

Greenwood City Council Meeting

7 PM, Tuesday, February 1, 2011
20225 Cottagewood Road ~ Deephaven, MN 55331 ~ 952-474-6633

AGENDA

Welcome to tonight's meeting. We are glad you are here! Members of the public are invited to address the council regarding any item on the agenda. If your topic is not on the agenda, you may speak during Matters from the Floor. Also, as a friendly reminder, please turn off your cell phones.

- 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 01-04-11 Council Minutes
 - B. Recommendation: Approve December Cash Summary Report
 - C. Recommendation: Approve January Payables
- 7:10 PM 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address 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.
- 7:15 PM 4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS
- A. Meet Planning Commission Applicant: Douglas Reeder
- 7:20 PM 5. PUBLIC HEARINGS
- A. None
- 7:20 PM 6. UNFINISHED BUSINESS
- A. 1st Reading: Ordinance 190 Amending Code Chapter 11 to Limit the Number of Required Front Yard Setbacks on Lots with Multiple Frontages
 - B. Consider: Sign Projects for 2011
- 7:45 PM 7. NEW BUSINESS
- A. Consider: Resolution 06-11 Restricting the Transfer of Property within the City
 - B. 1st Reading: Ordinance 191 Amending Code Section 900.15 Prohibiting Depositing of Snow or Ice on City Streets
 - C. 1st Reading: Ordinance 192 Establishing Code Section 715.12 Prohibiting Street Parking After a Snowfall
 - D. Consider: Weed Treatment at City Docks
 - E. Discuss: Ordinance 193 Amendments to Code Section 1140.45 Parking Requirements
 - F. Discuss: Prompt Payment of Local Government Bills, MN Statute 471.425
 - G. Discuss: Management Analysis for Audit Report
 - H. Discuss: Alternative Legal Publication Legislation
- 9:15 PM 8. OTHER BUSINESS
- A. None
- 9:15 PM 9. COUNCIL REPORTS
- A. Fletcher: Planning Commission, Milfoil, Lake Minnetonka Communications Commission
 - B. Kind: Police, Administration, School District Meeting
 - C. Page: Lake Minnetonka Conservation District
 - D. Quam: Roads & Sewer, Minnetonka Community Education
 - E. Rose: Excelsior Fire District
- 9:30 PM 11. ADJOURNMENT

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

GREENWOOD CITY COUNCIL MEETING
Tuesday, January 4, 2011, 7:00 P.M.
Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

Attorney Kelly administered the Oath of Office to newly elected Mayor Debra Kind and Councilmembers Thomas Fletcher and Robert Quam.

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

Mayor Kind called the meeting to order at 7:02 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 7:13 P.M.)

Members Absent: None

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

2. OATH OF OFFICE

This was conducted before the meeting was called to order.

3. CONSENT AGENDA

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

- A. December 7, 2010, City Council Meeting Minutes**
- B. November 2010 Cash Summary Report**
- C. December 2010 Payables**

Motion passed 5/0.

4. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

5. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. Greenwood Night at the Old Log Theater, Friday, January 14, 2011**

Mayor Kind stated Greenwood Night at the Old Log Theater is scheduled for January 14, 2011. This is an opportunity for residents to support the Theater which is a landmark in the City. She noted she planned on attending the event. Councilmembers Fletcher and Page stated they would also be attending the event so Zoning Administrator/Clerk Karpas was asked to notice it.

B. City Engineer Martini – Minnehaha Creek Watershed District Draft Plan Amendment

Mayor Kind stated the meeting packet includes a copy of a letter authored by her in response to the Minnehaha Creek Watershed District's (MCWD) request for comments about its proposed amendment to its Comprehensive Water Resource Management Plan (CWMP) regarding implementation of phosphorous reduction goals. The packet also includes a copy of a letter dated December 20, 2010, from Bolten & Menk's Water Resources Specialist Doug Carter outlining his comments about the proposed amendment; a copy of a letter from Becky Houdek, with the MCWD, about the proposed amendment; and, a copy of the proposed amendment. She noted because of the holidays and the MCWD's request to receive comments by January 3, 2011, she and Zoning Administrator/Clerk Karpas met with Engineer Martini and Mr. Carter as well as representatives from Deephaven and Woodland the week of December 27, 2010, to discuss Mr. Carter's comments. She composed a letter based on that discussion and sent it to the MCWD.

Kind highlighted what her letter said. She personally agrees with Bolten & Menk's comments. Council typically agrees with Bolten & Menk's comments, but she could not speak for Council. She anticipated Council would take issue with the MCWD's attempt to dictate the process by which the City will achieve its phosphorous reduction goals. She thought the 45-day comment period (which included the Thanksgiving, Christmas and New Year's Day holidays) was too short. The letter noted that Council would be discussing the letter she authored as well as Bolten & Menk's comments during this meeting.

Kind noted that the MCWD has recently extended the comment period to January 13, 2011, which is the day of the MCWD's public hearing on the amendment.

Engineer Martini, who ultimately works for Bolten & Menk, stated the comments letter from Bolten & Menk about the proposed MCWD rule change are organized into five different categories. The first category is regarding the overall tone and relationship between the MCWD and the local government units (LGUs) within its jurisdiction. The amendment indicates the MCWD will monitor the progress the LGUs are making against phosphorus reduction goals and it will decide what it wants to do if the LGUs are not making what the MCWD deems reasonable progress. Two subsections in the CWMP are cited as being of concern because of the tone of the language or the type of data the MCWD was asking the LGUs to provide.

Councilmember Page stated he thought the City is responsible to the Metropolitan (Met) Council for achieving its phosphorus reduction goals. Engineer Martini clarified the MCWD ultimately has that responsibility. Martini explained the City would not have had its Comprehensive (Comp) Plan approved if it had not developed a Storm Water Pollution Prevention Program (SWPPP), noting the Comp Plan is approved by the Met Council and the SWPPP is required by the MCWD.

Councilmember Quam stated the results of the 2010 analysis of street sweeping samples indicate the City has exceeded the phosphorus reduction goals identified in the City's SWPPP. Councilmember Fletcher stated he thought that was a base-point sample and that he anticipated the City could reach its goals with some additional street sweeping. Fletcher stated it's likely the MCWD would want to see an improvement over what the City is already doing. Quam stated the City needs to make sure it receives phosphorus reduction credit for the sweeping it currently does. Engineer Martini stated Bolten & Menk believes that there is enough benefit derived from the sweeping of City streets to achieve the goals.

Engineer Martini stated the second category of concern is about the use of undefined, subjective, qualitative and, at times, argumentative language. Terms similar to "lagged, diligently, importantly, good,

timely, adequate and failing” need to be well defined if they are to be used in the CWMRP. Ten areas are cited as being of concern. The third category is about the use of language that is vague and open to interpretation. Two areas are cited as being of concern. The fourth category is about the funding and overarching sense of cooperation and protection of natural resources. Two areas are cited as being of concern. The MCWD could go so far as to set up a special taxing district in a LGU to fund a program to achieve phosphorus reduction goals. The City currently has a memorandum of understanding (MOU) with the MCWD which describes the City’s responsibilities and the MCWD’s responsibilities. The MCWD’s goal is to incorporate the LGUs’ responsibilities and the MCWD’s responsibilities into the rule and eliminate the individual MOUs. The fifth category is general amendment comments.

Mayor Kind asked if Council is comfortable with the contents of the letter she authored and sent to the MCWD.

Councilmember Fletcher suggested a second letter be sent to the MCWD stating the Council has discussed this information and that the Council agrees with what was stated in the letter from Mayor Kind dated December 28, 2010.

Engineer Martini stated the goal has been to have a cooperative working arrangement between the LGUs and the MCWD. No one is questioning the value of protecting water resources. He noted that Bolten & Menk does not think the proposed rule change fosters a sense of cooperation.

Councilmember Fletcher stated the City has a great interest is having water resources well maintained.

Fletcher moved, authorizing the letter written by Mayor Kind dated December 28, 2010, be resent to the Minnehaha Creek Watershed District subject to it being revised to say the Greenwood Council has met and discussed the MCWD’s proposed amendment to its Comprehensive Water Resource Management Plan as well as Kind’s response and that Council agrees with the response.

Engineer Martini departed the meeting at 7: 13 P.M.

Attorney Kelly suggested that be done as a formal resolution and that a certified copy of the resolution be sent to the MCWD. He noted the government speaks through resolution.

Without objection from the maker of the motion, it was amended to direct the City Attorney to prepare a resolution authorizing the letter be resent subject to the revisions identified along with a copy of the comment letter from Bolten & Menk, adopting such resolution and directing Staff to send a certified copy of the resolution to the MCWD. Page seconded. Motion passed 5/0.

C. St. Albans Bay Captain Rob Roy – 2011 Bay-Wide Milfoil Treatment

Mayor Kind stated St. Albans Bay Captain Rob Roy is present to discuss the 2011 bay-wide treatment of Eurasian Watermilfoil (milfoil).

Rob Roy, 21270 Excelsior Boulevard, thanked Mayor Kind, Councilmember Fletcher, Minnesota Senator Gen Olson and Minnesota Representative Connie Doepke for their efforts in pulling the various agencies together to improve communications regarding milfoil treatment in St. Albans Bay and Gideon Bay. He noted the treatment of these two bays is separate from the three-bay milfoil chemical treatment pilot program. He stated the Minnesota Department of Natural Resources (MnDNR) has stated that they will issue a one-year permit for the treatment of these two bays. The results of the 2011 treatment will be evaluated and the extension of the permit will depend on the impact on native plants.

Mr. Roy then stated there was a meeting of all the bay captains in December 2010 to specify the treatment desired, the time for the treatment, the desired water temperature and so forth. Negotiations are in process with the Lake Minnetonka Association (LMA) to reduce the fees to do the treatment because there are more bays being treated. The treatment applicators have not yet provided the LMA with the costs to treat the five bays. He then stated a letter will again be sent out to the City's residents asking for donations toward the cost of treating St. Albans Bay. He asked the City to contribute \$5,000 toward the treatment of St. Albans Bay. He requested that contribution be authorized this evening.

Mr. Roy went on to state that lakefront property owners will have to sign letter authorizing the area in front of their property to be treated and send the letter to the LMA. Donations for the treatments can be made in a variety of ways with one of them being through the LMA's website by charging the donation to a credit card. He noted he needed three additional bay captains to help with the fundraising effort because some of last year's captains are gone for a few months.

Mr. Roy stated he can be contacted at (952) 474-3774 or by email at lrobroy@msn.com.

Councilmember Page asked if there was money available from last year's fund raising efforts for treatment that the MnDNR would not authorize. Mr. Roy explained that when the treatment effort was not approved people who had contributed to the effort were either able to get their money back or leave it in the account. The majority of the contributors asked for their money back. Mr. Roy noted there is approximately \$6,000 in the account.

Councilmember Page asked when the money was needed by. Mr. Roy responded May 1, 2011. Mr. Roy explained that treatments will be dependent on the temperature of the water and the temperature should be at the correct level the end of May 2011 or early June.

Mr. Roy noted the 2010 treatment results of Phelps Bay were not as good as desired because of the temperature of the water when the treatment was done and because the MnDNR changed the ratio of parts per million by 25 percent. The parts per million will be adjusted for 2011.

Councilmember Page stated Council authorized a \$5,000 donation in 2010 and he asked if the contribution was made. Mayor Kind stated the City pledged the \$5,000 contingent on DNR approval of the permit, which did not happen, so no funds were submitted.

Page moved, Quam seconded, authorizing a contribution in the amount of \$5,000 out of the General Fund toward the 2011 chemical treatment of Eurasian Watermilfoil in St. Albans Bay. Motion passed 4/1 with Rose dissenting.

Mr. Roy stated the City of Excelsior will be asked to make a contribution.

In response to a question from Councilmember Quam, Councilmember Fletcher explained a lakefront property owner can elect not to make a contribution but still have the lake area in front of their property treated if the property sends in the authorization letter to the LMA. Mr. Roy stated that will be conveyed in the solicitation.

Councilmember Page stated all residents will be solicited for a contribution and people who don't have lakefront property can make contributions.

6. PUBLIC HEARING

A. None

7. UNFINISHED BUSINESS

A. Second Reading: Ordinance 189 Amending Code to Regulate the Completion of the Exterior of Structures Under Construction

Mayor Kind stated this is the second reading of Ordinance 189 amending the Ordinance Code Chapters 3 and 5 adding provisions regulating the completion of the exterior of structures under construction. She noted the copy of the amendment reflects the changes discussed during the December 7, 2010, Council meeting. She stated the fee to extend the completion of exterior work should read \$200 for first 60-day extension (administrative).

Quam moved, Page seconded, Approving ORDINANCE NO. 189, “An Ordinance Amending the Greenwood Ordinance Code Chapters 3 and 5 Adding Provisions Regulating the Completion of the Exterior of Structures Under Construction” subject to the fee to extend the completion of exterior work being changed to say \$200 for first 60-day extension (administrative). Motion passed 5/0.

Quam moved, Page seconded, Adopting RESOLUTION 03-11, “A Resolution Approving Publication of Ordinance Number 189 by Title and Summary.”

Councilmember Fletcher stated there is no mention of the changes made to Section 515 in the summary and he asked if there should be. Attorney Kelly responded the City has an obligation to publish its ordinances as written or to create and publish a summary that adequately informs the public. Kelly stated he did not think Resolution 03-11 does that. Kelly stated Council can either amend the ordinance or publish the entire ordinance to address Section 515.

Without objection from the seconder, the maker amended the motion to add to the summary point 5 that states “This Ordinance includes an amendment to Section 515 stating each day a violation continues is subject to administrative civil citation.” Motion passed 5/0.

B. Response to the Minnehaha Creek Watershed District Aquatic Invasive Species Program Plan Amendment

Mayor Kind stated during Council’s December 7, 2010, meeting Council discussed the Minnehaha Creek Watershed District’s (MCWD) proposed amendment to its 2007 Comprehensive Watershed Resources Management Plan. The amendment establishes a District wide aquatic invasive species (AIS) control and management program. Based on that discussion she drafted a comment letter to the MCWD for Council’s discussion this meeting, noting a copy of the letter is included in the meeting packet. The goal is to send the letter to the MCWD by January 7, 2011. She asked the Councilmembers if they had any feedback on the letter.

Councilmember Page stated he did not understand what the second sentence in point 6 means. Point 6 states “*If an ad valorem tax levy is used to begin an AIS program, we agree (and prefer) that it should be spread out either watershed wide or statewide. We also strongly agree that the continuing costs should be shifted to permit fees charged to those whose activities present the greatest threat to spread AIS.*” He asked who it’s focused on and he indicated he did not recollect there being discussion about that. He stated sentence two bothers him.

Mayor Kind stated it's her recollection that Councilmember Rose took issue with the "ad valorem" approach. Rose had asked why there can't be some type of fee imposed on boaters using boat launches on Lake Minnetonka (the Lake). Kind and Councilmember Fletcher expressed they agreed with Rose's point of view on that.

Councilmember Page stated if the intent is to charge launching fees then that is what the letter should say. He then stated he opposed doing that. He recommended sentence two be eliminated.

Councilmember Rose asked Councilmember Page if thought it wouldn't be appropriate to charge people a fee when they use boat launches on the Lake even though it is people who tend to put their boat in and out of the Lake with some regularity who are more likely to spread AIS. Page stated State Statute does not allow it. Rose stated he can't pay for all of these types of things yet he has to. Mayor Kind stated the letter is trying to convey this is a State issue and that the State Statute could be changed to allow inspection fees.

Mayor Kind stated inspections for AIS should be done by the Minnesota Department of Natural Resources (MnDNR) and fees should be charged for the inspections if the MnDNR is serious about stopping the spread of AIS. Councilmember Fletcher commented he thought the MCWD would agree with that.

Councilmember Fletcher stated he preferred that sentence 2 in point 6 stay in the letter. Funding for programs is always an issue and that issue should be brought to the forefront now.

Mayor Kind asked if Council would accept removing the word strongly in point 6 sentence two. Councilmember Fletcher stated he was okay with doing that. Councilmember Rose stated he thought it should remain as written.

Councilmember Page stated he disagrees with charging people to put their boats into the Lake. The next thing that will happen is people will be charged to put their boats into other lakes such as Christmas Lake. He then stated he doesn't agree natural resources are subject to some permit process by the MCWD with the MCWD deciding who is going to be able to launch their boat into the Lake based on what the MCWD decides is some microscopic organism that can't be seen.

Mayor Kind clarified this is not just specific to Lake Minnetonka; it's within the MCWD's jurisdiction.

Councilmember Page stated the pilot inspection program done around the Lake clearly demonstrated that there is very little to no AIS being attached to trailers coming into the Lake. He then stated it's his recollection that the videos of about 10,000 inspections that were reviewed in the recent year and there were seven instances at most where a case could have been made that AIS was attached to the trailer.

Councilmember Rose asked if it would be possible to rewrite that portion of the letter and say that Council doesn't think the inspections are valuable. He stated he thought AIS should be the responsibility of the MnDNR. He questioned who should be paying for the AIS startup program proposed by the MCWD.

Councilmember Page stated he thought the MCWD's effort to establish a District wide AIS control and management program under its jurisdiction is just an effort to create a giant bureaucracy, noting he made the same comment during the December 7, 2010, Council meeting. He commented there are already plenty of bureaucracies. Also, the MnDNR has already decided what funding it will grant to the Lake

Minnetonka Conservation District for AIS related activities. He expressed total opposition to the MCWD monitoring and controlling what goes into the Lake.

Mayor Kind stated Council doesn't have to respond to the MCWD during its comment period about the amendment. She then stated that the first statement in point 2 could be Council's response. Point 2 states *"The majority of the council supports statewide AIS management by the Minnesota Department of Natural Resources. One council member supports local management by the Lake Minnetonka Conservation District. And one council member supports management by the Watershed District."* Councilmember Rose stated he could support that.

Councilmember Fletcher stated the problem of AIS is larger than the funds and resources the MnDNR has available. Mayor Kind stated the MnDNR has more taxing authority than the MCWD.

Councilmember Fletcher stated the MCWD is trying to do something. He then stated he thought it would be best if the State and MnDNR addressed the AIS problem. In absence of that happening, then he thought it would be good for the MCWD to try to do something.

Mayor Kind stated the letter doesn't say the Council supports the MCWD taking on more responsibility for addressing the AIS problem.

Councilmember Fletcher stated a lot of money is currently being spent by the LMCD on the Eurasian Watermilfoil problem. He supports other agencies becoming more involved.

Mayor Kind asked Council if it wanted to send the letter or a revised letter.

Councilmember Quam stated the Lake communities need to depend on the MnDNR.

Councilmember Page suggested that points 5 and 6 be deleted from the letter. Point 5 states *"The District's proposed blue-tag / red-tag plan does not take into consideration that different lakes have different AIS issues. Instead it seems to lump all red-tag lakes together and in effect say "welcome" to AIS from all other red-tag lakes."* Mayor Kind and Councilmember Quam expressed support for doing that.

Councilmember Fletcher asked if point 2 will be changed. Councilmember Page recommended sentences 2 and 3 be deleted from point 2.

Councilmember Fletcher stated he would not support the letter if the proposed revisions are made.

Page moved, Quam seconded, sending the comment letter to Minnehaha Creek Watershed District subject to statements 2 and 3 being deleted from point 2 and points 5 and 6 being deleted in their entirety. Motion passed 4/1 with Fletcher dissenting.

8. NEW BUSINESS

A. Street Issues (Traffic Calming, Snow)

Mayor Kind stated the City received numerous complaints about vehicles driving too fast on residential streets when it conducted its last community survey and residents frequently call the City about speeding issues. Last fall residents along Sleepy Hollow Road contributed to the cost for new signs on that street. During the December 7, 2010, Council meeting former Mayor Bob Newman came before Council during

matters from the floor to ask the City to try and reduce the speed vehicles travel on Meadville Street which his property abuts. Mayor Kind then stated that before installing speed bumps on roadways to slow traffic down (which Newman suggested for Meadville Street) she suggested Council send a letter to the residents who use Meadville to ask them to drive at the posted speed limits, and to fully utilize the capabilities of the speed trailer to encourage drivers to slow down and to capture actual speed data. She stated the speed trailer can measure and record vehicle speeds both when its displaying the speed of a vehicle and before the display comes on.

Councilmember Page stated he's not convinced there is a lot of speeding on Meadville Street or Greenwood Circle (the street near his home), noting there is more of a propensity to speed on Greenwood Circle. He supports putting the speed trailer out to capture data about the actual speed of vehicles and use it to determine if there is really a speeding problem. He explained that although the posted speed limit on many streets located in the City is 20 miles per hour (mph) the actual speed limit is 30 mph and it is set by State Statute. If a driver goes over a posted speed of 15 mph or 20 mph they are not breaking the law. He noted he's not in support of installing speed bumps on City streets.

Councilmember Quam suggested using the speed trailer to capture and analyze the speed data before deciding on any course of action. Councilmember Fletcher stated he supports doing that.

Councilmember Rose stated he knows which three drivers consistently travel faster than the 20 mph posted speed limit on Meadville Street. He asked how residents should approach other residents about their driving too fast. Councilmember Page suggested Rose go and speak with them. Councilmember Quam commented he has had good results by talking with the offender directly.

Mayor Kind noted she will follow up on having the speed trailer placed on Meadville Street in the spring.

Mayor Kind stated the City has received resident complaints regarding residents shoveling their snow onto City streets. She explained State Statute 160.2715 states it's unlawful to "obstruct any highway or deposit snow or ice thereon." She stated highway may not include residential streets. She then stated the City can rely on that State Statute or Council could amend the City's Code to clarify that all public streets are included. She noted the City of Minnetonka added the following language to its code to prohibit this. *"1. A person must not deposit snow or ice, plowed or removed from private property, onto a public street or other public property. 2. A person must not deposit snow or ice, regardless of place of origin, onto a public street in a manner that unreasonably obstructs the use of the street."* She stated she thought the statement "regardless of place of origin" was included because people get mad that a City plow pushed snow on to their property, so they shovel it back onto the street. She recommended the City's code be amended to address this.

Mayor Kind then stated there are eight private vehicles that are consistently parked on City streets during snow events. This creates a need for snowplows to re-plow those streets. The City's Public Works Supervisor has indicated it takes a minimum of two hours at a minimum cost of about \$86 per hour to clean the areas impacted, and that there are a minimum of twelve snowstorms a year for an annual cost of over \$2,000. She explained the City has an ordinance for declaring a snow emergency, but she thinks it is difficult to implement. She recommended Council adopt some winter parking restrictions. She noted the meeting packet contains copies of the restrictions for the Cities of Chanhassen, Deephaven, Excelsior and Minnetonka. She explained Chanhassen prohibits on-street parking after a two inch or more snowfall until streets have been plowed curb to curb as well as between the hours of 1:00 AM. – 7:00 A.M. from November 1st to April 1st. Excelsior's policy is more elaborate and includes odd-even parking restrictions. She stated that the City Manager for Excelsior has recommended against odd-even restrictions.

Deephaven restricts parking on public streets after a two inch or more snowfall until its streets have been completely plowed.

Councilmember Page stated he doesn't agree with requiring all vehicles to be off the streets for a two inch snowfall. He then stated he doesn't think that having eight cars parked on the street during snowstorms is a gigantic problem.

Mayor Kind stated the residents that live next to the streets the eight vehicles are parked on think it's an issue. She stated she supports a restriction that prohibits vehicles from parking on the streets after two inches or more of snow has fallen until the streets have been plowed curb to curb.

Councilmember Fletcher stated the City pays the Deephaven's Public Works Department to come back and re-plow the streets.

Councilmember Page stated residents can't deposit snow on the streets yet the City can put as much snow on residential properties as it wants to. He questioned if that is correct and right. He expressed he appreciates that residents may be irritated by the City plowing snow on their driveways during this heavy snow season and they have no where to put it. He did not think this has been a big problem most years.

Councilmember Fletcher stated the plowing issue has been an ongoing issue and with the amount of snow that's already fallen this year it's been an even bigger issue. He then stated he thought the parking issue is the bigger issue and he's more concerned about that. He noted the City doesn't have the funds to haul the snow away and the snow has to go somewhere.

Councilmember Quam stated he's somewhat torn about the parking issue, noting there had been a problem on Maple Heights Road where plows couldn't get through. There is no parking allowed on that street year round now. He asked if all Greenwood residents have off-street parking for two cars, to which Mayor Kind responded she thought so.

Councilmember Quam suggested the City start putting out warning signs.

Mayor Kind suggested Council direct Staff to draft an ordinance amendment that would go into affect for the 2011/2012 snow season.

Mayor Kind and Councilmembers Fletcher and Rose stated they preferred the restrictions Deephaven has regarding parking.

Mayor Kind asked if Council wanted to amend the ordinance to also prohibit depositing snow on public streets. Councilmember Fletcher stated he thought parking is the bigger issue, but if Council wants to make sure that is enforceable then the ordinance should be amended to address it.

There was Council consensus to have Staff draft an ordinance amendment which includes a no-parking restriction after a two inch or more snowfall until the streets have been completely plowed and language that prohibits residents from depositing snow and ice on City streets. The draft amendments will be on the February 1, 2011, Council agenda.

B. Sign Project for 2011

Mayor Kind stated Council had decided to budget for replacing one of the four City of Greenwood signs each year starting in 2010. The signs are located at Christmas Lake Road, at Minnetonka Boulevard near

where the City borders with the City of Deephaven, near the Villas and at the intersection of Manor Boulevard and Excelsior Boulevard. The sign at Manor Boulevard was replaced in 2010 with a Signfoam sign. The sign near the Villas is the most visible. The sign at Christmas Lake Road is in reasonable condition. The sign near Deephaven is in the worst shape. She noted the estimates from Sign Source, Inc. to replace a sign included in the meeting packet are from July 2009. There is one estimate for a sandblasted Cedar sign and another for a Signfoam sign. She stated she doesn't think there is a need to have a Cedar sign; the Signfoam sign is quite a bit cheaper. She also stated that she expected that the cost for the Signfoam sign would be similar to the 2009 estimate.

Councilmember Fletcher stated Council had budgeted more to replace a sign in 2010 than was spent. He explained the estimates include the cost for design and file layout for an amount of \$130. He doesn't think that is needed because a design and layout was paid for in 2010. He stated Staff should ask Sign Source if it would be cheaper to make and install two Signfoam signs at the same time.

There was Council consensus to have Staff get an estimate for making and installing two Signfoam signs, one at the Villas and one near Deephaven, and to confirm there should be no design and file layout involved. This will be on the next Council meeting agenda.

Councilmember Page asked if he could have one of the signs that will be replaced. Councilmember Fletcher suggested he take the one at the Villas because it's in better shape. Page said he would pick it up when available.

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

Mayor Kind stated this is the first reading of Ordinance 190 amending the Ordinance Code Chapter 11 to limit the number of required front yard setbacks. A copy of the draft ordinance is included in the meeting packet.

Zoning Administrator/Clerk Karpas stated the Planning Commission held a public hearing during its December 15, 2010, meeting regarding limiting the number of required front yard setbacks. The Commission unanimously recommended Council approve Ordinance 190 amending Ordinance Code Chapter 11 limiting the number of required front yard setbacks to two for lots that front three roads. The Commission recommended the City Zoning Administrator be given the authority to decide which two of the three would have the front yard setback and which one would have the normal side yard setback.

In response to a question from Councilmember Rose, Zoning Administrator/Clerk Karpas explained under the current Ordinance for lots that front three roads the lot would have front yard setbacks on three sides of the property. Requiring three front yard setbacks could impede the development of that type of property.

Councilmember Rose asked how many residential properties would be affected. Councilmember Fletcher responded this originally came about because of a property Fairview Street located next to an unused right-of-way. Fletcher stated there are a few lots that would be affected.

Mayor Kind stated other cities limit the number of front yard setbacks to two.

Quam moved, Page seconded, adopting the first reading of Ordinance 190 amending the Greenwood Ordinance Code Chapter 11 limiting the number of required front yard setbacks.

Councilmember Fletcher expressed concern that there could end up having a house constructed on such a lot that is not set as far back on the property as neighboring houses are. Mayor Kind stated she didn't think a property owner would want to build their house closer to the street than other houses in the immediate area.

Councilmember Page stated he supports granting the City Zoning Administrator the authority to decide which sides will have front yard setbacks. He then stated this is one way to eliminate the need for a variance for those types of lots. He recommended attention be paid to aesthetics when making the setback decisions.

Councilmember Fletcher stated he would be more comfortable with this if there is a way to distinguish between a fire lane and right-of-way that has not been paved versus those lots with regular City streets on three sides of the property. He suggested this be tabled until there has been time to look at each parcel that would be affected.

With out objection from the seconded, the maker withdrew the motion.

Rose moved, Fletcher seconded, continuing the first reading of Ordinance 190 amending the Ordinance Code Chapter 11 to limit the number of required front yard setbacks to the February 1, 2011, Council meeting. Motion passed 5/0.

D. 2011 Appointments and Assignments

Mayor Kind stated the meeting contains a draft resolution making appointments and assignments for 2011, noting this is a routine resolution. She noted the appointment of Councilmember Page to serve as the City's representative to the Lake Minnetonka Conservation District (LMCD) is through February 2014. She stated Council needs to appoint an alternate to the South Lake Minnetonka Police Department (SLMPD) Coordinating Committee and she suggested Mayor Pro-Tem Quam be appointed to that. Council also needs to appoint an alternate to the Excelsior Fire District (EFD) Governing Board. Councilmember Page offered to serve in that capacity. She noted that the regular meeting dates for the EFD Board are the fourth Wednesday's of January, March, May, July, September and November (this could change to the third Wednesday depending on when the Thanksgiving Holiday falls). She also noted the LMCD Board meets on the second and fourth Wednesday's of the month.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 01-11, "A Resolution Making Appointments and Assignments for January 1, 2011 through December 31, 2011." subject to it being amended to appoint Councilmember Quam as alternate to the South Lake Minnetonka Police Department Coordinating Committee and Councilmember Page as the alternate to the Excelsior Fire District (EFD) Governing Board, changing the regular meeting day for the EFD Board to the fourth Wednesday of every other month beginning with January, and changing the meeting dates for the Lake Minnetonka Conservation District Board to the second and fourth Wednesdays of the month.

Councilmember Page asked who Mary Courtney is. Mayor Kind responded she is the Treasurer for the City of Deephaven and serves in a contract capacity for that same function for the City, noting she was previously appointed to serve in that position. Page asked if someone oversees what Ms. Courtney does. Councilmember Fletcher explains the City's Administrative Committee reviews the check register monthly and the bank statements quarterly.

Councilmember Page stated he received a letter signed by the City's Dock Coordinator but the City doesn't have a dock coordinator. The Ordinance states the City Clerk makes the dock assignments. Mayor Kind stated Deborah Hicks with the City of Deephaven does that for Deephaven and the City. Kind then suggested that the City's Ordinance could be amended to allow Council to delegate that responsibility or the City Clerk can just sign the letters.

Motion passed 5/0.

E. Setting 2011 Meeting Dates

Mayor Kind stated the meeting packet contains a copy of a resolution setting meeting dates for the City for January 1, 2011 through December 31, 2011. Tonight Council was provided with an updated resolution changing the August 2nd Council meeting date to August 4th, changing the Subsequent Local Board of Appeal & Equalization meeting date to April 26th, and changing the City Council and Planning Commission joint work session date to May 18th.

Page moved. Fletcher seconded, Adopting RESOLUTION NO. 02-11, "A Resolution setting the 2011 dates for: City Council meetings (first Tuesday of the month with the exception of the August meeting being scheduled for the first Thursday); Planning Commission meetings including public hearings for variance / conditional use permit / subdivision applications (the third Wednesday of the month); pre-board meeting with assessors (April 4, 2011); Local Board of Appeal and Equalization meeting (April 14, 2011); subsequent Local Board of Appeal and Equalization meeting (April 26, 2011); spring clean-up day (May 7, 2011); City Council and Planning Commission Joint Work Session (May 18, 2011); and, 2012 budget public comment opportunity meeting (December 6, 2011). Motion passed 5/0.

9. OTHER BUSINESS

A. None

10. COUNCIL REPORTS

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

Councilmember Fletcher stated Council has already discussed items related to the Planning Commission and Eurasian Watermilfoil.

With regard to the Lake Minnetonka Communications Commission (LMCC), Fletcher stated the LMCC member cities can ask to have their own surveys added to the LMCC fiber optics survey. Cities electing to do so would have to pay a fee.

There was consensus to not pay for a City survey to be added to the LMCC fiber optic survey.

B. Kind: Police, Administration, Speed Trailer

Mayor Kind stated the Federal Emergency Management Agency through the Mitigation Act of 2000 requires each city adopt a hazard mitigation plan in order to apply for and/or receive hazard mitigation funds. The City adopted a resolution in 2004 adopting an All-Hazard Mitigation Plan. At the request of Chief Litsey a copy of that resolution was distributed prior to this meeting along with a new resolution for

consideration. The resolution would adopt the recently updated Hennepin County All-Hazards Mitigation Plan.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 04-11, “A Resolution Adopting the Hennepin County All-Hazards Mitigation Plan.” Motion passed 5/0.

Mayor Kind stated the South Lake Minnetonka Police Department Coordinating Committee has not met since the last Council meeting. The next meeting is scheduled for January 20, 2011, at 5:00 P.M.

With regard to administration, Mayor Kind explained the former City Administrator wrote checks to pay invoices twice a month, Kind would sign the checks and the checks would be mailed out. Under this schedule the Council did not actually approve payables because it did not have the opportunity to pull checks before they were distributed. Instead the Council was approving verified claims. She stated she is not comfortable with invoices being paid before the Council authorizes the payables. There are times when invoices are received mid-month. She noted that when the former Administrator ended her tenure with the City the Council made the decision to contract with the City of Deephaven to provide accounting services. Mary Courtney, with Deephaven, currently provides those services.

Mayor Kind asked Council how it would like to handle claims that need to be paid mid-month. Councilmember Quam asked if they have to be paid before the next Council meeting.

Councilmember Fletcher stated if Council has to approve claims before they are paid, that claims received after the Council meeting in December in any year would not be paid until the next year and that could make year-to-year budget comparisons inconsistent the first year such as change is implemented. He noted that depending on the schedule for the December meeting in one year and the January meeting in the next year the time period between the receipt of a claim, which is likely about one-week before a Council meeting, and mailing payment of the claim could be up to 45 days. He commented that most businesses like to be paid at least on a 30-day cycle and he thought that was a reasonable expectation. He stated he wants the City to be viewed as paying its claims on time.

Mayor Kind expressed her preference for Council to approve the payables before they are paid and mailed out. She noted there are regular claims (e.g., the postage for mailing the City’s newsletter) that must be paid before they are approved by the full Council and she would like the Council to authorize the Mayor or the Administrative Committee to pay those types of claims.

There was ensuing discussion about whether or not claims should be paid without prior approval of Council.

Quam moved, Page seconded, giving the Mayor the authority to allow the release of payment checks for routine claims mid month without Council approval and requiring all other claims be approved by Council before they are released. Motion passed 5/0.

Mayor Kind stated that Council meeting packets are typically completed by noon on the Wednesday preceding a regular Council meeting. The packets are typically delivered by the South Lake Minnetonka Police Department (SLMPD) the next evening. She asked if Council wants to have the SLMPD continue to deliver the packets or to have the packets mailed, noting Councilmembers would get packets by Thursday either way. Councilmembers always have the option of picking the packets up at Deephaven City Hall after noon on Wednesday.

There was Council consensus to continue having the SLMPD deliver the meeting packets. The SLMPD's presence in Councilmembers neighborhoods is a benefit of doing this.

Mayor Kind stated the meeting packet includes a copy of the Planning Commission application. The application was amended to include the question "*Would you be willing to attend a city-paid training class?*" She noted that an electronic version of the Planning Commission application has been placed on the City's website. She also noted that one Commissioner has not reapplied so there is a need for new applicants.

Councilmember Quam suggested that the deadline for receiving applications be added to the application. Mayor Kind stated the deadline would be February 28, 2011.

Mayor Kind stated the meeting packet includes a copy of an email from the City of Shorewood's City Administrator Brian Heck to South Lake Minnetonka Police Department (SLMPD) Chief Bryan Litsey regarding Shorewood's speed trailer which the SLMPD manages and deploys on behalf of Shorewood. Administrator Heck stated the Shorewood Council will consider turning over full operation and decision making about the deployment of the speed trailer to the SLMPD during its January 10th meeting. Heck recommends the SLMPD be asked to provide the SLMPD member cities a statistical report on the use of the trailer. Heck also recommends the SLMPD Coordinating Committee consider a policy on managing the requests for deployment of the trailer.

Mayor Kind then stated Council has been discussing whether or not it would like to share in the purchase of a second trailer. She recommended that be put on hold. Councilmember Fletcher noted that the City of Shorewood is doing the other member cities a favor.

Mayor Kind then called the Council's attention to one of the FYI items in the Council packet. She explained the Council and residents are invited to a public informational open house hosted by Xcel Energy for an electric transmission line upgrade in the Southwest Twin Cities. Xcel plans to rebuild the current 69 kilovolt line with a proposed 115 kilovolt line. The project is needed to ensure reliable and stable electric services in area including the Cities of Chanhassen, Deephaven, Eden Prairie, Excelsior, Greenwood, Minnetonka and Shorewood. One open house is scheduled for January 13, 2011, from 4:00 – 7:00 P.M. at the Bayview Event Center. Another open house is scheduled for January 10, 2011, from 4:00 P.M. – 7:00 P.M. at the Eden Prairie Community Center.

Mayor Kind stated if three or more members of the Council plan on going to the open house it needs to be noticed so she asked Councilmembers to let Zoning Administrator/Clerk Karpas know if they plan on going. Kind and Councilmember Fletcher stated they will go to the January 13th open house.

C. Page: Lake Minnetonka Conservation District

Councilmember Page stated there was nothing significant to report about Lake Minnetonka Conservation District activities.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated he had asked the Public Works Department to reduce the height of some of the snow piles at intersections in the City where drivers couldn't see over them. He then stated the City should hear whether or not the City will be awarded a grant from the Municipal Infiltration/inflow Grant Program on January 5, 2011. He went on to state there is nothing new to report on Minnetonka Community Education activities, noting that organization is a very important part of the Minnetonka

School District. He explained the City's license for waste hauler providers includes a requirement to not use large trucks on City roadways. He stated that after spotting a provider's large truck awhile back the City contacted that provider and received assurance that using large trucks is not its policy.

E. Rose: Excelsior Fire District

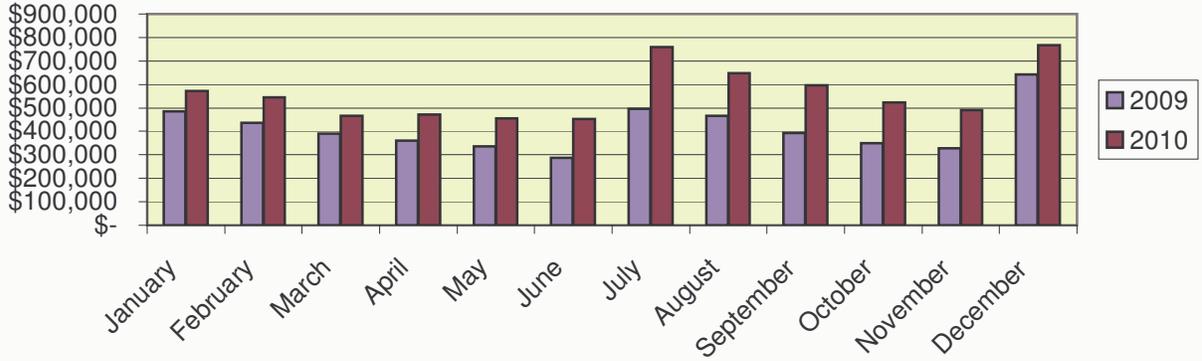
Councilmember Rose stated the Excelsior Fire District (EFD) Board has not met since the last Council meeting. The next meeting is scheduled for January 26, 2011.

11. ADJOURNMENT

Fletcher moved, Rose seconded, Adjourning the City Council Regular Meeting of January 4, 2011, at 8:57 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

City of Greenwood Monthly Cash Summary



Month	2009	2010	Variance with	Variance with
			Prior Month	Prior Year
January	\$ 484,702	\$ 573,056	\$ (69,158)	\$ 88,354
February	\$ 437,334	\$ 545,897	\$ (27,159)	\$ 108,563
March	\$ 391,150	\$ 466,631	\$ (79,266)	\$ 75,481
April	\$ 360,843	\$ 472,069	\$ 5,438	\$ 111,226
May	\$ 334,929	\$ 454,955	\$ (17,114)	\$ 120,026
June	\$ 286,999	\$ 453,487	\$ (1,468)	\$ 166,488
July	\$ 495,051	\$ 759,701	\$ 306,214	\$ 264,650
August	\$ 465,300	\$ 648,560	\$ (111,141)	\$ 183,260
September	\$ 393,080	\$ 597,536	\$ (51,024)	\$ 204,456
October	\$ 351,022	\$ 523,980	\$ (73,556)	\$ 172,958
November	\$ 327,615	\$ 491,216	\$ (32,764)	\$ 163,601
December	\$ 642,214	\$ 767,636	\$ 276,420	\$ 125,422
Bridgewater Bank Money Market:		\$ 561,174		
Bridgewater Bank Checking:		\$ 5,319		
Beacon Bank Checking		\$ 100		
Beacon Bank Money Market		\$ 201,043		
		\$ 767,636		

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
02/01/11	PC	02/01/11	10219	Debra J. Kind	34	277.05
02/01/11	PC	02/01/11	10220	Fletcher, Thomas M	33	84.70
02/01/11	PC	02/01/11	10221	H. Kelsey Page	35	184.70
02/01/11	PC	02/01/11	10222	Quam, Robert	32	184.70
02/01/11	PC	02/01/11	10223	William Rose	36	184.70
Grand Totals:						<u>915.85</u>

Vendor Name	Vendor No	Seq	Type	Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
1/13/2011										
AMERICAN SOLUTIONS BUSINESS										
AMERICAN SOLUTIONS BUSINESS	10									
INV00716431	1	Inv		ENVELOPES	12/28/2010	01/13/2011	227.52	No	1/11	101-41400-204
Total AMERICAN SOLUTIONS BUSINESS							227.52			
BOLTON & MENK, INC.										
BOLTON & MENK, INC.	51									
0137180	1	Inv		GENERAL ENGINEERING FEES	12/30/2010	01/13/2011	150.00	No	1/11	101-42600-303
0137180	2	Inv		STM WTR ENGINEERING FEES	12/30/2010	01/13/2011	503.25	No	1/11	502-43200-303
0137180	3	Inv		Road Engineering Fees	12/30/2010	01/13/2011	60.00	No	1/11	101-43200-303
Total 0137180							713.25			
0137181	1	Inv		MANHOLE INSPECTIONS	12/30/2010	01/13/2011	4,408.00	No	1/11	602-43200-303
0137181	2	Inv		STM WTR ENGINEERING FEES	12/30/2010	01/13/2011	4,405.50	No	1/11	502-43200-303
Total 0137181							8,813.50			
Total BOLTON & MENK, INC.							9,526.75			
CHRISTINE A. FREEMAN										
CHRISTINE A. FREEMAN	781									
GW-CC-20101231	1	Inv		COUNCIL MEETING RECORDER	12/31/2010	01/13/2011	630.00	No	1/11	101-41400-310
Total CHRISTINE A. FREEMAN							630.00			
CITY OF DEEPHAVEN										
CITY OF DEEPHAVEN	9									
010111	1	Inv		Clerk Services	01/01/2011	01/13/2011	2,963.00	No	1/11	101-41400-310
010111	2	Inv		NEWSLETTER SHIPPING CHG	01/01/2011	01/13/2011	10.00	No	1/11	101-41400-322
010111	3	Inv		4TH QTR. BLD. PERMITS	01/01/2011	01/13/2011	887.96	No	1/11	101-42400-310
010111	4	Inv		RENT & EQUIPMENT	01/01/2011	01/13/2011	855.36	No	1/11	101-41400-311
010111	5	Inv		Postage	01/01/2011	01/13/2011	72.12	No	1/11	101-41400-322
010111	6	Inv		COPIES	01/01/2011	01/13/2011	3.50	No	1/11	101-41400-202
010111	7	Inv		SEWER	01/01/2011	01/13/2011	315.06	No	1/11	602-43200-310
010111	8	Inv		SNOW PLOWING/SANDING/SALT	01/01/2011	01/13/2011	8,206.07	No	1/11	101-43900-312
010111	9	Inv		BIKE PATH	01/01/2011	01/13/2011	748.26	No	1/11	101-43900-315
010111	10	Inv		TREES	01/01/2011	01/13/2011	157.53	No	1/11	101-43900-313
010111	11	Inv		STORM SEWERS	01/01/2011	01/13/2011	157.53	No	1/11	502-43200-310
Total 010111							14,376.39			
Total CITY OF DEEPHAVEN							14,376.39			
CIVIC SYSTEMS, LLC										
CIVIC SYSTEMS, LLC	586									
CVC7817	1	Inv		Semi-Annual Support Fee	12/23/2010	01/13/2011	970.00	No	1/11	101-41400-313
Total CIVIC SYSTEMS, LLC							970.00			
EXCELSIOR FIRE DISTRICT										
EXCELSIOR FIRE DISTRICT	52									
1ST QTR 2011	1	Inv		1st Quarter - Buildings	01/01/2011	01/13/2011	14,823.30	No	1/11	101-42200-311
1ST QTR 2011	2	Inv		1st Quarter - Operations	01/01/2011	01/13/2011	17,122.94	No	1/11	101-42200-309

Vendor Name	Vendor No	Seq	Type	Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Total 1ST QTR 2011							31,946.24			
Total EXCELSIOR FIRE DISTRICT							31,946.24			
GOPHER STATE ONE CALL										
GOPHER STATE ONE CALL 68										
0120560		1	Inv	Gopher State calls	12/31/2010	01/13/2011	8.70	No	1/11	602-43200-439
Total GOPHER STATE ONE CALL							8.70			
HENNEPIN COUNTY ELECTIONS										
HENNEPIN COUNTY ELECTIONS 766										
122710		1	Inv	ELECTION SUPPLIES	12/27/2010	01/13/2011	89.47	No	1/11	101-41200-214
Total HENNEPIN COUNTY ELECTIONS							89.47			
KELLY LAW OFFICES										
KELLY LAW OFFICES 3										
5831		1	Inv	GENERAL LEGAL	12/30/2010	01/13/2011	391.00	Yes	1/11	101-41600-304
5832		1	Inv	LAW ENFORCE PROSECUTION	12/30/2010	01/13/2011	517.50	Yes	1/11	101-41600-308
Total KELLY LAW OFFICES							908.50			
Marco, Inc.										
Marco, Inc. 742										
166588939		1	Inv	Copier lease	12/13/2010	01/13/2011	78.86	No	1/11	101-41400-202
Total Marco, Inc.							78.86			
METROPOLITAN COUNCIL ENV SERV										
METROPOLITAN COUNCIL ENV SERV 105										
0000949405		1	Inv	Monthly wastewater Charge	01/05/2011	01/13/2011	2,336.37	No	1/11	602-43200-309
Total METROPOLITAN COUNCIL ENV SERV							2,336.37			
MN DEPT OF LABOR & INDUSTRY										
MN DEPT OF LABOR & INDUSTRY 769										
DEC 2010		1	Inv	4TH Q 2010 SURCHARGE	01/11/2011	01/13/2011	26.05	No	1/11	101-49000-439
Total MN DEPT OF LABOR & INDUSTRY							26.05			
Popp Telecom										
Popp Telecom 701										
1004214-952-A1-NNN		1	Inv	Local, Long dist. & DSL	12/31/2010	01/13/2011	57.66	No	1/11	101-41400-321
Total Popp Telecom							57.66			
SOUTH LAKE MINNETONKA POLICE										
SOUTH LAKE MINNETONKA POLICE 38										
010111		1	Inv	1ST QTR LEASE PMT	01/01/2011	01/13/2011	11,816.00	No	1/11	101-42100-311
010111		2	Inv	OPERATING BUDGET EXPENSE	01/01/2011	01/13/2011	13,223.00	No	1/11	101-42100-310
010111		3	Inv	COURT OVERTIME	01/01/2011	01/13/2011	412.74	No	1/11	101-42100-439

Vendor Name	Vendor No	Seq	Type	Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Total 010111							25,451.74			
Total SOUTH LAKE MINNETONKA POLICE							25,451.74			
Sun Newspapers										
Sun Newspapers				136						
1028727	1	Inv	Ord #188		12/23/2010	01/13/2011	100.10	No	1/11	101-41400-351
1028915	1	Inv	Ord #187		12/23/2010	01/13/2011	85.80	No	1/11	101-41400-351
Total Sun Newspapers							185.90			
US POSTMASTER										
US POSTMASTER				158						
121311	1	Inv	POSTAGE		12/13/2011	12/13/2011	25.00	No	1/11	101-41400-322
Total US POSTMASTER							25.00			
XCEL										
XCEL				145						
122710	1	Inv	SIREN		12/27/2010	01/13/2011	3.35	No	1/11	101-43100-381
122710	2	Inv	MEADVILLE STREET LIGHTS		12/27/2010	01/13/2011	9.12	No	1/11	101-43100-381
122710	3	Inv	Sleepy Hollow Street Lights		12/27/2010	01/13/2011	9.13	No	1/11	101-43100-381
122710	4	Inv	LIFT STATION #1		12/27/2010	01/13/2011	36.43	No	1/11	602-43200-381
122710	5	Inv	LIFT STATION #2		12/27/2010	01/13/2011	33.15	No	1/11	602-43200-381
122710	6	Inv	LIFT STATION #3		12/27/2010	01/13/2011	22.75	No	1/11	602-43200-381
122710	7	Inv	LIFT STATION #4		12/27/2010	01/13/2011	31.72	No	1/11	602-43200-381
122710	8	Inv	LIFT STATION #6		12/27/2010	01/13/2011	69.17	No	1/11	602-43200-381
122710	9	Inv	Street Lights		12/27/2010	01/13/2011	379.25	No	1/11	101-43100-381
Total 122710							594.07			
Total XCEL							594.07			
Total 1/13/2011							87,439.22			

01/13/2011 GL Period Summary

GL Period	Amount
1/11	87,439.22
	<u>87,439.22</u>

Vendor Name	Vendor No	Seq	Type	Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
1/25/2011										
AVENET, LLC										
AVENET, LLC	738									
27876	1	Inv		WEB-BASED EMAIL SVC - 2011	01/12/2011	01/31/2011	65.00	No	/	101-41400-309
Total AVENET, LLC							65.00			
CITY OF DEEPHAVEN										
CITY OF DEEPHAVEN	9									
013111	1	Inv		RENT & EQUIPMENT	01/31/2011	01/31/2011	563.44	No	/	101-41400-311
013111	2	Inv		Postage	01/31/2011	01/31/2011	47.52	No	/	101-41400-322
013111	3	Inv		COPIES	01/31/2011	01/31/2011	.20	No	/	101-41400-202
013111	4	Inv		SNOW PLOWING/SANDING/SALT	01/31/2011	01/31/2011	4,667.07	No	/	101-43900-312
013111	5	Inv		BIKE PATH	01/31/2011	01/31/2011	285.55	No	/	101-43900-315
Total 013111							5,563.78			
FEB 2011	1	Inv		Clerk Services	01/31/2011	01/31/2011	2,441.60	No	/	101-41400-310
Total CITY OF DEEPHAVEN							8,005.38			
DEBRA KIND										
DEBRA KIND	761									
011211	1	Inv		REIMBURSE - FEDEX	01/12/2011	01/31/2011	74.53	No	/	101-41400-204
Total DEBRA KIND							74.53			
Marco, Inc.										
Marco, Inc.	742									
168702827	1	Inv		Copier lease	01/14/2011	01/31/2011	212.51	No	/	101-41400-202
Total Marco, Inc.							212.51			
SOUTH LAKE MINNETONKA POLICE										
SOUTH LAKE MINNETONKA POLICE	38									
FEB 2011	1	Inv		OPERATING BUDGET	01/31/2011	01/31/2011	13,223.00	No	/	101-42100-310
Total SOUTH LAKE MINNETONKA POLICE							13,223.00			
Sun Newspapers										
Sun Newspapers	136									
1031758	1	Inv		Budget Summary	01/13/2011	01/31/2011	62.92	No	/	101-41400-351
1031760	1	Inv		RESOLUTION	01/13/2011	01/31/2011	71.50	No	/	101-41400-351
Total Sun Newspapers							134.42			
Vintage Waste Systems										
Vintage Waste Systems	745									
013111	1	Inv		City Recycling Contract	01/31/2011	01/31/2011	1,568.40	No	/	101-49000-310
Total Vintage Waste Systems							1,568.40			
Total 1/25/2011							23,283.24			

<u>GL Period</u>	<u>Amount</u>
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01/25/2011 GL Period Summary

<u>GL Period</u>	<u>Amount</u>
/	23,283.24
	<u>23,283.24</u>

Grand Total: 110,722.46

Report GL Period Summary

<u>GL Period</u>	<u>Amount</u>
/	23,283.24
1/11	87,439.22
	<u>110,722.46</u>

Vendor Number Hash: 8624
 Vendor Number Hash - Split: 10191
 Total Number of Invoices: 29
 Total Number of Transactions: 57

<u>Terms Description</u>	<u>Invoice Amt</u>	<u>Net Inv Amt</u>
Open Terms	110,722.46	110,722.46
	<u>110,722.46</u>	<u>110,722.46</u>



Planning Commission Application

Please complete the below form and return to 20225 Cottagewood Road, Deephaven, MN 55331. You also may submit the application by email to administrator@greenwoodmn.com, or by fax to 952.474.1274. The submission of this application does not obligate you to volunteer for any city service. New applicants will be invited to a city council meeting for an informal interview. We enjoy meeting you.

Name	Douglas S Reeder	
Address	5115 Weeks Rd Greenwood	
Phone	952 934 8921	
Email	Douglas.Reeder@YAHOO.COM	
Job Title	Retired	
How many years have you lived in the Lake Minnetonka area?	34	
How many years have you lived in Greenwood?	5	
Are you able to attend meetings on the 3rd Wednesday of each month?	YES	
Would you be willing to attend a city-paid training class?	YES	
Why do you want to serve on the planning commission?	To help THE CITY OF GREENWOOD in ANY WAY I CAN.	
Do you have any special qualifications or capabilities that would serve Greenwood well on the planning commission?	See resume previously submitted 36 YEARS LOCAL GOVERNMENT EXPERIENCE	
What would be your main goal as a member of the planning commission?	To help insure THAT THE QUALITY OF LIFE IN GREENWOOD CONTINUE AS IT NOW IS THROUGH PROPER USE OF PLANNING.	
Office Use Only	Date Received:	

DOUGLAS S. REEDER

5115 Weeks Road
Greenwood, MN 55331
952-934-8921 (Home) 763-350-9709 (Cell)
Email: Douglas.Reeder@yahoo.com

Education:

- **Bachelor of Arts in Government – Denison University, Granville, Ohio**
- **M.P.A in Public Administration – Maxwell School, Syracuse University, Syracuse, New York**
- **Strategic Public-Sector Negotiations Program – Harvard University, John F. Kennedy School of Government**

Professional Experience:

2003 – 2008	City Manager, City of Brooklyn Park, MN
1991 – 2003	City Administrator, South St. Paul, MN
1987 – 1991	Manager, Abington Township, PA
1980 – 1987	City Administrator, Maple Grove, MN
1976 – 1980	City Administrator, Shakopee, MN
1974 – 1976	Administrative Assistant, Bloomington, MN
1972 – 1974	Administrative Assistant, Minnetonka, MN
1970 – 1972	Program Assistant, Norfolk, Virginia Housing Authority

Achievements, Distinctions, Honors, Memberships:

- **Vietnam War Veteran – Bronze Star**
- **Completed 15 marathons (since 1991) including Twin Cities, Boston, New York and Chicago**
- **Dakota County Managers Association – Past President**
- **Dakota County League of Government – Past President**
- **Metropolitan Area City Management Association – Past President**
- **Minnesota City/County Management Association – Past President**

ORDINANCE NO. 190

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING THE GREENWOOD ORDINANCE CODE CHAPTER 11 TO LIMIT THE NUMBER OF
REQUIRED FRONT YARD SETBACKS

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

SECTION 1.

Greenwood ordinance code section 1120.15 is amended to read as follows:

“Section 1120.15. R-1A Setbacks.

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

Land Use	Front Yard *** (ft.)	Lot, Interior - Side Yard (ft.)	Rear Yard (ft.)	Lakeshore (ft.)
Single-Family Principal Structure	30	15	35	50
Municipal Park Equipment	50	50	50	—
Single-Family Accessory Structures	*	10	10	**
Theaters	50	50	50	**

* No accessory structures shall be located in any required front yard (section 1140.10, subdivision 2).

** No accessory structures shall be built on any lot between the lakeshore and the side of the principal structure facing the lakeshore.

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

SECTION 2.

Greenwood ordinance code section 1122.15 is amended to read as follows:

“Section 1122.15. R-1B Setbacks.

The following front, side and rear yard setbacks shall be considered as minimum standards for buildings:

Land Use	Front Yard *** (ft.)	Lot, Interior - Side Yard (ft.)	Rear Yard (ft.)	Lakeshore (ft.)
Single-Family Principal Structure	35	15	60	50
Municipal Park Equipment	50	50	50	NA
Accessory Structures	35 *	10	10	**

* No accessory structures shall be located in any required front yard (section 1140.10, subdivision 2).

** No accessory structures shall be built on any lot between the lakeshore and the side of the principal building nearest the lake on the lot.

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

SECTION 3.

Greenwood ordinance code section 1125.15 is amended to read as follows:

“Section 1125.15. R-2 Setbacks.

The following front, side and rear yard setbacks shall be considered as minimum standards for buildings:

Land Use	Front Yard *** (ft.)	Lot, Interior Side Yard (ft.)	Rear Yard (ft.)	Lakeshore (ft.)
Single-Family Principal Structure	30	10	35	50
Municipal Park Equipment	50	50	50	50
Civic & Government Buildings	50	50	50	100
Public & Private Utilities	50	100	100	100
Accessory Structures	*	5	10	**

- * No accessory structure shall be located on any required front yard (section 1140.10, subdivision 2).
- ** No accessory structures shall be built on any lot between the lakeshore and the side of the principal structure facing the lakeshore on the lot.
- *** Lots that meet the definition of "Lot, Corner" shall not be required to provide more than 2 front yard setbacks per lot. The location of the 2 front yard setbacks on lots abutting 3 or more platted right-of-ways shall be at the discretion of the zoning administrator and the remaining yard shall meet the "Lot, Interior - Side Yard" setback requirement in the chart above."

SECTION 4.

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



Sign Source, Inc.
 7660 Quattro Drive
 Chanhassen, MN 55317
 Web: www.sign-source.com

Estimate #: 21801

Created Date:	January 05, 2011	Prepared For:	City of Greenwood
Last Modified:	January 05, 2011	Proof Due Date:	
Salesperson:	Bob Ackerwold	Contact:	Roberta Whipple ,City Administrator
Email:	boba@sign-source.com	Office Phone:	(952) 474- 6633
Office Phone:	(952) 908- 9107	Office Fax:	(952) 401- 7587
Office Fax:	(952) 908- 9147	Email:	
Entered by:	Terry Heydt	Address:	20225 Cottagewood Rd Deephaven, MN 55331

Description: Signfoam signs

	Quantity	Unit Price	Subtotal
1	2	\$1,040.25	\$2,080.50
Description: Sandblasted Signfoam signs with two color paint. Single sided. Sign to mount to existing posts. GREENWOOD City On The Lake • 2x) 95 in. W x 22.75 in. H Sign(s) • 1 Sided • Grain Oriented: Horizontal			

	Quantity	Unit Price	Subtotal
2	1	\$706.50	\$706.50
Description: Installation of new signs on existing posts. Includes removal and disposal of existing sign. • Work At Address: Greenwood • This Installation Is: On An Existing Structure • City Permits for sign installation will be additional or handled by others, if applicable.			

Subtotal: \$2,787.00
Total: \$2,787.00

Shipping & handling, if applicable, is additional. All estimated shipping & handling amounts are for reference only. Actual shipping & handling will be determined at time of shipment.

Deposit Required: \$0.00
 Remainder due Net 30 days after completion. Please pay from invoice.: \$2,787.00

Client Reply Request

QUOTES AND ESTIMATE ARE GOOD FOR 30 DAYS UNLESS NOTED OTHERWISE

Acceptance of Terms: All new customers will be required to pay by cash, check, money order or credit card, prior to the order being delivered. Customers who would like to establish credit with our company should request a credit application from their salesperson. Once credit has been established, the customer will be billed on a Net 30 Day basis. On larger projects, we may request a down payment or a progressive payment schedule.

Estimate Accepted "As Is". Please proceed with Order. Other: _____

Changes required, please contact me. **SIGN:** _____ **Date:** / /

Sandblasted Options

● Interior ● Exterior

1 1.5" Deep Sandblasted Sign Foam
Painted to Match Existing Posts



Above Sign Installed on Existing Posts



2 1.5" Deep Sandblasted Cedar
Painted to Match Existing Posts



Above Sign Installed on Existing Posts



Drawing Date: 02.11.10

Customer:	City of Greenwood
Order #:	E16499
Project Mgr:	Bob Ackerwold
Designer:	Korey McDermott
File Loc:	<input type="radio"/> A-Z <input checked="" type="radio"/> Korey's Mac
File Name:	E16499 City of Greenwood.ai

Details: File Scale: 1:4

Sign Type 1: Sandblasted Sign Foam

Sign Type 2: Sandblasted Cedar Panel

Size 1: See Layout

Size 2: -

Font 1: TBD

Font 2: -

Color (A) Match Existing Green

Color (B) White

Color (C) PMS

Color (D) PMS

Color (E) PMS

Rev: 1.0 | Revision Notes

Rev. 2: -

Rev. 3: -

Rev. 4: -

Rev. 5: -

Rev. 6: -



7660 Quattro Drive Phone: 952.908.9127
Chanhassen, MN 55317 Fax: 952.908.9169
www.sign-source.com KoreyM@Sign-Source.com

This drawing is the property of SignSource, Inc. and may not be used, reproduced or disclosed without written authorization.

I have verified the accuracy of colors, layout, quantities, sizes, spelling, & wording. I hereby authorize release to Production according to this approved submittal.

APPROVED AS IS: _____

PRODUCTION WILL NOT BEGIN UNTIL SIGNED APPROVAL IS FAXED BACK

REVISE & RESUBMIT: _____



**Greenwood City Council Agenda Item
February 1, 2011**

Agenda Item: Resolution 06-11, Restricting the Transfer of Subdivided Property Within the City Without the Approval of the Council

Summary:

This past month Hennepin County informed the city that there had been a Greenwood property transfer submitted to county between 21380 Excelsior Boulevard and 21420 Excelsior Boulevard. The property transferred was a six-foot strip taken from 21380 Excelsior Boulevard, from the road to the lake. This transfer would make 21380 Excelsior Boulevard non-conforming with the required west side yard setback creating a six-foot encroachment.

Staff was informed that there was no record of city approval but the county is required to accept the transfer under a state statute passed in 1982. Based on the state 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, but such a resolution has not been adopted by the City of Greenwood.

Hennepin County did say the city must sign off on the transfer or the legal descriptions would not be changed for either property reflecting the exchange.

I spoke with the homeowner at 21420 Excelsior Boulevard, Jeff Sagal, to question the transfer and he said his neighbor, Sunny Kim surveyed his property in conjunction with an upcoming building project. The initial survey represented what Mr. Sagal believed to be their common property line. The surveyors came back and moved their survey stake telling Mr. Sagal that they had made a mistake. Mr. Sagal got suspicious since the new line would make the future addition Mr. Kim was proposing in compliance with the required west side yard setback, thus not needing a variance. Mr. Sagal hired his own surveyor to re-shoot the common line. His surveyor told him that the corrected line was the right property line.

Mr. Sagal spoke to Mr. Kim about the situation since improvements had made by his family on Mr. Kim's property over 30 years ago and that he believed he had a right under adverse possession to the property. Mr. Kim was reluctant to part with the property, so Mr. Sagal hired an attorney. The attorney advised him that he had a good chance that the courts would grant him the property and drafted a letter to Mr. Kim to that effect. Mr. Kim relented and signed over the property to Mr. Sagal, who then filed the paperwork with the county. There was no money exchanged in the transaction.

Staff told Mr. Sagal regardless of whether a court would have granted him the property or not, there was no legal judgment in his favor and property had been exchanged without city approval. Staff said if it were that simple to transfer property, there would be nothing to prevent someone from transferring larger portions of property to a third party, essentially creating a subdivision without city approval.

Staff is seeking direction from the council on whether or not to sign the document once it is received.

In order to prevent this from happening in the future staff has attached is Resolution 06-11, restricting the county's ability to accept land transfers to only those approved by the city.

Council Action:

1. Resolution 06-11, approve or do nothing
2. County Legal Transfer Document for 21380 & 21420 Excelsior Blvd., approve or deny

**CITY OF GREENWOOD
RESOLUTION NO. 06-11**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
RESTRICTING THE TRANSFER OF PROPERTY WITHIN THE CITY**

WHEREAS, Minn. Stat. § 272.162 provides that a municipality may choose to have the provision of Minn. Stat. § 272.162, which pertain to restrictions on transfers of parcels of land, applied to property within the municipality.

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

1. Pursuant to Minn. Stat. § 272.162, the City of Greenwood hereby chooses to have the restrictions contained in that statute apply to the property within the City’s boundaries.
2. The Hennepin County Auditor, Recorder and Registrar of Titles are hereby directed to reject any document for filing which does not comply with the restrictions on transfer set forth in Minn. Stat. § 272.162. These officials should not file any document which constitute a subdivision of land and which has not been approved by the City Council.
3. The City Clerk is hereby directed to file a certified copy of this resolution with the Hennepin County Auditor and Hennepin County Recorder.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS 1ST DAY OF FEBRUARY 2011.

Ayes _____, Nays _____.

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 900.15 PROHIBITING DEPOSITING SNOW ON
CITY STREETS OR OTHER PUBLIC PROPERTY**

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

SECTION 1.

Greenwood ordinance code section 900.15 is amended to insert the following:

"(b)The depositing of snow or ice, plowed or removed from private property, onto a city street or other public property regardless of the place of origin."

SECTION 2.

Greenwood ordinance code section 900.15 subdivisions (b) through (v) will be re-lettered to reflect the addition of the new amendment.

SECTION 3.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

ORDINANCE NO. 192

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
ESTABLISHING GREENWOOD ORDINANCE CODE SECTION 715.12
PROHIBITING PARKING AFTER A SNOWFALL**

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

SECTION 1.

Greenwood ordinance code section 715 is amended to add the following:

“Section 715.12. Parking Prohibited After a Snowfall.

No person may park or leave unattended any vehicle on any city street after two inches or more snow has fallen until the traveled portion of the roadway or street is plowed its full width.”

SECTION 2.

The city clerk shall order and post signs at the city limits and at such other points as public works may recommend. The signs shall say “GREENWOOD WINTER PARKING. NO PARKING ANYTIME AFTER 2 INCH SNOWFALL UNTIL STREETS ARE PLOWED THE FULL WIDTH.”

SECTION 3.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

**Greenwood City Council Agenda Item
February 1, 2011**

Agenda Item: Discuss annual Eurasian Watermilfoil Control services provided by Lake Management, Inc.

Summary:

City Staff would like council direction regarding aquatic weed control at the city docks on St. Alban's Bay. In the past the city has contracted with Lake Management, Inc. for a two-treatment program for Eurasian Watermilfoil and native weeds and algae.

In light of the city pledging \$5,000 for bay-wide Milfoil treatment, it may not be necessary to contract with Lake Management for two treatments. After speaking with a representative of Lake Management, they agreed and suggested the city go with one treatment to augment the bay-wide treatment. This treatment would be later in the year, whereas the bay-wide treatment would take place in the spring.

Lake Management provided the city with two bids, a two treatment and one treatment bid.

St. Albans Bay: 178 shoreline feet x 150 feet lakeward
Single application \$2.57/shoreline foot (\$457.46)
Two applications \$4.48/shoreline foot (797.44)

Regardless of the number of applications there will be a \$35.00 DNR permit fee.

Council Action:

1. Approve single weed treatment later in the season at city docks.
2. Approve two weed treatments at city docks.
3. Do nothing.

LAKE MANAGEMENT, INC.

Minnesota Operations
10400 185th Street North
Marine on St. Croix, MN 55047
(651) 433-3283 Phone Fax # (651) 433-5316

PROPOSAL FOR AQUATIC NUISANCE MANAGEMENT PROGRAM 2011

Submitted to:

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

Date: January 2011

Phone: (952) 474-4755
(952) 474-1274 Fax

Lake Management, Inc. proposes to furnish at it's expense, all of the necessary materials, subject to state and federal regulations, equipment and labor as well as to direct and administer treatment as needed for the control of the excessive growth of submerged aquatic weeds and shoreline algae in the water area described as follows:

Lake Minnetonka – Hennepin County
St. Albans Bay: 178 shoreline feet x 150 feet lakeward
Single application.....\$ 2.57/shoreline foot
Two applications.....\$ 4.48/shoreline foot

Application programs include broad spectrum control of Eurasian watermilfoil, curly-leaf pondweed, and native vegetation.
Plus DNR Permit Fee.....\$35.00

In consideration of the goods and materials furnished, use of equipment and services rendered, payment is to be:
To Be Determined Dollars (\$TBD)

Terms: Net 30 Days

Questions about our program or special requests should be directed to: Mike O'Connell at (651) 433-3283.

Lake Management, Inc. will post such signs as may be required to restrict the use of treated water. It is the responsibility of the customer to remove the signs at the end of the restriction periods.

**Lake Management (LMI) will obtain the DNR permit for customer and customer will reimburse LMI for permit fees. If the DNR raises permit fees from the current charge of \$35.00 per property with a \$750.00 maximum, LMI will notify you for your approval. All work, when permit is required, is contingent upon DNR approval. The DNR permit fee is non-refundable.

Lake Management, Inc. carries insurance for both liability and property damage and workers' compensation and will, upon request, confirm that coverage by certificates issued to the customer.

This proposal may be withdrawn by Lake Management, Inc. if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above payment and conditions are satisfactory and are accepted. Lake Management, Inc. is authorized to conduct the management program described above. Payment will be made as indicated above. If you have any questions regarding the effectiveness of the treatment, please call us between the 14th and 18th day following treatment.

Signature _____ Date _____

Representing _____

**Greenwood City Council Agenda Item
February 1, 2011**

Agenda Item: Ordinance 193, Amending Ordinance Code Section 1140.45 removing unnecessary parking regulations and amending the regulations for common parking area

Summary:

Ordinance 193 would remove 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.

The proposed ordinance also would correct an issue regarding common parking areas on properties with multiple buildings and uses. The current regulation requires three square feet for every one square foot of building gross floor area. This means a 20,000 square foot building would require well over an acre of parking. That would be 300 parking spaces, not including drive aisles.

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 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.

The proposed amendment is to the zoning ordinance (chapter 11), so the planning commission will need to hold a public hearing and make a recommendation to the city council.

Council Action:

1. Send the proposed ordinance to the planning commission.
2. Revise the proposed ordinance prior to sending to the planning commission.
3. Do nothing.

ORDINANCE NO. 193

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1140.45 PARKING AND LOADING REQUIREMENTS**

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

SECTION 1.

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 2.

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 parking plan illustration to scale, 1 inch to 30 ft, 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 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 it 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 3.

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 4.

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

471.425 PROMPT PAYMENT OF LOCAL GOVERNMENT BILLS.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings here given them.

(a) "Contract" means any written legal document or documents signed by both parties in which the terms and conditions of any interest or other penalty for late payments are clearly stated.

(b) "Date of receipt" means the completed delivery of the goods or services or the satisfactory installation, assembly or specified portion thereof, or the receipt of the invoice for the delivery of the goods or services, whichever is later.

(c) "Governing board" means the elected or appointed board of the municipality and includes, but is not limited to, city councils, town boards and county boards.

(d) "Municipality" means any home rule charter or statutory city, county, town, school district, political subdivision or agency of local government. "Municipality" means the Metropolitan Council or any board or agency created under chapter 473.

Subd. 2. **Payment required.** A municipality must pay each vendor obligation according to the terms of the contract or, if no contract terms apply, within the standard payment period unless the municipality in good faith disputes the obligation. Standard payment period is defined as follows:

(a) For municipalities who have governing boards which have regularly scheduled meetings at least once a month, the standard payment period is defined as within 35 days of the date of receipt.

(b) For municipalities whose governing boards do not regularly meet at least once a month, the standard payment period is defined as 45 days after receipt of the goods or services or the invoice for the goods or services, whichever is later.

(c) For joint powers organizations organized under section 471.59, the standard payment period is within 45 days of the date of receipt.

Subd. 3. **Invoice errors.** If an invoice is incorrect, defective or otherwise improper, the municipality must notify the vendor within ten days of the date of receipt. Upon receiving a corrected invoice from the vendor, the municipality must pay the obligation within the standard payment period defined in subdivision 2.

Subd. 4. **Payment of interest on late payments required.** (a) Except otherwise provided in this section, a municipality shall calculate and pay interest to a vendor if the municipality has not paid the obligation according to the terms of the contract or, if no contract terms apply, within the standard payment period as defined in subdivision 2. The standard payment period for a negotiated contract or agreement between a vendor and a municipality which requires an audit by the municipality before acceptance and payment of the vendor's invoice shall not be begun until the completion of the audit by the municipality.

(b) The rate of interest calculated and paid by the municipality on the outstanding balance of the obligation not paid according to the terms of the contract or during the standard payment period shall be 1-1/2 percent per month or part of a month.

(c) No interest penalties may accrue against a purchaser who delays payment of a vendor obligation due to a good faith dispute with the vendor regarding the fitness of the product or

service, contract compliance, or any defect, error or omission related thereto. If such delay undertaken by the municipality is not in good faith, the vendor may recover costs and attorney's fees.

(d) The minimum monthly interest penalty payment that a municipality shall calculate and pay a vendor for the unpaid balance for any one overdue bill of \$100 or more is \$10. For unpaid balances of less than \$100, the municipality shall calculate and pay the actual interest penalty due the vendor.

Subd. 4a. **Prompt payment to subcontractors.** Each contract of a municipality must require the prime contractor to pay any subcontractor within ten days of the prime contractor's receipt of payment from the municipality for undisputed services provided by the subcontractor. The contract must require the prime contractor to pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action.

Subd. 5. **Applicability.** This section applies to all goods, leases and rents, and contracts for services, construction, repair and remodeling. Purchases from or contracts for service with a public utility as defined in section 216B.02 or a telephone company as defined in section 237.01 that has on file with the public utilities commission an approved practice regarding late fees are not subject to this section.

History: 1985 c 136 s 5; 1995 c 31 s 1

DRAFT Greenwood Management Analysis

(numbers to be finalized and blanks to be filled in during the audit process)

Greenwood's actual 2010 General Fund revenues of \$765,179 compared to budgeted revenues of \$736,792 and 2009 actual revenues of \$742,824. The primary revenue source is property taxes, which were \$17,719 over budget as the result of better than anticipated delinquent tax collections. General Fund revenues had been expected to decrease in 2010 from 2009 as the result of a reduced tax levy.

2010 General Fund expenses of \$728,158 compared to budgeted expenses of \$726,816 and 2009 expenses of \$679,723. Administrative costs were below budget as the result of the mid-year change from having a salaried city administrator to contracting with the City of Deephaven for administrative services. The effect of this change was to reduce administrative expenses by nearly 50% from June 2010 onward. Because of the administrative savings the council elected to increase the major road improvement expenditures from a budgeted \$100,500 to \$136,656 to more aggressively address road maintenance. In addition, the city spent only \$3,906 of the budgeted \$20,587 2010 contingency. As a result the council elected to increase the amount that was set aside in the new Bridge Fund from the \$20,000 budgeted amount to \$40,000.

The better than expected General Fund revenues and expenses that were close to budget after fund transfers resulted in a \$ 2010 year-end General Fund balance, which was \$ higher than the 2009 year-end balance of \$242,058. The budgeted General Fund increase was \$10,000. The 2010 year-end balance of \$ is % of 2010 revenues and does not include significant reserves that are held directly by the South Lake Minnetonka Police Department and Excelsior Fire District under Joint Powers Agreements.

The Sewer Enterprise Fund cash balance increased from \$356,140 at year-end 2009 to \$ at year-end 2010. The increase was the result of deferring any spending on the infiltration and inflow (I&I) reduction project, which resulted in cash expenses before book depreciation of \$84,005 being much lower than revenues of \$119,903. Engineering evaluations in preparation for the I&I project indicated that the sewer system is generally in good condition so the 2010 year-end cash balance appears to be ample.

The Marina Enterprise Fund balance increased from \$14,204 at year-end 2009 to \$ at year-end 2010 after a \$15,000 budgeted transfer to the General Fund. While the marina docks are currently in good condition, the Marina Fund balance is less than the estimated \$50,000 to \$100,000 replacement cost. There is a general sense by the current city council that the balance in this fund should be increased over time.

The Stormwater Enterprise Fund balance increased from \$4,100 at year-end 2009 to \$ at year-end 2010 as revenues of \$16,407 exceeded expenses of \$6,133.

The Park Fund is a dedicated fund with a balance of \$27,055. There was no income or expenses for this fund in 2010.

Alternative Legal Publication Bill Coming Soon

The League of Minnesota Cities has been alerted that a legislator will soon introduce a bill allowing local governments to use their websites for legal notices.
(Published Jan 20, 2011)

Rep. Steve Drazkowski (R-Mazeppa) told League staff the week of Jan. 10 that he intends to introduce a bill that would allow cities to use their websites to meet the requirements for publishing legal notices. The League has a copy of the legislation, which amends existing law allowing local governments to use their websites to post transportation requests for proposals (RFPs) under Minnesota Statutes, section 331A.12.

League needs your input

Please tell us: How much would this save your city, or what do you spend annually on publication in your designated paper? The League has heard from a handful of cities in response to the Jan. 14 issue of the League's Friday Fax/Capitol Recap, but more examples are needed. To share this information, contact **Jennifer O'Rourke**, LMC, at jorourke@lmc.org.

A city that publishes exclusively on the web would have to make print copies available at city hall, any local public library, and by mail upon request. Cities would still be required to annually designate their alternative publication plan, and then publish in the newspaper their notice of alternative publication. Rep. Drazkowski is leading the mandate relief team on the House side, and explained his alternative publication bill when League staff met to talk with him about his general mandate repeal bill, HF 7.



**SOUTH LAKE MINNETONKA
POLICE DEPARTMENT**

24150 SMITHTOWN ROAD
SHOREWOOD, MN 55331-8598

BRYAN T. LITSEY
Chief of Police

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

MEMORANDUM

TO: Coordinating Committee Members

FROM: Bryan Litsey, Chief of Police

DATE: January 11, 2011 - Tuesday

RE: Public Safety Facilities - Distribution of Unspent Construction Funds
Proposed Motion

It was brought to my attention that the Shorewood Economic Development Authority (EDA) has unspent bond proceeds remaining in the construction fund for the public safety facilities. Please refer to the attached memorandum and related documents from Shorewood Finance Director Bruce DeJong.

On December 28, 2010, CPA Stuart Bonniwell and myself met at Shorewood City Hall with Shorewood City Administrator Brian Heck and Finance Director Bruce DeJong. The purpose of this meeting was to discuss the proposal from Shorewood for allocating these unspent bond proceeds toward the police and fire debt service payments owed in 2011. This would effectively reduce the amount of the police payments by \$29,737.85. Everyone was in agreement that this amount should not be applied toward operating expenses.

The next step is for the police and fire governing boards to decide if the proposal from Shorewood is acceptable and if so, how to apply the unspent bond proceeds. There are several ways this credit may be handled, being that the member cities have already budgeted for an amount absent this credit. One approach is to proportionately reduce the annual debt service payments owed by the member cities over the remaining life of the bonds. This seems preferable to a one time savings followed by payments rebounding in subsequent years. Another approach is to leave the debt service payments owed by the member cities in 2011 unchanged and authorize the transfer of \$29,737.85 from the police debt service fund to the building fund. This would bolster the amount on hand for capital maintenance needs.

Staff considers the Shorewood proposal acceptable and favors the latter of the two approaches for utilizing the unspent bond proceeds of \$29,737.85. This represents a unique opportunity to increase the amount available for capital maintenance without adversely impacting city budgets for the current year. I have spoken with Fire Chief Scott Gerber about doing likewise through their governing board.

Staff recommends that the Coordinating Committee adopt the following motion at the upcoming meeting on Thursday, January 20, 2011.

Chief's Memorandum to Coordinating Committee
Distribution of Unspent Construction Funds
Page 2 of 2

Proposed Motion:

Motion to approve the Shorewood proposal for allocating between police and fire the unspent bond proceeds in the construction fund for the public safety facilities. Further, that \$29,737.85 be transferred from the SLMPD debit service fund to the designed building fund for capital maintenance of the public safety facility.



CITY OF GREENWOOD
RESOLUTION NO. 05-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
OBJECTING TO THE MINNEHAHA CREEK WATERSHED DISTRICT'S PROPOSED
DRAFT PLAN AMENDMENT: LOCAL PLAN IMPLEMENTATION (10-7-10)**

WHEREAS, the City Council of the City of Greenwood has received and reviewed the *Draft Plan Amendment: Local Plan Implementation (10-7-10)* issued by The Minnehaha Creek Watershed District (MCWD), and

WHEREAS, the City Council of the City of Greenwood has reviewed the comments of City Engineer Dave Martini, Bolton & Menk, thereon, and

WHEREAS, Greenwood Mayor Debra J. Kind acting on behalf of the City did earlier issue a reply to the Minnehaha Creek Watershed District 12-28-10 (attached) thereon, and

WHEREAS, the City Council of the City of Greenwood being fully advised desires to express its support and otherwise endorse Mayor Kind and City Engineer Martini's analysis and objections to the MCWD's proposed *Draft Plan Amendment: Local Plan Implementation (10-7-10)*

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Greenwood, Minnesota:

1. That the City of Greenwood hereby adopts and endorses the comments of City Engineer Dave Martini of Bolton & Menk and Mayor Debra J. Kind earlier issued on the City's behalf to the attention of the Minnehaha Creek Watershed District in relation to the *Draft Plan Amendment: Local Plan Implementation (10-7-10)*;
2. That for the reasons stated in said commentary, the City of Greenwood does object to the Minnehaha Creek Watershed District's proposed *Draft Plan Amendment: Local Plan Implementation (10-7-10)* in its entirety.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS 4th DAY OF JANUARY 2011.

Ayes 5, Nays 0

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk



Date: December 28, 2010
To: Becky Houdek, Minnehaha Creek Watershed District
From: Debra J. Kind, Mayor of Greenwood
Re: Comments Regarding Draft Plan Amendment

I have reviewed your 11-18-10 memo (including the Draft Plan Amendment) and the 12-20-10 memo (attached) prepared by City Engineer Dave Martini from Bolton & Menk, which includes comments that were prepared by Bolton & Menk's Water Resources Specialist Doug Carter.

In order to meet your 01-03-11 comment period deadline, I am sending this response before the Greenwood City Council has an opportunity to discuss the memos. While I cannot speak for the council as a whole, and I cannot forecast what action the city council may take in the future, I can advise that I personally support Mr. Carter's comments. I also can advise that the city council typically supports the recommendations made by Bolton & Menk.

In addition I can advise that based on previous council discussions it is my expectation that the council will be concerned that the District is placing too much emphasis on "process" vs. "results." In other words, the District's role should focus on whether or not each city is making appropriate progress to meet their Water Management Plan goals (phosphorus reduction), and not prescribe "how" to make the progress. For example, section 7.2.2 in the proposed Draft Plan Amendment says the District will consider certain items when assessing Local Government Unit (LGU) plan implementation including whether "the LGU worked carefully to integrate low-impact development concepts into the development code and development review process." This is a requirement that most smaller cities like Greenwood probably are not compliant with. The fundamental point is that it should be our decision whether or not we want to focus on low-impact development in our fully developed city to help achieve our Water Management Plan goals. It is possible we might prefer to focus on street sweeping or other options to meet our goals.

This cover letter as well as the memo from you (including the Draft Plan Amendment) and the city engineer's memo will be discussed at the Greenwood City Council's January meeting. I will let you know if the council takes action that contradicts the positions expressed in this cover letter. I also would like to point out that your 45-day comment period included Thanksgiving, Christmas, and the New Year's holidays. In my opinion, 45 days -- especially at this time of year -- is not enough time if you truly are interested in stakeholder input. Our council meets once a month and we need time for our engineering firm to review and make recommendations to the council. In the future, it would be appreciated if you could allow at least 60 days to comment on something this significant. Legally this may be a "minor" plan amendment, but from Greenwood's perspective there is nothing "minor" about what the District is proposing.

If you have any questions, please contact me at 952.401.9181, dkind100@gmail.com.

Sincerely,

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

Debra J. Kind
Mayor of Greenwood



BOLTON & MENK, INC[®]

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MEMORANDUM

Date: December 20, 2010
To: City of Deephaven, City of Greenwood, City of Woodland
From: David P. Martini, P.E.
Subject: Minnehaha Creek Watershed District Draft Plan Amendment Comments

On November 18th the Minnehaha Creek Watershed District (MCWD) sent a notice out to affected cities, counties, and state review agencies regarding their proposed Comprehensive Water Resource Management Plan (WRMP) amendment. The proposed amendment would replace the existing WRMP, Section 7.2, LGU Local Plan Implementation and Reporting, in its entirety with the amended version. The November 18th notice began the 45-day public comment period required by state statute for WRMP amendments.

We have reviewed the proposed amendment and offer the following comments that were prepared by our Water Resources Specialist Doug Carter. The comments are grouped together according the general theme and do not follow the document page by page. For your convenience I have color coded MCWD's draft and the sections referenced in our comments.

1. Data requested from the LGU with no defined use.

The following citations are generally requests by the MCWD for data that will be a burden for the LGU to collect, summarize, review, and distribute. The MCWD does not detail how, or if, they plan to use this data. In some instances the MCWD is requesting data that is in the planning stages and may never make it through the land-use process. Projects that are under development or consideration by the LGU do not need to be disclosed to the MCWD. On an annual basis the MCWD needs only to know about active or permitted projects. Unless the MCWD can provide compelling reasons as to why they feel they need this information it should not be required to be provided by the LGUs. The citations are as follows:

- a. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 2*
- b. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 3, Item #1*
- c. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 3, Item #4*
- d. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 3, Item #5*
- e. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 3, Item #6*



2. The use of undefined, subjective, qualitative and, at times, argumentative language

The following citations are generally instances where the MCWD has chosen to use language that is not appropriate for use in natural resource management plans. In a number of the citations the language appears to assume an adversarial and hierarchical relationship between the LGU and the MCWD. The use of terms similar to, “lagged, diligently, importantly, good, timely, adequate, and failing” need to be well defined, if used at all. What person, board, or entity will determine the definitions for these words? These terms have a very real possibility of being misapplied or misused and we would like to see them either well defined or removed from the document. The citations are as follows:

- a. *Section 7.2 – LGU Local Plan Implementation and Reporting, Paragraph 5*
- b. *Section 7.2.1 – Annual Reporting and Meeting, Paragraph 4, First Item*
- c. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 3, Item #1, (g)*
- d. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 6, 2nd sentence*
- e. *Section 7.2.2 – Review of LGU Plan Implementation, 2. Land Use, Item (a)*
- f. *Section 7.2.2 – Review of LGU Plan Implementation, 2. Land Use, Item (e)*
- g. *Section 7.2.2 – Review of LGU Plan Implementation, 3.Capital Program , Item (c)*
- h. *Section 7.2.2 – Review of LGU Plan Implementation, 3.Capital Program , Item (e)*
- i. *Section 7.2.2 – Review of LGU Plan Implementation, 4. Land Conservation, Item (a)*
- j. *Section 7.2.2 – Review of LGU Plan Implementation, 4. Land Conservation, Item (c)*

3. Use of language that is vague and open to interpretation

The following citations are generally where criteria have been identified that will be nearly impossible to objectively evaluate. There is also the potential for the collection and evaluation of the data to be a significant time and money burden for both the LGU and the MCWD staff. If there is no indication existing practices in which the LGU is operating are substandard as it references natural resource protection, why does the MCWD take the position of essentially auditing the LGU’s performance? The citations are as follows:

- a. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 3, Item #1, (c)*
- b. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 3, Item #1, (d)*



4. Funding and the overarching sense of cooperation and protection of natural resources

The following citations generally foster an adversarial relationship between the LGU and the MCWD. In our experience if an LGU is unable to meet the water resource commitments identified in their local plans or their Capital Improvement Plans it is most often due to a lack of available budget and/or funding for the program. It seems as though the role of the MCWD should be to assist the LGU with funding shortfalls, if that is the issue. To have the MCWD remove its funding assistance and notify other agencies with the perceived hope of having them pull their funding assistance as well appears, on the surface, to be counterproductive to the overarching goal of protecting the water resources within the watershed. If the LGU believed that adding tax burden to residents with the goal of meeting the local plan objectives was feasible, it would undertake the program on its own. Adding an additional tax burden to residents is not a solution. Working with the LGU, in a cooperative manner, to jointly meet local plan objectives would be a much more sustainable approach. The citations are as follows:

- a. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 7, 4th, 5th, and 6th bullet*
- b. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 7, 7th bullet*

5. General Amendment Comments

- a. *Section 7.2.2 – Review of LGU Plan Implementation, Paragraph 3, Item #1, (b)*
The sentence reads, “Do they conform to MWCD-approved standards?” The process of reviewing and approving the LGU’s local plans and associated ordinance has previously been defined as an iterative process between the LGU and the MCWD staff and Board. The MCWD could provide a model ordinance that would save all parties time and staff expenditure.
- b. *General Amendment Comments*
The overall tone of this amendment is not one that echo’s cooperation, trust, and mutual determination to accomplish complex natural resource management goals. The tone is more of an authoritative agency looking down upon the LGU actively looking for the opportunity to take over control of the local plan implementation. We don’t believe that if even one LGU gave over control of all aspects of their plan implementation the MCWD would have the staff and availability to accomplish the requirements; it becomes even less likely if more than one LGU did that. Working forward from that standpoint, it seems that that MCWD should be more interested in, and place more importance on, cooperatively working together with the LGU to protect the natural resources within the watershed and plan for the implementation of the local plan.
- c. This amendment to the original Section 7.2 did not do anything to close the open-ended nature of the original draft. The inclusion of so many subjective and qualitative words and phrases only magnifies the vague nature of the requirements of the memorandum of understanding. The very real possibility of being committed to unforeseeable obligations remains. If the MCWD wishes to solve this problem they need to work cooperatively with the LGUs to clarify the issues. Writing a minor plan amendment in isolation from the LGUs only exasperates the problem.



The Minnehaha Creek Watershed District is committed to a leadership role in protecting, improving and managing the surface waters and affiliated groundwater resources within the District, including their relationships to the ecosystems of which they are an integral part. We achieve our mission through regulation, capital projects, education, cooperative endeavors, and other programs based on sound science, innovative thinking, an informed and engaged constituency, and the cost effective use of public funds.

Date: November 18, 2010
To: Cities, Counties, State Review Agencies
From: Becky Houdek, Minnehaha Creek Watershed District
Re: Draft Plan Amendment – 45-Day Comment Period

In 2007, following an extensive planning and review process that involved citizens, cities, state agencies, and other stakeholders, the Minnehaha Creek Watershed District adopted a Comprehensive Water Resource Management Plan (WRMP). The Plan details the District’s goals and implementation strategies for improving water quality and management in our communities. These strategies include District capital projects, city water resource projects, and District regulations. As required by MN Statute 103B.235, local government units (LGUs) must prepare and submit a Local Water Management Plan to the District for review and approval. As part of the approval of the Local Water Plan, the District has been using a Memorandum of Understanding (MOU) to outline specific obligations of both the LGU and the District. These requirements include that the LGU submit an annual report to the District that details progress toward implementing the Local Water Plan and an annual meeting with District staff to discuss the report.

During the review and approval process for Local Water Plans, many municipalities expressed concern that the requirements in the MOU were vague and therefore committed them to unforeseeable obligations. In response to those concerns, the District Board of Managers directed staff to develop a minor plan amendment that clearly outlines the expectations of the District regarding Local Water Plan annual reporting and meetings, and would eliminate the need for a MOU for those cities not implementing District regulations.

The attached draft plan amendment contains the following:

1. Purpose of annual reporting and meeting requirements
2. Minimum requirements for contents of LGU annual report
3. Items the District will consider when assessing Local Water Plan implementation
4. Steps the District Board may take if an LGU fails to implement its Local Water Plan
5. Steps the District will take to encourage a collaborative process toward achieving better water quality and management for our constituents

The annual reporting and meeting process outlined in the draft plan amendment will allow the District to carry out its responsibility to oversee Local Water Plan implementation by LGUs as required by statute. This approach will also improve how District and city staff coordinate efforts to meet water resource goals.

The Board of Managers has authorized staff to distribute the attached draft plan amendment for a 45-day public comment period to solicit input prior to a public hearing and adoption. Please submit your comments by Monday, January 3rd. We will notify you of the date and time of the public hearing once it is scheduled.

If you have any questions or concerns regarding the draft plan amendment, District staff would be happy to meet with you to answer questions and provide clarity on specific items within the amendment.

Please feel free to contact Becky Houdek at bhoudek@minnehahacreek.org or 952-641-4512.

DRAFT PLAN AMENDMENT: LOCAL PLAN IMPLEMENTATION

(10-7-10)

Present Section 7.2 is replaced by the following new section:

7.2 LGU Local Plan Implementation and Reporting

Minnesota Statutes §103B.235 establishes a process for watershed district review and approval of local water plans. Typically District staff will work with LGU staff through successive versions of the draft local plan until staff finds that the plan meets content requirements and standards of Section 7.1 and is recommended for approval. If an LGU is not able to satisfy District staff and believes nevertheless that its plan is entitled to District approval, it may request to have the plan brought before the District Board of Managers without a recommendation of approval.

The District's preference is that a local plan be revised as needed so that when it is presented to the Board of Managers it may be approved without the need for further revisions. However, if it requires only minor revisions when it comes before the Board or if the need for minor changes is identified during Board review, the Board's approval resolution may approve the plan conditioned on identified revisions. Otherwise, typically the resolution will contain only standard conditions that implement the terms of Section 7. The Board also may include conditions as needed to address the specific circumstances in a given case.

Minnesota Statutes §103B.235, subdivision 4, states that once the district approves a local plan, the LGU must adopt and implement it within 120 days, and must complete amendment of ordinances required by the local plan within 180 days.

After the local plan is adopted, the District and LGU will coordinate watershed and local plan implementation over the course of the 10-year planning cycle. Consistency between plans and coordinated implementation will help to ensure that capital spending, land conservation, public education, regulation and other activities will be carried out to best achieve shared water resource goals in a cost-effective and transparent way.

Under the watershed law, each metropolitan-area watershed district is responsible to maintain awareness of local water plan implementation by LGUs within its boundaries. The District intends to carry out this responsibility through a process of LGU annual reporting and District monitoring of local plan implementation. The District has sought to create a framework that allows it to remain reasonably knowledgeable as to local implementation without being burdensome for LGUs. The framework also is designed so that any implementation issues are addressed through communication and collaboration to the extent possible. It seeks to respect the ability of the District and individual LGUs to make their own program and

funding decisions. But it preserves the District's ability to step in if water resource commitments and goals are not being met.

7.2.1 Annual Report and Meeting

Each LGU must provide a written report to the District by June 30 annually, describing how the LGU has implemented the local plan over the past report year (May 1 through April 30). The annual report date coincides with the submittal date for municipal separate storm sewer system (MS4) annual reports as set by the Minnesota Pollution Control Agency (MPCA). If the MPCA should change that date, the District would adjust its annual reporting date administratively.

An LGU may submit its MS4 report to the District as its annual report, with supplementation as needed to provide all of the information listed below. For efficiency, the District may develop a standard format that LGUs would be required to use. Until that time, an LGU may prepare a separate report using a format of its choosing.

LGUs are encouraged to use a concise format for the annual report. At the same time, LGUs need to provide information that is sufficient for District staff to be fully apprised of activities by, and within the boundaries of, the LGU that affect water resources and further water resource programming. At a minimum, the annual report must cover the following for the reporting year:

- 1. The status of capital projects identified in the local water plan and any other water resource projects under LGU development or consideration, and identification of any project on which the LGU is interested in partnering with the District.**
- 2. Progress on each water resource issue identified in the implementation section of the local plan.**
- 3. The status of each action identified in the local plan as a means to contribute to the LGU's allocated phosphorus/nutrient load reduction, the cause of any failures or delays, and any proposed changes to the LGU's strategy for meeting the load reduction.**
- 4. A summary of LGU land use activity as it may affect water resources, including: (a) permit applications for land disturbance received; (b) actions taken, including any variances granted; (c) pending development or redevelopment activity not yet the subject of an application; (d) zoning changes made or requested.**
- 5. Additional water quality, hydrologic, wetland and floodplain data developed within the LGU.**
- 6. A description of stormwater conveyance/management facility construction, inspection, maintenance and repair activity, including identification of any**

structural changes within the conveyance system affecting hydrologic/hydraulic modeling on greater than a parcel basis.

7. A summary of LGU housekeeping activities including salt/sand storage and use, hard surface sweeping and other public facility management activities to protect water resources.
8. An inventory of riparian, buffer, corridor, open space and other conservation land rights acquired through dedication, gift, purchase or any other means.
9. A summary of the LGU's budget as it pertains to local plan implementation.

Following District staff review of an LGU's annual report, a meeting between staff may be arranged to complete the review, bring each party up to date on the other party's activities, and coordinate activity for the next year.

- District staff may have questions or need further information about matters contained in or omitted from the LGU report. If the District perceives that LGU implementation has lagged, this would be an opportunity to discuss this, identify causes of any failures or delays, and mutually consider adjustments. As well, LGU staff may require more information about District activities over the past year as they affect the LGU.
- This meeting is an opportunity for the two parties to anticipate the next year's activity. A mutual briefing can be provided concerning programmed or potential capital projects, land conservation interests, cost-sharing or grant opportunities, development activity and other matters that would benefit from coordination.
- Pending or necessary plan amendment can be reviewed. Minnesota Statutes §103B.235, subdivision 1, and Minnesota Rules 8410.0160 requires that each local plan be revised and approved by the District within two years of a District plan amendment that affects an LGU, or as otherwise specified in the District implementation program. The District has adopted the two-year standard of 8410.0160, except where the plan specifically states otherwise. Where an LGU lies partly within the District and partly within one or more other watershed management organizations, the District will require local plan revision and approval within two years for at least that part of the plan that concerns land within District boundaries.

The District will endeavor to maintain communication and flow of information between itself and its LGUs on an ongoing basis. The Board of Managers encourages opportunities for joint meetings with city councils on specific matters or for the purpose of general communication.

7.2.2 Review of LGU Plan Implementation

The District will maintain awareness of LGU plan implementation largely through the annual reporting and meeting framework. However, this will be supplemented through ongoing communication with LGUs and knowledge of developments within the watershed gained through other usual channels.

It is possible, then, that the District at any time may perceive that an LGU is not fully implementing its local water plan or meeting its commitments. In this case, the District will follow the course outlined here. This process is intended to ensure that the District has a full understanding of the LGU's water resource program, that the District respects the LGU's control of its own programs and its role in overseeing activity within its boundaries, and that the parties work collaboratively to ensure progress on mutual goals. At the same time, it is the District's responsibility under watershed law to maintain oversight of local water plan implementation and to take steps as necessary so that water resource goals are met.

The District will consider the following items when assessing LGU plan implementation:

1. Water Resource Permitting (this subject will be relevant primarily when the LGU, through the local planning process, has elected to assume sole authority for water resource permitting in one or more areas covered by District rules and/or has elected to serve as the Wetland Conservation Act (WCA) implementing authority):

(a) Have ordinances been adopted as described in the approved local plan and in response to any subsequent District rule revisions?

(b) Do they conform to MCWD-approved standards?

(c) Have the ordinances been applied as written?

(d) Where there is room for interpretation, has LGU discretion been exercised in a way that is sensitive to water resource protection?

(e) Has the MCWD been notified of variance requests per Minnesota Statutes §103B.211?

(f) Have technical expertise and program resources been maintained at levels described in the approved local plan?

(g) Has regulated activity been diligently monitored and have LGU ordinances and permits been diligently enforced?

(h) The same considerations, as applied to the LGU's actions as WCA-implementing agency.

2. Land Use:

(a) Has good progress been made to integrate Safe Drinking Water Act and other protections for wellheads and sensitive groundwater resources into the development code, as described in the approved local plan?

(b) Has the LGU worked carefully to integrate low-impact development concepts into the development code and development review process?

(c) Has the LGU met local plan commitments to reconcile development code setbacks and water resource protection goals?

(d) Has the LGU revised its development code as necessary to require stormwater facilities and wetlands in residential subdivisions to be located on outlots?

(e) Has the LGU ensured that the District timely receives proposed preliminary plats and revisions, in accordance with the approved local plan?

(f) Are local plan commitments otherwise being met?

3. Capital Program:

(a) Does the capital improvement program (CIP) continue to reflect the level of commitment toward water resource goals of the approved local plan?

(b) Is CIP implementation on schedule?

(c) Is the LGU making adequate progress toward achievement of phosphorus load reductions identified in the approved local plan?

(d) If issues have arisen that were unexpected or are beyond LGU control, has the LGU identified, and is the LGU pursuing, alternative strategies?

(e) Is the LGU diligently maintaining stormwater management facilities for which it is responsible?

4. Land Conservation:

(a) Have water resource protection priorities been integrated into parks, open space, recreation and land acquisition plans, and are those tools being diligently implemented?

(b) Are dedication and fee in lieu requirements under the development code being used to support water resource protection consistent with commitments in the approved local plan?

(c) Is the LGU diligently monitoring municipal open space lands, protected lands and vegetated buffer areas under its control?

5. Housekeeping Practices: Is the LGU meeting local plan commitments for street sweeping, snow plowing, salt and snow storage, right-of-way maintenance, stormwater management facility and vegetated buffer maintenance, public land management and other housekeeping matters with water resource impacts?

6. Other Commitments: Is the LGU otherwise meeting commitments assumed under the approved local plan?

If District staff, at the direction of the Board of Managers or on the basis of its own review, has concerns about local plan implementation, the District will generally follow a process that emphasizes communication and collaboration to assess these concerns and identify approaches to addressing any deficiencies. Presuming the LGU has a similar interest in this approach, initially the process will involve staff-to-staff communication and a process of staff collaboration. District staff will report back to the Board of Managers and the District will seek to memorialize any agreed outcomes in appropriate fashion.

If District or LGU staff believes that, for any reason, adequate progress in resolving concerns is not being made, the Board of Managers and city council may be asked to convene an informal joint meeting.

Ultimately, if the Board of Managers is not satisfied with a resolution of concerns, it may schedule the matter for formal consideration on its agenda. **LGU representatives will be invited to attend; District staff, LGU representatives and interested members of the public will have an opportunity to address the issues; and the Board will make a finding as to whether it believes the LGU is failing to implement its plan in an important way.**

If the Board makes such a finding, it may take further steps within its authority as it judges will foster improved local plan implementation or allow resources to be focused on areas where they are more likely to leverage effective efforts. Such steps may include the following:

- Requesting that the LGU engage in further discussions or provide written commitments.
- Reasserting District regulatory authority for proposed land-disturbing activity for which city approvals have not yet been issued.

- Reprogramming or reprioritizing District capital funds identified for expenditure within the city.
- Placing a hold on cost-share and other program funding within the LGU.
- Advising the Metropolitan Council, and other potential municipal grantors where watershed district approval is relevant, of the District's finding.
- Restricting eligibility for District-funded water/land use planning assistance or other forms of District cost- or technical-assistance.
- Establishment of one or more water management districts encompassing the LGU or parts thereof to fund District implementation of local plan commitments not being met.
- An action under Minnesota Statutes §103B.235, subdivision 4, requesting that the LGU be directed to implement its local plan.

At any time, an LGU may advise the District of further implementation steps taken and allow the Board of Managers to determine that the local plan is again being adequately implemented.

The Board also may take steps as outlined above where an LGU has not submitted or has not received approval of a local water plan in a timely way.

7.2.3 Applicability to Existing Approved Local Water Plans

Most LGUs wholly or partly within the District have completed and approved local plans responding to the District's 2007 plan. BWSR rules require these plans to be revised within two years of a District plan revision to maintain consistency. The reporting responsibility and procedures outlined in this revised Section 7.2 trigger this revision requirement and the specifics herein will apply to each LGU two years from the date of the District amendment or when the LGU plan revision is approved, if sooner. Until then, reporting and related procedures will apply to each LGU according to the terms of its prior local plan approval and any memorandum of understanding signed by the District and LGU in conjunction with that approval.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, DECEMBER 15, 2010
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Lucking and Commission members John Beal, David Paeper, Mark Spiers and Alternate members Bill Cook and Brian Malo

Absent: Commissioner Todd Palmberg

Others Present: City Attorney Mark Kelly, Council Liaison Tom Fletcher and Zoning Coordinator Gus Karpas.

Due to the absence of Commissioner Palmberg, Alternate member Cook was a voting member of the Commission.

2. APPROVE AGENDA

Commissioner Paeper moved to accept the agenda for tonight's meeting. Commissioner Beal seconded the motion. Motion carried 5-0.

3. MINUTES OF October 20, 2010.

Commissioner Cook moved to approve the minutes of October 20, 2010. Commissioner Spiers seconded the motion. Motion carried 5-0.

4. LIAISON REPORT

Council Liaison Fletcher informed the Commission that the Council approved a modified sign request by Sonus Hearing Care. Other issues discussed by the Council included the plowing of the LRT trail to its full width for a year on a trial basis, negotiations with the City of Deephaven for the acquisition of a speed trailer to monitor traffic speeds, the concept of extending Excelsior water along Excelsior Boulevard down to Maple Height Road in conjunction with a Met Council sewer project, the increase of dock fees to \$950 a year, the reduction of sewer fees to \$70 a quarter and the DNR's commitment to treat St. Alban's Bay for Milfoil in 2011.

The Council passed an ordinance referencing the most recent version of the Property Maintenance Code for rental properties and passed the first reading of an ordinance that would require the exterior of a home under construction to be completed within 180 days.

Chairman Lucking expressed concern that 180 days may not be enough time for some larger homes. Councilmember Fletcher said the ordinance permitted extensions for extenuating circumstances.

5. PUBLIC HEARINGS

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, DECEMBER 15, 2010
7:00 P.M.**

Ordinance Amendment – Amendment of Sections 1120.15 and 1122.15 of the Zoning Ordinance limiting the number of required front yard setbacks for lots with three road frontages.

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

Chairman Lucking discussed the proposed ordinance.

Commissioner Spiers asked about administrative approval and what was considered in selecting which yard received the reduced setback. He felt the language should be specific in the criteria used for the determination.

Commissioner Paeper said it left to the Zoning Administrator to make a judgment. Commissioner Beal said his concern was that the city makes the decision.

Commissioner Spiers asked what would happen if an applicant disagreed with the Zoning Administrator's determination. Zoning Administrator Karpas said they could appeal any decision made by the Zoning Administrator to the City Council. City Attorney Kelly confirmed the ordinance had provisions for such appeals.

Motion by Commissioner Beal to recommend the City Council adopt Ordinance 190, amending sections of the zoning ordinance limiting the number of required front yard setbacks for lots with three road frontages, as written. Commissioner Paeper seconded the motion. Motion carried 5-0.

6. OTHER BUSINESS

7. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Cook seconded the motion. The meeting was adjourned at 7:25 p.m.

Respectively Submitted
Gus Karpas - Zoning Coordinator

FYI



20225 Cottagewood Road
Deephaven, Minnesota 55331
(952) 474-6633
Fax (952) 401-7587

December 27, 2010

John Klinkner
3100 Raleigh Avenue North #103
St. Louis Park, MN 55416

Dear Mr. Klinkner,

The city has recently updated its rental ordinance, adopting the current version of the International Property Maintenance Code (IPMC). Section 304 of that code outlines the general requirements and includes regulations on the maintenance of the exterior of structures. The city feels this section is applicable to the detached garages on your property which have fallen into a state of disrepair over the last number of years.

I have attached a copy of Section 304 of the IPMC for your review.

In addition, Section 320.35 of the city code outlines Code Verification and Compliance. Subdivision 1 of the Section requires property owners to submit, in writing, verification from a licensed property evaluator that the property is in compliance with the IPMC within thirty days when requested by the city. In the event that the property is not in compliance with the IPMC, the property owner will be required to bring the property into compliance and submit written verification from a licensed property evaluator once repairs are completed stating the property is in compliance with the IPMC within 120 days.

This is written notification that the city would like you to secure an inspection of your property and submit a written report no later than January 31st.

Sincerely,

A handwritten signature in black ink, appearing to read "Gus Karpas", with a long horizontal flourish extending to the right.

Gus Karpas
Zoning Coordinator

Cc: File
Mayor Kind and City Councilmembers
City Attorney Mark Kelly

Subject: Fw: Greenwood Municipal I/I Grant Eligible Amount
Date: Wednesday, January 5, 2011 5:36 PM
From: Dave Martini <davidma@bolton-menk.com>
To: Bob Quam quamco@aol.com, Debra Kind dkind100@gmail.com

Fyi

From: Mulcahy, Joe
To: David Martini
Sent: Wed Jan 05 16:55:00 2011
Subject: Greenwood Municipal I/I Grant Eligible Amount
Mr. Martini,

Metropolitan Council Environmental Services staff have completed their review of your Municipal I/I Grant application. The total eligible project amount stated in your application is \$96,768. MCES staff have determined the total eligible project amount to be \$96,768. With all the current eligible grant amounts, Greenwood could expect a grant allocation of one half this amount or \$48,384. If the eligible amount for other applications change, your grant allocation could also.

This eligible amount was determined from the estimated project costs sheet included in the application. State G.O. Bond language prohibits spending on overhead or operating expenses so the "estimated soft costs" were deemed ineligible.

If you disagree with this amount and wish to appeal it, you may ask for a review by writing to
Jason Willett
390 Robert Street North
St. Paul, MN 55101-1805

or emailing at
jason.willett@metc.state.mn.us

Review request must be received by January 20, 2011. After this date, applicants will have an additional two weeks (until February 3, 2011) to decide to whether to participate or withdraw from the grant program.

If you have questions, please contact me by phone or email.
Thanks.

Joe Mulcahy
Grant Coordinator
(651) 602-1104 Fax: 602-1130
joe.mulcahy@metc.state.mn.us

January 18, 2011

Jeff Wirth
C/o Isle of Windemere, LLC
615 – 2nd Avenue South
Minneapolis, MN 55402

Dear Mr. Wirth,

City records show your property at 5560 Maple Heights Road was issued a building permit on June 17, 2003 and there has not been an inspection on the property since December 8, 2006.

The city recently has amended its ordinance, adopting the provisions requiring the completion of the exterior of any structure in which a building permit has been issued within 180 days of the issue date of the permit. A copy of the ordinance is attached.

This is written notification that the exterior of your home must be completed by July 17, 2011 (180 days from this notification) or your property will be deemed in non-compliance with the ordinance and the city will take the steps necessary, outlined in Section 300.30(d), to bring your property into compliance.

Note: Since the original building permit has expired, a new building permit will need to be issued prior to work resuming at the property. It is the city's opinion that the new building permit date will not affect the July 17, 2011 deadline for the completion of the exterior of the structure.

Sincerely,

Gus Karpas
Zoning Coordinator

Cc: File
Mayor Kind and City Councilmembers
City Attorney Mark Kelly