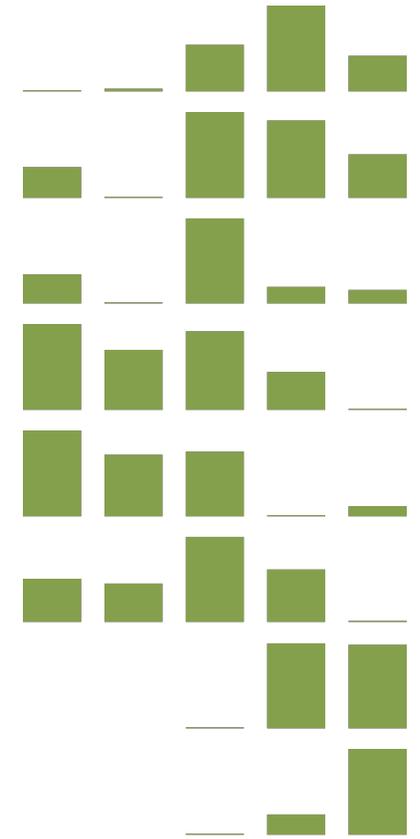
*Please share your opinion on the following statements ...*

	TOTAL	Very Poor 5	Poor 4	Acceptable 3	Good 2	Very Good 1	AVERAGE
My experience with city staff has been ...	122		2	23	41	56	<b>1.76</b>
My experience with city planning commissioners has been ...	77	1	7	22	22	25	<b>2.18</b>
My experience with city council members has been ...	100		4	24	33	39	<b>1.93</b>



How strongly do you agree or disagree with the following statements ...

	TOTAL	Strongly Disagree 5	Disagree 4	Neutral 3	Agree 2	Strongly Agree 1	AVERAGE
I get good value for my CITY tax dollar.	121	3	4	32	57	25	<b>2.20</b>
I support spending \$2500 to \$5000 ( \$7 to \$14 per household) per year towards Southshore Community Center operations.	125	21	14	34	32	24	<b>2.81</b>
I support improving the tennis court at Greenwood Park.	125	25	16	43	21	20	<b>3.04</b>
I support replacing the tennis court with an open field for playing catch, kicking a soccer ball, playing Frisbee, etc.	120	33	26	31	20	10	<b>3.43</b>
I support removing the tennis court and letting the area become a natural area.	122	38	30	31	10	13	<b>3.57</b>
I support installing stairs for improved swimming access at the LRT trail overlook by the Lyman Lodge area.	126	25	24	34	27	16	<b>3.12</b>
Greenwood feels like a safe community.	128			7	61	60	<b>1.59</b>
Greenwood is a great place to live.	129			5	26	98	<b>1.28</b>
<b>Total number of surveys mailed: 315</b>							
<b>Total number of surveys returned: 132</b>							
							<small>% of Mailed</small> <b>42%</b>



# WRITTEN COMMENTS FROM THE 2013 COMMUNITY SURVEY

## Southshore Community Center

Not sure where this is (Southshore Community Center).

I have taken many classes at the Southshore Center in the last 10 years.

The Southshore Center should be considered a valuable community asset just like bike trails, parks, hockey rinks, etc.

## Tennis Court at Greenwood Park

Do residents know about the (tennis) court. Reasons for using it or not using it; bad condition, weather/season; didn't know it existed. Also consider access to lake on all right of ways/fire lanes and (putting) an ice rink where tennis court is or in pond. Do residents know we have a park fund surplus? It maybe (sic) confusing because residents may not know whether or not the park improvements would mean a spending increase, after the Southshore question.

If tennis courts removed, still can use space for soccer, Frisbee, kickball, etc. inside the walls.

When my children visit – they play tennis here. Frisbee can be played in any park or home yard.

I used to play tennis on our court when I was younger and still played.

Hey, Don't mess w/the Tennis Court! There's already plenty of field/natural area.

The "natural" area south of the tennis court is overtaken by invasive species – garlic mustard, buckthorn and cow parsley, etc. A true natural area would require intensive intervention (time; \$\$) to restore natural habitat.

Publicize the (tennis) court, run programs there (lessons for kids, adult leagues) to improve usage by the community.

Do not take out the tennis court!!!

We and others have been driving to other tennis courts because of the poor condition of the courts. These courts are a very valuable local resource and should be kept up! Thanks!

I would support the use of the tennis courts as a potential practice field for community sports – LAX, soccer, football (younger kids).

Tennis Courts – would like to have electricity for leaf blower and ball practice machines!

We really like having the tennis court and Greenwood Park nearby. As a family with young children this is a very useful park, well located that we'd welcome some minor maintenance/sprucing up.

## Greenwood Park

Dead and fallen trees in park and pond should be removed.

(Greenwood Park) Improve playground equipment for small kids.

Greenwood Park is not close enough for entire city to take advantage of.

I believe before any changes are made to Meadville Park that a comprehensive plan be put together that will serve as a guideline to preserving the health of the overall park. Perhaps an evaluation could be prepared by a graduate student (or as a student project) from the U of M's Forestry School. Right now, and over the past several years, a number of trees have fallen over and it looks likely that more will fall in the near future. The questions on this survey regarding the park indicate there are questions on individual (singular) uses of various areas of the park (last year there was discussion on flooding the "pond" for ice skating) and I strongly believe that any projects be based on the findings of an evaluation and comprehensive plan for the entire park.

### **Shuman Woods Park**

I have asked on and off for years about getting playground equipment elsewhere in the city. Now my kids are too old, but if we want to spend money on parks and want to attract younger families, we should consider small development in Shuman Woods or by City docks.

What about the "OTHER" park land owned by Greenwood (Shuman Woods Park) at the corner of Mntka Blvd and St Albans Bay Rd?? .....a few years ago, our family participated in the "Greenwood parks cleanup day" working on cleaning up this Shuman Woods Park – City Park at the corner of Mntka and St Albans Bay Rd, THEN after that Park clean-up work, we were "kicked out" of this Shuman Woods City Park by the adjoining neighbors-property owners who did not want any one (sic) using that City Park(except the adjoin neighbors) .....must be nice to have the other residents of Greenwood to pay for AND MAINTAIN (their own private parkland) and those adjoining landowners do not even have to pay taxes on 90% of the land area that they get to personally use with the exclusion of all other Greenwood taxpayers!!!

Why isn't there a sign on this "largest Greenwood City Park" ....Shuman Woods City Park ????? This Shuman Woods City Park is nearly twice as large as Meadveville (sic) Park, but Shuman Woods City Park has been reserved for the exclusive use of the adjoining property owners for many, many years.

PLEASE EXPLAIN THIS SITUATION TO THE RESIDENTS OF GREENWOOD!!!!!!

THERE ARE MANY GREENWOOD RESIDENTS-TAXPAYERS WHO WOULD SUPPORT A TENNIS COURT AND OPEN PLAYING FIELD AT Shuman Woods City Park IF IT WAS EVER DISCLOSED TO GREENWOOD RESIDENTS-TAXPAYERS THAT GREENWOOD HAS OWNED THIS "CITY PARK" FOR MANY YEARS, WHICH IS NEARLY TWICE AS LARGE AS Meadville Park !!

### **City Docks**

I would like the Boat Dock Committee to look at raising boat maximum size to 25-26 feet, especially on outside slips.

I don't know what those kayaks and canoes are on the rack in the fire lane – I'm guessing they're private and some people pay the city to keep them there, but it occurred to me it would be nice if there were kayaks/canoes there for anyone in the Greenwood community to use. Maybe they'd be padlocked and interested people could get a key or they could even pay a small annual fee (i.e. \$30-\$40) to share the use of them.

### **Police**

Delete Police \$.

(Police) Never see them! Is that good? How many cars/people support this staff?

My car was broken into in August. The Shouthshore detective was very helpful. I did get my stolen GPS back in a timely manner.

### **City Staff/Planning Commission/City Council**

Doing a great job. Especially pleased with how you handle the \_\_\_\_\_ McGlynn matter on renting, etc.

City feels well run by current administration. Keep up the good work.

Mayor is doing a good job!

Every time I go in with a question I am always impressed with the courtesy, knowledge and helpful nature of the staff!!

I have been very pleased working with the staff, they are very responsive and helpful.

Gus Karpas is an exemplary city employee. Very smart, responsive and service oriented.

I have different experiences with the City Council.

### **Improving LRT**

Like idea of stair (on LRT), but hope to avoid the area becoming too recreational.

(LRT) NOT city property!! No Rights – Don't Spend City Money!! If need: HC Commissioners direct to HCRRA for \$.

Stairs for swimming should be 6'x6', wood frame, dirt and gravel filled, NOT concrete.

### **Taxes**

Residents at the Villas of St. Alban's Bay taxes too high for square footage/ownership of individual units. City of Greenwood gets good bang for the buck with us.

Greenwood should scale back projects except road maintenance and lower taxes.

### **Streets**

Street repair this summer was poor.

Snow plowing is slow/late.

Covington Road (sic) floods after a 1' rain. The whole street in front of Kroke house is muddy or frozen solid for months. Solution is easy and cheap.

### **Excelsior Boulevard**

Can anything be done to reduce traffic on Exc. Boulevard from Xmas Lk Rd to Mtka Blvd? Make it a 1 way? Improve signage on Hwy 7 eastbound, directing traffic to Divn. St exit? IF not reduced another tragedy is only a matter of time.

Don't like it at all that we need to pay assessments for a road that was badly in need of repair for years and is a direct access road to all businesses in Excelsior. Close it off to Excelsior and we are happy to pay assessments. How do we find out what our personal cost will be?

I would like more communication from the city on the Excelsior Blvd road work and assistance with finding a plumber who is able to hook up our water to the new city water pipes – we have contacted 3 repeatedly and they either do not respond or say there are too busy.

### **Miscellaneous**

Greenwood needs to take action to prohibit open burning, including fire pits. We can't sleep with windows open – so much smoke. It is dangerous for my heart condition and our granddaughter's health!

Keep fire lanes to the lake open.

We should incorporate with Excelsior.

We should incorporate with Excelsior for efficiency.

Completely replace and increase lilac bushes along the highway where they were desimated (sic) due to construction.

I would love to see sensible street lighting (as opposed to virtually none) and at least shoulders on the roads for pedestrians and bicyclists.

The Greenwood Council has NEVER taken any action to investigate and correct the many years of "under-the-table dealings" by a number of Greenwood Council Members

Best place on earth to live!

We are very fortunate to live in such a wonderful city!

The additional stop signs recently added seem reduntant (sic) and ill-advised. Also not aesthetically pleasing.

### **Thanks**

Thank you for sending this out and solciting input.

Thank you for what you do for us.

Thank you for this input opportunity.

A great place to live. We're thankful for Mayor Kind's great contribution. We hope the residents across the bay keep all their trees – improves the view.

Love it here ☺ Thank you for all you do!!!

On Oct 9, 2013, at 9:00 PM, Stein Family wrote:

Thanks for the reply! Yes, please share this with the council. I agree it would be nice to have a beach, but this is not a great place due to the seclusion...difficult for safety to access and the potential for problems. I never see residents swimming there, only bikers or as I said drunks late at night. A few weeks ago there was a mentally ill women that had biked to the area and started swimming out, nearly drowning. The police, water patrol and ambulance all responded but had to hike in from our driveway and Lyman Woods to respond. I feel the liability of the village could be substantial and the irritation for the surrounding neighbors could also be a problem. Excelsior has a lovely, safe monitored beach a mere 2 miles away as does Cottagewood and Deephaven. The difference is the are accessible to emergency response teams. I think there are better things to spend our money on!

Thanks,

Chris Stein

---

On Oct 9, 2013, at 5:24 PM, Debra Kind wrote:

Chris --

Thanks for your comments. We had a resident suggest that it would be nice if the city had a swimming beach for off-shore property owners. According to the LMCD, the lake frontage by the LRT overlook is "Greenwood's public beach," so the council decided to see if there was any interest to make the beach more accessible by adding stairs. I have not seen the survey results, so I don't know if there is broad support for the concept or not. Would you like me to include your email in the council packet for when we discuss the survey results?

Deb

**DEBRA J. KIND**  
**Mayor, City of Greenwood**  
20225 Cottagewood Road  
Deephaven, MN 55331  
[www.greenwoodmn.com](http://www.greenwoodmn.com)  
Main: 952.474.6633  
Direct: 612.718.6753

---

On Oct 9, 2013, at 5:11 PM, Stein Family wrote:

Hi Deb, I was just talking to a neighbor and she mentioned a proposed beach area at the bench on the biking trail. Sorry I missed the questionnaire regarding this issue. We live within 100 yards of this area on the lake and would strongly discourage this! We are woken up every weekend night during the summer by drunken walkers from Maynards that choose to swim there on the way home. Usually if we yell down they get out or quiet down, but we have had to call the police at least once each summer because there are fights or people that sound like they are drowning. The most recent call was this August. We also have skinny dippers occasionally during the day! Since this would be an unsupervised area I can only see it being abused more then it already is. Call me if you have any questions.

Thanks,

Chris Stein  
21490 Fairview St  
612-910-5998



**Parcel ID:** 26-117-23-41-0050

**Owner Name:** City Of Greenwood

**Parcel Address:** 4956 St Albans Bay Rd  
Greenwood, MN 55331

**Property Type:** Vacant Land-Residential

**Home-stead:** Non-Homestead

**Parcel Area:** 2.65 acres  
115,531 sq ft

**A-T-B:** Torrens

**Market Total:** \$0

**Tax Total:** \$0.00  
(Payable: 2013)

**Sale Price:**

**Sale Date:**

**Sale Code:**

Map Scale: 1" ≈ 200 ft.  
Print Date: 10/12/2013



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

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# Quotation

From: Finley Bros., Inc.  
dba Tennis West  
P.O. Box 677  
Hopkins, MN 55343  
Ph: 952-933-8272  
Fax: 952-933-6164

To: City of Greenwood  
20225 Cottagewood Rd.  
Deephaven, Mn. 55331

Attn: Gus Karpas  
o.) 952-474-0367  
fx.) 952-401-7587  
c.) 952-358-9938  
e.) GusKarpas@mchsi.com

Re: Resurface a (1) doubles tennis court.  
@ Greenwood Park ( Covington St. & Meadville St.)

## Description of work to be done:

Area ( approx.): 60'x120'  
Treat for mildew, mold, algae, tree sap and moss.  
Pressure wash court.  
Owner to provide water source.  
Thoroughly scrape and pressure wash to remove as much delaminating surfacing material as possible.  
Apply Tack coat.  
Skin patch ( at delamination scars. )  
Apply multiple layers of acrylic resurfacer to hide " Shadows".  
Apply colored texture coats.  
Apply colored finish coat.  
Stripe for doubles tennis per USTA rules.

Total this bid.....\$ 5,460.00

Respectfully submitted, Raymond S. Finley  
( 8-6-13 ) c.) 612-363-3004

Estimate accepted: \_\_\_\_\_

Date: \_\_\_\_\_



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.



520 Tamarack Ave.

Long Lake, MN. 55356

October 1<sup>st</sup> 2013:

Dear Mrs. Mayor and Council Members,

Below is a list of items that Vintage Waste Systems, Inc. collected from the City of Greenwood for recycling in the year of 2013, up to August 31<sup>st</sup> 2013. The list has been expanded in recent years to cover the #1-#7 plastics, pizza boxes and more extensive junk mailings. The advancements in the recycling industry has taken in the past years is amazing to us and we are continually changing to meet the standards and regulations of the ever-changing industry. Below the list you will find the totals for 2013 recycling tonnage for the City of Greenwood through August 31<sup>st</sup> 2013, in January you can expect the final numbers for the remainder of the year.

## Plastic and metal

- Clean #1-#7 plastic bottles, tubs and containers, landscape edging, plastic toys (Except Styrofoam)
- Glass bottles and jars of any color (please avoid breaking glass; remove and recycle metal lids)
- Aluminum cans
- Aluminum foil (clean only)
- Steel (tin) cans
- Rinsed motor oil bottles
- Empty aerosol cans (no caps)
- Scrap metal, pot and pans with handles removed (household quantities)

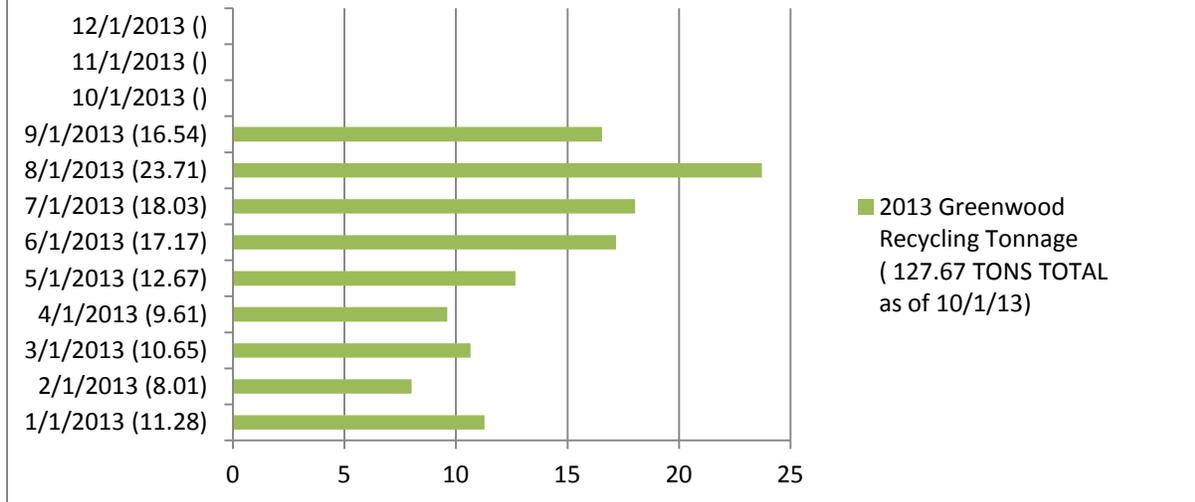
## Paper

- Office paper (including computer, copier, plain fax paper, pastel colored paper (please, NO wrapping paper, neon or other bright paper)
- Newspapers and newspaper inserts (NO PLASTIC BAGS)
- Magazines and catalogs
- Shredded Paper (enclosed in sealed paper bag)
- Junk mail (please open your mail to remove any promotional stickers, credit cards, membership cards, or other non-paper items)

## Cardboard and paperboard

- Corrugated cardboard (please remove all materials, packing and other items inside boxes, no need to break-down packing boxes)
- Brown paper grocery bags
- Pizza boxes (please clean food particles and grease from box)
- Paperboard (cereal, cake, beer, soda, snack and chip boxes, clothing boxes, frozen food boxes)

## 2013 Greenwood Recycling Tonnage (127.67 TONS TOTAL as of 10/1/13)



As you can see, there are months that are relatively higher than others and some that are very low. Factoring in the second homes, snow-birds, Holiday months and set-out rates in those time periods; the numbers look great. The set-out rate for Greenwood residents is high, in the 80-100 percentiles. This means that when residents are home, they put out their recycling for collection. We are exceptionally pleased with the collection and quality of material in the City of Greenwood and look forward to serving your community for many, many years to come.

If you have any questions regarding this data, or anything related, please feel free to contact me.

Thank you so much for your time,

Kindly,

Emilee Metcalf

Vintage Waste Systems, Inc.

520 Tamarack Ave.

Long Lake, MN. 55356

Vise President & Owner

(952) 472-0401



## SAVE THE LAKE

### AVAILABILITY OF SAVE THE LAKE FUNDS October 2013

#### Availability of Save the Lake Funds

The Lake Minnetonka Conservation District (LMCD) currently has up to \$44,100 of Save the Lake Funds available for 2014. Save the Lake is a non-profit fund that invests in programs that benefit the environmental and recreational needs of Lake Minnetonka. Grant applications will be received for public safety, environmental, and public service/education projects.

#### Eligible Applicants

Non-profit organizations (\*), businesses (\*\*), cities, and school districts may apply for Save the Lake funds. Examples of potential applicants include:

- Lake Minnetonka communities;
- Other governmental agencies;
- Lake, homeowners, and neighborhood associations; and
- Local business associations.

(\*) Non-profit organizations and other groups must be officially registered with the State of Minnesota. Proof of organizational status will be required with submission of the 2014 Save the Lake Grant Application.

(\*\*) For-profit groups are encouraged to partner with a lake, homeowner, or neighborhood association. If a project will be implemented on private property, the applicant must show how it benefits the general public and is a public service. Applicants do not need to reside in the 14 Lake Minnetonka communities; however, the project must be implemented entirely on Lake Minnetonka.

#### Example of Past Projects

Detailed below are a few of the projects funded, or partially funded, by Save the Lake in recent years:

- Red and green solar-lights that are placed on top of high traffic navigational buoys;
- Improvements to emergency services safety equipment (most recently for the Hennepin County Sheriff's Water Patrol and Wayzata Fire Department);
- Management of Eurasian watermilfoil on Carmans, Grays, and Phelps Bays from 2008 through 2012 through whole bay or large scale herbicide treatments; and

- Education and prevention of new aquatic invasive species into Lake Minnetonka through watercraft inspections.

### **Eligible Costs**

Save the Lake Funds may be used for:

- Purchase of capital equipment;
- Purchase of supplies or materials;
- Contracting with specialists;
- Copying;
- Permit costs; and
- Other items as agreed to by the LMCD and its representatives.

Funds may not be used to pay for existing staff and overhead expenses.

### **Application Guidelines**

A completed application shall be submitted to the LMCD office by Friday, December 6, 2013 at 4:30 p.m. Proposals shall be no longer than five single-sided pages in the 12-point font (maps and any appendices do not count as part of the five-page limit). The following information needs to be submitted within the proposal:

#### Title Page and Executive Summary:

The title page shall include the following information: a) the primary applicant's name (organization), b) contact person's name and title, c) address (including city and zip code), d) telephone number(s), e) fax number, and f) e-mail address. You need to list any partnering organizations and their respective contact information.

Include a brief Executive Summary paragraph (50 words or less) that summarizes the main goals and objectives of your project. Indicate the total amount you are requesting from the LMCD, along with any matching funds. **Note: it is important that your Executive Summary be 50 words or less.** The summaries will be used in the grant review process and on the LMCD website, should your project be funded.

#### Project Description, Goals, and Activities

Provide a brief description of your organization and the proposed project. List the primary goals and objectives for your project, including how you expect to achieve them and how they will be measured. Be sure to indicate where the project activities will take place (provide a one-page, 8.5" x 11" map); specifically showing the location of the work and indicating what will take place at each location.

#### Project Timeline

Provide a brief project timeline that lists major project activities and when they will occur.

#### Project Evaluation

Explain how the effectiveness and the success of the project will be measured.

### Key Project Personnel

Identify who will be the Project Manager to implement the activities, including their qualifications. List any sub-contractors who will be working on this project and their expertise in participating. Clarify what role they will play in implementing the project.

### Project Budget

Provide a detailed and reasonable budget that lists each item for which you request funding. If you have other sources of funding, please describe them.

### Project Letter or Resolution

Non-profits, local units of government, and lakeshore owner associations should send a letter or resolution authorizing the proposal submission from their governing board.

These applications can be submitted to: LMCD, 5341 Maywood Road, Suite 200, Mound, MN 55364.

### **Application Review Criteria**

When a request for Save the Lake funds is received, the LMCD takes into consideration the following criteria:

- Does the request represent major environmental preservation or an improvement on an environmental priority?
- Does the request sustain or improve a major recreational resource?
- Will the investment of funds provide a long-term benefit?
- Does the request provide public benefit that spans a broad range of lake users in terms of age, economics, use, and interest?
- Does the request attract matching public or private funds to produce the program?
- Does the request appeal to contributors of Save the Lake who recognize and likely support the proposed program, and would likely continue to donate to Save the Lake?
- Does the request meet a major lake educational need not being met by other public or private initiatives?

The following criteria are established to guide the Save the Lake Advisory Committee and LMCD Board of Directors in evaluating and selecting programs for funding. Proposed projects are weighted by meeting one or more of the following program criteria:

#### Public Safety:

1. Improves public safety on the lake.
2. Benefits structures in the lake.
3. Lessens conflicts among lake surface users.
4. Enhances safe boat operation.
5. Assures greater personal safety.

Environmental:

1. Involves research or program implementation that studies or protects the lake environment.
2. Protects the lake from infestation of exotic aquatic plants or animals.
3. Prevents the spread of exotic aquatic plants or animals from the lake.
4. Allows or enhances enjoyment and use of the lake while preserving the lake from environmental degradation.

Public Service/Education:

1. Benefits the general public's use of Lake Minnetonka.
2. Make Lake Minnetonka more accessible to persons unable, or choosing not to, access the lake by their own boat.
3. Encourages public participation in lake clean-up.
4. Promotes courteous boat operation.
5. Recognizes achievements in community service by individuals or groups that benefit Lake Minnetonka.
6. Advances the historical significance of Lake Minnetonka.

**Further Information**

Please contact LMCD Executive Director Greg Nybeck if you have questions at (952) 745-0789 or at [gnybeck@lmcd.org](mailto:gnybeck@lmcd.org).



October 14, 2013

Chip and Katherine Fisher  
 5185 Greenwood Circle  
 Greenwood, MN 55331

Dear Chip and Katherine,

The city has received the final invoices from its independent contractors who participated in the review of your variance request to construct a new single family home and alter the grade to access your garage at the above-mentioned address. Sections 510(1) and 1155.25 address the fee requirements for the review of a variance application in the City of Greenwood. Below are the ordinances in their entirety.

**Section 510(1):**

Type of License, Permit, or Fee	Section	Fee	Condition & Terms
Zoning: Variance Application Fee	1155.25	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application

**Section 1155.25. Recovery of Legal and Administrative Costs in Variance Requests.** In addition to the initial application fee as may be established from time to time by the city council, the applicant in making an application for a variance agrees to pay all legal fees, engineering fees, consultant fees, and other administrative costs the city may incur in conjunction with the processing of the variance application. No building permit shall be issued on a granted variance until such costs have been paid in full.

The fee paid to the city when the application was submitted was \$400. Below is the breakdown of the costs the city incurred in reviewing your request by contractors, the fee paid with your application, and the remaining balance owed.

City Attorney	\$ 1138.50
City Engineer	\$ 540.00
Public Hearing Notice	\$ 101.92
<u>Zoning Administrator</u>	<u>\$ 193.39</u>
Total Cost	\$ 1973.81
<u>Fee Paid With Application</u>	<u>\$ 400.00</u>
<b>Balance Due</b>	<b>\$ 1573.81</b>

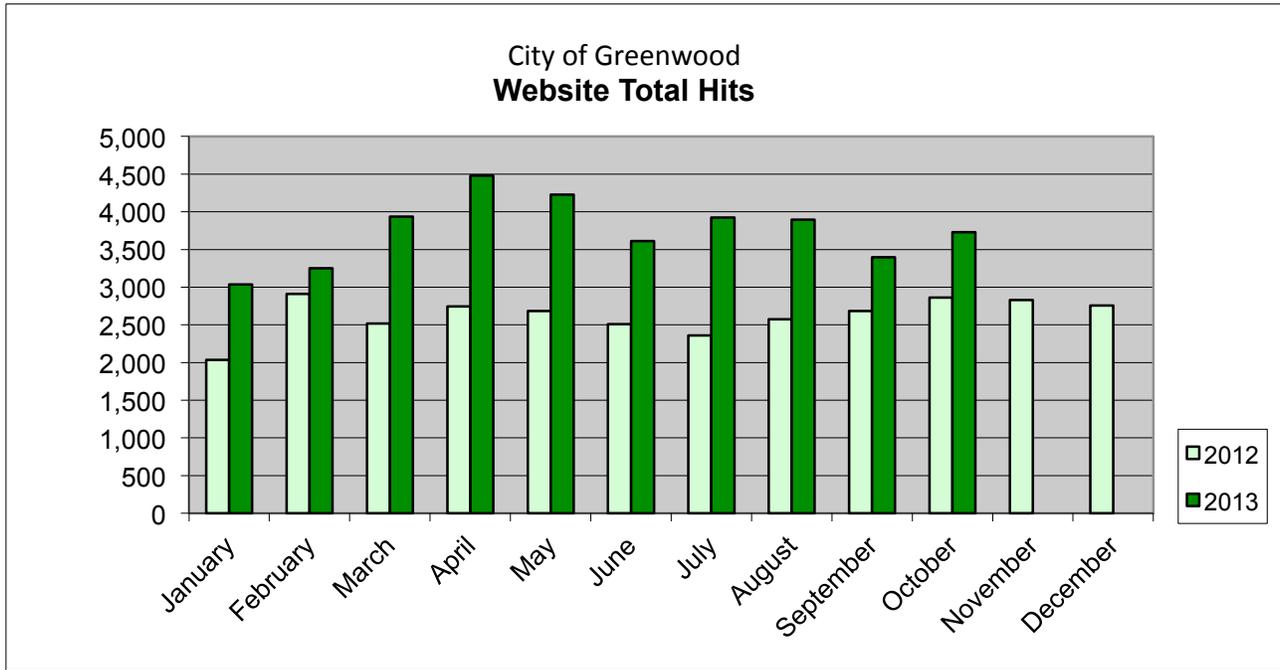
Please remit payment in the amount of \$1,573.81 to the City of Greenwood to cover the expenses it incurred from the professional services in reviewing your variance request.

Please contact me if you have any questions.

Sincerely,

Gus Karpas  
 City Clerk/Zoning Administrator

Cc: File



<u>Month</u>	<u>2012</u>	<u>2013</u>	<u>Variance with Prior Month</u>	<u>Variance with Prior Year</u>	<u>Bulk Email List</u>
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	4,229	-249	1,547	138
June	2,509	3,613	-616	1,104	140
July	2,361	3,924	311	1,563	140
August	2,574	3,894	-30	1,320	140
September	2,682	3,395	-499	713	141
October	2,860	3,731	336	871	145
November	2,828		-3,731	-2,828	
December	2,758		0	-2,758	
<b>AVERAGE</b>	<b>2,622</b>	<b>3,749</b>			

**POPULATION: 688**  
**EMAIL ADDRESSES % OF POPULATION: 21.08%**

## 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.

<b>Begin Date</b>	9/15/2013
<b>End Date</b>	10/15/2013
<b>Report Name</b>	Page Views (Default)
<input type="button" value="Get Report"/>	

### Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	975	26.13%
<a href="#">Swiffers NOT Flushable</a>	820	21.98%
<a href="#">Agendas, Etc.</a>	295	7.91%
<a href="#">Planning Commission</a>	110	2.95%
<a href="#">City Departments</a>	104	2.79%
<a href="#">Mayor &amp; City Council</a>	92	2.47%
<a href="#">Budget &amp; Finances</a>	89	2.39%
<a href="#">Code Book</a>	84	2.25%
<a href="#">Forms &amp; Permits</a>	80	2.14%
<a href="#">Assessments &amp; Taxes</a>	73	1.96%
<a href="#">Links</a>	66	1.77%
<a href="#">Welcome to Greenwood</a>	64	1.72%
<a href="#">Photo Gallery</a>	61	1.63%
<a href="#">RFPs &amp; Bids</a>	61	1.63%
<a href="#">Garbage &amp; Recycling</a>	56	1.5%
<a href="#">Lake Minnetonka</a>	43	1.15%
<a href="#">Meetings</a>	42	1.13%
<a href="#">What's New?</a>	41	1.1%
<a href="#">Crime Update</a>	40	1.07%
<a href="#">Watercraft Spaces</a>	39	1.05%
<a href="#">Email List</a>	38	1.02%
<a href="#">Met Council Project</a>	38	1.02%
<a href="#">Comp Plan &amp; Maps</a>	37	0.99%
<a href="#">Search Results</a>	36	0.96%
<a href="#">Xcel Project</a>	36	0.96%
<a href="#">Milfoil Project</a>	32	0.86%
<a href="#">Events</a>	31	0.83%
<a href="#">Elections</a>	30	0.8%
<a href="#">Old Log Events</a>	27	0.72%

### 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.

<a href="#">Old Log Events</a>	27	0.72%
<a href="#">Health &amp; Safety</a>	26	0.7%
<a href="#">Well Water</a>	26	0.7%
<a href="#">Public Safety</a>	24	0.64%
<a href="#">Animal Services</a>	24	0.64%
<a href="#">Spring Clean-Up Day</a>	23	0.62%
<a href="#">Meetings on TV</a>	22	0.59%
<a href="#">Community Surveys</a>	20	0.54%
<a href="#">Southshore Center</a>	16	0.43%
<a href="#">Planning &amp; Zoning Workshop</a>	6	0.16%
<a href="#">Unsubscribe</a>	4	0.11%
<b>TOTAL</b>	<b>3731</b>	<b>100%</b>

### Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	504	31.52%
Agendas, Etc.	116	7.25%
Swiffers NOT Flushable	76	4.75%
City Departments	70	4.38%
Mayor & City Council	57	3.56%
Links	57	3.56%
Welcome to Greenwood	47	2.94%
Code Book	42	2.63%
Forms & Permits	42	2.63%
Planning Commission	37	2.31%
Photo Gallery	33	2.06%
Garbage & Recycling	31	1.94%
Crime Update	30	1.88%
Meetings	27	1.69%
Budget & Finances	26	1.63%
Xcel Project	26	1.63%
Watercraft Spaces	24	1.5%
Comp Plan & Maps	24	1.5%
RFPs & Bids	23	1.44%
What's New?	23	1.44%
Assessments & Taxes	22	1.38%
Met Council Project	22	1.38%
Lake Minnetonka	21	1.31%
Well Water	19	1.19%
Email List	19	1.19%
Public Safety	18	1.13%
Animal Services	17	1.06%
Elections	17	1.06%
Events	17	1.06%
Meetings on TV	16	1%
Search Results	16	1%
Community Surveys	16	1%
Old Log Events	16	1%
Milfoil Project	12	0.75%
Spring Clean-Up Day	11	0.69%
Health & Safety	11	0.69%
Southshore Center	8	0.5%
Planning & Zoning Workshop	3	0.19%
Unsubscribe	3	0.19%
<b>TOTAL</b>	<b>1599</b>	<b>100%</b>

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

**Done**

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, October 16, 2013**  
**7:00 P.M.**

**1. CALL TO ORDER/ROLL CALL**

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

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

Absent: Chairman Pat Lucking

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

**2. APPROVE AGENDA**

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

**3. MINUTES – September 18, 2013**

Commissioner Reeder moved to approve the minutes of September 18, 2013 as presented. Commissioner Paeper seconded the motion. Motion carried 3-0-1. Commissioner Beal abstained.

**4. PUBLIC HEARING**

**Variance Request, Bridgewater Bank, 21500 State Highway 7** - Request to install awnings above the windows along the west side of their building which would encroach into the minimum required west 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 four feet, nine inches for the proposed awnings. The proposal requires a variance of ten feet, three inches of the west side yard setback.

Zoning Administrator Karpas summarized the request.

Jeff Wrede, Momentum Design Group, said the depth of the awnings has been reduced to two feet, two inches and they have been lowered to cover more of the windows. Mr. Wrede distributed a graphic showing the shading provided by the awnings at different hours of the day.

Commissioner Paeper asked if the applicant had spoken with the adjacent property owner. Mr. Wrede said they had not. Zoning Administrator Karpas said the adjacent property owner was notified on this and the previous variance requests.

Chairman Beal opened the public hearing. Hearing no public comment, the hearing was closed.

Commissioner Conrad noted the structure already encroaches into the setback and the proposed awnings would increase the encroachment and questioned if there were any ordinance restrictions against approving further encroachments. City Attorney Kelly said there are not and the structure is viewed as an existing non-conforming use under the ordinance.

City Attorney Kelly discussed the variance criteria.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, October 16, 2013**  
**7:00 P.M.**

Commissioner Conrad noted the awnings are not part of the footprint and believes they would not count as a protected footprint under the state statutes. Zoning Administrator Karpas said they wouldn't.

Commissioner Paeper still believes the awnings would be only marginally effective in providing shading and feels their installation is more aesthetic in nature.

Chairman Beal said he can make a decision based on aesthetics without worry about setting precedent because there are very few commercial buildings in Greenwood.

Motion by Commissioner Paeper to recommend the city council approve the application of Bridgewater for a variance of Greenwood Ordinance Code section 1120:15 to permit the construction of awnings ten feet, three inches (10'-3") within the required west side yard setback as presented. The plight of the property owner is due to the size of the non-conforming lot and placement of structure on the lot, the proposal is a reasonable use of the property and the essential character would not be altered. Commissioner Conrad seconded the motion. Motion carried 4-0.

**5. NEW BUSINESS**

Motion by Chairman Beal to amend the agenda to discuss the recent tree removal by Naegele Outdoor Advertising Company. Commissioner Paeper seconded the motion. Motion carried 4-0.

**Billboard Tree Removal** – Discuss tree removal at Naegele Billboard site, 20900 Excelsior Boulevard.

Chairman Beal said he recently noticed the trees in front of the billboards on Excelsior Boulevard had been removed and new signage on the billboards. Commissioner Paeper said he also noticed that and asked if they had received a permit for the tree removal. Zoning Administrator Karpas said he was unaware of the tree removal.

City Attorney Kelly said the first step is to figure out what has been removed noting they are permitted to remove trees under the ordinance as is any property owner. Commissioner Paeper noted trees have been removed in the past which has caused the hillside to slide into the wetland.

It was suggested the Zoning Administrator visit the site and contact the Minnehaha Creek Watershed District to see if there have been any rule violations.

**Discussion - Ordinance No. 224** – Discuss an Ordinance of the City of Greenwood, Minnesota Amending Greenwood Zoning Code Section 1155.10 Establishing a Process and Fee for Requesting the Extension of a Variance Approval.

Zoning Administrator Karpas read the staff memo to the Commission. He said Section 1155.10(9) of the ordinance currently limits the approval period for a variance to one year without any provisions on extending that time period. There have been instances in the past where individuals who have been issued variances have approached to the Council and asked for extensions. These requests have been heard by the Council and, if given a logical explanation why the property owner has not put the variance approval into effect, an extension granted. The proposed ordinance would codify this process and attach a fee. The first extension would be done administratively by the Zoning Administrator with subsequent requests requiring the property owner to appear before the City Council.

The Commission discussed the ordinance and was generally supportive.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, October 16, 2013**  
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City Attorney Kelly suggested adding language noting an extension could be sought providing no code revisions to the zoning district in which the subject property was located have been adopted. He also suggested there be a point where no further extension could be sought, noting that Councils and attitudes change over time. The Commission was supportive of adding language to that effect.

Motion by Commissioner Reeder to direct staff to schedule a public hearing for the November 20<sup>th</sup> meeting for Ordinance 224 as discussed. Commissioner Paeper seconded the motion. Motion carried 4-0

**6. LIAISON REPORT**

Council Liaison Cook said the Council is still studying the drainage issues at Curve Street, has passed the first reading of the R-1C Ordinance with some slight changes in the language and are currently working on the revisions on the pool ordinance.

Commissioner Conrad said she had a question about what constituted an expansion of the use at the Old Log Theater. She asked if an outdoor patio was constructed, would that be an expansion. Zoning Administrator Karpas said he would consider that an expansion because it would be bringing use from inside the structure to outside the structure, plus there is a physical change involved.

The Commission discussed the need for documentation of the existing use of the business. Councilmember Cook believes it is appropriate to document the use and regulate from that point. It is important to protect both the neighborhood and the Old Log Theater with the new ordinance.

**7. ADJOURN**

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 8:04 pm.

Respectively Submitted  
Gus Karpas - Zoning Administrator

**From:** Debra Kind <dkind100@gmail.com>  
**Subject:** Re: My Planning Commission Seat  
**Date:** October 23, 2013 11:52:06 AM CDT  
**To:** "John Beal" <johnbeal@usinternet.com>  
**Cc:** "Gus Karpas" <guskarpas@mchsi.com>, "Pat Lucking" <plucking@idimn.com>

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John --

You have been a great asset to the planning commission! So it is with a sense of loss and gratitude that I accept your resignation effective March 1, 2014. Thank you for your service to Greenwood. I hope you have fun plans for your "retirement."

Deb

**DEBRA J. KIND**  
**Mayor, City of Greenwood**  
20225 Cottagewood Road  
Deephaven, MN 55331  
[www.greenwoodmn.com](http://www.greenwoodmn.com)  
Main: 952.474.6633  
Direct: 612.718.6753

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On Oct 23, 2013, at 11:43 AM, John Beal wrote:

Deb,

It is my intention to resign from the Planning Commission when my term expires in March, 2014. I will continue to serve until then.

I have enjoyed serving on the Planning Commission and I have learned a lot.

Thank you,  
John Beal



# LMCC

LAKE MINNETONKA COMMUNICATIONS COMMISSION

4071 SUNSET DRIVE ■ BOX 385 ■ SPRING PARK, MN 55384-0385 ■ 952.471.7125 ■ FAX 952.471.9151 ■ [lmcc@lmcc-tv.org](mailto:lmcc@lmcc-tv.org)

October 23, 2013

City of Greenwood  
20225 Cottagewood Rd.  
Excelsior, MN 55331

DEEPHAVEN

EXCELSIOR

GREENWOOD

INDEPENDENCE

LONG LAKE

LORETTO

MAPLE PLAIN

MEDINA

MINNETONKA  
BEACH

MINNETRISTA

ORONO

ST. BONIFACIUS

SHOREWOOD

SPRING PARK

TONKA BAY

VICTORIA

WOODLAND

Dear Mayor and Council of Greenwood,

We are seeking to have Mediacom commit to begin carrying out the commitments of the franchise agreement as soon as it is approved. As soon as possible, we request that you identify, to the best of your ability, the locations that you would like to have served with free cable service.

Also, in the franchise agreement the LMCC is negotiating for some "live" feed locations. This means that wherever the live feed is our production crew can hook into the Mediacom system and cablecast live from that location. This is intended to enhance the capabilities of programming for such things as candidate forums and other programming that might be timely or helpful in getting citizens to come to the event.

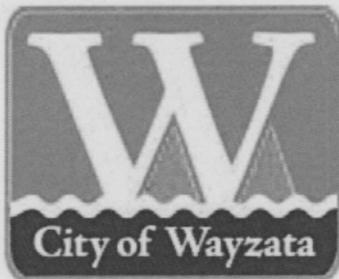
This concept has worked to enhance the economics of a city or organization by making people aware that it is occurring and encourage citizens out to support the purpose of the production, be it a city event or non-profit fundraiser.

If your city provided this information in the past we would appreciate an update that specifically identifies any areas that you may have identified since your last communication to the LMCC.

We hope to receive your response as soon as possible. Please contact me at 952-471-7125 ext. 101 with questions or Bob Vose at 612-337-9275. Bob Vose is the negotiator for this franchise agreement and he needs to supply this listing to Mediacom to expedite the franchise negotiations.

Best Regards,

Sally Koenecke  
Executive Director  
Lake Minnetonka Communications Commission



City of Wayzata  
600 Rice Street  
Wayzata, MN 55391-1734

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Mayor:  
Ken Willcox

City Council:  
Jack Amdal  
Andrew Mullin  
Tom Tanner  
Bridget Anderson

City Manager:  
Heidi Nelson

October 23, 2013

The Honorable Deb Kind  
City of Greenwood  
20225 Cottagewood Road  
Deephaven, MN 55331

Re: Follow up on Lake Minnetonka Regional Scenic Byway Concept

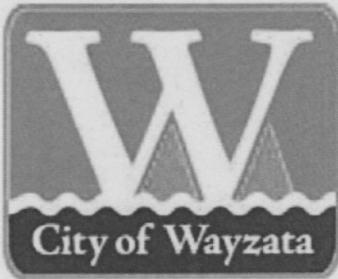
The Honorable Mayor Kind:

On June 4<sup>th</sup>, I wrote to you to gauge your interest in working with the other thirteen Lake Minnetonka communities on a Lake Minnetonka regional scenic byways initiative for branding and marketing opportunities. Since that time, we have been in contact with a representative from MnDOT's Scenic Byway Program to gather additional information on the process for submitting an application for a state-level scenic byways designation for the Lake Minnetonka area. We have received word that the commissioners of the program would be supportive of an application from this region. If approved, only cost implications would be for sign fabrication and marketing of the designation. The cost of the signs would be dependent on their design and how many are created for this effort.

By way of background, a state-level scenic byway designation is a tool to recognize important cultural, historic, natural, recreational, and archaeological locations that have exceptional interest in the state. Typically, a state-level scenic byway designation is pursued by a partnership of communities and organizations to conduct grassroots marketing, tourism, and economic development efforts. Similar state-level scenic byway designations have been implemented along the North Shore, the Minneapolis Grand Rounds, and along the St. Croix. We view the Lake Minnetonka area as having the same historic and recreational importance to both the region and the state. We believe there is an opportunity to enhance the Lake Minnetonka brand by showcasing the area's important amenities and points of interest that are connected on historic roadways throughout our communities.

As with any endeavor like this, there are many considerations for Lake Minnetonka communities regarding whether to collaborate in a joint scenic byway designation. Below is my take on some of the items to consider:

- Potential for collaborative community branding and marketing of regional assets to constituents and visitors.
- Financial commitment for sign fabrication and marketing of designation. The individual communities can decide for themselves how much marketing they want to make of the scenic byway designation.
- Scenic Byways designation does not create additional regulations or obligations on the scenic roadway itself or amenities that may be tied with it.



City of Wayzata  
600 Rice Street  
Wayzata, MN 55391-1734

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Mayor:  
Ken Willcox  
City Council:  
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Bridget Anderson  
City Manager:  
Heidi Nelson

- Potential for additional visitor traffic to individual communities to see points of interest or amenities that are along the regional scenic byway. Again, this depends on each community's level of marketing of these amenities.
- The participating communities would have to decide how many signs to put along the roadway and where to place them. If signs are to be placed on County Roads, we would need to secure ROW permits from the County transportation department.

In terms of next steps in the process, we would like to coordinate a meeting of all the lakeshore communities and the MnDOT Scenic Byway Program Coordinator to discuss the scenic byway process further, provide information, and answer any questions. If you would consider designating a representative for your community to attend this informational meeting to be scheduled before the end of the year, we will communicate directly with your designated representative. Please send contact information for your representative to Bryan Gadow at [bgadow@wayzata.org](mailto:bgadow@wayzata.org). If you have questions regarding MnDOT's Scenic Byway program, please contact the Scenic Byway Program Coordinator or visit their website (<http://www.dot.state.mn.us/scenicbyways/>) at the following:

Ms. Holly M. Slagle  
Scenic Byway Program Coordinator  
Office of Environmental Stewardship  
Minnesota Department of Transportation  
395 John Ireland Blvd, Mail Stop 620  
St. Paul, MN 55155  
651-366-3623  
[Holly.Slagle@state.mn.us](mailto:Holly.Slagle@state.mn.us)  
<http://www.dot.state.mn.us/scenicbyways/>

I would also be pleased to discuss this further with you in the coming weeks. Feel free to contact me at 952-922-5569 or [Kenwillcox@wayzata.org](mailto:Kenwillcox@wayzata.org).

If you have any questions, please do not hesitate to contact me.

Sincerely,

Ken Willcox  
Mayor