

AGENDA

Greenwood City Council Meeting

Wednesday, December 4, 2013
20225 Cottagewood Road, Deephaven, MN 55331



Worksession

In accordance with open meeting laws, the worksession is open for public viewing. There will be limited opportunity for public participation.

- 6:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 6:00pm 2. DISCUSS: Resolution 31-13 Findings Defining Past Uses of the Old Log Theater Ordinance 222, Establishing R-1C Single-Family District
- 6:50pm 3. ADJOURNMENT

Regular Meeting

The public is invited to speak to items on the regular agenda. The public may speak regarding other items 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: 11-06-13 City Council Meeting Minutes
 - B. Approve: 11-12-13 City Council Worksession Minutes
 - C. Approve: October Cash Summary Report
 - D. Approve: November Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: December 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. None
- 7:10pm 5. PUBLIC HEARINGS
 - A. Public Hearing: Ordinance 222, Establishing R-1C Single-Family District
- 7:20pm 6. UNFINISHED BUSINESS
 - A. Ordinance 222 and Related Items:
 - Resolution 31-13 Findings Defining the Past Uses of the Old Log Theater
 - 2nd Reading: Ordinance 222, Establishing R-1C Single-Family District
 - Consider: Resolution 29-13, Summary of Ordinance 222 for Publication
 - B. 2nd Reading: Ordinance 224, Amending Animal Regulations, Code Section 445
 - C. Update: Curve Street Drainage Committee
- 8:00pm 7. NEW BUSINESS
 - A. Consider: Final 2014 Tax Levy & Budget
 - Resolution 32-13 Approving Tax Levy for Taxes Collected in 2014
 - Resolution 33-13 Approving Final 2014 Budget
 - B. Consider: 2013 Budget Line Adjustments
 - C. Consider: 2013 Fund Transfers and Year-End Contributions
 - D. Consider: 2014 License Applications
 - E. 1st Reading: Ordinance 225 Regarding Variance Extensions
 - F. Discuss: Variance Ordinance Changes Regarding Practical Difficulties Considerations
 - G. Discuss: Potential Shuman Woods Park Improvements
- 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



Worksession

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: Discuss: Resolution 31-13 Findings Defining Past Uses of the Old Log Theater
2nd Reading Ordinance 222 R-1C Single-Family Residential District

Summary: See memo for 6A. A copy of the worksession minutes will be included as Exhibit A in the minutes for the public hearing on the regular council agenda.

Council Action: No action can be taken at worksessions.



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, November 6, 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 Quam, to approve the agenda as presented. Motion passed 5-0.

2. CONSENT AGENDA

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

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

Motion passed 5-0.

3. MATTERS FROM THE FLOOR

George Loomis, 4920 Woods Court, presented a request to remove the newly-installed stop signs and no-outlet signs in the Lyman Lodge area.

Keith Steussi, 5000 Meadville Street, presented information regarding the amount of taxes Greenwood property owners pay compared to other cities in the state and urged the council to be aggressive with the assessors regarding the city's property valuations.

4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

A. Guest: Sergeant Heidi Speak, Three Rivers Park District, Trail Rules & Enforcement

No council action taken.

B. Report: Deputy Chief Dave Pierson & Detective Christina Olson, Quarterly Police Update

No council action taken.

C. Report: City Engineer Dave Martini, Curve Street Drainage Committee Update

Next steps: Committee member Councilman Cook has more research to do and will report back at the December council meeting.

5. PUBLIC HEARINGS

A. None

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

Motion by Fletcher, second by Cook, to schedule a city council worksession for a date when interested council members are available, when the city attorney and city zoning administrator are available, when the leaders of the neighborhood group are available, and when the Old Log property owners are available.
Motion passed 5-0.

Date set: Tuesday, 11/12, 4pm at the City Council Chambers.

- B. 2nd Reading: Ordinance 223, Updating Fees, Code Section 510

Motion by Fletcher, second by Roy, to approve the 2nd reading of ordinance 223 amending code chapter 5 as presented. Motion passed 5-0.

- C. Discuss: Potential Ordinance Regarding Swimming Pool Regulations

Next steps: The city zoning administrator will draft an ordinance based on the council discussion to send to the planning commission for a public hearing and recommendation.

- D. 1st Reading: Ordinance 224, Amending Animal Regulations, Code Section 445

Motion by Roy, second by Quam, to approve the 1st reading of ordinance 224 regarding animal regulations. Motion passed 5-0.

7. NEW BUSINESS

- A. Consider: Res 30-13, Bridgewater Bank, 21500 Hwy 7, Variance Request (awnings setback)

Motion by Fletcher, second by Cook, to approve resolution 30-13 approving the variance application of Bridgewater Bank as presented. And direct 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. Motion passed 5-0.

- B. Consider: Rescinding Withdrawal from the Lake Minnetonka Communications Commission

Motion by Cook, second by Roy, approving the letter to the LMCC rescinding the city's withdrawal notice. Motion passed 5-0.

- C. Discuss: Community Survey Results and Potential Action Items

Next steps: The city attorney will research whether park funds can be used for signage and / or a small parking area at Shuman Woods Park and report back at the December city council meeting. The city clerk will contact Finley Bros. to get on the schedule for resurfacing the tennis court at Greenwood Park in the spring.

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

Motion by Kind, second by Quam, to designate Councilman Cook as the city's 2nd alternate on the fire board. Motion passed 5-0.

Council consensus: The city's sign contractor can remove the newly-installed stop signs and no-outlet signs in the Lyman Lodge area.

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

10. ADJOURNMENT

Motion by Cook, second by Roy, to adjourn the meeting at 10:04pm. 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 for 1 year, and on DVD at the city office (permanent archive).

Greenwood City Council Worksession Minutes

4:00 pm, Tuesday, November 12, 2013
Deephaven City Hall ~ 20225 Cottagewood Avenue ~ Deephaven, MN 55331

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 4:02 pm.

Council members present: Kind, Cook (4:11), Fletcher and Roy

Others present: City Attorney Mark Kelly and City Clerk/Zoning Administrator Karpas

Fletcher moved to approve the agenda. Second by Roy. Motion carried 3-0.

2. Brief Overview

Mayor Kind said the topic of tonight's meeting was to discuss ordinance 222, which would amend the Greenwood Zoning Code to add Section 1123, R-1C Single-Family Residential District, adding related definitions to Chapter 12 and amending Section 1150.20 regarding Conditional Uses.

Kind gave a brief overview of what had transpired to this point in the process stating during a review of 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 that ordinance was approved. With the passage of the home occupations ordinance and removing the theater as a conditional use, the Old Log became a "legal nonconforming use." Which means the Old Log's structures could be maintained, but they cannot be expanded and they cannot apply for a conditional use permit (CUP) or a variance unless "Theater" is listed as a use in the zoning district where the Old Log resides.

Mayor Kind said it was never the city council's intention to take away the CUP option for the Old Log. The council directed the creation of ordinance 222 to establish an R-1C district with the same rules for the property that were in place when it was purchased. The proposed ordinance would also update the definition of "Theater" to reflect historic uses and includes "operational" items to the list of examples of conditions that may be imposed on a CUP if the new owners apply for a CUP, which they cannot do until the new ordinance is approved.

Kind noted the Old Log predates the city's ordinances, so a CUP may not have been issued to the property, or at least one has not been located in the city files. Change of ownership is not a trigger that requires a CUP application.

Mayor Kind believes there has been a misunderstanding that the city would be establishing the conditions in which it could operate with this ordinance. This ordinance is intended to reestablish the Old Log as a conditional use. She noted that the Old Log has grandfathered rights. Mayor Kind said it's her goal to ensure the Old Log has the flexibility to be a viable business while ensuring the residential character of the surrounding area remains.

Patty Loftus, 5165 Meadville Street, asked when the Old Log was removed as a conditional use from the R-1A. Mayor Kind said that was done in the Spring.

Jan Gray, 5170 Meadville Street, asked about grandfathering and the format of tonight's meeting. Mayor Kind said the meeting is being recorded and anyone is allowed to speak. She asked that comments and questions be direct to the Council. She said it is not necessary to

use the podium. She said she would need to leave the meeting by 5:30pm, and that Councilman Fletcher would lead the meeting if it is not adjourned by 5:30.

Julie Ekelund, 5135 Meadville Street, questioned what the legal definition was for grandfathering. City Attorney Kelly said the property has been permitted to operate as a dinner theater, which is the use it has always had. Ms. Ekelund asked about the periphery uses and if those uses have been fuzzy, what actually is grandfathered. Mr. Kelly said the city has not consistently policed the uses, but when the Old Log applies for a new conditional use permit, the uses would be set and any expansion or intensification of those uses would require an alteration of the conditional use permit.

Councilmember Fletcher noted there are some issues such as odors that cannot be grandfathered. Any issue that is considered a nuisance can be policed. City Attorney Kelly agreed stating there is no legal right to maintain something that is a hazard to the health, safety and public welfare.

3. When is the Old Log Required to Apply for a Conditional Use Permit?

Mayor Kind said Councilmember Cook drafted a document that was included in the packet that described what he felt was the existing conditions or uses on the property and what would constitute a change that would require a conditional use permit. Julie Ekelund asked where the information was obtained. Councilmember Cook said it was from his own personal perspective and what he has heard from other residents.

Greg Frankenfield, 5185 Meadville Street, owner of the Old Log Theater, said Tim Stolz, son of the previous owner was available to clarify anything if necessary.

Councilmember Cook outlined what he perceived the existing conditions of the Old Log were. He said it was one of the longest continuous running theaters in the US which had morning, matinee, and evening performances throughout the year with typical shows between the hours of 10am to 10pm. Cook said the Old Log also has hosted additional events such as outdoor and indoor concerts, business events, civic meetings, weddings / private gatherings, held both outdoors and indoors, and primary and general elections. He said most of these event ended before 11 pm, but some of the private gatherings, such as weddings may go later.

Councilmember Cook discussed what he believed to be the food service side of the business which includes service to theater patrons inside theater building, service to public inside theater building, box lunch meals consumed on grounds during special events, concessions served on grounds periodically for events such as corporate events, and the meal service was provided from 7 am to 10 pm. Cook said alcohol had dispensed at bar inside of theater building before and during performances, has been served during food service, has been served during periodic events. He said alcohol has been consumed both inside the theater building and on the grounds. He said alcohol service has been from 10 am to 12 midnight.

Cook noted that parking has been provided on-site for vehicles including busses for all of event attendees 95% of the time.

Councilmember Cook believes a change in any of the following would require a conditional use application; changes in the existing conditions previously mention, addition of any new buildings or structures, demolition of any existing structures, increase in the volume of any existing structure, an increase in code limited impervious surface, the addition of an outdoor patio dining area, any changes to the size and character of the wetlands, any change that would increase or change the characteristic of storm water runoff from the property, a change in the hours of operation, a change in parking, a change in signage or a change in the lighting on the site.

4. Discuss Old Log Neighbors' Concerns

Jan Gray said the neighborhood wants the Old Log to succeed but at the same time wants to maintain the residential character of the neighborhood. She said the neighborhood and the Old Log have lived compatibly for years.

Patty Loftus, 5165 Meadville Street, said she didn't recall alcohol being served so late. She cautions that the Council pays attention to detail when the ordinance is drafted and that potential impacts on the neighborhood be considered.

Kristi Conrad 21780 Fairview Street, said they chose to move to the area because of the character of the neighborhood, including the Old Log. Her concern is there is no mechanism to enforce the current ordinance and the proposed ordinance does nothing to change that.

City Attorney Kelly noted he saw a table submitted by the residents outlining a number of concerns which are actually penal codes. These are not the type of issues that would be regulated in a zoning ordinance since they are nuisance and would be policed as such.

Bob Newman, 5230 Meadville Street, said the neighborhood went through the process of identifying concerns but it has been done without seeing any type of plan from the Old Log Theater as to what their vision is. He said it may turn out the neighborhood is raising concerns that may not even be issues.

Mayor Kind said the initial issue of the Old Log was raised during the drafting of the Home Occupation ordinance. At that time the Old Log changed ownership and it appeared the timing was perfect to craft a new residential district to house the Old Log in the same way that an ordinance was crafted with the developer of the C2 district. When the C2 district was created, that developer had a plan. That is not the case with the Old Log. The ordinance change for the Old Log is not being done at the request of the Frankenfields. They did not have a plan last spring when the ordinance process began, and from what the city knows, they still don't have a plan.

Greg Frankenfield, said they only have ideas. The only way they can plan is if they have knowledge of what they are permitted to do. He said the week they bought the theater, the city changed the ordinance to make them a legal non-conforming use. Mr. Frankenfield said the theater was losing money, so running the theater as it was being run, is a bad idea. His plan is to bring more people in. He's starting to put a plan together and has already begun investing large amounts of money renovating the theater. He intends on keeping the property a theater with an attached restaurant. He would like to update and expand the kitchen, expand the menu, relocated the bar, and update the exterior. He would like to provide more choices to attract more people.

Marissa Frankenfield, said the intent is not to become a Maynard's which is too noisy. They would like to have a patio, but believe the mosquitos would limit the people (and noise) after sunset. Mr. Frankenfield said he understands his limitations and will design his plan to fit within the rules. He said he plans will be based on the zoning and his intentions are to share the plans with the neighborhood.

Kristi Conrad said the ordinance has no conditional use regulations. Julie Ekelund said she has reviewed the minutes and there seems to be a desire to set what the current use is as the starting point. She feels that whatever is put in place it recognizes the theater is for theater goers. The other uses shouldn't be grandfathered, especially during a year when the auxiliary uses may have been greater than usual. She feels the proposed definition of theater in the proposed ordinance is a re-creation of history, granting an expanded use of the theater, rather than what has traditionally existed.

Tim Stolz, said there have always been weddings on the site and his own wedding was conducted there 25 years ago. Bob Newman asked if the receptions were indoors. Mr. Stolz said the receptions typically have been indoors, but sometimes there have been outdoor reception activities such as croquet. He said that weddings have been part of the business plans all along as a means to augment the business during the slow summer months.

Julie Ekelund discussed the recent issues related to weddings and said she wouldn't have an issue with them if she didn't hear them. She feels they have been growing out of control recently. She's also concerned that this may happen with the restaurant side of the business and if it does, how does the city intend on controlling the use.

Bob Newman noted the issues change based on where your house is located around the Old Log property. He feels all of these must be touched on and addressed. The neighborhood understands the Old Log needs to be financially viable, but not at the expense of the neighborhood. Personally he would like to see hours of operation regulated and a restriction on outdoor alcohol consumption.

Julie Ekelund discussed the increased traffic on Covington Street. Mayor Kind noted that the Old Log has legal access to its property from Covington Street.

Remis Petis, 5205 Greenwood Circle, indicated he is the new Executive Chef for the Old Log. He agrees the neighborhood has valid concerns, but believes strongly enough in what the Frankenfield's are doing that he moved to the city to become part an active member of the community. He said he is a big part of the operation and will be there most times with the Frankenfields are not, so concerns can be brought directly to him. Councilmember Roy asked about cooking odors. Mr. Petis said his style of cooking uses less fire and smoke which reduces odor exhaust. Roy asked if there were any type of fans or filters that could be installed to ensure a reduction in odors. Mr. Frankenfield said he would look into that as part of his kitchen remodel.

Marissa Frankenfield discussed the wedding contracts noting that the Old Log staff polices the property at 10 pm to ensure noise is reduced and the property is expected to be vacated by midnight. Julie Ekelund felt that is the type of stuff that should be noted in the ordinance and included in a conditional use permit. Marissa Frankenfield stated that it was her understanding that there already is a noise ordinance in the city and that is what they are abiding by.

Ted Hanna, 4960 Meadville Street, said they need the ordinance to know what they can do on the site. He believes it all comes down to when is it too late to operate the business? His thought is all operations should end at 10 pm. He also believes there should be limitation on the number of people permitted on the property. As residents, there should be an expectation that events will end at a certain time. As for special events, such as weddings, the venue was selected because of the grounds, after dark that appeal is gone, so events should not go on much past dark.

Marilyn Thacker, 21915 Fairview Street, discussed her concerns about lighting on the property, more specifically, the parking lot lighting. She would like to see them turned off at night. Tim Stolz stated that he thought the lights along the road are the city's and may be on a light sensor. Jan Gray said the lights seem to correspond with nights there are plays. Mayor Kind asked staff to investigate to lighting to find out if the lights belong to the city.

Richard Spiegel, 5090 Meadville Street, said the city and neighborhood has to sit down and decide what is acceptable and unacceptable in a residential neighborhood, and it has to be very specific. Noise, traffic, alcohol, lights and hours of operation are all important factors that must be considered. Mayor Kind said that is the purpose of this meeting. The Council is seeking to gather input. She suggested that the city council hold a worksession at 6pm prior to the December 4 council meeting. At that time the city council can review a revision of the ordinance based on information learned at the November 12 worksession..The council agreed to schedule a 6pm worksession on December 4.

Councilmember Roy asked Tim Stolz if Councilman Cook's written representation, presented earlier to the Council, was an accurate representation of the activities that have consistently taken place at the Old Log. Mr. Stolz said it was.

Julie Ekelund commented about the truck deliveries and expressed concerns about increased deliveries if there is an expansion of the restaurant use. Greg Frankenfield said there is only one delivery. Even if there was an increase in the delivery size, there would still only be one delivery. He said the increase use of Covington Street was due to the resurfacing of his parking lot. Marissa Frankenfield said the staff was told not to use that road anymore.

Michelle Erickson, 5100 Covington Street, noted Covington Street is very narrow and in a state of disrepair. She said it also looks as though it was never completed resurfaced when it was last included as part of a street project. She expressed concern about the increased traffic and safety on Covington Street.

Mayor Kind left the meeting at 5:30 pm.

Mike Ojile, identified himself as the attorney for Greg and Marissa Frankenfield. He said the Old Log cannot be a successful business without being a good neighbor with the residential properties around them. He said the process will be delayed again due to the continuance of this ordinance.

Jan Gray expressed concern about the process, noting she felt that due process had not been followed and that the proposed ordinance did not conform to the Comprehensive Plan.

Zoning Administrator Karpas said due process was followed, public notice was placed in the paper, a public hearing was held and the Planning Commission and, in fact, the Planning Commission discussed the proposed ordinance at multiple meetings prior to it being forwarded to the City Council.

Karpas said the proposed ordinance would not change anything within the Comprehensive Plan since all it would be doing is creating a zoning district which is a carbon copy of the R-1A District. Same uses, same densities, no changes. The thought behind the creation of this district was to protect the neighborhood and potentially allow for some diversity in housing should the Old Log fail. By placing the Old Log property in its own district it would be easier to amend the district to allow for a different use without creating an unintended circumstance elsewhere in the R-1A District. This also allows the city to create a document for the Old Log, which we don't have now.

He said what the neighbors are looking for is premature and actually not part of this ordinance. All this ordinance is doing is creating a place for the Old Log, not creating a conditional use permit for the Old Log. That is a separate deal all together. Once this district is completed, the Old Log would need to apply to the city to become a Conditional Use within the R-1C District. At that time, the city would look into regulating the use. That has nothing to do with this ordinance, that's not to say we can't have this discussion, but it's not really productive until we have an ordinance and an application since the Old Log can continue to operate as a legal non-conforming use as it always has.

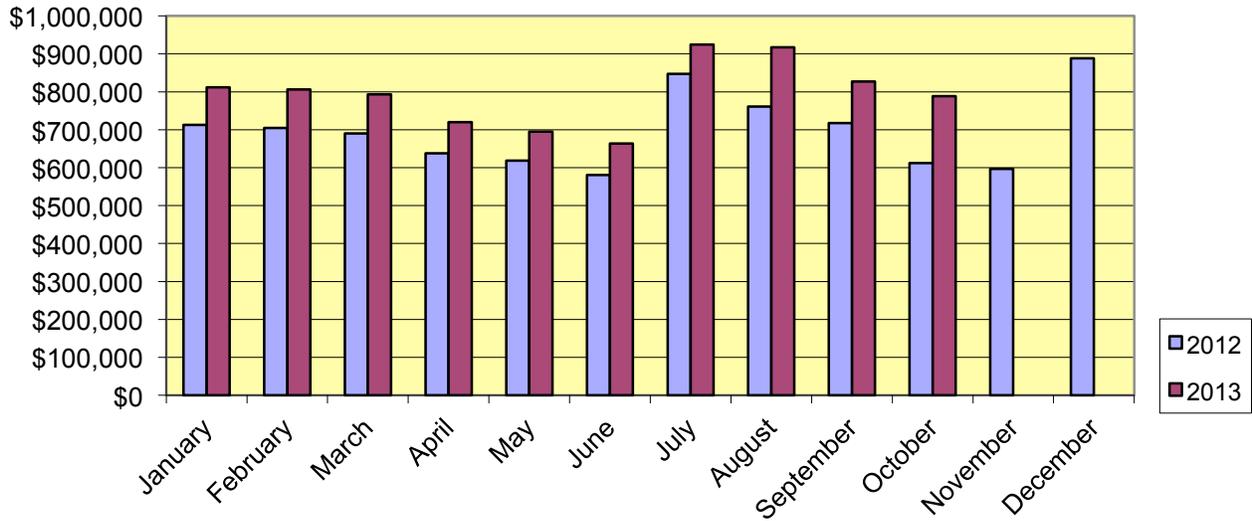
Bob Newman feels both sides want the same thing, a viable business that fits into the residential nature of the neighborhood. Mr. Frankenfield agreed, noting he feels he bought a theater, restaurant and event center. Some neighbors disagreed with that statement. The neighbors and Mr. Frankenfield agreed to meet and discuss some of the issues prior the December 4th work session.

5. Adjournment

Roy moved to adjourn. Second by Cook. Meeting adjourned at 5:50 pm.

Respectfully submitted
Gus Karpas
City Clerk

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	\$788,426	-\$38,329	\$176,532
November	\$597,127	\$0	-\$788,426	-\$597,127
December	\$888,119	\$0	\$0	-\$888,119

Bridgewater Bank Money Market	\$518,210
Bridgewater Bank Checking	\$6,879
Beacon Bank CD	\$240,000
Beacon Bank Money Market	\$23,237
Beacon Bank Checking	\$100
	\$788,426

ALLOCATION BY FUND

General Fund	\$126,949
Special Project Fund	\$36,900
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$78,613
Stormwater Special Revenue Fund	\$11,894
Sewer Enterprise Fund	\$457,733
Marina Enterprise Fund	\$49,282
	\$788,426

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
12/01/13	PC	12/01/13	12011301	COOK, WILLIAM B.	37		001-10101	184.70
12/01/13	PC	12/01/13	12011302	Fletcher, Thomas M	33		001-10101	84.70
12/01/13	PC	12/01/13	12011303	Kind, Debra J.	34		001-10101	277.05
12/01/13	PC	12/01/13	12011304	Quam, Robert	32		001-10101	184.70
12/01/13	PC	12/01/13	12011305	ROY, ROBERT J.	38		001-10101	184.70
Grand Totals:								<u>915.85</u>

Check Issue Date(s): 11/01/2013 - 11/30/2013

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
11/13	11/12/2013	10929	51	BOLTON & MENK, INC.	101-20100	4,555.00
11/13	11/12/2013	10930	9	CITY OF DEEPHAVEN	101-20100	4,305.61
11/13	11/12/2013	10931	315	DOCK & LIFT INC.	605-20100	1,500.00
11/13	11/12/2013	10932	68	GOPHER STATE ONE CALL	602-20100	75.50
11/13	11/12/2013	10933	700	INFRASTRUCTURE TECHNOLOGIES	602-20100	4,284.90
11/13	11/12/2013	10934	3	KELLY LAW OFFICES	101-20100	1,253.50
11/13	11/12/2013	10935	255	LMC INSURANCE TRUST	101-20100	10.00
11/13	11/12/2013	10936	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,497.36
11/13	11/12/2013	10937	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	14,754.00
11/13	11/12/2013	10938	745	Vintage Waste Systems	101-20100	1,628.25
11/13	11/12/2013	10939	145	XCEL ENERGY	602-20100	217.23
11/13	11/25/2013	10940	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	104.20
11/13	11/25/2013	10941	10	AMERICAN SOLUTIONS FOR BUSINES	101-20100	153.43
11/13	11/25/2013	10942	761	DEBRA KIND	101-20100	15.80
11/13	11/25/2013	10943	822	ECM PUBLISHERS INC	101-20100	51.96
11/13	11/25/2013	10944	581	EMERY'S TREE SERVICE, INC.	101-20100	488.10
11/13	11/25/2013	10945	145	XCEL ENERGY	101-20100	431.24
Totals:						<u>36,326.08</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
3	KELLY LAW OFFICES							
	6170	GENERAL LEGAL	10/30/2013	759.00	.00	759.00	10934	11/12/2013
	6171	LAW ENFORCE PROSECUTION	10/30/2013	494.50	.00	494.50	10934	11/12/2013
Total 3				1,253.50	.00	1,253.50		
9	CITY OF DEEPHAVEN							
	NOV 2013	Clerk Services	10/31/2013	4,305.61	.00	4,305.61	10930	11/12/2013
Total 9				4,305.61	.00	4,305.61		
10	AMERICAN SOLUTIONS FOR BUSINES							
	INV01612526	LASER CHECKS	11/08/2013	153.43	.00	153.43	10941	11/25/2013
Total 10				153.43	.00	153.43		
38	SO LAKE MINNETONKA POLICE DEPT							
	NOV 2013	2013 OPERATING BUDGET EXP	11/01/2013	14,754.00	.00	14,754.00	10937	11/12/2013
Total 38				14,754.00	.00	14,754.00		
51	BOLTON & MENK, INC.							
	0161264	2013 I & I PROJECT	10/31/2013	937.00	.00	937.00	10929	11/12/2013
	0161265	2013 STREET IMPROVEMENTS	10/31/2013	1,521.50	.00	1,521.50	10929	11/12/2013
	0161266	2013 EXC BLVD OVERSIGHT	10/31/2013	337.50	.00	337.50	10929	11/12/2013
	0161267	2013 MISC ENGINEERING	10/31/2013	90.00	.00	90.00	10929	11/12/2013
	0161268	2013 EXC BLVD WATERMAIN	10/31/2013	1,080.00	.00	1,080.00	10929	11/12/2013
	0161269	2013 MS4 SWPPP	10/31/2013	589.00	.00	589.00	10929	11/12/2013
Total 51				4,555.00	.00	4,555.00		
68	GOPHER STATE ONE CALL							
	81506	Gopher State calls	10/31/2013	75.50	.00	75.50	10932	11/12/2013
Total 68				75.50	.00	75.50		
105	METRO COUNCIL ENVIRO SERVICES							
	0001027088	Monthly wastewater Charge	11/04/2013	2,497.36	.00	2,497.36	10936	11/12/2013
Total 105				2,497.36	.00	2,497.36		
145	XCEL ENERGY							
	102513	4925 MEADVILLE STREET *	10/25/2013	217.23	.00	217.23	10939	11/12/2013
	110413	Street Lights *	11/04/2013	431.24	.00	431.24	10945	11/25/2013
Total 145				648.47	.00	648.47		
255	LMC INSURANCE TRUST							
	26217	Work Comp-Final Audit	10/29/2013	10.00	.00	10.00	10935	11/12/2013

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
Total 255				10.00	.00	10.00		
315	DOCK & LIFT INC.							
	24100	REMOVE FLOATING DOCK	11/01/2013	1,500.00	.00	1,500.00	10931	11/12/2013
Total 315				1,500.00	.00	1,500.00		
581	EMERY'S TREE SERVICE, INC.							
	18683	TREE MAINTENANCE	11/18/2013	488.10	.00	488.10	10944	11/25/2013
Total 581				488.10	.00	488.10		
700	INFRASTRUCTURE TECHNOLOGIES							
	PR13859	JET/VAC CLEAN & TELEWISE SEWER	09/18/2013	4,284.90	.00	4,284.90	10933	11/12/2013
Total 700				4,284.90	.00	4,284.90		
745	Vintage Waste Systems							
	102413	City Recycling Contract	10/24/2013	1,628.25	.00	1,628.25	10938	11/12/2013
Total 745				1,628.25	.00	1,628.25		
761	DEBRA KIND							
	111413	CHRISTMAS CARD ENVELOPES	11/20/2013	15.80	.00	15.80	10942	11/25/2013
Total 761				15.80	.00	15.80		
808	ADVANTAGE SIGNS & GRAPHICS INC							
	00021140	SIGNS	11/22/2013	104.20	.00	104.20	10940	11/25/2013
Total 808				104.20	.00	104.20		
822	ECM PUBLISHERS INC							
	42719	LEGAL NOTICE	11/07/2013	51.96	.00	51.96	10943	11/25/2013
Total 822				51.96	.00	51.96		
Grand Totals:				36,326.08	.00	36,326.08		



Agenda Number: 5A

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: Public Hearing, Ordinance 222, Establishing R-1C Single-Family District

Summary: See memo for 6A. Since there are substantial proposed revisions to ordinance 222 between the 1st and 2nd readings, the city attorney advised that the city council hold a 2nd public hearing at the 12-04-13 council meeting. A public hearing notice was published in the Star-Tribune on 11-23-13 (more than 10 days prior to the public hearing). A public hearing notice also was published in the 11-28-13 Sun-Sailor.

Council Action: Council action is needed to open and close the public hearing. Suggested motions for the public hearing:

1. I move the council **opens** the public hearing.

Note: A copy of the worksession minutes will be included as Exhibit A in the minutes for the public hearing.

2. I move the council **closes** the public hearing.

Official action regarding ordinance 222 will be done under item 6A on the agenda.



Agenda Number: 6A

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: Resolution 31-13 Findings Defining Past Uses of the Old Log Theater
2nd Reading Ordinance 222 R-1C Single-Family Residential District
Consider: Resolution 29-13, Summary of Ordinance 222 for Publication

Summary: At the 05-01-13 council meeting the city council approved the 2nd reading of ordinance 216 regarding uses in residential districts (one of the ordinances approved in relation to home occupations). 216 removed "Theater" from the list of conditional uses in the R-1A district. Since it never was the city council's intention to take away the conditional use permit (CUP) option for the Old Log, the council directed that an R-1C district be established to put back the CUP option and the other rules for the property that were in place when it was purchased. A draft of the R-1C ordinance 222 was sent to the planning commission for a public hearing and recommendation.

At their 09-18-13 meeting, the planning commission held a public hearing, made changes to the ordinance and forwarded it to the city council for a 1st reading.

At the 10-02-13 meeting, the city council heard additional public comment and approved the 1st reading of ordinance 222 with additional revisions.

At the 11-06-13 meeting, the city council "continued" the 2nd reading of 222 and scheduled a worksession for 11-12-13 to hear neighborhood concerns.

After the 11-12-13 worksession, the city attorney interviewed former Old Log owner Don Stolz. The attached resolution 31-13 and revisions to ordinance 222 were drafted by the city attorney based on the interview and information shared at the worksession. Since there are substantial proposed revisions to ordinance 222, the city attorney advised that the city council hold a 2nd public hearing.

For the council's reference, a redlined version of ordinance 222 is attached to show the revisions made by the city attorney.

Timeline:

- 08-15-13 Public hearing notice published in Sun-Sailor (more than 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.
- 11-12-13 City council worksession.
- 11-23-13 Public hearing notice published in the Star-Tribune (more than 10 days prior to the public hearing).
- 11-28-13 Public hearing notice published in the Sun-Sailor.
- 12-04-13 City council considers 2nd reading of the ordinance.
- 12-05-13 If approved, the ordinance will be submitted to Sun-Sailor.
- 12-12-13 If approved, the ordinance will be published in Sun-Sailor (effective date).

Council Action: None required. Potential motions ...

1. I move the city council approves the resolution 31-13 as presented.
2. I move the city council approves the resolution 31-13 with the following revisions _____.

3. I move the city council approves the 2nd reading of ordinance 222 as presented.
4. I move the city council approves the 2nd reading of ordinance 222 with the following revisions: _____.

5. I move the city council approves resolution 29-13 as presented.
6. I move the city council approves resolution 29-13 with the following revisions: _____.

7. 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.

**CITY OF GREENWOOD
RESOLUTION NO. 31-13**

RESOLUTION ADOPTING FINDINGS DEFINING THE PAST USES OF THE OLD LOG THEATER

WHEREAS, the Old Log Theater (hereinafter "Old Log") was owned and operated by Don Stolz and his family since 1940, and in 1960 a new theater building was constructed which stands today as the primary theater building on the Old Log campus; and

WHEREAS, the theater is located in a residential area of Greenwood known as "Meadville"; and

WHEREAS, on the occasion of construction of a new main theater building, the Old Log was issued a "special use permit" for the construction of the building; and

WHEREAS, by the 1990s the R-1A residential zone in which the Old Log is located had been amended by the addition of "Theater" as a permitted conditional use; and

WHEREAS, when the Stolz family sold the Old Log property in May 2013, it had consistently operated the Old Log largely without change for 53 years; and

WHEREAS, by ordinance 216, the city removed "Theater" as a permitted conditional use with in the R-1A residential district and, in so doing, the Old Log Theater, as operated up to the date of the adoption of ordinance 216, thereafter became a legal nonconforming use; and

WHEREAS, while the continued success of the Old Log is hoped, it cannot be assumed. Also, its continued operation as heretofore cannot be presumed. The city must therefore anticipate potential significant changes and plan accordingly, including the possibility of alternate business uses, requests to remodel, add, and expand buildings, or to intensify business activities in and about the Old Log and its campus, as well as potential abandonment of the Old Log as a business use; and

WHEREAS, to address these facts and possibilities, the city has prepared ordinance 222, to create a new R-1C zoning district that encompasses the properties comprising the Old Log campus. The R-1C district will provide for single-family residential uses matching the zoning for the adjacent neighborhood, but also will allow "Theater with Attached Restaurant" by conditional use permit. Doing so enables the city to consider applications for expansion or intensification of use of the existing Old Log Theater beyond that allowed it as a grandfathered legal nonconforming use; and

WHEREAS, for the purpose of defining the scope of past use of the Old Log, the city has interviewed members of the Stolz family, considered comments of the present owner, and considered the comments of members of the community, including many long-term residents;

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota does hereby make the following:

FINDINGS OF FACT

1. The foregoing recitals are hereby adopted as if set out hereat in full.
2. Since on or about 1940 the Old Log Theater (hereinafter "Old Log") has operated at 5185 Meadville Street, Greenwood, Minnesota (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001). From 1940 to May 2013 it was owned and operated by Don Stolz and his family. In May 2013 the Stolz family sold the Old Log.
3. As operated by the Stolz family, the Old Log has been widely considered a positive contributor to the quality of life, character, and reputation of the city of Greenwood, a valued amenity available to the citizens of the community and surrounding area, and a good neighbor by residents of the adjacent neighborhood.
4. The Old Log's continued economic viability as an ongoing business concern is a matter of interest and concern to the city of Greenwood.
5. The quality, livability, and preservation of the essential character of the Old Log's adjacent residential neighborhood is a matter of concern and interest related to the public health, safety and welfare of the city of Greenwood.

6. The quality and character of the Old Log, its campus, facilities and operation going forward are matters of interest related to the public health, safety and welfare of the city of Greenwood.
7. The expansion of existing legal nonconforming buildings and amenities, located upon the Old Log's campus, are matters of interest related to the public health, safety and welfare of to the city of Greenwood and are a necessary subject of zoning regulation.
8. Changes in the use of (1) the Old Log's buildings and / or its campus or (2) theater operations, business practices, or business services conducted or offered at the Old Log or the Old Log campus, which change or intensify past use are matters of interest related to the public health, safety and welfare of the city of Greenwood and are a necessary subject of zoning regulation best handled by a conditional use permit.
9. The principal building on the Old Log campus has not been significantly remodeled in years and the effects of time and needs and expectations of the theater-going public will likely necessitate repairs, remodeling, and improvements, including possible proposals for physical expansion of same. The regulation of these activities and requests for changes to established past practices are best handled by a conditional use permit.
10. The established use and manner to which the property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001) by the Stolz family the 53 years preceding May 2013 was as follows:
 - (a) The property, its buildings and land, have been employed as a theater offering onsite pre-performance dining.
 - (b) The Old Log campus is host to a principal theater building built in 1960 host to a reception foyer with bar, ticket office, 600-seat theater, and a dining room for approximately 300 diners. The theater is supported by three accessory buildings: a scene shop (the original 1940s theater building), a log cabin, and a scenery / costume storage building.
 - (c) The Old Log campus is landscaped and encompasses natural wetlands and an on-site paved parking lot typically adequate to meet the needs of the Old Log as heretofore been operated.
 - (d) The business operation has been known as The Old Log Theater and promoted as a theater offering onsite pre-performance dining.
 - (e) The principal business at the Old Log was live theater performance aimed at adult audiences. A mixture of farce and serious dramas were offered. Also holiday and summer children's productions were performed. In general, theater performance business hours were 10am to 11pm.
 - (f) The attached restaurant was used to serve dinners in advance of theater performances in the dining room and not outdoors. Box lunches were consumed by school children in the restaurant and on the grounds in relation to the children's shows. Evening food service began at 6pm and ended by 7:30pm in anticipation of the theater performance at 8pm. Luncheon service was offered in advance of matinee performances of adult theatrical presentations. Food service also was provided for public / private events. The restaurant was not promoted as a separately-branded attraction or full-service restaurant with menu.
 - (g) Theater performances were offered Wednesday through Saturday evenings at 8pm. Theater performances typically ended by 10:30pm and patrons departed shortly thereafter. There was no after-theater food or drink service offered.
 - (h) Matinees, aimed at adult audiences, were performed Sunday, Wednesday, and Thursday afternoons. Matinees started at 1pm. In addition children's shows were offered during the holidays (late November through December) and also during the summer from June to August, typically between 10am and 3pm.
 - (i) In the summer, on non-theater performance evenings, indoor concerts were offered and typically started at 8pm and ended by 10:30pm. In recent years an outdoor summer concert was offered free of charge to the public. Otherwise, outdoor concerts were not performed on the Old Log campus.
 - (j) On election days the Old Log served as a public voting site.
 - (k) The Old Log was rented out for wedding receptions and special event uses. These events included use of the theater, dining room, and the Old Log campus. Attendees were provided food and liquor service. Alcohol service for wedding receptions and special events were shut down by 11:30pm and guests were expected to leave the Old Log campus by 12midnight.
 - (l) The Old Log once held a liquor license employable for all lawful hours of sale. The Old Log elected to opt for a reduced / defined hours of sale liquor license in the 1990s. Thereunder, alcohol was allowed to be served with meals prior to evening theater performances and at intermission. Alcohol service was available at wedding receptions, concerts, and special events. Attendees were allowed to consume liquor in the foyer, dining room, on the veranda, and on the landscaped grounds of the Old Log campus. Alcohol was not allowed in the theater itself or in the parking lot. On days when the Old Log was used as a voting site no alcohol service was made. There were no off-sale liquor sales.
 - (m) Scenery shop and Old Log staging operated at all hours, but precautions were taken to limit noise-creating activities to daylight hours.
 - (n) ____ on-site parking stalls typically provided adequate space to meet Old Log demand at performances

and special events, without overflow onto the public streets. A few events did from time-to-time result in parking on the public street. Parking shuttle service was not needed or employed. Charter buses and school buses frequently idled in the parking lot, especially during winter months. The parking lot was not used for purposes other than vehicle parking.

- (o) Garbage collection and food service deliveries were made a few days a week via Covington Street, typically in the morning.
- (p) Outdoor events did not employ amplified sound.

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

1. That the foregoing findings of fact are adopted by the city council of the city of Greenwood.
2. That the property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001) may as of the adoption of this resolution be employed as a theater with on-site dining service in the following general manner:
 - (a) Public business hours for theater performances, special events, on-site food service, ticketing, and the business office shall be between 8am and 12midnight.
 - (b) Liquor service hours shall comply with the city's liquor ordinances (section 820).
 - (c) With the exception of noise-creating activities, there are no restrictions on hours for supporting activities necessary to the Old Log's operations, including: office, scene shop, cleaning, and food preparation.
 - (d) Noise-producing activities such as building, landscaping, and scenery construction, shall be limited to between 8am and 8pm, Monday-Saturday.
 - (e) General deliveries, garbage collection, and food service truck deliveries shall be limited to between 8am and 8pm.
 - (f) In addition to live theater performances, the Old Log may host special events (e.g. concerts, weddings, and private / public events) on the Old Log campus as desired. However, the parking lot shall not be employed for purposes other than parking. Noise related to special events shall be managed so as not to adversely impact neighboring residential properties. Special event revenue shall not exceed 25% of total annual revenue.
 - (g) The Old Log's kitchen, dining room, and bar may offer service to the public independent of theater performances during the public business hours -- see (a) above.
 - (h) Box lunches may be consumed on the grounds.
 - (i) Attendees may consume alcoholic beverages within the main theater building and on the landscaped grounds of the Old Log campus. Alcohol may not be consumed in the parking lot.
 - (j) Parking of all vehicles, including buses, shall be on-site 95% of the need. In the summer, buses shall be turned off while parked and may idle 10 minutes prior to boarding passengers. In the winter, buses may idle more frequently as needed.
 - (k) Outdoor events shall not employ amplified sound.
3. That this resolution shall serve as a guide in the application and implementation of ordinance 222.

ADOPTED 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

ORDINANCE NO. 222

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ZONING CODE CHAPTER 11 BY THE ADDITION OF
SECTION 1123 R-1C SINGLE-FAMILY RESIDENTIAL DISTRICT,
including CONDITIONAL USE REGULATION OF THEATERS WITH ATTACHED RESTAURANT,
and also AMENDING RELATED CHAPTER 12 DEFINITIONS;
and also AMENDING SECTION 1150.20 REGARDING CONDITIONAL USE CONDITIONS**

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

SECTION 1.

Greenwood ordinance code section 1102 definition of "Theater" is hereby deleted.

SECTION 2.

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

"Theater with Attached Restaurant" means a venue for live plays, dramatic and musical performances with on-site licensed commercial kitchen and dining accommodations used primarily for the provision of on-site, sit-down food service. The venue may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. The kitchen facility may be employed for take-out food service or off-site catering services, provided:

- 1) the take-out and catering services combined do not exceed 10% of the operator's annual sales, and
- 2) the take-out and catering services do not significantly increase parking demand at the venue or adversely impact needed available parking for the venue at peak operating times.

Drive-up windows and drive-through food service are prohibited. The venue also may be employed and made available for hire for weddings, and private and corporate events, provided such business and services do not exceed 25% of the operator's annual sales. (THIS DEFINITION ALSO APPEARS IN CHAPTER 12)."

SECTION 3.

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

"Theater with Attached Restaurant" means a venue for live plays, dramatic and musical performances with on-site licensed commercial kitchen and dining accommodations used primarily for the provision of on-site, sit-down food service. The venue may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. The kitchen facility may be employed for take-out food service or off-site catering services, provided:

- 1) the take-out and catering services combined do not exceed 10% of the operator's annual sales, and
- 2) the take-out and catering services do not significantly increase parking demand at the venue or adversely impact needed available parking for the venue at peak operating times.

Drive-up windows and drive-through food service are prohibited. The venue also may be employed and made available for hire for weddings, and private and corporate events, provided such business and services do not exceed 25% of the operator's annual sales. (THIS DEFINITION ALSO APPEARS IN CHAPTER 11)."

SECTION 4.

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

"R-1C Single-Family Residential"

SECTION 5.

Greenwood zoning district map in section 1115 shall be revised to designate the following properties as the R-1C district:
Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001

SECTION 6.

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 purpose of this district is to provide a zone for low-density, single-family dwellings, and also a zone permitting continuing operation of an established theater with attached restaurant in the manner it has been used historically heretofore and providing for possible enlargement of facilities and / or intensification of established uses by conditional use permit first obtained in a manner that is compatible with the surrounding residential community and provides flexibility to address changing business conditions.

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Style Definition ... [1]

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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) ~~Theater with Attached Restaurant and associated accessory structures.~~
- (b) Public utilities, including such items as electrical distribution stations or any such similar structure located above ground.
- (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	
Theater with Attached Restaurant	4 acres	600	600	<u>Not more than 30% of lot area shall be occupied by buildings and/or impervious surfacing</u>

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
	<u>Front Yard (Southerly Side Yard - Parking Lot)</u>	<u>Lot, Interior Side Yard (Easterly Side Yard - Trail)</u>	<u>Lot, Exterior Side Yard (Westerly Yard)</u>	<u>Rear Yard (Northerly Yard - Pond)</u>
Theater with Attached Restaurant	<u>180</u>	<u>15</u>	50	<u>Per Watershed Rules</u>
<u>Theater with Attached Restaurant associated accessory structures</u>	<u>Accessory structures are not permitted in a front yard.</u>	<u>10</u>	<u>35</u>	<u>Per Watershed Rules</u>

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Section 1123.20. R-1C Minimum Building Requirements for Permitted Uses and Associated Accessory Uses Under Section 1123.05, Subd. 1, and Subd. 2.

Subd. 1. Permitted 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 associated with permitted principal uses 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. Lawful Use or Occupation of the Land or Premises Commonly Known as The Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID Nos. 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), Existing at the Time of the Adoption of this Control.

Subd. 1. Findings. After review and investigation, the city adopted resolution 31-13 which sets forth findings on the established use and manner to which the "Theater with Attached Restaurant" property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), has historically been put. Said resolution is intended to serve as the factual basis for the terms and conditions of conditional use regulation under section 1123 et seq. related thereto.

Subd. 2. Authorized Existing Use. The following enumeration of business practices, excerpted from resolution 31- 13, describes the manner to which existing use of the Old Log Theater (described in subd. 1, above), may, as of the adoption of this control (12- -13), be put:

- (a) Public business hours for theater performances, special events, on-site food service, ticketing, and the business office shall be between 8am and 12midnight.
- (b) Liquor service hours shall comply with the city's liquor ordinances (section 820).
- (c) With the exception of noise-creating activities, there are no restrictions on hours for supporting activities necessary to the Old Log's operations, including: office, scene shop, cleaning, and food preparation.
- (d) Noise-producing activities such as building, landscaping, and scenery construction, shall be limited to between 8am and 8pm, Monday-Saturday.
- (e) General deliveries, garbage collection, and food service truck deliveries shall be limited to between 8am and 8pm.
- (f) In addition to live theater performances, the Old Log may host special events (e.g. concerts, weddings, and private / public events) on the Old Log campus as desired. However, the parking lot shall not be employed for purposes other than parking. Noise related to special events shall be managed so as not to adversely impact neighboring residential properties. Special event revenue shall not exceed 25% of total annual revenue.
- (g) The Old Log's kitchen, dining room, and bar may offer service to the public independent of theater performances during the public business hours stated in (a) above.
- (h) Box lunches may be consumed on the grounds.
- (i) Attendees may consume alcoholic beverages within the main theater building and on the landscaped grounds of the Old Log campus. Alcohol may not be consumed in the parking lot.
- (j) Parking of all vehicles, including buses, shall be on-site 95% of the need. In the summer, buses shall be turned off while parked and may idle 10 minutes prior to boarding passengers. In the winter, buses may idle more frequently as needed.
- (k) Outdoor events shall not employ amplified sound.

Section 1123.30. Events Necessitating a Conditional Use Permit Be Obtained Relative to Section 1123:05, Subd. 3(a) (Theater with Attached Restaurant).

Subd. 1. Conditional Use Permit Required. Subject to the rights granted property owners under Minnesota statute 462.357 Subd.1e (a), which provides, in part, that "any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair,

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replacement, restoration, maintenance, or improvement, but not including expansion," any one or more the following events related to the "Theater with Attached Restaurant" property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001) shall require a conditional use permit be first obtained:

- (A) Request for a building permit or zoning approval for physical expansion of any existing building or the addition of impervious surface to said property beyond what existed as of the adoption of this control.
- (B) Any change to the manner of use of said property as authorized in section 1123.25, subd. 2.

Section 1123.35. R-1C Minimum Building Requirements for Permitted Conditional Uses Under Section 1123.05, Subd. 3(a) (Theater with Attached Restaurant).

Subd. 1. Conditional permitted principal structures and associated accessory structures authorized under section 1123.05, subd. 3(a) shall, in addition to other restrictions of this ordinance and any other applicable ordinances of the city, meet the following standards:

- (1) Principal buildings structures shall be limited to 1 in number and shall not exceed 28 feet in building height or more than 42 feet in structure height and shall be built in conformance with this code and current applicable building code.
- (2) Accessory buildings/structures shall be limited to 4 in number plus 1 gazebo and individually shall not be greater than 15 feet in building height or more than 28 feet in structure height. In no event shall the accessory buildings combined exceed 60% of the total at grade, main floor square footage of the principal theater building / structure.
- (3) Subject to variance, under the practical difficulties standard, all additions to the principal theater building and supporting accessory buildings / structures shall be constructed of the same materials or higher quality materials and shall reasonably conform to the architecture of the buildings in existence as of the adoption of this control (12-___-13).
- (4) All exterior finishes on any building shall be any single one or combination of the following:
 - a. Face brick,
 - b. Natural stone,
 - c. Wood which meets appropriate fire codes and has been reviewed by the planning commission and approved by the city council,
 - d. Any other exterior finish that has been reviewed by the planning commission and approved by the city council.

In no event shall precast concrete units, including those with surfaces that have been integrally treated with an applied decorative material or texture be employed for exterior finishes, provided that in no event shall proposed exterior finishes matching an existing building be deemed unacceptable.

- (5) Architectural Compatibility. Building structure, design, and exterior finish materials, including exterior remodeling projects, are subject to review by the planning commission and the city council for acceptability of proposed materials, architectural compatibility with the R-1C district and its established past historic use, and to determine whether the proposal is in keeping with the predominately residential character of the surrounding neighborhoods, local public amenities, and the city in general. Building appearance will be considered from a 360° perspective.

Section 1123.40. Regulation and Imposition of Conditions on Permitted Conditional Uses Authorized Under Section 1123.05, Subd. 3(a).

Subd. 1. Permitted Conditions. In addition to the conditions related to public health, safety, and welfare that the council may impose on conditional uses under section 1150, in considering and issuing or amending a conditional use permit for a "Theater with Attached Restaurant" under section 1123.05, subd. 3(a) the council may impose conditions related to the use of the buildings and structures and operation of any the business operated upon the property including, but not limited to, any of the following:

- A. Odor regulation and management
- B. Noise limits and management
- C. Limits on operational hours
- D. Traffic management and control
- E. Outdoor lighting
- F. Employee parking
- G. Delivery routes and service vehicles including service times and weight restrictions
- H. Refuse collection and related issues including service times and weight restrictions
- I. Carry-out food service
- J. Catering service
- K. Repair and maintenance of public roads burdened by theater related traffic
- L. Alcohol
- M. Outdoor events
- N. Number, size, and location of buildings and accessory structures.

Section 1123.45. R-1C General Regulations.

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

SECTION 7.

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."

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SECTION 8.

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

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

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: October 2, 2013
Second reading: _____, 2013
Publication: _____, 2013

Mark Kelly 11/25/13 11:22 AM

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[Draft ORD 222 R-1C District Revised 11.22.13](#)

ORDINANCE NO. 222

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ZONING CODE CHAPTER 11 BY THE ADDITION OF
SECTION 1123 R-1C SINGLE-FAMILY RESIDENTIAL DISTRICT,
including CONDITIONAL USE REGULATION OF THEATERS WITH ATTACHED RESTAURANT,
and also AMENDING RELATED CHAPTER 12 DEFINITIONS;
and also AMENDING SECTION 1150.20 REGARDING CONDITIONAL USE CONDITIONS**

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

SECTION 1.

Greenwood ordinance code section 1102 definition of "Theater" is hereby deleted.

SECTION 2.

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

"Theater with Attached Restaurant" means a venue for live plays, dramatic and musical performances with on-site licensed commercial kitchen and dining accommodations used primarily for the provision of on-site, sit-down food service. The venue may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. The kitchen facility may be employed for take-out food service or off-site catering services, provided:

- 1) the take-out and catering services combined do not exceed 10% of the operator's annual sales, and
- 2) the take-out and catering services do not significantly increase parking demand at the venue or adversely impact needed available parking for the venue at peak operating times.

Drive-up windows and drive-through food service are prohibited. The venue also may be employed and made available for hire for weddings, and private and corporate events, provided such business and services do not exceed 25% of the operator's annual sales. (THIS DEFINITION ALSO APPEARS IN CHAPTER 12)."

SECTION 3.

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

"Theater with Attached Restaurant" means a venue for live plays, dramatic and musical performances with on-site licensed commercial kitchen and dining accommodations used primarily for the provision of on-site, sit-down food service. The venue may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. The kitchen facility may be employed for take-out food service or off-site catering services, provided:

- 1) the take-out and catering services combined do not exceed 10% of the operator's annual sales, and
- 2) the take-out and catering services do not significantly increase parking demand at the venue or adversely impact needed available parking for the venue at peak operating times.

Drive-up windows and drive-through food service are prohibited. The venue also may be employed and made available for hire for weddings, and private and corporate events, provided such business and services do not exceed 25% of the operator's annual sales. (THIS DEFINITION ALSO APPEARS IN CHAPTER 11)."

SECTION 4.

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

"R-1C Single-Family Residential"

SECTION 5.

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

Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001

SECTION 6.

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 purpose of this district is to provide a zone for low-density, single-family dwellings, and also a zone permitting continuing operation of an established theater with attached restaurant in the manner it has been used historically heretofore and providing for possible enlargement of facilities and / or intensification of established uses by conditional use permit first obtained in a manner that is compatible with the surrounding residential community and provides flexibility to address changing business conditions.

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) Theater with Attached Restaurant and associated accessory structures.
- (b) Public utilities, including such items as electrical distribution stations or any such similar structure located above ground.
- (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	Not more than 30% of lot area shall be occupied by buildings and/or impervious surfacing
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
	Front Yard (Southerly Side Yard - Parking Lot)	Lot, Interior Side Yard (Easterly Side Yard - Trail)	Lot, Exterior Side Yard (Westerly Yard)	Rear Yard (Northerly Yard - Pond)
Theater with Attached Restaurant	180	15	50	Per Watershed Rules
Theater with Attached Restaurant associated accessory structures	Accessory structures are not permitted in a front yard.	10	35	Per Watershed Rules

Section 1123.20. R-1C Minimum Building Requirements for Permitted Uses and Associated Accessory Uses Under Section 1123.05, Subd. 1 and Subd. 2.

Subd. 1. Permitted 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 associated with permitted principal uses 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. Lawful Use or Occupation of the Land or Premises Commonly Known as The Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID Nos. 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), Existing at the Time of the Adoption of this Control.

Subd. 1. Findings. After review and investigation, the city adopted resolution 31-13 which sets forth findings on the established use and manner to which the "Theater with Attached Restaurant" property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), has historically been put. Said resolution is intended to serve as the factual basis for the terms and conditions of conditional use regulation under section 1123 et seq. related thereto.

Subd. 2. Authorized Existing Use. The following enumeration of business practices, excerpted from resolution 31- 13, describes the manner to which existing use of the Old Log Theater (described in subd. 1, above), may, as of the adoption of this control (12-__-13), be put:

- (a) Public business hours for theater performances, special events, on-site food service, ticketing, and the business office shall be between 8am and 12midnight.
- (b) Liquor service hours shall comply with the city's liquor ordinances (section 820).
- (c) With the exception of noise-creating activities, there are no restrictions on hours for supporting activities necessary to the Old Log's operations, including: office, scene shop, cleaning, and food preparation.
- (d) Noise-producing activities such as building, landscaping, and scenery construction, shall be limited to between 8am and 8pm, Monday-Saturday.
- (e) General deliveries, garbage collection, and food service truck deliveries shall be limited to between 8am and 8pm.
- (f) In addition to live theater performances, the Old Log may host special events (e.g. concerts, weddings, and private / public events) on the Old Log campus as desired. However, the parking lot shall not be employed for purposes other than parking. Noise related to special events shall be managed so as not to adversely impact neighboring residential properties. Special event revenue shall not exceed 25% of total annual revenue.
- (g) The Old Log's kitchen, dining room, and bar may offer service to the public independent of theater performances during the public business hours stated in (a) above.
- (h) Box lunches may be consumed on the grounds.
- (i) Attendees may consume alcoholic beverages within the main theater building and on the landscaped grounds of the Old Log campus. Alcohol may not be consumed in the parking lot.
- (j) Parking of all vehicles, including buses, shall be on-site 95% of the need. In the summer, buses shall be turned off while parked and may idle 10 minutes prior to boarding passengers. In the winter, buses may idle more frequently as needed.
- (k) Outdoor events shall not employ amplified sound.

Section 1123.30. Events Necessitating a Conditional Use Permit Be Obtained Relative to Section 1123:05, Subd. 3(a) (Theater with Attached Restaurant).

Subd. 1. Conditional Use Permit Required. Subject to the rights granted property owners under Minnesota statute 462.357 Subd.1e (a), which provides, in part, that "any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair,

replacement, restoration, maintenance, or improvement, but not including expansion,” any one or more the following events related to the “Theater with Attached Restaurant” property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001) shall require a conditional use permit be first obtained:

- (A) Request for a building permit or zoning approval for physical expansion of any existing building or the addition of impervious surface to said property beyond what existed as of the adoption of this control.
- (B) Any change to the manner of use of said property as authorized in section 1123.25, subd. 2.

Section 1123.35. R-1C Minimum Building Requirements for Permitted Conditional Uses Under Section 1123.05, Subd. 3(a) (Theater with Attached Restaurant).

Subd. 1. Conditional permitted principal structures and associated accessory structures authorized under section 1123.05, subd. 3(a) shall, in addition to other restrictions of this ordinance and any other applicable ordinances of the city, meet the following standards:

- (1) Principal buildings structures shall be limited to 1 in number and shall not exceed 28 feet in building height or more than 42 feet in structure height and shall be built in conformance with this code and current applicable building code.
- (2) Accessory buildings/structures shall be limited to 4 in number plus 1 gazebo and individually shall not be greater than 15 feet in building height or more than 28 feet in structure height. In no event shall the accessory buildings combined exceed 60% of the total at grade, main floor square footage of the principal theater building / structure,
- (3) Subject to variance, under the practical difficulties standard, all additions to the principal theater building and supporting accessory buildings / structures shall be constructed of the same materials or higher quality materials and shall reasonably conform to the architecture of the buildings in existence as of the adoption of this control (12-__-13).
- (4) All exterior finishes on any building shall be any single one or combination of the following:
 - a. Face brick,
 - b. Natural stone,
 - c. Wood which meets appropriate fire codes and has been reviewed by the planning commission and approved by the city council,
 - d. Any other exterior finish that has been reviewed by the planning commission and approved by the city council,

In no event shall precast concrete units, including those with surfaces that have been integrally treated with an applied decorative material or texture be employed for exterior finishes, provided that in no event shall proposed exterior finishes matching an existing building be deemed unacceptable.

- (5) Architectural Compatibility. Building structure, design, and exterior finish materials, including exterior remodeling projects, are subject to review by the planning commission and the city council for acceptability of proposed materials, architectural compatibility with the R-1C district and its established past historic use, and to determine whether the proposal is in keeping with the predominately residential character of the surrounding neighborhoods, local public amenities, and the city in general. Building appearance will be considered from a 360° perspective.

Section 1123.40. Regulation and Imposition of Conditions on Permitted Conditional Uses Authorized Under Section 1123.05, Subd. 3(a).

Subd. 1. Permitted Conditions. In addition to the conditions related to public health, safety, and welfare that the council may impose on conditional uses under section 1150, in considering and issuing or amending a conditional use permit for a “Theater with Attached Restaurant” under section 1123.05, subd. 3(a) the council may impose conditions related to the use of the buildings and structures and operation of any the business operated upon the property including, but not limited to, any of the following:

- A. Odor regulation and management
- B. Noise limits and management
- C. Limits on operational hours
- D. Traffic management and control
- E. Outdoor lighting
- F. Employee parking
- G. Delivery routes and service vehicles including service times and weight restrictions
- H. Refuse collection and related issues including service times and weight restrictions
- I. Carry-out food service
- J. Catering service
- K. Repair and maintenance of public roads burdened by theater related traffic
- L. Alcohol
- M. Outdoor events
- N. Number, size, and location of buildings and accessory structures.

Section 1123.45. R-1C General Regulations.

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

SECTION 7.

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 8.

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

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

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: October 2, 2013

Second reading: _____, 2013

Publication: _____, 2013

Draft ORD 222 R-1C District Revised 11.22.13



Agenda Number: 6B

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: 2nd 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 in June 2013.

The Greenwood city council delayed action regarding the ordinance because the city council wanted to be open to considering changes that the other cities wanted to make.

In October 2013, the cities of Excelsior and Shorewood approved the ordinance with minor revisions.

At the 11-06-13 meeting the Greenwood council approved the 1st reading of the Excelsior-Shorewood version of the ordinance with Greenwood-specific additions to the appendix.

Tonka Bay has not taken action yet.

If Greenwood approves the 2nd reading, then 3 of 4 cities will have a unified ordinance.

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 (effective date)

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

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

**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: 6C

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: Curve Street Drainage Committee Update

Summary: The council appointed a subcommittee (Councilman Cook, Councilman Quam, City Engineer Dave Martini) to review a drainage issue on Curve Street and report back to the city council with their recommendations. Councilman Cook will give a verbal update at the 12-04-13 council meeting.

Council Action: None required.



Agenda Number: 7A

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: Res 32-13 Approving Final Levy for Taxes Payable in **2014** and Res 33-13 Approving Final **2014** Budget

Summary: Attached is a copy of the final budget, which includes the tax levy amount of **\$643,874** (shaded gray at the top of page 1). This is the amount that is included on the attached resolution 32-13 for approving the final tax levy for taxes payable in **2014**. Also attached is resolution 33-13 to approve the **2014** general fund budget amount of **\$756,486**.

The tax levy and budget are the result of council discussions at worksessions and council meetings in August and September. The preliminary tax levy of **\$643,874** was approved at the September council meeting. This amount may be reduced at the approval of the final levy, but it cannot increase. The following changes have been made to the spreadsheet since the preliminary approval in September:

1. **2013** year-to-date numbers have been updated
2. **2013** budget numbers have been updated to reflect the recommended budget adjustments (7B on the agenda)
3. The new Special Project Fund for the Greenwood Circle Xcel Project was added.

The tax levy and total general fund amounts on the attached budget spreadsheet have not changed since the preliminary levy was approved.

The council is not required to take action on the below fund budgets. However, since the 2011 budget process, the below fund budgets have been included on the budget spreadsheet for the council's reference and for the public to view.

- A. Sewer Enterprise Fund
- B. Stormwater Special Revenue Fund
- C. Park Special Revenue Fund
- D. Marina Enterprise Fund
- E. Bridge Capital Project Fund
- F. Special Project Fund (new in 2013)

Council Action: Required. Suggested motions ...

1. I move the council adopts resolution 32-13 approving the **2013** tax levy in the amount of **\$643,874** to be collected in **2014**.
2. I move the council adopts resolution 33-13 approving the **2014** general fund budget in the amount of **\$756,486**.

2014 Greenwood FINAL Budget

		2012 Actual	2012 Budget	2013 YTD 10/31	2013 Budget	2014 Budget	% Change	% Total Budget
GENERAL FUND REVENUE								
1	TAXES							
2	101-31010	629,410	644,719	324,017	644,668	643,874	-0.12%	
3	101-31020	7,015	0	10,995	0	0	#DIV/0!	
4	101-31040	3,849	0	1,671	0	0	#DIV/0!	
5	101-31800	71	0	92	0	0	#DIV/0!	
6	101-31910	0	0	12	0	0	#DIV/0!	
7		640,345	644,719	336,787	644,668	643,874	-0.12%	85.11%
8	LICENSES & PERMITS							
9	101-32110	5,950	3,000	15,217	3,000	10,050	235.00%	
10	101-32180	4,565	3,400	700	2,000	4,500	125.00%	
11	101-32210	38,912	16,000	41,730	36,000	30,000	-16.67%	
12	101-32211	1,172	1,000	7,758	11,000	2,000	-81.82%	
13	101-32240	425	200	425	950	450	-52.63%	
14		51,024	23,600	65,830	52,950	47,000	-11.24%	6.21%
15	INTERGOVERNMENT REVENUE							
16	101-33402	0	0	0	0	0	#DIV/0!	
17	101-33423	2,608	0	2,606	0	0	#DIV/0!	
18	101-33610	1,377	0	0	0	0	#DIV/0!	
19	101-33630	0	0	0	0	0	#DIV/0!	
20		3,985	0	2,606	0	0	#DIV/0!	0.00%
21	PUBLIC CHARGES FOR SERVICES							
22	101-34103	4,000	500	3,679	1,000	4,000	300.00%	
23	101-34207	0	0	0	75	75	0.00%	
24	101-34304	5,796	2,000	11,933	2,500	6,000	140.00%	
25	101-34409	19,156	18,819	18,675	19,000	19,000	0.00%	
26		28,952	21,319	34,287	22,575	29,075	28.79%	3.84%
27	FINES, FORFEITURES & PENALTIES							
28	101-35101	7,620	4,500	6,656	4,500	6,000	33.33%	0.79%
29								
30	MISC. INCOME							
31	101-36102	3,496	6,000	2,320	3,500	2,200	-37.14%	
32	101-36230	763	0	7,461	0	0	#DIV/0!	
33		4,259	6,000	9,780	3,500	2,200	-37.14%	0.29%
34	OTHER FINANCING SOURCES							
35	101-39201	12,130	12,130	0	12,500	12,500	0.00%	
36	101-39200	2,790	2,790	0	3,086	3,346	8.43%	
37	101-39202	10,866	10,866	0	10,866	10,866	0.00%	
38	101-39203	1,625	1,625	0	1,625	1,625	0.00%	
39		27,411	27,411	0	28,077	28,337	0.93%	3.75%
40								
41	Total Revenue	759,337	727,549	446,167	756,270	756,486	0.03%	

2014 Greenwood FINAL Budget

		2012 Actual	2012 Budget	2013 YTD 10/31	2013 Budget	2014 Budget	% Change	% Total Budget
GENERAL FUND EXPENSES								
42	COUNCIL & PLANNING COMMISSION							
43	101-41100-103 Council Salaries (Gross)	13,308	13,200	11,000	13,200	13,200	0.00%	
44	101-41100-122 FICA Contributions (6.2%)	818	818	682	818	818	0.00%	
45	101-41100-123 Medicare Contributions (1.45%)	191	191	160	191	191	0.00%	
46	101-41100-371 Training / Conference Registration	873	600	2,161	1,200	1,200	0.00%	
47	101-41100-372 Meals / Lodging	0	100	0	100	100	0.00%	
48	101-41100-433 Misc. (Dues, Subscriptions, Supplies, Etc.)	118	150	30	150	150	0.00%	
49		15,308	15,060	14,032	15,660	15,660	0.00%	2.07%
50	ELECTIONS							
51	101-41200-103 Election Salaries (Part-Time Election Judge Salaries)	1,887	1,800	0	0	1,900	#DIV/0!	
52	101-41200-214 Operational Support - Forms (Ballots, Voter Reg. Rosters)	158	300	0	0	160	#DIV/0!	
53	101-41200-319 Equipment Maintenance (County Agreement, \$187.50 x 2 Voting Machines, \$160 for Automark)	301	650	0	0	535	#DIV/0!	
54	101-41200-372 Meals / Lodging (Election Judge Meals & Snacks)	624	150	0	0	650	#DIV/0!	
55	101-41200-439 Misc. (Supplies, Postage, Public Notices, Etc.)	653	250	0	0	650	#DIV/0!	
56		3,623	3,150	0	0	3,895	#DIV/0!	0.51%
57	ADMINISTRATION							
58	101-41400-201 Office Supplies	117	0	0	150	150	0.00%	
59	101-41400-202 Duplicating (Council Packets, Code Book Pages, Etc.)	326	500	1,053	500	1,400	180.00%	
60	101-41400-204 Stationary, Forms, Printing	1,135	500	1,070	500	800	60.00%	
61	101-41400-309 Professional Services - Other (ISP, Website, Email)	213	500	415	500	450	-10.00%	
62	101-41400-310 Clerk's Contractural (Minutes \$3120, Deeptown \$34,673)	34,514	35,267	28,369	36,665	37,793	3.08%	
63	101-41400-311 Office (Rent and Equipment, \$487.45 per month)	6,515	6,600	4,887	6,500	5,849	-10.02%	
64	101-41400-313 Professional Services (Civic Accounting)	1,964	1,940	1,988	1,940	1,970	1.55%	
65	101-41400-321 Communications - Telephone	135	500	0	450	150	-66.67%	
66	101-41400-322 Postage	786	1,300	679	800	800	0.00%	
67	101-41400-351 Newspaper Legal Notices	1,388	1,000	759	1,000	1,000	0.00%	
68	101-41400-372 Meals / Lodging	0	0	0	0	0	#DIV/0!	
69	101-41400-411 Rentals / Office Equipment (Copier Lease Through May 2013)	3,118	2,100	2,024	903	0	-100.00%	
70	101-41400-439 Misc. (Equipment, Dog Tags, Meadville Launch Stickers \$425, Etc.)	200	300	490	300	725	141.67%	
71		50,411	50,507	41,732	50,208	51,087	1.75%	6.75%
72	ASSESSOR							
73	101-41500-309 Assessor - Contract (Hennepin Co.)	14,054	14,000	7,742	14,000	15,000	7.14%	
74	101-41500-439 Assessor - Other (Public Notices, Processing, Tax Rolls)	89	120	75	100	100	0.00%	
75		14,143	14,120	7,817	14,100	15,100	7.09%	2.00%
76	LEGAL SERVICES							
77	101-41600-304 Legal Services - General	4,324	12,000	8,073	12,000	12,000	0.00%	
78	101-41600-308 Legal Services - Prosecution	4,370	4,000	2,783	4,000	4,000	0.00%	
79		8,694	16,000	10,856	16,000	16,000	0.00%	2.12%

2014 Greenwood FINAL Budget

		2012 Actual	2012 Budget	2013 YTD 10/31	2013 Budget	2014 Budget	% Change	% Total Budget
80	AUDITING							
81	101-41700-301 Auditing (2014: \$9480, 2015: \$9570)	9,300	9,300	10,717	10,130	9,480	-6.42%	
82		9,300	9,300	10,717	10,130	9,480	-6.42%	1.25%
83	GENERAL GOVERNMENT TOTAL	101,479	108,137	85,154	106,098	111,222	4.83%	14.70%
84								
85	LAW ENFORCEMENT							
86	101-42100-310 Law Enforcement - Contract (Monthly)	172,519	172,519	147,540	177,053	182,215	2.92%	
87	101-42100-311 Police Side Lease - Facilities (Quarterly)	45,468	45,469	47,296	47,294	45,629	-3.52%	
88	101-42100-439 Police Safety - Other (Jail, Court Overtime, Etc.)	0	1,000	1,132	1,000	1,000	0.00%	
89		217,987	218,988	195,968	225,347	228,844	1.55%	30.25%
90	FIRE							
91	101-42200-309 Fire Protection - Operations (Quarterly)	66,439	66,439	64,856	64,856	70,517	8.73%	
92	101-42200-311 Fire Side Lease - Facilities (Quarterly)	60,005	60,005	58,092	58,092	60,371	3.92%	
93		126,444	126,444	122,948	122,948	130,888	6.46%	17.30%
94	PUBLIC SAFETY TOTAL	344,431	345,432	318,916	348,295	359,732	3.28%	47.55%
95								
96	ZONING							
97	101-42400-308 Zoning Administration	2,967	3,000	2,867	4,000	3,327	-16.83%	
98	101-42400-309 Public Notices	863	700	1,140	1,700	850	-50.00%	
99	101-42400-310 Building Inspections (69% of Building & Electrical Permits)	10,929	8,000	32,788	39,000	22,080	-43.38%	
100	101-42400-438 Misc. (County Recording Fees, State Bldg. Surcharge, etc.)	114	200	0	200	200	0.00%	
101	ZONING TOTAL	14,873	11,900	36,795	44,900	26,457	-41.08%	3.50%
102								
103	ENGINEERING							
104	101-42600-303 Engineering Fees - Misc.	1,381	1,200	3,264	1,000	1,400	40.00%	
105		1,381	1,200	3,264	1,000	1,400	40.00%	0.19%
106	UTILITIES & ROADS							
107	101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric)	4,756	4,300	4,593	4,600	4,750	3.26%	
108	101-43100-409 Other - Road Repair & Maintenance (Public Works Repairs)	2,568	5,000	5,506	5,000	5,000	0.00%	
109		7,324	9,300	10,099	9,600	9,750	1.56%	1.29%
110	MAJOR ROAD IMPROVEMENTS							
111	101-43200-229 Major Road Improvements - Construction	108,714	115,000	106,696	110,000	110,000	0.00%	
112	101-43200-303 Major Road Improvements - Engineering	22,825	15,000	23,127	20,000	20,000	0.00%	
113		131,539	130,000	129,823	130,000	130,000	0.00%	17.18%

2014 Greenwood FINAL Budget

		2012 Actual	2012 Budget	2013 YTD 10/31	2013 Budget	2014 Budget	% Change	% Total Budget
114	PUBLIC WORKS							
115	101-43900-226 Signs (2012-2018: Retroreflectivity Project)	10,906	11,000	10,722	11,000	11,000	0.00%	
116	101-43900-312 Snow Plowing	7,477	16,000	10,419	16,000	16,000	0.00%	
117	101-43900-313 Trees, Weeds, Mowing	17,320	13,000	7,585	20,000	20,000	0.00%	
118	101-43900-314 Park & Tennis Court Maintenance (Consider \$5500 for Major Maintenance in 2015-2016)	973	500	1,094	1,000	1,000	0.00%	
119	101-43900-315 Trail Snow Plowing (LRT and Tar Paths)	1,337	1,250	4,146	2,100	2,100	0.00%	
120		38,013	41,750	33,965	50,100	50,100	0.00%	6.62%
121	ROADS & PUBLIC WORKS TOTAL	178,257	182,250	177,151	190,700	191,250	0.29%	25.28%
122								
123	MISC. EXPENSES							
124	101-49000-310 Recycling Contract	19,016	18,820	14,654	18,820	19,050	1.22%	
125	101-49000-311 Spring Clean-Up Day	2,471	2,900	2,307	2,900	2,500	-13.79%	
126	101-49000-369 League of Minnesota Cities Insurance Trust / Liability & Property	2,321	3,000	0	3,000	2,500	-16.67%	
127	101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp	99	100	44	110	110	0.00%	
128	101-49000-433 Misc. Expenses	95	0	95	0	0	#DIV/0!	
129	101-49000-434 Southshore Community Center	900	900	0	1,200	1,200	0.00%	
130	101-49000-435 League of Minnesota Cities	747	1,000	779	750	1,063	41.73%	
131	101-49000-436 Lake Minnetonka Conservation District	6,264	6,264	6,450	6,450	6,880	6.67%	
132	101-49000-437 July 4th Fireworks (\$1400) & Parade (\$100)	1,450	1,400	1,442	1,500	1,500	0.00%	
133	MISC. TOTAL	33,363	34,384	25,771	34,730	34,803	0.21%	4.60%
134								
135	Subtotal	672,403	682,103	643,788	724,723	723,464	-0.17%	
136								
137	CONTINGENCY & FUND TRANSFERS							
138	101-49000-439 Contingency (1.8% of Subtotal in 2014)	449	25,446	308	11,547	13,022	12.78%	
139	101-49000-500 Transfer to Bridge Fund	20,000	20,000	0	20,000	20,000	0.00%	
140	CONTINGENCY & BRIDGE FUND TRANSFER TOTAL	20,449	45,446	308	31,547	33,022	4.68%	4.37%
141								
142	Total Expenses	692,852	727,549	644,096	756,270	756,486	0.03%	
143								
144	GENERAL FUND CASH BALANCE (Goal: 35%-50% of Total Expenses)	351,631	50.75%					
145								

2014 Greenwood FINAL Budget

		2012 Actual	2012 Budget	2013 YTD 10/31	2013 Budget	2014 Budget	% Change	% Total Budget	
146	SEWER ENTERPRISE FUND <i>This fund may be used for any city purpose. Goal: \$250,000.</i>								
147	602-34401	REVENUE: Sewer Use Charges (\$70 per quarter)	104,676	108,660	53,190	108,660	108,660	0.00%	
148	602-34402	REVENUE: Late Charges & Penalties	712	0	304	0	0	#DIV/0!	
149	602-34403	REVENUE: Delinquent Sewer Payments Received	273	0	0	0	0	#DIV/0!	
150	602-34404	REVENUE: Delinquent Sewer Late Fees Received	30	0	0	0	0	#DIV/0!	
151	602-34408	REVENUE: Permit Fees	300	0	0	0	0	#DIV/0!	
152	602-38100	REVENUE: Grant Revenue	0	25,000	0	0	0	#DIV/0!	
153	602-37100	REVENUE: Excelsior Blvd. Watermain Project (Contributions for Study, Assessment Payments)	586	0	0	0	0	#DIV/0!	
154	602-36100	REVENUE: Special Assessments	1,601	0	0	0	0	#DIV/0!	
155	602-43200-303	EXPENSE: Engineering Sewer	7,346	4,000	5,525	4,000	7,500	87.50%	
156	602-43200-309	EXPENSE: Met Council and Excelsior	39,577	57,720	14,984	40,000	40,000	0.00%	
157	602-43200-310	EXPENSE: Public Works Sewer	3,258	2,500	2,474	3,700	3,700	0.00%	
158	602-43200-381	EXPENSE: Utility Services - Electric	2,028	2,500	1,037	2,500	2,500	0.00%	
159	602-43200-404	EXPENSE: Repair & Maintenance	2,185	7,000	0	7,000	7,000	0.00%	
160	602-43200-439	EXPENSE: Misc. (Gopher State One Call, Forms, Printing, Insurance, etc.)	730	2,000	287	2,000	2,000	0.00%	
161	602-43200-410	EXPENSE: Excelsior Blvd. Watermain Project (Construction, Engineering, Legal Costs, Etc.)	20,035	0	10,965	0	0	#DIV/0!	
162	602-43200-530	EXPENSE: Capital Outlay	3,243	50,000	0	50,000	0	-100.00%	
163	602-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted sewer revenue for adm. costs)	10,866	10,866	0	10,866	10,866	0.00%	
164		Net Total	18,911	-2,926	18,223	-11,406	35,094	-407.68%	
165		SEWER ENTERPRISE FUND CASH BALANCE	395,855						
166									
167	STORMWATER SPECIAL REVENUE FUND <i>This fund may be used for any city purpose.</i>								
168	502-34401	REVENUE: Stormwater Use Charges (\$12 per quarter)	15,937	16,250	8,009	16,250	16,250	0.00%	
169	502-34403	REVENUE: Delinquent Stormwater Payments Received	0	0	0	0	0	#DIV/0!	
170	502-34404	REVENUE: Delinquent Stormwater Late Fees Received	0	0	0	0	0	#DIV/0!	
171	502-43200-303	EXPENSE: Engineering Stormwater	6,665	4,000	7,150	4,000	6,700	67.50%	
172	502-43200-310	EXPENSE: Public Works Stormwater	0	500	0	500	0	-100.00%	
173	502-43200-319	EXPENSE: Equipment and Maintenance	0	500	0	500	0	-100.00%	
174	502-43200-409	EXPENSE: Street Sweeping	2,266	3,000	2,236	3,000	3,000	0.00%	
175	502-43200-439	EXPENSE: Misc. (EPA Fee, Etc.)	222	600	42	250	250	0.00%	
176	502-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted stormwater rev. for adm. costs)	1,625	1,625	0	1,625	1,625	0.00%	
177		Net Total	5,159	6,025	-1,420	6,375	4,675	-26.67%	
178		STORMWATER SPECIAL REVENUE FUND CASH BALANCE	11,539						
179									

2014 Greenwood FINAL Budget

		2012 Actual	2012 Budget	2013 YTD 10/31	2013 Budget	2014 Budget	% Change	% Total Budget
180	PARK SPECIAL REVENUE FUND <i>This is a dedicated fund for park "acquisitions" only. Cannot be used for maintenance.</i>							
181	401-36230	REVENUE: Park Dedication Fees	0	0	0	0	#DIV/0!	
182	401-45000-000	EXPENSE: Park Improvements	0	0	0	0	#DIV/0!	
183		Net Total	0	0	0	0	#DIV/0!	
184		PARK FUND CASH BALANCE	27,055					
185								
186	MARINA ENTERPRISE FUND <i>This fund may be used for any city purpose. Goal: \$55,000 Tonka Dock; \$65,000 Permanent Dock; \$120,000 Floating Dock. Replace in 2016-2018.</i>							
187	605-36201	REVENUE: Slip Fees (\$1250 x 26 boats, \$300 x 2 sailboats, \$60 x 6 canoes)	27,655	27,900	30,440	30,860	33,460	8.43%
188	605-45100-309	EXPENSE: Professional Services (Dock In and Out)	5,124	4,000	1,500	4,000	5,150	28.75%
189	605-45100-310	EXPENSE: Public Works	1,847	300	0	300	2,000	566.67%
190	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License \$350, Milfoil \$5000, Insurance \$873)	2,384	6,223	5,000	6,223	6,223	0.00%
191	605-45100-590	EXPENSE: Capital Outlay		0		0	0	#DIV/0!
192	605-49300-720	OPERATING TRANSFER: To General Fund	12,130	12,130	0	12,500	12,500	0.00%
193	605-49300-721	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted marina revenue for adm. costs)	2,766	2,790	0	3,086	3,346	8.43%
194		Net Total	6,170	2,457	23,940	4,751	4,241	-10.73%
195		MARINA ENTERPRISE FUND CASH BALANCE	25,853					
196								
197	BRIDGE CAPITAL PROJECT FUND <i>This fund was created in 2010. The funds may be used for any city purpose. Goal: \$200,000</i>							
198	403-39200	REVENUE: Transfer from General Fund	20,000	20,000	0	20,000	20,000	0.00%
199	403-45100-303	EXPENSE: Engineering	0	0	0	2,000	2,000	0.00%
200	403-45100-304	EXPENSE: Legal Services	1,387	0	0	2,000	2,000	0.00%
201	403-45100-530	EXPENSE: Capital Outlay	0	0	0	0	0	#DIV/0!
202		Net Total	18,613	20,000	0	16,000	16,000	0.00%
203		BRIDGE CAPITAL PROJECT FUND CASH BALANCE	78,613					
204								
205	SPECIAL PROJECT FUND <i>This fund was created in 2013 for the Greenwood Circle Xcel Project. The fund may be used for other special projects in the future.</i>							
206	301-36102	REVENUE: Greenwood Circle Xcel Project	0	0	0	36,900	0	-100.00%
207	301-47000-602	EXPENSE: Greenwood Circle Xcel Project	0	0	0	0	0	#DIV/0!
208		Net Total	0	0	0	36,900	0	-100.00%
209		SPECIAL PROJECT FUND CASH BALANCE	0	0		36,900	0	
210								
211	Total Cash Balance (2012 audit of all funds combined)		890,546					

**CITY OF GREENWOOD
RESOLUTION NO. 32-13**

A RESOLUTION APPROVING THE 2013 TAX LEVY, COLLECTIBLE IN 2014

BE IT RESOLVED by the city council of the city of Greenwood that the following sum of money be levied for the current year, collectible in 2014, upon taxable property in the city of Greenwood, Minnesota for general fund activities:

TOTAL LEVY: \$643,874

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

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

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

**CITY OF GREENWOOD
RESOLUTION NO. 33-13**

A RESOLUTION APPROVING THE 2014 CITY BUDGET

WHEREAS, the city council of the city of Greenwood has reviewed the 2014 city budget and determined that the proposed expenditures and revenues adequately address the needs of the city and the residents it serves,

WHEREAS, the public had the opportunity to comment on the 2014 city budget at the December 4, 2013 city council meeting.

NOW, THEREFORE BE IT RESOLVED by the city council of the city of Greenwood, that the 2014 general fund budget in the amount of **\$756,486** is hereby approved.

ADOPTED 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



Agenda Number: 7B

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: 2013 Budget Line Adjustments

Summary: Based on the auditor's recommendation the council needs to consider budget line item adjustments on an annual basis to ensure the actual expenses do not exceed the budgeted expenses for the current year. The administrative committee (Mayor Kind and Councilman Fletcher) reviewed the **2013** expenses as of October 31 and recommend the below line item adjustments to the **2013** budget. To keep a balanced budget, line item adjustments to building and electrical permits revenues also are recommended. For the council's reference, **2013** October year-to-date numbers are listed on the **2014** budget (see 7A in the council packet). Attached is the **2013** budget that includes the recommended changes below.

Council Action: Required. Suggested motion ...

1. I move the council approves the following line item adjustments to the **2013** budget EXPENSES:

General Fund Code Number	Line Item Title	Original 2013 Budget Amount	12-04-13 Adjustment
101-42400-308	Zoning Administration	3,000	4,000
101-42400-309	Public Notices	700	1,700
101-42400-310	Building Inspections	11,000	39,000

AND the following line item adjustments to the **2013** budget REVENUES:

General Fund Code Number	Line Item Title	Original 2013 Budget Amount	12-04-13 Adjustment
101-32210	Building Permits	16,000	36,000
101-32211	Electric Permits	1,000	11,000

2. Other motion ???

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget
GENERAL FUND REVENUE								
1	TAXES							
2	101-31010	627,879	645,417	320,379	644,719	644,668	-0.01%	
3	101-31020	5,396	0	4,677	0	0	#DIV/0!	
4	101-31040	5,013	0	1,949	0	0	#DIV/0!	
5	101-31800	46	0	21	0	0	#DIV/0!	
6	101-31910	0	0	0	0	0	#DIV/0!	
7		638,334	645,417	327,025	644,719	644,668	-0.01%	85.24%
8	LICENSES & PERMITS							
9	101-32110	50	3,250	3,000	3,000	3,000	0.00%	
10	101-32180	4,615	3,400	1,100	3,400	2,000	-41.18%	
11	101-32210	29,962	12,000	14,128	16,000	36,000	125.00%	
12	101-32211	21,156	1,200	1,012	1,000	11,000	1000.00%	
13	101-32240	950	200	150	200	950	375.00%	
14		56,733	20,050	19,391	23,600	52,950	124.36%	7.00%
15	INTERGOVERNMENT REVENUE							
16	101-33402	0	0	0	0	0	#DIV/0!	
17	101-33423	2,645	0	2,608	0	0	#DIV/0!	
18	101-33610	3,442	0	1,377	0	0	#DIV/0!	
19	101-33630	0	0	0	0	0	#DIV/0!	
20		6,087	0	3,985	0	0	#DIV/0!	0.00%
21	PUBLIC CHARGES FOR SERVICES							
22	101-34103	1,000	1,500	3,600	500	1,000	100.00%	
23	101-34207	75	200	0	0	75	#DIV/0!	
24	101-34304	2,588	2,000	2,798	2,000	2,500	25.00%	
25	101-34409	19,318	18,819	18,292	18,819	19,000	0.96%	
26		22,981	22,519	24,689	21,319	22,575	5.89%	2.99%
27	FINES, FORFEITURES & PENALTIES							
28	101-35101	6,861	4,500	6,956	4,500	4,500	0.00%	0.60%
29	MISC. INCOME							
30	MISC. INCOME							
31	101-36102	5,227	5,000	2,876	6,000	3,500	-41.67%	
32	101-36225	0	0	586	0	0	#DIV/0!	
33	101-36230	15	0	738	0	0	#DIV/0!	
34		5,241	5,000	4,200	6,000	3,500	-41.67%	0.46%
35	OTHER FINANCING SOURCES							
36	101-39201	15,000	15,000	0	12,130	12,500	3.05%	
37	101-39200	0	0	0	2,790	3,086	10.61%	
38	101-39202	10,650	10,650	0	10,866	10,866	0.00%	
39	101-39203	1,650	1,650	0	1,625	1,625	0.00%	
40		27,300	27,300	0	27,411	28,077	2.43%	3.71%
41								
42	Total Revenue	758,296	724,786	382,046	727,549	756,270	3.95%	

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget
GENERAL FUND EXPENSES								
43	COUNCIL & PLANNING COMMISSION							
44	101-41100-103 Council Salaries (Gross)	13,200	13,200	11,000	13,200	13,200	0.00%	
45	101-41100-122 FICA Contributions (6.2%)	818	818	682	818	818	0.00%	
46	101-41100-123 Medicare Contributions (1.45%)	191	191	160	191	191	0.00%	
47	101-41100-371 Training / Conference Registration	0	600	81	600	1,200	100.00%	
48	101-41100-372 Meals / Lodging	0	100	0	100	100	0.00%	
49	101-41100-433 Misc. (Dues, Subscriptions, Supplies, Etc.)	125	150	30	150	150	0.00%	
50		14,334	15,060	11,953	15,060	15,660	3.98%	2.07%
51	ELECTIONS							
52	101-41200-103 Election Salaries (Part-Time Election Judge Salaries)	0	0	0	1,800	0	-100.00%	
53	101-41200-214 Operational Support - Forms (Ballots, Voter Reg. Rosters)	0	0	0	300	0	-100.00%	
54	101-41200-219 Election Operations / Support (Deephaven)	0	0	0	0	0	#DIV/0!	
55	101-41200-319 Equipment Maintenance (ES&S Maintenance Agreement / Programming)	0	200	301	650	0	-100.00%	
56	101-41200-372 Meals / Lodging (Election Judge Snacks)	0	0	196	150	0	-100.00%	
57	101-41200-439 Misc. (Supplies, Postage, Public Notices, Etc.)	0	50	449	250	0	-100.00%	
58		0	250	946	3,150	0	-100.00%	0.00%
59	ADMINISTRATION							
60	101-41400-121 PERA Contribution	63	0	0	0	0	#DIV/0!	
61	101-41400-139 Unemployment Insurance Reimbursement	10,756	0	0	0	0	#DIV/0!	
62	101-41400-201 Office Supplies	0	600	117	0	150	#DIV/0!	
63	101-41400-202 Duplicating	515	200	323	500	500	0.00%	
64	101-41400-204 Stationary, Forms, Printing	396	525	1,101	500	500	0.00%	
65	101-41400-309 Professional Services - Other (ISP, Website, Email)	415	1,000	213	500	500	0.00%	
66	101-41400-310 Clerk's Contractual (Minutes \$3000, Deephaven \$33,665)	29,979	34,141	28,857	35,267	36,665	3.96%	
67	101-41400-311 Office (Rent and Equipment)	6,034	6,800	5,430	6,600	6,500	-1.52%	
68	101-41400-313 Professional Services (Civic Accounting)	1,940	1,920	1,964	1,940	1,940	0.00%	
69	101-41400-321 Communications - Telephone	450	700	135	500	450	-10.00%	
70	101-41400-322 Postage	808	1,400	605	1,300	800	-38.46%	
71	101-41400-351 Newspaper Legal Notices	873	2,000	995	1,000	1,000	0.00%	
72	101-41400-372 Meals / Lodging	0	0	0	0	0	#DIV/0!	
73	101-41400-411 Rentals / Office Equipment (Copier Lease Through May 2013)	2,166	2,335	2,672	2,100	903	-57.00%	
74	101-41400-439 Misc. (Equipment, Dog Tags, Etc.)	256	400	44	300	300	0.00%	
75		54,652	52,021	42,455	50,507	50,208	-0.59%	6.64%

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget
76	ASSESSOR							
77	101-41500-309 Assessor - Contract (Hennepin Co.)	13,891	14,000	7,054	14,000	14,000	0.00%	
78	101-41500-439 Assessor - Other (Public Notices, Processing, Tax Rolls)	57	100	89	120	100	-16.67%	
79		13,948	14,100	7,143	14,120	14,100	-0.14%	1.86%
80	LEGAL SERVICES							
81	101-41600-304 Legal Services - General	9,367	15,000	4,324	12,000	12,000	0.00%	
82	101-41600-308 Legal Services - Prosecution	4,634	4,000	4,025	4,000	4,000	0.00%	
83		14,001	19,000	8,349	16,000	16,000	0.00%	2.12%
84	AUDITING							
85	101-41700-301 Auditing (2013: \$9390, 2014: \$9480, 2015: \$9570, 1/2 day Nov. meeting w/Daniel \$740)	9,100	9,100	9,300	9,300	10,130	8.92%	
86		9,100	9,100	9,300	9,300	10,130	8.92%	1.34%
87	GENERAL GOVERNMENT TOTAL	106,034	109,531	80,145	108,137	106,098	-1.89%	14.03%
90	LAW ENFORCEMENT							
91	101-42100-310 Law Enforcement - Contract (Monthly)	158,676	158,672	143,766	172,519	177,053	2.63%	
92	101-42100-311 Police Side Lease - Facilities (Quarterly)	47,264	47,263	45,468	45,469	47,294	4.01%	
93	101-42100-439 Police Safety - Other (Jail, Court Overtime, Etc.)	1,205	1,000	0	1,000	1,000	0.00%	
94		207,145	206,935	189,234	218,988	225,347	2.90%	29.80%
95	FIRE							
96	101-42200-309 Fire Protection - Operations (Quarterly)	68,492	68,492	66,439	66,439	64,856	-2.38%	
97	101-42200-311 Fire Side Lease - Facilities (Quarterly)	59,293	59,239	60,005	60,005	58,092	-3.19%	
98		127,785	127,731	126,444	126,444	122,948	-2.76%	16.26%
99	PUBLIC SAFETY TOTAL	334,930	334,666	315,678	345,432	348,295	0.83%	46.05%
100	ZONING							
101	101-42400-308 Zoning Administration	2,979	4,000	2,479	3,000	4,000	33.33%	
102	101-42400-309 Public Notices	566	1,500	803	700	1,700	142.86%	
103	101-42400-310 Building Inspections	21,535	6,500	10,929	8,000	39,000	387.50%	
104	101-42400-438 Misc. (County Recording Fees, State Bldg. Surcharge, etc.)	680	0	114	200	200	0.00%	
105	ZONING TOTAL	25,761	12,000	14,326	11,900	44,900	277.31%	5.94%
106	ENGINEERING							
107	101-42600-303 Engineering Fees - Misc.	870	3,500	1,125	1,200	1,000	-16.67%	
108		870	3,500	1,125	1,200	1,000	-16.67%	0.13%
109	UTILITIES & ROADS							
110	101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric)	4,584	4,000	3,943	4,300	4,600	6.98%	
111	101-43100-409 Other - Road Repair & Maintenance (Public Works Repairs)	12,133	5,000	2,243	5,000	5,000	0.00%	
112		16,717	9,000	6,186	9,300	9,600	3.23%	1.27%

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget
	MAJOR ROAD IMPROVEMENTS							
113	101-43200-229 Major Road Improvements - Construction	102,468	115,000	108,715	115,000	110,000	-4.35%	
114	101-43200-303 Major Road Improvements - Engineering	23,104	15,000	21,553	15,000	20,000	33.3%	
115		125,572	130,000	130,268	130,000	130,000	0.00%	17.19%
116	PUBLIC WORKS							
117	101-43900-226 Signs (2012-2018: Retroreflectivity Project)	6,373	5,000	10,906	11,000	11,000	0.00%	
118	101-43900-310 Streets - Sweeping (Stormwater Fund in 2012 & 2013)	0	4,000	0	0	0	#DIV/0!	
119	101-43900-312 Snow Plowing	13,642	15,000	7,477	16,000	16,000	0.00%	
120	101-43900-313 Trees, Weeds, Mowing	21,575	13,000	15,876	13,000	20,000	53.85%	
121	101-43900-314 Park & Tennis Court Maintenance	2,712	200	730	500	1,000	100.00%	
122	101-43900-315 Trail Snow Plowing (LRT and Tar Paths)	2,082	800	1,338	1,250	2,100	68.00%	
123	101-43900-439 Misc.	2,323	0	0	0	0	#DIV/0!	
124		48,706	38,000	36,326	41,750	50,100	20.00%	6.62%
125	ROADS & PUBLIC WORKS TOTAL	191,866	180,500	173,905	182,250	190,700	4.64%	25.22%
126								
127	MISC. EXPENSES							
128	101-49000-310 Recycling Contract	17,252	18,819	15,760	18,820	18,820	0.00%	
129	101-49000-311 Spring Clean-Up Day	2,860	2,500	2,471	2,900	2,900	0.00%	
130	101-49000-369 League of Minnesota Cities Insurance Trust / Liability & Property	2,765	7,600	0	3,000	3,000	0.00%	
131	101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp	104	110	99	100	110	10.00%	
132	101-49000-432 Excelsior Blvd. Watermain Expenses	0	0	12,020	0	0	#DIV/0!	
133	101-49000-433 Misc. Expenses	0	0	95	0	0	#DIV/0!	
134	101-49000-434 Southshore Community Center	900	1,200	0	900	1,200	33.33%	
135	101-49000-435 League of Minnesota Cities	722	997	747	1,000	750	-25.00%	
136	101-49000-436 Lake Minnetonka Conservation District	6,507	6,507	6,264	6,264	6,450	2.97%	
137	101-49000-437 July 4th Fireworks (\$1400) & Parade (\$100)	1,401	1,300	1,450	1,400	1,500	7.14%	
138	MISC. TOTAL	32,511	39,033	38,905	34,384	34,730	1.01%	4.59%
139								
140	Subtotal	691,102	675,730	622,958	682,103	724,723	6.25%	
141								
142	CONTINGENCY & FUND TRANSFERS							
143	101-49000-439 Contingency (4.3% of subtotal in 2011, 3.7% in 2012, 1.7% in 2013)	5,266	29,056	449	25,446	11,547	-54.62%	
144	101-49000-500 Transfer to Bridge Fund	20,000	20,000	0	20,000	20,000	0.00%	
145	CONTINGENCY & FUND TRANSFERS TOTAL	25,266	49,056	449	45,446	31,547	-30.58%	4.17%
146								
147	Total Expenses	716,368	724,786	623,407	727,549	756,270	3.95%	
148								
149	GENERAL FUND CASH BALANCE (Goal: 35%-50% of Total Expenses)	313,138			395,855			52.34%

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget	
150	SEWER ENTERPRISE FUND <i>This fund may be used for any city purpose. Goal: \$250,000</i>								
151	602-34401	REVENUE: Sewer Use Charges (\$70 per quarter x ___ units)	106,169	106,500	99,826	108,660	108,660	0.00%	
152	602-34402	REVENUE: Late Charges & Penalties	620	2,000	652	0	0	#DIV/0!	
153	602-34403	REVENUE: Delinquent Sewer Payments Received	864	0	0	0	0	#DIV/0!	
154	602-34404	REVENUE: Delinquent Sewer Late Fees Received	87	0	0	0	0	#DIV/0!	
155	602-34408	REVENUE: Permit Fees	200	0	100	0	0	#DIV/0!	
156	602-38100	REVENUE: Grant Revenue	33,690		0	25,000	0	-100.00%	
157	602-36100	REVENUE: Special Assessments	22	0	800	0	0	#DIV/0!	
158	602-43200-303	EXPENSE: Engineering Sewer	12,721	2,700	3,884	4,000	4,000	0.00%	
159	602-43200-309	EXPENSE: Met Council and Excelsior	35,123	52,000	34,481	57,720	40,000	-30.70%	
160	602-43200-310	EXPENSE: Public Works Sewer	3,608	5,000	2,454	2,500	3,700	48.00%	
161	602-43200-381	EXPENSE: Utility Services - Electric	2,116	1,700	1,673	2,500	2,500	0.00%	
162	602-43200-404	EXPENSE: Repair & Maintenance	5,614	7,000	448	7,000	7,000	0.00%	
163	602-43200-439	EXPENSE: Misc. (Gopher State One Call, Forms, Printing, 2012 Insurance \$456, etc.)	1,832	500	623	2,000	2,000	0.00%	
164	602-43200-530	EXPENSE: Capital Outlay (2011 I/I Project, 2012 I/I Project)	66,931	50,000	0	50,000	50,000	0.00%	
165	602-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted sewer revenue for adm. costs)	10,650	10,650	0	10,866	10,866	0.00%	
166		Net Total	3,057	-21,050	57,816	-2,926	-11,406	289.82%	
167		SEWER ENTERPRISE FUND CASH BALANCE	357,495	401,273		354,569	343,163		
168									
169	STORMWATER SPECIAL REVENUE FUND <i>This fund may be used for any city purpose.</i>								
170	502-34401	REVENUE: Stormwater Use Charges	16,107	16,500	15,213	16,250	16,250	0.00%	
171	502-34403	REVENUE: Delinquent Stormwater Payments Received	0	0	0	0	0	#DIV/0!	
172	502-34404	REVENUE: Delinquent Stormwater Late Fees Received	0	0	0	0	0	#DIV/0!	
173	502-43200-303	EXPENSE: Engineering Stormwater	12,970	4,000	4,470	4,000	4,000	0.00%	
174	502-43200-310	EXPENSE: Public Works Stormwater	470	500	0	500	500	0.00%	
175	502-43200-319	EXPENSE: Equipment and Maintenance	0	1,500	0	500	500	0.00%	
176	502-43200-409	EXPENSE: Street Sweeping	2,350	4,000	2,266	3,000	3,000	0.00%	
177	502-43200-439	EXPENSE: Misc. (EPA Fee, Etc.)	194	2,000	51	600	250	-58.33%	
178	502-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted stormwater rev. for adm. costs)	1,650	1,650	0	1,625	1,625	0.00%	
179		Net Total	-1,527	2,850	8,426	6,025	6,375	5.81%	
180		STORMWATER SPECIAL REVENUE FUND CASH BALANCE	7,609	17,907		13,634	20,009		
181									
182	PARK SPECIAL REVENUE FUND <i>This is a dedicated fund for park "acquisitions" only. Cannot be used for maintenance.</i>								
183	401-36230	REVENUE: Park Dedication Fees	0	0	0	0	0	#DIV/0!	
184	401-45000-000	EXPENSE: Park Improvements	0	5,000	0	0	0	#DIV/0!	
185		Net Total	0	-5,000	0	0	0	#DIV/0!	
186		PARK FUND CASH BALANCE	27,055	22,055	27,055	27,055	27,055		
187									

2013 Greenwood FINAL Budget

		2011 Actual	2011 Budget	2012 YTD Oct.	2012 Budget	2013 Budget	% Change	% Total Budget	
188	MARINA ENTERPRISE FUND <i>This fund may be used for any city purpose. Goal: \$55,000 for wood dock with steel posts; \$120,000 for floating dock. Current docks installed in 1997.</i>								
189	605-36201	REVENUE: Slip Fees (\$1150 x 26 boats, \$300 x 2 sailboats, \$60 x 6 canoes)	25,300	25,300	27,655	27,900	30,860	10.61%	
190	605-45100-309	EXPENSE: Professional Services (Dock In and Out)	3,000	4,600	3,624	4,000	4,000	0.00%	
191	605-45100-310	EXPENSE: Public Works	314	300	1,848	300	300	0.00%	
192	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License \$350, Milfoil \$5000, Insurance \$873)	1,559	350	2,384	6,223	6,223	0.00%	
193	605-45100-590	EXPENSE: Capital Outlay		0	0	0	0	#DIV/0!	
194	605-49300-720	OPERATING TRANSFER: To General Fund	15,000	15,000	0	12,130	12,500	3.05%	
195	605-49300-721	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted marina revenue for adm. costs)	0	0	0	2,790	3,086	10.61%	
196		Net Total	5,427	5,050	19,799	2,457	4,751	93.37%	
197		MARINA ENTERPRISE FUND CASH BALANCE	22,474	21,753		24,931	29,682		
198									
199	BRIDGE CAPITAL PROJECT FUND <i>This fund was created in 2010. The funds may be used for any city purpose. Goal: \$200,000</i>								
200	403-39200	REVENUE: Transfer from General Fund	20,000	20,000	0	20,000	20,000	0.00%	
201	403-45100-303	EXPENSE: Engineering	30	0	0	0	2,000	#DIV/0!	
202	403-45100-304	EXPENSE: Legal Services	30	0	1,357	0	2,000	#DIV/0!	
203	403-45100-530	EXPENSE: Capital Outlay	0	0	0	0	0	#DIV/0!	
204		Net Total	19,940	20,000	-1,357	20,000	16,000	-20.00%	
205		BRIDGE CAPITAL PROJECT FUND CASH BALANCE	59,970	40,000		79,970	95,970		
206									
207	SPECIAL PROJECT FUND <i>This fund was created in 2013 for the Greenwood Circle Xcel Project. The fund may be used for other special projects in the future.</i>								
208	301-36102	REVENUE: Greenwood Circle Xcel Project	0	0	0	0	36,900	#DIV/0!	
209	301-47000-602	EXPENSE: Greenwood Circle Xcel Project	0	0	0	0	0	#DIV/0!	
210		Net Total	0	0	0	0	36,900	#DIV/0!	
211		SPECIAL PROJECT FUND CASH BALANCE	0	0		0	36,900		
212									
213		Total Fund Cash Balances	787,741	502,988		896,014	552,779	-38.31%	



Agenda Number: 7C

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: Consider Fund Transfers and Year-End Contributions

Summary: Each year the council considers fund transfers and year-end contributions at the December council meeting. Refer to the 7B copy of the **2013** budget to see the budgeted amounts for the fund transfers and year-end contributions. Refer to the Consent Agenda section of the council packet to view the most recent cash summary report. It is the administrative committee's recommendation that the council approves the budgeted transfers and contributions. Suggested motions are below.

Council Action: Required. Suggested motions ...

1. I move the council approves the following 2013 budgeted fund transfers:
 - a. **\$3,086** from 605-49300-721 Marina Fund Transfer to 101-39200 General Fund for Administrative Expense Reimbursement
 - b. **\$12,500** from 605-49300-720 Marina Fund Transfer to 101-39201 General Fund
 - c. **\$10,866** from 602-43200-720 Sewer Fund Transfer to 101-39202 General Fund for Administrative Expense Reimbursement
 - d. **\$1,625** from 502-43200-720 Stormwater Fund Transfer to 101-39203 General Fund for Administrative Expense Reimbursement
 - e. **\$20,000** from 101-49000-500 General Fund Bridge Transfer to 403-39200 Bridge Fund
2. I move the council approves the following 2013 budgeted contribution:
 - a. **\$900** (101-49000-434) to the city of Shorewood to offset Southshore Center operating expenses.
3. Other motions ???



Agenda Number: 7D

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: 2014 Licenses

Summary: 12-31-13 is the deadline for applications and fees for 2014 licenses that require council approval. Since the city has not received all of the applications and fees at this time, it is recommended that the council approves the licenses listed in the motion below contingent upon the city receiving applications and fees by the deadline. This is the same procedure that has been followed in the past.

Council Action: Required. Suggested motion ...

1. I move the council approves 2014 licenses for the entities listed below contingent upon the city receiving applications and fees by 12-31-13:
 - a) Liquor Old Log Theater
 - b) Trash Allied Waste, Aspen Waste, Blackowiack Disposal, Randy's Sanitation, Vintage Waste, Waste Management, Waste Technology
 - c) Tobacco Christmas Lake Gas
 - d) Commercial Marinas Bean's Greenwood Marina, Excelsior Bay Harbor, Kreslin's Marina



Agenda Number: **7E**

Agenda Date: **12-04-13**

Prepared by *Deb Kind*

Agenda Item: Ordinance 225, Variance Extensions

Summary: At the 10-02-13 council meeting the council approved the 1st reading of ordinance 223 updating fees. One of the proposed fee updates was related to variance extensions. During the council discussion it became clear that the city would need to update the variance ordinance before setting a fee for variance extensions. The variance ordinance is in the zoning code chapter of the ordinance book, therefore the council directed the city zoning administrator to draft an ordinance and send to the planning commission for a public hearing and recommendation.

Timeline:

- 01-02-14 Public hearing notice published in Sun-Sailor (must be at least 10 days prior to the public hearing).
- 11-20-13 Planning commission held the public hearing and made a recommendation to the city council.
- 12-04-13 City council considers 1st reading of the ordinance.
- 01-02-14 City council considers 2nd reading of the ordinance.
- 01-03-14 Ordinance submitted to Sun-Sailor.
- 01-09-14 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 1st reading of ordinance 225.
2. I move the city council approves the 1st reading of ordinance 225 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. The planning commission must hold a public hearing and make a recommendation to the city council regarding any changes to the zoning code chapter 11.

ORDINANCE NO. 225

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1155.10**

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

SECTION 1.

Greenwood ordinance code section 1155.10(9) is amended to now 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."

SECTION 2.

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

Zoning: Variance Extension	1155.10(9)	1st 1-Year Extension: \$50 (approved by zoning administrator) Subsequent 1-Year Extensions: \$350 (approved by city council)
----------------------------	------------	---

SECTION 3.

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

Enacted by the city council of Greenwood, Minnesota this ____ day of _____, 2012.

____ 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: 7F

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: Variance Ordinance Changes Regarding Practical Difficulties Considerations

Summary: Mayor Kind participated in the recent League of MN Cities' WebForum titled "Common Mistakes in Land-Use Ordinances." The forum was led by LMC attorney Jed Burkett. He stated that the Municipal Planning Act pre-empts city authority to vary from statutory provisions. Therefore, the city's variance ordinances should be consistent with state statute. In a follow-up after the WebForum, Jed said that many cities (like Greenwood) long have had additional factors or considerations in variance ordinances. If the city is going to have additional considerations in our variance ordinance, Jed suggested that we frame them as fitting within the state statutory factors (e.g. saying "When determining reasonable manner or essential character the city will look to considerations a, b, c. etc."). Attached is draft of an ordinance with suggested edits to comply with Jed's recommendations. The city attorney and zoning administrator have reviewed the proposed changes. Since the variance ordinance is in the zoning code chapter of the city ordinance code book, the next step would be to send the proposed ordinance to the planning commission for a public hearing and recommendation.

Timeline:

- 12-23-13 Deadline to submit public hearing notice to Sun-Sailor.
- 01-02-14 Public hearing notice published in Sun-Sailor (must be at least 10 days prior to the public hearing).
- 01-15-14 Planning commission holds the public hearing and makes a recommendation to the city council.
- 02-05-14 City council considers 1st reading of the ordinance.
- 03-05-14 City council considers 2nd reading of the ordinance.
- 03-06-14 Ordinance submitted to Sun-Sailor.
- 03-13-14 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 draft of the variance ordinance changes regarding practical difficulties considerations and directs the draft ordinance be sent to the planning commission for a public hearing and recommendation.
2. I move the city council approves the draft of the variance ordinance changes regarding practical difficulties considerations with the following revisions: _____, and directs the revised draft ordinance be sent to the planning commission for a public hearing and recommendation.
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. The planning commission must hold a public hearing and make a recommendation to the city council regarding any changes to the zoning code chapter 11.

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1155.10
REGARDING PRACTICAL DIFFICULTIES CONSIDERATIONS**

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

SECTION 1.

Greenwood ordinance code section 1155.10, subd. 1 is amended to read as follows:

"Subd. 1. Variances to Zoning Code. Any persons may request variances from the literal provisions of the zoning ordinance, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations in instances where their strict enforcement would cause ~~undue hardship~~ practical difficulties because of circumstances unique to the individual property under consideration."

SECTION 2.

Greenwood ordinance code section 1155.10, subd. 6 is amended to read as follows:

"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:~~ Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will look into, but will not be limited to, the following considerations:

- (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."

SECTION 3.

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

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

Ayes _____, Nays _____

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

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



Agenda Number: 7G

Agenda Date: 12-04-13

Prepared by Deb Kind

Agenda Item: Potential Shuman Woods Park Improvements

Summary: At the 11-06-13 meeting the council discussed the results of the 2013 community survey. Several of the written comments suggested the city look into improvements at Shuman Woods Park. The council discussed ideas and directed the city attorney to research whether or not Park Funds could be used. Attached is the city attorney's memo. If the council decides to proceed, the next step would be for the planning commission to develop a park system plan.

Council Action: None required. Potential motions ...

1. I move the city council directs the planning commission to develop a park system plan with the intent to make improvements at Shuman Woods Park that include the following items ...
 - a. Large park sign
 - b. Small perimeter signage
 - c. Small parking area for 3 to 5 cars
 - d. Trail loop with mulch
 - e. Picnic table area with mulch
 - f. Future area for play equipment

2. Do nothing or other motion ???

KELLY LAW OFFICES

Established 1948

351 SECOND STREET
EXCELSIOR, MINNESOTA 55331

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

(952) 474-5977
FAX 474-9575

MEMORANDUM

TO: Greenwood City Council

FROM: Mark W. Kelly, Greenwood City Attorney

DATE: November 7, 2013

RE: Authorized Park Fund Uses

The question has been posed to what purpose might the City put park funds in their custody. State law allows cities to accept, from applicants seeking subdivision approval, a cash fee provided such is established by ordinance. The fees are to be established based on fair market value of the *unplatted* land for which park fees have not already been paid. The fee is to be established not later than the time of final approval of the plat or under the City's adopted Comprehensive Plan. These fees are in lieu of dedication of land that might be put to park purposes or otherwise preserved as open space, recreational, and common areas for the public benefit.

The cash payments received are to be placed into a special fund and used for the acquisition or development or *improvement* of parks, recreational facilities, playgrounds, trails, wetlands, or open space, based on an approved park systems plan. By statute, cash payments *must not* be used for on-going *operation or maintenance of parks*, recreational facilities, playgrounds, trails, wetlands, or open space. Minnesota Statute Section 462.358, Subd. 2b.

Discussion

The word "improvement", is commonly understood in the law to mean a "valuable addition made to property (usually real estate) or an amelioration in its condition, amounting to more than mere repairs or replacement of waste, costing labor or capital, and intended to enhance its value, beauty, or utility, or to adapt it for new or further purposes" (Black's Law Dictionary).

In contrast, the word "repair" is generally accepted to mean: "to restore to a sound or good state after decay, injury, dilapidation or partial destruction. The use of the word "repair" contemplates an existing structure or thing which has become imperfect and to replace that which was lost or destroyed. "Maintenance" is commonly understood to mean "upkeep or preserving the condition of property to be operated" (Black's Law Dictionary).

The City of Greenwood has acquired park funds over time and has kept these in a separate account. These funds have not been used to repair and maintain park lands or facilities such as a tennis court.

It has been queried whether or not money in the park fund might be used to improve Shuman Woods park land. Based on the foregoing definitions and statutory law, I am of the opinion, that provided the City has an actual park plan for the improvement of Shuman Woods and others, park fund monies on hand might be spent for actual improvements. The planned improvements must meet the definition of improvement and be in conformance with an approved park systems plan.

Given the small amount of park land within the City, the preparation of a park system plan, based on the advice of the City Engineer and Planning Commission, should be a detail readily performed.

The plan will guide the City in articulating a proposal for improvement of Shuman Woods. Thereafter, park funds can be spent on the proposed improvements.

The City Council should be aware and make careful distinction not to confuse repairs and maintenance - snow plowing, ice removal, painting, resurfacing, rebuilding - with improvements such as creation of parking, trails, or new amenities, essential to the public enjoyment of a park.



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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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: **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.

November 6, 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).

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".

Debra J Kind
Mayor, City of Greenwood

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

From: Debra Kind <dkind100@gmail.com>
Subject: Re: Lake Mtka Scenic Byway Concept
Date: November 11, 2013 4:10:39 PM CST
To: KENWINMINN@aol.com

All sounds good. Thanks!

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

On Nov 11, 2013, at 3:56 PM, KENWINMINN@aol.com wrote:

Hi Deb,

Thank you for your note and update on your council's reaction to the byway concept.

As I indicated, I don't know what all the relative merits, or demerits, of a byway would be. But the fact of our Lake Minnetonka cities collaborating on another joint effort I thought had merit. And if the byway meant that we could market our historical, natural and other attractions better, that was a plus too.

Anyway, what I have in mind for an upcoming meeting (to be determined) is a fact finding session with the cities' representatives and the State head of scenic byways. We need to know what we're talking about and what the costs and implications are.

With your response in mind, I will keep you posted on what we learn. A number of communities have expressed enthusiasm for it; a couple, more cautious. Stay tuned, and stay warm in the interim. I don't like this first shot of winter to come.

Best,

Ken

In a message dated 11/11/2013 12:22:12 P.M. Central Standard Time, dkind100@gmail.com writes:

Ken --

This is a quick email to acknowledge that the city of Greenwood has received your letters regarding the Lake Mtka Scenic Byway concept. The Greenwood city council discussed the concept and is "neutral" regarding the idea. In other words, if all of the other cities are in favor of the concept, we will support the route going through Greenwood. However, if there are cities along the route that are opposed to the concept, we do not want to be perceived to be one of the cities "pushing" the idea of the byway. Given our "neutral" position, Greenwood will not be appointing a representative to attend meetings regarding the concept.

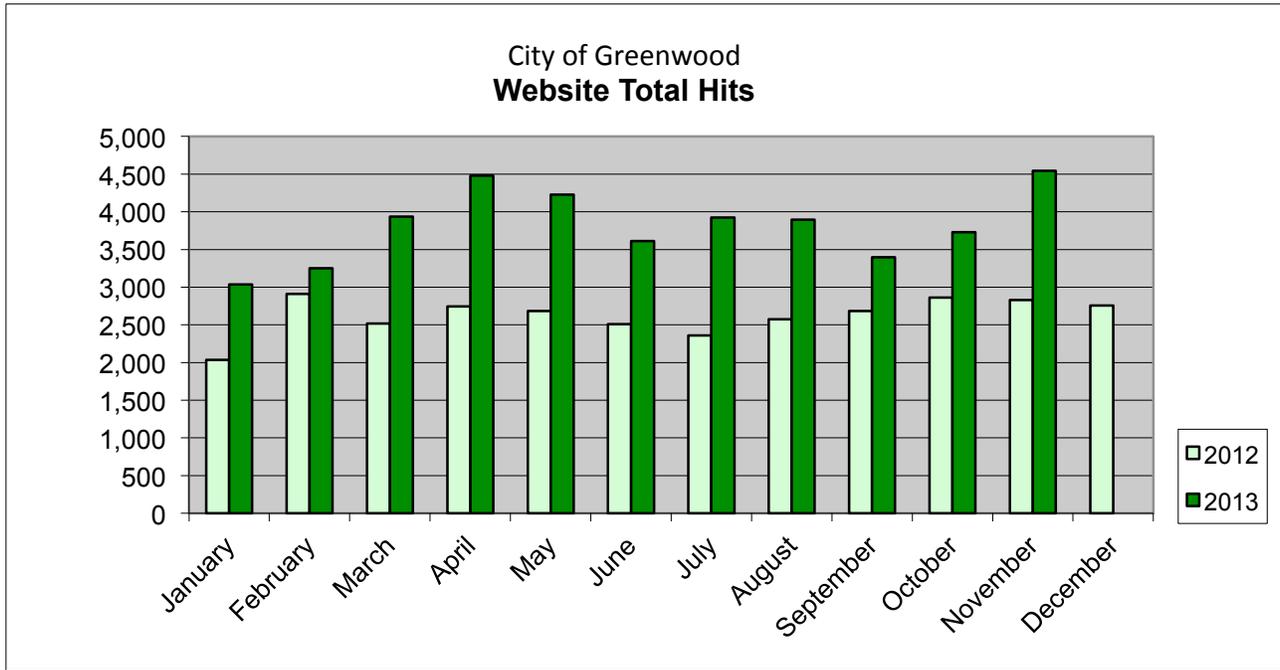
Please call or e me if you have any questions.

Thanks!

Deb

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

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<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	4,543	812	1,715	144
December	2,758		-4,543	-2,758	
AVERAGE	2,622	3,821			

POPULATION: 688
EMAIL ADDRESSES % OF POPULATION: 20.93%

Site Statistics

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

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

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

Begin Date

End Date

Report Name

Page Views by Section

Section	Page Views	Percent of Total
Swiffers NOT Flushable	986	21.7%
Default Home Page	962	21.18%
Agendas, Etc.	435	9.58%
City Departments	134	2.95%
Planning Commission	125	2.75%
Mayor & City Council	118	2.6%
Budget & Finances	107	2.36%
Assessments & Taxes	96	2.11%
Code Book	96	2.11%
Welcome to Greenwood	91	2%
Meetings	88	1.94%
Xcel Project	76	1.67%
Comp Plan & Maps	73	1.61%
Garbage & Recycling	72	1.58%
Elections	69	1.52%
RFPs & Bids	67	1.47%
Links	65	1.43%
Lake Minnetonka	57	1.25%
Photo Gallery	57	1.25%
Well Water	56	1.23%
Watercraft Spaces	55	1.21%
Met Council Project	54	1.19%
Forms & Permits	53	1.17%
Search Results	52	1.14%
Crime Update	52	1.14%
Old Log Events	49	1.08%
What's New?	47	1.03%
Meetings on TV	47	1.03%
Milfoil Project	42	0.92%
Public Safety	40	0.88%
Community Surveys	32	0.7%
Email List	32	0.7%

Quick Tips

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

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

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

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

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

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

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

Spring Clean-Up Day	29	0.64%
Animal Services	28	0.62%
Events	25	0.55%
Health & Safety	24	0.53%
Southshore Center	20	0.44%
Parks & Trails	10	0.22%
Unsubscribe	8	0.18%
Sign up for City Emails	6	0.13%
Planning & Zoning Workshop	4	0.09%
---	4	0.09%
TOTAL	4543	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	557	28.39%
Agendas, Etc.	171	8.72%
City Departments	91	4.64%
Mayor & City Council	83	4.23%
Swiffers NOT Flushable	67	3.41%
Planning Commission	63	3.21%
Welcome to Greenwood	62	3.16%
Code Book	50	2.55%
Budget & Finances	49	2.5%
Meetings	47	2.4%
Assessments & Taxes	42	2.14%
Garbage & Recycling	41	2.09%
Photo Gallery	40	2.04%
Crime Update	38	1.94%
Links	36	1.83%
What's New?	35	1.78%
Lake Minnetonka	35	1.78%
Comp Plan & Maps	35	1.78%
Elections	34	1.73%
Well Water	31	1.58%
Xcel Project	28	1.43%
Forms & Permits	27	1.38%
RFPs & Bids	24	1.22%
Events	24	1.22%
Meetings on TV	23	1.17%
Old Log Events	22	1.12%
Watercraft Spaces	22	1.12%
Public Safety	21	1.07%
Email List	20	1.02%
Spring Clean-Up Day	20	1.02%
Animal Services	19	0.97%
Met Council Project	18	0.92%
Community Surveys	16	0.82%
Search Results	15	0.76%
Milfoil Project	14	0.71%
Southshore Center	13	0.66%
Health & Safety	13	0.66%
Parks & Trails	6	0.31%
Unsubscribe	4	0.2%
Planning & Zoning Workshop	3	0.15%
---	2	0.1%
Sign up for City Emails	1	0.05%
TOTAL	1962	100%

Generate Download File (.csv) for the current report: [Generate and Download](#)

Done

Resolution No. _____

**A RESOLUTION EXTENDING THE TERM OF THE CABLE
FRANCHISE HELD BY MEDIACOM MINNESOTA, LLC**

WHEREAS, the Lake Minnetonka Communications Commission (the "LMCC") granted a nonexclusive cable television a franchise (the "Franchise") to Triax Midwest Associates, L.P.; and

WHEREAS, the Franchise was subsequently transferred to Mediacom Minnesota, LLC ("Mediacom"); and

WHEREAS, the Franchise expires on or about December 15, 2013; and

WHEREAS, by letter dated January 26, 2011, Mediacom requested renewal of the Franchise pursuant to Section 626 of the Cable Communications Policy Act of 1984, as amended (47 U.S.C. § 546);

WHEREAS, by letter dated March 16, 2011, the LMCC notified Mediacom that it had initiated the renewal process contemplated by federal law; and

WHEREAS, by letter dated June 6, 2011, the LMCC notified Mediacom that it would accept the invitation to engage in informal renewal negotiations with both parties retaining the right to return to the formal process upon written notice to the other; and

WHEREAS, the LMCC and Mediacom have not completed negotiation of a renewed franchise; and

WHEREAS, Mediacom has negotiated franchises directly with two (2) of the LMCC's member cities, and several member cities have given notice of withdrawal from the commission effective January 1, 2014; and

WHEREAS, the LMCC desires that any renewal franchise reflect the interests of those communities remaining members of the LMCC; and

WHEREAS, the LMCC and Mediacom wish to extend the term of the Franchise until February 28, 2014, so that negotiations may be completed and final action may be taken on a proposed renewal franchise in early 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE LMCC that:

1. The term of the Franchise shall be extended until February 28, 2014, unless sooner revoked, cancelled or terminated.

2. All terms and conditions of the Franchise shall remain in effect during the term of the extension provided, however, that the Franchise shall not apply after December 31, 2013 to any city that has, pursuant to the joint powers agreement, withdrawn from membership in the LMCC by October 15, 2013 and has not rescinded its withdrawal by December 31, 2013.
3. Notwithstanding paragraph 2, the parties agree to work cooperatively to identify those withdrawing cities that wish to continue receiving copyrighted LMCC-originated public, educational, or governmental programming or channels, and have entered acceptable agreements with the LMCC for that purpose. Mediacom may continue to deliver LMCC programming to withdrawing cities and other non-member cities currently receiving programming during the period from December 16, 2013 to February 28, 2014, but thereafter shall terminate delivery of such programming to cities that have not entered acceptable agreements with the LMCC. The LMCC shall not assert a franchise violation, copyright infringement or similar claim based on Mediacom's distribution of such programming in cities in accordance with this agreement.
4. This extension shall not constitute a waiver of any right either party may have under the Franchise or applicable laws or regulations.
5. No claim that either party may have against the other shall be released or otherwise affected by this extension.

PASSED AND ADOPTED by the Lake Minnetonka Communications Commission this 19th day of November, 2013.

By _____
Title: Chair

By _____
Title: Executive Director

Accepted by Mediacom this ____ day of _____, 2013.

By _____
Title _____

GREENWOOD PLANNING COMMISSION
WEDNESDAY, November 20, 2013
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

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

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

Absent: None

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

2. MINUTES – October 16, 2013

Commissioner Paeper moved to approve the minutes of October 16, 2013 as presented. Commissioner Beal seconded the motion. Motion carried 4-0-1. Chairman Lucking abstained.

3. PUBLIC HEARING

Ordinance No. 224 – 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.

Karpas said there have been two language changes added since the Planning Commission has last seen the ordinance based on their comments. The first adds the caveat that extensions may be granted provided no code revisions relevant to the variance have been made to the ordinance since the grant of the variance. Secondly, there would be a limitation of three extensions. After the third extension, a new application must be made and approved through the variance process in this code.

Chairman Lucking opened the public hearing. Hearing no public comment, the hearing was closed.

Motion by Commissioner Paeper to recommend the City Council approve Ordinance No. 224; 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, as written. Beal seconded the motion. Motion carried 5-0.

4. NEW BUSINESS

Discussion - Ordinance No. 225 – Discuss An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Code Section 1100 Regarding Swimming Pools, Spas, and Hot Tubs.

Zoning Administrator Karpas read the staff memo to the Commission. Based on a request from a resident not to be required to install a fence around his proposed swimming pool, the city council

GREENWOOD PLANNING COMMISSION
WEDNESDAY, November 20, 2013
7:00 P.M.

directed the zoning administrator and Councilmember Bill Cook to review the existing swimming pool regulations. They were to report their feeling on its relevance and what changes could be made. In reviewing the ordinance, it was determined a majority of the ordinance was not necessary for the regulation of individual residential pools and could be deleted and those items in the ordinance that were relevant could be moved to the nuisance and zoning ordinances.

The council directed the city zoning administrator to draft a pool ordinance based on the council's discussion at their November 6th meeting and present it to the planning commission for review and to have the commission schedule a future public hearing.

The Commission discussed the ordinance. Commissioner Beal questioned if the city was looking to no longer legislate safety and lean more towards an effort to screen pools. Council Liaison Cook said that wasn't necessarily the case. The Council questioned the safety component a fence really added to a pool. He felt a fence provided only the illusion of safety.

The Commission discussed the concept of screening and how it could be enforced. Commissioner Beal asked why the city cared if a pool was screened or not. Commissioner Conrad said there are cases where a pool may need to be enclosed to define the area for safety purposes and described a situation that could arise near her if her neighbor builds a pool.

Reeder questioned the need to have the screening on the property line as the ordinance implies. Zoning Coordinator said that was not the intent of the ordinance.

Commissioner Paeper discussed the inadequacy of screening based of the grading of lots and the location of streets. He said it would be virtually impossible to screen a pool on most lots.

After further discussion, the Commission agreed that pools should be made a conditional use request that way screening can be reviewed on a case by case basis as part of the process.

The Commission agreed that staff would amend the ordinance and schedule a public hearing for the December 18th meeting.

5. LIAISON REPORT

Council Liaison Cook said the Council will be removing stop signs along Lodge Lane at the at the request of the residents. The Council also held a second reading of the R-1C ordinance but decided to continue it to another work session, approved the awning variance request for Bridgewater Bank, withdrew its withdrawal letter from the LMCC, tallied the results of the community survey and put the results on the website for public viewing and the is considering the establishment of a Lake Improvement District to help control AIS (**BILL?**) in St. Alban's Bay.

6. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 8:00 pm.

Respectively Submitted
Gus Karpas - Zoning Administrator