

AGENDA

Greenwood City Council Meeting

Wednesday, November 2, 2016
20225 Cottagewood Road, Deephaven, MN 55331



Worksession

In accordance with open meeting laws, the worksession is open to the public for viewing, but there will be no opportunity for public participation.

- 6:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA
- 6:00pm 2. FALL SALES RATIO MEETING WITH ASSESSORS
- 6:55pm 3. ADJOURNMENT

Regular Meeting

The public is invited to speak when items come up on the agenda (comments are limited to 3 minutes).

The public may speak regarding other items during Matters from the Floor (see below).

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA
- 7:00pm 2. CONSENT AGENDA
 - Consent Agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove any Consent Agenda item for discussion and separate consideration under Other Business.*
 - A. Approve: 10-05-16 City Council Meeting Minutes
 - B. Approve: September Cash Summary Report
 - C. Approve: September Certificates of Deposit Report
 - D. Approve: October Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: November Payroll Register
 - F. Approve: St. Alban's Bay Improvement District 2017 Budget, Tax Levy, Assess Roll (Res 41-16)
 - G. Approve: St. Alban's Bay Lake Improvement District Joint Cooperation Agreement II
 - H. Approve: 2017 Liquor License Application
- 7:02pm 3. MATTERS FROM THE FLOOR
 - This is an opportunity for the public to address the council regarding matters not on the agenda. Comments are limited to 3 minutes. Typically, the council will not take action on items presented at this time, but will refer items to staff for review, action, and / or recommendation for future council action.*
- 7:05pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
 - A. Greg Keller: City Prosecution Annual Update
 - B. Dave Martini: City Engineer Update
 - C. Announcement: Election Canvassing Meeting 6pm, Tue 11-15-16
- 7:45pm 5. PUBLIC HEARING
 - A. None
- 7:45pm 6. ACTION RELATED TO PUBLIC HEARING
 - A. None
- 7:45pm 7. PLANNING & ZONING ITEMS
 - A. None
- 7:45pm 8. UNFINISHED BUSINESS
 - A. None
- 7:45pm 9. NEW BUSINESS
 - A. 1st Reading: Ord 263 Regarding Sex Offenders and Summary Res 42-16
 - B. 1st Reading: Ord 264 Regarding Salaries of Elected Officials
 - C. 1st Reading: Ord 265 Regarding Garage Sales and Showcase Events and Summary Res 43-16
 - D. Discuss: Ordinance Concept Regarding Residential Zones and Regulations Based on Lot Size
 - E. Discuss: Coyote Update
 - F. Discuss: Metropolitan Council Reform
- 8:50pm 10. OTHER BUSINESS
 - A. None
- 8:50pm 11. COUNCIL REPORTS
 - A. Cook: Planning Commission, Public Works Committee
 - B. Fletcher: Lake Mtkka Comm Commission, Fire, Administrative Committee
 - C. Kind: Police, Administrative Committee, Mayors' Meetings, Website
 - D. Quam: Public Works Committee, Minnetonka Community Education
 - E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District
- 9:15pm 12. ADJOURNMENT



Worksession

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: Fall Sales Ratio Meeting with Assessors

Summary: Each fall, the city council meets with the city's assessors to discuss the sales ratio study and discuss how the study is going to affect changes to property values that are determined the following spring. In accordance with open meeting laws, the worksession is open to the public for viewing, but there will be no opportunity for public participation.

Council Action: None. The city council cannot take action during a worksession.

Sales Ratio Report GREENWOOD

Run Date: 10/19/2016

NEIGHBORHOOD	NBHD	PID	ADDRESS	Qty	SITE ADJ	RATE ADJ	STORY	AGE	GBA	PT	NEWCALC LAND	NEWCALC BLDG	EMV	SALE DATE	DEED CODE	REJECT CODE	SALE PRICE	RATIO	Good		
MtkaBlvd-Pineview-Curve	2																				
		26-117-23-13-0017	21200 MINNETONKA BLVD	12	+040		100	1915	760	R	\$225,000	\$20,000	\$245,000	7/7/2016	W	00	\$232,500	105.38%	?		
Neighborhood: 2 Totals				Count 1					Mean: 105.38%												Median: 105.38%
Fairview-Meadville-Covington	3																				
		26-117-23-31-0035	5100 COVINGTON ST	09	-060		175	1900	1,416	R	\$108,000	\$165,000	\$273,000	4/28/2016	W	00	\$280,000	97.50%	?		
Neighborhood: 3 Totals				Count 1					Mean: 97.50%												Median: 97.50%
North SAB - Off Lake	5																				
		26-117-23-42-0011	5100 GREENWOOD CIR	07	-020		100	2013	1,238	R	\$160,000	\$282,000	\$442,000	6/1/2016	W	00	\$608,000	72.70%	?		
Neighborhood: 5 Totals				Count 1					Mean: 72.70%												Median: 72.70%
West St. Alban's Bay	01-03-03																				
		26-117-23-34-0006	21925 BYRON CIR	06	-010		150	2000	3,226	RL	\$695,000	\$547,000	\$1,242,000	8/23/2016	W	00	\$1,725,000	72.00%	?		
		26-117-23-34-0022	21793 MINNETONKA BLVD	07			175	1978	2,554	RL	\$743,000	\$285,000	\$1,028,000	12/3/2015	W	00	\$1,190,000	86.39%	Y		
26-117-23-34-0026	21795 MINNETONKA BLVD	08			200	1977	2,912	RL	\$623,000	\$251,000	\$874,000	10/2/2015	W	00	\$900,000	97.11%	Y				
Neighborhood: 01-03-03 Totals				Count 3					Mean: 85.17%												Median: 86.39%
North St. Alban's Bay	01-03-04																				
		26-117-23-31-0011	5110 WEST ST	08	-010		200	1942	2,158	RL	\$585,000	\$217,000	\$802,000	5/2/2016	W	00	\$796,900	100.64%	?		
Neighborhood: 01-03-04 Totals				Count 1					Mean: 100.64%												Median: 100.64%
East St. Alban's Bay	01-03-05																				
		26-117-23-41-0028	5145 WEEKS RD	08	+010		150	1915	2,349	RL	\$1,547,000	\$75,000	\$1,622,000	1/4/2016	W	00	\$2,000,000	81.10%	?		
Neighborhood: 01-03-05 Totals				Count 1					Mean: 81.10%												Median: 81.10%
St. Alban's Bay Islands	01-03-09																				
		35-117-23-12-0030	10 MACLYNN RD	07			100	1960	2,274	RL	\$1,032,000	\$329,000	\$1,361,000	1/29/2016	W	00	\$1,670,000	81.50%	Y		
Neighborhood: 01-03-09 Totals				Count 1					Mean: 81.50%												Median: 81.50%
GREENWOOD Totals				Count: 9					Mean: 88.26%												Median: 86.39%



Agenda Item: Consent Agenda

Summary: The consent agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

The consent agenda items are included in the hard copy of the full council packet and in the electronic version of the packet available at www.greenwoodmn.com.

Council Action: Required. Possible motion ...

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

MINUTES

Greenwood City Council Meeting

Wednesday, October 5, 2016
20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Kind; Councilmembers Tom Fletcher, Bob Quam, Rob Roy

Members Absent: Councilmember Bill Cook

Staff Members Present: City Zoning Administrator Dale Cooney

Motion by Kind to approve the agenda. Second by Quam. Motion passed 4-0.

2. CONSENT AGENDA

A. Approve: 09-07-16 City Council Meeting Minutes

B. Approve: August Cash Summary Report

C. Approve: August Certificates of Deposit Report

D. Approve: September Verifieds, Check Register, Electronic Fund Transfers

E. Approve: October Payroll Register

Motion by Kind to approve the consent agenda items. Second by Roy. Motion passed 4-0.

3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. County Commissioner Jan Callison: Hennepin County Update

No council action taken. View report at LMCC-TV.org.

B. Planning Commission Applicant: David Steingas and Res 39-16, Updating City Appointments

Motion by Fletcher to approve resolution 39-16 updating the city's appointments and assignments as amended to appoint David Steingas to the alternate 2 seat on the planning commission and direct the oath of office be administered to David at the next planning commission meeting. Second by Roy. Motion passed 4-0.

C. Dave Martini: City Engineer Update

Dave Martini did not attend the 10-05-16 meeting.

D. Announcement: Fall Sales Ratio Meeting with Assessors, 6pm 11/2 (before city council meeting)

No council action taken. View announcement at LMCC-TV.org.

5. PUBLIC HEARING

A. Greenwood Park Drainage Improvement Project – PUBLIC HEARING CANCELLED

B. Delinquent Sewer, Stormwater, and Recycling Charges

Motion by Roy to open the public hearing. Second by Fletcher. Motion passed 4-0.

No one spoke during the public hearing.

Motion by Quam to close the public hearing. Second by Roy. Motion passed 4-0.

6. ACTION RELATED TO PUBLIC HEARING

- A. Consider: Res 40-16 Assessment Roll of Delinquent Sewer, Stormwater, and Recycling Accounts

Motion by Roy to approve resolution 40-16 and the assessment roll for delinquent sewer, stormwater, and recycling charges. Second by Quam. Motion passed 4-0.

7. PLANNING & ZONING ITEMS

- A. Res 34-16, Signage Conditional Use Permit Findings, Brahmani, Inc, 21380 State Highway 7

Motion by Fletcher to approve resolution 34-16 APPROVING the application of Brahmani, Inc. for a conditional use permit to replace and install signage at 21380 State Hwy 7, based on the recommendation, findings, and conditions of the planning commission plus the additional condition (h) "Applicant will remove remove existing poster board window signage," and revise condition (d) to read, "The green LED 'halo' lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights to a level satisfactory to the city zoning administrator." Second by Roy. Motion passed 4-0.

- B. Discuss: Maintenance Concerns at Minnoco (formerly Greenwood Market)

The consensus of the council was for the administrative committee to work with the city zoning administrator to enforce the city code.

- C. 2nd Reading: Ord 262, Mandatory Floodplain Ordinance Update and Res 36-16 Summary of Ord 262

Motion by Fletcher to (1) approve the 2nd reading of ordinance 262 amending the floodplain ordinance code section 1174 as presented in the 09-07-16 with the addition of language to delete the definitions related to the old floodplain ordiancne; (2) approves resolution 36-16 a summary of ordinance 262; and (3) directs staff to publish resolution 36-16 in the city's official newspaper. Second by Kind. Motion passed 4-0.

8. UNFINISHED BUSINESS

- A. None

9. NEW BUSINESS

- A. Discuss: Excelsior Fire District's Proposed Replacement Aerial Truck Recommendations

The council consensus was to support the fire board's 5-0 recommendation.

10. OTHER BUSINESS

- A. None

11. COUNCIL REPORTS

- A. Cook: Planning Commission, Public Works Committee

No council action taken. View discussion at LMCC-TV.org.

- B. Fletcher: Lake Mtka Comm Commission, Fire, Administrative Committee

No council action taken. View discussion at LMCC-TV.org.

- C. Kind: Police, Administrative Committee, Mayors' Meetings, Website

Motion by Roy to authorize the mayor and city clerk to sign the Southshore Center quit-claim deed in exchange for payment from Shorewood as required by the 1996 Southshore Center Cooperative Agreement and Judge Moore's decision. Second by Fletcher. Motion passed 4-0.

- D. Quam: Public Works Committee, Minnetonka Community Education

No council action taken. View discussion at LMCC-TV.org.

E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District

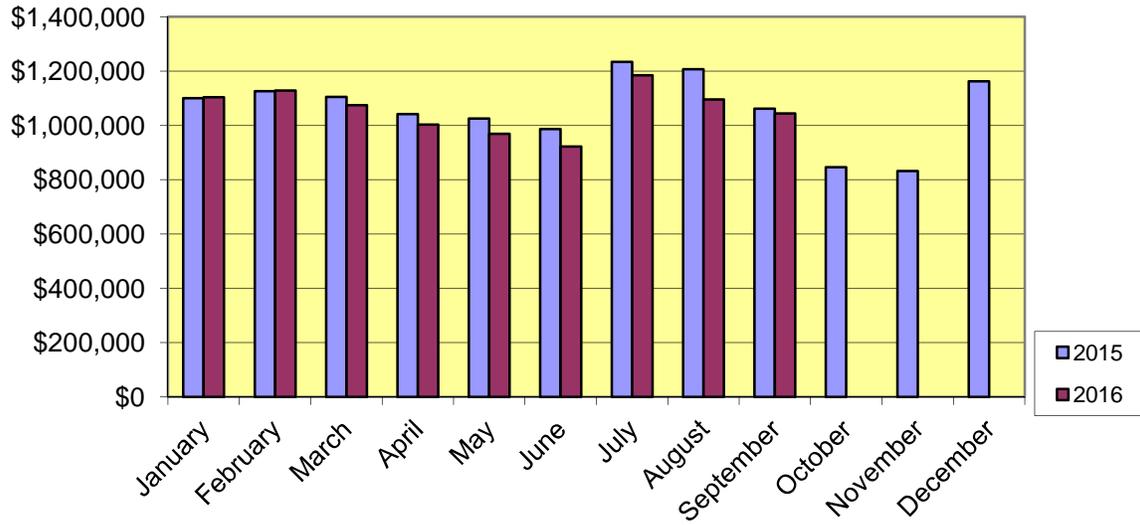
No council action taken. *View discussion at LMCC-TV.org.*

12. ADJOURNMENT

Motion by Roy to adjourn the meeting at 8:06pm. Second by Quam. 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	2015	2016	Variance with Prior Month	Variance with Prior Year
January	\$1,100,038	\$1,103,197	-\$59,352	\$3,159
February	\$1,125,995	\$1,128,257	\$25,060	\$2,262
March	\$1,105,199	\$1,074,726	-\$53,531	-\$30,473
April	\$1,041,296	\$1,003,064	-\$71,662	-\$38,232
May	\$1,025,022	\$968,814	-\$34,250	-\$56,208
June	\$986,189	\$922,082	-\$46,732	-\$64,107
July	\$1,234,400	\$1,184,900	\$262,818	-\$49,500
August	\$1,207,294	\$1,095,742	-\$89,158	-\$111,552
September	\$1,061,011	\$1,044,116	-\$51,626	-\$16,895
October	\$845,408	\$0	-\$1,044,116	-\$845,408
November	\$831,317	\$0	\$0	-\$831,317
December	\$1,162,549	\$0	\$0	-\$1,162,549

Alerus Bank Checking	\$7,810
Bridgewater Bank Checking	\$33,378
Alerus Bank Money Market	\$360,324
Bridgewater Bank Money Market	\$173,067
Alerus Bank CD's	\$204,944
Bridgewater Bank CD's	\$264,593
<hr/>	
	\$1,044,116

<u>ALLOCATION BY FUND</u>	
General Fund	\$327,432
Special Project Fund	(\$2,886)
General Fund Designated for Parks	\$16,989
Bridge Capital Project Fund	\$147,098
Road Improvement Fund	\$106,783
Stormwater Fund	\$22,060
Sewer Enterprise Fund	\$350,113
Marina Enterprise Fund	\$76,527
<hr/>	
	\$1,044,116

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 9/30/2016

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10412	Alerus Bank	10/22/15	13 month	11/22/16	0.60%	\$ 80,971.94
101-10410	Alerus Bank	12/06/15	13 month	01/06/17	0.60%	\$ 61,757.61
101-10407	Alerus Bank	02/04/16	13 month	03/04/17	0.60%	\$ 62,214.76
101-10413	Bridgewater Bank	05/11/16	13 month	06/11/17	1.00%	\$ 61,857.69
10110408	Bridgewater Bank	07/11/16	13 month	08/11/17	1.00%	\$ 60,151.23
101-10414	Bridgewater Bank	07/25/16	13 month	08/25/17	1.00%	\$ 80,823.22
101-10411	Bridgewater Bank	09/08/17	13 month	10/08/17	1.00%	\$ 61,761.19
TOTAL						\$ 469,537.64

CITY COUNCIL POLICY: 09-03-14 Motion by Roy to authorize the administrative committee to open CDs with a maximum initial maturity of 25 months with a combined maximum total CD balance of \$500,000 at Beacon Bank or Bridgewater Bank. Second by Cook. Motion passed 5-0.

Check Issue Date(s): 10/01/2016 - 10/31/2016

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/16	10/10/2016	12633	879	VALLEY PAVING INC	404-20100	4,853.22
10/16	10/18/2016	12634	51	BOLTON & MENK, INC.	404-20100	6,665.00
10/16	10/18/2016	12635	9	CITY OF DEEPHAVEN	101-20100	7,854.45
10/16	10/18/2016	12636	594	CITY OF EXCELSIOR	602-20100	7,147.28
10/16	10/18/2016	12637	822	ECM PUBLISHERS INC	101-20100	103.50
10/16	10/18/2016	12638	199	ELECTRIC PUMP	602-20100	882.00
10/16	10/18/2016	12639	52	EXCELSIOR FIRE DISTRICT	101-20100	32,960.44
10/16	10/18/2016	12640	68	GOPHER STATE ONE CALL	602-20100	56.70
10/16	10/18/2016	12641	789	HENNEPIN COUNTY TREASURER	101-20100	50.00
10/16	10/18/2016	12642	3	KELLY LAW OFFICES	101-20100	187.50
10/16	10/18/2016	12643	841	LAW OFFICE GREGORY E KELLER PA	101-20100	1,058.00
10/16	10/18/2016	12644	105	METRO COUNCIL ENVIRO SERVICES	602-20100	3,203.41
10/16	10/18/2016	12645	874	MIKE VANDERLINDEN	101-20100	541.66
10/16	10/18/2016	12646	689	Mission Communications LLC	602-20100	1,737.00
10/16	10/18/2016	12647	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	27,054.58
10/16	10/18/2016	12648	145	XCEL ENERGY	101-20100	407.66
Totals:						<u>94,762.40</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0195214	2016 DEVELOPMENT REVIEW	09/30/2016	392.00
		0195215	2016 DEVELOPMENT REVIEW	09/30/2016	868.00
		0195216	2016 MISC ENGINEERING	09/30/2016	1,001.00
		0195217	2016 SEWER IMPROVEMENTS	09/30/2016	3,288.00
		0195218	2016 STREET IMPROVEMENTS	09/30/2016	1,116.00
Total BOLTON & MENK, INC.					<u>6,665.00</u>
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	SEPT 2016	RENT & EQUIPMENT	09/30/2016	487.45
			Postage		308.76
			COPIES		147.80
			SEWER		873.50
			WEED/TREE/MOWING		1,907.49
			PARK MAINTENANCE		283.65
			STORM SEWERS		472.75
			Clerk Services		2,829.60
			ZONING		310.25
			STUMP GRINDER RENTAL-PARKS		233.20
Total CITY OF DEEPHAVEN					<u>7,854.45</u>
CITY OF EXCELSIOR					
594	CITY OF EXCELSIOR	00201429	2ND QTR UNMETERED WASTE WTR	05/23/2016	3,573.64
		00201430	3RD QTR UNMETERED WASTE WTR	05/23/2016	3,573.64
Total CITY OF EXCELSIOR					<u>7,147.28</u>
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	419205	LEGAL NOTICE	10/13/2016	103.50
Total ECM PUBLISHERS INC					<u>103.50</u>
ELECTRIC PUMP					
199	ELECTRIC PUMP	0058793-IN	LIFT STATION REPAIR	09/27/2016	503.50
		0058892-IN	LIFT STATION REPAIR	10/07/2016	378.50
Total ELECTRIC PUMP					<u>882.00</u>
EXCELSIOR FIRE DISTRICT					
52	EXCELSIOR FIRE DISTRICT	16-012	4th Qtr. Buildings	10/15/2016	14,495.80
			4th Qtr. Operations		18,464.64
Total EXCELSIOR FIRE DISTRICT					<u>32,960.44</u>
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	6090406	Gopher State calls	09/30/2016	56.70
Total GOPHER STATE ONE CALL					<u>56.70</u>
HENNEPIN COUNTY TREASURER					
789	HENNEPIN COUNTY TREASURE	1000082371	PINS PROGRAM	10/01/2016	50.00
Total HENNEPIN COUNTY TREASURER					<u>50.00</u>
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	X470	GENERAL LEGAL	09/29/2016	187.50

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total KELLY LAW OFFICES				187.50
LAW OFFICE GREGORY E KELLER PA					
841	LAW OFFICE GREGORY E KELL	101416	PROSECUTION BILL	10/14/2016	1,058.00
	Total LAW OFFICE GREGORY E KELLER PA				1,058.00
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001060023	Monthly wastewater Charge	10/05/2016	3,203.41
	Total METRO COUNCIL ENVIRO SERVICES				3,203.41
MIKE VANDERLINDEN					
874	MIKE VANDERLINDEN	0003-2	1/2 MO CONTRACT AMT	09/30/2016	541.66
	Total MIKE VANDERLINDEN				541.66
Mission Communications LLC					
689	Mission Communications LLC	1004693	Annual Service Package	10/11/2016	1,737.00
	Total Mission Communications LLC				1,737.00
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE	OCT 2016	2016 OPERATING BUDGET EXP	10/01/2016	16,074.58
		OCT-DEC 2016	4th Quarter Lease	10/01/2016	10,980.00
	Total SO LAKE MINNETONKA POLICE DEPT				27,054.58
VALLEY PAVING INC					
879	VALLEY PAVING INC	101016	BITUMINOUS BERM PATCHING	10/10/2016	3,500.00 1,353.22
	Total VALLEY PAVING INC				4,853.22
XCEL ENERGY					
145	XCEL ENERGY	092816	Sleepy Hollow Road *	09/28/2016	8.72
			4925 MEADVILLE STREET *		8.69
			SIREN		4.00
			Street Lights *		386.25
	Total XCEL ENERGY				407.66

Total Paid: 94,762.40

Total Unpaid: -

Grand Total: 94,762.40

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
11/01/16	PC	11/01/16	11011601	COOK, WILLIAM B.	37		001-10100	184.70
11/01/16	PC	11/01/16	11011602	Fletcher, Thomas M	33		001-10100	84.70
11/01/16	PC	11/01/16	11011603	Kind, Debra J.	34		001-10100	277.05
11/01/16	PC	11/01/16	11011604	Quam, Robert	32		001-10100	184.70
11/01/16	PC	11/01/16	11011605	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>



Agenda Number: 2F

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: St. Alban's Bay Improvement District 2017 Tax Levy, Budget, and Assessment Roll (Resolution 41-16)

Summary: At the annual meeting on 10-25-16, the St. Alban's Bay Lake Improvement District board and district property owners present at the meeting approved the 2017 budget and tax levy. Per the Joint Cooperation Agreement, the cities of Excelsior and Greenwood are required to approve the budget and levy. The JCA allows either Excelsior or Greenwood to reduce the levy by up to 25%.

The county also requires the city to approve the assessment roll for certification to the county. Copies of the assessment roll and the resolution authorizing certification are attached.

Council Action: Required. Consent agenda motion ...

I move that the Greenwood city council (1) accepts the St. Alban's Bay Lake Improvement District (SABLID) board and property owner's recommendation and approves the 2017 budget and levy as presented; (2) approves the following levy amounts: \$75 for channel properties and association members, \$100 for condominiums (the Villas), \$150 for homes with less than 100 feet of shoreline, \$220 for homes with 100 feet or more of shoreline, \$400 for marinas with less than 10 slips, \$800 for marinas with 11 to 20 slips, \$1200 for marinas with 21 or more slips; (3) approves resolution 41-16 which includes the assessment roll and authorization for the city clerk to certify the assessment roll to the county; and (4) directs the city clerk to email a copy of this motion and a copy of resolution 41-16 to the SABLID secretary.

**CITY OF GREENWOOD
RESOLUTION NO. 41-16**

**A RESOLUTION APPROVING THE ASSESSMENT ROLL
FOR ST ALBAN'S BAY LAKE IMPROVEMENT DISTRICT**

WHEREAS, the St Alban's Bay Lake Improvement District has caused a notice to be published fixing the time and place of its October 25, 2016 Annual Meeting to pass upon the proposed 2017 assessment roll for the Lake Improvement District, more specifically described in the "Notice of Annual Meeting" published October 11, 2016 in the Sun-Sailor publication; and

WHEREAS, notice of said meeting has been given to all property owners whose property is to be assessed therefore, by publication thereof in the manner required by law; and

WHEREAS, all persons have had an opportunity to be heard in connection with said manner.

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

1. That the assessment roll, as prepared by the St. Alban's Bay Lake Improvement District secretary, is hereby approved, and the assessments therein contained are hereby determined to be the special assessments for the services herein included.
2. That said assessments are found to be properly assessed upon the properties so served.
3. That the city clerk is hereby directed to certify such assessment to the county auditor for collection and remittance to the city treasurer in the same manner as assessments for local improvements.

ADOPTED by the city council of Greenwood, Minnesota this 2nd day of November, 2016.

___AYES ___NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

D	1919226	2611723310011	22000	0
D	1919226	2611723310012	15000	0
D	1919226	2611723310013	15000	0
D	1919226	2611723310014	15000	0
D	1919226	2611723310016	15000	0
D	1919226	2611723310017	15000	0
D	1919226	2611723310037	15000	0
D	1919226	2611723340006	15000	0
D	1919226	2611723340008	40000	0
D	1919226	2611723340012	22000	0
D	1919226	2611723340013	120000	0
D	1919226	2611723340016	15000	0
D	1919226	2611723340017	15000	0
D	1919226	2611723340022	22000	0
D	1919226	2611723340026	15000	0
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Agenda Number: 2G

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: St. Alban's Bay Lake Improvement District Joint Cooperation Agreement II

Summary: At the annual meeting on 10-25-16, the St. Alban's Bay Lake Improvement District board approved clean-up changes to the Joint Cooperation Agreement. Changes to the JCA must be approved by the Greenwood and Excelsior city councils. Redlined and clean copies of the revised JCA are attached.

Council Action: Council action is not required. Consent agenda motion ...

I move that the Greenwood city council (1) accepts the St. Alban's Bay Lake Improvement District (SABLID) board recommendation and approves the revisions to the Joint Cooperation Agreement dated 10-26-16 Draft 2; (2) authorizes the mayor and city clerk to sign three hard copies of the JCA on behalf of the city; (3) directs the city clerk to give the three signed hard copies to the SABLID secretary with the request to return one of the hard copies after it is signed by the Excelsior mayor and administrator; (4) directs the city clerk to email the redlined and clean versions of the revised JCA to the SABLID secretary; and (5) directs the city clerk to email a copy of this motion to the SABLID secretary.



ST. ALBAN'S BAY LAKE IMPROVEMENT DISTRICT
JOINT COOPERATION AGREEMENT II

Debra Kind 10/25/2016 9:55 PM
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AGREEMENT BY AND ... [1]

This agreement amends, restates, and supersedes that certain Joint Cooperation Agreement establishing the St. Alban's Bay Lake Improvement District adopted in 2015. This agreement is made and entered into by and between the city of Excelsior, State of Minnesota (hereinafter referred to as "Excelsior"), 335 Third Street, Excelsior, MN 55331 and the city of Greenwood, State of Minnesota, (hereinafter referred to as "Greenwood"), 20225 Cottagewood Road, Deephaven, MN 55331.

RECITALS

Excelsior and Greenwood agree that it is desirable and in the interest of their communities that a Lake Improvement District be established for the management and control of Aquatic Invasive Species in St. Alban's Bay, Lake Minnetonka, together with all powers intended thereto.

To that end, Excelsior and Greenwood, each a governmental unit of the State of Minnesota, hereby enter into this Joint Cooperation Agreement pursuant to Minnesota Statutes §471.59.

I. PURPOSE

The general purpose of this agreement is to establish a Lake Improvement District authorized under Minnesota Statutes §103B.501 et seq and §459.20 to manage Aquatic Invasive Species in St Alban's Bay, Lake Minnetonka, and to otherwise monitor the water resource.

II. NAME

The organization established by this agreement shall be known as the "St. Alban's Bay Lake Improvement District."

III. DEFINITIONS

As used herein, these terms shall mean as follows:

Section 1. "Lake Improvement District (LID)" means St. Alban's Bay Lake Improvement District as otherwise authorized by the Lake Improvement District law, Minn. Stat. §103B.501 to §103B.581, the organization created pursuant to this agreement.

Section 2. "Director" means a person appointed to the Board by either Excelsior or Greenwood, or a person elected to serve on the Board by affirmative vote of a majority of the Property Owners present and entitled to vote or appearing by mailed ballot at the Annual Meeting.

Section 3. "Member" means a city which enters into this agreement.

Section 4. "Program" shall mean the various water resource management programs and services undertaken from time to time by LID.

Section 5. "Property Owners" mean the owner or owners of various real estate parcels identified by Hennepin County PID number located within the official boundaries of the LID as illustrated on the official map of the LID, attached hereto as Exhibit A.

Section 6. “District” shall mean all of the real estate parcels located within the official boundaries of LID, as illustrated and defined on the official map of the LID (See Exhibit “A” attached).

Section 7. “Board” means the governing political body of the LID comprised of Directors appointed by the cities of Excelsior and/or Greenwood or persons elected to membership on the Board as provided herein. The management of the LID shall be vested in the Board.

Section 8. “Annual Meeting” means a meeting of the Board and Property Owners, called by the Board and so designated, held in July or August at which the action items set forth at Article VII, Section 2 shall be acted upon.

Section 9. “Official Office” means the physical office space designated and maintained by the Board at which the LID shall receive US Mail, the LID’s designated agent for the receipt of Legal Process shall office, and the Secretary and the Fiduciary Agent shall maintain the official records and conduct LID business.

IV. MEMBERS

Section 1. Members. The Member Cities entering into this Joint Cooperation Agreement are the city of Excelsior and the city of Greenwood, Minnesota.

Section 2. Fiduciary Agent. The Chair and Treasurer, shall be the Fiduciary Agent charged with the day-to-day management of the LID’s financial affairs including custodial possession of the LID’s books and accounts and shall be authorized to receive, hold, and disburse LID funds and shall also be authorized to accept Service of Legal Process on behalf of the LID. The LID’s books and accounts shall be kept at the Greenwood offices. A statement of duties of the Fiduciary Agent may be adopted by mutual agreement of the Excelsior and Greenwood City Councils.

V. DIRECTORS

Section 1. Number. The LID shall have seven Directors and two Ex-Officio Directors, one each appointed by the cities of Excelsior and Greenwood. With the exception of matters addressing the approval of the budget and financial expenditures, the Ex-Officio Directors shall have an advisory role but no vote on matters presented to the Board.

Section 2. Term. At the Annual Meeting of the LID, Director seats A1, A2 & A3 shall be elected to 2-year terms in even years and Director seats B1, B2, B3 & B4 shall be elected to 2-year terms in odd years. Vacant seats shall be filled at the next Annual Meeting.

Section 3. Director Candidacy Slate. Annually, Property Owners desiring to stand for election to the Board as a Director shall file with the Secretary of the LID, (or the Secretary’s designee for receipt of said filings) or the LID Designated Agent at the Official Office, on or before the close of business at the Official Office on the First Tuesday in June, a “Declaration of Candidacy for Director.” A Property Owner who so files shall be added to the slate of Director Candidates to be submitted to a vote at the following Annual Meeting of the Board.

Section 4. Compensation. Directors shall serve without compensation from the LID or the member cities. In the absence of a written contract previously approved by the Board, the LID shall not honor claims, invoices, statements, or requests for reimbursements for labor submitted or services rendered by a Director, a Property Owner, or LID volunteer rising from or incidental to LID’s activities, programs and actions.

VI. OFFICERS

Section 1. Annual Election. The Officers of the LID shall consist of a Chair, a Vice Chair, a Secretary, and a Treasurer. They shall be elected for one-year terms by the Board at the Annual Meeting.

Section 2. Chair and Vice Chair. The Chair shall preside at all meetings of the Board or the Property Owners and Directors. The Chair shall perform all duties typically incident to the Office of a Chief Executive Officer of a municipal political body and shall perform such other duties as may be prescribed by action of the Board, this Joint Cooperation Agreement, or law. The Chair shall select Sub-Committee Chairs and may recommend to the Board Sub-Committee appointments thereto. The Vice Chair shall act as Chair in the absence of the Chair.

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Deleted: and made a part of the job description of the Fiduciary Agent at the time of their appointment

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Deleted: Section 2. Initial Appointment. The City Councils of Excelsior and Greenwood shall, by mutual agreement, initially appoint seven Property Owners within the LID boundaries to serve as the initial LID Directors on the Board with Excelsior selecting two and Greenwood selecting five appointees. By mutual agreement of the cities, one of these shall be appointed Interim Chair. Once sworn in, these Directors shall serve until the first Annual Meeting of the LID and swearing in of the first publicly elected Board of Directors.

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Deleted: At the first Annual Meeting of the LID, three Directors shall be elected to two-year terms and four Directors shall be elected to one-year terms. At the second and subsequent Annual Meetings of the LID Directors shall be elected to two-year terms except that Directors who are elected to midterm vacancies shall serve the remainder of their term.

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Deleted: The initial LID Board appointed by the City Councils of Excelsior and Greenwood shall meet within two months of appointment at the call of the Interim Chair and thereat shall elect, Interim Officers to serve until the swearing in of their replacements at the first LID Annual Meeting.

Section 3. Secretary. The Secretary shall be responsible for keeping a record of all the proceedings of the LID and the giving of notice of regular and special meetings. The Secretary shall be responsible for the preparation of Board minutes and shall keep the LID minutes and records at the Greenwood office. The Secretary may delegate the duties of preparing Minutes to a third party, including outside private contract service provider subject to the approval of the Board.

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The Fiduciary Agent shall be custodian of the LID's funds, pay its bills, keep financial records, and generally manage funds received, and oversee their disbursement and the LID's financial affairs. LID funds shall be kept on deposit in financial institutions or invested as approved by the Board of Directors in the same manner and practice demanded of a municipal corporation under State law.

The Fiduciary Agent shall cause a quarterly financial report to be made to the Board, which shall be included in public records of the LID and in the minutes of the Board meetings.

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Section 4. Authorized Expenditures. All checks drawn upon the LID bank account shall require two signatures. Those having signature authority will be the Chair, the Treasurer, and the Secretary.

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Deleted: The Board shall set compensation for the Fiduciary Agent as negotiated under a contract for services to be rendered.

VII. MEETINGS

Section 1. Bylaws. The Board shall adopt bylaws governing its procedures including the time, place, notice for and frequency of a set of fixed regular meetings, procedure for calling special meetings, and other procedural meeting related matters. The Board may amend the bylaws from time to time.

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Section 2. Annual Meeting. The Board shall call an Annual Meeting of Property owners to be held once each year. At the Annual Meeting the Board shall submit a Slate of Director Candidates to Property Owners for a vote. The affirmative vote of the majority of the Property Owners with voting rights present and entitled to vote, including absentee ballots of same physically received by the LID by 2 PM on the date of the Annual Meeting, shall be the act of the Property Owners and shall be binding on the Board. The top vote getters for the open Director seats shall be elected. At the Annual Meeting, the Board also shall (1) elect Officers to be seated immediately, (2) review and approve a budget and levy for the next calendar year as per section IX Financial Matters, (3) approve proposed programs, projects, and expenditures having a cost in excess of \$5,000, and (4) take up and consider any other business that properly comes before them.

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At the Annual Meeting, the Board may elect to submit to a vote of the Property Owners present at the meeting such other matters as it deems appropriate. Provided the vote of the Property Owners directs or approves a lawful LID action otherwise authorized under this Agreement, the vote of the Property Owners shall be binding on the Board.

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Section 3. Annual Meeting Notice. The Annual Meeting shall be preceded by two weeks published notice in the legal newspapers of the Member Cities, shall be posted on the public notice board of the Member Cities, and written notice shall be mailed at least ten days in advance of the meeting to the Member Cities, the Pollution Control Agency, Commissioner of Natural Resources, and to all Property Owners of record on the Hennepin County Property Tax Information website within the LID assessment area.

VIII. POWERS, RIGHTS, AND DUTIES OF LID

The LID shall have the following powers, rights, and duties:

Section 1. Primary Purpose. The "primary purpose" of the LID is to prepare a Lake Vegetation Management Plan and programs to control Aquatic Invasive Species in St. Alban's Bay, Lake Minnetonka, including, but not limited to, Eurasian Water Milfoil and Curley-leaf Pond Weed and, as needed, to monitor vegetation, wildlife, water quality, and use of St. Alban's Bay to preserve St. Alban's Bay as a natural water resource.

Section 2. Specific Powers. The following specific statutory powers permitted the LID pursuant to Minn. Stat. §103B.551, Subd. 3 are hereby granted to the Board; the power to:

- 1) Acquire property, equipment, or other facilities by gift, lease, or purchase to implement the primary purpose.

- 2) Contract with governmental agencies as needed and appropriate to the implementation of the primary purpose.
- 3) Conduct a program(s) of AIS control and elimination in conformance with the primary purpose, water improvement and conservation, as more particularly described on attached Exhibit B.

Enumerated powers under Minn. Stat. §103B.551, Subd. 3, not set forth above are not granted to the LID.

Section 3. Gifts / Grants. The LID may accept gifts, apply for and use grants and enter into agreements in connection therewith and it may hold, use and dispose of money or property received as a gift or grant in accordance with the terms hereof.

Section 4. Contracts. The LID may enter into any contracts deemed necessary to carry out its powers and duties. All contracts shall be let and purchases shall be made in accordance with the legal requirements applicable to contracts and purchases by statutory cities of Minnesota.

Section 5. Property. The LID may purchase, lease, or acquire personal property and sell, assign, and transfer personal property upon an affirmative majority vote of the Board, but may not purchase, transfer or convey real property without the approval of 2/3 of a quorum of the Board, and a 2/3 vote of Property Owners voting in person or by absentee ballot at the Annual Meeting as provided herein, and the approval of both Member City Councils.

Section 6. Consultants. The LID may retain consultants to carry out its primary purpose and manage its affairs and administrative duties.

Section 7. Designation of Official Office and Designated Agent. The Board shall at all times maintain an Official Office of the LID and an appointed Designated Agent for receipt of Service of Legal Process. In the Event the Board has failed to so act, the City Clerk of either Greenwood or Excelsior shall be the LID Designated Agent.

Section 8. Other Actions. The LID may exercise any other power necessary and incidental to the implementation of its powers and duties in implementation of the LID's primary purpose.

IX. FINANCIAL MATTERS

Section 1. Annual Budget and Levy. The Board shall prepare and present a budget and proposed levy for the following calendar year at its Annual Meeting. The proposed levy information shall include the recommended method to assess properties in the LID. The proposed budget and levy must be approved, or amended and approved, by a majority of the votes of the Board including Ex-Officio Directors at the Annual Meeting. The Budget and Levy approved at the Annual Meeting must in turn also be mutually approved by both Member City Councils by October 31. The Member City Councils may not increase the proposed levy approved at the Annual Meeting. Either or both City Councils may reduce the levy by up to 25% in which case the LID levy shall be the lowest levy approved by a Member City Council.

Section 2. LID Funding. The LID shall be funded from approved property tax levies and other available revenues from grants, gifts, or the like. The LID shall not be funded by dues, license or use fees, or similar charges unless mutually approved by the Member Cities.

The public financing of projects and services of the LID may be made by the following methods:

- a. Assessing the costs of projects upon benefitted properties within the District in the manner provided under Minn. Stat. Chapter 429;
- b. Levy of an ad valorem tax solely on property within the LID, to be appropriated and expended solely on projects of special benefit to the LID.

In accordance with Minn. Stat. §103B.555, Subd. 4, the LID, with the approval of the City Councils of the cities of Excelsior and Greenwood as expressed by resolution identifying each specific improvement to which approval applies may exercise the powers of a city under Chapter 429 in Section 444.075, including but not limited to:

- a. The levy of special assessments; and
- b. The imposition of rates and charges mutually approved by the Member Cities.

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X. WITHDRAWAL AND DISSOLUTION

Section 1. Notice of Withdrawal. A Member City may withdraw from the LID by filing a written notice of withdrawal with the LID by October 1 of any year. Such withdrawal shall be effective as of December 31 of that calendar year and membership shall continue until the effective date. A notice of withdrawal may be rescinded by a Member City prior to the effective date. If one Member City elects to withdraw, the LID will then dissolve on December 31 of that calendar year.

Section 2. Distribution of Assets. Upon dissolution, the remaining assets of the LID, after payment of all obligations, shall be distributed among the Member Cities in proportion to the number of LID real estate parcels identified by Hennepin County PID number located in each, or in such other way as those Member Cities may agree.

XI. MEDIATION OF DISPUTES

Section 1. Mediation. Any controversy arising out of or relation to this agreement including but not limited to the withdrawal by a Member City and dissolution shall be mediated by a qualified mediator prior to initiation of any litigation.

Section 2. Selection of Mediator. The mediator may be an individual mutually selected by the parties to the issue in controversy. If the parties are unable to agree upon a mediator, the League of Minnesota Cities shall make the selection.

XII. LIABILITY

Section 1. Indemnification. The LID shall indemnify, defend and hold harmless the Member Cities and their Officers, elected officials, Directors, employees, and volunteers, from and against all claims, damages, losses, and expenses, arising out of the acts or omissions of the LID in carrying out this agreement. To the fullest extent permitted by law, actions by the Member Cities under this agreement are intended to be and shall be construed as a “cooperative activity” and the LID shall be deemed a “single governmental unit” for the purposes of liability as set forth in Minnesota Statutes, Section 471.59, Subd. 1a(a). Each Member City expressly declines responsibility for the acts or omissions of the other Member City. This agreement does not constitute a waiver of the limitations of liability set forth in Minnesota Statutes, Section 466.04.

Section 2. Insurance. The LID shall procure and maintain liability and bond insurance coverage with reasonable limits covering its Officers, Directors, Member Cities’ elected officials, employees, and volunteers. The LID may purchase additional insurance coverage in amounts and on such terms as it may determine from time to time. The LID shall provide Member Cities with copies of its certificate(s) of insurance upon request.

XIII. MISCELLANEOUS

Section 1. Execution of Agreement. Each Member City Council shall approve and execute a copy of this agreement in accordance with applicable law.

Section 2. Effective Date. This agreement shall become effective upon adoption by both Member City Councils and approval from the Minnesota Department of Natural Resources.

Section 3. Amendment. Any proposed amendment to this agreement must be approved by both Member City Councils.

Section 4. Duration. This agreement shall continue in effect for an indefinite term, until dissolution in accordance with the terms of this agreement.

IN WITNESS WHEREOF, acting by authority of City Council approval the undersigned authorized agents of Excelsior and Greenwood, hereby enter into this Joint Cooperation Agreement.

Debra Kind 10/25/2016 8:29 AM

Deleted: Section 3. Sample Annual Budget.
Attached hereto as Exhibit C is a Statement of 2015
estimated - ... [2]

| EXECUTED as of _____, 2016.

| CITY OF GREENWOOD, MINNESOTA

By _____
Name Debra J. Kind, Mayor

Attest _____
Name Dana H. Young, City Clerk

| EXECUTED as of _____, 2016.

| CITY OF EXCELSIOR, MINNESOTA

By _____
Name Mark W. Gaylord, Mayor

Attest _____
Name Kristi Luger, City Manager



ST. ALBAN'S BAY LAKE IMPROVEMENT DISTRICT JOINT COOPERATION AGREEMENT II

This agreement amends, restates, and supersedes that certain Joint Cooperation Agreement establishing the St. Alban's Bay Lake Improvement District adopted in 2015. This agreement is made and entered into by and between the city of Excelsior, State of Minnesota (hereinafter referred to as "Excelsior"), 335 Third Street, Excelsior, MN 55331 and the city of Greenwood, State of Minnesota, (hereinafter referred to as "Greenwood"), 20225 Cottagewood Road, Deephaven, MN 55331.

RECITALS

Excelsior and Greenwood agree that it is desirable and in the interest of their communities that a Lake Improvement District be established for the management and control of Aquatic Invasive Species in St. Alban's Bay, Lake Minnetonka, together with all powers intended thereto.

To that end, Excelsior and Greenwood, each a governmental unit of the State of Minnesota, hereby enter into this Joint Cooperation Agreement pursuant to Minnesota Statutes §471.59.

I. PURPOSE

The general purpose of this agreement is to establish a Lake Improvement District authorized under Minnesota Statutes §103B.501 et seq and §459.20 to manage Aquatic Invasive Species in St Alban's Bay, Lake Minnetonka, and to otherwise monitor the water resource.

II. NAME

The organization established by this agreement shall be known as the "St. Alban's Bay Lake Improvement District."

III. DEFINITIONS

As used herein, these terms shall mean as follows:

Section 1. "Lake Improvement District (LID)" means St. Alban's Bay Lake Improvement District as otherwise authorized by the Lake Improvement District law, Minn. Stat. §103B.501 to §103B.581, the organization created pursuant to this agreement.

Section 2. "Director" means a person appointed to the Board by either Excelsior or Greenwood, or a person elected to serve on the Board by affirmative vote of a majority of the Property Owners present and entitled to vote or appearing by mailed ballot at the Annual Meeting.

Section 3. "Member" means a city which enters into this agreement.

Section 4. "Program" shall mean the various water resource management programs and services undertaken from time to time by LID.

Section 5. "Property Owners" mean the owner or owners of various real estate parcels identified by Hennepin County PID number located within the official boundaries of the LID as illustrated on the official map of the LID, attached hereto as Exhibit A.

Section 6. “District” shall mean all of the real estate parcels located within the official boundaries of LID, as illustrated and defined on the official map of the LID (See Exhibit “A” attached).

Section 7. “Board” means the governing political body of the LID comprised of Directors appointed by the cities of Excelsior and/or Greenwood or persons elected to membership on the Board as provided herein. The management of the LID shall be vested in the Board.

Section 8. “Annual Meeting” means a meeting of the Board and Property Owners, called by the Board and so designated, held in July or August at which the action items set forth at Article VII, Section 2 shall be acted upon.

Section 9. “Official Office” means the physical office space designated and maintained by the Board at which the LID shall receive US Mail, the LID’s designated agent for the receipt of Legal Process shall office, and the Secretary and the Fiduciary Agent shall maintain the official records and conduct LID business.

IV. MEMBERS

Section 1. Members. The Member Cities entering into this Joint Cooperation Agreement are the city of Excelsior and the city of Greenwood, Minnesota.

Section 2. Fiduciary Agent. The Chair and Treasurer shall be the Fiduciary Agent charged with the day-to-day management of the LID’s financial affairs including custodial possession of the LID’s books and accounts and shall be authorized to receive, hold, and disburse LID funds and shall also be authorized to accept Service of Legal Process on behalf of the LID. The LID’s books and accounts shall be kept at the Greenwood offices. A statement of duties of the Fiduciary Agent may be adopted by mutual agreement of the Excelsior and Greenwood City Councils.

V. DIRECTORS

Section 1. Number. The LID shall have seven Directors and two Ex-Officio Directors, one each appointed by the cities of Excelsior and Greenwood. With the exception of matters addressing the approval of the budget and financial expenditures, the Ex-Officio Directors shall have an advisory role but no vote on matters presented to the Board.

Section 2. Term. At the Annual Meeting of the LID, Director seats A1, A2 & A3 shall be elected to 2-year terms in even years and Director seats B1, B2, B3 & B4 shall be elected to 2-year terms in odd years. Vacant seats shall be filled at the next Annual Meeting.

Section 3. Director Candidacy Slate. Annually, Property Owners desiring to stand for election to the Board as a Director shall file with the Secretary of the LID, (or the Secretary’s designee for receipt of said filings) or the LID Designated Agent at the Official Office, on or before the close of business at the Official Office on the First Tuesday in June, a “Declaration of Candidacy for Director.” A Property Owner who so files shall be added to the slate of Director Candidates to be submitted to a vote at the following Annual Meeting of the Board.

Section 4. Compensation. Directors shall serve without compensation from the LID or the member cities. In the absence of a written contract previously approved by the Board, the LID shall not honor claims, invoices, statements, or requests for reimbursements for labor submitted or services rendered by a Director, a Property Owner, or LID volunteer rising from or incidental to LID’s activities, programs and actions.

VI. OFFICERS

Section 1. Annual Election. The Officers of the LID shall consist of a Chair, a Vice Chair, a Secretary, and a Treasurer. They shall be elected for one-year terms by the Board at the Annual Meeting.

Section 2. Chair and Vice Chair. The Chair shall preside at all meetings of the Board or the Property Owners and Directors. The Chair shall perform all duties typically incident to the Office of a Chief Executive Officer of a municipal political body and shall perform such other duties as may be prescribed by action of the Board, this Joint Cooperation Agreement, or law. The Chair shall select Sub-Committee Chairs and may recommend to the Board Sub-Committee appointments thereto. The Vice Chair shall act as Chair in the absence of the Chair.

Section 3. Secretary. The Secretary shall be responsible for keeping a record of all the proceedings of the LID and the giving of notice of regular and special meetings. The Secretary shall be responsible for the preparation of Board minutes and shall keep the LID minutes and records at the Greenwood office. The Secretary may delegate the duties of preparing Minutes to a third party, including outside private contract service provider subject to the approval of the Board.

The Fiduciary Agent shall be custodian of the LID's funds, pay its bills, keep financial records, and generally manage funds received, and oversee their disbursement and the LID's financial affairs. LID funds shall be kept on deposit in financial institutions or invested as approved by the Board of Directors in the same manner and practice demanded of a municipal corporation under State law.

The Fiduciary Agent shall cause a quarterly financial report to be made to the Board, which shall be included in public records of the LID and in the minutes of the Board meetings.

Section 4. Authorized Expenditures. All checks drawn upon the LID bank account shall require two signatures, Those having signature authority will be the Chair, the Treasurer, and the Secretary.

VII. MEETINGS

Section 1. Bylaws. The Board shall adopt bylaws governing its procedures including the time, place, notice for and frequency of a set of fixed regular meetings, procedure for calling special meetings, and other procedural meeting related matters. The Board may amend the bylaws from time to time.

Section 2. Annual Meeting. The Board shall call an Annual Meeting of Property owners to be held once each year. At the Annual Meeting the Board shall submit a Slate of Director Candidates to Property Owners for a vote. The affirmative vote of the majority of the Property Owners with voting rights present and entitled to vote, including absentee ballots of same physically received by the LID by 2 PM on the date of the Annual Meeting, shall be the act of the Property Owners and shall be binding on the Board. The top vote getters for the open Director seats shall be elected. At the Annual Meeting, the Board also shall (1) elect Officers to be seated immediately, (2) review and approve a budget and levy for the next calendar year as per section IX Financial Matters, (3) approve proposed programs, projects, and expenditures having a cost in excess of \$5,000, and (4) take up and consider any other business that properly comes before them.

At the Annual Meeting, the Board may elect to submit to a vote of the Property Owners present at the meeting such other matters as it deems appropriate. Provided the vote of the Property Owners directs or approves a lawful LID action otherwise authorized under this Agreement, the vote of the Property Owners shall be binding on the Board.

Section 3. Annual Meeting Notice. The Annual Meeting shall be preceded by two weeks published notice in the legal newspapers of the Member Cities, shall be posted on the public notice board of the Member Cities, and written notice shall be mailed at least ten days in advance of the meeting to the Member Cities, the Pollution Control Agency, Commissioner of Natural Resources, and to all Property Owners of record on the Hennepin County Property Tax Information website within the LID assessment area.

VIII. POWERS, RIGHTS, AND DUTIES OF LID

The LID shall have the following powers, rights, and duties:

Section 1. Primary Purpose. The "primary purpose" of the LID is to prepare a Lake Vegetation Management Plan and programs to control Aquatic Invasive Species in St. Alban's Bay, Lake Minnetonka, including, but not limited to, Eurasian Water Milfoil and Curley-leaf Pond Weed and, as needed, to monitor vegetation, wildlife, water quality, and use of St. Alban's Bay to preserve St. Alban's Bay as a natural water resource.

Section 2. Specific Powers. The following specific statutory powers permitted the LID pursuant to Minn. Stat. §103B.551, Subd. 3 are hereby granted to the Board; the power to:

- 1) Acquire property, equipment, or other facilities by gift, lease, or purchase to implement the primary purpose.

- 2) Contract with governmental agencies as needed and appropriate to the implementation of the primary purpose.
- 3) Conduct a program(s) of AIS control and elimination in conformance with the primary purpose, water improvement and conservation, as more particularly described on attached Exhibit B.

Enumerated powers under Minn. Stat. §103B.551, Subd. 3, not set forth above are not granted to the LID.

Section 3. Gifts / Grants. The LID may accept gifts, apply for and use grants and enter into agreements in connection therewith and it may hold, use and dispose of money or property received as a gift or grant in accordance with the terms hereof.

Section 4. Contracts. The LID may enter into any contracts deemed necessary to carry out its powers and duties. All contracts shall be let and purchases shall be made in accordance with the legal requirements applicable to contracts and purchases by statutory cities of Minnesota.

Section 5. Property. The LID may purchase, lease, or acquire personal property and sell, assign, and transfer personal property upon an affirmative majority vote of the Board, but may not purchase, transfer or convey real property without the approval of 2/3 of a quorum of the Board, and a 2/3 vote of Property Owners voting in person or by absentee ballot at the Annual Meeting as provided herein, and the approval of both Member City Councils.

Section 6. Consultants. The LID may retain consultants to carry out its primary purpose and manage its affairs and administrative duties.

Section 7. Designation of Official Office and Designated Agent. The Board shall at all times maintain an Official Office of the LID and an appointed Designated Agent for receipt of Service of Legal Process. In the Event the Board has failed to so act, the City Clerk of either Greenwood or Excelsior shall be the LID Designated Agent.

Section 8. Other Actions. The LID may exercise any other power necessary and incidental to the implementation of its powers and duties in implementation of the LID's primary purpose.

IX. FINANCIAL MATTERS

Section 1. Annual Budget and Levy. The Board shall prepare and present a budget and proposed levy for the following calendar year at its Annual Meeting. The proposed levy information shall include the recommended method to assess properties in the LID. The proposed budget and levy must be approved, or amended and approved, by a majority of the votes of the Board including Ex-Officio Directors at the Annual Meeting. The Budget and Levy approved at the Annual Meeting must in turn also be mutually approved by both Member City Councils by October 31. The Member City Councils may not increase the proposed levy approved at the Annual Meeting. Either or both City Councils may reduce the levy by up to 25% in which case the LID levy shall be the lowest levy approved by a Member City Council.

Section 2. LID Funding. The LID shall be funded from approved property tax levies and other available revenues from grants, gifts, or the like. The LID shall not be funded by dues, license or use fees, or similar charges unless mutually approved by the Member Cities.

The public financing of projects and services of the LID may be made by the following methods:

- a. Assessing the costs of projects upon benefitted properties within the District in the manner provided under Minn. Stat. Chapter 429;
- b. Levy of an ad valorem tax solely on property within the LID, to be appropriated and expended solely on projects of special benefit to the LID.

In accordance with Minn. Stat. §103B.555, Subd. 4, the LID, with the approval of the City Councils of the cities of Excelsior and Greenwood as expressed by resolution identifying each specific improvement to which approval applies may exercise the powers of a city under Chapter 429 in Section 444.075, including but not limited to:

- a. The levy of special assessments; and
- b. The imposition of rates and charges mutually approved by the Member Cities.

X. WITHDRAWAL AND DISSOLUTION

Section 1. Notice of Withdrawal. A Member City may withdraw from the LID by filing a written notice of withdrawal with the LID by October 1 of any year. Such withdrawal shall be effective as of December 31 of that calendar year and membership shall continue until the effective date. A notice of withdrawal may be rescinded by a Member City prior to the effective date. If one Member City elects to withdraw, the LID will then dissolve on December 31 of that calendar year.

Section 2. Distribution of Assets. Upon dissolution, the remaining assets of the LID, after payment of all obligations, shall be distributed among the Member Cities in proportion to the number of LID real estate parcels identified by Hennepin County PID number located in each, or in such other way as those Member Cities may agree.

XI. MEDIATION OF DISPUTES

Section 1. Mediation. Any controversy arising out of or relation to this agreement including but not limited to the withdrawal by a Member City and dissolution shall be mediated by a qualified mediator prior to initiation of any litigation.

Section 2. Selection of Mediator. The mediator may be an individual mutually selected by the parties to the issue in controversy. If the parties are unable to agree upon a mediator, the League of Minnesota Cities shall make the selection.

XII. LIABILITY

Section 1. Indemnification. The LID shall indemnify, defend and hold harmless the Member Cities and their Officers, elected officials, Directors, employees, and volunteers, from and against all claims, damages, losses, and expenses, arising out of the acts or omissions of the LID in carrying out this agreement. To the fullest extent permitted by law, actions by the Member Cities under this agreement are intended to be and shall be construed as a “cooperative activity” and the LID shall be deemed a “single governmental unit” for the purposes of liability as set forth in Minnesota Statutes, Section 471.59, Subd. 1a(a). Each Member City expressly declines responsibility for the acts or omissions of the other Member City. This agreement does not constitute a waiver of the limitations of liability set forth in Minnesota Statutes, Section 466.04.

Section. 2. Insurance. The LID shall procure and maintain liability and bond insurance coverage with reasonable limits covering its Officers, Directors, Member Cities’ elected officials, employees, and volunteers. The LID may purchase additional insurance coverage in amounts and on such terms as it may determine from time to time. The LID shall provide Member Cities with copies of its certificate(s) of insurance upon request.

XIII. MISCELANEOUS

Section 1. Execution of Agreement. Each Member City Council shall approve and execute a copy of this agreement in accordance with applicable law.

Section 2. Effective Date. This agreement shall become effective upon adoption by both Member City Councils and approval from the Minnesota Department of Natural Resources.

Section 3. Amendment. Any proposed amendment to this agreement must be approved by both Member City Councils.

Section 4. Duration. This agreement shall continue in effect for an indefinite term, until dissolution in accordance with the terms of this agreement.

IN WITNESS WHEREOF, acting by authority of City Council approval the undersigned authorized agents of Excelsior and Greenwood, hereby enter into this Joint Cooperation Agreement.

EXECUTED as of _____, 2016.

CITY OF GREENWOOD, MINNESOTA

By _____
Name Debra J. Kind, Mayor

Attest _____
Name Dana H. Young, City Clerk

EXECUTED as of _____, 2016.

CITY OF EXCELSIOR, MINNESOTA

By _____
Name Mark W. Gaylord, Mayor

Attest _____
Name Kristi Luger, City Manager

EXHIBIT A - ST. ALBAN'S BAY LAKE IMPROVEMENT DISTRICT

-  Municipal Boundaries
-  St. Alban's Bay Lake Improvement District Excelsior Properties
-  St. Alban's Bay Lake Improvement District Greenwood Properties



Updated 08-11-14



EXHIBIT B - WATER AND LAND RESOURCE MANAGEMENT PROGRAMS TO BE UNDERTAKEN IN THE ST. ALBAN'S BAY LAKE IMPROVMENT DISTRICT

St. Alban's Bay Aquatic Invasive Species (AIS) Issues.

Eurasian watermilfoil and curlyleaf pondweed, invasive plants, have been problematic in St. Alban's Bay for several decades. These two plants have reduced the diversity and abundance of native plants and therefore have diminished the health of the Bay. These two plants also interfere with boating, swimming, recreation and enjoyment.

The St. Alban's Bay residents, in coordination with the Lake Minnetonka Association and the Minnesota Department of Natural Resources (DNR) have developed and implemented a Lake Vegetation Management Plan or LVMP, which has significantly controlled Eurasian watermilfoil and curlyleaf pondweed and increased the diversity and abundance of native plants without compromising water quality. The primary focus of the LVMP has been the bay-wide treatment of Eurasian watermilfoil with herbicides.

The majority of the costs for these treatments have been voluntarily borne by the Bay residents, although the cities of Greenwood and Excelsior and the DNR have contributed. While the voluntary contributions have successfully funded the treatments since 2011, they are not considered to be a stable or consistent source of funding.

Other aquatic invasive species (AIS) that may be introduced in the future also pose potential threats to the Bay's health and recreation and also are a concern. Zebra mussels are relatively new to the Bay. Hydrilla is yet another potential source of concern.

Water and land related resource management projects to be undertaken by the St. Alban's Bay LID.

The purpose of the St. Alban's Bay LID will be to control the adverse effects of AIS in St. Alban's Bay

The initial and primary management project of the LID will be the continuation of the existing voluntarily funded bay-wide Eurasian watermilfoil and curlyleaf pondweed control program under the LVMP, including the required monitoring and assessment. Establishing the LID will provide a consistent and equitable source of funding for these ongoing aquatic invasive species control programs, which are typically not short term in nature.

The LID may also monitor St. Alban's Bay for other aquatic invasive species and, when appropriate, consider additional control programs in coordination with local agencies. Thus, the LID may develop plans and programs for additional AIS, if and when they become established and problematic in St. Alban's Bay.

Land management projects are not planned.

Recent controls of Eurasian watermilfoil and curlyleaf pondweed have used herbicides registered by the United States Environmental Protection Agency and have been permitted by the Minnesota Department of Natural Resources. The products and methods used have occurred within a strict regulatory milieu, which is designed to minimize likely adverse effects and unintended consequences. Therefore, rather than causing or increasing adverse effects, the proposed LID will more likely control and decrease adverse effects.

Should the LID employ other products or methods to control Eurasian watermilfoil and curlyleaf pondweed or other AIS, it will occur with the same regulatory oversight. Therefore, adverse effects to land or water are not anticipated.

As the LID considers or proposes modifying the current Eurasian watermilfoil and curlyleaf pondweed control program or any control programs for other AIS, detailed assessments of possible adverse effects to lands and waters will be provided as required or appropriate.



Agenda Number: 2H

Agenda Date: 11-02-16

Prepared by Dana Young

Agenda Item: 2017 Liquor License

Summary: Mayette Enterprises, LLC is requesting approval from the Greenwood City Council for the renewal of their 2017 Liquor License. This would include both their On Sale and Sunday Liquor License. Mayette Enterprises has submitted all required applications and fees to the City Clerk. Once approval has been granted by the Greenwood City Council, their application is submitted to the Minnesota Department of Public Safety for their review and approval.

Council Action: Required. Consent agenda motion ...

I move the council approves the 2017 On Sale and Sunday Liquor License for Mayette Enterprises, LLC.



Agenda Number: 4A

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: City Prosecutor Greg Keller, Annual Prosecution Update

Summary: City prosecutor Greg Keller will attend the November council meeting to give the council his annual update. Specific cases will not be discussed, but this is an opportunity for the council to get an overview of prosecution cases from the preceding 12 months. This also will be an opportunity for the council to ask questions.

Council Action: None required.



Agenda Number: 4B

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: City Engineer Update

Summary: City Engineer Dave Martini will attend the city council meeting to discuss past, present, and potential engineering-related projects.

11-02-16 discussion topics will include:

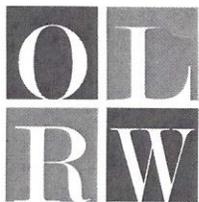
- A. Response to attached letter regarding the Meadville drainage outlet (between Newman and Larson properties)
- B. Options for the Fairview drainage outlet (Bowers-Stead property)
- C. Potential no-parking signs on Sleepy Hollow Road and Fairview Street
- D. Other topics ???

For the city council's reference, below are funds as of **09-30-16** that may be used for any city purpose.

\$40,813	Sewer Enterprise Fund (\$350,113 – minus \$250,000 goal balance and minus \$59,300 earmarked for Pember's sewer improvements)
\$2,060	Stormwater Special Revenue Fund (\$22,060 – minus \$20,000 earmarked for St. Alban's Bay Road drainage project)
\$106,783	Road Improvement Fund
\$13,500	2016 Contingency Budget
\$146,488	General Fund Reserves (12-31-15 audited balance of \$536,488 – minus \$390,000 goal balance)

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

1. I move the city council (1) directs the city engineer to secure bids for _____ project; and (2) directs the bids be included on the next council agenda for consideration by the city council.
2. I move the city council authorizes the city engineer to move forward with the _____ project in an amount not to exceed \$_____ to be paid from the _____ Fund.
3. I move the city council authorizes the city treasurer to transfer \$_____ from the _____ Fund to the _____ Fund.
4. Do nothing or other motion ???



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scottl@olson-law.com

October 12, 2016

VIA U.S. MAIL

Mark W. Kelly
Kelly Law Offices
7975 Stone Creek Dr. Suite 120,
Chanhassen, MN 55317

RE: **Larson Property / 5220 Meadville St., Greenwood, MN 55331**
Our File No.: 14693

Dear Mr. Kelly:

As you may recall, this office represents Laura and Mark Larson with respect to the above-referenced property, and the drainage easement recently proposed by the City of Greenwood.

That easement is for the location of a drainage ditch that was altered last year to alleviate flooding on Meadville Street. Unfortunately the ditch, as modified, has worsened the drainage situation in the area, in that it allows an increased amount of standing water to accumulate on my client's property. This appears to be a grading issue.

My clients are open to the concept of granting an easement to the City, but I have advised them it would not be wise to do so until repairs to the ditch have been made which allow for proper drainage.

Let me know how the City feels this situation can best be corrected. We look forward to arriving at a solution that is beneficial to all concerned.

Thank you very much,

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'S. Lucas', written in a cursive style.

Scott M. Lucas

SML/
CC: Client



Agenda Number: **9A**

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: 1st Reading of Ordinance 263, Regarding Sex Offenders

Summary: While reading a 10-21-16 news article regarding the placement three sex offenders in a group home in the city of Dayton, Chief Meehan noticed this comment:

“O’Brian says the MSOP [Minnesota Sex Offender Program] has admitted to him that they purposefully look for cities without an ordinance that restricts where sex offenders can live to open these facilities.”

Here is a link to the full story:

<http://kstp.com/news/three-sex-offenders-minnesota-sex-offender-program-dayton-release/4297390/?cat=1>

If accurate, the quote from the MSOP indicates that communities without an ordinance restricting where a sex offender can reside are more likely to have sex offenders placed in their community. As of 07-01-16, 39 communities in Minnesota have ordinances which regulate where a level 3 sex offender can reside.

Chief Meehan recommends that each of the four South Lake Minnetonka Police Department cities (Excelsior Greenwood, Shorewood, and Tonka Bay) adopt an ordinance regulating where a level-3 sex offender can reside. He said that common language and restrictions would make enforcement easier and he sent a link to the city of Albertville's sexual offender / sexual predators ordinance. According to Chief Meehan, Albertville's ordinance is one of the most restrictive in the state.

For the city council's consideration, attached is an ordinance based on the Albertville ordinance.

Timeline:

- 11-02-16 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 11-03-16 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 11-10-16 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 12-07-16 City council considers 2nd reading of the ordinance (may make revisions).
- 12-08-16 The ordinance is submitted to the Sun-Sailor for publication.
- 12-15-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

Council Action: None required. Potential motions ...

1. I move the city council (1) approves the 1st reading of ordinance 263 adding ordinance code section 925 regarding sexual offenders and sexual predators as written / as amended; (2) waives the 2nd reading; (3) approves resolution 42-16 a summary of ordinance 263; and (4) directs staff to publish resolution 42-16 in the city's official newspaper.
2. I move the city council (1) approves the 1st reading of ordinance 263 adding ordinance code section 925 regarding sexual offenders and sexual predators as written / as amended; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading.
3. Do nothing (maintain current ordinance) 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. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. 4/5ths vote is required for publishing a summary of an ordinance. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 9 TO ADD SECTION 925
REGARDING SEXUAL OFFENDERS AND SEXUAL PREDATORS**

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

SECTION 1.

Greenwood ordinance code chapter 9 is amended to revise the chapter headline to read as follows:

“CHAPTER 9: PUBLIC SAFETY & NUISANCES”

SECTION 2.

Greenwood ordinance code chapter 9 is amended to add the following section:

“SECTION 925. SEXUAL OFFENDERS AND SEXUAL PREDATORS.

Section 925.00. Findings & Intent.

Subd. 1. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

Subd. 2. It is the intent of this ordinance to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

Section 925.10. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Designated Offender: Any person who has been convicted of a designated sexual offense, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, or has been categorized as a level III sex offender under Minnesota statutes section 244.052 or successor statute.

Designated Sexual Offense: A conviction, adjudication of delinquency, commitment under Minnesota statutes chapter 253B, or admission of guilt under oath without adjudication involving any of the following offenses: Minnesota statutes sections: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.23; 617.246; 617.247; 617.293; successor statutes; or a similar offense from another state.

Permanent Residence: A place where the person abides, lodges, or resides for 14 or more consecutive days.

Temporary Residence: A place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Section 925.20. Residence Prohibition, Activity Prohibition, Penalties, Exceptions.

Subd. 1. Prohibited Location of Residence: It is unlawful for any designated offender to establish a permanent residence or temporary residence 1) within 1000 feet of any school, licensed daycare center, park, or playground; or 2) within 1000 feet of any place of worship which provides regular educational programs (e.g. Sunday school), or other places where children are known to congregate.

Subd. 2. Prohibited Activity: It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt

from this subsection.

Subd. 3. Measurement of Distance: For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, daycare center, park, playground, place of worship, or other place where children regularly congregate.

Subd. 4. Penalties: Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in chapter 12 this code book. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.

Subd. 5. Exceptions: A designated offender residing within a prohibited area as described in subd. 1 of this section does not commit a violation of this section if any of the following applies:

1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota statutes sections 243.166, 243.167, or successor statute, prior to November 10, 2016.
2. The person was a minor when he / she committed the offense and was not convicted as an adult.
3. The person is a minor.
4. The school or daycare center within 1000 of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota statutes section 243.166 or 243.167.
5. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children.
6. The residence is a property owned or leased by the Minnesota department of corrections.

Section 925.30. Renting Real Property, Penalties.

Subd. 1. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to section 925, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in section 925.20 subd. 1.

Subd. 2. A property owner's failure to comply with provisions of this section shall constitute a violation of this section.

Subd. 3. If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager may evict the offender.

Section 925.40. Severability.

Should any section, subdivision, clause or other provision of this chapter be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of this chapter as a whole, or of any part thereof, other than the part held to be invalid.

SECTION 3.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016

RESOLUTION 42-16

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 263 BY TITLE AND SUMMARY**

WHEREAS, on _____, 2016 the city council of the city of Greenwood adopted "Ordinance 263 Amending Greenwood Ordinance Code Chapter 9 to Add Section 925 Regarding Sexual Offenders and Sexual Predators."

WHEREAS, the city council has prepared a summary of ordinance 263 as follows:

1. The city council finds that repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
2. It is the intent of this ordinance to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.
3. The ordinance establishes residence prohibition, activity prohibition, penalties, and exceptions. The ordinance also regulates renting real property.

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 263 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 263 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 _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

CITY OF GREENWOOD

Debra J. Kind, Mayor
Attest: Dana H. Young, City Clerk
First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016



Agenda Number: 9B

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: 1st Reading of Ordinance 264 Regarding Salaries of Elected Officials

Summary: Like Deephaven, Greenwood city council and mayor salaries have not changed for over 20 years. Recently, the Deephaven city council increased the salary of the mayor to from \$300 to \$600 per month and the salary of each Councilmember from \$200 to \$400 per month to more accurately compensate the city's elected officials for their time spent conducting the city's business. At the 10-05-16 council meeting, the Greenwood city council directed the salary topic be included on the 11-02-16 agenda for discussion.

Minnesota State Statute requires the salaries of the mayor and councilmembers to be established by ordinance in an amount that the council deems "reasonable." No change in salary shall take effect until after the next succeeding municipal election.

Edina and Plymouth elected officials receive automatic annual raises tied to the Consumer Price Index.

For the council's reference, attached is a list of salaries of local elected officials compiled by the city clerk and a proposed ordinance for the council's consideration.

Instead of an increase that is revisited every 20+ years, the attached proposed ordinance includes a salary increase, plus annual increases tied to the Consumer Price Index. To maintain a 0% tax levy increase in 2017, the salary increase could be covered by moving money from the contingency line item in the 2017 budget.

Timeline:

- 11-02-16 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 11-03-16 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 11-10-16 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on 01-01-17).
- 12-07-16 City council considers 2nd reading of the ordinance (may make revisions).
- 12-08-16 The ordinance is submitted to the Sun-Sailor for publication.
- 12-15-16 The ordinance is published in the Sun-Sailor (goes into effect on 01-01-17).

Council Action: None required. Potential motions ...

1. I move the city council (1) approves the 1st reading of ordinance 264 amending ordinance code section 115 as written / as amended; (2) waives the 2nd reading; and (3) directs staff to publish the ordinance in the city's official newspaper.
2. I move the city council (1) approves the 1st reading of ordinance 264 amending ordinance code section 115 as written / as amended; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading.
3. Do nothing (maintain current salaries) 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. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. 4/5ths vote is required for publishing a summary of an ordinance. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.

From: Dana Young danayoung@mchsi.com
Subject: Council Salary Survey
Date: October 6, 2016 at 2:17 PM
To: Debra Kind dkind100@gmail.com



Deb,

Here are the results of the annual salary survey of Mayor & Council salaries:

<u>City</u>	<u>Mayor</u>	<u>City Council</u>
Deephaven	\$7,200	\$4,800
Excelsior	\$3,600	\$2,400
Greenwood	\$3,600	\$2,400
Minnetonka Beach	\$0	\$0
Orono	\$4,200	\$3,500
Shorewood	\$5,000	\$3,900
Spring Park	\$4,800	\$3,600
Tonka Bay	\$1,200	\$900

Regards,

Dana Young
City of Deephaven

Strikethrough = Deleted Text
Underline = New Text

ORDINANCE NO. 264

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 115 REGARDING SALARIES OF ELECTED OFFICIALS**

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

SECTION 1.
Greenwood ordinance code section 115 is amended to read as follows:

**“SECTION 115. REMUNERATION OF CITY OFFICIALS AND PERSONNEL.
SALARIES OF ELECTED CITY OFFICIALS.”**

Section 115.00. City Officials. Salaries of Elected City Officials.

Subd. 1. ~~Remuneration~~ The salaries of elected city officials shall be set by the council ~~from time to time~~ and listed in the city ordinance code for public reference.

Subd. 2. Mayor's Salary: Beginning January 1, 2017, the salary of the mayor of the city of Greenwood shall ~~hereafter be \$300~~ \$450 per month.

Subd. 3. City Councilmember Salaries: Beginning January 1, 2017, the salary of the council ~~persons~~ members of the city of Greenwood shall ~~hereafter be \$200~~ \$300 per month.

Subd. 4. Annual Salary Increases: Beginning January 1, 2018, the mayor's and city councilmembers' salaries shall increase annually each January 1 by the percentage indicated by the Bureau of Labor Statistics (www.bls.gov) Midwest Region's Consumer Price Index for All Urban Customers (CPI-U) 1-year September to September information available in October of each year. For instance, if the Bureau of Labor Statistics shows the CPI-U for the Midwest increased 1.1% from September 2016 to September 2017, the mayor's and councilmembers' salary increase will be 1.1% in 2018.”

SECTION 2.
Effective Date. This ordinance shall be effective January 1, 2017 according to law.

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

CITY OF GREENWOOD
Debra J. Kind, Mayor
Attest: Dana H. Young, City Clerk
First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016



Agenda Number: **9C**

Agenda Date: **11-02-16**

Prepared by *Deb Kind*

Agenda Item: Ord 265 Amendments to Garage Sales and Showcase Events Ordinance and Summary Res 43-16

Summary: In 2016, the logistical and clarity concerns regarding the city's garage sale and showcase event ordinance were observed. The attached ordinance addresses the following ...

- A. The old ordinance said, "Showcase Events may be held Thursdays through Sundays over a consecutive 3-week period." Some showcase events are for 5 weekends, others are much shorter. To allow flexibility, the timeframe in section 450.10 subd. 1 was changed to "up to a maximum of 5 consecutive weeks."
- B. The rules regarding items to be sold at garage sales were not spelled out in the limits section of the ordinance. Section 450.10 subd. 2 now includes language stating, "Goods to be sold at garage sales must be personal property and may not include new goods purchased specifically for the sale."
- C. To allow for a more reasonable timeframe for Showcase Event permits, section 450.15 subd 1 was amended to change the lead time to be 10 days prior to the preceding city council meeting instead 60 days prior to the event date. And section 425.25 subd. 2 was amended to remove language about the city council "continuing" the public hearing by up to 60 days.
- D. To allow for a more reasonable timeframe for Garage Sale permits, the ordinance changes the process to be done administratively by the city clerk with 48-hours lead time.
- E. The previous ordinance included both "calendar year" and "12-month period" in reference to counting the number of garage sales. To be consistent, all references now refer to "calendar year."
- F. Language regarding the applicant contacting the police department were removed, since the city (not the applicant) contacts the police department for comments and potential conditions.
- G. A certificate of general liability is not necessary for garage sales, so this was removed as a requirement for a garage sale permit.
- H. To allow for the selling of personal property that has never been used at Garage Sales, language regarding items needing to be used was removed from section 450.25.
- I. To allow for neighborhood Garage Sales, language stating the personal property needs belong to the owner or owner's family was removed from section 450.25.
- J. Other organizational changes were made to make the ordinance more clear.

Timeline:

- 11-02-16 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 11-03-16 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 11-10-16 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 12-07-16 City council considers 2nd reading of the ordinance (may make revisions).
- 12-08-16 The ordinance is submitted to the Sun-Sailor for publication.
- 12-15-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

Council Action: None required. Potential motions ...

1. I move the city council (1) approves the 1st reading of ordinance 265 amending ordinance code section 450 regarding garage sales and showcase events as written / as amended; (2) waives the 2nd reading; (3) approves resolution 43-16 a summary of ordinance 265; and (4) directs staff to publish resolution 43-16 in the city's official newspaper.
2. I move the city council (1) approves the 1st reading of ordinance 265 adding ordinance code section 450 regarding garage sales and showcase events as written / as amended; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading.
3. Do nothing (maintain current ordinance) 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. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. 4/5ths vote is required for publishing a summary of an ordinance. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 450
REGARDING GARAGE SALES AND SHOWCASE EVENTS**

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

SECTION 1.

Greenwood ordinance code section 450 is amended to read as follows:

“SECTION 450. GARAGE SALES AND SHOWCASE EVENTS.

Section 450.00. Purpose and Objectives.

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

Section 450.05. Definitions.

See chapter 12 for definitions.

Section 450.10. Limits on Garage Sales and Showcase Events.

Subd. 1. Showcase Events may be held Thursdays through Sundays up to a maximum of 5 consecutive weeks. Applicants are limited to obtaining one showcase event permit per calendar year at the same street address.

Subd. 2. Garage Sales may be held Thursdays through Sundays over a single weekend period. Any given residential property may be host to a single garage sale each year without a permit first required. Thereafter, a permit is required to host a second garage sale in the same calendar year at the same street address. A total of two garage sales per calendar year may be held at the same street address. Goods to be sold at garage sales must be personal property and may not include new goods purchased specifically for the sale.

Section 450.40.15. Permits Required.

Subd. 1. Showcase Events. No showcase event may occur at a residential property unless a showcase event permit has been first procured from the city. A person seeking issuance of a permit shall file an application with the city. The application shall be accompanied by the fee listed in chapter 5 of this code book. To ensure an orderly approval process, a permit application must be filed at least 10 days prior to the city council meeting date preceding the first date of the showcase event. The application shall set forth all such information as the city shall find necessary to properly evaluate the application. Failure to file a complete application in a timely manner is grounds for denial of the permit.

Subd. 2. Garage Sales. In the event a given residential property has been the site of a garage sale at anytime in the calendar year, a second garage sale may occur at such residential property in the same calendar year only if a garage sale permit has been first procured from the city. A person seeking issuance of a permit shall file an application with the city. The application shall be accompanied by the fee listed in chapter 5 of this code book. To ensure an orderly approval process, a permit application should be filed at least 2 days before the first date of the garage sale. The application shall set forth all such information as the city shall find necessary to properly evaluate the application. Failure to file a complete application in a timely manner may be grounds for denial of the permit.

Section 450.20. Required Submittal Information.

Subd. 1. Showcase Events.

- (a) Dates of proposed showcase event.
- (b) A site plan that identifies buildings, driveways, local streets, parking locations for employees and the public, temporary structures, temporary restrooms, any cordoned off area(s), and the location of all proposed on-site and off-site signage.
- (c) Proposed shuttle pick-up point and route to the showcase property.
- (d) A Certificate of General Liability Insurance – The applicant shall provide public liability insurance in the amounts determined by the city council and set forth in chapter 5 of this code book. The city, its agents and employees must be named as additional insured.

Subd. 2. Garage Sales.

- (a) Dates of proposed garage sale.
- (b) Number of garage sales held at the residential site in the past calendar year.
- (c) Certification that the goods to be sold at the garage sale are personal property and do not include goods purchased specifically for the sale.
- (d) A site plan that identifies buildings, driveways, local streets, parking locations for the public, and the location of all proposed on-site and off-site signage whether for parking, advertising, and or directions.

Section 450.25. Showcase Event Permit Procedure.

Subd. 1. Notice. The city shall send mailed notice of the date of the council meeting at which the application will be heard at least 10 days before the meeting. The notice will be published in the official city newspaper and mailed to all property owners within 350 feet of the property in which the proposed showcase event is to be held. The cost for mailing and publication of the notice shall be paid by the applicant.

Subd. 2. Public Hearing. The council shall hold a public hearing on the application at any regularly scheduled or special meeting.

Subd. 3. Council Considerations. The city council shall consider the following criteria before issuing a permit:

- (a) the showcase event will not endanger the public health, safety or general welfare of its residents; and
- (b) the showcase event will not cause undue traffic hazards, congestion or parking shortages; and
- (c) the showcase event will not impose an excessive burden on the city or its residents or cause damage to private property, parks, streets, rights-of-way, or other public property.

Subd. 4. Council Decision. After the public hearing, the council will grant or deny the application by resolution. The resolution shall be supported by specific findings of fact. If a permit is approved, the resolution also shall include any specific conditions imposed in connection with the issuance of the permit that the council deems necessary for protection of the public health, safety, or welfare including limitations on hours, traffic routing, and parking.

Section 450.27. Garage Sale Permit Procedure.

The city clerk shall review the garage sale permit application. If the application is complete and complies with the limits set forth in section 450.10 subd. 2, the clerk shall issue the garage sale permit. Such permit may include specific conditions imposed that the city clerk deems necessary for protection of the public health, safety, or welfare including limitations on hours and parking.

Section 450.35. Conditions.

The city may impose additional conditions upon the permit holder as deemed necessary for the protection of the public including the properties located in the vicinity of the showcase event or garage sale and to ensure compliance with the requirements of this section.”

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 _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

CITY OF GREENWOOD

Debra J. Kind, Mayor
Attest: Dana H. Young, City Clerk
First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016

Strikethrough = Deleted Text
Double Underline = New Text

ORDINANCE NO. 265

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 450
REGARDING GARAGE SALES AND SHOWCASE EVENTS**

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

SECTION 1.

Greenwood ordinance code section 450 is amended to read as follows:

“SECTION 450. GARAGE SALES AND HOME SHOWCASE EVENTS.

Section 450.00. Purpose and Objectives.

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

Section 450.05. Definitions.

See chapter 12 for definitions.

Section 450.45.10. Limits on Garage Sales and Showcase Events.

Subd. 1. Showcase Events may be held Thursdays through Sundays ~~over a consecutive 3-week period~~ up to a maximum of 5 consecutive weeks. Applicants are limited to obtaining one showcase event permit per calendar year at the same street address.

Subd. 2. Garage Sales may be held Thursdays through Sundays over a single weekend period. Any given residential property may be host to a single garage sale each year without a permit first required. Thereafter ~~permits are~~ a permit is required to host a second garage sale in the same calendar year at the same street address. Applicants are limited to ~~obtaining one garage sale permit~~ A total of two garage sales per calendar year may be held at the same street address. Goods to be sold at garage sales must be personal property and may not include new goods purchased specifically for the sale.

Section 450.40.15. Permits Required.

Subd. 1. Showcase Events. No showcase event may occur at a residential property unless a showcase event permit has been first procured from the city. A person seeking issuance of a permit shall file an application with the city. The application shall be accompanied by the fee listed in chapter 5 of this code book. To ensure an orderly approval process, a permit application must be filed ~~not less than 60 days before~~ at least 10 days prior to the city council meeting date preceding the first date of the showcase event. The application shall set forth all such information as the city shall find necessary to properly evaluate the application. Failure to file a complete application in a timely manner is grounds for denial of the permit.

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

Section 450.25.20. Required Submittal Information.

Subd. 1. Showcase Events.

(a) Dates of proposed showcase event.

- ~~(a) (b)~~ A site plan that identifies buildings, driveways, local streets, parking locations for employees and the public, temporary structures, temporary restrooms, any cordoned off area(s), and the location of all proposed on-site and off-site signage.
- (a) ~~(c)~~ Proposed shuttle pick-up point and route to the showcase property.
- ~~(c)~~ A letter of approval from the police department stating that all of their conditions have been met.
- (d) A Certificate of General Liability Insurance – The applicant shall provide public liability insurance in the amounts determined by the city council and set forth in chapter 5 of this code book. The city, its agents and employees must be named as additional insured.

Subd. 2. Garage Sales.

(a) Dates of proposed garage sale.

- ~~(a) (b)~~ Number of garage sales held at the residential site in the past calendar year ~~3 years~~.
- ~~(b) (c)~~ Whether Certification that the goods to be sold at the garage sale are used personal property of the owner and owner's family or and do not include new goods or goods purchased specifically for the sale at the proposed garage sale.
- ~~(e) (d)~~ A site plan that identifies buildings, driveways, local streets, parking locations for the public, and a parking management plan and the location of all proposed on-site and off-site signage whether for parking, advertising, and or directions.
- ~~(d)~~ A letter of approval from the police department stating that all of their conditions have been met.
- ~~(e)~~ A certificate of general liability insurance. The applicant shall provide public liability insurance in the amounts determined by the city council and set forth in chapter 5 of this code book. The city, its agents and employees must be named as additional insured.

Section 450.20-25. Showcase Event Permit Procedure.

Subd. 1. Notice. The city shall send mailed notice of the date of the council meeting at which the application will be heard at least 10 days before the meeting. The notice will be published in the official city newspaper and mailed to all property owners within 350 feet of the property in which the proposed showcase event or garage sale is to be held. The cost for mailing and publication of the notice shall be paid by the applicant.

Subd. 2. Public Hearing. The council shall hold a public hearing on the application at any regularly scheduled or special meeting. ~~The public hearing may be continued after this first regular meeting to a subsequent regular or special meeting, but the continuance may not be more than 60 days after the first regular meeting at which the application was heard.~~

Subd. 3. Council Considerations. The city council shall consider the following criteria before issuing a permit:

- (a) the showcase event will not endanger the public health, safety or general welfare of its residents; and
- (b) the showcase event will not cause undue traffic hazards, congestion or parking shortages; and
- (c) the showcase event will not impose an excessive burden on the city or its residents or cause damage to private property, parks, streets, rights-of-way, or other public property.

Subd. ~~3.4~~ Council Decision. After the public hearing, the council will grant or deny the application by resolution. The resolution shall be supported by specific findings of fact. If a permit is approved, the resolution also shall include any specific conditions imposed in connection with the issuance of a showcase event or garage sale the permit that the council deems necessary for protection of the public health, safety, or welfare including limitations on hours, ~~and~~ traffic routing, and parking regulations.

Section 450.27. Garage Sale Permit Procedure.

The city clerk shall review the garage sale permit application. If the application is complete and complies with the limits set forth in section 450.10 subd. 2, the clerk shall issue the garage sale permit. Such permit may include specific conditions imposed that the city clerk deems necessary for protection of the public health, safety, or welfare including limitations on hours and parking.

Section 450.30. Review and Approval Process.

The city shall consider the following criteria before issuing a permit:

- ~~(a) the showcase event or garage sale will not endanger the public health, safety or general welfare of its residents; and~~
- ~~(b) the showcase event or garage sale will not cause undue traffic hazards, congestion or parking shortages; and~~
- ~~(c) the showcase event or garage sale will not impose an excessive burden on the city or its residents or cause damage to private property, parks, streets, rights-of-way, or other public property.~~

Section 450.35. Conditions.

The city may impose additional conditions upon the permit holder as deemed necessary for the protection of the public including the properties located in the vicinity of the showcase event or garage sale and to ensure compliance with the requirements of this section.”

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 _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Dana H. Young, City Clerk

First reading: _____, 2016

Second reading: _____, 2016

Publication: _____, 2016

RESOLUTION 43-16

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 265 BY TITLE AND SUMMARY**

WHEREAS, on _____, 2016 the city council of the city of Greenwood adopted "Ordinance 265 Amending Greenwood Ordinance Code Section 450 Regarding Garage Sales and Showcase Events."

WHEREAS, the city council has prepared a summary of ordinance 265 as follows:

1. The purpose of this ordinance is to update the previous ordinance to address logistical and clarity concerns.
2. The limits for showcase events was revised to say, "Showcase events may be held Thursdays through Sundays up to a maximum of 5 consecutive weeks. Applicants are limited to obtaining one showcase event permit per calendar year at the same street address."
3. The limits for garages sales was revised to say, "Garage sales may be held Thursdays through Sundays over a single weekend period. Any given residential property may be host to a single garage sale each year without a permit first required. Thereafter, a permit is required to host a second garage sale in the same calendar year at the same street address. A total of two garage sales per calendar year may be held at the same street address. Goods to be sold at garage sales must be personal property and may not include new goods purchased specifically for the sale."
4. To allow for a more reasonable timeframe for Showcase Event permits, the ordinance was amended to change the lead time to be 10 days prior to the preceding city council meeting instead 60 days prior to the event date, and language about the city council "continuing the public hearing by up to 60 days" was removed.
5. To allow for a more reasonable timeframe for garage sale permits, the ordinance changes the process to be done administratively by the city clerk with 48-hours lead time.
6. The previous ordinance included both "calendar year" and "12-month period" in reference to counting the number of garage sales. To be consistent, all references now refer to "calendar year."
7. Language regarding the applicant contacting the police department was removed, since the city (not the applicant) contacts the police department for comments and potential conditions.
8. A certificate of general liability is not necessary for garage sales, so this language was removed as a requirement for a garage sale permit.
9. Other organizational changes were made to make the ordinance more clear.

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 265 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 265 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 _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

CITY OF GREENWOOD

Debra J. Kind, Mayor
Attest: Dana H. Young, City Clerk
First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016



Agenda Number: 9D

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: Ordinance Concept Regarding Residential Zones and Regulations Based on Lot Size

Summary: Councilman Cook requested this item be included on the 11-02-16 city council agenda for discussion. Councilman Cook will present his concept at the council meeting.

Council Action: None required.



Agenda Number: 9E

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: Coyote Update

Summary: Councilman Cook requested this item to be included on the 11-02-16 city council agenda. Councilman Cook will present a report at the council meeting.

Council Action: None required.



Agenda Number: 9F

Agenda Date: 11-02-16

Prepared by Deb Kind

Agenda Item: Metropolitan Council Reform

Summary: Councilman Fletcher requested this item to be included on the 11-02-16 city council agenda for discussion.

Council Action: None required. Potential motions ...

1. I move the city council authorizes Councilman Fletcher to complete the survey regarding Metropolitan Council reform on behalf of the Greenwood city council.
2. Do nothing or other motion ???

October 20, 2016

To Whom It May Concern:

You may recall receiving a save-the-date from us last month for two upcoming meetings to develop a legislative bill to reform the Metropolitan Council. With recent developments surrounding the Southwest Light Rail line we are more excited than ever to come together to develop a workable proposal for a Metropolitan Council that is truly accountable to metro-area residents.

And so we would like to reiterate our invitation for one representative of your city to attend two work sessions, taking place on:

Wednesday, November 16
5:00 to 8:00 PM
Metropolitan Mosquito Control
District
2099 University Ave. W
St. Paul, MN 55104

Wednesday, December 14
5:00 to 8:00 PM
Metropolitan Mosquito Control
District
2099 University Ave. W
St. Paul, MN 55104

Light refreshments will be served.

We are also attaching materials to review before the meeting, including a chart of potential reform options. The chart is by no means comprehensive; it is intended as a starting point for discussion.

Even if you do not plan on attending the meeting, we would like to hear your opinions on the options laid out in this chart. **We would appreciate if you could complete [this survey](#) by Friday, November 11.**

An appendix to the chart is also attached, with aspects of Metropolitan Council reform that are not addressed in the chart, but that we may want to address in the final legislative proposal; we will discuss both the chart and the appendix at our first meeting.

Thank you again for your interest in reform, and we look forward to seeing you or another representative from your city on November 16. **Please contact Claire Pritchard at Claire.Pritchard@co.dakota.mn.us or at 651.438.4540 to confirm your city's participation (if you have not already done so) or send regrets.**

Regards,



Rhonda Sivarajah
Anoka County Board of Commissioners



Matt Look
Anoka County Board of Commissioners



Scott Schulte
Anoka County Board of Commissioners



Randy Mafuchnik
Carver County Board of Commissioners



Tom Workman
Carver County Board of Commissioners



Nancy Schouweiler
Dakota County Board of Commissioners



Liz Workman
Dakota County Board of Commissioners



Chris Gerlach
Dakota County Board of Commissioners



Mike Beard
Scott County Board of Commissioners



Jon Ulrich
Scott County Board of Commissioners



Agenda Number: **11A-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 are included in the hard copy of the full council packet and in the electronic version of the packet available at www.greenwoodmn.com.

Council Action: None required.

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	9/15/2016 ▾
End Date	10/15/2016 ▾
Report Name	Page Views (Default) ▾
<input type="button" value="Get Report"/>	

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	5722	54.35%
Agendas, Minutes, Meeting Packets	612	5.81%
RFPs & Bids	498	4.73%
Planning Commission	321	3.05%
City Departments	303	2.88%
Assessments & Taxes	261	2.48%
Budget & Finances	253	2.4%
Welcome to Greenwood	245	2.33%
Code Book of Ordinances	183	1.74%
Mayor & City Council	146	1.39%
Garbage & Recycling	135	1.28%
Forms, Permits, Licenses	118	1.12%
Photo Gallery	104	0.99%
Elections, Voting	95	0.9%
Spring Clean-Up Day	79	0.75%
St. Alban's Bay Lake Improvement District	70	0.66%
Public Safety Alerts	66	0.63%
Comp Plan & Maps	65	0.62%
Meetings on TV	65	0.62%
Old Log Events	64	0.61%
Meetings	64	0.61%
Lake Minnetonka	61	0.58%
Emergency Preparedness	60	0.57%
Parks, Trails & Watercraft Amenities	60	0.57%
City Newsletters	59	0.56%

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.

Sewer, Stormwater, Water, Garbage, Recycling	58	0.55%
Watercraft Spaces	57	0.54%
Email Sign-Up	54	0.51%
Agendas, Minutes, Meetings	52	0.49%
Coyotes & Animal Services	52	0.49%
Links	50	0.47%
Well Water	46	0.44%
Community Surveys	43	0.41%
Tree Contractors	41	0.39%
Swiffers NOT Flushable	39	0.37%
Search Results	38	0.36%
Finances, RFPs, Taxes, Assessments	38	0.36%
Smoke Testing	35	0.33%
Fire Department	34	0.32%
July 4th	32	0.3%
Luck O' the Lake	29	0.28%
Tour de Tonka	28	0.27%
Southshore Center	28	0.27%
News, Events	26	0.25%
Recreation, Amenities	24	0.23%
---	12	0.11%
Unsubscribe	3	0.03%
TOTAL	10528	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	914	28.88%
City Departments	205	6.48%
Agendas, Minutes, Meeting Packets	158	4.99%
Welcome to Greenwood	141	4.45%
Planning Commission	91	2.88%
Mayor & City Council	89	2.81%
Assessments & Taxes	87	2.75%
Code Book of Ordinances	70	2.21%
Budget & Finances	68	2.15%
Elections, Voting	66	2.09%
Forms, Permits, Licenses	62	1.96%
Photo Gallery	60	1.9%
RFPs & Bids	58	1.83%
St. Alban's Bay Lake Improvement District	55	1.74%
Garbage & Recycling	53	1.67%
Emergency Preparedness	49	1.55%
Comp Plan & Maps	46	1.45%
Lake Minnetonka	45	1.42%
Meetings on TV	43	1.36%
Parks, Trails & Watercraft Amenities	43	1.36%
Agendas, Minutes, Meetings	41	1.3%
Email Sign-Up	40	1.26%
Public Safety Alerts	40	1.26%
Spring Clean-Up Day	37	1.17%
Community Surveys	37	1.17%
Meetings	37	1.17%
Watercraft Spaces	37	1.17%
Coyotes & Animal Services	37	1.17%
Links	35	1.11%
Sewer, Stormwater, Water, Garbage, Recycling	32	1.01%
Smoke Testing	31	0.98%
Finances, RFPs, Taxes, Assessments	30	0.95%

Old Log Events	30	0.95%
Tree Contractors	29	0.92%
Well Water	29	0.92%
City Newsletters	26	0.82%
Fire Department	26	0.82%
Swiffers NOT Flushable	25	0.79%
Tour de Tonka	24	0.76%
Luck O' the Lake	24	0.76%
News, Events	23	0.73%
Recreation, Amenities	23	0.73%
Southshore Center	21	0.66%
Search Results	19	0.6%
July 4th	17	0.54%
---	9	0.28%
Unsubscribe	3	0.09%
TOTAL	3165	100%

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

Done



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

Summary: The attached items are included in the council packet for the council's information (FYI) only. FYI items typically include planning commission minutes and other items of interest to the council. When the agenda is approved at the beginning of the meeting, any council member may request to move an FYI item to the regular agenda for further discussion. Moved items will be placed under Other Business on the agenda.

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



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL OFFICE
500 LAFAYETTE ROAD, BOX 25
SAINT PAUL, MN 55155
651-296-6157
888-646-6367

October 21, 2016

Mr. John Devine
FEMA – Region 5
536 Clark Street South
Chicago, IL 60605

Dear Mr. Devine,

FINAL STATE APPROVAL OF FLOODPLAIN ORDINANCE FOR CITY OF GREENWOOD, HENNEPIN COUNTY

The Minnesota Department of Natural Resources Floodplain Unit has been assisting communities in Hennepin County to update their floodplain ordinances by November 4, 2016. This is the effective date of the updated Flood Insurance Study and Flood Insurance Rate Map for all communities in Hennepin County. It is my pleasure to provide a certified copy of the updated floodplain ordinance for the City of Greenwood that was adopted on October 5, 2016 and became effective October 13, 2016 (date of publication).

I have also included the affidavit of publication and the ordinance certification checklist. The final adopted ordinance is consistent with the draft ordinance that was conditionally approved on August 4, 2016. This ordinance is in compliance with state floodplain management standards and, to the best of my knowledge, is in compliance with the floodplain management standards of the Federal Emergency Management Agency. Should you have any questions on this matter, please contact me at (651) 259-5713 or ceil.strauss@state.mn.us.

Sincerely,
DNR Ecological & Water Resources

Ceil Strauss
State Coordinator, National Flood Insurance Program

Enclosures

cc: Hon. Mayor Deb Kind, City of Greenwood (letter only)
ec: Dale Cooney, Zoning Administrator – City of Greenwood
Terri Yearwood, DNR Eco-Waters' Regional Manager
Jeanne Daniels, DNR Eco-Waters' District Manager
Kate Drewry, Area Hydrologist