

AGENDA

Greenwood City Council Meeting

Wednesday, February 5, 2014
20225 Cottagewood Road, Deephaven, MN 55331



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

- 7:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00pm 2. CONSENT AGENDA
Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.
- A. Approve: 01-02-14 City Council Meeting Minutes
 - B. Approve: December Cash Summary Report
 - C. Approve: January Verifieds, Check Register, Electronic Fund Transfers
 - D. Approve: February 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. Presentation: Certificate of Appreciation for Retiring Planning Commissioner John Beal
 - B. Presentation: Minnetonka High School Vantage Students, Southshore Center Project
 - C. Report: Quarterly Police Update
 - D. City Engineer: Dave Martini
 - St. Alban's Bridge
 - Curve Street Drainage Issue
 - Excelsior Blvd Retaining Wall
 - 2014 No-Parking Sign Project
 - E. Announcement: Planning Commission Term Expirations
- 8:30pm 5. PUBLIC HEARINGS
- A. None
- 8:30pm 6. UNFINISHED BUSINESS
- A. 1st Reading: Ordinance 227, Alcohol Regulations (changing hours of service)
Resolution 05-14, Summary of Ordinance 227 for Publication
 - B. 2nd Reading: Ordinance 224, Animal Regulations
Resolution 06-14, Summary of Ordinance 224 for Publication
 - C. 2nd Reading: Ordinance 226, Swimming Pool Regulations
- 9:00pm 7. NEW BUSINESS
- A. Consider: Resolution 04-14, Findings, Rogers' Variance Request, 5050 Greenwood Circle
 - B. 1st Reading: Ordinance 228, Practical Difficulties Considerations
 - C. Consider: Annual Recycling Reports / Activities & Hennepin Cty Recycling Grant Application
 - D. Consider: Resolution 07-14, Support for Joint Powers Associations Sales Tax Exemption
 - E. Discuss: Potential Increased Plantings Along Excelsior Blvd
- 9:45pm 8. OTHER BUSINESS
- A. None
- 9:45pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission
 - B. Fletcher: Lake Minnetonka Communications Commission, Fire
 - 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
- 10:00pm 10. ADJOURNMENT



Agenda Item: Consent Agenda

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

Council Action: Required. Possible motion ...

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

MINUTES

Greenwood City Council Meeting

Thursday, January 2, 2014

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

Mayor Pro-Tem Quam called the meeting to order at 7pm.

Members Present: Mayor Pro-Tem Quam; Councilmembers Bill Cook, Tom Fletcher, and Rob Roy (7:15)

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

Members Absent: Mayor Deb Kind

Motion by Quam, second by Cook, to approve the agenda. Motion passed 3-0.

2. CONSENT AGENDA

- A. Approve: 12-04-13 City Council Meeting Minutes
- B. Approve: 12-04-13 City Council Worksession Minutes
- C. Approve: November Cash Summary Report
- D. Approve: December Verifieds, Check Register, Electronic Fund Transfers
- E. Approve: January Payroll Register

Motion by Quam, second by Cook, to approve the consent agenda items as presented. Motion passed 3-0.

3. MATTERS FROM THE FLOOR

- A. None

4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

- A. January 24th is Greenwood Night at the Old Log Theater.

5. PUBLIC HEARINGS

- A. None

6. UNFINISHED BUSINESS

- A. 2nd Reading: Ordinance 225, Variance Extensions & Fee

Motion by Cook, second by Fletcher, to approve the 2nd reading of ordinance 225 as amended. Motion passed 3-0.

- B. 2nd Reading: Ordinance 224, Animal Regulations

Motion by Fletcher second by Cook, to continue the discussion of ordinance 224 to the February council meeting pending review and a recommendation from the city attorney. Motion passed 4-0.

7. NEW BUSINESS

- A. Consider: Resolution 03-14, Findings Regarding Swimming Pool Variance Request, Kam Talebi, 5560 Maple Heights Road

Motion by Fletcher, second by Cook, to approve resolution 03-14 approving the variance application of Kam Talebi 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 4-0.

- B. 1st Reading: Ordinance 226, Swimming Pool Regulations

Motion by Roy, second by Fletcher to approve the 1st reading of ordinance 226 amending code chapter 11, adding provisions regulating swimming pools, as amended, noting the removal of Section 300 from the city code. Motion passed 4-0.

- C. 1st Reading: Ordinance 227, Alcohol Regulations (changing hours of service)

City Attorney Kelly informed the Council that no action can be taken on the liquor ordinance without a public hearing. The Council directed staff to submit the necessary public hearing notice for the February meeting.

- D. Resolution 01-14, Setting Dates for 2014

The Council agreed to move the July Council meeting to July 9th.

Motion by Fletcher, second by Cook, to adopt resolution 01-14 approving the 2014 Meeting Dates for the City Council and Planning Commission. Motion passed 4-0.

- E. Resolution 02-14, Appointments & Assignments for 2014

Motion by Fletcher, second by Roy, to adopt resolution 02-14 establishing the 2014 Appointments and Assignments. Motion passed 4-0.

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

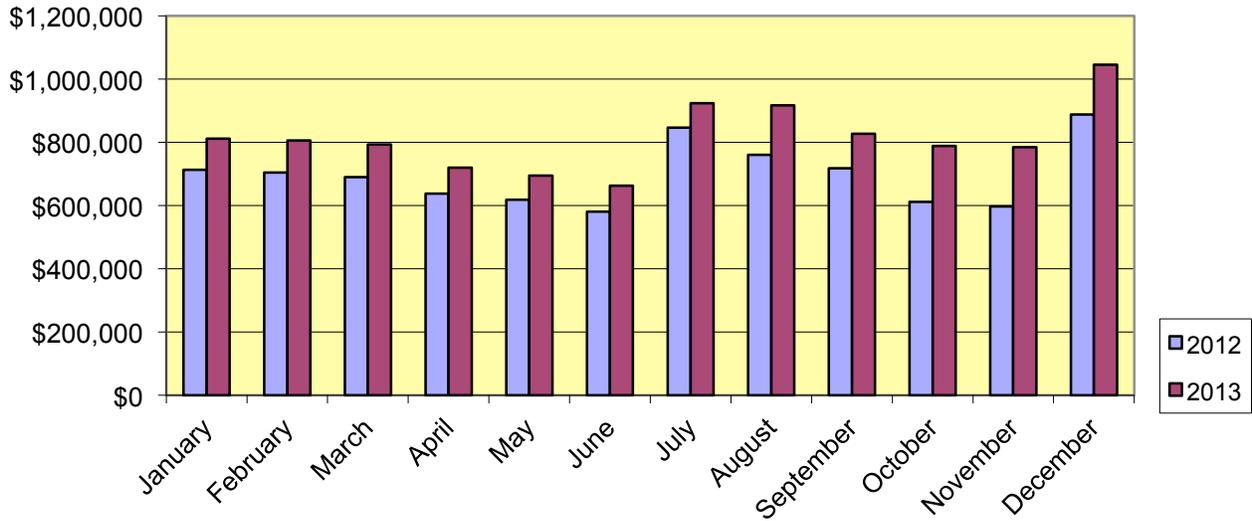
No council action was taken on any of the council reports.

10. ADJOURNMENT

Motion by Quam, second by Cook, to adjourn the meeting at 8:08 pm. Motion passed 4-0.

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).

**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	\$784,533	-\$3,893	\$187,406
December	\$888,119	\$1,045,975	\$261,442	\$157,856

Bridgewater Bank Money Market	\$778,343
Bridgewater Bank Checking	\$4,287
Beacon Bank CD	\$240,000
Beacon Bank Money Market	\$23,245
Beacon Bank Checking	\$100
	\$1,045,975

ALLOCATION BY FUND

General Fund	\$395,645
Special Project Fund	\$36,900
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$98,613
Stormwater Fund	\$9,683
Sewer Enterprise Fund	\$445,883
Marina Enterprise Fund	\$32,196
	\$1,045,975

Check Issue Date(s): 01/01/2014 - 01/31/2014

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
01/14	01/15/2014	10965	700	INFRASTRUCTURE TECHNOLOGIES	602-20100	35,067.31
01/14	01/17/2014	10966	10	AMERICAN SOLUTIONS FOR BUSINES	101-20100	15.13
01/14	01/17/2014	10967	738	AVENET WEB SOLUTIONS	101-20100	350.00
01/14	01/17/2014	10968	51	BOLTON & MENK, INC.	502-20100	3,956.50
01/14	01/17/2014	10969	762	CATALYST GRAPHICS INC	101-20100	81.51
01/14	01/17/2014	10970	781	CHRISTINE A. FREEMAN	101-20100	2,340.00
01/14	01/17/2014	10971	9	CITY OF DEEPHAVEN	602-20100	16,730.38
01/14	01/17/2014	10972	586	CIVIC SYSTEMS, LLC	101-20100	1,016.00
01/14	01/17/2014	10973	822	ECM PUBLISHERS INC	101-20100	123.41
01/14	01/17/2014	10974	52	EXCELSIOR FIRE DISTRICT	101-20100	32,722.11
01/14	01/17/2014	10975	68	GOPHER STATE ONE CALL	602-20100	123.20
01/14	01/17/2014	10976	789	HENNEPIN COUNTY TREASURER	101-20100	7,500.00
01/14	01/17/2014	10977	784	HERITAGE SHADE TREE CONSULT	101-20100	250.00
01/14	01/17/2014	10978	700	VOID - INFRASTRUCTURE TECHNOLOGII	602-20100	.00
01/14	01/17/2014	10979	3	KELLY LAW OFFICES	101-20100	1,725.00
01/14	01/17/2014	10980	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,318.22
01/14	01/17/2014	10981	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	26,876.37
01/14	01/17/2014	10982	745	Vintage Waste Systems	101-20100	1,628.25
01/14	01/17/2014	10983	825	VIVID PRINT SOLUTIONS	101-20100	254.25
01/14	01/17/2014	10984	145	XCEL ENERGY	101-20100	227.77
Totals:						<u>133,305.41</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
AMERICAN SOLUTIONS FOR BUSINES					
10	AMERICAN SOLUTIONS FOR BUSI	INV01666754	W-2 & 1099 TAX FORMS	01/13/2014	15.13
Total AMERICAN SOLUTIONS FOR BUSINES					15.13
AVENET WEB SOLUTIONS					
738	AVENET WEB SOLUTIONS	33943	Annual web hosting, Mtce, Cust. Support	12/17/2013	350.00
Total AVENET WEB SOLUTIONS					350.00
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0162990	2013 I & I PROJECT	12/31/2013	3,464.00
		0162991	2013 STREET IMPROVEMENTS	12/31/2013	29.00
		0162992	2013 EXC BLVD OVERSIGHT	12/31/2013	362.50
		0162993	2013 MS4 SWPPP	12/31/2013	101.00
Total BOLTON & MENK, INC.					3,956.50
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	83548	CITY NEWSLETTER	12/18/2013	81.51
Total CATALYST GRAPHICS INC					81.51
CHRISTINE A. FREEMAN					
781	CHRISTINE A. FREEMAN	GW_CC_20140112	COUNCIL MEETING RECORDER	01/12/2014	2,340.00
Total CHRISTINE A. FREEMAN					2,340.00
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	DEC 2013	Clerk Services	12/31/2013	2,589.60
			ZONING		709.23
			4TH QTR. BLD. PERMITS		5,370.93
			RENT & EQUIPMENT		542.95
			Postage		44.10
			COPIES		59.40
			SEWER		336.72
			SNOW PLOWING/SANDING/SALT		6,993.27
			WEED/TREE/MOWING		84.18
Total CITY OF DEEPHAVEN					16,730.38
CIVIC SYSTEMS, LLC					
586	CIVIC SYSTEMS, LLC	CVC11288	Semi-Annual Support Fee	12/20/2013	1,016.00
Total CIVIC SYSTEMS, LLC					1,016.00
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	62006	LEGAL NOTICE	01/02/2014	77.94
		62007	LEGAL NOTICE	01/02/2014	45.47
Total ECM PUBLISHERS INC					123.41
EXCELSIOR FIRE DISTRICT					
52	EXCELSIOR FIRE DISTRICT	14-009	1st Quarter - Operations	01/15/2014	17,629.33
			1st Quarter - Buildings		15,092.78
Total EXCELSIOR FIRE DISTRICT					32,722.11
GOPHER STATE ONE CALL					

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
68	GOPHER STATE ONE CALL	87048	Gopher State calls	12/31/2013	23.20
		91334	ANNUAL FEE	01/15/2014	100.00
Total GOPHER STATE ONE CALL					123.20
HENNEPIN COUNTY TREASURER					
789	HENNEPIN COUNTY TREASURER	1000037450	1ST 1/2 ASSESSMENT SVCS	12/13/2013	7,500.00
Total HENNEPIN COUNTY TREASURER					7,500.00
HERITAGE SHADE TREE CONSULT					
784	HERITAGE SHADE TREE CONSULT	5367	URBAN FORESTRY CONSULTING	12/31/2013	250.00
Total HERITAGE SHADE TREE CONSULT					250.00
INFRASTRUCTURE TECHNOLOGIES					
700	INFRASTRUCTURE TECHNOLOGIE	121713	2013 SWR REHAB PROJECT	12/17/2013	35,067.31
		PR14000	CIPP REPAIR	12/11/2013	9,145.00
			CIPP REPAIR		9,145.00 -
		PR14001	PIPE GROUTING	12/05/2013	17,954.00
			PIPE GROUTING		17,954.00 -
		PR14007	JET/VAC CLEAN & TELEWISE SEWER	11/30/2013	2,929.00
			JET/VAC CLEAN & TELEWISE SEWER		2,929.00 -
Total INFRASTRUCTURE TECHNOLOGIES					35,067.31
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	6190	GENERAL LEGAL	12/31/2013	1,265.00
		6191	LAW ENFORCE PROSECUTION	12/31/2013	460.00
Total KELLY LAW OFFICES					1,725.00
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERVIC	0001029315	Monthly wastewater Charge	01/03/2014	2,318.22
Total METRO COUNCIL ENVIRO SERVICES					2,318.22
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE DE	010314	COURT OVERTIME	01/03/2014	209.79
		JAN 2014	2014 OPERATING BUDGET EXP	01/01/2014	15,184.58
		JAN 2014	1ST QTR LEASE PMT	01/01/2014	11,407.00
		JAN 3 2014	Hennepin Co. Processing Fees	01/03/2014	75.00
Total SO LAKE MINNETONKA POLICE DEPT					26,876.37
Vintage Waste Systems					
745	Vintage Waste Systems	12/1-12/31	City Recycling Contract	12/27/2013	1,628.25
Total Vintage Waste Systems					1,628.25
VIVID PRINT SOLUTIONS					
825	VIVID PRINT SOLUTIONS	024285	GRWD XMAS CARDS	11/11/2013	38.28
		026367	RESIDENT GUIDE BOOK	01/13/2014	215.97
Total VIVID PRINT SOLUTIONS					254.25
XCEL ENERGY					
145	XCEL ENERGY	122313	LIFT STATION #1	12/23/2013	14.14
			LIFT STATION #2		13.97

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
			LIFT STATION #3		9.51
			LIFT STATION #4		14.96
			LIFT STATION #6		71.38
			4925 MEADVILLE STREET *		2.41
			SIREN		.23
			Sleepy Hollow Road *		2.33
			Street Lights *		98.84
					<hr/>
	Total XCEL ENERGY				227.77

Total Paid: 133,305.41

Total Unpaid: -

Grand Total: 133,305.41

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
02/01/14	PC	02/01/14	2011401	COOK, WILLIAM B.	37		001-10101	184.70
02/01/14	PC	02/01/14	2011402	Fletcher, Thomas M	33		001-10101	84.70
02/01/14	PC	02/01/14	2011403	Kind, Debra J.	34		001-10101	277.05
02/01/14	PC	02/01/14	2011404	Quam, Robert	32		001-10101	184.70
02/01/14	PC	02/01/14	2011405	ROY, ROBERT J.	38		001-10101	184.70
Grand Totals:								<u>915.85</u>



Agenda Number: 4A

Agenda Date: 02-05-14

Prepared by Deb Kind

Agenda Item: Certificate of Appreciation for Retiring Planning Commissioner John Beal

Summary: Planning Commissioner John Beal has announced his retirement from the commission. Attached is a proposed certificate of appreciation recognizing his contributions to the city.

Council Action: Optional. Potential motion ...

1. I move that the city council approves the certificate of appreciation recognizing the contributions of Planning Commissioner John Beal.
2. Other motion ???



Certificate of Appreciation

WHEREAS, John Beal served as a commissioner on the Greenwood planning commission from January 2004 through February 2014; and

WHEREAS, Commissioner Beal gave freely of his time and served his community,

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

JOHN BEAL

Thank you for your service!

Debra J. Kind, Mayor

Date



Agenda Number: 4B

Agenda Date: 02-05-14

Prepared by Deb Kind

Agenda Item: Minnetonka High School Vantage Students, Southshore Center Project Presentation

Summary: The Southshore Center (SSC) was built in 1996 with funding from the following:

	Contribution	% of Ownership
Deephaven	\$139,639	22.45%
Excelsior	\$90,812	14.60%
Greenwood	\$24,569	3.95%
Shorewood	\$311,000	50.00%
Tonka Bay	\$55,980	9.00%
Friends of the Southshore Center (Seniors)	\$100,000	
Total	\$622,000	100.00%

The “Friends” operated the center with funds from grants and their membership until 2008 when grant money dried up. From 2009 to present, the city of Shorewood has managed the SSC. They hired a director to increase rentals of the facility and to create programming for all ages. The “Friends” became the “Southshore Senior Partners (SSSP)” and rented space at the SSC for approximately \$600 per month for their senior programs. In 2012, Shorewood contributed \$60,000 to subsidize SSC operations. In August 2013, Shorewood officials initiated discussions with the 5 owner cities to determine the future operations of the SSC. A SSC Advisory Committee was formed and engaged students from VANTAGE (Minnetonka High School’s Advanced Professional Studies program) to help. From November 2013 to January 2014 the VANTAGE team worked with SSC Advisory Subcommittee members to conduct research and make recommendations that will restore the financial viability of the SSC so it can continue its mission of providing services and facilities to the residents and businesses of the 5 cities.

The VANTAGE team will present the results of their work at the 02-05-14 city council meeting.

Council Action: No action required.



Agenda Number: 4B

Agenda Date: 02-05-14

Prepared by Deb Kind

Agenda Item: Minnetonka High School Vantage Students, Southshore Center Project Presentation

Summary: The Southshore Center (SSC) was built in 1996 with funding from the following:

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The VANTAGE team will present the results of their work at the 02-05-14 city council meeting.

Council Action: No action required.



Agenda Item: Quarterly Police Update

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

Council Action: None required.



Agenda Number: **4D**

Agenda Date: **02-05-14**

Prepared by Deb Kind

Agenda Item: City Engineer, Dave Martini

Summary: There are several engineering-related items for the council to discuss ...

1. St. Alban's Bridge -- The council directed that this item be on the council agenda every 6 months so that we do not lose track of it. Councilman Quam checked in with Excelsior representatives and will give a verbal update at the 02-05-14 council meeting.
2. Curve Street Drainage Issue -- The council directed that this item be on the March agenda. Councilman Cook will give a verbal update at the 02-05-13 meeting.
3. Excelsior Blvd Retaining Wall -- The Met Council has received two estimates for the retaining wall along the Excelsior Blvd path. Option 1 is for a plain concrete retaining wall at \$4357. Option 1 is for an exposed aggregate wall at \$6206. The original estimate was \$3699. Attached are related documents for the council's reference.
4. 2014 No-Parking Sign Project -- The next step in the city's sign project is to replace no-parking signs. Attached is a map that shows the location of existing no-parking signs and the estimated costs for removing and replacing the signs. The city council needs to determine whether or not to replace all of the no-parking signs. Also attached is an email from a resident regarding the no-parking signs along Meadville Street.

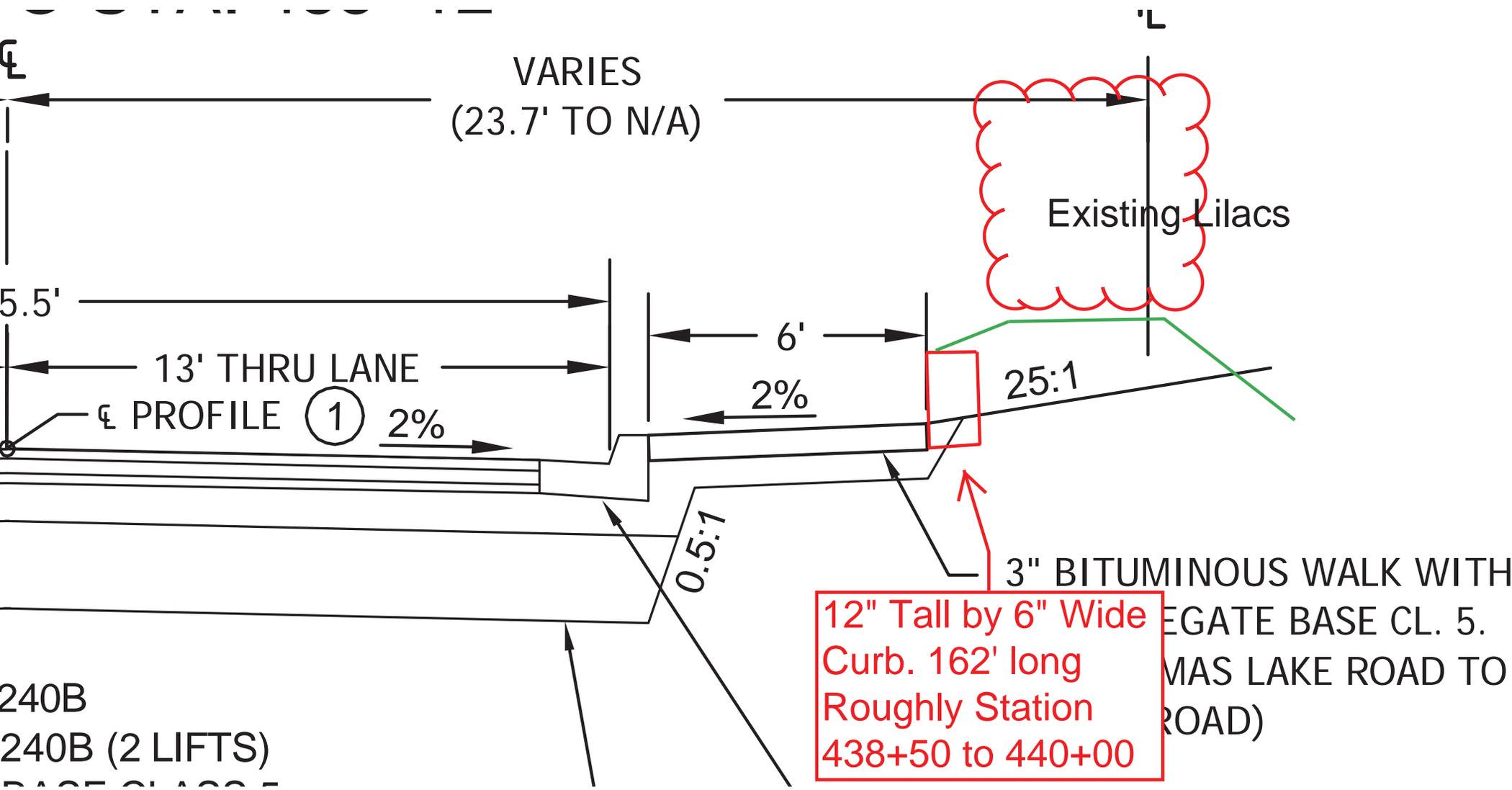
Council Action: Action is required for the retaining wall and no-parking sign project. Potential motions are below.

RETAINING WALL MOTION OPTIONS

1. I move the city council approves the estimate in the amount of **\$4357** for the **plain concrete** retaining wall along the Excelsior Blvd path.
2. I move the city council approves the estimate in the amount of **\$6206** for the **exposed aggregate** retaining wall along the Excelsior Blvd path.
3. Other motion ???

NO-PARKING SIGN MOTION OPTIONS

1. I move the city council approves the replacement of no-parking signs located on the following streets: _____. And directs that all other no-parking signs be removed.
2. I move the city council approves the replacement of all no-parking signs in the city.
3. I move the city council approves the replacement of all no-parking signs in the city and directs that new signs be installed in the following locations: _____.
4. Other motion ???





**METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES
SUMMARY SHEET**

Est. # 1
Date: Nov 27 2013
Sheet 1 of 1

Project No. and Name: Excelsior Area Improvements
C.O. Description: Greenwood Retaining Wall Budget
Contractor: Weidema

Prime Contract Work: **Subcontract Work:**

Estimated By: QTK **Checked By:**

Ref.	Description	Quantity	Unit	Equip. Price	Per	Equip. Extension	Material Price	Per	Material Extension	Labor Unit	Per	Labor Extension	Sub-Contractor	Total
1	E/M Edge Form 12" High	325	SFCA				\$ 1.25	SFCA	\$ 406.25	\$ 3.50	SFCA	\$ 1,137.50		\$ 1,543.75
2	E/M Decrative Insert	162	SFCA				\$ 1.25	SFCA	\$ 202.50	\$ 6.50	SFCA	\$ 1,053.00		\$ 1,255.50
3	E/M Concrete	3	CY				\$ 150.00	CY	\$ 450.00	\$ 150.00	CY	\$ 450.00		\$ 900.00
4														
5														
6														
7														
8														
9														
10														
11	Subtotal General + Subcontractor					\$ -			\$ 1,058.75			\$ 2,640.50	\$ -	\$ 3,699.25

Cost Breakdown

A	Labor	\$ 2,640.50
B	Material (Plus 7% tax)	\$ 1,132.86
C	Equipment	\$ -
D	Subcontracts	\$ -
E	Subtotal (A+B+C+D)	\$ 3,773.36
F	Small tools/Equip (5.0 % of A)	\$ 132.03
G	Safety (0.5 % Of E)	\$ 18.87
H	Cleanup (0.25 % of E)	\$ 9.43
I	Total direct Costs	\$ 3,933.69
J	10% Overhead and profit (I-D x 0.10)	\$ 393.37
K	5% fee for sub-contractor work (D x .05)	\$ -
L	1.5% for Bonds and Insurance	\$ 64.91

TOTAL AMOUNT

\$ 4,391.96

References:

E	Field Experience
T&M	Time & Material Sheets
M	Means Construction Cost Data

				\$0.00
				\$0.00
				\$0.00
				\$0.00
OTHER SUBTOTAL (INVOICED):				\$0.00
Markup Fee (Other)			15.00%	\$0.00
Materials:				
				\$0.00
				\$0.00
MTL SUBTOTAL (INVOICED):				\$0.00
7.275%			MTL TAX:	\$0.00
Markup Fee (Materials)			15.00%	\$0.00
Subcontractors:				
162	LF	O'Malley	\$19.43	\$3,147.66
				\$0.00
				\$0.00
				\$0.00
				\$0.00
SUBCONTRACTOR SUBTOTAL (INVOICED):				\$3,147.66
2	HR	Shaw Trucking	\$107.00	\$214.00
				\$0.00
SUBCONTRACTOR SUBTOTAL:				\$214.00
Productivity Inefficiency (AMOUNT INVOICED):			100.00%	\$214.00
Markup Fee (Subs)			5.00%	\$168.08
SUBTOTAL:				\$4,081.66
ADJUSTMENT:				\$0.00
MARKUP (FEE):				\$276.08
TOTAL:				\$4,357.74

Questions concerning this Invoice?

Call:

Gary Gartner
763.428.9110

MAKE ALL CHECKS PAYABLE TO:

S R Weidema, Inc.
17600 113th Ave N
Maple Grove, MN 55369

				\$0.00
				\$0.00
				\$0.00
				\$0.00
OTHER SUBTOTAL (INVOICED):				\$0.00
Markup Fee (Other)			15.00%	\$0.00
Materials:				
				\$0.00
				\$0.00
MTL SUBTOTAL (INVOICED):				\$0.00
7.275%			MTL TAX:	\$0.00
Markup Fee (Materials)			15.00%	\$0.00
Subcontractors:				
162	LF	O'Malley	\$30.30	\$4,908.60
				\$0.00
				\$0.00
				\$0.00
				\$0.00
SUBCONTRACTOR SUBTOTAL (INVOICED):				\$4,908.60
2	HR	Shaw Trucking	\$107.00	\$214.00
				\$0.00
SUBCONTRACTOR SUBTOTAL:				\$214.00
Productivity Inefficiency (AMOUNT INVOICED):			100.00%	\$214.00
Markup Fee (Subs)			5.00%	\$256.13
SUBTOTAL:				\$5,842.60
ADJUSTMENT:				\$0.00
MARKUP (FEE):				\$364.13
TOTAL:				\$6,206.73

Questions concerning this Invoice?

Call:

Gary Gartner
763.428.9110

MAKE ALL CHECKS PAYABLE TO:

S R Weidema, Inc.
17600 113th Ave N
Maple Grove, MN 55369

No Parking Signs

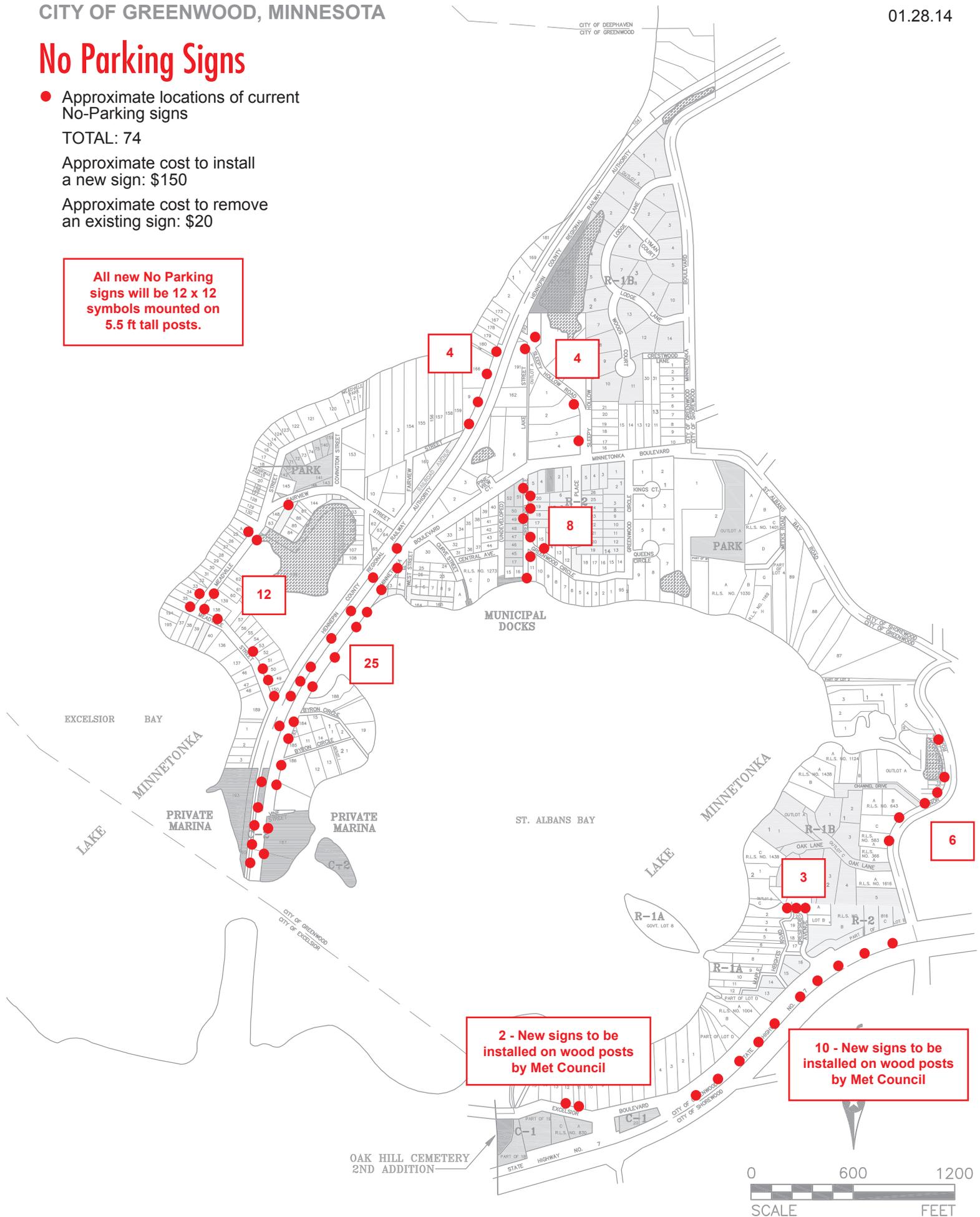
- Approximate locations of current No-Parking signs

TOTAL: 74

Approximate cost to install a new sign: \$150

Approximate cost to remove an existing sign: \$20

All new No Parking signs will be 12 x 12 symbols mounted on 5.5 ft tall posts.



2 - New signs to be installed on wood posts by Met Council

10 - New signs to be installed on wood posts by Met Council

From: Maureen Burns <maureenburns76@hotmail.com>✉

Subject: Greenwood

Date: January 10, 2014 11:48:36 AM CST

To: Debra KIND <dkind100@gmail.com>, Julie Ekelund <ekelunda1@aol.com>, Jan Gray <jangray@bhi.com>, Bob Newman <row4bob@gmail.com>, Bill Cook <billantishcook@msn.com>, Tom Fletcher <tfletcher@aexcom.com>, kevin & ada Burns <kburns@sagesw.com>

Cc: Bob Quam` <quamco@aol.com>, Rob Roy <lrobroy@msn.com>

1 Attachment, 554 bytes

Deb, Happy New Year! And to the Council members!

In the Dec. Council meeting I missed the end of discussion on parking and was overwhelmed with Christmas cooking and family in the festive season. I forgot about the parking conversation, cuz I needed to plan the family sharing and be ready to travel soon after Christmas. I hope the Village Council does not change any parking signs and regulations for Meadville St. All my neighbors do a good share of entertaining in 3 seasons on the lake and we do not have enough parking now. It does not need to decrease nor be eliminated. We actually lost about 5 cars to park across the street from our home, with the garden boxes that were installed on theatre property close to the edge of road. The Fourth of July is the biggest holiday for every home on the road. We all have family and guests for the day/evening. I bought orange road cones last July for some handicap cars that come for the 4th! and assigned a family member to watch for parking cars. So I'm requesting that you leave the road parking signs that are posted at this time the way they are now. I believe the parking signs are already on one side of parts of the street of Meadville. Thanks for your consideration for Meadville parking. The new street signs are large and easy to read, and great for the community!

Maureen Burns, 5080 Meadville





Agenda Number: 4E

Agenda Date: 02-05-14

Prepared by Deb Kind

Agenda Item: Planning Commission Term Expirations

Summary: The planning commission holds public hearings and makes recommendations to the city council regarding zoning issues including variances and conditional use permits. The planning commission is comprised of 5 voting members and 2 alternate members. This March 4 planning commissioner terms expire:

A-1	Douglas Reeder
A-2	John Beal (announced his retirement from the commission)
A-3	Dave Paeper
Alt-1	Vacant

In addition, Alt-2 seat is vacant.

The city does not limit the number of terms a planning commissioner may serve. Staff will notify the commissioners whose terms expire to let them know that they will need to reapply if they would like to be considered for reappointment. Anyone who is interested in serving on the planning commission can stop by city hall to get an application or download the form from the city website at www.greenwoodmn.com. Planning commission applicants will be invited to the March council meeting where the council will have the opportunity to ask the applicants questions and make the final appointments.

Council Action: None required.



Agenda Number: 6A

Agenda Date: 02-05-14

Prepared by Deb Kind

Agenda Item: Ordinance 227 Alcohol Regulations (changing hours of service)

Summary: Currently there is only one liquor license holder in the city (Old Log). To be consistent with historic liquor hours, the liquor ordinance has been revised (see attached). Since the liquor ordinance is not part of the zoning code, review by the planning commission is not required.

At the 01-02-14 council meeting a question was raised regarding whether or not a public hearing is required for changes to the alcohol ordinance. Upon review by the city attorney, it has been determined that a public hearing only is required if the alcohol fees were going to be changed. Since the fees are not going to be changed in this case, no public hearing is required.

Below is the timeline for the ordinance ...

- 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 1st reading of ordinance 227.
2. I move the city council approves the 1st reading of ordinance 227 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.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION REGARDING INTOXICATING LIQUOR HOURS**

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

SECTION 1.

Greenwood ordinance code section 820.55 Conditions of License, subd. 4(a) is amended read as follows:

“Subd. 4. Hours.

(a) *Hours of Sale.* Sale of intoxicating liquor shall be permitted between the hours of ~~8am and 1am, Monday-Saturday; and 10am to 1am Sunday~~ 10am and 11pm for restaurants; 10am and 11:30pm for special events (e.g. wedding receptions, benefit concerts, etc.). Not only must the sale of intoxicating liquor cease at the closing hour appointed ~~each day~~ by city code but also all persons, other than employees of the licensee, shall vacate the licensed premises within ~~45~~ 30 minutes of said closing hour. Notwithstanding anything contained in this subdivision, a licensee may keep his/her premises open for his/her normal business purposes except the sale of liquor, before the liquor serving hours, provided that such licensee has closed off all access to the bar in a manner approved by the council.”

SECTION 2.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2014.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: _____, 2014
Second reading: _____, 2014
Publication: _____, 2014



Agenda Number: 6B

Agenda Date: 02-05-14

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. The final draft of the ordinance was approved by the coordinating committee for consideration by the 4 city councils in June 2013. In October 2013, the cities of Excelsior and Shorewood approved the ordinance with minor revisions. If Greenwood approves ordinance, then 3 of 4 cities will have a unified ordinance (Tonka Bay has not taken action yet).

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

At the 12-04-13 council meeting, the council "continued" the 2nd reading of ordinance 224 to the January council meeting pending review and a recommendation from the city attorney.

At the 01-02-14 council meeting, the council "continued" the 2nd reading of ordinance 224 to the February council meeting pending ordinance changes drafted by the city attorney. The redlined ordinance with the city attorney's recommended changes is attached. Omitted material from Greenwood code section 445.65 on leashing and muzzling is included for review.

Note: The 2nd reading must be within 3 months of the 1st reading. The 1st reading was at the 11-06-13 meeting. Therefore, the 2nd reading must be at the 02-05-14 council meeting, or we will need to start over with a 1st reading. If the council approves the 2nd reading, the council may wish to approve a summary of the ordinance for publication (see attached file).

Below is the timeline for the ordinance:

- 11-06-13 The council approved the 1st reading.
- 02-05-14 The council will consider the 2nd reading.
- 02-06-14 Sun-Sailor submission deadline.
- 02-13-14 Publication in the Sun-Sailor (effective date).

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

1. I move the council approves the 2nd reading of ordinance 224 regarding animal regulations as amended by the city attorney.
2. I move the council approves the 2nd reading of ordinance 224 regarding animal regulations as amended by the city attorney with the following revisions: _____.
3. I move the council approves resolution 05-14, a summary of ordinance 224 for publication.
4. 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 2-3 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.
3. When a declaration of potentially dangerous animal is made, SLMPD must promptly provide to the owner/custodian a copy of the form for request of a hearing per 445:65.S5.2, and if same is requested a hearing shall be held pursuant to 445:65.S5.2.

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~~ kept under control of the owner at all times or in a securely enclosed and locked pen, kennel, or fenced yard, except when leashed as required and muzzled as required. Confinement does not include a porch, patio, unfenced yard, "invisible fence" or any part of a house, garage, cage, or other structure that would allow the animal to exit of its own volition or any house or structure in which screens are the only obstacles to preventing the animal from exiting.

OMITTED MATERIAL FROM GREENWOOD CODE 445.25 SUBD 4(2,3) IS INCLUDED HERE FOR COMPARISON

2. Leashing. Any potentially dangerous animal shall be leashed at all times when the animal is outside the confines of the kennel or fenced yard of the animal's owner or custodian. The person in custody of the animal shall make use of a leash not greater than 6 feet in length.

3. Muzzling. The owner or custodian of the "potentially dangerous animal" shall not permit the "potentially dangerous animal" outside of its kennel or fenced yard nor off the premises of the owner, custodian, except when muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.

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

Subd. 3. Dangerous Animals; Declaration.

1. 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.
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 dangerous animal.
3. When a declaration of dangerous animal is made, SLMPD must promptly provide to the owner/custodian a copy of the form for request of a hearing per 445:65.S5.2, and if same is requested a hearing shall be held pursuant to 445:65.S5.2.

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 potentially dangerous or 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 / custodian 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. At the hearing the city shall have the burden of proof. No formal rules of evidence shall apply however the owner shall have the right to present evidence in response to the allegations. 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. **RESERVED.**

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, Animal. 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 6 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 _____, 2014.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, city clerk

First reading: November 6, 2013
Second reading: _____, 2014
Publication: _____, 2014

RESOLUTION 05-14

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 224 BY TITLE AND SUMMARY**

WHEREAS, on _____, 2014 the city council of the city of Greenwood adopted "Ordinance 224 Amending Greenwood Ordinance Code Section 445 Regarding Animals"

WHEREAS, the city has prepared a summary of ordinance 224 as follows:

1. The purpose of this ordinance is to preserve the public health, safety and welfare, and guard against public nuisances, by regulating the ownership and possession of animals.
2. In addition, the purpose is to create a uniform animal ordinance to make enforcement consistent between the jurisdictions served by the South Lake Minnetonka Police Department.
3. The ordinance includes regulations for:
 - a. Registration and Licensing Requirements
 - b. Permitted Domesticated Animals
 - c. Non-Domesticated Animals
 - d. Limitations on Number of Dogs
 - e. Limitations on Number of Cats
 - f. Animal Breeders and Dealers
 - g. Running at Large
 - h. Impound Authority
 - i. Animal Nuisances
 - j. Confinement of Certain Animals
 - k. Impounded Animal Redemption
 - l. Rabies Control
 - m. Abuse / Neglect of Animals
 - n. Dangerous Animals and Potentially Dangerous Animals
 - o. Penalties for Violation
 - p. Enforcement
 - q. Appendices

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

1. The city council finds that the above title and summary of ordinance 224 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 224 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

ADOPTED by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2014.

___ AYES ___ NAYS

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Gus E. Karpas, City Clerk

First reading: _____, 2014

Second reading: _____, 2014

Publication: _____, 2014



Agenda Number: 6C

Agenda Date: 02-05-14

Prepared by Deb Kind

Agenda Item: Ordinance 226 Swimming Pool Regulations

Summary: The city council directed the zoning administrator and Councilmember Bill Cook (the committee) to review the existing swimming pool regulations in section 330 of the city code and draft proposed changes. The committee determined the majority regulations in section 330 were not appropriate for the regulation of individual residential pools and should be deleted. The committee recommended that the items in section 330 that are relevant should be moved to the zoning code chapter 11. The draft of the ordinance was sent to the planning commission for a public hearing and recommendation. The planning commission recommended approval of the ordinance. At the 01-02-14 council meeting, the city council approved the 1st reading of the ordinance and directed that one revision be made for the 2nd reading -- to add language to delete code section 330 in its entirety. In addition to that revision the attached ordinance also includes the removal of section 330 related definitions that were located in chapter 12.

If the council approves the 2nd reading, the council may wish to approve a summary of the ordinance for publication.

Below is the timeline for the swimming pools ordinance ...

- 12-05-13 Public hearing notice published in Sun-Sailor (at least 10 days prior to the public hearing).
- 12-18-13 Planning commission held the public hearing and made a recommendation for approval to the city council.
- 01-02-14 City council approved the 1st reading of the ordinance.
- 02-05-14 City council considers 2nd reading of the ordinance.
- 02-06-14 Ordinance submitted to Sun-Sailor.
- 02-13-14 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 2nd reading of ordinance 226.
2. I move the city council approves the 2nd reading of ordinance 226 with the following revisions: _____.
3. I move the city council approves resolution 06-14, a summary of ordinance 226 for publication.
4. Other motion ???

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

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING
GREENWOOD ORDINANCE CODE CHAPTER 1100
REGARDING SWIMMING POOLS**

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

SECTION 1.

Greenwood ordinance R-1A residential zoning code section 1120.05, subd. 2 is amended to read as follows:

"Subd. 2. Accessory Uses.

- (a) Private garages.
- (b) Tool house, sheds and similar storage areas for domestic supplies.
- (c) Off-street parking.
- (d) Commonly accepted playground equipment and park shelter buildings.
- (e) Home occupations as regulated by section 480.
- (f) Swimming beaches.
- (g) Boat docks.
- (h) Signs as regulated in section 1140 et seq.

Subd. 3. Conditional Uses.

- (a) Public utilities including such items as electrical distribution station or any such similar structure located above ground
- (b) Permanent in-ground, at-grade swimming pools for the use and convenience of the resident and their guests.
- (c) Uses mandated in state statutes as conditional uses."

SECTION 2.

Greenwood ordinance R-1B residential zoning code section 1122.05, subd. 2 is amended to read as follows:

"Subd. 2. Accessory Uses.

- (a) Private garages.
- (b) Sheds and similar storage areas for domestic supplies.
- (c) Off-street parking.
- (d) Commonly accepted residential playground equipment and park shelter buildings.
- (e) Boat docks.
- (f) Home occupations as regulated by section 480.
- (g) Signs as regulated in section 1140 et seq.

Subd. 3. Conditional Uses.

- (a) Public utilities including such items as electrical distribution station or any such similar structure located above ground.
- (b) Permanent in-ground, at-grade swimming pools for the use and convenience of the resident and their guests.
- (c) Uses mandated in state statutes as conditional uses."

SECTION 3.

Greenwood ordinance R-1C residential zoning code section 1123.05, subd. 2 is amended to read as follows:

"Subd. 2. Accessory Uses.

- (a) Private garages.
- (b) Tool house, sheds and similar storage areas for domestic supplies.
- (c) Off-street parking.
- (d) Commonly accepted playground equipment and park shelter buildings.
- (e) Home occupations as regulated by section 480.
- (f) Signs as regulated in section 1140 et seq.

Subd. 3. Conditional Uses.

- (a) Public utilities including such items as electrical distribution station or any such similar structure located above ground.
- (b) Permanent in-ground, at-grade swimming pools for the use and convenience of the resident and their guests.
- (c) Uses mandated in state statutes as conditional uses."

SECTION 4.

Greenwood ordinance code section 1140.11 is created to read as follows:

“Section 1140.11. Swimming Pool Standards.

The following standards shall apply to all permanent in-ground, at-grade swimming pools:

1. Must comply with the setback standards of the zoning district in which they are located as measured to the outside edge of the decking. In no instance shall the setback be less than 15 feet.
2. All equipment related to operation or maintenance must comply with the setback standards of the zoning district. In no instance shall the setback be less than 15 feet.”

SECTION 5.

Greenwood ordinance code section 1140.10 is amended to read as follows:

“SECTION 1140.10. Accessory Buildings.

Subd. 2. A detached accessory building shall not be located in any required front yard. An accessory building shall not be located between the lakeshore and that side of the principal building nearest the lake. Permanent in-ground, at-grade swimming pools may placed between the lakeshore and principal structure only if the required lake yard setback is met and a conditional use permit is issued by the city council.”

SECTION 6.

Greenwood ordinance code section 330 is deleted in its entirety.

SECTION 7.

Greenwood ordinance code section 1205.00 definitions is amended to delete the list of "Swimming Pool Terms" in its entirety.

SECTION 7.

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

Enacted by the city council of the city of Greenwood, Minnesota this __ day of _____, 2014.

__ AYES and __ NAYS.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: January 2, 2014
Second reading: _____, 2014
Publication: _____, 2014

RESOLUTION 06-14

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 226 BY TITLE AND SUMMARY**

WHEREAS, on _____, 2014 the city council of the city of Greenwood adopted "Ordinance 226 Amending Greenwood Ordinance Code Section 1100 Regarding Swimming Pools."

WHEREAS, the city has prepared a summary of ordinance 226 as follows:

1. The purpose of this ordinance is to implement regulations that are appropriate for residential swimming pools.
2. The ordinance lists "permanent in-ground, at-grade swimming pools for the use and convenience of the resident and their guests" as a conditional use in the R-1A, R-1B, R-1C zoning districts.
3. The ordinance states that the following standards shall apply to all permanent in-ground, at-grade swimming pools:
 - (a) Must comply with the setback standards of the zoning district in which they are located as measured to the outside edge of the decking. In no instance shall the setback be less than 15 feet.
 - (b) All equipment related to operation or maintenance must comply with the setback standards of the zoning district. In no instance shall the setback be less than 15 feet.
4. The ordinance states that permanent in-ground, at-grade swimming pools may placed between the lakeshore and principal structure only if the required lake yard setback is met and a conditional use permit is issued by the city council.

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

1. The city council finds that the above title and summary of ordinance 226 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 226 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

ADOPTED by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2014.

___ AYES ___ NAYS

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Gus E. Karpas, City Clerk

First reading: _____, 2014

Second reading: _____, 2014

Publication: _____, 2014



Agenda Item: Sam and Jenny Rogers, 5050 Greenwood Circle, Resolution 04-14, Variance Findings

Summary: Sam and Jenny Rogers are requesting to construct garage and porch additions and a new open front porch on an existing home which would encroach into the minimum required front yard setback and exceed the maximum permitted impervious surface. The proposed garage addition would replace an existing one-stall garage and provide additional parking and storage area. There would be a second story over the proposed garage that would house a master bedroom and master bath. The proposed four-season porch would be constructed on a portion of an existing patio and would be one story in height. Both the garage and four season porch add to the overall volume of the structure, but the structure remains in compliance with the structure volume requirements.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is proposing an impervious surface area of 38% and is seeking a variance to exceed the maximum permitted impervious surface area by 8%. The applicant indicates the proposed front porch would provide a covered entry way into the home and provide curb appeal to the home.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of twenty-five feet, eight inches for the proposed open front porch addition. The proposal requires a variance of four feet, four inches of the required front yard setback.

The applicant argues that *Section 1176.07.05(4)* does not apply to their request since they are not seeking to exchange impervious surface area for the request, rather are seeking a variance to increase their already non-conforming impervious surface area.

Planning Commission Action: Motion by Commissioner Beal to recommend the city council conditionally approve the application of Sam and Jenny Rogers for variances to Greenwood Ordinance Code sections 1120.15 and 1176.04(3)(3) to permit the construction of garage and porch additions and a new open front porch which would encroach into the required front yard setback and exceed the maximum permitted impervious surface area. The motion is conditioned that the applicant remove a minimum of 215 square feet of impervious surface area from the existing driveway and that the front porch may never be enclosed in any manner. *The motion is based on the following findings:* (a) the proposal maintains the spirit and intent of the zoning ordinance by maintaining the low density nature of the R-1A single-family district; (b) the proposal is consistent with the Comprehensive Plan in that it seeks to maintain the character of the city through the maintenance of the existing housing stock; (c) the proposed manner of use is reasonable since it seeks to maintain the existing use of the property by updating a home while maintaining the character of the structure; (d) the plight of the homeowner is due to the size of the lot and location of the existing garage on the rear of the home which requires a driveway that runs nearly the whole length of the lot and comprises approximately fifty percent of the permitted impervious surface area of the lot; and (e) the proposal maintains the essential character of the neighborhood. Commissioner Conrad seconded the motion. Motion carried 4-0.

Key Dates: ~~12-14-13~~ ~~Application complete~~
 ~~01-02-14~~ ~~Notice of the public hearing published in Sun-Sailor~~
 ~~01-15-14~~ ~~Public hearing held by the planning commission~~
 02-05-14 City council consideration
 02-14-14 60-day deadline

Council Action: The city council must take action by 02-14-14. Suggested motions ...

1. I move the city council approves resolution 04-14 **approving** the variance application of Sam and Jenny Rogers as presented (or with the following revisions: _____). I further move the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for the mailing in the property file.
2. I move the city council directs the city attorney to draft “findings for **denial**” for the council’s consideration at the 03-05-14 city council meeting. I further move the council directs the city clerk to provide written notice to the applicant to extend the 60-day time limit by 30 days, so the council may consider findings **approving and denying** the request.

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

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

Variance Application

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

Property address for which variance is requested 5050 GREENWOOD CIRCLE

Applicant (individual or company name): SAM and JENNY ROGERS

Contact for Business: _____ Title: _____

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

Wk Phone: _____ Hm Phone: 952.426.2330

Email address: Sam.rogers42@gmail.com Fax: _____

Present use of property: HOUSEHOLD

Property acreage: _____

Existing Variances: Yes _____ No _____

If yes, please explain _____

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

What is the Variance being requested for: HARDCOVER EXCEPTION

Variance for:

	Required	Proposed
Side Yard	_____ feet	_____ feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
Lake setback	_____ feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
<u>X</u> Impervious Cover	<u>3,000</u> sq ft	_____ Sq ft
Shoreland	_____ feet	_____ feet
Massing	_____ volume	_____ volume
Other	_____ feet	_____ feet
If other, please explain		

Proposed Addition – Overview and Goals

**Rogers Residence
5050 Greenwood Circle
Greenwood, Minnesota
55331**

Overview –

With a growing family and a strong desire to remain on our property and in the City of Greenwood, we are hopeful to modernize our garage, add another bedroom and bath, more liveable space upstairs and down, and add a front entry way to enhance the overall “curb-appeal” of the house.

Understanding and appreciating the strict zoning codes to maintain the overall charm and feel of Greenwood neighborhoods, Vine Hill Partners has been hired to complete the project and construct an addition that will allow for a family reasonably use the home.

Goals –

The overall goal of the proposed addition is to enlarge and enhance our current living space to accommodate for a young, 4 person family, while maintaining the original structure built in 1920 as the main focal point of the home, and not succumbing to the trend of “mansionization” through an unnecessarily large addition.

Garage –

- Remove current 1 stall garage, and replace with a 24 X 24, 2 stall garage.
- Remove parking space at the end of the driveway and replace with lawn.
- Remove a portion of the driveway and replace with lawn.

Bedroom –

- Add 3rd bedroom above the garage to accommodate a 4 person family while adhering to volume requirement
- Exterior structure would be in accordance with the overall feel and charm of the home

Bathroom (upstairs) –

- Add a 2nd Full Bathroom to accommodate for a growing family.

4 Seasons Porch –

- Remove current Patio
- Construct an 11 X 13, 4 seasons porch which will have an overall smaller footprint than the current patio.
- Allow for more livable space downstairs to accommodate a 4 person family.

Variance Application - Attached Answers to Questions

**Rogers Residence
5050 Greenwood Circle
Greenwood, Minnesota, 55331**

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

If a variance with regards to hardcover is granted, full respect to the zoning code will be given through maintaining all other structural requirements on the property, and not exceeding the allotted hardcover allowance determined by the City.

The Zoning Code is understood and appreciated as it preserves the integrity of properties and "green space" within the City of Greenwood, however the design methodology of this project does allow for a reduction in hardcover and more permeable space. Given the sensitive nature of the shoreland management district we believe there is an actual benefit to the site environmental conditions, overall hydrology and natural drainage patterns. Preservation of the home originally built in 1920, and conservation of the surrounding land is driving our desire to enhance our home, create *reasonable* living space for our growing, young family and ultimately remain in the City of Greenwood.

Establishing Practical Difficulty:

1). The landowner's property cannot be put to a reasonable use if used under conditions allowed by the official controls due to the width of the lot and City of Greenwood setback requirements, a covered garage cannot be placed at the front of the house, or on either side, leaving it to be placed in the rear of the house. With the structure setback 30 ft, an excessive driveway is needed to reach the garage. The driveway currently takes over half of the hardcover allowance due to it leading to the rear of the house, not allowing for any significant improvements made to the structure without a variance for hardcover.

If granted a variance, the percentage of structural hardcover will remain unchanged, and more green space will be created by removing landscaping hardcover through reducing the size of the driveway, and removing a parking space in the backyard.

2). The plight of the landowner is due to circumstances unique to the property not created by the landowner property because an excessive driveway was created due to width of the lot, adhering to setback requirements determined by the City, and placing the garage in the rear of the house.

3). If granted, the variance will not alter the character of the locality by working with an experienced contractor in Vine Hill Partners who understands the unique charm and appeal of Greenwood and has proposed plans that will maintain and

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

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

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

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

Applicant's Signature:  Date: 12/6/13

Signature:  Date: 12/6/13

Owner's Acknowledgement & Signature(s)

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

Owner's Signature:  Date: 12/6/13

Owner's Signature:  Date: 12/6/13

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

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (WE) William Wright of 5040 Greenwood Circle
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at 5050 Greenwood Circle.

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

Bill Wright _____ 12/6/13
Property owner's signature Date

Property owner's signature Date

I (we) Richard Timm of 5060 GREENWOOD Circle
[print name(s)] [print address]

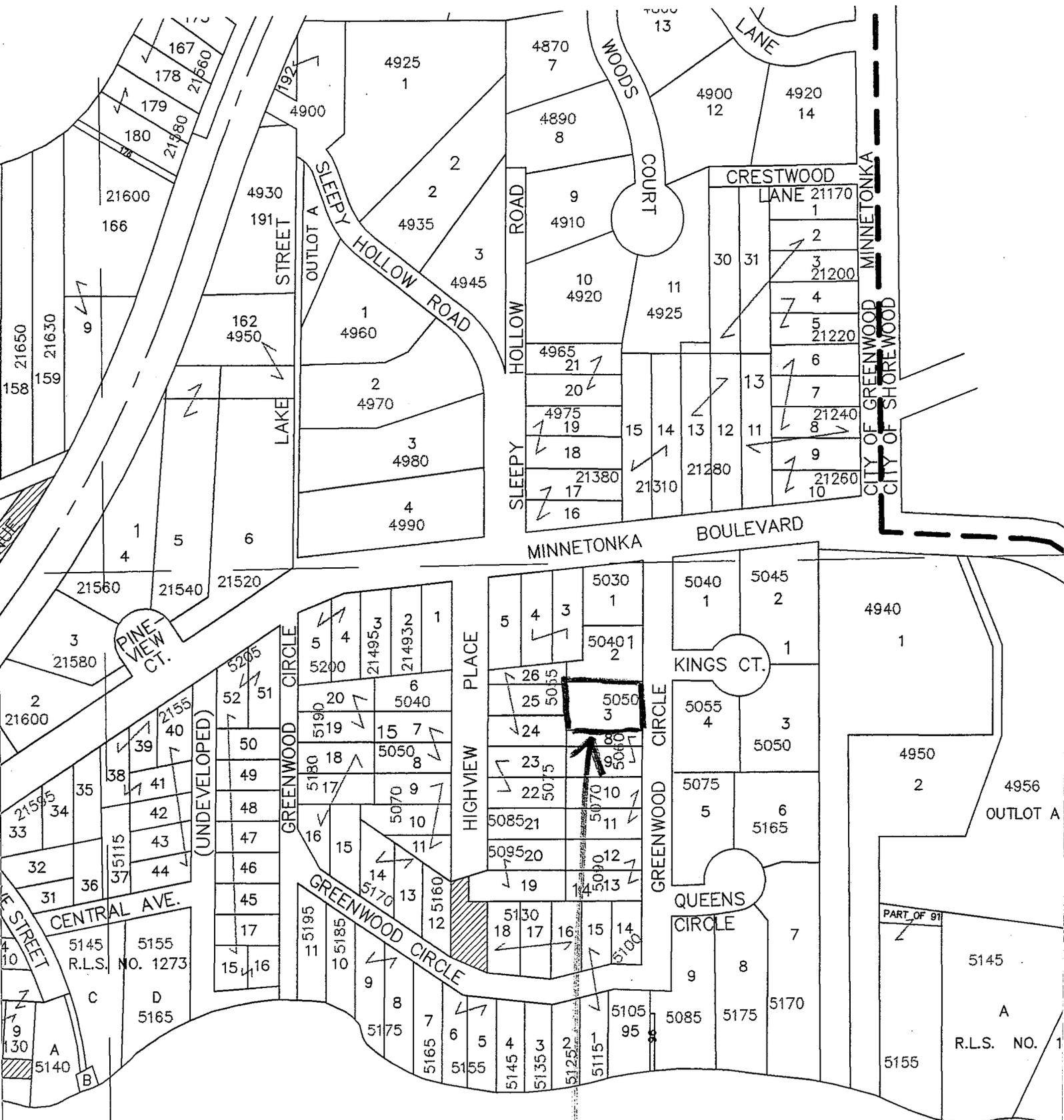
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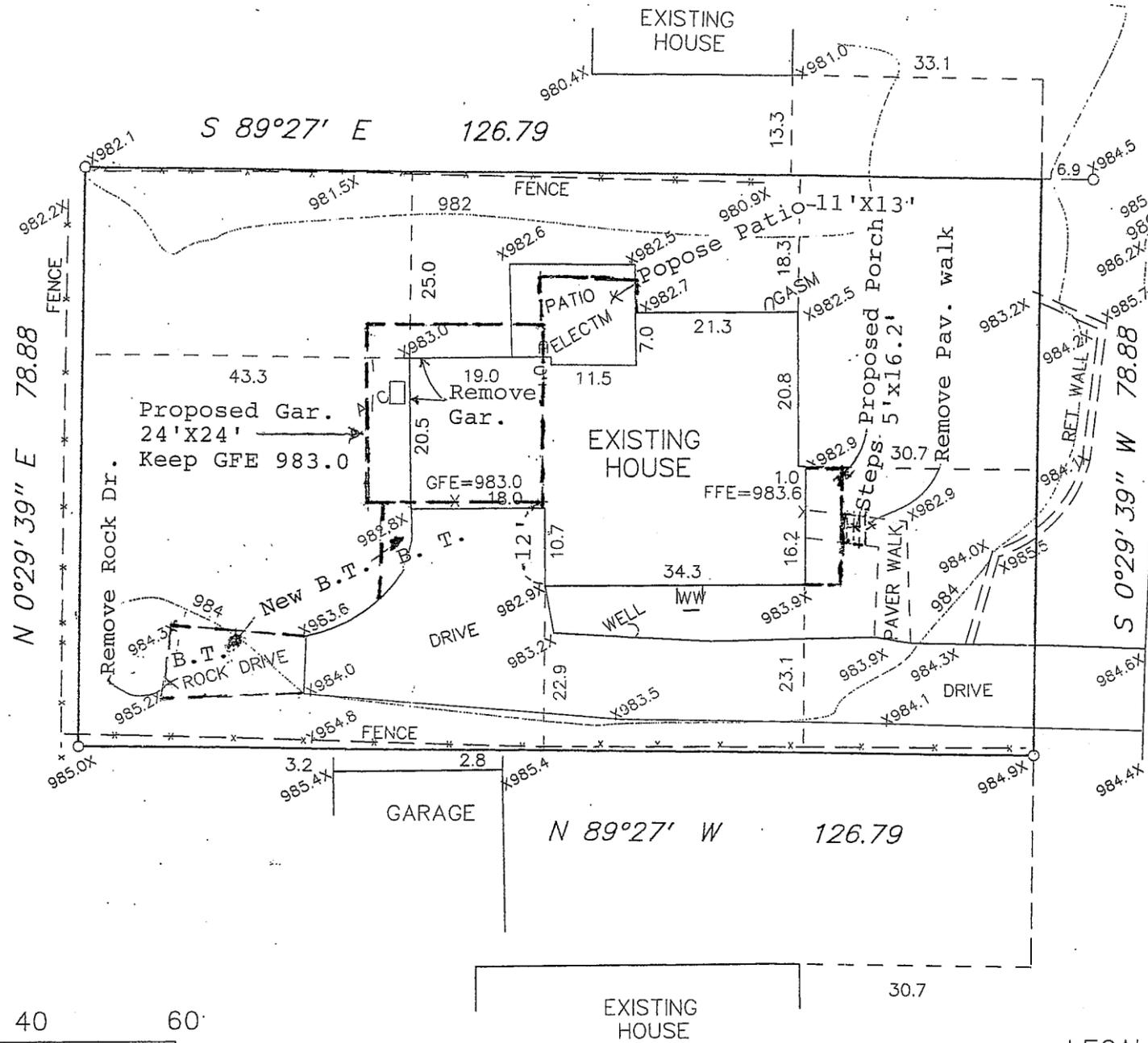
Richard Timm _____ 12/6/13
Property owner's signature Date

Property owner's signature Date

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



Property
Location



BENCHMARK
TR SAN MH
ELEV = 885.3

PROPOSED HARD COVER

House	1166 S.F.
Gar.	576 S.F.
Porch	81 S.F.
B. Top Dr.	1775 S.F.
Steps	59 S.F.
Patio	143 S.F.
Total	3800 S.F.

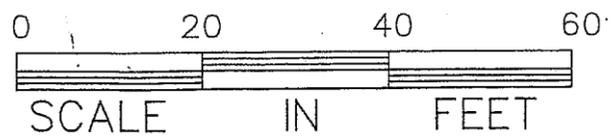
3800/10000 = 38%

Existing Hard Cover

House & Gar.	1545 SF
B. T. Drive	1565 SF
Patio	195 SF
Pav. Walk	100 SF
Rock Dr.	180 SF
Total	3585 SF

3585 / 10000 = 36%

GREENWOOD CIRCLE



- X992.5 = EXISTING SPOT ELEVATION.
- X(998.0) = PROPOSED SPOT ELEVATION
- = DIRECTION SURFACE DRAINAGE
- COH = CANTILEVERED OVERHANG
- OHL = OVERHEAD UTILITY LINE
- GFE = GARAGE FLOOR ELEVATION
- TFE = TOP OF FOUNDATION ELEVATION
- LFE = LOWEST FLOOR ELEVATION

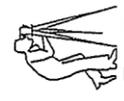
SURVEY IS SUBJECT TO CHANGE PER
TITLE OR EASEMENT INFORMATION

VERIFY ALL SETBACKS WITH CITY

LEGAL DESCRIPTION:
LOT 3, BLOCK 1, MINNETONKA MANOR
THIRD ADDITION, HENNEPIN CO., MN.

ADDRESS - 5050 GREENWOOD CIRCLE
PID#26-117-23-42-0075

LOT AREA = 10000 SF/ 0.23 AC



Land
Frank R. Cardarelle Surveyor
6440 FLYING CLOUD DRIVE
EDEN PRAIRIE, MN 55344
952-941-3031

BUILDING
PERMIT SURVEY
for ROGERS RESIDENCE

PROJECT NO.	BOOK	PAGE	
DATE NOV 9, 2013			
REVISIONS	11-14-13	12-11-13	

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

FRANK R. CARDARELLE REG. NO. 65688

SYMBOLS

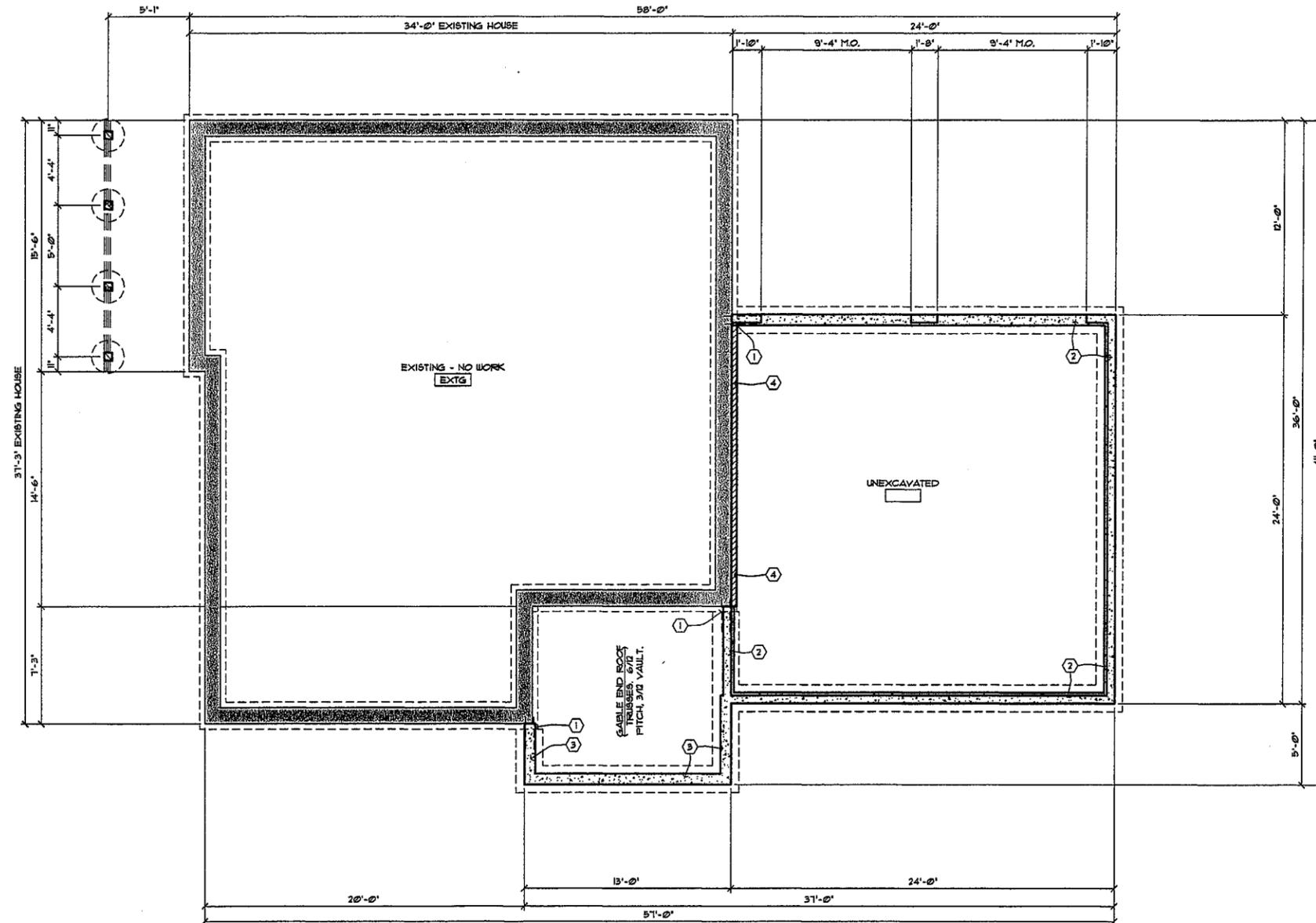
-  NEW WALL
-  EXISTING WALL
-  NEW DOOR
-  EXISTING DOOR

CONSTRUCTION NOTES

1. THIS PLAN AND ITS DETAILS HAVE BEEN DRAWN AS ACCURATELY AS POSSIBLE. THE OWNER AND/OR CONTRACTOR SHALL REVIEW ALL PLANS AND VERIFY ALL INFORMATION PRIOR TO ONSET OF CONSTRUCTION. DUE TO POSSIBLE CONFLICTING CIRCUMSTANCES ON THE JOB SITE ANDERSON DESIGN, INC. TAKES NO RESPONSIBILITY ONCE BUILDING HAS STARTED.
2. DUE TO THE LACK OF CONTROL OF CONSTRUCTION TECHNIQUES USED, BUILDING MATERIALS AVAILABLE, OR THE CONDITION OF THE BUILDING SITE ITSELF, ANDERSON DESIGN, INC. TAKES NO RESPONSIBILITY FOR THE STRUCTURAL ENGINEERING OF THIS BUILDING.
3. DO NOT SCALE DRAWINGS. CALL FOR CLARIFICATIONS.
4. AS MUCH AS POSSIBLE THE CONTRACTOR SHALL KEEP PREMISES FREE FROM WASTE MATERIALS AND RUBBISH CAUSED BY THE WORK.
5. CONTRACTOR SHALL VISIT THE SITE AND BECOME FAMILIAR WITH ALL EXISTING CONDITIONS PRIOR TO SUBMISSION OF BID.
6. INSTALL BLOCKING AS REQUIRED IN ALL PARTITIONS TO RECEIVE COUNTERS, SHELVING, ETC.
7. ALL LUMBER THAT IS IN CONTACT WITH CONCRETE OR CMU TO BE PRESSURE TREATED.
8. ALL EXISTING DIMENSIONS, OR NEW DIMENSIONS BASED ON EXISTING ARE LISTED WITH 'X'. CONTRACTOR TO VERIFY IN FIELD.
9. ALL BASE MOULDING AND WINDOW/DOOR CASINGS TO MATCH EXISTING.

KEY NOTES

- ① SEAL JOINT BETWEEN NEW & EXISTING. USE NON-SHRINK GROUT AS REQUIRED. DOUCEL #3 X 1'-6" @ 16" O.C. DRILL 4 GROUT 5" INTO EXISTING.
- ② GARAGE FOUNDATION WALL:
 - 8"X20" FOURED CONCRETE FOOTING WITH REBAR AS REQUIRED.
 - 8" FOURED CONCRETE FOUNDATION WALL WITH 6"U X 8" CURB AT TOP OF WALL.
 - FOUNDATION WALL TO BE FROST DEPTH.
- ③ TYPICAL FOUNDATION WALL:
 - 8"X20" FOURED CONCRETE FOOTING WITH REBAR AS REQUIRED.
 - 8" FOURED CONCRETE FOUNDATION WALL.
 - 2" RIGID INSULATION @ EXTERIOR FACE OF WALL.
- ④ 5 CS. 4" CMU STACKED INSIDE EXISTING FOUNDATION, TO SUPPORT NEW CONCRETE SLAB.



AD
Anderson
Design, Inc
952.544.0099

Project:
The Rogers Residence
5050 Greenwood Circle
Greenwood, MN



Revisions:

Project #: 13-146
Drawn by:
Checked by:
Date: 11.25.13
Scale:

Sheet Title
LOWER LEVEL
CONSTRUCTION
PLAN

Sheet Number
A1.0

SYMBOLS

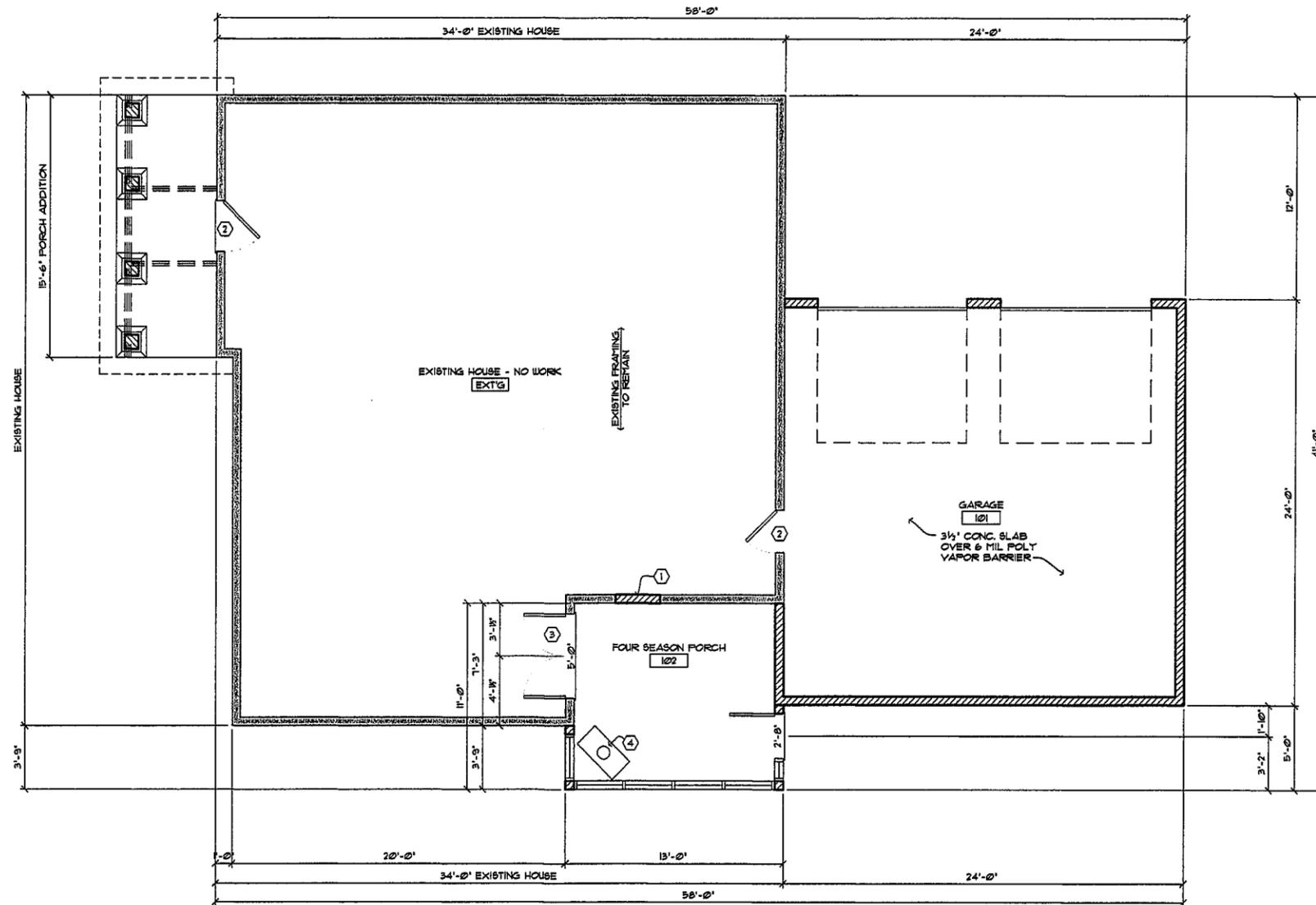
-  NEW WALL
-  EXISTING WALL
-  NEW DOOR
-  EXISTING DOOR

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8. ALL EXISTING DIMENSIONS, OR NEW DIMENSIONS BASED ON EXISTING ARE LISTED WITH "1". CONTRACTOR TO VERIFY IN FIELD.
9. ALL BASE MOULDING AND WINDOW/ DOOR CASINGS TO MATCH EXISTING.

KEY NOTES

- ① REMOVE EXISTING DOOR AND FRAME. IN FILL EXISTING OPENING WITH CONSTRUCTION TO MATCH EXISTING.
- ② EXISTING DOOR TO REMAIN.
- ③ NEW IN-SWING FRENCH DOORS.
- ④ CAST IRON GAS FIREPLACE.



1 MAIN LEVEL CONSTRUCTION PLAN
AU 1/4"=1'-0"

AD

Anderson Design, Inc
952.544.0099

Project:
The Rogers Residence
5050 Greenwood Circle
Greenwood, MN



Revisions:

Project #: 13-146

Drawn by:
Checked by:
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Scale:

Sheet Title
MAIN LEVEL
CONSTRUCTION
PLAN

Sheet Number

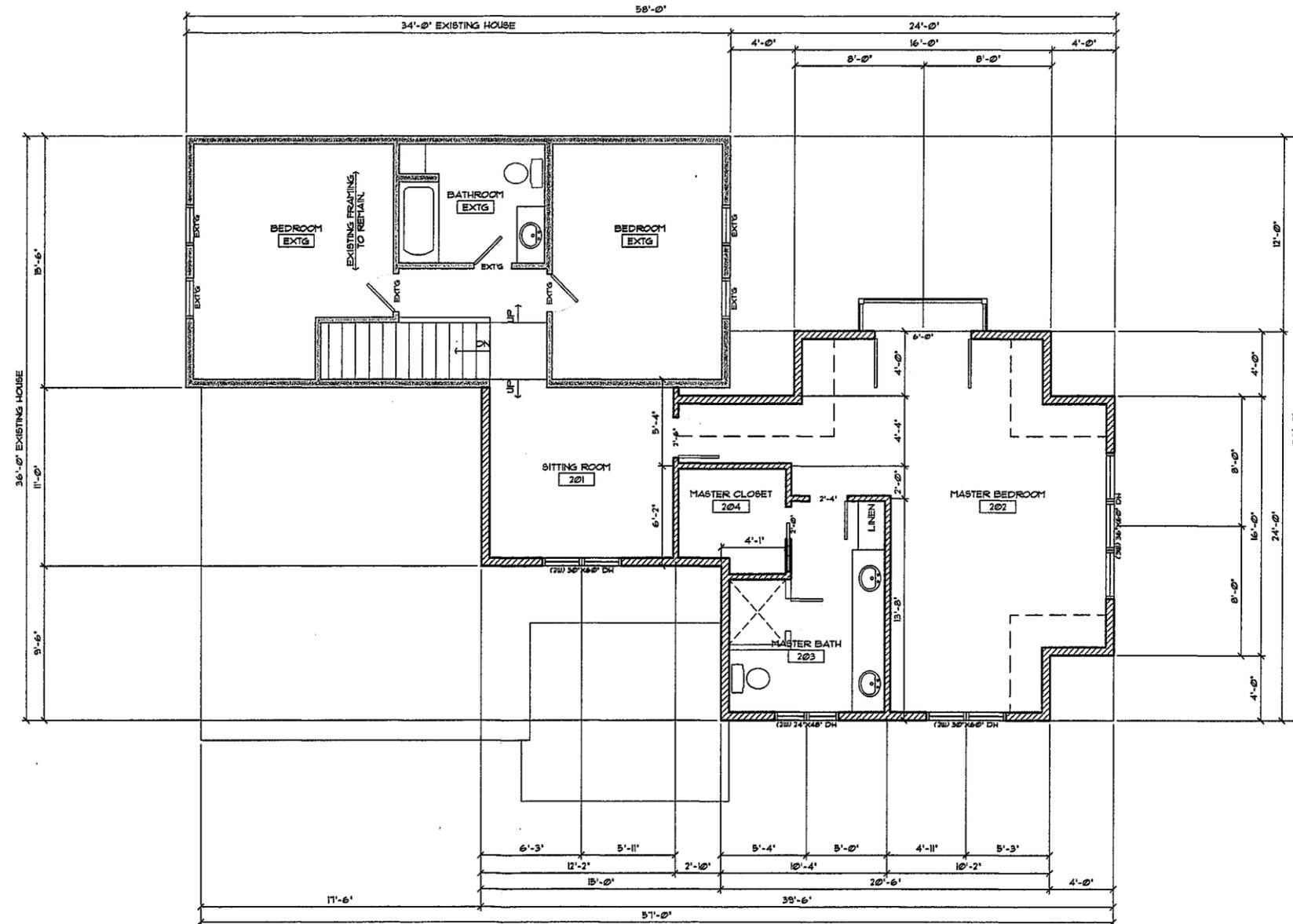
A1.1

SYMBOLS

-  NEW WALL
-  EXISTING WALL
-  NEW DOOR
-  EXISTING DOOR

CONSTRUCTION NOTES

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AD
Anderson
Design, Inc
952.544.0099

Project:
The Rogers Residence
5050 Greenwood Circle
Greenwood, MN



Revisions:

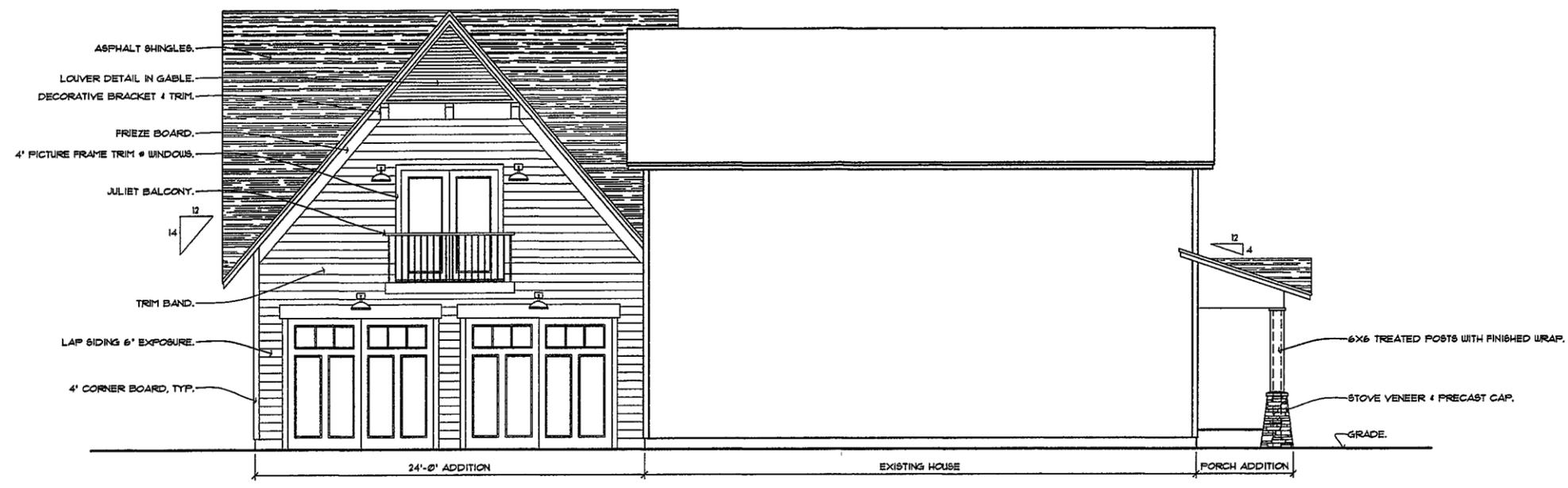
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Checked by:
Date: 11.25.13
Scale:

Sheet Title
UPPER LEVEL
CONSTRUCTION
PLAN

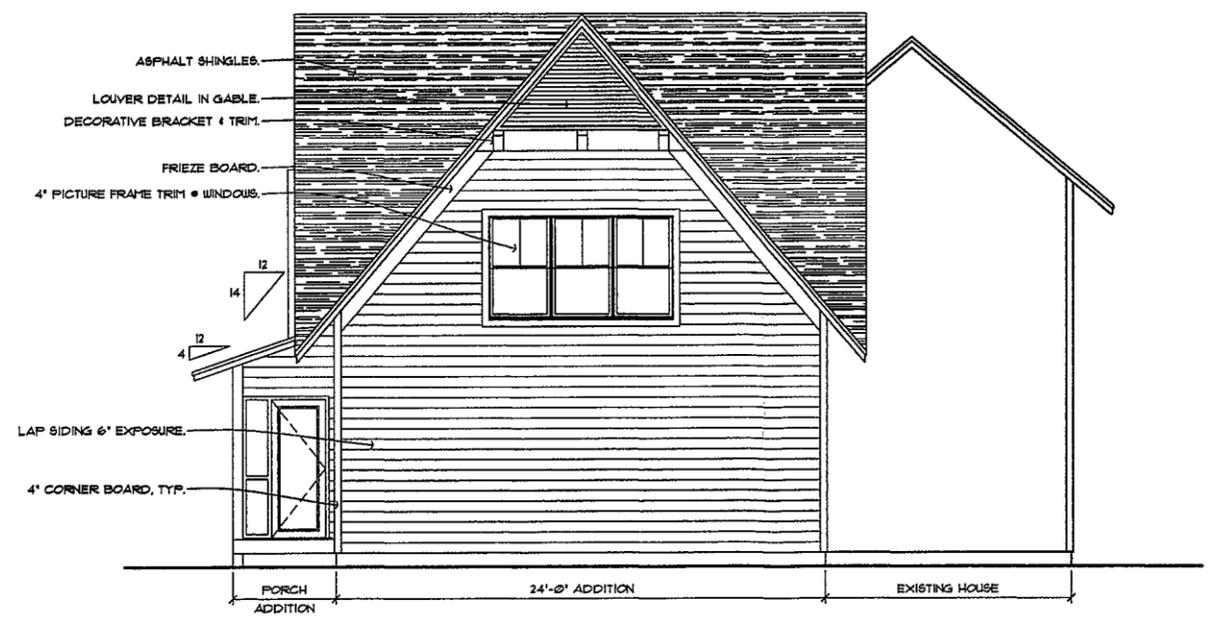
Sheet Number

A1.2

UPPER LEVEL CONSTRUCTION PLAN
1/4" = 1'-0"



1 EXTERIOR ELEVATION
 A2.1 1/4"=1'-0"



2 EXTERIOR ELEVATION
 A2.1 1/4"=1'-0"

Revisions:

Project #: 13-146
 Drawn by:
 Checked by:
 Date: 11.25.13
 Scale:

Sheet Title
 EXTERIOR
 ELEVATIONS

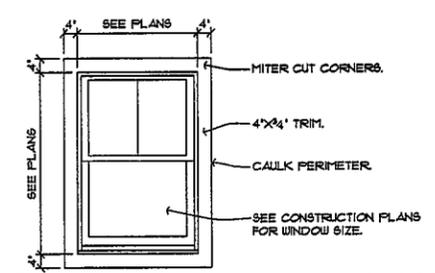
Sheet Number
A2.1



1 EXTERIOR ELEVATION
 A22 1/4"=1'-0"



2 EXTERIOR ELEVATION
 A22 1/4"=1'-0"



3 TYPICAL WINDOW PICTURE FRAME TRIM
 A22 1/2"=1'-0"

Revisions:

Project #: 13-146
 Drawn by:
 Checked by:
 Date: 11.25.13
 Scale:

Sheet Title
 EXTERIOR
 ELEVATIONS

Sheet Number
A2.2

RESOLUTION NO. 04-14

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

IN RE: The Application of Sam and Jenny Rogers, 5050 Greenwood Circle, Greenwood, Minnesota for a variances to permit the addition of a front porch and an imperious surface variance.

WHEREAS, Sam and Jenny Rogers are the owner of real property at 5050 Greenwood Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-42-0075); and

WHEREAS, the applicants proposes an addition which would replace the existing garage with a two car garage/master bedroom addition and also add an enclosed front porch. The porch addition requires a front yard setback variance of 4 ft 4 in. The property has existing hardcover of 36%; applicant is proposing 38%, and requires a variance to do so; and

WHEREAS, notice of public hearing was published, notice given to neighboring property owners, and a public hearing held before the Planning Commission on January 15, 2014 to consider the application; and

WHEREAS, public comment was taken at the public hearing and the Planning Commission has considered the matter and recommended approval of a variance to permit the addition of an unenclosed front porch.

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

FINDINGS OF FACT

1. That the applicant's property is located at 5050 Greenwood Circle, Greenwood, Minnesota 55331 within the R-1A Single Family Residential District.
2. The property is host to a pre-existing setback compliant house on a 10,000 sq ft lot. The applicant desires to replace the existing garage with a two-car garage/master bedroom addition and also construct an enclosed front porch. The porch addition requires a 4 ft 4 in variance to permit encroachment on the required front yard setback of 30 ft.. The property has existing hardcover of 36%; applicant is proposing 38%, but requires a variance to section 1176.04.3.3 to do so.
3. That Section 1120:15 requires a minimum front yard setback of 30 ft. Section 1176.04.3.3 allows a maximum permitted hardcover of 30%.

4. The Planning Commission observed that the addition of the garage/master bedroom addition can be built without need for grant of variance to add additional hardcover. It also noted that the proposed variance for the addition of 215 sq ft in hardcover is not needed where the existing driveway can be reconfigured, without loss of utility to applicant/owner by deleting a like amount of hardcover. The applicant agreed and volunteered to re-configure the driveway to maintain total lot hardcover of 3585 sq ft.
5. That in light of the applicants agreement to re-configure/design the driveway, the Planning Commission deemed the request for a variance to increase maximum permitted hardcover, from 36% to 38%, withdrawn.
6. The Planning Commission observed that the addition of the front porch addition can only be built with a variance to permit an encroachment on the required front yard setback of 30 ft in the amount of 4 ft 4 in. While code allows for front yard setback encroachments related to stoops and eaves, no exception exists for enclosed porches which so encroach. The Planning Commission was concerned that no future precedent be created through this application process.
7. That the Planning Commission, recognizing these facts, recommended approval of the application for a front yard setback variance of 4 ft 4 on condition (1) that the porch addition shall not be enclosed but remain an open-air porch without windows or screens, and (2) that the lot hardcover be kept at 36% (3585 sq ft). The variance for additional hardcover was deemed withdrawn by the applicant.
8. Section 1155.10, Subd. 4, 5 & 6 provide:

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

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

Economic considerations alone shall not constitute practical difficulties.

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

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

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

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

9. Based on the foregoing, the City Council finds that the variance request to increase maximum permitted hardcover from 36% to 38% is withdrawn; and the City Council finds that the variance to permit the addition of a front porch on the applicant’s property of the depth as proposed and subject to the conditions recommended by the Planning Commission, if granted, would (1) be in harmony and keeping with the spirit and intent of the Zoning Code because it will maintain the character of the neighborhood, and (2) will be consistent with the Comprehensive Plan’s guiding use for the subject property in the applicable zone because the character of the proposed use is consistent with the zoning.
10. The City Council further finds, that the property owner’s proposed manner of use of the property - addition of a front porch - is reasonable because the encroachment of the proposed porch on the front yard is not significant relative to the depth of the yard street ward and there is no possibility of a front porch on this property without the variance; that the plight of the applicant is due to circumstances unique to the property - that being a short depth lot host to an existing house design - and was not created by the applicant; and the variance, if granted, will not alter the essential character of the locality, it will not impair the supply of light and air, or create congestion on the public street or endanger public health, safety, and welfare.
11. That the following conditions should be imposed on any such variance grant for a porch:
 - A. Project must be generally completed according to the specification and design of the plan; however the plan for the porch addition shall be modified. It shall not be enclosed. If built, it must be an open-air porch without windows or screens;
 - B. That the total permitted hardcover on the lot be kept at 3585 sq ft (36%) and shall be verified by survey prior to final inspection.
 - C. A certified copy of this resolution shall be filed by the applicants with Hennepin County Registrar of Titles and proof of filing provided to the Clerk of the City before any permits shall be issued.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the City Council acting as the Board of

Appeals and Adjustments makes the following Conclusions of Law:

1. That the applicant has made an adequate demonstration of facts meeting the standards of Section 1155:10; and that a variance to Greenwood Ordinance Code Section 1120:15, of 4 ft 4 in. to the required front yard setback of 30 feet, necessary to allowing the addition of a front porch, subject to conditions as stated at paragraph 11, **should** be granted.
2. That a variance to Greenwood Ordinance Code Section 1176.04 (3)(3) to permit an increase in total permitted hardcover in excess of 3585 sq feet (36%) is no longer necessary nor has the legal burden for obtaining such a variance been met, and by applicant's consent, the request is deemed withdrawn. The applicant's grandfathered right to a maximum permitted hardcover upon the property of 3585 sq ft is acknowledged and may be continued without further city action.

NOW, THEREFORE, be it resolved by the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments.

1. That the application of Sam and Jenny Rogers for a variance of 4 ft 4 in to the required front yard setback of 30 feet, necessary to allow the addition of a front porch, is **granted** subject to the following conditions:
 - A. The project must be completed according to the specification and design of the plans submitted, however, the plan of the porch addition shall be modified. It shall not be enclosed. If built, it must be an open-air porch without windows or screens
 - B. That the total permitted hardcover on the lot be kept at 3585 sq ft (36%) and no more and shall be verified by survey prior to final inspection.
 - C. A certified copy of this resolution shall be filed by the applicants with Hennepin County Registrar of Titles and proof of filing provided to the Clerk of the City before any permits shall be issued.

PASSED THIS _____ DAY OF FEBRUARY, 2014 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

_____ Ayes, _____ Nays

ATTEST:

CITY OF GREENWOOD

By _____
Debra J. Kind, Mayor

Gus Karpas, City Clerk/Administrator

1\RESOLU. Rogers Approving



Agenda Number: 7B

Agenda Date: 02-05-14

Prepared by Deb Kind

Agenda Item: Ordinance 228, Practical Difficulties Considerations

Summary: According to League of MN Cities attorney Jed Burkett the Municipal Planning Act pre-empts city authority to vary from statutory provisions. Therefore, the city's variance ordinances need to be consistent with state statute. Many cities (like Greenwood) long have had additional factors or considerations in variance ordinances. However, in light of current state law, additional considerations in our variance ordinance need to be revised to fit 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 a draft of an ordinance with edits to comply with the recommendations. Since the variance ordinance is in the zoning code chapter of the city ordinance code book, the ordinance was sent to the planning commission for a public hearing and recommendation. The planning commission unanimously recommended approval of the ordinance with no changes.

Below is the timeline for the attached ordinance regarding practical difficulties.

- 01-02-14 Public hearing notice published in Sun-Sailor (at least 10 days prior to the public hearing).
- 01-15-14 Planning commission held the public hearing and made a recommendation for approval to the city council.
- 02-05-14 City council considers the 1st reading of the ordinance.
- 03-05-14 City council considers the 2nd reading of the ordinance.
- 03-06-14 Ordinance submitted to Sun-Sailor (if approved).
- 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 1st reading of ordinance 228.
2. I move the city council approves the 1st reading of ordinance 228 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. 228

**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: _____, 2014
Second reading: _____, 2014
Publication: _____, 2014

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SECTION 2.

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

"Subd. 6. 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: _____, 2014
Second reading: _____, 2014
Publication: _____, 2014



Agenda Item: Hennepin County Recycling Grant Application, Reports, and Activities

Summary: The 2012 Hennepin County Residential Recycling Funding Policy to comply with the Minnesota Pollution Control Agency's (MPCA) 2010-2030 Metropolitan Solid Waste Management Policy Plan establishes a goal that by 2015 at least 45% of municipal waste generated in Hennepin county will be recycled. The city approved the attached agreement with the county on 06-06-12. In addition to requiring reporting from the city's recycling provider, the city's contract with Hennepin county also requires education and outreach activities. Below is the list showing the city's compliance with these requirements:

- a) County terminology has been used in city communications when describing recycling guidelines.
- b) Images provided by the county have been used when describing the recycling program.
- c) The county's terminology, guidelines, and images are being used on the city website.
- d) The county's recycling guide has been included in city newsletter mailings.
- e) The city has completed two education activities (projects were listed in the city's 3rd quarter newsletter in 2013).

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

1. Each November a written report showing the October household participation in the recycling program shall be provided to the city. *(The attached report was sent to the city in November 2013)*
2. At the end of each year, a written report detailing types of recycling and tonnage as required by the Hennepin County Residential Recycling Program shall be provided to the city. *(This report is attached)*

The city is required to update the recycling grant agreement with the county by February 15 of each year through 2015.

Council Action: Required. Potential motions ...

1. I move the council directs the city clerk to submit an updated Hennepin County Recycling Program grant application by February 15, 2014 consisting of the Re-TRAC web-based report and the planning document that describes the programs and activities the city has implemented to increase recycling and make progress toward the county's goals. The updated grant application also shall include copies of the two reports from Vintage Waste:
 - a. October household participation report.
 - b. 2013 year-end report including types of recycling and tonnage.
2. Other motion ???

RESIDENTIAL RECYCLING GRANT AGREEMENT

This Agreement is between the COUNTY OF HENNEPIN, STATE OF MINNESOTA, A-2300 Government Center, Minneapolis, Minnesota 55487 (the "COUNTY"), on behalf of the Hennepin County Department of Environmental Services, 701 Fourth Avenue South, Minneapolis, Minnesota 55415-1600 ("DEPARTMENT") and the CITY OF GREENWOOD, 20225 Cottagewood Road, Deephaven, Minnesota 55331 ("CITY").

WITNESSETH:

WHEREAS, the County Board, by Resolution No. 11-0476S1, adopted on November 29, 2011, approved the Hennepin County Residential Recycling Funding Policy ("Funding Policy") for the period January 1, 2012, through December 31, 2015, and authorized grant funding for municipal recycling programs consistent with the Funding Policy; and

WHEREAS, the CITY operates a municipal curbside residential recycling program and other waste reduction and recycling activities (the "Recycling Program") as described in the grant application (the "Grant Application") referred to in Section 2 below; and

WHEREAS, the Recycling Program is consistent with Minnesota Statutes, Chapter 115A; the Minnesota Pollution Control Agency's Metropolitan Solid Waste Management Policy Plan; Hennepin County's Solid Waste Management Master Plan; and Hennepin County's Residential Recycling Funding Policy.

NOW, THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the COUNTY, on behalf of the DEPARTMENT, and the CITY agree as follows:

1. TERM AND COST OF THE AGREEMENT

- a. This Agreement shall commence upon execution and terminate on December 31, 2015.
- b. The total grant payment for the year 2012 shall be equal to two thousand six hundred eight dollars (\$2,608). Grant payments for subsequent years shall be calculated as set forth in Section 3.

2. SERVICES TO BE PROVIDED

- a. The CITY shall operate the Recycling Program as more fully described in the Funding Policy and the Grant Application. The CITY agrees to submit an updated Grant Application by February 15 of each year of the term of this Agreement in order to be eligible for grant funds. The application consists of the Re-TRAC web-based report and a planning document submitted to the COUNTY describing the programs or activities the CITY will implement to increase recycling and make progress toward COUNTY goals. The terms of the Grant Application, as updated each year, are incorporated herein by reference.
- b. In addition to the services referred to above, the CITY agrees as follows:

COUNTY. The implementation plan will include the reasons why an extension is needed, the projected timeline, and details about each step of the process. The CITY will also provide the COUNTY with updates to the plan as implementation progresses.

4) Education and Outreach. The CITY shall:

- a.) Use COUNTY terminology when describing recycling guidelines (i.e. description of materials accepted and not accepted, preparation guidelines, etc.)
- b.) Use images provided by the COUNTY or the Solid Waste Management Coordinating Board (SWMCB) if using images of recyclables.
- c.) Use the COUNTY's terminology, preparation guidelines and images on the CITY's website.
- d.) Mail a recycling guide once a year to residents using a template developed jointly through a communications committee and produced and printed by the COUNTY at the COUNTY's expense. If the CITY does not want to use the template produced by the COUNTY, the CITY may develop its own guide at the municipality's expense, but it must be approved by the COUNTY. If the CITY relies on the hauler to provide the recycling guide, this guide would also require approval by the COUNTY.
- e.) Complete two additional education activities from a menu of options developed by the communications committee to support the priority message campaign. Templates will be provided by the COUNTY.

Any print material that communicates residential recycling guidelines that were not provided by the COUNTY template will require COUNTY approval. This does not apply to waste reduction and reuse, articles on recycling that do not include guidelines, and social media posts. The COUNTY will respond within five business days to any communication piece submitted.

5) Use of Grant Funds.

- a.) Grant funds can be used for all Recycling Program expenses including capital and operating costs. Expenses associated with residential collection of organics are considered eligible Recycling Program expenses. However, yard waste expenses are not eligible Recycling Program expenses. If organics and yard waste are commingled, the organics expenses must be tracked separately.
- b.) All grant funds accepted from the COUNTY must be used for Recycling Program capital and operating expenses in the year granted.
- c.) The CITY may not charge its residents through property tax, utility fees or any other method for that portion of the costs of its Recycling Program funded by COUNTY grant funds.
- d.) The CITY shall establish a separate accounting mechanism, such as a project number, activity number, or fund that will separate recycling and waste reduction revenues and expenditures from other municipal activities, including solid waste and yard waste activities.

the COUNTY. The Recycling Improvement Plan will include actions the CITY will take to improve the performance of its Recycling Program to achieve the 2015 goals. The plan will focus on program changes and additional activities in the following areas: materials collected, sort method, type of container, frequency of collection, education and outreach, performance measurement, contract management, and incentives. Funding will be withheld until the CITY's Recycling Improvement Plan is approved by the COUNTY.

In cooperation with the COUNTY, the CITY may be required to participate in waste and recycling sorts to identify recovery levels of various recyclables in their community. Based on the results of the study, the COUNTY and the CITY will collaborate to increase the recovery of select recyclable materials being discarded in significant quantities.

- 8) Public Entity Recycling. Pursuant to Minnesota Statutes, Section §115A.151, the CITY shall ensure that facilities under its control, from which mixed municipal solid waste is collected, have containers for at least three recyclable materials, such as, but not limited to, paper, glass, plastic, and metal, and transfer all recyclable materials collected to a recycler.

3. METHOD OF PAYMENT

- a. The COUNTY will annually distribute to Hennepin County municipalities grant funds only to the extent the COUNTY receives SCORE funds from the State of Minnesota. SCORE funds are based on revenue received by the State of Minnesota from a sales tax on garbage collection and disposal fees. SCORE funds are subject to change based on actual revenue received by the State and funds allocated by the legislature. The following formula will be utilized to determine the CITY's SCORE grant for each year:

$$\begin{array}{rcl}
 \begin{array}{l} \# \text{ of Households Served} \\ \text{Curbside by CITY} \\ \hline \end{array} & \times & \begin{array}{l} \text{Total SCORE Revenue} \\ \text{Received by COUNTY} \\ \text{from State of Minnesota} \end{array} & = & \begin{array}{l} \text{Grant Funds} \\ \text{Distributed to} \\ \text{CITY} \end{array} \\
 \begin{array}{l} \text{Total \# of Households Served} \\ \text{Curbside in COUNTY} \end{array} & & & &
 \end{array}$$

- b. Under no circumstances will the COUNTY's distribution of grant funds exceed the CITY's proportion of SCORE fund revenues received by the COUNTY.
- c. The initial grant fund payment will be forwarded after the County Board receives and approves this Agreement signed by an authorized official of the CITY. Provided the CITY is otherwise in compliance with the terms of this Agreement, future grant fund payments will be made after submittal by the CITY and approval by the COUNTY of the updated Grant Application as described in Section 2 and receipt by the COUNTY of SCORE funds from the State of Minnesota.
- d. Annual grant payments will be made to the CITY in two equal payments. One payment will be made after the COUNTY receives the Grant Application, which consists of the Re-TRAC report and a planning document. A second payment will

Limits

1. Commercial General Liability on an occurrence basis with contractual liability coverage:

General Aggregate	\$2,000,000
Products—Completed Operations Aggregate	2,000,000
Personal and Advertising Injury	1,500,000
Each Occurrence—Combined Bodily Injury and Property Damage	1,500,000

2. Workers' Compensation and Employer's Liability:

Workers' Compensation	Statutory
Employer's Liability. Bodily injury by:	
Accident—Each Accident	500,000
Disease—Policy Limit	500,000
Disease—Each Employee	500,000

3. Professional Liability—Per Claim 1,500,000
Aggregate 2,000,000

The professional liability insurance must be maintained continuously for a period of two years after the termination of this Agreement.

B. An umbrella or excess policy over primary liability insurance coverages is an acceptable method to provide the required insurance limits.

The above establishes minimum insurance requirements. It is the sole responsibility of CITY to determine the need for and to procure additional insurance which may be needed in connection with this Agreement. Upon written request, CITY shall promptly submit copies of insurance policies to the COUNTY.

CITY shall not commence work until it has obtained required insurance and filed with the COUNTY, a properly executed Certificate of Insurance establishing compliance. The certificate(s) must name Hennepin County as the certificate holder and as an additional insured for the liability coverage(s) for all operations covered under the Agreement. If the certificate form contains a certificate holder notification provision, the certificate shall state that the insurer will endeavor to mail the COUNTY 30 day prior written notice in the event of cancellation of any described policies. If CITY receives notice of cancellation from an insurer, CITY shall fax or email a copy of the cancellation notice to the COUNTY within two business days.

CITY shall furnish to the COUNTY updated certificates during the term of this Agreement as insurance policies expire. If CITY fails to furnish proof of insurance coverages, the COUNTY may withhold payments and/or pursue any other right or remedy allowed under the contract, law, equity, and/or statute. The

necessary, accomplished by execution of a form prepared by the COUNTY and signed by CITY, the assignee and the COUNTY. Permission to assign, however, shall under no circumstances relieve CITY of its liabilities and obligations under the Agreement.

- C. CITY shall not subcontract this Agreement and/or the services to be performed, whether in whole or in part, without the prior written consent of the COUNTY. Permission to subcontract, however, shall under no circumstances relieve CITY of its liabilities and obligations under the Agreement. Further, CITY shall be fully responsible for the acts, omissions, and failure of its subcontractors in the performance of the specified contractual services, and of person(s) directly or indirectly employed by subcontractors. Contracts between CITY and each subcontractor shall require that the subcontractor's services be performed in accordance with the terms and conditions specified. CITY shall make contracts between CITY and subcontractors available upon request.

12. MERGER AND MODIFICATION

- A. It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items that are referenced or that are attached are incorporated and made a part of this Agreement. If there is any conflict between the terms of this Agreement and referenced or attached items, the terms of this Agreement shall prevail.
- B. Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties.

13. DEFAULT AND CANCELLATION

- A. If CITY fails to perform any of the provisions of this Agreement or so fails to administer the work as to endanger the performance of the Agreement, it shall be in default. Unless CITY's default is excused by the COUNTY, the COUNTY may upon written notice immediately cancel this Agreement in its entirety. Additionally, failure to comply with the terms of this Agreement shall be just cause for the COUNTY to delay payment until CITY's compliance. In the event of a decision to withhold payment, the COUNTY shall furnish prior written notice to CITY.
- B. Notwithstanding any provision of this Agreement to the contrary, CITY shall remain liable to the COUNTY for damages sustained by the COUNTY by virtue of any breach of this Agreement by CITY.
- C. The above remedies shall be in addition to any other right or remedy available to the COUNTY under this Agreement, law, statute, rule, and/or equity.
- D. The COUNTY's failure to insist upon strict performance of any provision or to exercise any right under this Agreement shall not be deemed a relinquishment or waiver of the same, unless consented to in writing. Such consent shall not

per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100.00 or more is \$10.00. For an unpaid balance of less than \$100.00, CITY shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including any attorney's fees, incurred in bringing the action.

18. PAPER RECYCLING

The COUNTY encourages CITY to develop and implement an office paper and newsprint recycling program.

19. NOTICES

Any notice or demand which must be given or made by a party under this Agreement or any statute or ordinance shall be in writing, and shall be sent registered or certified mail. Notices to the COUNTY shall be sent to the County Administrator with a copy to the originating Department at the address given in the opening paragraph of the Agreement. Notice to CITY shall be sent to the address stated in the opening paragraph of the Agreement.

20. CONFLICT OF INTEREST

CITY affirms that to the best of CITY's knowledge, CITY's involvement in this Agreement does not result in a conflict of interest with any party or entity which may be affected by the terms of this Agreement. CITY agrees that, should any conflict or potential conflict of interest become known to CITY, CITY will immediately notify the COUNTY of the conflict or potential conflict, specifying the part of this Agreement giving rise to the conflict or potential conflict, and will advise the COUNTY whether CITY will or will not resign from the other engagement or representation.

21. PROMOTIONAL LITERATURE

CITY agrees, to the extent applicable, to abide by the current Hennepin County Communications Policy (available upon request). This obligation includes, but is not limited to, CITY not using the term "Hennepin County" or any derivative in any promotional literature, advertisements of any type or form or client lists without the express prior written consent of a COUNTY Department Director or equivalent.

22. MINNESOTA LAWS GOVERN

The Laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the parties and their performance. The appropriate venue and jurisdiction for any litigation will be those courts located within the County of Hennepin, State of Minnesota. Litigation, however, in the federal courts involving the parties will be in the appropriate federal court within the State of Minnesota. If any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions will not be affected.



520 Tamarack Ave.
Long Lake, MN. 55356 Jan

January 24, 2014

Dear Mrs. Mayor Kind and Council Members,

Below is a simple chart illustrating the participation or set-out rates for the City of Greenwood's residential city-wide recycling for the month of October, 2013. The residential dwellings in the City of Greenwood are doing a terrific job on the consistency of set-out and making certain that the material in the cart is acceptable. For the four weeks of collection in October the set-out numbers were as follows:

October 03, 2013: 263/290

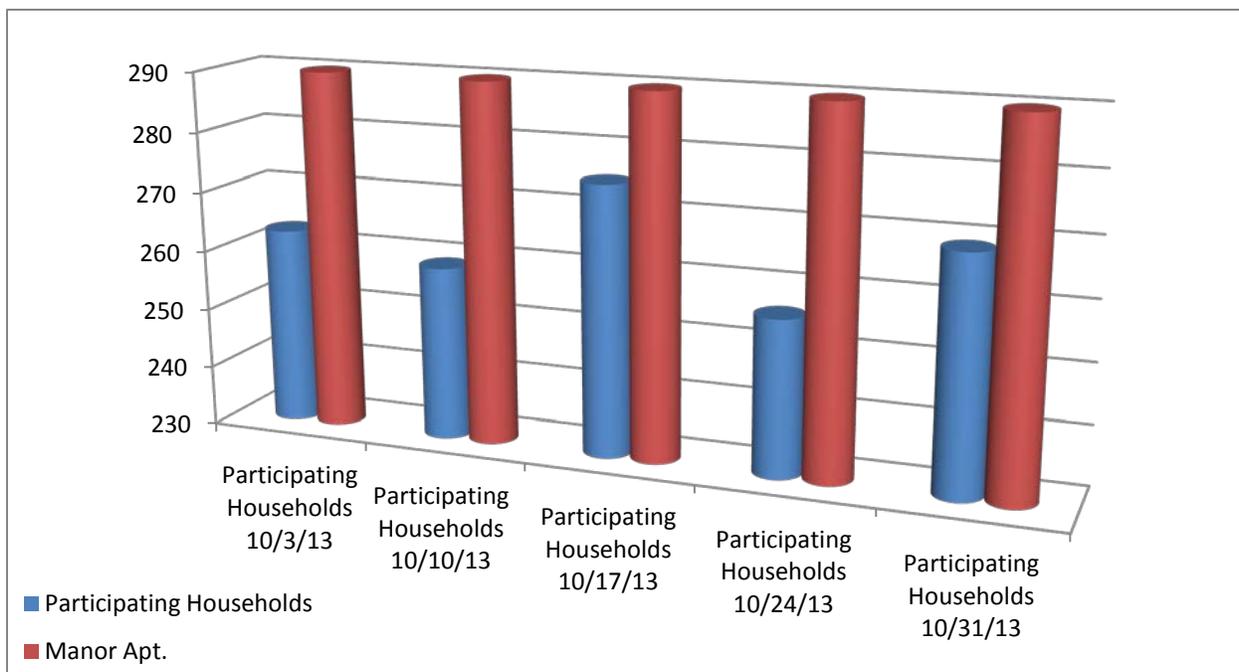
October 10, 2013: 259/290

October 17, 2013: 275/290

October 24, 2013: 256/290

October 31, 2013: 258/290

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



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

Thank you for your time,

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



520 Tamarack Ave.

Long Lake, MN. 55356

January 24, 2014:

Dear Mrs. Mayor and Council Members,

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

Plastic and metal

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

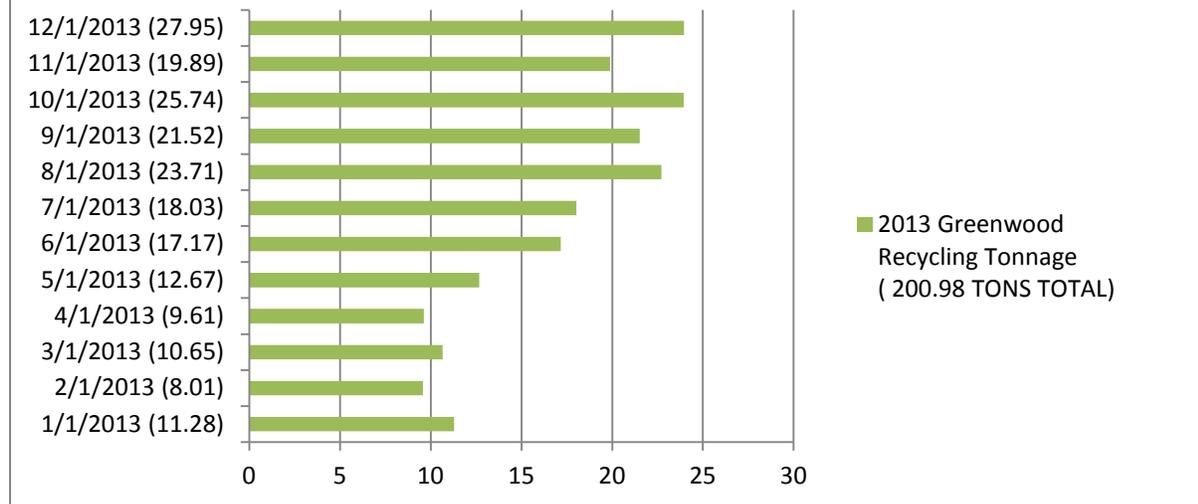
Paper

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

Cardboard and paperboard

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

2013 Greenwood Recycling Tonnage (200.98 TONS TOTAL)



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

If you have any questions regarding this data, or anything related, please feel free to contact me.

Thank you so much for your time,

Kindly,

Emilee Metcalf

Vintage Waste Systems, Inc.

520 Tamarack Ave.

Long Lake, MN. 55356

Vice President & Owner

(952) 472-0401



Agenda Number: **7D**

Agenda Date: **02-05-14**

Agenda Item: Resolution 07-14, Support of Joint Powers Associations Sales Tax Exemption

Summary: Effective January 1, 2014, local governments are exempt from paying sales taxes. However, the MN Department of Revenue has determined that joint powers associations (even if the JPA members are local governments) are not exempt from paying sales taxes. Greenwood participates in several joint powers associations (South Lake Minnetonka Police Department, Excelsior Fire District, Lake Minnetonka Communications Commission) that would benefit from sales tax exemption. Attached are letters and other documents regarding this issue. If the council wishes to weigh in regarding this issue, a draft of a resolution is attached for the council's consideration.

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

1. I move the council approves resolution 07-14 in support of joint powers associations being granted sales tax exemption under MN statute 297A.70 and directs the city clerk to email a copy of this resolution to Minnesota Department of Revenue Commissioner Myron Frans, Senator David Osmek, Representative Cindy Pugh, South Lake Minnetonka Police Chief Bryan Litsey, Excelsior Fire District Chief Scott Gerber, and Lake Minnetonka Communications Executive Director Sally Koneke.
2. Other motion ???



SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Serving Excelsior, Greenwood, Shorewood and Tonka Bay

BRYAN LITSEY
Chief of Police

24150 Smithtown Road
Shorewood, Minnesota 55331

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

January 6, 2014

Commissioner Myron Frans
Minnesota Department of Revenue
600 North Robert Street
St. Paul, Minnesota 55101

Dear Commissioner Frans:

This letter is in reference to the new sales tax exemption for local governments that took effect on January 1, 2014 - (Minnesota Statute 297A.70 - Exemptions for Governments and Nonprofit Groups).

It is disappointing that the Minnesota Department of Revenue (MDOR) continues to maintain that joint powers entities such as the South Lake Minnetonka Police Department (SLMPD) are ineligible for the new sales tax exemption because of their "special district" classification with the State Auditor for purposes of filing financial reports. This seemingly arbitrary decision by the MDOR is apparently based on a literal, not a practical interpretation of the wording in the statute which makes no specific reference to special districts. The statute is clearly intended to include special districts given the fact that virtually every other political subdivision in the state is referenced in the statute and is able to take advantage of this cost saving legislation. This includes cities, counties, townships, school districts, state universities, community colleges, technical colleges, state academies and publicly operated hospitals and nursing homes. It is unfortunate that the MDOR is resistant to extend this same consideration to special districts without technical changes being made to the statute.

The MDOR has also taken a confusing position as it relates to special districts operating as joint powers entities. The "special district" classification used by the State Auditor is a broad category that lumps many different types of governmental entities together. These governmental entities have varying degrees of autonomy when it comes to funding, governance, etc. The SLMPD is a joint and cooperative arrangement between the cities of Excelsior, Greenwood, Shorewood and Tonka Bay for shared police services. The legal authority for this arrangement is Minnesota Statute 471.59 - Joint Exercise of Powers.

This allows two or more governmental units through the action of their governing bodies to jointly exercise any power common to all parties. Although the SLMPD has some autonomy in terms of operations and governance, it has no independent taxing authority and relies on the aforementioned member cities for the majority of its operating revenues. All four of these member cities include SLMPD contributions in their respective financial reports to the State Auditor's Office. According to MDOR Sales Tax Fact Sheet 176, cooperative agreements such as joint powers qualify for the sales tax exemption if "the cooperative entity's financial information was included in the financial report of the city, county or town to the State Auditor in 2012." Under this scenario the SLMPD would qualify for the new sales tax exemption. However, the fact sheet goes on to say that an entity created by a cooperative agreement does not qualify for this exemption "if the entity reported its financial information to the State Auditor as a "special district" in 2012." Under this scenario the SLMPD does not qualify for the new sales tax exemption. Since both scenarios are applicable in the case of the SLMPD, the League of Minnesota Cities (LMC) sought to clarify which scenario trumps the other and made the argument for the SLMPD to receive the new sales tax exemption. Unfortunately, the MDOR took the counter position even though the ambiguity in the fact sheet warrants a more liberal interpretation of which entities qualify for the exemption.

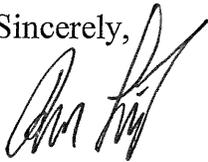
Another important consideration is the chilling effect the MDOR ruling has on collaborative efforts between local units of government all across the state. One of the core elements of entering into cooperative agreements is to provide savings to taxpayers with presumably better services by pooling resources and eliminating costly duplication in personnel, equipment and infrastructure. Such is the case with the SLMPD, which is an economical way to provide a full array of police services that no one city could realistically support on their own. This SLMPD model has certainly stood the test of time during its forty years of existence and is believed to be the longest enduring joint powers agreement of its kind in the state. Cooperative ventures like the SLMPD should be encouraged and rewarded by the state, not discouraged and penalized through unequal treatment and lack of regard when it comes to recognizing their legitimacy pursuant to Minnesota Statute 471.59. Not extending the new sales tax exemption to joint powers entities like the SLMPD is a prime example of this disparity and is something that can be easily and immediately corrected by the MDOR.

In my opinion, the hardline position taken by the MDOR in this matter is unreasonable, confusing and contrary to what is intended in the law. The SLMPD should not have to wait for a so-called "technical fix" in the statute, which may or may not happen, to receive the financial benefits being afforded the vast majority of governmental entities in the state. I

Commissioner Myron Frans
Minnesota Department of Revenue
January 6, 2014
Page 3 of 3

respectfully ask the MDOR to reconsider its position and immediately extend the new sales tax exemption to the SLMPD and other like organizations.

Thank you for your attention to this important and time sensitive matter.

Sincerely,


Bryan Litsey
Chief of Police

Email: blitsey@southlakepd.com
Phone: (952) 960-1601

Cc: Governor Mark Dayton, State of Minnesota
State Senator Rod Skoe, Tax Committee Chair
State Senator David Osmeck, District 33
State Representative Cindy Pugh, District 33B
Commissioner Mona Dohman, Minnesota Department of Public Safety
Executive Director Dave Pecchia, Minnesota Chiefs of Police Association
Director Gary Carlson, Intergovernmental Relations - League of Minnesota Cities
SLMPD Governing Board Members and Member Cities
Attorney Kenneth Potts, SLMPD General Legal Counsel
CPA Stuart Bonniwell, SLMPD Auditor/Financial Advisor
Chief Scott Gerber, Excelsior Fire District
Director Ray McCoy, West Hennepin Public Safety Department
Chief Jim Coan, Centennial Lakes Police Department

SENATOR DAVID J. OSMEK
Senate District 33

19 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155
Phone: (651) 296-1282
E-mail: sen.david.osmek@senate.mn



Senate

State of Minnesota

January 9, 2014

Commissioner Myron Frans
Minnesota Department of Revenue
600 North Robert Street
St. Paul, MN 55101

Dear Commissioner Frans:

This letter is in reference to the new sales tax exemption for local units of government specifically the concerns addressed by the South Lake Minnetonka Police Department (SLMPD) and their ineligibility for the new sales tax exemption due to their "special district" classification with the State Auditor.

SLMPD operates under a cooperative agreement for the purpose of providing comprehensive police services for these local communities with the net benefit of providing savings to taxpayers. SLMPD has no special taxing authority and relies on each member city for its operating revenue. I firmly believe the legislative intent of MN § 297A.70 was to include local units of government acting under a joint powers agreement similar to SLMPD. Therefore, I resolutely request that the Minnesota Department of Revenue reconsider its decision to deny SLMPD's sales tax exemption and consider supporting an exemption until this issue can be resolved.

As noted in your Sales Tax Fact Sheet 176, local governments acting under a joint powers agreement that report with the state auditor as a special district are ineligible to receive the sales tax exemption. I agree that certain types of special districts, specifically those that have the ability to levy taxes or impose special assessments, should be treated differently under this law. However, taking this hard line approach and denying SLMPD the new sales tax exemption, which has no special taxing or assessment authority, simply because they are classified as a special district goes against the legislative intent.

Furthermore, each of the jurisdictions included in the SLMPD are legislatively exempt under the 2013 law. The underlying basis for taxing the SLMPD joint powers agreement makes no sense because each of these jurisdictions independently benefit from the sales tax exemption.

Commissioner Myron Frans
Minnesota Department of Revenue
January 9, 2014
Page 2 of 2

As the Department of Revenue and legislature work to correct and clarify this issue, I strongly request that SLMPD be granted the sales tax exemption. Additionally, if a technical correction is needed, I would be happy to work with you on that corrective language to be addressed in the 2014 legislative session.

If you should have any questions, or would like to discuss this issue in more detail please contact me anytime.

Sincerely,



David J. Osmeck
Minnesota State Senator
Senate District 33

Cc: Governor Mark Dayton, State of Minnesota
State Sen. Rod Skoe, Tax Committee Chair
Rep. Cindy Pugh, District 33B
Bryan Litsey, South Lake Minnetonka Police Chief
Commissioner Mona Dohman, Minnesota Dept. of Public Safety
Executive Director Dave Pecchia, MN Chiefs of Police Assn.
Director Gary Carlson, League of Minnesota Cities
SLMPD Member Cities

From: "Bryan Litsey" <blitsey@southlakepd.com>
Subject: MinnPost - New Sales Tax Exemption
Date: January 13, 2014 11:36:25 AM CST
To: <dkind100@gmail.com>, <gerryd@terradek.com>, <szerby@ci.shorewood.mn.us>, <scott@gamersdigital.com>, <mgaylord@ci.excelsior.mn.us>
Cc: <guskarpas@mchsi.com>, <jkohlmann@cityoftonkabay.net>, <BJoynes@ci.shorewood.mn.us>, <kluger@ci.excelsior.mn.us>, <sbonniwell@unique-software.com>, <PottsKatty@aol.com>, <sgerber@excelsiorfire.org>, <gcarlson@lmc.org>, <dave.pecchia@mnchiefs.org>, <dpierson@southlakepd.com>, <nswanson@southlakepd.com>, <JMoore@ci.shorewood.mn.us>

2 Attachments, 535 KB

January 13, 2014 – Monday

Coordinating Committee Members
South Lake Minnetonka Police Department

Re: New Sales Tax Exemption for Local Governments

MinnPost, which is an online newspaper, recently interviewed me about the South Lake Minnetonka Police Department (SLMPD) and other like governmental entities being excluded from the new sales tax exemption that took effect on January 1, 2014. The article was posted today and a copy has been attached. The web link to the article is <http://www.minnpost.com/politics-policy/2014/01/minnesota-cities-get-sales-tax-break-unless-they-re-too-efficient>. I have also attached a copy of the MinnPost home page for today which highlights the article. The web link to the home page is <http://www.minnpost.com/>.

As you are aware, I have been coordinating efforts with Intergovernmental Relations Director Gary Carlson at the League of Minnesota Cities (LMC) to address this inequality both through the Minnesota Department of Revenue and politically through the Governor's Office and Minnesota Legislature. Your advocacy at this juncture would also be helpful as mayors of your respective cities as well as members of the Coordinating Committee. I would appreciate being kept in the loop on any action taken on your part regarding this matter in order to maintain a unified front moving forward.

Thanks much.

Chief Bryan Litsey
South Lake Minnetonka Police Department
24150 Smithtown Road
Shorewood, Minnesota 55331
(952) 474-3261 General Number
(952) 960-1601 Direct Number
(952) 292-7103 Mobile Number

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[MinnPost Ar...pdf \(200 KB\)](#)



[MinnPost H...pdf \(335 KB\)](#)

From: "Bryan Litsey" <blitsey@southlakepd.com>
Subject: Update - Sales Tax Exemption
Date: January 17, 2014 5:05:03 PM CST
To: <dkind100@gmail.com>, <gerryd@terradek.com>, <szerby@ci.shorewood.mn.us>, <scott@gamersdigital.com>, <mgaylord@ci.excelsior.mn.us>
Cc: <guskarpas@mchsi.com>, <jkohlmann@cityoftonkabay.net>, <BJoynes@ci.shorewood.mn.us>, <kluger@ci.excelsior.mn.us>, <sgerber@excelsiorfire.org>, <gcarlson@lmc.org>, <dave.pecchia@mnchiefs.org>, <sbonniwell@unique-software.com>, <rmccoy@westhennepin.com>, <jcoan@clpdmn.com>

January 17, 2014 – Friday

Coordinating Committee Members
South Lake Minnetonka Police Department

I received a call this afternoon from State Representative Cindy Pugh, whose district includes the cities served by the South Lake Minnetonka Police Department. She had received my letter addressing the inequality in the new sales tax exemption for local governments that excludes special districts, including joint powers organizations. She had also seen the article in MinnPost and was aware of the letter her colleague in the senate, Dave Osmeck, sent to the Commissioner of Revenue advocating for this exemption on behalf of the SLMPD. Representative Pugh is working on drafting legislation that will correct this oversight and extend this cost saving benefit to the SLMPD and other like organizations. She is garnering bipartisan support and is optimistic it will receive a hearing early in the upcoming session. I will be assisting her as needed, including committee testimony if it becomes necessary. Representative Pugh will keep me in the loop and send me the legislation once it is drafted. Letters of support from our member cities would be helpful and appreciated.

Chief Bryan Litsey
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24150 Smithtown Road
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SUN SAILOR

Excelsior • Shorewood

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Thursday, January 23, 2014

Sailor.mnsun.com

Vol. 44, No. 4

Tax code slight irks head of SLMPD

BY PAUL WAHL
SUN SAILOR NEWSPAPERS

As chief of the South Lake Minnetonka Police Department, Brian Litsey doesn't have to run for office. But these days he's campaigning anyway.

He's pushing to right what he and many others consider a "wrong" in the state's tax code, which exempts townships, cities, counties, school districts, colleges and certain hospitals and nursing homes from paying sales tax on most purchases, but not special districts and joint powers agreements such as the one he leads.

Cooperative organizations such as the police department, which serves Excelsior, Greenwood, Shorewood and Tonka Bay, were created primarily to save taxpayers money, but, Litsey and others argue, now they're being punished.

Litsey's formal campaign to amend the legislation began Jan. 6 when he fired off a letter to Gov. Mark Dayton, Minnesota Department of Revenue Commissioner Myron Frans, the South Lake legislative delegation and 10 others.

Litsey argues that the department of revenue is being capricious in its interpretation of the statute, noting it is not using a "practical interpretation of the wording in the statute, which makes no specific reference to special districts."

The agreement that covers the SLMPD and other joint power agreements is written into Minnesota statute. Most of the JPAs, as they are often called, do not have taxing authority.

State Sen. David Osmek, who represents the area served by the police department, supports Litsey's efforts.

"I firmly believe the legislative intent of [the statute] was to include local units of government acting under a joint powers agreement similar to SLMPD," Osmek said in a statement. "The underlying basis for taxing the SLMPD ... makes no sense because each of these jurisdictions independently benefit from the sales tax exemption."

SLMPD receives the bulk of the money for its \$2.3 mil-

TAX: TO PAGE 6

Tax

FROM PAGE 1

lion annual operating budget from the four member cities.

The potential savings for the department is considerable. Excelsior officials say they will add approximately \$11,810 in 2014 to their bottom line as a result of the exemption. In Shorewood, the savings jump to \$31,200.

Osmek offered to sponsor legislation that would amend the statute to clearly include JPAs.

He will likely have support from legislators in neighboring districts.

The West Metro Fire-Rescue District, a JPA that serves New Hope

and Crystal, has also been deemed ineligible for the sales tax exemption.

"We also feel strongly that the exemption should be made available to joint powers public safety entities," said Kirk McDonald, city manager for New Hope. "If each city had a separate fire department, it would qualify for the exemption. Because the two cities have merged fire services to be more efficient, our fire district does not qualify."

The League of Minnesota Cities, which lobbies for the good of public entities, has also supported efforts to extend the sales tax exemption.

Rod Skoe, DFL-Clearbrook, chair of the Senate Taxes Committee, has said publicly that he's will-

ing to hear the matter in committee, but added that the estimated \$25 million extending the exemption would cost could prove to be cost-prohibitive.

The extension to include cities and other entities in the exemption was estimated by the Department of Revenue to save local governments \$130 million annually. Independent organizations claim the savings will actually be about half that.

House Taxes Chair Ann Lenczewski, DFL-Bloomington, said it was always her intention to include JPAs in the exemption legislation.

Litsey said in his letter that if the law remains unaltered and organizations like his are not exempted, it would have a "chilling

effect" on collaborative efforts across the state. He noted that his department has worked tirelessly for the past 40 years to bring high-quality police protection at an affordable price to small communities who otherwise couldn't afford the level of service.

"Cooperative ventures like the SLMPD should be encouraged and rewarded by the state, not discouraged and penalized through unequal treatment and lack of regard when it comes to recognizing their legitimacy pursuant to [state statute]," he concluded.

The Minnesota Legislature convenes for its 2014 session Tuesday, Feb. 25.

Contact Paul Wahl at paul.wahl@ecm-inc.com



DRAFT RESOLUTION 2014-1

RESOLUTION IN SUPPORT OF JOINT POWERS ORGANIZATIONS BEING GRANTED NEW SALES TAX EXEMPTION UNDER MINNESOTA STATUTE 297A.70

WHEREAS, for more than forty years the South Lake Minnetonka Police Department (SLMPD) has been providing police services for the cities of Excelsior, Greenwood, Shorewood and Tonka Bay pursuant to a joint powers agreement authorized by Minnesota Statute 471,59; and

WHEREAS, this partnership arrangement is an economical way to provide a full array of police services that no one city could realistically support on their own; and

WHEREAS, the State of Minnesota should support such partnerships by including, not excluding joint powers organizations from the new sales tax exemption for local governments that took effect on January 1, 2014 pursuant to Minnesota Statute 297A.70; and

WHEREAS, by all indications Minnesota Statute 297A.70 was intended to include, not exclude joint powers organizations and other types of special districts in the state from realizing the cost saving benefits derived under this statute.

NOW, THEREFORE, BE IT RESOLVED that the Coordinating Committee for the SLMPD hereby appeals to the Minnesota Department of Revenue to recognize joint powers organizations as being eligible for the new sales tax exemption under Minnesota Statute 297A.70. Further, the Coordinating Committee appeals to the Minnesota Legislature to amend the aforementioned statute during the 2014 regular session to specifically mention joint powers organizations and special districts under the definition of local governments.

I certify that the above resolution was adopted by the Coordinating Committee of the South Lake Minnetonka Police Department on (Pending).

Signed:

Witnessed:

Gerry De La Vega
Pending Committee Chair

Nancy Swanson
Office Manager

South Lake Minnetonka Police Department
Proudly Serving the Cities of Excelsior, Greenwood, Shorewood and Tonka Bay



CITY OF GREENWOOD RESOLUTION NO. 07-14

RESOLUTION IN SUPPORT OF JOINT POWERS ASSOCIATIONS BEING GRANTED SALES TAX EXEMPTION UNDER MINNESOTA STATUTE 297A.70

WHEREAS, for more than 40 years the city of Greenwood has participated in a joint powers association with the cities of Excelsior, Shorewood, and Tonka Bay to provide police services pursuant to a joint powers agreement authorized by Minnesota statute 471.59; and

WHEREAS, the city of Greenwood also participates in joint powers associations with neighboring cities to provide fire services (Excelsior Fire District) and cable franchise management (Lake Minnetonka Communications Commission); and

WHEREAS, by all indications Minnesota statute 297A.70 was intended to include joint powers associations in the sales tax exemption for local governments that took effect on January 1, 2014.

NOW THEREFORE, BE IT RESOLVED that the city council of the city of Greenwood, Minnesota hereby appeals to the Minnesota Department of Revenue to recognize joint powers associations as being eligible for the new sales tax exemption under Minnesota statute 297A.70. Further, the city of Greenwood appeals to the Minnesota legislature to amend the aforementioned statute during the 2014 regular session to specifically mention joint powers associations and special districts under the definition of local governments. Further, the city council hereby authorizes the city clerk to email a copy of this resolution to Minnesota Department of Revenue Commissioner Myron Frans, Senator David Osmeck, Representative Cindy Pugh, South Lake Minnetonka Police Chief Bryan Litsey, Excelsior Fire District Chief Scott Gerber, and Lake Minnetonka Communications Executive Director Sally Koneke.

ADOPTED by the city council of Greenwood, Minnesota this ____ day of _____, 2014.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **7E**

Agenda Date: 02-05-14

Agenda Item: Discuss Potential Increased Plantings Along Excelsior Blvd

Summary: Councilman Fletcher requested this topic be included on the agenda. He will give a verbal update at the 02-05-14 council meeting.

Council Action: No action 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.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, January 15, 2014
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 Commissioners John Beal, Kristi Conrad and David Paeper

Absent: Commissioner Douglas Reeder

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

2. MINUTES – December 18, 2013

Commissioner Beal moved to approve the minutes of December 18, 2013 as presented. Commissioner Conrad seconded the motion. Motion carried 4-0.

3. PUBLIC HEARING

Variance Requests, Sam and Jenny Rogers, 5050 Greenwood Circle – Request to construct garage and porch additions and a new open front porch on an existing home which would encroach into the minimum required front yard setback and exceed the maximum permitted impervious surface.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of twenty-five feet, eight inches for the proposed open front porch addition. The proposal requires a variance of four feet, four inches of the required front yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is proposing an impervious surface area of 38% and is seeking a variance to exceed the maximum permitted impervious surface area by 8%.

Chairman Lucking summarized the request and opened the public hearing. Zoning Coordinator Karpas explained the applicant was seeking to exceed their existing impervious surface to avoid the provision outlined in 1176.07.05(4), which does not permit them to exchange impervious surface area for structures on a one for a one basis since they cannot prove the impervious surface area existing prior to the adoption of the Shoreland Management Ordinance.

Karpas noted he received a letter signed by the Bible's, 5175 Greenwood Circle, supporting the request.

Sam Rogers addressed the Commission. He submitted additional letters of support from the Wright's, 5040 Greenwood Circle, the Timm's, 5060 Greenwood Circle, Regnier's, 5115 Greenwood Circle, the Myhran's, 5130 Greenwood Circle, the Kickhafer's, 5170 Greenwood Circle, the Blanchard's, 5055 Highview Place, the residents at 5075 Highview Place, the Levine's, 5040 King's Court and the residents at 5045 King's Court.

Mr. Rogers said that, though the application seeks an impervious surface area of 38%, the proposal would have a percentage of 36% since they intend on removing an existing parking space. He said this is not just an attempt to reduce impervious surface, but also an aesthetic issue for them.

The proposed garage would expand the existing one-stall garage to a modern two-stall garage with modest dimensions of 24x24. Their intent is to build a bedroom over the garage which would

GREENWOOD PLANNING COMMISSION
WEDNESDAY, January 15, 2014
7:00 P.M.

allow them to reconfigure the existing second floor of the home. By seeking to gain needed space over the proposed garage rather than proposing an addition, they are able to maintain greenspace on the property and not impact the hydrology. He noted the design of the home prevents the placement of a garage in front of the home.

The proposed front porch permits the structure to have a protected front entry and also adds curb appeal to the home. He feels it maintains the feel of the home.

The request meets the massing requirements and the main issue with the impervious surface is due to the fact that the driveway accounts for 50% of the properties allowable impervious surface area.

Brian Malo, 5070 Greenwood Circle, asked about the hydrology. Mr. Rogers said there would be no change in the grade or impervious surface on the property so the impact on the drainage would be minimal.

City Attorney Kelly asked if the dimensions of the driveway would be changing. Mr. Rogers said it would not increase, but most likely would decrease with the removal of the parking space.

Hearing no further comment, the hearing was closed.

The Planning Commission discussed the provisions of Section 1176.07.05(4), and questioned the wisdom of counting driveway as landscaping material counting against impervious surface area that could not be exchanged for structural impervious surface area and the provision requiring a homeowner to "prove" the existence of excess impervious surface area prior to the adoption of the Shoreland Management ordinance.

City Attorney Kelly felt Section 1176.07.05 did not apply in this instance.

Commissioner Beal felt, visiting the site, that the actual project appeared to be a lot less than what is shown on the drawings. He feels the request is reasonable. He said the front of the house is flat and anytime you open the door, the elements enter the house so he understands the need for a covered entry. He believes the garage proposal is reasonable. City Attorney Kelly asked if Mr. Beal would condition his support on the parking space being removed. Beal said he would. He said the three season porch is also reasonable and would not add additional impervious surface area.

Commissioner Paeper also felt the request was reasonable and didn't have any issues with the impervious surface area. Though he understood the need, he was concerned about setting a precedent with approving a front porch within the required front yard setback.

Commissioner Conrad agreed, stating there are other homes in the area that may try and take advantage of such an approval.

Zoning Coordinator Karpas said the ordinance permits a thirty inch eave encroachment into the required setback. The Planning Commission discussed this provision in conjunction with the proposed overhang noting it could be a cantilevered entryway before it was contrary to the code requirement. Through the discussion it was noted that most of the adjacent property did have some type of front entryway. City Attorney Kelly said the Planning Commission could approve the request with the caveat that the front porch remain open and never be enclosed.

Motion by Commissioner Beal to recommend the city council conditionally approve the application of Sam and Jenny Rogers for variances to Greenwood Ordinance Code sections 1120.15 and 1176.04(3)(3) to permit the construction of garage and porch additions and a new open front porch which would encroach into the required front yard setback and exceed the maximum permitted impervious surface area. The motion is conditioned that the applicant remove a

GREENWOOD PLANNING COMMISSION
WEDNESDAY, January 15, 2014
7:00 P.M.

minimum of 215 square feet of impervious surface area from the existing driveway and that the front porch may never be enclosed in any manner.

The motion is based on the following findings: (a) the proposal maintains the spirit and intent of the zoning ordinance by maintaining the low density nature of the R-1A single-family district; (b) the proposal is consistent with the Comprehensive Plan in that it seeks to maintain the character of the city through the maintenance of the existing housing stock; (c) the proposed manner of use is reasonable since it seeks to maintain the existing use of the property by updating a home while maintaining the character of the structure; (d) the plight of the homeowner is due to the size of the lot and location of the existing garage on the rear of the home which requires a driveway that runs nearly the whole length of the lot and comprises approximately fifty percent of the permitted impervious surface area of the lot; and (e) the proposal maintains the essential character of the neighborhood.

Commissioner Conrad seconded the motion. Motion carried 4-0.

Commissioner Beal suggested the Planning Commission strongly recommend the Council remove the inclusion of driveways as a landscaping material counting against impervious surface area that cannot not be exchanged for structural impervious surface area and the provision requiring a homeowner to “prove” the existence of excess impervious surface area prior to the adoption of the Shoreland Management ordinance. The Planning Commission generally agreed they were referring to landscape material and not driveway area when they made their recommendation to the Council.

ORDINANCE NO. 228 - An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1155.10 Regarding Practical Difficulties Considerations

Chairman Lucking summarized the proposed ordinance and opened the public hearing. Hearing no comment, the hearing was closed.

Motion by Commissioner Paeper to recommend the City Council approve Ordinance No. 228; An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1155.10 Regarding Practical Difficulties Considerations. Conrad seconded the motion. Motion carried 4-0.

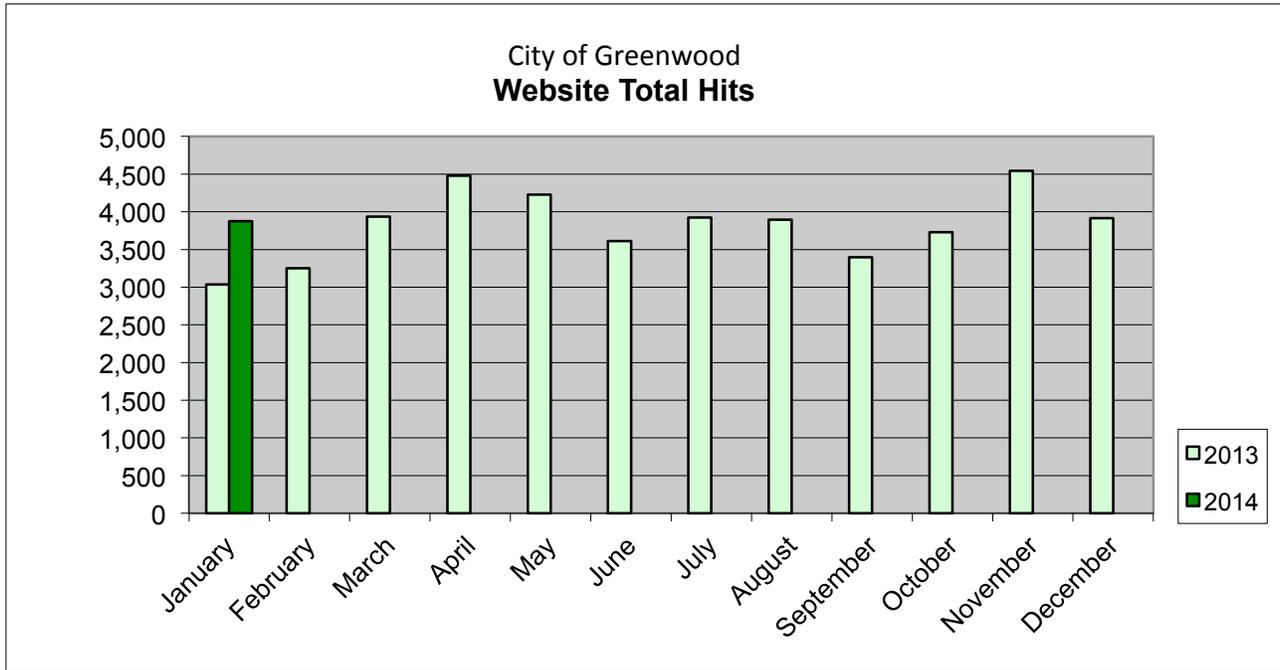
4. LIAISON REPORT

Council Liaison Cook said the Council passed the first reading of an ordinance limiting the number of times a variance extension can be granted and attaches a fee to each request. The Council continued its discussion on the uniform animal ordinance which is intended to be enforced throughout the South Lake Minnetonka Police District. There has been no action taken on the ordinance since the Council still has some concerns about some of the provisions. The Council also unanimously approved the variance request of Kam Talebi for the placement of a swimming pool in the yard between the principal structure and the lake.

5. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 7:50 pm.

Respectively Submitted
Gus Karpas - Zoning Administrator



<u>Month</u>	<u>2013</u>	<u>2014</u>	<u>Variance with Prior Month</u>	<u>Variance with Prior Year</u>	<u>Bulk Email List</u>
January	3,038	3,876	-39	838	<u>143</u>
February	3,252		-3,876	-3,252	
March	3,936		0	-3,936	
April	4,478		0	-4,478	
May	4,229		0	-4,229	
June	3,613		0	-3,613	
July	3,924		0	-3,924	
August	3,894		0	-3,894	
September	3,395		0	-3,395	
October	3,731		0	-3,731	
November	4,543		0	-4,543	
December	3,915		0	-3,915	
AVERAGE	3,829	3,876			

POPULATION: **688**
 EMAIL ADDRESSES % OF POPULATION: **20.78%**

Site Statistics

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

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

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

Begin Date

End Date

Report Name

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	1513	39.04%
Garbage & Recycling	501	12.93%
Agendas, Etc.	274	7.07%
Planning Commission	98	2.53%
City Departments	89	2.3%
Assessments & Taxes	86	2.22%
Mayor & City Council	84	2.17%
Swiffers NOT Flushable	81	2.09%
Budget & Finances	79	2.04%
RFPs & Bids	63	1.63%
Links	60	1.55%
Code Book	53	1.37%
Forms & Permits	52	1.34%
Meetings	51	1.32%
Photo Gallery	50	1.29%
Welcome to Greenwood	49	1.26%
Public Safety	49	1.26%
Meetings on TV	48	1.24%
Parks & Trails	45	1.16%
Search Results	43	1.11%
Old Log Events	42	1.08%
What's New?	42	1.08%
Well Water	41	1.06%
Watercraft Spaces	37	0.95%
Comp Plan & Maps	34	0.88%
Lake Minnetonka	29	0.75%
Sewer Pipe Help	28	0.72%
Animal Services	27	0.7%
Crime Update	27	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.

Crime Update	27	0.77%
Elections	26	0.67%
Milfoil Project	26	0.67%
Met Council Project	23	0.59%
Spring Clean-Up Day	22	0.57%
Health & Safety	20	0.52%
Community Surveys	20	0.52%
Xcel Project	14	0.36%
Events	13	0.34%
Southshore Center	13	0.34%
Email List	11	0.28%
Planning & Zoning Workshop	7	0.18%
---	4	0.1%
Unsubscribe	2	0.05%
TOTAL	3876	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	503	33.36%
Agendas, Etc.	112	7.43%
City Departments	63	4.18%
Mayor & City Council	58	3.85%
Planning Commission	46	3.05%
Garbage & Recycling	45	2.98%
Swiffers NOT Flushable	35	2.32%
Welcome to Greenwood	35	2.32%
Forms & Permits	34	2.25%
Assessments & Taxes	32	2.12%
Code Book	32	2.12%
Photo Gallery	31	2.06%
What's New?	31	2.06%
Links	26	1.72%
Budget & Finances	26	1.72%
Old Log Events	25	1.66%
Lake Minnetonka	23	1.53%
Crime Update	22	1.46%
Watercraft Spaces	22	1.46%
Well Water	21	1.39%
Animal Services	21	1.39%
Comp Plan & Maps	21	1.39%
Meetings	20	1.33%
Elections	19	1.26%
RFPs & Bids	18	1.19%
Meetings on TV	18	1.19%
Search Results	17	1.13%
Parks & Trails	17	1.13%
Public Safety	15	0.99%
Milfoil Project	14	0.93%
Health & Safety	14	0.93%
Spring Clean-Up Day	13	0.86%
Met Council Project	13	0.86%
Community Surveys	13	0.86%
Events	12	0.8%
Email List	9	0.6%
Sewer Pipe Help	8	0.53%
Southshore Center	8	0.53%
Xcel Project	7	0.46%
Planning & Zoning Workshop	5	0.33%
---	3	0.2%
Unsubscribe	1	0.07%
TOTAL	1508	100%