Greenwood City Council Worksession

6 PM, Tuesday, April 5, 2011
20225 Cottagewood Road ~ Deephaven, MN 55331 ~ 952-474-6633

AGENDA

In accordance with open meeting laws, members of the public are welcome to view this meeting, but there will be no opportunity for the public to participate.

6:00 PM	1.	CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
6:00 PM	2.	PRE-BOARD DISCUSSION WITH HENNEPIN COUNTY ASSESSORS
6:50 PM	3.	ADJOURNMENT

Greenwood City Council Meeting

7 PM, Tuesday, April 5, 2011
20225 Cottagewood Road ~ Deephaven, MN 55331 ~ 952-474-6633

AGENDA

Welcome! You are invited to address the council regarding any agenda item. If your topic is not on the agenda, you may speak during Matters from the Floor. Reminder: please turn off cell phones and pagers.

7:00 PM 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

7:00 PM 2. CONSENT AGENDA

Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business.

A. Recommendation: Approve 03-01-11 Council Minutes
B. Recommendation: Approve February Cash Summary Report
C. Recommendation: Approve March Verifieds and Check Register
D. Recommendation: Approve April Payroll Register

7:05 PM 3. MATTERS FROM THE FLOOR

This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to three minutes.

7:10 PM 4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

A. Announcement: Local Board of Appeal & Equalization Meeting, 6 PM, April 14, 2011

7:10 PM 5. PUBLIC HEARINGS

A. None

7:10 PM 6. UNFINISHED BUSINESS

A. 2nd Reading: Ordinance 193 Amendments to Code Sections 1140 General Regulations, 1140.45 Parking Requirements, and 510 Fees
B. Consider: Resolution 10-11 Summary of Ordinance 193 for Publication
C. Discuss: Greenwood Park Beautification

7:20 PM 7. NEW BUSINESS

A. Discuss: Xcel Energy Project

7:30 PM 8. OTHER BUSINESS

A. None

7:30 PM 9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Milfoil, Lake Minnetonka Communications Commission
B. Page: Lake Minnetonka Conservation District
C. Quam: Roads & Sewer, St. Alban's Bay Bridge, Minnetonka Community Education
D. Rose: Excelsior Fire District

7:45 PM 10. ADJOURNMENT

Agenda times are approximate. Every effort will be made to keep the agenda on schedule.

Greenwood
City on the Lake

Agenda Number	**2A-D**
Agenda Date	04-05-11

Agenda Item	Consent Agenda
Summary	The following is a brief summary of this agenda item: The consent agenda includes the most recent council minutes, cash summary report, verifieds report, and check registers. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.
Council Action	Recommended Motion: I move that the council approve the consent agenda items as presented in the 04-05-11 council packet.

GREENWOOD CITY COUNCIL MEETING
Tuesday, March 1, 2011, 7:00 P.M.
Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

1. CALL TO ORDER – ROLL CALL – APPROVAL OF AGENDA

Mayor Kind called the meeting to order at 7:00 P.M.

Members Present: Mayor Kind; Councilmembers Fletcher, Page, Quam and Rose

Others Present: City Attorney Kelly; City Zoning Administrator/City Clerk Karpas; and, City Engineer Martini (departed the meeting at 7:42 P.M.)

Members Absent: None

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

2. CONSENT AGENDA

Quam moved, Fletcher seconded, approving the items contained on the Consent Agenda.

A. February 1, 2011, City Council Meeting Minutes (This was moved to Item 8.A under Other Business.)

B. January 2010 Cash Summary Report

C. February 2011 Verifieds and Check Register

D. March 2011 Payroll Register

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

A. Recognition for Outgoing Planning Commissioners Mark Spiers and Todd Palmberg

On behalf of the Council and the residents of Greenwood, Mayor Kind thanked Mark Spiers for his five years of service as a Planning Commissioner. Kind read Resolution No. 07-11 which recognizes Mr. Spiers' contributions and designates March 1, 2011, as Mark Spiers Day in the City of Greenwood. She presented Mr. Spiers with a framed copy of the Resolution and his name plate.

Page moved, Fletcher seconded, Adopting <u>RESOLTUION NO. 07-11</u>, "A Resolution Recognizing the Planning Commission Contributions of Mark Spiers" subject to the effective date of the resignation being changed to March 2011. Motion passed 5/0.

Todd Palmberg was not present at the meeting to receive his name plate and a framed copy of Resolution No. 08-11 which recognizes his contributions during his four years of service as a Planning Commissioner and designates March 2, 2011, as Todd Palmberg Day in the City of Greenwood. On behalf of the Council and the residents of Greenwood, Mayor Kind thanked Mr. Palmberg for his service.

Fletcher moved, Quam seconded, Adopting RESOLTUION NO. 08-11, "A Resolution Recognizing the Planning Commission Contributions of Todd Palmberg" subject to the effective date of the resignation being changed to March 2011. Motion passed 5/0.

B. Planning Commission Appointments

Mayor Kind explained due to the resignations of Planning Commissioners Mark Spiers and Todd Palmberg, there are two openings on the Planning Commission. The City has received one new application from Douglas Reeder, noting Council met Mr. Reeder during its February 1, 2011 meeting. The seats of Pat Lucking and Brian Malo expire in March 2011. Both Mr. Lucking and Mr. Malo have indicated they are willing to serve another term. Past protocol as been to reappoint commissioners that are willing to serve again and for alternate members to move up to voting positions that open up on the commission. Based on that protocol the new appointments would be: Pat Lucking (2-year term, Seat B-1), Bill Cook (2-year term, Seat B-2), Brian Malo (1-year term, Seat A-1), Douglas Reeder (1-year term, Alternate Seat 1), and Alternate Seat 2 remains open.

Page moved, Quam seconded, making the appointments of Pat Lucking (2-year term, Seat B-1), Bill Cook (2-year term, Seat B-2), Brian Malo (1-year term, Seat A-1), and Douglas Reeder (1-year term, Alternate Seat 1) to the City of Greenwood Planning Commission effective March 16, 2011". Motion passed 5/0.

C. Brady Hoffman, LarsonAllen: 2010 Audit Report

Mayor Kind introduced Brady Hoffman and Craig Popenhagen with LarsonAllen who were present this evening to provide a summary of the audit results for the year ending December 31, 2010.

Mr. Popenhagen noted it's their firm's second year serving the City of Greenwood and he thanked Council for the opportunity to come before them this evening. He then noted that new this year in the financial reports is a Management's Discussion and Analysis. Because that was done it removed one exception paragraph in the audit report. Mr. Popenhagen turned the presentation over to Mr. Hoffman.

With regard to audit results, Mr. Hoffman stated their firm issued a "clean" opinion on the financial statements which is the best opinion it can give. The audit provides reasonable, but not absolute assurance because every single transaction is not reviewed. There was one significant estimate and that's for the depreciation of capital assets. They proposed adjustments this year to convert cash basis to accrual basis and for GASB34 conversion entries (both similar to prior years). Staff was very cooperative in providing the auditors the information they needed.

With regard to financial health, Mr. Hoffman explained during 2010 the General Fund balance increased approximately $63,000 for an ending balance of approximately $299,000. A Bridge Capital Fund was established with a $40,000 transfer from the General Fund; a $20,000 transfer was budgeted. The additional $20,000 transfer was possible because of better than expected results in the General Fund. The Sewer Fund operated at break-even on the accrual basis for 2010; the operating revenues covered the cash basis expenses and depreciation. In the General Fund Balance approximately $266,000 (or 38.8 percent)

of the funds are undesignated/unreserved, noting the State Auditor recommends the undesignated funds equal 35 – 50 percent of General Fund operating expenses for the next budget year. Another approximate $5,200 of the balance is reserved for prepaids. It represents cash that has already been spent but will benefit the City in the future; it's not spendable. The remaining approximate amount of $27,000 is reserved for park dedication.

With regard to the Enterprise Funds, Mr. Hoffman explained that for both the Marina Fund and the Sewer Fund approximately 50 percent of the equity of each fund is spendable. Both funds are in a very healthy equity position. There was a sewer rate adjustment and the revenues covered the operating expenses for the Sewer Fund with a small margin left over. He noted that was a nice turnaround from 2009 when the Sewer Fund operated at a loss. The Marina Fund has a fairly significant margin of operating revenues over operating expenses. The City's docks are about 15 years depreciated down on a 20-year asset and there will likely have to be some maintenance or replacement in the next 5 years.

With regard to SAS 115 communications, Mr. Hoffman reviewed the material weakness in internal controls which were the same as in 2009. They are oversight over the financial reporting process; material audit adjustments which was part of converting cash basis records to accrual basis for presentation in the financial statements; and, limited segregation of duties through part of 2010. He noted they look at segregation of duties every year. He stated this may go away because of the contract relationship formed in 2010 between the City and the City of Deephaven.

Mr. Hoffman stated Mr. Popenhagen and he were willing to entertain any questions Council may have.

Councilmember Fletcher stated that in addition to the City's General Fund balance at the end of 2010 being equal to 38.8 percent of the 2011 General Fund operating expenses the fire and police joint powers organizations each have a General Fund balance also. If a portion of those fund balances were included in the City's it would increase the percentage. Mr. Popenhagen explained the reason the recommended range on the high end is 50 percent is because cities don't receive their first property tax settlement until July. Mr. Popenhagen stated the City's cash balance is in a reasonable range.

Councilmember Fletcher stated it's his understanding that the auditors don't have any recommendations about how to address the material weaknesses in internal controls. Mr. Popenhagen stated they aren't out of the ordinary.

Councilmember Quam stated he believed everyone working for the City, employee or contractor, is totally honest. But, the City would not want to find out a lot of money is unaccounted for. He asked the auditors if they observed anything in the way the City operates that could allow for that to happen. Mr. Popenhagen responded he doesn't perceive that there is gaping hole in City operations. Mr. Popenhagen stated if there is a risk area it's generally on the cash collection side. He noted for any city they see tight controls around spending money, but not as tight controls around collecting money. That is the way State Statutes are written. He noted they did not think there is anything missing in that regard.

Page moved, Quam seconded, Accepting the Financial Statements and Supplementary Information for the Year Ended December 31, 2010, as presented by LarsonAllen. Motion passed 5/0.

Mayor Kind stated it was a pleasure to work with Mr. Popenhagen, Mr. Hoffman and the Larson Allen firm.

D. City Engineer Dave Martini: MS4 Proposal, Street Sweeping, Minnehaha Creek Watershed District Rules, and Infiltration and Inflow Grant Update

Engineer Martini explained the City is classified as a municipal separate storm sewer system (MS4) by the Minnesota Pollution Control Agency (MPCA). The MS4 classification requires the City to develop and implement a Storm Water Pollution Prevention Program (SWPPP) to reduce the discharge of pollutants from the City's storm sewer system to the maximum extent possible. The SWPPP must address six Minimum Control Measures (MCMs). The MPCA requires the City's storm sewer conveyance system be permitted. The City's system includes a lot of overland flow. The City's MS4 Permit, which was obtained from the MPCA, is valid from June 2006 to June 2011.

Martini then explained that some of the requirements of the current MS4 Permit have not been met. The Permit requires the City to inspect 20 percent of the stormwater outfalls, basins and ponds annually and determine their condition and whether or not they are functioning as designed. At the end of the current five-year period all of them must be inspected. The City is required to inspect all of its stormwater treatment devices annually to determine if they are functioning as designed. The City is also required to map its storm sewer conveyance system and identify conveyance elements by the end of the current permit cycle.

Martini stated the proposal included in the meeting packet from Bolton & Menk, Inc., dated February 22, 2011, is for providing the services necessary to become compliant with the current Permit requirements prior to it expiring. Once all of the stormwater outfalls, basins and ponds have been inspected the City should be able to adhere to a 20-percent-per-year inspection schedule. Once all of the field data is gathered the information will put into the graphic information system (GIS).

Page moved, Quam seconded, authorizing the expenditure of funds out of the Stormwater Special Revenue Fund for professional engineering services for a City-wide inventory of the municipal separate storm sewer system (MS4) outfalls, conveyances and existing best management practices (BMPs) as outlined in the proposal from Bolton & Menk, Inc., dated February 22, 2011, for an amount not to exceed $4,500. Motion passed 5/0.

Councilmember Fletcher asked if the City of Deephaven is going to have Bolton & Menk conduct its annual inspections or its in-house staff. Engineer Martini responded the Deephaven Council is going to be having a similar discussion during its upcoming meeting as is the Woodland Council. Martini stated the Deephaven effort would be a larger than the City's if for no other reason than it encompasses a larger geographic area. He noted if maintenance needs are identified as part of the City's inspection effort the City will have to decide how it wants to address them.

Mayor Kind stated the meeting packet contains a copy of a memorandum from the Minnehaha Creek Watershed District's (MCWD) Cost Share Program Specialist Aldis Kurmis dated February 7, 2011, stating the MCWD is looking for cities interested in taking part in a new street sweeping study. The MCWD recently introduced its Street Sweeping Analysis Grant Program to cover 100 percent of the sample testing costs.

Engineer Martini explained that currently the MCWD is looking for communities that aren't planning on asking for street sweepings to count toward their phosphorus reduction goals. The study would involve collecting samples from street sweepings and sending them to a University of Minnesota laboratory for analysis of total phosphorus, copper, arsenic and polycyclic hydrocarbons (PHAs). It's his understanding the MCWD wants to gather more information about various types of sweepers and how efficient they are. The MCWD also wants to come to a decision on how to deal with communities that want to use street sweepings to count toward phosphorous reduction goals. He noted the City has turned data over to the MCWD which shows the City is meeting its phosphorous goals through street sweepings.

Fletcher moved, Rose seconded, directing Staff to notify the Minnehaha Creek Watershed District's (MCWD) Cost Share Program Specialist Aldis Kurmis that the City is interested in participating in the MCWD street sweeping study. Motion passed 5/0.

Mayor Kind stated on February 14, 2011, the City received notification from the MCWD about proposed changes to its Stormwater Management Rule and Administrative Rules. A copy of the notification is included in the meeting packet and Council was emailed copies of the proposed changes. A 45-day public comment period for the proposed rule changes is open until March 31, 2011. Council needs to discuss if it wants to comment on the proposed changes.

Engineer Martini stated the proposed changes don't appear to be very significant for the City. He noted that single family residential projects are exempt from the rule. The changes will impact development projects where a developer is going to take several lots to construct multi-family dwellings or for commercial development. It's his understanding that everything that is being proposed is consistent with stormwater management trends. He then stated that Bolton & Menk staff will review the documents more thoroughly and Council will be provided with information on anything they deem significant.

Councilmember Fletcher stated for lots greater than one acre in area the rules become more stringent.

Engineer Martini stated if the City were to add more impervious surface to its roadways the rule changes could impact the City.

Mayor Kind suggested if Bolton & Menk's findings warrant it, that she work with Engineer Martini and Staff to draft a response letter to the MCWD regarding the proposed Stromwater Management Rule and Administrative Rule changes and submit it before the March 31, 2011, deadline.

Fletcher moved, Quam seconded, directing the City Engineer to work with the Mayor and Staff to draft a response letter (if Bolton & Menk's findings warrant it) to the Minnehaha Creek Watershed District regarding the MCWD's proposed Stormwater Management Rule and Administrative Rule changes and submit it before the March 31, 2011, deadline. Motion passed 5/0.

Engineer Martini stated in December 2010 the City applied for a grant from Metropolitan Council Environment Services (MCES) through its Municipal Infiltration/Inflow (I/I) Grant Program. The City has been notified it was awarded a grant in the amount of $48,384. But, there was an appeal period for applicants. The City has been informed the appeal period is over and that the City will be awarded the grant in the amount requested. He noted if the City wants to opt out of the grant it has to let MCES know by the end of the week. The City doesn't have to take any action if wants to accept the award.

Councilmember Quam asked Engineer Martini to elaborate on what I/I is and why it's a problem.

Engineer Martini explained inflow is when water flows directly into the system; for example, from sump pumps hooked directly to drains. Infiltration is when ground water (also referred to as clean water) seeps into the sanitary sewer system. The system should keep ground water out. When ground water enters the system it ends up being treated as waste water. The system has to be sized larger to handle the ground water. It's cheaper to operate the system when ground water is kept out of it. The sewage and ground water eventually flow into the Metropolitan (Met) Council's sanitary sewer system. The goal of the I/I program is to make the system as water tight as possible. The City's manhole covers are old and they create a lot of the infiltration problems.

Martini then explained that in 2006/2007 the Met Council sent the City a letter informing the City that it appeared to have a surplus of I/I entering into its sewer system based on the amount that flowed into the Met Council's sewer system. The Met Council placed a dollar value on the surplus flow and it let the City know that the City could either pay the surcharge for processing the surplus or it could put that amount toward maintenance and improvement of its sewer system.

Martini also explained the first thing the City did was have its sewer system televised to look for problems and spots where ground water was entering the system. For purposes of this the City was broken down into eight sewer districts. In 2007, improvements were made to that portion of the sewer system located in sewer districts 1 and 2. In 2008, improvements were made to that portion of the system located in districts 3 and 4. No improvements were made in 2009 in part because there was discussion about there potentially being I/I Grant monies available from the Met Council to cities who have excessive I/I entering into the sewer system.

Martini went on to explain the plan is to make improvements to the sewer system located in districts 5 – 8 in 2011. The City has already analyzed those areas of the sewer system and identified improvements that would eliminate most of the I/I. The total eligible project amount is $96,768. The grant amount awarded is one-half of the total eligible amount; one-half is the maximum awarded. The City has to match the amount of the award.

Councilmember Fletcher commented that the balance in the Sewer Fund will be a lot less in 2012 because of this project.

Engineer Martini explained the MCWD sent an email to the mayors of the cities in the MCWD stating it was scheduling three meetings to have open discussions with the mayors about the impacts of aquatic invasive species (AIS), how to protect the waters in the MCWD, and how to mitigate AIS. Mayor Kind noted she plans on attending the mayor's meeting scheduled for March 10, 2011, at 7:30 A.M. that will be held at the Southshore Community Center.

Engineer Martini stated the condition of the City's roadways will be surveyed in two months to determine what repairs need to be made.

Engineer Martini departed the meeting at 7:42 P.M.

5. PUBLIC HEARING

A. Stormwater Pollution Prevention Program

Mayor Kind stated the City is classified as a municipal separate storm sewer system (MS4) by the Minnesota Pollution Control Agency (MPCA). The MS4 classification requires the City to develop and implement a Storm Water Pollution Prevention Program (SWPPP). The SWPPP must address six Minimum Control Measures (MCMs). Holding a public hearing on the SWPPP addresses one of them. The SWPPP must be approved before the City can receive an MS4 permit for its storm sewer conveyance system. The current Permit expires in July 2011.

Fletcher moved, Quam seconded, opening the Public Hearing at 7:43 P.M. Motion passed 5/0.

There were no public comments.

Quam moved, Fletcher seconded, closing the Public Hearing at 7:44 P.M. Motion passed 5/0.

6. UNFINISHED BUSINESS

A. Next Steps Regarding Sagal / Kim Property Transfer

Mayor Kind highlighted a summary document recapping what has gone on to date regarding a property transfer for property located between 21380 Excelsior Boulevard (owned by Sunny Kim) and 21420 Excelsior Boulevard (owned by Jeff Sagal). She noted a copy of the document is included in the meeting packet.

Kind explained in January 2011 Hennepin County informed the City that the property transfer had been submitted to the County. The property transferred is a six-foot wide strip near the home structures that was taken from the 21380 Excelsior Boulevard property and transferred to the 21380 Excelsior Boulevard property. The strip of land runs from Lake Minnetonka to the roadway. This transfer makes the 21380 Excelsior Boulevard property nonconforming with the required west side yard setback creating a six-foot encroachment.

Kind then explained Staff was informed there was no record of City approval but the County is required to accept the transfer under a State Statute § 272.162 passed in 1982. Per Statute the City can restrict transfers of property by filing a resolution with the County restricting the transfer of subdivided parcels to those only approved by the City. She noted the City has not adopted such a resolution. She also noted the County has stated the City must sign off on the transfer or the legal property descriptions would not be changed for either property.

Kind stated Staff is seeking direction from Council on whether or not to sign the Hennepin County document that would allow the legal descriptions of the properties to be changed. She noted Council discussed this matter during its February 1, 2011, meeting and heard comments from Mr. Kim and Mr. Sagal. During that meeting Council directed Staff to do further research this item and to report back to the Council. She noted a copy of a memorandum from Attorney Kelly dated February 17, 2011, is included in the meeting packet.

Councilmember Rose questioned if the process of transferring the strip of land after Mr. Sagal claimed to Mr. Kim that he had a right to the land under adverse possession was legal. The transfer of land adds additional nonconformity to the lot, which requires approval by the City.

Attorney Kelly stated that is the conundrum before the City. He explained the City has a process that controls how land can be subdivided. Property owners can make an application to subdivide land. A simple subdivision assumes that if it is approved no irregularities will be created by it. That is not the case in this situation. An alternative would be for Mr. Kim and Mr. Sagal to join together and make an application together for a full plat. The full platting process allows the City to consider granting a variance to accommodate any irregularities that would be created by the re-plating of the two lots.

Kelly then explained there is nothing in the City Code that allows the City to presently waive the subdivision process. If Mr. Kim and Mr. Sagal jointly make application for the variance the variance standard must be met. Then the question becomes is the City obligated to recognize agreement between Mr. Kim and Mr. Sagal or does the City have to conduct a hearing in a judicial manner to determine if there's a legal basis to find if there is an adverse possession claim. He noted the City has not been called upon to do that and it doesn't have a history of conducting that kind of inquiry. Had the City received an order of the District Court, the City could take administrative notice of that Court and possibly choose to rely on that in justifying the variance and then process any subdivision accordingly.

Councilmember Rose stated Mr. Kim signed a quitclaim deed giving Mr. Sagal the six-foot-wide strip of land after Mr. Sagal claimed he could acquire the land under adverse possession. He asked if that is legal because the City Code has a subdivision process that must be followed.

Attorney Kelly explained conveying the land through a quitclaim deed did not complete the process. A property owner can sign a quitclaim deed with Hennepin County, but the County tax assessor can refuse to adjust the legal property descriptions until the City signs off on the transfer. This transfer of property constitutes a subdivision and the City Ordinance stipulates a process that must be followed for subdivisions. The City has a certain procedure and formality of process that's necessary so that the public knows what's going on and so that the City Code is administered to not create nonconformities. To allow two property owners to agree to divide their land and then after the fact ask the City to approve it just evicerates the City's regulation.

Mayor Kind stated she forgot to note that Councilmember Fletcher is recusing himself from this discussion because one of the property owners is a client of his.

Councilmember Quam asked what has changed since the February 1, 2011, Council meeting with regard to this. Mayor Kind stated Attorney Kelly has analyzed the situation and determined that the City has to follow its subdivision process if Council is going to take action on this. The property owners could also go to Court to get a judgment.

Councilmember Page stated City Ordinance Section 600.35 Other Provisions Subd. 1 Variances and Exceptions states "*Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the city council shall, upon an affirmative vote of at least 3/5 of the total membership of such council, have the power to vary the requirements of this ordinance in harmony with the general purpose and intent hereof, so that the public health, safety and general welfare may be secured and substantial justice done*."

Page then stated this isn't some scam to divide the lots. Mr. Sagal had made a claim of adverse possession and Mr. Kim accented to that claim provision and gave Mr. Sagal a quitclaim deed. That is a done matter. The quitclaim deed has been filed and Mr. Sagal owns the six-foot-wide strip of land. The outstanding question is if the legal tax descriptions of the two properties will be adjusted by Hennepin County so that Mr. Sagal pays the property taxes on the property. If the City doesn't sign the document it received from the County the tax descriptions will not be changed.

Page went on to state that from his perspective substantial justice means the City ought to sign the document from the County so the legal property descriptions can be changed. Mr. Sagal then becomes responsible for paying the property taxes on all of the land he owns. The issue of adverse possession doesn't exist any longer. Mr. Kim signed the quitclaim deed and once it was recorded with the County it was over. He expressed he did not think there would be any benefit in getting the court involved.

Page recommended Council direct Staff to sign the document from Hennepin County. Council should then adopt a resolution that restricts the transfer of subdivided parcels to those approved by the City in advance of them being filed with Hennepin County. That resolution should then be filed with the County so this doesn't happen in the future.

Councilmember Quam stated based on this discussion the City would not be establishing a precedent for the future because it would have a resolution on file with the County.

Attorney Kelly stated he is not at cross purposes with what Councilmember Page has recommended. He then stated the interpretation of City Ordinance Section 600.35 Other Provisions Subd. 1 Variances and Exceptions is in the purview of this Council.

Page moved, Quam seconded, directing Staff to sign the legal transfer document from Hennepin County that allows for the legal tax descriptions for the properties located at 21380 Excelsior Boulevard and 21420 Excelsior Boulevard to be changed. Motion passed 3/1/1 with Rose dissenting and Fletcher recusing.

B. Resolution 06-11 Restricting the Transfer of Property in the City

Mayor Kind stated the meeting packet contains a copy of the draft resolution Councilmember Page referred to in the previous discussion.

Page moved, Rose seconded, Adopting RESOLUTION NO. 06-11, "A Resolution of the City Council of the City of Greenwood, Minnesota Restricting the Transfer of Property within the City." Motion passed 5/0.

C. Second Reading: Ordinance 190 Amending Code Chapter 11 to Limit the Number of Required Front Yard Setbacks

Mayor Kind stated this is the second reading of Ordinance 190 amending the Ordinance Code Chapter 11 to limit the number of required front yard setbacks to two for lots that front three roads. Council unanimously adopted the first reading of the ordinance during its February 1, 2011, meeting and no changes have been made since then.

Quam moved, Page seconded, Approving ORDINANCE NO. 190, "An Ordinance Amending the Greenwood Ordinance Code Chapter 11 Limiting the Number of Required Front Yard Setbacks." Motion passed 5/0.

D. Resolution 09-11 Summary of Ordinance 190 for Publication

Quam moved, Rose seconded, Adopting RESOLUTION 09-11, "A Resolution Approving Publication of Ordinance Number 190 by Title and Summary." Motion passed 5/0.

E. Second Reading: Ordinance 191 Amending Code Section 900.15 Prohibiting Depositing Snow or Ice on City Streets

Mayor Kind stated this is the second reading of Ordinance 191 amending the Ordinance Code Section 900.15 prohibiting depositing snow or ice on City streets or other public safety property. Council unanimously adopted the first reading of the ordinance during its February 1, 2011, meeting and no changes have been made since then.

Fletcher moved, Quam seconded, Approving Ordinance 191, "An Ordinance Amending the Greenwood Ordinance Code Section 900.15 Prohibiting Depositing Snow on City Streets or Other Public Property." Motion passed 5/0.

F. Second Reading: Ordinance 192 Establishing Ordinance Code Section 715.12 Prohibiting Street Parking After a Snowfall

Mayor Kind stated this is the second reading of Ordinance 192 establishing Ordinance Code Section 715.12 to prohibit parking after a snowfall. Council adopted the first reading of the ordinance during its February 1, 2011, meeting on a 4/1 vote and no changes have been made since then.

Fletcher moved, Quam seconded, Approving Ordinance 192, "An Ordinance Establishing Greenwood Ordinance Section 715.12 Prohibiting Parking after a Snowfall." Motion passed 4/1 with Page dissenting.

Councilmember Page stated he thought this is a "tempest in a teapot" situation. He then stated from his vantage point Council has been provided conflicting information about how much of a problem this is. He thought Council is creating a problem where there isn't one.

7. NEW BUSINESS

A. First Reading: Ordinance 193 Amending Code Chapter Section 1140.45 Parking Requirements

Mayor Kind stated this is the first reading of Ordinance 193 amending the Ordinance Code Section 1140.45 regarding parking requirements. She noted a copy of the draft Ordinance is included in the meeting packet. She asked Zoning Administrator/Clerk Karpas to review the summary document about the Ordinance which is also included in the packet.

Zoning Administrator/Clerk Karpas explained the amendment would remove parking requirements for uses not currently permitted by the City Ordinances; uses that most likely will never exist in the City. These uses include a senior high school, junior high and elementary schools, and municipal buildings.

Karpas then explained the amendment would also correct an error regarding common parking areas on properties with multiple buildings and uses. The current regulation requires three square feet for every one square foot of parking area. This means a 20,000 square-foot, mixed-use building would require well over an acre of parking. That would be 300 parking spaces, not including drive aisles. Councilmember Fletcher first pointed out the error during the final stages of the Code Book recodification process in 2010. At that time, Council decided to approve the Code Book as is with the intent to revisit this issue. When the owner of St. Alban's Boathouse recently met with Staff regarding redevelopment, the owner brought this error to Staff's attention. Karpas noted the new amendment would apply to all commercial property in the City.

Karpas went on to explain the proposed amendment states that common parking must meet the requirements of the Code for each proposed individual use and allows fewer spaces with a conditional use permit (CUP) provided that the owner/applicant can demonstrate to the satisfaction of the City Council that reasonable anticipated day-to-day parking demand, including peak demand, is less than the Code otherwise requires because of either: (a) exigent circumstances unique to the planned uses; or, (b) demand for parking between the various planned uses can be met with fewer than the total parking required by the Code through limiting and controlling the mix of permitted uses, the amount of their individual business activity, and the hours of permitted use.

Karpas noted the Planning Commission held a public hearing and reviewed the proposed Ordinance 193 during its February 16, 2011, meeting. A few minor changes were suggested at that time. The Commission recommended Council adopt proposed Ordinance 193 as amended. The copy of the Ordinance included in the meeting packet reflects the changes proposed by the Commission.

Mayor Kind noted the current language in the Code Book doesn't work at all. It requires three square feet for every one square foot of gross building area.

Councilmember Fletcher explained the intent is to look at uses and then add up the parking requirements for each use to calculate the number of parking spaces needed. If the property will have equal to or more than that number of spaces it does not need to apply for a CUP. If a property owner of a mixed use property explains that his restaurant parking is primarily at night and the office parking is primarily during the day and the peak parking requirements are different then the property owner would apply for a CUP that would reduce the number of spaces required. The CUP would have various conditions attached to it. The 3 to 1 restriction would be eliminated under the proposed amendment.

Councilmember Fletcher suggested the Ordinance language "*Common parking area – Where the code otherwise permits, and it is proposed that multiple permitted uses be located upon a single lot or tax parcel,*" be changed to "*Common parking area – Where the code otherwise permits, and it is proposed that multiple permitted uses be located or changed upon a single lot or tax parcel*,". He expressed concern that once the parking requirement were approved for a development the mix of uses could change and the number of parking spaces originally required could be insufficient.

Councilmember Page stated he did not think adding the words "or changed" would accomplish what Fletcher wanted it to. Page questioned what happens if no one proposes the multiple permitted uses be changed.

Councilmember Fletcher stated there could be conditions where a CUP was not needed because the original parking requirements complied with the City Code requirements.

Attorney Kelly noted the proposed Ordinance states "*in any event a parking CUP shall be subject to a reservation of rights in favor of the city, including but not limited to, the right of the city to review on 60 days written demand all related use activity, mix of uses, changes in use, or hours/days of parking demand and the right of the city to amend or impose new and/or additional parking space requirements or other conditions for the existing or planned uses or otherwise cause the owner to bring to an end certain uses or mix of uses on one year advance written notice*."

Councilmember Fletcher stated his objective is to make sure the City has a tool to enforce a property's change in parking needs.

Mayor Kind stated she thought this concern was addressed in City Ordinance Section 1140.45 Parking and Loading Requirements Subd. 2 Reduction and Use of Parking and Loading Space. It states "*Existing on-site parking facilities shall not subsequently be reduced to an amount less than that required under this ordinance for a similar new building or use*." Councilmember Fletcher explained all that stipulates is the parking can't be reduced after the fact.

Attorney Kelly explained the Planning Commission had discussed possibly making another amendment somewhere in the Code stipulating the use of a given property cannot be changed without first verifying with the City that the parking requirements will be met.

There was consensus to revise the proposed Ordinance prior to the second reading to address the concern just discussed.

Fletcher moved, Quam seconded, adopting the first reading of Ordinance 193 amending the Greenwood Ordinance Code Section 1140.45 regarding parking requirements. Motion passed 5/0.

B. Greenwood Park Beautification

Mayor Kind stated in October 2010 Greenwood resident Kristi Conrad contacted the City via email regarding ideas for how to improve City's park located on Covington Road. A copy of her email is included in the meeting packet. Ms. Conrad suggested having a garbage can available at the park, trimming trees to make the park more inviting, and resurfacing the basketball court. Another idea presented was to install a rack to hold a couple push brooms and a couple of regular brooms to make it easy to clear leaves off of the courts and webs off of the picnic tables. Kind noted that during its November 4, 2011, meeting Council decided to revisit the park beautification discussion in the spring of 2011.

Kind explained the City has a designated park fund with a balance of approximately $25,000 that can be used for improvements only. The City Auditor clarified that these funds can only be used for physical improvements that can be depreciated. Park funds could not be used to pay for the cost of trimming trees or resurfacing the basketball court. The funds may be able to be used to purchase a park-style garbage can, brooms and a rack.

Kind then explained the City's budget allocates $200 for tennis court maintenance. Because the tennis court was pressure washed in 2010 the $200 could potentially be used to pressure wash or sealcoat the basketball court. The City's budget also allocates $13,000 for tree trimming and mowing. Some of this money could be used to trim the trees at the park. The City budget allocates $29,000 for contingency expenses. Some of the contingency funds could be used to pay Vintage Waste to maintain a garbage can in the park.

Councilmember Page stated the tennis courts located in the park are in dire need of resurfacing, especially on the south end. He then stated if the courts were pressure washed they would deteriorate further.

After discussion by Council, there was consensus to direct Staff to have the condition of the tennis and basketball courts assessed and to obtain quotes on what it would cost to make the repairs suggested by experts in that field. There was also consensus to direct Staff to obtain costs for purchasing a park-style garbage can, a rack and brooms as well as costs to trim the trees in the park and to have Vintage Waste maintain the park-style garbage can in the park.

Councilmember Fletcher asked if tree trimming was for just in the park area or did it include the area behind what he calls the prime part of the park. Councilmember Rose asked if trimming of trees or bushes is desired. Fletcher stated he thought Ms. Conrad was talking about trees in the area near the tennis courts. Fletcher then stated another resident told him there are trees that are in danger of falling down near a walking path off of Meadville Street.

Councilmember Fletcher asked Council to keep in mind that the City's expenses for snow removal will be fairly high in 2011 and contingency funds made be needed to cover some of those expenses.

Councilmembers Fletcher and Page stated they thought resurfacing of the tennis and basketball courts, if needed, could be funded out of park funds.

This item will be placed on Council's April or May meeting agenda for further discussion.

C. Response to Representative Runbeck's Letter Regarding Local Government Aid

Mayor Kind stated the City received a letter from State Representative Lind Runbeck dated February 2, 2011, seeking input from cities regarding Local Government Aid (LGA). Representative Runbeck is Chair of the Property and Local Tax Division. She noted the meeting packet contains a copy of the letter as well as a draft response letter she authored.

Fletcher moved, Rose seconded, approving the draft letter authored by Mayor Kind as presented.

Councilmember Fletcher stated the response letter is self explanatory. He noted the City doesn't benefit from LGA. He stated the City's residents basically pay taxes to subsidize LGA for other cities. He expressed he thought the LGA system is convoluted to say the least based on what the League of Minnesota Cities said during the training for elected officials. The League indicated the LGA system was very political. He recommends the State move away from it; he thought it would be better for the City's residents.

Motion passed 4/1 with Page dissenting.

Councilmember Page stated he didn't know enough about this subject to know whether or not what's being responded to is appropriate.

D. League of Minnesota Cities Community Conversations Program

Mayor Kind stated the League of Minnesota Cities is seeking communities to host "Community Conversations" this spring and summer. The broad topic will be "Cities, Services, and Funding: Broader Thinking, Better Solutions". The City received an email from Shorewood City Administrator Brian Heck, stating Shorewood is interested in submitting an application to be a host community. Shorewood wants to know if Greenwood is interested in participating in the program. She asked if any of the Councilmembers are willing to participate.

Councilmember Fletcher stated if the Council wants the City to be represented he is will to do it. Councilmember Page stated he would be the alternate. Councilmember Quam stated he would be the second alternate.

Mayor Kind stated she will let Shorewood Administrator Heck know that the City would have a representative there.

8. OTHER BUSINESS

A. February 1, 2011, City Council Meeting Minutes

This was removed from the consent agenda at Councilmember Page's request.

Councilmember Page asked that all references to "quick claim" be changed to "quitclaim" in the February 1, 2011, City Council meeting minutes.

Rose moved, Fletcher seconded, Approving the City Council Meeting Minutes of February 1, 2011, as amended to change "quick claim" to "quitclaim". Motion passed 5/0.

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Eurasian Watermilfoil Lake Minnetonka Communication Commission,

Councilmember Fletcher stated Council already discussed the primary thing the Planning Commission discussed during its last meeting.

With regard to Eurasian Watermilfoil, Fletcher stated St. Albans Bay Captain Rob Roy is busy raising money to put toward the cost of treating Eurasian Watermilfoil in St. Albans Bay. Councilmember Quam asked if Roy needs another captain. Fletcher responded he didn't know. Mayor Kind stated people can make donations to the effort through the Lake Minnetonka Association's website (www.LMAssociation.org). Fletcher noted the City of Excelsior has pledged $2,500 to the treatment effort.

With regard to the Lake Minnetonka Communications Commission, Fletcher stated a needs assessment committee is being established to reevaluate the Mediacom franchise. Residents can provide him with any comments they have about Mediacom and he will make sure they are conveyed.

B. Kind: Police, Administration, School District Meeting

Mayor Kind stated the South Lake Minnetonka Police Department (SLMPD) Coordinating Committee has not met since the last Council meeting.

With regard to administration, Kind stated there is nothing new to report.

Kind stated the Council received an email from Shorewood City Administrator Heck regarding Shorewood's opposition to Minnesota House File Bill 481. The Bill would prohibit increasing property tax over the 2011 level for the next two years. Shorewood encourages the City to join Shorewood in opposing that Bill. Councilmember Quam asked if Council wants to freeze the City's property taxes. Kind responded it is likely the City will be able to freeze the tax levy. Quam stated supporting this would get the Council into a political arena that he doesn't want to stir up. Kind concurred with Quam. Councilmember Fletcher stated he tended to agree with Quam, while cautioning Council that Shorewood is a member of two joint powers organizations the City belongs to for providing public safety services and there could be some consequences if Shorewood has to freeze its taxes. Councilmember Page stated he did not want to do anything about this.

C. Page: Lake Minnetonka Conservation District

Councilmember Page reported on Lake Minnetonka Conservation District (LMCD) activities. He noted he assumed his position as LMCD Board Treasurer this year. He stated he attended a preliminary 2010 audit review and learned the LMCD found $6,000 it did not know it had. The LMCD Board had another long discussion about the proposed development near Halstead Bay. The Board voted to approve 117 dock slips. But, the LMCD Board just learned that docks can be assigned to different properties in the development on a year-by-year basis. It had been his understanding during all of the discussion that each boat slip would be tied to a particular property. The LMCD Board attached a number of conditions to the approval. The Board did not approve the Wayzata Yacht Club's (WYC) applications for 2010 new multiple dock license because of a change after the fact. The WYC ignored one of the requirements of its license. The Board rejected another license application because the applicant was not entirely truthful on his application.

Page then stated the most significant LMCD subcommittee meeting was the Aquatic Invasive Species (AIS) meeting. That meeting was very well attended. Four or five Minnesota Department of Natural Resources (MnDNR) representative attended, three Hennepin County representatives attended, Mr. Benson representing a property in Plymouth attended, and a Minnehaha Creek Watershed District representative attended. The topic of the meeting was AIS. The MnDNR stated it was going to increase the number of inspections in 2011 and they will concentrate the inspections at the high use boat launches. The MnDNR is changing its focus to boats leaving Lake Minnetonka.

Page went on to state the LMCD Board had quite a bit of discussion about the MnDNR's inability to honor its contract with the LMCD regarding the number of inspection hours it agreed to. The MnDNR contracted for 5,000 hours of inspection but about the time the ink on the contract was dry it said it was only going to provide 3,500 hours. The MnDNR's hiring criteria are so stringent it's difficult to find people, and the college students they hare come a little later and leave earlier in the boating season. One possibility for fixing the problem is for the MnDNR to provide grant monies to the LMCD to hire inspectors.

Page also stated the Lake Minnetonka Association has proposals out for applicators for the 2011 milfoil treatment program. There has been discussion about what the potential impact on the treatments could be if Lake Minnetonka has a high water level this spring. He noted Chip Welling from the MnDNR is on top of this potential issue.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated the City's roadways will be inspected when weather permits. The St. Alban's Bay Bridge is scheduled to be inspected again in 2011 and it will get a new rating. He explained the rating of the bridge has not changed for quite some time. He stated the bridge is currently rated 54 and if the rating drops below 50 the City and the City of Excelsior will have to fund repairs. He noted Excelsior is ready to start making repairs if the rating drops. He explained there are two ways to get help with funding the project. The Federal Government could pay 80 percent of the cost and the Cities pay 20 percent. Or the Cities pay the engineering and abutment costs and the State pays for all of the bridge costs. He noted that the City's portion of the design phase would be around $64,000 and there should be sufficient funds in the Bridge Fund to cover that next year.

Quam went on to state there was nothing new to report on Minnetonka Community Education (MCE) activities.

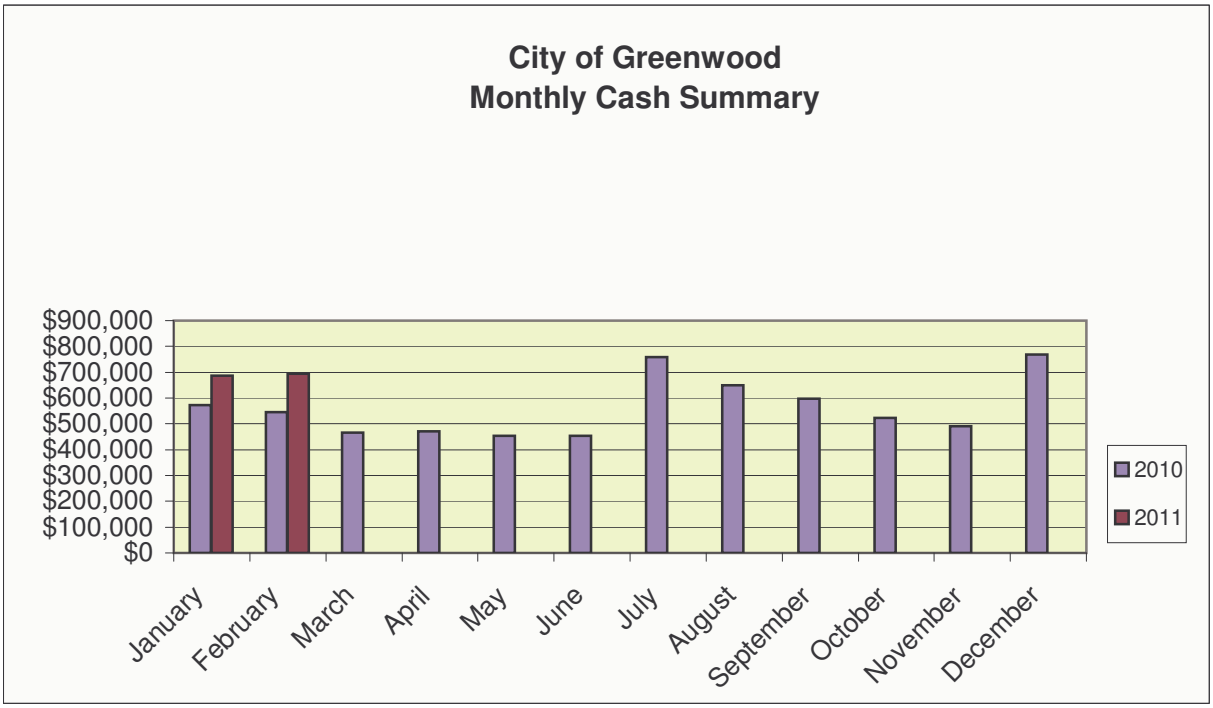
E. Rose: Excelsior Fire District

There had not been an Excelsior Fire District (EFD) Board meeting since the last Council meeting. The next meeting is scheduled for March 23, 2011.

10. ADJOURNMENT

Quam moved, Page seconded, Adjourning the City Council Regular Meeting of March 1, 2011, at 8:47 P.M. Motion passed 5/0.

RESPECFULLY SUBMITTED,
Christine Freeman, Recorder



Month	2010	2011	Variance with Prior Month	Variance with Prior Year
January	$573,056	$686,781	-$80,855	$113,725
February	$545,897	$693,859	$7,078	$147,962
March	$466,631	$0	-$693,859	-$466,631
April	$472,069	$0	$0	-$472,069
May	$454,955	$0	$0	-$454,955
June	$453,487	$0	$0	-$453,487
July	$759,701	$0	$0	-$759,701
August	$648,560	$0	$0	-$648,560
September	$597,536	$0	$0	-$597,536
October	$523,980	$0	$0	-$523,980
November	$491,216	$0	$0	-$491,216
December	$767,636	$0	$0	-$767,636

Bridgewater Bank Money Market	$486,459
Bridgewater Bank Checking	$6,017
Beacon Bank Money Market	$201,283
Beacon Bank Checking	$100
	$693,859

ALLOCATION BY FUND

General Fund	$185,823
General Fund Designated for Parks	$27,055
Bridge Capital Project Fund	$40,000
Stormwater Special Revenue Fund	$8,401
Sewer Enterprise Fund	$409,227
Marina Enterprise Fund	$23,353
	$693,859

Check Issue Date(s): 03/01/2011 - 03/31/2011

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount	
03/11	03/02/2011	10242		Information Only Check	101-20100	.00	V
03/11	03/02/2011	10243		Void Check	101-20100	.00	V
03/11	03/02/2011	10244		Void Check	101-20100	.00	V
03/11	03/02/2011	10245		Void Check	602-20100	.00	V
03/11	03/02/2011	10246		Void Check	101-20100	.00	V
03/11	03/02/2011	10247		Void Check	101-20100	.00	V
03/11	03/02/2011	10248		Void Check	101-20100	.00	V
03/11	03/02/2011	10249		Void Check	101-20100	.00	V
03/11	03/02/2011	10250		Void Check	502-20100	.00	V
03/11	03/02/2011	10251		Void Check	101-20100	.00	V
03/11	03/02/2011	10252		Void Check	602-20100	.00	V
03/11	03/02/2011	10253		Information Only Check	101-20100	.00	V
03/11	03/02/2011	10254	9	CITY OF DEEPHAVEN	101-20100	10,364.74	
03/11	03/02/2011	10255	761	DEBRA KIND	101-20100	16.44	
03/11	03/02/2011	10256	68	GOPHER STATE ONE CALL	602-20100	11.60	
03/11	03/02/2011	10257	3	KELLY LAW OFFICES	101-20100	2,265.50	
03/11	03/02/2011	10258	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,626.75	
03/11	03/02/2011	10259	742	Marco, Inc.	101-20100	202.54	
03/11	03/02/2011	10260	38	SOUTH LAKE MINNETONKA POLICE	101-20100	13,247.35	
03/11	03/02/2011	10261	136	Sun Newspapers	502-20100	81.80	
03/11	03/02/2011	10262	745	Vintage Waste Systems	101-20100	1,568.40	
03/11	03/02/2011	10263	145	XCEL	602-20100	163.07	
03/11	03/15/2011	10264	158	US POSTMASTER	101-20100	132.48	
03/11	03/17/2011	10265	51	BOLTON & MENK, INC.	602-20100	757.75	
03/11	03/17/2011	10266	757	LarsonAllen, LLP	101-20100	9,100.00	
03/11	03/17/2011	10267	105	METROPOLITAN COUNCIL ENV SERV	602-20100	2,336.37	
03/11	03/17/2011	10268	145	XCEL	101-20100	429.61	
Totals:						42,304.40	

Dated: _____

Mayor: _____

City Council: _____

_____

_____

_____

_____

_____

City Recorder: _____

Vendor Name / Invoice No	Seq	Type	Vendor No / Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
3/2/2011									
CITY OF DEEPHAVEN									
CITY OF DEEPHAVEN			9						
030111	1	Inv	Clerk Services	03/01/2011	03/02/2011	2,441.60	No	3/11	101-41400-310
030111	2	Inv	ZONING-NOV & DEC 2010	03/01/2011	03/02/2011	161.18	No	3/11	101-42400-308
030111	3	Inv	ZONING - JAN	03/01/2011	03/02/2011	135.40	No	3/11	101-42400-308
030111	4	Inv	ZONING - FEB	03/01/2011	03/02/2011	253.88	No	3/11	101-42400-308
030111	5	Inv	RENT & EQUIPMENT	03/01/2011	03/02/2011	563.44	No	3/11	101-41400-311
030111	6	Inv	Postage	03/01/2011	03/02/2011	49.52	No	3/11	101-41400-322
030111	7	Inv	COPIES	03/01/2011	03/02/2011	3.50	No	3/11	101-41400-202
030111	8	Inv	SNOW PLOWING/SANDING/SALT	03/01/2011	03/02/2011	5,968.56	No	3/11	101-43900-312
030111	9	Inv	BIKE PATH	03/01/2011	03/02/2011	203.97	No	3/11	101-43900-315
030111	10	Inv	STREETS	03/01/2011	03/02/2011	338.93	No	3/11	101-43100-409
030111	11	Inv	STORM SEWERS	03/01/2011	03/02/2011	244.76	No	3/11	502-43200-310
Total 030111						10,364.74			
Total CITY OF DEEPHAVEN						10,364.74			
DEBRA KIND									
DEBRA KIND			761						
021811	1	Inv	PC RECOGNITION FRAMES	02/18/2011	03/02/2011	16.44	No	3/11	101-41400-439
Total DEBRA KIND						16.44			
GOPHER STATE ONE CALL									
GOPHER STATE ONE CALL			68						
6222	1	Inv	Gopher State calls	02/16/2011	03/02/2011	11.60	No	3/11	602-43200-439
Total GOPHER STATE ONE CALL						11.60			
KELLY LAW OFFICES									
KELLY LAW OFFICES			3						
5849	1	Inv	GENERAL LEGAL	02/18/2011	03/02/2011	1,978.00	Yes	3/11	101-41600-304
5850	1	Inv	LAW ENFORCE PROSECUTION	02/18/2011	03/02/2011	287.50	Yes	3/11	101-41600-308
Total KELLY LAW OFFICES						2,265.50			
LAKE MTKA CONSERVATION DISTRIC									
LAKE MTKA CONSERVATION DISTRIC			99						
021511	1	Inv	1st Qtr. LMCD Levy	02/15/2011	03/02/2011	1,626.75	No	3/11	101-49000-436
Total LAKE MTKA CONSERVATION DISTRIC						1,626.75			
Marco, Inc.									
Marco, Inc.			742						
170895304	1	Inv	Copier lease	02/11/2011	03/02/2011	202.54	No	3/11	101-41400-411
Total Marco, Inc.						202.54			
SOUTH LAKE MINNETONKA POLICE									
SOUTH LAKE MINNETONKA POLICE			38						
021711	1	Inv	Hennepin Co. Processing Fees	02/17/2011	03/02/2011	24.35	No	3/11	101-42100-439
MAR 2011	1	Inv	OPERATING BUDGET EXPENSE	03/01/2011	03/02/2011	13,223.00	No	3/11	101-42100-310

Vendor Name / Invoice No	Seq	Type	Vendor No / Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Total SOUTH LAKE MINNETONKA POLICE						13,247.35			
Sun Newspapers									
Sun Newspapers			136						
1036553	1	Inv	SWPPP PUBLIC COMMENT	02/17/2011	03/02/2011	37.18	No	3/11	502-43200-439
1037501	1	Inv	ASSMT & CLASS.	02/24/2011	03/02/2011	44.62	No	3/11	101-41500-439
Total Sun Newspapers						81.80			
Vintage Waste Systems									
Vintage Waste Systems			745						
022211	1	Inv	City Recycling Contract	02/22/2011	03/02/2011	1,568.40	No	3/11	101-49000-310
Total Vintage Waste Systems						1,568.40			
XCEL									
XCEL			145						
022411	1	Inv	LIFT STATION #1	02/24/2011	03/02/2011	32.48	No	3/11	602-43200-381
022411	2	Inv	LIFT STATION #2	02/24/2011	03/02/2011	28.03	No	3/11	602-43200-381
022411	3	Inv	LIFT STATION #3	02/24/2011	03/02/2011	20.46	No	3/11	602-43200-381
022411	4	Inv	LIFT STATION #4	02/24/2011	03/02/2011	26.67	No	3/11	602-43200-381
022411	5	Inv	LIFT STATION #6	02/24/2011	03/02/2011	55.43	No	3/11	602-43200-381
Total 022411						163.07			
Total XCEL						163.07			
Total 3/2/2011						29,548.19			

03/02/2011 GL Period Summary

GL Period	Amount
3/11	29,548.19
	29,548.19

Vendor Name / Invoice No		Seq	Type	Vendor No / Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
3/15/2011										
US POSTMASTER										
US POSTMASTER				158						
	031511	1	Inv	POSTAGE - NEWSLETTER/UTILIT\	03/15/2011	03/15/2011	132.48	No	3/11	101-41400-322
Total US POSTMASTER							132.48			
Total 3/15/2011							132.48			

03/15/2011 GL Period Summary

GL Period	Amount
3/11	132.48
	132.48

Vendor Name / Invoice No	Seq	Type	Vendor No / Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
3/17/2011									
BOLTON & MENK, INC.									
BOLTON & MENK, INC.			51						
0138195	1	Inv	2010 SEWER IMPROVEMENTS	02/24/2011	03/17/2011	181.50	No	3/11	602-43200-303
0138196	1	Inv	2011 MISC ENGINEERING FEES	02/24/2011	03/17/2011	396.25	No	3/11	502-43200-303
0138196	2	Inv	2011 MISC ENGINEERING FEES	02/24/2011	03/17/2011	180.00	No	3/11	101-43200-303
Total 0138196						576.25			
Total BOLTON & MENK, INC.						757.75			
LarsonAllen, LLP									
LarsonAllen, LLP			757						
757853	1	Inv	2010 AUDIT	02/27/2010	03/17/2011	9,100.00	No	3/11	101-41700-301
Total LarsonAllen, LLP						9,100.00			
METROPOLITAN COUNCIL ENV SERV									
METROPOLITAN COUNCIL ENV SERV			105						
954243	1	Inv	Monthly wastewater Charge	03/02/2011	03/17/2011	2,336.37	No	3/11	602-43200-309
Total METROPOLITAN COUNCIL ENV SERV						2,336.37			
XCEL									
XCEL			145						
022411	6	Inv	4925 MEADVILLE STREET *	02/24/2011	03/17/2011	9.50	No	3/11	101-43100-381
022411	7	Inv	Sleepy Hollow Road *	02/24/2011	03/17/2011	9.49	No	3/11	101-43100-381
Total 022411						18.99			
022511	1	Inv	SIREN	02/25/2011	03/17/2011	4.01	No	3/11	101-43100-381
030311	1	Inv	Street Lights *	03/03/2011	03/17/2011	406.61	No	3/11	101-43100-381
Total XCEL						429.61			
Total 3/17/2011						12,623.73			

03/17/2011 GL Period Summary

GL Period	Amount
3/11	12,623.73
	12,623.73

Grand Total: 42,304.40

Report GL Period Summary

GL Period	Amount

TC = Terms Code 9 = 1099 Purchase Type

GL Period	Amount
3/11	42,304.40
	42,304.40

Vendor Number Hash:	4480
Vendor Number Hash - Split:	5346
Total Number of Invoices:	21
Total Number of Transactions:	37

Terms Description	Invoice Amt	Net Inv Amt
Open Terms	42,304.40	42,304.40
	42,304.40	42,304.40

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
04/01/11	PC	04/01/11	10269	Debra J. Kind	34	277.05
04/01/11	PC	04/01/11	10270	Fletcher, Thomas M	33	84.70
04/01/11	PC	04/01/11	10271	H. Kelsey Page	35	184.70
04/01/11	PC	04/01/11	10272	Quam, Robert	32	184.70
04/01/11	PC	04/01/11	10273	Void		.00
04/01/11	PC	04/01/11	10274	Void		.00
04/01/11	PC	04/01/11	10275	William Rose	36	184.70
Grand Totals:						915.85

Greenwood
City on the Lake

Agenda Number	**6A**
Agenda Date	04-05-11

Agenda Item	2nd Reading: Ordinance 193 Amendments to Zoning Code Section 1140 General Regulations, 1140.45 Parking Requirements, and Section 510 Fees
Summary	The following is a brief summary of this agenda item: The 1st reading of this ordinance was approved at the March city council meeting. Sections 1 and 2 of the ordinance (attached) were added based on the March council discussion.
Council Action	Possible Motion: I move that the council approve the 2nd reading of Ordinance 193 Amendments to Zoning Code Section 1140 General Regulations, 1140.45 Parking Requirements, and Section 510 Fees.

ORDINANCE NO. 193

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTIONS 1140 GENERAL REGULATIONS,
1140.45 PARKING AND LOADING REQUIREMENTS, AND 510 FEES**

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

SECTION 1.
Greenwood ordinance code section 1140 is amended to add the following section:

"Section 1140.02. Changes of Principal Use - Administrative Review
An established use of a property may not be changed to an alternate use except after administrative review for zoning code compliance. Such review requires a payment of an administrative review fee set forth in chapter 5."

SECTION 2.
Greenwood ordinance code section 510 is amended to add the following fee:
"

Zoning: Misc. Administrative Review Fee	Chapter 11	$200 plus consultant fees incurred by the city

"

SECTION 3.
Greenwood ordinance code section 1140.45 is amended to delete the following sections:

"1140.45(11)(d) *Senior high school* – 1 parking space for each classroom plus 1 parking space for each 10 students, based upon design capacity."

"1140.45(11)(e) *Public elementary, junior high school or similar private school* – 2 parking spaces for each classroom."

"1140.45(11)(f) *Municipal administration buildings, community center, public library, museum, art galleries, post office, and other public service buildings* – 1 parking space for each 500 square feet of floor area in the principle structure."

SECTION 4.
Greenwood ordinance code section 1140.45(11)(j) is amended to read as follows:

"(j) *Common parking area* – Where the code otherwise permits, and it is proposed that multiple permitted uses be located upon a single lot or tax parcel, the owner/applicant shall prepare and submit to the city, together with a preliminary administrative review fee (set forth in chapter 5), a scaled parking plan for the whole lot or tax parcel setting forth the number of parking spaces required under this code for each proposed individual use/rental/condo unit thereat. Rental/condo units shall be illustrated and each unit's square footage stated. In the event that total available on site parking spaces in the proposed parking plan based on each individual use are fewer than this code otherwise requires, the owner/applicant may make application for a parking conditional use permit (CUP) to allow fewer on-site parking spaces for the proposed use mix than the code requires. Such application shall include the payment of a conditional use permit fee (set forth in chapter 5). A parking CUP may be issued subject to the terms and conditions of section 1150 and the following additional conditions: The owner/applicant must demonstrate to the satisfaction of the city council that reasonable anticipated day to day parking demand, including peak demand, is less than the code otherwise requires because of either (a) exigent circumstances unique to the planned uses, or (b) demand for parking varies between the various planned uses can be met with fewer than the total parking required by the code through limiting and controlling the mix of permitted uses, the amount of their individual business activity, and the hours of permitted use. Upon a finding by the city council that a parking CUP if granted hereunder will not adversely impact the public health safety and welfare, and the planned uses are otherwise code compliant, a parking CUP may be issued on such terms and conditions as the city deems appropriate provided that in any event a parking CUP shall be subject to a reservation of rights in favor of the city, including but not limited to, the right of the city to review on 60 days written demand all related use activity, mix of uses, changes in use, or hours/days of parking demand and the right of the city to amend or impose new and/or additional parking space requirements or other conditions for the existing or planned uses or otherwise cause the owner to bring to an end certain uses or mix of uses on one year advance written notice. The terms of a parking CUP meeting with the approval of the city attorney shall be memorialized by developer/owner agreement with the city and also incorporated into conditions and covenants filed on record against the subject property. All expenses and filing fees that the city may incur in conjunction with the processing of a parking CUP application and the preparation of related developer agreements and conditions and covenants shall be paid by the owner/applicant in full prior to issuance thereof. The city may charge for the expenses of its city staff, city attorney, and city engineer."

SECTION 5.
Greenwood ordinance code section 1140.45(11) paragraphs (g) through (t) will be re-lettered to reflect the deletion of paragraphs (d) through (f).

SECTION 6.
Effective Date. This ordinance shall be effective upon publication according to law.

ENACTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS ____ DAY OF _____, 2011.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

Greenwood
City on the Lake

Agenda Number	**6B**
Agenda Date	04-05-11

Agenda Item	Consider: Resolution 10-11 Summary of Ordinance 193 for Publication
Summary	The following is a brief summary of this agenda item: To save money on publication costs of longer ordinances, the council may approve a summary resolution. Attached is resolution 10-11 that includes a summary of ordinance 193 which amends code chapters 5 and 11 regarding administrative review and parking requirements.
Council Action	Possible Motion: I move that the council approve resolution 10-11 a summary of ordinance 193 for publication.

RESOLUTION 10-11

A RESOLUTION APPROVING PUBLICATION OF ORDINANCE NUMBER 193 BY TITLE AND SUMMARY

WHEREAS, ON _____ 2011 THE CITY COUNCIL OF THE CITY OF GREENWOOD ADOPTED ORDINANCE 193 "AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE CODE SECTIONS 1140 GENERAL REGULATIONS, 1140.45 PARKING AND LOADING REQUIREMENTS, AND 510 FEES";

WHEREAS, the city has prepared a summary of ordinance 193 as follows:

1. The ordinance clarifies that the use of a property cannot be changed without notifying the city zoning administrator and demonstrating the use is compliant with the zoning code.
2. The ordinance sets a "Zoning: Misc. Administrative Review Fee" of $200 plus consultant fees incurred by the city.
3. The ordinance removes parking requirements for uses not currently permitted by the city ordinances and uses that most likely will never exist in the city. These uses include a senior high school, junior high and elementary schools, and municipal buildings.
4. The ordinance states that common parking must meet the requirements of the code for each proposed individual use and allows fewer spaces with a conditional use permit provided that the owner/applicant can demonstrate to the satisfaction of the city council that reasonable anticipated day-to-day parking demand, including peak demand, is less than the code otherwise requires because of either (a) exigent circumstances unique to the planned uses, or (b) demand for parking varies between the various planned uses can be met with fewer than the total parking required by the code through limiting and controlling the mix of permitted uses, the amount of their individual business activity, and the hours of permitted use.

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 193 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 193 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 office.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS ____ DAY OF _____, 2011.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Gus E. Karpas, City Clerk

Greenwood
City on the Lake

Agenda Number	**6C**
Agenda Date	04-05-11

Agenda Item	Discuss: Greenwood Park Beautification
Summary	The following is a brief summary of this agenda item: At the March council meeting, the council directed staff to research the costs for park maintenance / improvement items and bring back pricing to the April or May council meetings. Staff spoke with Public Works Director Jerry Hudlow regarding his recommendations for cleaning up Greenwood Park. Jerry noted that there are more damaged and downed branches than usual due to the weight of the snow this winter. He also said the cost of wood chips on the trail would be free -- the only cost would be the labor. There is a lot of brush in the pond at the park that could be cleaned up as well. Jerry estimates the clean-up cost for the above listed items to be: $_____ (amount will be available at the council meeting). Jerry also suggested that in addition to putting brooms on site, that a couple of squeegees would be helpful as well. Staff has received an estimate from Vintage Waste for the placement and servicing of a garbage can on the site. The cost for a 65-gallon can would be $22.36 a month and a 96-gallon can would cost $24.99 a month. They would add this expense to our monthly recycling bill. Vintage Waste indicated that they could not service a park-style can and suggested we include that in the duties of our public works department. Staff will get estimates for the following items for the May council meeting: -- Cost to purchase brooms -- Cost to purchase squeegees -- Cost to sealcoat the basketball court -- Cost to sealcoat the tennis court -- Cost to purchase a park-style garbage can -- Cost for public works to service a park-style garbage can
Council Action	Possible Motion: I move that the council approve the public works estimate to trim trees, wood chip the trail, and clean up brush from the grounds and pond at Greenwood Park in an amount not to exceed $_____.

Greenwood
City on the Lake

Agenda Number	**7A**
Agenda Date	04-05-11

Agenda Item	Discuss: Xcel Energy Project
Summary	The following is a brief summary of this agenda item: Councilman Tom Fletcher requested that this topic be included on the council agenda. He will give a briefing at the meeting.
Council Action	

Greenwood
City on the Lake

Agenda Number	**FYI**
Agenda Date	04-05-11

Agenda Item	FYI Items in Council Packet
Summary	The following is a brief summary of this agenda item: The attached items are included in the council packet For Information Only.
Council Action	No council action is needed for FYI items.