

Greenwood City Council Meeting

7:00 PM, Tuesday, May 4, 2010

20225 Cottagewood Road ~ Deephaven, MN 55331 ~ 952-474-6633

AGENDA

Welcome to the Greenwood city council 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. See the back of this page for public comment guidelines. And 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

- A. Recommendation: Approve 04-06-10 Assessor Work Session Minutes
- B. Recommendation: Approve 04-06-10 Council Minutes
- C. Recommendation: Approve 04-06-10 Code Book Work Session Minutes
- D. Recommendation: Approve 04-22-10 Special Meeting Minutes
- E. Recommendation: Approve March Cash Summary Report
- F. Recommendation: Approve April payables \$28,940.89

7:05 PM 3. MATTERS FROM THE FLOOR

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

7:05 PM 4. ANNOUNCEMENTS, PRESENTATIONS AND STAFF REPORTS

- A. None

7:05 PM 5. PUBLIC HEARINGS

- A. None

7:05 PM 6. UNFINISHED BUSINESS

- A. Second Reading: Ordinance #182 Weight Restrictions, Code Section 730.00
- B. Consider: Resolution #06-10 Adding a Second Bank Designation

7:15 PM 7. NEW BUSINESS

- A. First Reading: Ordinance #183 Regulation of Telecommunications Facilities, Code Section 1179
- B. First Reading: Ordinance #184 Amending Code Section 300.15, Survey Requirements
- C. Consider: Excelsior Park & Dock Patrol Proposal
- D. Consider: Light Rail Trail Crossing Resolution #05-10
- E. Discuss: City Dock Extension or Reconfiguration
- F. Set Date: Code Book Work Session
- G. Consider: Tour de Tonka Request
- H. Consider: Resolution #07-10 for Interim Clerical Services from Deephaven

7:45 PM 8. OTHER BUSINESS

- A. None

7:45 PM 9. COUNCIL REPORTS

- A. Kind: Police, Mayor's Breakfast
- B. Rose: Fire
- C. Quam: Roads (update of schedule for bids and construction)
- D. Fletcher: Planning Commission, Lake Minnetonka Communications Commission
- E. Page: Lake Minnetonka Conservation District

8:00 PM 10. ADJOURNMENT

Agenda times are approximate. Please be ready 10 minutes prior to your agenda topic. Every effort will be made to keep the agenda on schedule.

Greenwood City Council Work Session

Tuesday, April 6, 2010 6:00 PM

Council Chambers 20225 Cottagewood Road Deephaven MN 55331 #952-474-6633

MINUTES

1. Call to Order/Roll Call/Approval of Agenda

Mayor Kind called the meeting to order at 6:03 PM

Council present: Page, Rose, Fletcher, Kind and Quam

Staff present: Administrator Whipple

Others present: Jim Atchison and Rob Winge, Hennepin County Assessors

Councilmember Quam moved to approve the agenda, second by Councilmember Fletcher. Motion carried 5-0

2. Pre-Board of Review Discussion with Hennepin County Assessors

Jim Atchison reviewed some statistics from the 2010 assessment summary.

Residential lakeshore valuations have decreased -7.9%, residential off lake have decreased -7.0% and condos have decreased -6.7%. Greenwood has 351 taxable parcels and a total market value of approximately \$301,946,600. The city saw a net loss in value growth of -7.5%.

Rob Winge reviewed the appeals process. To appear before the County board, residents must first be on the Greenwood board of review roster. The deadline for getting on the County roster is May 26.

Councilmember Page asked whether foreclosures are considered as an 'arms length transaction'. Winge said, no, because many of those homes are distressed with broken water pipes or other damage.

Greenwoods values are land-driven and the assessors spend a lot of time in the West Metro analyzing land. Effective front footage was discussed. Mayor Kind asked about the preliminary figures from last fall showing a -10% lakeshore value decrease. Atchison stated the building values are adjusted through out the fall as new information comes in and sometimes the figures change.

3. Adjourn

Councilmember Rose moved to adjourn at 6:49 with a second by Councilmember Fletcher. Motion carried 4-0 as Councilmember Page had excused himself from the meeting.

Respectfully submitted,

Roberta Whipple
Greenwood City Administrator

Greenwood City Council Meeting

Tuesday, April 6, 2010 7:00 PM

Council Chambers 20225 Cottagewood Road Deephaven, MN 55331 #952-474-6633

MINUTES

1. Call to Order/Roll Call/Approval of Agenda

Mayor Kind called the meeting to order at 7:00 PM

Council present: Page, Rose, Fletcher, Kind and Quam

Staff present: Administrator Whipple and Attorney Kelly arrived at 7:10

Also present: City Engineer, Dave Martini

Councilmember Fletcher requested that item 7A be moved up to be discussed after 4 A.

Motion by Councilmember Page to approve the agenda as amended. Second by Councilmember Quam. Motion carried 5-0.

2. Approve Consent Agenda

Councilmember Page moved to approve the consent agenda. Second by Councilmember Rose. Motion carried 5-0.

3. Matters From The Floor

None

4. Announcements, Presentations, and Staff Reports

A. City Engineer, Dave Martini, 2010 Road Project Recommendations

Dave Martini reviewed the details of the proposed 2010 road improvements.

*East Leg of Greenwood Circle would involve removing/replacing bituminous, re-grading, and adjusting drainage and sanitary sewer structures for \$85,737

*Highview Place work includes removing/replacing bituminous, excavating base, add a new catch basin for \$55,290

*Maple Heights Road involves removing/replacing bituminous, improving drainage, and adjusting drainage and sanitary sewer structures for \$103,426

Also for consideration are improvements to West Street for \$24,000 and Fairview Street for \$24,000

The Council discussed bonding for future road projects but possibly using sewer funds and/or reserves to pay cash for this project.

Councilmember Fletcher moved to ask Dave Martini and Bob Quam seek bids for Highview Place, Maple Heights Road and the 200' of Fairview Street. Second by Councilmember Page. Motion carried 5-0.

B-1. Reclassification of Sanitary Sewer Service Unit for the Former Boathouse Restaurant
Tom Fritz, 5140 St. Albans Road, Greenwood and Peter Benencasa 7561 Black Oaks Lane, Maple Grove have requested that the property that formerly housed the St. Albans Boathouse Restaurant be reclassified from restaurant sewer rates to commercial sewer rates. The space that Mr. Fritz had been leasing for the restaurant did not have a restaurant license

in 2009 and 2010. There would be a significant reduction in the sewer fees if the classification is approved. The owner of the building, Kent Carlson, is now making the utility payments. Councilmember Fletcher moved to adjust the utility bill at the new rate and reimburse the difference to Mr. Fritz and Mr. Carlson, but not until both parties sign off on the letter that identifies the amount to be reimbursed. Second by Councilmember Rose. Motion passed 4-1. Councilmember Quam voted nay. He is concerned that the city may be getting in the middle of something as the utility bill stays with the property.

B-2. Local Board of Appeal & Equalization Meeting 6:00 PM, Thursday, April 15, 2010
Mayor Kind reminded the council that any resident wishing to appeal their 2010 property valuation has until 4:30 PM, Wednesday, April 7, 2010 to add their name to the roster.

5. Public Hearings

None

6. Unfinished Business

A. Second Reading: Ordinance #170, Tree Regulations, Code Section 1140.80

Councilmember Fletcher moved to adopt ordinance #170 as written for the second reading. Second by Councilmember Quam. Motion carried 5-0.

B. First Reading: Ordinance #182 Weight Restrictions, Code Section 730.00

Councilmember Page approved the first reading of Ordinance #182. Second by Councilmember Rose. Motion carried 5-0.

C. Lake Management Inc. Proposal for Annual Treatment of Milfoil at city Docks

The Department of Natural Resources has denied bay-wide treatment of milfoil in St. Albans Bay. In the past, the city has paid for milfoil treatment at the city docks.

Councilmember Fletcher moved to authorize the payment of milfoil treatment of \$809.30 at the city docks. Second by Councilmember Page. Motion carried 5-0.

D. Bank Designation

The Council discussed setting up a \$200,000 saving account in a second bank. Savings accounts generally offer only a 1% interest rate. Councilmember Fletcher mentioned that a bank in Lakeville was offering 1.4%.

Councilmember Quam moved to "park" \$200,000 in a savings account in the Shorewood Beacon Bank. Second by Councilmember Page. Changing a bank requires a Council resolution. There will be further investigation of better savings rates. Motion died with discussion.

7. New Business

B. Consider Beaver Trapping Proposals

There are beavers in St. Albans Bay and there is concern that they may be burrowing under Minnetonka Blvd. They are doing damage to trees in the area. The Council reviewed two bids to remove the beavers. One from Critter Control and the other from Conley's Wildlife Control. Councilmember Page moved to approve the bid from Conley's Wildlife Control. Second by Councilmember Quam. Motion carried 5-0.

Administrator Whipple will ask CWC whether signs will be posted during the trapping.

C. Set Date for Code Book Work Session

The Council will meet for a code book work session immediately following tonight's Council meeting. Another work session has been set for 5:30 PM preceding the May 4 City Council meeting.

8. Other Business

NONE

9. Council Reports

A. Kind: Minnehaha Creek Watershed Districts (MCWD). The Mayor noted that since the March Council meetings, there have been two more MCWD meetings regarding proposed rules D & F. A task force made up of elected officials from each of the Cities was formed at this meeting with Councilmember Fletcher as Greenwood's representative.

There is concern about the wetland rule and the definition of 'a new principal residential structure' should clarify that it includes reconstruction in the same footprint. There are still several items in the shoreline rule that need to be addressed

B. Rose: Fire-Councilmember Rose stated that the Capital Improvement Plan and the Operating Budget discussions start at the meeting on April 7.

C. Fletcher: Planning Commission-Councilmember Fletcher said he's received a couple complaints regarding the Lakeshore Market. Mayor Kind said an air conditioning unit is sitting on the ground next to the building and a white truck in the parking lot does not have current license tabs.

C. Page: Lake Minnetonka Conservation District-Councilmember Page had no report.

10. Adjourn

Councilmember Page moved to adjourn at 8:31. Second by Councilmember Rose

Motion carried 5-0

Respectfully submitted,

Roberta Whipple
Greenwood City Administrator

Greenwood City Council Work Session

Tuesday, April 6, 2010 8:40 PM

Council Chambers 20225 Cottagewood Road Deephaven, MN 55331 #952-474-6633

MINUTES

1. Call to Order/Roll Call/Approval of Agenda

Mayor Kind called the meeting to order at 8:41 PM

Council present: Page, Rose, Fletcher, Kind and Quam

Staff present: Attorney Kelly and Administrator Whipple

Councilmember Quam moved to approve the agenda. Second by Councilmember Fletcher. Motion carried 5-0.

2. Code Book Discussion of Chapters 11 and 12

The Council discussed changes to Chapters 11 and 12 of the ordinances as part of the re-codification project.

3. Adjourn

Councilmember Page moved to adjourn at 9:40 PM. Second by Councilmember Quam.

Motion carried 5-0.

Respectfully submitted,

Roberta Whipple
Greenwood City Administrator

Greenwood Special City Council Meeting

Thursday, April 22, 2010

Council Chambers 20225 Cottagewood Road Deephaven, MN 55331 #952-474-6633

2 D

MINUTES

1. Call to Order/Roll Call/ Approval of Agenda

Mayor Kind called the meeting to order at 6:00 PM

Council present: Page, Rose, Fletcher, Kind and Quam

Staff present: Attorney Kelly and Administrator Whipple

Councilmember Rose moved to approve the agenda. Second by Councilmember Fletcher. Motion carried 5-0.

2. Consider City Dock Seniority Options

Councilmember Kind reviewed the three boat slip spaces that were available this year and how "wait list dates" have been mixed with "get on the dock dates" since 2005. The dates are important as they are used to determine seniority for moving to a more desirable slip space. She went on to review three options for ranking seniority: Option A would be prioritized by "get on the dock date", Option B would be prioritized by the "wait list date", and Option A with adjusted dates would be prioritized by "get on the dock date" and the dates for two people who used the sailboat method would be adjusted to reflect what their "get on the dock date" would have been if they used the traditional method for getting on the dock.

Options A and B differ in that Option A benefits people who got on the docks by jumping over from sailboat slips on Meadville, which before an ordinance change, was legal. Option B would be based on everyone's original "wait list" date. The council needs to decide how dock seniority should be determined so that the vacant slip, #18, goes to whoever has the most seniority in 2010.

The council discussed how the adjusted dates on Option A were determined.

Mayor Kind opened the meeting for public participation.

Brian Burdick 4950 Sleepy Hollow Road thanked the council for calling this meeting and trying to correct the dock dates. He preferred Option A with adjusted dates as the fairest way to prioritize slip holders.

Doug Hill 4925 Sleepy Hollow Road had a couple suggestions for the council. He thinks whoever requests a slip changes should get one based on request and seniority. He also suggested the council consider changing the configuration of the docks to decrease the number of less desirable slips. He believes that a change to the ordinance verbiage

should allow a slip holder to request "a higher slip number" rather than a "specific slip number".

Val Muceniaks 21555 Minnetonka Blvd. said he'd been on the docks since 1994 and felt seniority should determine who gets a higher numbered slip. He questioned what "sole ownership" in the ordinance meant.

Barb Dunlay 4980 Sleepy Hollow Road suggested defining the process of notifying people that their request for a higher slip number was being considered.

Brian Malo 5070 Meadville questioned what happened to people who were notified that they were eligible for a slip but they turned down the opportunity. Mayor Kind said currently that person goes to the bottom of the wait list. This is an issue that will be reviewed during codification.

Councilmember Page moved that watercraft space relocation preference shall be based on the date when an existing permit slip holder first received the slip permit. Motion died for lack of a second.

Councilmember Fletcher moved to adopt Option A with adjusted dates. Second by Councilmember Rose. Upon discussion the motion would be amended to include "change the top 5 slip spaces to before 1990 as their "get on the dock date" "

Donna Crum 4777 Lyman Court said the city suggested she use the sailboat slip as a way to get a dock slip and she does not think it is fair for her to be penalized for something the city suggested. Mayor Kind explained that the problem is that in the past the city did not suggest the sailboat method to everyone.

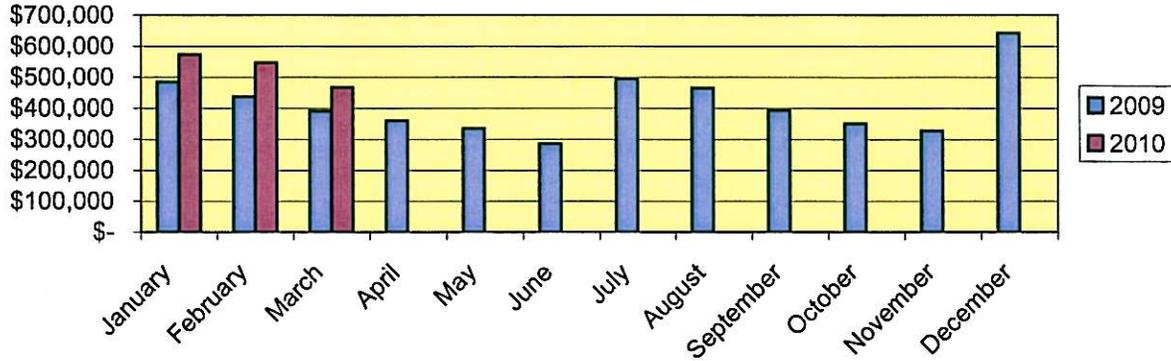
Mayor Kind called the question. Motion passed 3 to 2 . Page and Quam voting nay.

Motion by Councilmember Page to adjourn at 6:42. Second by Councilmember Quam. Motion carried 5-0

Respectfully submitted,

Roberta Whipple
Greenwood City Administrator

City of Greenwood Monthly Cash Summary



	2009	2010	Variance with Prior Month	Variance with 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	-	(466,631)	\$ (360,843)
May	334,929	-	-	\$ (334,929)
June	286,999	-	-	\$ (286,999)
July	495,051	-	-	\$ (495,051)
August	465,300	-	-	\$ (465,300)
September	393,080	-	-	\$ (393,080)
October	351,022	-	-	\$ (351,022)
November	327,615	-	-	\$ (327,615)
December	642,214	-	-	\$ (642,214)
Bridgewater Bank Money Market:		466,049.69		
Bridgewater Bank Checking:		581.18		
		\$466,630.87		

CITY OF GREENWOOD

Check Register - Summary

Page: 1
Apr 28, 2010 12:05pm

Check Issue Date(s): 04/01/2010 - 04/30/2010

Per	Date	Check No	Vendor No	Payee	Amount
04/10	04/07/2010	9946	25	LAKE MANAGEMENT, INC.	809.30
04/10	04/14/2010	9948	51	BOLTON & MENK, INC.	791.50
04/10	04/14/2010	9949	315	DOCK & LIFT INC.	1,500.00
04/10	04/14/2010	9950	68	Gopher State One Call	21.75
04/10	04/14/2010	9951	105	METROPOLITAN COUNCIL ENV SERV	3,007.42
04/10	04/14/2010	9952	701	Popp Telecom	142.96
04/10	04/14/2010	9953	216	Quality Control & Integration	247.50
04/10	04/14/2010	9954	758	Sign Source, Inc.	1,540.00
04/10	04/14/2010	9955	38	SOUTH LAKE MINNETONKA POLICE	12,613.00
04/10	04/14/2010	9956	136	Sun Newspapers	75.08
04/10	04/14/2010	9957	745	Vintage Waste Systems	1,568.40
04/10	04/14/2010	9958	685	WHIPPLE, ROBERTA	37.25
04/10	04/14/2010	9959	145	XCEL	585.37
04/10	04/22/2010	9960	733	Minnesota State Treasurer	8.96
04/10	04/28/2010	9967	9	CITY OF DEEPHAVEN	3,935.40
04/10	04/28/2010	9968	75	HENNEPIN COUNTY TREASURER	3.00
04/10	04/28/2010	9969	3	KELLY LAW OFFICES	1,196.00
04/10	04/28/2010	9970	742	Marco, Inc.	407.66
04/10	04/28/2010	9971	578	Minnesota Life	6.90
04/10	04/28/2010	9972	38	SOUTH LAKE MINNETONKA POLICE	220.39
04/10	04/28/2010	9973	136	Sun Newspapers	110.80
04/10	04/28/2010	9974	600	Union Security Insurance Compa	112.25
Totals:					<u>28,940.89</u>

CITY OF GREENWOOD

Payment Approval Report by GL No w/o Voided Invoices
Fully Paid Invoices 04/01/2010 - 04/30/2010Page: 1
Apr 28, 2010 12:00pm

Report Criteria:

Invoice.Voided = false

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount
101-20805	GENERAL FUND - DTOG - STATE SURCHARGE						
	733	Minnesota State Treasurer	Building Permit Surcharge	1-2010		04/20/2010	8.96
101-41400-139	GENERAL FUND - COUNCIL - ADMINISTRATION - CLERKS INSURANCE						
	578	Minnesota Life	Clerk's Life Insurance	0510		04/14/2010	6.90
	600	Union Security Insurance Compa	Clerk's short-term disability	0610		04/16/2010	13.50
	600	Union Security Insurance Compa	Clerk's long-term disability	0610		04/16/2010	98.75
							119.15 *
101-41400-202	GENERAL FUND - COUNCIL - ADMINISTRATION - DUPLICATING						
	9	CITY OF DEEPHAVEN	COPIES	0410		04/27/2010	.30
101-41400-310	GENERAL FUND - COUNCIL - ADMINISTRATION - CLERKS CONTRACTURAL						
	9	CITY OF DEEPHAVEN	DEPUTY CLERK	0410		04/27/2010	35.09
101-41400-311	GENERAL FUND - COUNCIL - ADMINISTRATION - OFFICE-RENT						
	9	CITY OF DEEPHAVEN	RENT & EQUIPMENT	0410		04/27/2010	855.36
101-41400-321	GENERAL FUND - COUNCIL - ADMINISTRATION - COMMUNICATIONS-TELEPHONE						
	701	Popp Telecom	Local, Long dist. & DSL	1861151		03/31/2010	142.96
101-41400-322	GENERAL FUND - COUNCIL - ADMINISTRATION - POSTAGE						
	9	CITY OF DEEPHAVEN	Postage	0410		04/27/2010	153.90
101-41400-331	GENERAL FUND - COUNCIL - ADMINISTRATION - TRANSPORTATION-TRAVEL EXP						
	685	WHIPPLE, ROBERTA	Jan. Feb. March mileage @ .50	0310		04/01/2010	37.25
101-41400-351	GENERAL FUND - COUNCIL - ADMINISTRATION - PRINTING-LEGAL NOTICES						
	136	Sun Newspapers	Board of Appeals Notice	1241608		04/01/2010	35.75
	136	Sun Newspapers	Telecom	1243320		04/08/2010	39.33
	136	Sun Newspapers	TRee Ord	1245971		04/22/2010	110.80
							185.88 *
101-41400-411	GENERAL FUND - COUNCIL - ADMINISTRATION - RENTALS-OFFICE EQUIPMENT						
	742	Marco, Inc.	Copier lease	148860075		04/13/2010	407.66
101-41500-439	GENERAL FUND - COUNCIL - ASSESSOR - ASSESSORS-OTHER						
	75	HENNEPIN COUNTY TREASURE	Processing Special Assessments	0410		04/22/2010	3.00
101-41600-304	GENERAL FUND - COUNCIL - LEGAL SERVICES - LEGAL SERVICES-GENERAL						
	3	KELLY LAW OFFICES	GENERAL LEGAL	5710		04/22/2010	897.00
Total COUNCIL							2,837.55
101-42100-304	GENERAL FUND - LAW ENFORCEMENT - LAW ENFORCEMENT - LEGAL SERVICES-PROSECUTIO						
	3	KELLY LAW OFFICES	LAW ENFORCE PROSECUTION	5711		04/22/2010	299.00
101-42100-310	GENERAL FUND - LAW ENFORCEMENT - LAW ENFORCEMENT - LAW ENFORCEMENT-CONTRACT						
	38	SOUTH LAKE MINNETONKA POL	May Operating Budget Expenses	0510		04/20/2010	12,613.00
101-42100-439	GENERAL FUND - LAW ENFORCEMENT - LAW ENFORCEMENT - PUBLIC SAFETY-OTHER						
	38	SOUTH LAKE MINNETONKA POL	COURT OVERTIME	04102		04/19/2010	220.39
101-42400-308	GENERAL FUND - LAW ENFORCEMENT - ZONING - ZONING CONTRACT						
	9	CITY OF DEEPHAVEN	ZONING	0410		04/27/2010	222.58

PD = Fully Paid Invoice PR = Partially Paid Invoice

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount
101-42400-310	GENERAL FUND - LAW ENFORCEMENT - ZONING - BLDG. INSPECTIONS-CONTRAC						
	9	CITY OF DEEPHAVEN	1st Qtr Building Permits	0410		04/27/2010	1,293.94
101-42500-381	GENERAL FUND - LAW ENFORCEMENT - CIVIL DEFENSE - UTILITY SERVICES-ELECTRIC						
	145	XCEL	SIREN	315154787		03/24/2010	3.31
101-42600-303	GENERAL FUND - LAW ENFORCEMENT - ENGINEERING - ENGINEERING FEES						
	51	BOLTON & MENK, INC.	ENGINEER FEES	0131542		03/31/2010	791.50
Total LAW ENFORCEMENT							15,443.72
101-43100-381	GENERAL FUND - CONTRACT UTILITY AND ROADS - CONTRACT UTILITY AND ROADS - S&R-UTILITY SERVICES-ELEI						
	145	XCEL	4925 MEADVILLE ST	315154786		03/24/2010	9.39
	145	XCEL	Street Light - Sleepy Hollow	315543787		03/27/2010	9.39
	145	XCEL	LIGHTS	316495270		04/02/2010	381.17
							399.95 *
101-43900-226	GENERAL FUND - CONTRACT UTILITY AND ROADS - PUBLIC WORKS - SIGNS						
	9	CITY OF DEEPHAVEN	SIGNS	0410		04/27/2010	350.29
	758	Sign Source, Inc.	Foam sign @ Manor & Excelsior	25019		03/15/2010	1,540.00
							1,890.29 *
101-43900-310	GENERAL FUND - CONTRACT UTILITY AND ROADS - PUBLIC WORKS - STREETS-CONTRACTURAL						
	9	CITY OF DEEPHAVEN	STREET	0410		04/27/2010	511.97
101-43900-313	GENERAL FUND - CONTRACT UTILITY AND ROADS - PUBLIC WORKS - TREE/WEED-CONTRACT						
	9	CITY OF DEEPHAVEN	WEED & TREE	0410		04/27/2010	315.06
	9	CITY OF DEEPHAVEN	PARK MAINTENANCE	0410		04/27/2010	196.91
							511.97 *
Total CONTRACT UTILITY AND ROADS							3,314.18
101-49000-310	GENERAL FUND - MISCELLANEOUS - MISCELLANEOUS - RECYCLING CONTRACT						
	745	Vintage Waste Systems	City Recycling Contract	0410		03/30/2010	1,568.40
Total MISCELLANEOUS							1,568.40
Total GENERAL FUND							23,172.81
602-43200-309	SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - PROFESSIONAL SVCS-METRO W						
	105	METROPOLITAN COUNCIL ENV	Monthly wastewater Charge	0000927918		04/02/2010	3,007.42
602-43200-381	SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - UTILITY SERVICES-ELECTRIC						
	145	XCEL	LIFT STATION #4	315411093		03/25/2010	29.25
	145	XCEL	LIFT STATION #2	315411367		03/25/2010	31.08
	145	XCEL	LIFT STATION #1	315423539		03/26/2010	32.70
	145	XCEL	LIFT STATION #3	315430846		03/25/2010	23.06
	145	XCEL	LIFT STATION #6	315447309		03/25/2010	66.02
							182.11 *
602-43200-404	SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - R&M-MACHINERY & EQUIPMENT						
	216	Quality Control & Integration	Lift Station #2 pump repair	22113		03/23/2010	247.50

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
04/11/10	PC	04/12/10	9947	WHIPPLE, ROBERTA L.	21	1,443.85
04/25/10	PC	04/26/10	9961	Debra J. Kind	34	277.05
04/25/10	PC	04/26/10	9962	Fletcher, Thomas M	33	84.70
04/25/10	PC	04/26/10	9963	H. Kelsey Page	35	184.70
04/25/10	PC	04/26/10	9964	Quam, Robert	32	184.70
04/25/10	PC	04/26/10	9965	WHIPPLE, ROBERTA L.	21	1,443.86
04/25/10	PC	04/26/10	9966	William Rose	36	184.70
Grand Totals:						<u>3,803.56</u>

ORDINANCE NO. 182

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE, SECTION 730.00 WEIGHT RESTRICTIONS**

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

SECTION 1.

Greenwood Ordinance Code Section 510 Load Limit Fee is amended as follows:

Load Limit Fee - Per Trip Special Operating Permit	730.00	\$50 (\$500 from March 1- May 1)	Per round trip. Not available for building projects exceeding \$20,000 in value.
Load Limit Fee - Blanket Special Operating Permit	730.00	20% of the Building Permit or Moving Fee	Required for building projects exceeding \$20,000 in value. Not available March 1- May 1

SECTION 2.

Greenwood Ordinance Code Section 730.00 is replaced with the following:

“Section 730.00 Weight Restrictions.

Subd. 1. Axle Weight Restrictions. No motor vehicle, truck or commercial vehicle with weight on any single axle in excess of 7 tons may be operated on posted weight restricted streets.

Subd. 2. Signs. The city shall erect and maintain signs plainly indicating the prohibition or restriction set out in this section by placing signs at each end of the portion of the street affected thereby.

Subd. 3. Designated Streets. All streets or roads in the city are designated as weight restricted with the exception of Highway 7.

Subd. 4. Seasonal Load Restriction. Between March 1 and May 1 of each year, the weight on any single axle shall not exceed 5 tons on Minnetonka Boulevard or Excelsior Boulevard and 4 tons on any other city street or road. The gross weight on consecutive axles shall not exceed the gross weight allowed in Minnesota statutes.

Subd. 5. Exempt vehicles. The restrictions in this section do not apply to the following vehicles:

- A. School buses when engaged in the act of transporting pupils to or from school;
- B. Transit buses and intercity buses for hire;
- C. Emergency vehicles;
- D. Trucks belonging to the city or its service providers;
- E. Trucks belonging to utility companies when actually engaged in the construction or repair of utility company facilities;
- F. Moving and furniture trucks;
- G. Package delivery trucks (FedEx, UPS, etc.);
- H. Trucks with a special operating permit to travel on city streets from the city clerk as provided in subdivision 8, below.

Subd. 6. Per Trip Special Operating Permit. The city council or its designated agent may on application thereto, and a finding of undue hardship, grant a per trip special operating permit for operation of a vehicle in excess of the stated weight restriction. The per trip special operating permit fee shall be set forth in chapter 5.

Subd 7. Blanket Special Operating Permit. The city council or its designated agent may on application thereto and a finding of undue hardship grant a blanket special operating permit for operation of vehicles in excess of the stated weight restriction for a building project or building moving project for which a permit is being issued. A blanket special operating permit is required for any building project exceeding the value set forth in chapter 5 of this code book. The blanket special operating permit fee is determined by the city council and set forth in chapter 5 of this code book. A blanket special operating permit is not available between March 1 and May 1. The blanket special operating permit does not cover operation of vehicles for landscaping related work as part of a building project.

Subd. 8. Special Operating Permit Procedures. Per trip and blanket special operating permits may be obtained from the city clerk by persons for travel on city streets by prohibited vehicles. The applicant must be the owner or a person with written authorization to act as agent for the owner in making the application. The owner or its agent must submit to the city clerk an application containing the following information:

- 1. Name and address of the person who owns and operates the truck;
- 2. Vehicle description and license plate number of the truck including gross weight of the (loaded) truck;

3. Street or streets (including address of destination) for which the permit is desired; and
4. Time and dates on which the desired trip(s) are to be made.

Upon submission of:

1. A completed application;
2. Payment of the fee/bond (as set by the city council and set forth in chapter 5 of this code book); and
3. A signed agreement between the owner of the truck and the city (by which the owner of the truck agrees to pay for any damage caused to the city street by the truck's operation);

The city clerk may issue a special operating permit when the total round trips of the given truck are not more than 1 in any 1-week period.

In the event the total number of trips to be undertaken by a given truck or trucks is:

- (a) Greater than 1 round trip in any one week period;
- (b) Between March 1 and May 1; or
- (c) In conjunction with a duly authorized building permit;

the city may require the truck owner post a bond in an amount to be determined by the city clerk after the city has been fully advised, in writing, the nature, and type of loads to be carried, the total number of loads anticipated, the proposed route, and loaded weights for all vehicles including but not limited to, concrete trucks, lumber delivery trucks, supply trucks, specialty construction equipment, cranes, excavation hauling and/or soil delivery or other related construction traffic. The city clerk shall set the bond in an amount necessary to fully indemnify the city, and ensure monies necessary to rebuild any damaged portion of public streets will be available. In lieu of a bond, a cash deposit with the city clerk may be made. In no event, however, shall the city be obligated to pay interest thereon. All bonds and/or cash deposits shall remain on deposit with the city and be effective or held for a term of not less than 2 years from the date of the certificate of occupancy, if the permit has been issued in relation to a construction project for which a building permit was issued, or not less than 2 years from the last date of travel authorized by the permit.

A general contractor may make application on behalf of the homeowner for a general project related blanket special operating permit and may post the necessary bond and/or cash deposit in accordance with the terms of this ordinance without need for each individual trucking firm/owner servicing a construction site to make individual separate applications. The general contractor shall identify all trucks, their owners (name, address, phone), type of truck, and type of loads.

Subd. 9. Hours of Operation. Special operating permits issued by the city clerk are valid for the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends and holidays.

Subd. 10. City Engineer Designation of Streets. The city engineer shall define the load limits of city streets and, in cooperation with the public works department, cause signs as necessary to designate the established truck routes and otherwise give notice of load limitations on city streets.

Subd. 11. Enforcement. The operation of a vehicle without a duly authorized and valid special operating permit to travel on city streets shall constitute a misdemeanor for each unauthorized trip. Violation of subdivision 9, Hours of Operation, shall constitute a misdemeanor."

SECTION 3.

Greenwood Ordinance Code Section 740.00 Truck Routes and Load Limitations is hereby repealed.

SECTION 8.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS ____ DAY OF _____, 2010.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Roberta L. Whipple, City Administrator

Resolution ____-10
Appointments and Assignments for 2010
City of Greenwood, Minnesota

*Be it resolved that the City Council of the City of Greenwood
approves the following appointments for January 1, 2010 through December 31, 2010*

<u>Office</u>	<u>2009 Holder</u>	<u>2010 Holder</u>
Mayor Pro-Tem.....	Bob Quam	Bob Quam
Administrator Oversight Committee.....	Fletcher, Kind	Fletcher, Kind
Fire Board Representative – 3rd Wed (Jan, Mar, May, Jul, Sep, Nov)	Biff Rose.....	Biff Rose
Lake Minnetonka Conservation District (LMCD) Representative – 3rd Wed.....	Kelsey Page	Kelsey Page
Lake Minnetonka Communications Commission (LMCC) Representatives – 3rd Tues (Feb, May, Aug, Nov)	Bechtell, Vacant	Bechtell, Fletcher
Milfoil Project Liaison	Tom Fletcher	Tom Fletcher
Minnetonka Community Education (MCE) Representative – 4th Mon	Bob Quam	Bob Quam
Planning Commissioners – 3rd Wed	A-1 Palmberg (3/10).....	A-1 Palmberg (3/12)
	A-2 Beal (3/10)	A-2 Beal (3/12)
	A-3 Paeper (3/10).....	A-3 Paeper (3/12)
	B-1 Lucking (3/11).....	B-1 Lucking (3/11)
	B-2 Spiers (3/11)	B-2 Spiers (3/11)
	Alt-1 Cook (3/10)	Alt-1 Cook (3/12)
	Alt-2 Malo (3/11).....	Alt-2 Malo (3/11)
Planning Commission Liaison – 3rd Wed.....	Tom Fletcher	Tom Fletcher
Road and Sewer Liaison.....	Bob Quam	Bob Quam
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative – Must be mayor, meets quarterly	Deb Kind.....	Deb Kind
Weed Inspector – Must be mayor	Deb Kind.....	Deb Kind

Staff & Designations

Assessor	Hennepin County.....	Hennepin County
Attorney	Mark Kelly.....	Mark Kelly
Auditor	Virchow Krause	Larsen Allen
Bank Signatures	Whipple, Kind, Quam, Courtney.....	Whipple, Kind, Quam, Courtney
Building Official.....	Bob Manor (Mtka).....	Bob Manor (Mtka)
Clerk/Treasurer/Administrator.....	Roberta Whipple.....	Roberta Whipple
Depositories.....	Bridgewater Bank.....	Bridgewater Bank, _____
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Newspapers.....	Sun-Sailor, Star Tribune (alt.).....	Sun-Sailor, Star Tribune (alt.)
Responsible Authority (Govt. Data Practices Act)	Roberta Whipple.....	Roberta Whipple
Zoning Administrator.....	Gus Karpas	Gus Karpas

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD,
that any and all commissioners, appointees, representatives, delegates, or other non-elected officials of the City of Greenwood shall hold their official status or membership on a basis subject to resolution, subject to reconsideration, and/or removal at the insistence of the City Council of the City of Greenwood, Minnesota.

This resolution is enacted pursuant to the codes of the City of Greenwood, Minnesota.

Adopted by the City Council of the City of Greenwood this ____ day of _____, 2010.

Ayes: _____ Nays: _____

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Roberta L. Whipple, City Administrator

**Greenwood City Council Agenda Item
May 4, 2010**

Agenda Item: Discuss Ordinance No. 183, regulating Telecommunications Facilities.

Summary:

The Federal Telecommunications Act of 1996 requires that cities make reasonable accommodations for the placement of telecommunication facilities. Though the city does have any pending applications for such facilities at this time, the proposed language is proactive and allows the city to fully investigate the issue and establish an ordinance before it becomes a necessity.

The ordinance was reviewed and amended by the Planning Commission at their March and April meetings.

Action Required:

The Council can; a) accept the recommendation of the Planning Commission on the adoption of the proposed ordinance amendment, b) direct Staff to amend the proposed ordinance for further Council review or c) reject the proposed ordinance amendment reverting to the enforcement of the existing ordinance.

ORDINANCE NO. 183

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE, CHAPTER 11
TO ADD SECTION 1179 REGULATIONS FOR TELECOMMUNICATIONS FACILITIES**

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

SECTION 1.

Greenwood ordinance code chapter 11 is amended to add the following:

“SECTION 1179. TELECOMMUNICATIONS FACILITIES.**Section 1179.00. Purpose and Intent.**

The purpose of this section is to establish predictable and balanced regulations for the siting and screening of wireless telecommunication equipment in order to accommodate the growth of wireless communication systems within the city while protecting the public against any adverse impacts on the city's aesthetic resources and the public welfare. This section recognizes that these wireless communication systems provide a valuable service to the public but that they are not a public utility. This section creates two categories of support structures for antennas. The first category consists of existing towers, water towers, and high-density residential and non-residential buildings, which the ordinance favors in order to minimize the number of freestanding towers needed to serve the community. The second category consists of all other support structures. The structures in this second category are all classified as freestanding telecommunications towers even if they are intended to replace existing light poles, utility poles, or similar structures. Freestanding towers are subject to increased standards to minimize their visual impact. One such standard is that towers in residential and commercial zoning districts must use state-of-the-art stealth design techniques to disguise the towers and soften their views. A telecommunications company that does not currently use stealth technology will need to develop this capability in order to place freestanding towers in this city. This ordinance does not accept the lowest common denominator and challenges the telecommunications companies to improve their technology. This ordinance allows minimal use of the public right-of-way for telecommunication antennas because that space should be reserved for public utilities and should be free of safety hazards. In addition, telecommunications facilities located in the right-of-way have the potential of being very visible to the traveling public. In order to locate in a public right-of-way, telecommunications companies must use improved technology to reduce the size and visibility of their facilities.

Section 1179.05. Administrative Approval.

1. The zoning administrator may grant administrative approval of the following telecommunication facilities:
 - (a) Telecommunications facilities located on electric transmission towers carrying over 200 kilo volts of electricity.
 - (b) Telecommunication facilities located on an antenna support structure that has already been approved by a conditional use permit as the location for a telecommunication facility, if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the planning commission or city council.
 - (c) A one-time, 15-foot extension of an existing monopole telecommunications structure or one-time replacement of an existing monopole by a tower no greater than 15 feet taller than the existing monopole may be administratively approved if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the planning commission and city council.
2. Administrative review and approval is subject to the following:
 - (a) Submittal of a complete site and building plan review application, accompanied by a registered land survey, complete site plan, building elevations, and antenna elevations and be signed by a registered architect, civil engineer, landscape architect or other appropriate design professional.
 - (b) Submittal of an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of the applicant's system. The applicant also must pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis; and
 - (c) Submittal of any necessary easements and easement exhibits, which have been prepared by an attorney knowledgeable in the area of real estate and which are subject to the city attorney's approval.
3. The zoning administrator will render a decision within 30 days and serve a copy of the decision upon the applicant by mail.

4. Any person aggrieved by a decision of the zoning administrator may appeal the decision to the planning commission and city council pursuant to Section 1155.05.

Section 1179.10. Conditional Use.

Telecommunications facilities that are not eligible for administrative approval under section 1179.05 are permitted only as a conditional use in all zoning districts and must be in compliance with the provisions of this section. Conditional use telecommunications facilities are subject to the following standards:

1. Residential and Commercial Zoning Districts.

- (a) Telecommunication facilities may be located only on public property in the R-2 residential district or the C-1 commercial districts subject the standards listed in subparagraphs (b) through (e) that follow.
- (b) An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis;
- (c) A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The city council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant's reasonable capacity and coverage needs; and
- (d) A telecommunications tower and antennas, including attachments other than lightning rods, must not exceed 75 feet in height, measured from grade. The city council may increase this height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.
- (e) Telecommunications facilities may be located in public right-of-way of a major collector or arterial roadway as defined in the comprehensive plan, if they meet all of the following requirements:
 - i. The facility, including attachments other than lighting rods, may not exceed 60 feet in height measured from grade. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety;
 - ii. The facility must use as many stealth design techniques as reasonably possible. In particular, the antennas must be designed to minimize their size and appearance and may not project out from the side of the tower by more than two feet. Economic considerations alone are not justification for failing to provide stealth design techniques; and

Section 1179.15. General Standards.

The following standards apply to all telecommunications facilities.

1. *Vertical projection on antenna support structures.* Antennas mounted on an antenna support structure must not extend more than 15 feet above the height of the structure to which they are attached. Wall or facade-mounted antennas may not extend above the cornice line and must be constructed of a material or color that matches the exterior of the building.
2. *Horizontal projection.* Antennas must not project out from the side of the antenna support structure or tower by more than three feet, except if located in a commercial district.
3. *Setbacks.* A tower adjacent to a residential zoning district must meet the building setback that is established for the district where it is to be located, but only from the residential zone. This setback is not required for a tower in a right-of-way. The city may waive this setback requirement if necessary to implement stealth design techniques or if the residentially zoned property is public property. An accessory equipment cabinet that is greater than 120 square feet in size must be at least 10 feet from all property lines.
4. *Height.* The height of an antenna and tower must be the minimum necessary to meet the applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The city council may waive this requirement if additional height is appropriate for co-location opportunities.
5. *Exterior surfaces.* Towers and antennas must be galvanized steel and painted with a colored duplex coating applied in accordance with the American Galvanized Association standards consistent with the surrounding area in: blue, gray, brown, or silver.
6. *Ground-mounted equipment.* Ground-mounted accessory equipment or buildings must be architecturally designed to blend in with the surrounding environment, including the principal structure, or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. No more than one accessory building is permitted for each tower. Additional space needed for the co-location of antennas must be added to an existing accessory building in a manner to make it appear as one building. Design of the building or equipment cabinet, screening and landscaping are subject to a site plan review.

7. *Construction.* Telecommunications facilities must be in compliance with all building and electrical code requirements. A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code. Structural design, mounting and installation of the telecommunications facilities must be in compliance with the manufacturer's specifications.
8. *Co-location opportunity.* If a new tower over 60 feet in height is to be constructed:
 - (a) The tower must be designed to accommodate both the applicant's antennas and antennas for at least one additional comparable user;
 - (b) The tower must be designed to accept antennas mounted at additional heights;
 - (c) The applicant, the tower owner, the landowner, and their successors must allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, must submit a dispute over the potential terms and conditions to binding arbitration, and must sign the conditional use permit agreeing to these requirements. The city council may waive these co-location requirements if necessary to implement stealth design.
9. The exterior finish of all towers shall be maintained by the owner/operator in a condition free of rust and surface coating deterioration.
10. *External messages.* No advertising message or identification sign larger than 2 square feet may be affixed to the telecommunications facilities.
11. *Lighting.* Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.
12. *Rights-of-way.* Telecommunications facilities located within a right-of-way must not negatively impact the public health, safety and welfare, interfere with the safety and convenience of ordinary travel over the right-of-way, or otherwise negatively impact the right-of-way or its users. In determining compliance with this standard, the city may consider one or more of the following factors:
 - (a) The extent to which right-of-way space where the permit is sought is available, including the placement of the ground equipment;
 - (b) The potential demands for the particular space in the right-of-way;
 - (c) The availability of other locations in a right-of-way that would have less public impact;
 - (d) The extent to which the placement of the telecommunications facilities minimizes impacts on adjacent property; and
 - (e) The applicability of ordinances or other regulations of the right-of-way that affect location of equipment in the right-of-way. Telecommunications facilities approved within a city right-of-way must receive a right-of-way permit from the city engineer. Ground-mounted accessory equipment that is greater than 150 cubic feet is prohibited within any right-of-way.
13. *On-site employees.* There must be no employees on the site on a permanent basis. Occasional or temporary repair and service activities are allowed.
14. *Landowner authorization.* When applicable, the applicant must provide written authorization from the property owner. The property owner must sign the conditional use permit agreeing to the permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city's right to assess removal costs under paragraph 14 below.
15. *Removal.* Obsolete or unused telecommunications facilities and all related equipment must be removed within 1 year after cessation of operation at the site, unless an exemption is granted by the city council. Telecommunications facilities and related equipment that have become hazardous must be removed or made not hazardous within 30 days after written notice to the current owner and to any separate landowner, unless an exemption is granted by the city council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Hennepin county tax records. Telecommunications facilities and all related equipment that are not removed within this time limit are declared to be public nuisances and may be removed by the city. The city may assess its costs of removal against the property.
16. *Historic Places.* No telecommunication tower may be located within 400 feet of the boundary of any property that contains a facility or structure listed on the national register of historic places. Antennas may be located in this restricted area only if they are hidden from public view.

Section 1179.20. Definitions.

See chapter 12 for definitions."

SECTION 2.

Greenwood ordinance code section 1205.00 Definitions is amended to add the following:

“Accessory Equipment means the wires, cables, and other equipment or facilities that are used with antennas.
(TELECOMMUNICATIONS 1179)

Antenna means a device used for transmitting or receiving telecommunication, television or radio signals that is used for personal wireless telecommunication service or any other purpose, except a device used for the private enjoyment of those on the premises where it is located, such as amateur radio antennas and antennas receiving television signals for viewing on site. “Antenna” also does not include a lightning rod. (TELECOMMUNICATIONS 1179)

Antenna Support Structure means an existing structure that is a telecommunications tower, high density residential or non-residential building, water tower, or electric transmission tower carrying over 200 kilo volts of electricity, that can be used for the location of antennas without increasing the mass of the existing structure. (TELECOMMUNICATIONS 1179)

Engineer means an engineer licensed by the state of Minnesota, or an engineer acceptable to the city if licensing is not available. (TELECOMMUNICATIONS 1179)

Stealth Design means state-of-the-art design techniques used to blend the object into the surrounding environment and to minimize the visual impact as much as reasonably possible. Examples of stealth design techniques include architecturally screening roof-mounted antennas and accessory equipment; integrating telecommunications facilities into architectural elements; nestling telecommunications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public, minimizing the size and appearance of the telecommunications facilities; and designing telecommunications towers to appear other than as towers, such as light poles, power poles, flag poles, and trees. (TELECOMMUNICATIONS 1179)

Telecommunications Facilities means antennas, accessory equipment, and telecommunications towers.
(TELECOMMUNICATIONS 1179)

Telecommunications Tower or Tower means a free-standing, self-supporting lattice, guyed, or monopole structure constructed from grade intended to support antennas. (TELECOMMUNICATIONS 1179)”

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 _____, 2010.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Roberta L. Whipple, City Administrator

7B

**Greenwood City Council Agenda Item
May 4, 2010**

Agenda Item: Discuss Ordinance No. 184, regarding Survey Requirements.

Summary:

The proposed ordinance amendment would clarify the survey requirements and required information for all surveys submitted in conjunction with a building project requiring a building permit. The amendment also provides the authority for the city to require additional measurements or surveys to verify compliance with the ordinance during construction.

The proposed ordinance was reviewed by the Planning Commission, though a public hearing is not required since there would be no amendment to the zoning ordinance.

Action Required:

The Council can; a) accept the recommendation of the Planning Commission on the adoption of the proposed ordinance amendment, b) direct Staff to amend the proposed ordinance for further Council review or c) reject the proposed ordinance amendment reverting to the enforcement of the existing ordinance.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE, SECTION 300.15 REGARDING SURVEY REQUIREMENTS**

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

SECTION 1.

Greenwood Ordinance Code Section 300.15 is hereby amended to read as follows:

“Section 300.15. Certificate of Survey.

Subd. 1. Survey Required. Every application for building permit will be accompanied by a certified site survey (excluding interior remodels, re-roofs, re-siding and general maintenance) at a scale and in quantities deemed necessary by the zoning administrator. Because the survey will be used to determine whether an application is in conformance with city code, it will be the responsibility of the applicant to ensure information provided on the survey corresponds to submitted building plans (including existing and proposed topography). An issued building permit and/or land alteration permit will authorize only land alterations identified on a survey. Surveys will include all information as deemed necessary by the zoning administrator to provide for the enforcement of this chapter and the zoning chapter. An original signature is required on the certificate of survey. The survey shall provide the following information unless otherwise approved in writing by the zoning administrator:

1. Graphic scale of not less than 1 inch to 30 feet and north arrow;
2. Legal description of property;
3. Dimensions and bearing of front, rear, and side property lines;
4. Parcel size in acres and square feet;
5. Location and dimensions of all the existing improvements, including but not limited to; buildings, structures, retaining walls or timbers, riprap, seawall, steps, parking areas, driveways, storage areas, utilities, septic systems and wells; including but not limited to sanitary and storm manholes, hydrants, catch basins, power poles, phone boxes, fences, and any encroachments;
6. Location and dimension of all proposed buildings and structures;
7. Location of building corners on adjacent properties;
8. Outside dimensions of proposed structure(s) including decks, porches, retaining walls (include elevations at bottom of footing and top of wall), stoops, stairs, cantilevers, fireplaces, bay and bow windows, egress window wells;
9. Impervious surface calculations - existing and proposed - % and square footage;
10. “Building pad” setbacks on the survey according to the ordinance provisions and show the closest distance between the buildings and front lot line(s), side lot line(s), rear lot line(s), ordinary high water level (OHWL), elevation of 929.4 feet above sea level, and shoreline improvements, including but not limited to riprap, seawall, or retaining timber;
11. Distance between principal buildings and accessory buildings and structures, and shoreline improvements;
12. Delineate all wetland, OHWL of lakes, easements, driveways;
13. Location of all easements of record including but not limited to tree preservation, wetland conservation, cross-access, etc.;
14. Topographic contours at 2-foot intervals of existing and proposed elevations
15. Lowest floor level, first floor elevation, top of block, and garage slab.
16. Indication of direction of surface water drainage by arrows;
17. Tree removal, tree preservation and grading plan if required by the city;
18. All significant trees measuring a minimum of 10" in diameter (31" circumference) or greater for hardwood deciduous trees, 14" in diameter (44" circumference) or greater for softwood deciduous trees, or 12" in diameter (38" circumference) or greater for conifer/evergreen trees. The trunk diameter of significant trees shall be measured at 48" above grade;
19. Wetland boundaries with OHWL and 100-year flood elevation if applicable;
20. Driveway grade (minimum 0.5%, maximum 10%);
21. Wetland buffer areas and wetland or lake setback dimensions;
22. Other information as required by the city;
23. Location and type of erosion and sediment control measures to be installed by permit holder.

Subd. 2. Additional Surveys or Measurements. The zoning administrator may require additional surveys or measurements to verify compliance with the ordinances throughout the duration of the project. Additional surveys and measurements may include, but are not limited to foundation survey, impervious surface survey, grading survey and structure height verification. The city will withhold the certificate of occupancy for any project in which additional survey(s) have been requested and not provided until such time the requested survey(s) have been submitted and approved by the zoning administrator.”

SECTION 2.

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 _____, 2010.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Roberta L. Whipple, City Administrator



Park and Dock Patrol Proposal
for the
City of Excelsior
2010 Summer Season

Prepared by Chief Bryan Litsey
April 19, 2010

APPROVAL PROCESS

The South Lake Minnetonka Police Department (SLMPD) has received a request from the City of Excelsior to provide seasonal park and dock patrol services for 2010. Representatives from both organizations met on April 6, 2010 to discuss the appropriate level of service, scheduling and associated costs. Excelsior representatives were Mayor Nick Ruehl, Council Member Jennifer Caron and City Manager Kristi Luger. SLMPD representatives were Chief Bryan Litsey and Community Service Supervisor David Hohertz. This collaborative effort resulted in a mutually acceptable proposal being reached for the coming season as summarized in this document.

The SLMPD Joint Powers Agreement, as amended in 2006, requires that a specific process be followed if a member city desires exclusive supplemental service from the SLMPD. The precise language is as follows:

“Parties may contract with the SLMPD for the delivery of supplemental services delivered by separately dedicated personnel outside of the approved budget as mutually agreed by all Parties. Agreement to provide such supplemental services shall not be unreasonably withheld.”

In consideration of this provision, each member City Council needs to act on this request from the City of Excelsior in advance of the targeted implementation date of May 28, 2010. The start date could be sooner if circumstances are such that an earlier presence is desired. As in years past, this proposal meets the criteria for approval and complements overall SLMPD operations. The SLMPD Coordinating Committee will be briefed on this proposal at their next quarterly meeting. The following motion is being recommended by SLMPD staff.

Recommended Motion:

The _____ City Council approves the South Lake Minnetonka Police Department providing Park and Dock Patrol Services for the City of Excelsior as mutually agreed upon for the 2010 summer season.

Park and Dock Patrol Proposal
City of Excelsior - 2010 Summer Season
Page 2 of 4

OVERVIEW

The focus of this proposal is on providing for the safe and orderly use of the Commons Park and Port of Excelsior as well as the security of the adjacent residential neighborhoods and business district. It is not profit driven as would typically be the case when such supplemental services are outsourced. The financial interest of the SLMPD is to recoup the actual expenses associated with providing these additional services specific to one member city. Taken into account is that the City of Excelsior is already contributing to the infrastructure of the SLMPD and that this increased presence during the busier summer months complements the overall delivery of services among all four member cities.

The approach taken for providing park and dock patrol services will essentially be the same as last year other than some reshuffling of hours and combining of coverage. The tentative schedule worked out between the SLMPD and the City of Excelsior will span between Memorial Day and Labor Day weekends, unless extended through mutual agreement. Staffing will be more heavily weighted on weekday evenings and weekends. The schedule is subject to change due to the availability of personnel, weather conditions, park usage, special events, etc.

The personnel working this seasonal part-time employment will either be classified as a park service officer or a park police officer. The job classification of park service officer is a civilian position with duties and responsibilities that do not require state licensure as a peace officer. The job classification of park police officer requires state licensure as a peace officer and thus is a more highly skilled position with additional duties and responsibilities. The most current job descriptions for both classifications have been included with this proposal. **See Appendix A.**

SEASONAL PART-TIME POSITIONS

Park Police Officer

There are two individuals affiliated with the SLMPD in other roles that maintain their licensure as police officers and have worked this seasonal part-time employment in the past. Both have expressed an interest in returning this season. Their expanded patrol area includes the central business and residential areas bordered by the following streets: Lake Street, West Lake Street, Third Street and Morse Avenue. The focus within this district is on traffic and parking enforcement along with other nuisance complaints such as excessive noise.

Compensation for the job classification of park police officer follows the same self-adjusting hourly rate previously established by the SLMPD Coordinating Committee for fully-licensed police officers employed on a part-time basis. This hourly rate is based on the salary in the current labor agreement for an entry-level police officer. This is not only fair, but avoids a

Park and Dock Patrol Proposal
City of Excelsior - 2010 Summer Season
Page 3 of 4

potential rift with the union. Benefits for this seasonal position are limited to uniforms and gear being provided along with the training required to maintain their status as a licensed police officer.

Park Service Officer

Park service officers are civilian personnel with duties and responsibilities that do not require licenser as a police officer. Individuals working this seasonal part-time employment are normally already affiliated with the SLMPD as reserve officers and/or part-time community service officers. Park service officers are cross-trained so they can patrol the park, dock or both.

Compensation for the job classification of park service officer is determined through an internal review process. Prior to 2007, there was a different job title and hourly pay rate depending on whether the assignment was in the park or at the dock. This is no longer applicable under the current structure whereby the same group of seasonal employees are used for both assignments. Additionally, the skill level for both assignments is virtually the same. There is now one job title and one hourly pay rate for both assignments. Benefits for this seasonal position are limited to uniforms and gear being provided along with the required amount of training.

OTHER CONSIDERATIONS

SLMPD Coordinator/Community Liaison

An essential element of this proposal is having a person designated at the SLMPD to coordinate the daily operations of this seasonal program and to serve as a liaison with community members. David Hohertz is a perfect fit and will again be taking on this seasonal role along with his many other duties and responsibilities as community service supervisor for the SLMPD. He has also maintained his licenser as a police officer and will be working one of the seasonal part-time positions of park police officer.

Field Supervision

One of the many benefits of having the SLMPD oversee park and dock patrol services is the direct supervision in the field. The on-duty patrol sergeant, or in his/her absence the senior on-duty patrol officer, will monitor the seasonal part-time personnel working on any given day. Such an arrangement is important not only for the effective delivery of these services, but from a risk management perspective as well. Governmental agencies are increasingly becoming the target of litigation when it comes to claims of negligent supervision of personnel, especially when it concerns law enforcement functions. The SLMPD assumes this supervisory role when providing park and dock patrol services for the City of Excelsior.

Park and Dock Patrol Proposal
City of Excelsior - 2010 Summer Season
Page 4 of 4

Training

Most, if not all, of the individuals that will be working this seasonal part-time employment are or have been affiliated with the SLMPD. This means they are familiar with SLMPD operations and have received training commensurate with their job classification of either park service officer or park police officer. They are allowed to carry certain self-defense equipment if properly trained and authorized by the SLMPD. Any training deficiencies will be addressed by the SLMPD. There will be an orientation session held for new employees prior to the start of the season.

Cost to Excelsior

All-inclusive hourly rates have been established for the job classifications of park service officer and park police officer. These are based on actual payroll costs plus a five percent administration fee. **See Appendix B.** There is no salary increase factored into this proposal in consideration of the base wage freeze adopted by the Coordinating Committee for 2010. Payroll taxes are unchanged with only a nominal increase in workers' compensation. It should be noted there is no required contribution to the state pension fund, being these are seasonal part-time positions. The five percent administrative fee is intended to recapture the overhead costs associated with the SLMPD administrating and supervising these additional services along with providing vehicles and equipment (radios, cellular phones, etc.). Uniforms, gear and training expenses are an additional expense for the City of Excelsior. These expenses will be less for returning personnel and more for new personnel.

The attached spreadsheets show both the hourly rates for the aforementioned job classifications as well as the projected overall cost for the season based on the tentative work schedule. The SLMPD will work within a mutually agreed upon budget for providing these seasonal services and will not exceed this amount by more than five percent without prior approval from the City of Excelsior. This is with the understanding, however, that the SLMPD has the discretion within this financial limitation to allocate personnel and resources as deemed necessary to achieve the desired outcome. It should be noted that the sponsor of a special event requiring expanded park patrol coverage is responsible for the additional cost.

CONCLUSION

A considerable amount of time and effort has gone into this proposal so that it represents a good value for the City of Excelsior, both in terms of cost and the level of service being provided. The SLMPD is committed to working with representatives from the City of Excelsior along with affected residents, business owners and the general public in finding the right balance between the expense of providing these services and providing for the orderly use of the park, municipal docks and surrounding areas.



APPENDIX A

Job Descriptions

Park Police Officer
Park Service Officer

DEPARTMENT MANUAL

SOUTH LAKE MINNETONKA POLICE DEPARTMENT GENERAL ORDER	ISSUE DATE	EFFECTIVE DATE	NUMBER
	03/30/07	03/30/07	118
JOB DESCRIPTION for PARK POLICE OFFICER	DISTRIBUTION		RESCINDS
	ALL PERSONNEL		118 - (Dated 04/27/06)

REQUIREMENTS

- (1) Must be licensed or eligible to be licensed as a police officer through the Minnesota Board of Peace Officer Standards and Training.
- (2) Must meet selection standards as mandated by the Minnesota Board of Peace Officer Standards and Training.
- (3) Have CPR and first aid training with First Responder or Emergency Medical Technician certification preferred.
- (4) Participate in a selection process as deemed necessary by the Chief of Police. Preference will be given to personnel currently affiliated with the South Lake Minnetonka Police Department who meet the eligibility requirements with a history of exemplary performance.

NATURE OF DUTIES

Park Police Officer is a seasonal part-time position in the City of Excelsior that requires state licensure as a police officer. It is not a union position given the temporary nature of the assignment and the job classification. The normal duration of this seasonal position is between Memorial Day Weekend and Labor Day Weekend, but may be extended longer depending on the need. Work performed is in accordance with department policies and procedures. The primary service area includes the Excelsior Commons Park and adjacent roadways along with the central business district and adjoining neighborhoods. This primary service area is bordered by the following roads: Lake Street, West Lake Street, Third Street and Morse Avenue. Duties are carried out in a manner consistent with community oriented policing and include general patrol, maintenance of order, prevention of crime, enforcement of state statutes/local ordinances, medical assistance and calls for service. Stamina is needed in order to be outside for extended periods of time on foot and bike patrol. Good communication skills and common sense are an essential part of this position.

EXAMPLE OF WORK PERFORMED

- (1) Patrol the Excelsior Commons Park and adjacent roadways on foot, bike and in a police vehicle. Maintain high visibility as a deterrent to inappropriate behavior.

PAGE 2 - REVISED GENERAL ORDER NUMBER 118

- (2) Patrol the central business district and adjoining neighborhoods on foot, bike and in a police vehicle. Maintain high visibility as a deterrent to inappropriate behavior.
- (3) Assist the public as a goodwill ambassador for the City of Excelsior.
- (4) Enforce state statutes and local ordinances pertaining to criminal, traffic and nuisance violations.
- (5) Monitor and enforce parking meters.
- (6) Monitor and take appropriate action for the prohibited use and display of alcoholic beverages.
- (7) Take appropriate action to deal with boisterous and disorderly behavior as well as other inappropriate conduct.
- (8) Render medical assistance.
- (9) Account for lost and found property in the park.
- (10) Maintain daily activity logs and complete reports as required.
- (11) Testify in court when requested.
- (12) Perform such other work as directed or assigned by a supervisor.

DEPARTMENT MANUAL

SOUTH LAKE MINNETONKA POLICE DEPARTMENT GENERAL ORDER	ISSUE DATE	EFFECTIVE DATE	NUMBER
	03/30/07	03/30/07	146
JOB DESCRIPTION for PARK SERVICE OFFICER	DISTRIBUTION		RESCINDS
	ALL PERSONNEL		146 - (Dated 06/05/01)

REQUIREMENTS

- (1) High school graduate, with an interest in law enforcement preferred.
- (2) Physically able to perform job.
- (3) Have a valid Minnesota Driver's License with a good driving record.
- (4) No substantive criminal record.
- (5) Have CPR and first aid training with First Responder or Emergency Medical Technician certification preferred.
- (6) Participate in a selection process as deemed necessary by the Chief of Police. Preference will be given to personnel currently affiliated with the South Lake Minnetonka Police Department who meet the eligibility requirements with a history of exemplary performance.

NATURE OF DUTIES

Park service officer is a seasonal part-time position in the City of Excelsior. Assignments include dock patrol and park patrol, which normally extend from Memorial Day Weekend through Labor Day Weekend unless extended further. Park service officers are cross-trained so they can work either assignment. It is a civilian position that will require the wearing of a uniform as approved by the department. Enforcement authority is limited to what is allowable under Excelsior City Code (Section 1-14). This includes ordinances dealing with parks, municipal docks, animals, parking and nuisance matters. Park service officers will be allowed to carry certain self-defense equipment if trained and approved by the department. They need to have the stamina to be outside on foot or bike patrol for extended periods of time. They should have good communication skills in order to present a positive image to the general public and be able to deter criminal and nuisance type violations. They need to use good common sense and be willing to call for assistance when situations warrant additional help from on-duty officers with the South Lake Minnetonka Police Department (SLMPD) and/or Water Patrol Deputies with the Hennepin County Sheriff's Department (HCSD).

PAGE 2 - REVISED GENERAL ORDER NUMBER 146

PARK PATROL - EXAMPLE OF WORK PERFORMED

- (1) Patrol the Excelsior Commons Park and adjacent roadways on foot, bike and in a police vehicle. Maintain high visibility as a deterrent to inappropriate behavior.
- (2) Assist the public as a goodwill ambassador for the City of Excelsior.
- (3) Enforce local ordinances as authorized by Excelsior City Code (Section 1-14).
- (4) Monitor and enforce parking meters.
- (5) Monitor and take appropriate action for the prohibited use and display of alcoholic beverages.
- (6) Take appropriate action to deal with boisterous and disorderly behavior as well as other inappropriate conduct.
- (7) Render first-aid within skill level and call for assistance when needed.
- (8) Account for lost and found property in the park.
- (9) Maintain daily activity logs and complete reports as required.
- (10) Testify in court when requested.
- (11) Perform such other work as directed or assigned by a supervisor.

DOCK PATROL - EXAMPLE OF WORK PERFORMED

- (1) Direct commercial and private boat traffic use of the Excelsior Municipal Docks. Keep outer pier open for approved watercraft, which requires checking to make sure boats in this area have the proper authorization. Monitor inner pier for violations and issue written warnings and/or citations as authorized by Excelsior City Code (Section 1-14).
- (2) Foot patrol in the area of the Excelsior Municipal Docks (Port of Excelsior).
- (3) Assist the public as a goodwill ambassador for the City of Excelsior.
- (4) Take appropriate action to deal with boisterous and disorderly behavior as well as other inappropriate conduct.
- (5) Monitor and take appropriate action for the prohibited use and display of alcoholic beverages.

PAGE 3 - REVISED GENERAL ORDER NUMBER 146

- (6) Render first-aid within skill level and call for assistance when needed.
- (7) Notify HCSD Water Patrol Deputies of reported and/or observed water craft concerns on the lake.
- (8) Be well versed in communication equipment in order to monitor and be able to contact Hennepin County Dispatch, SLMPD Officers, HCSD Water Patrol Deputies and Charter Boat Employees.
- (9) Account for lost and found property in the park.
- (10) Maintain daily activity logs and complete reports as required.
- (11) Testify in court when requested.
- (12) Perform other duties as assigned by the Chief of Police and/or designee.



APPENDIX B

Projected Cost to Excelsior for 2010

Park and Dock Patrol Services

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

Excelsior Park and Dock Patrol Services

2010 Summer Season

Hourly Cost of Seasonal Part-Time Positions

Part-Time Seasonal Positions	Hourly Rate	Payroll Taxes	Workers' Compensation	Administration Fee *	Total
Park Police Officer	\$23.52	\$1.80	\$0.88	\$1.18	\$27.38
Park Service Officer	\$13.75	\$1.05	\$0.52	\$0.69	\$16.01

* Administrative Fee - 5%

*Notations: Additional Cost for Uniforms and Gear
Figures Rounded*

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

Excelsior Park and Dock Patrol Proposal

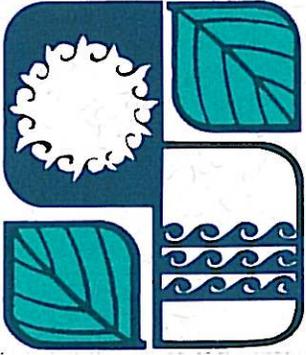
2010 Summer Season

Projected Budget

Part-Time Seasonal Positions	Project Hours 2010 Season	Hourly Rate Total	Total Amount
Park Police Officer <i>Licensed Police Officer Position - Patrol Commons Park and Central Business/Residential Areas</i>	272	\$27.38	\$7,447
Park Service Officer - Commons Park <i>Civilian Position - Patrol Commons Park and Adjacent Residential/Business Areas</i>	388	\$16.01	\$6,212
Park Service Officer - Municipal Docks <i>Civilian Position - Patrol Port of Excelsior and Municipal Docks</i>	319	\$16.01	\$5,107
Training			\$600
Uniforms and Gear			\$800
Total	979		\$20,166

Projected Budget - 2009 Season	980	Plus Training & Uniforms	\$20,152
Actual Total Cost - 2009 Season			\$19,075

Figures Rounded



7D

CITY OF SHOREWOOD

5755 COUNTRY CLUB ROAD • SHOREWOOD, MINNESOTA 55331-8927 • (952) 474-3236
FAX (952) 474-0128 • www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

14 April 2010

Greenwood Mayor and City Council
c/o Roberta Whipple
20225 Cottagewood Road
Deephaven, MN 55331

Re: Trail/Roadway Crossings – Lake Minnetonka LRT Trail

Greenwood Mayor and City Council:

I am writing to solicit Greenwood's support on an important issue – safety at trail/roadway intersections. The City of Shorewood is fortunate to have the Lake Minnetonka LRT Trail extend through its city limits. We consider this facility to be a valuable asset, not only for Shorewood, but for the entire southwest portion of the region. We have become increasingly concerned, however, with the safety at trail/roadway intersections, particularly on the busier streets that cross the trail.

The Shorewood City Council has adopted the attached resolution asking that Three Rivers Park District work with the Hennepin County Department of Transportation to improve the safety of these intersections by installing signage consistent with the *Guidance for the Installation of Pedestrian Crossing Facilities*, prepared by the City Engineers Association of Minnesota. We also ask that the Park District develop educational handouts that would help the public differentiate trail crossings from crosswalks. This material should be widely distributed and available at trail crossings and trail information kiosks.

In addition, we will be asking the Minnesota Department of Transportation and Department of Public Safety to develop an educational ad campaign addressing the issues of right of way at trail/roadway crossing throughout the state.

What can you do? Shorewood asks that you support our effort by adopting a resolution similar to ours and sending it to the individuals on the following page. Please join with us in making our trails and roadways safer! Thank you in advance for your consideration.

Sincerely,
CITY OF SHOREWOOD

A handwritten signature in blue ink that reads "Christine Lizée". The signature is written in a cursive, flowing style.

Christine Lizée
Mayor

Commissioner Dale Woodbeck
Three Rivers Park District
Administrative Office
3000 Xenium Lane North
Plymouth, MN 55441

Mr. Jim Grube
Director of Transportation and County Engineer
Hennepin County Department of Transportation
1600 Prairie Drive
Medina, MN 55340

Commissioner Michael Campion
Minnesota Department of Public Safety
Town Square Building
444 Cedar Street
St Paul, MN 55101

Commissioner Thomas K. Sorel
Minnesota Department of Transportation
395 John Ireland Boulevard
Mailstop 100
St Paul, MN 55155

RESOLUTION NO. #05-10

7 D

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
REGARDING THE LAKE MINNETONKA LIGHT RAIL TRAIL (LRT) OPERATED BY
THREE RIVERS PARK DISTRICT

WHEREAS, Three Rivers Park District (Park District) operates the Light Rail Trail (LRT) extending through several communities between Hopkins and the Carver Park Reserve; and

WHEREAS, the LRT serves as a valuable recreational and transportation facility connecting communities in the southwest portion of the Metropolitan region; and

WHEREAS, the LRT includes numerous at-grade intersections with local and regional roadways; and

WHEREAS, at-grade street and trail intersections present numerous potential conflicts between motorists and trail users; and

WHEREAS, there is apparent confusion among motorists and trail users as to the issue of right of way, some of which confusion is compounded by inconsistent signage at trail crossings; and

WHEREAS, the city of Greenwood believes that safety at trail/roadway crossings would be greatly enhanced by improved and consistent signage at crossings, as well as by concerted educational efforts by County, State and local agencies;

NOW, THEREFORE, BE IT RESOLVED by the city Council of the city of Greenwood hereby requests:

1. That Three Rivers Park District and the Hennepin County Department of Transportation adopt the recommendations for trail and roadway signage contained in *Guidance for the Installation of Pedestrian Crossing Facilities*, dated January 28, 2009, prepared by the City Engineers Association of Minnesota.
2. That Three Rivers Park District develop educational handouts addressing the issue of right of way at trail/roadway crossings and differentiating trail crossings from crosswalks. Educational materials should be readily available to the public at trail crossings and trail information kiosks.

3. That the Minnesota Department of Transportation develop an educational campaign using all types of media including, but not limited to, print, internet, television and radio, to educate the public as to issues of right of way at trail/roadway crossings and distinguishing between trail crossings and crosswalks.
4. That other municipalities join in support of these requests by adopting this or a similar resolution and forwarding it to Three Rivers Park District, Hennepin County Department of Transportation and the Minnesota Department of Transportation, with copies sent to the Hennepin County Board and State Legislators.
5. Remove the painted trail crossing marking from the roadways where the trail crosses those roadways in Greenwood.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, HENNEPIN COUNTY MINNESOTA, this 4th day of May, 2010.

By: _____
Debra J. Kind, Mayor

Attest: _____
Roberta Whipple, City Administrator

April 27, 2010

City of Greenwood
4901 Manitou Road
Tonka Bay, MN 55331

Dear City of Greenwood:

The fifth annual Tour de Tonka bike ride is set for Saturday, August 7. The event begins at Minnetonka High School at 7:30 a.m., and travels, in part, through Greenwood. Tour de Tonka is coordinated by Minnetonka Community Education, and benefits the ICA Food Shelf and community education activities. This letter is provided to seek permission from the city for this year's event.

There are six different ride (not race) distances this year, in celebration of our 5th year anniversary: 2, 16, 23, 38, 65 and 100 miles. Last year we had 2,137 total riders registered. Not all riders come through your city. I've attached the 16, 23 and 38 mile maps which do come through or border your city.

The law enforcement organization in your community has already been contacted for both awareness and support. Tour de Tonka will have many volunteer corner guards in place as well as police reserves to insure the safety of both riders and motorists. Also, ambulance and Fire Departments are on notice and will help supervise and respond if necessary.

I look forward to hearing any questions or concerns that you may have. Thank you.

Sincerely,

Tim Litfin
Director, Minnetonka Community Education

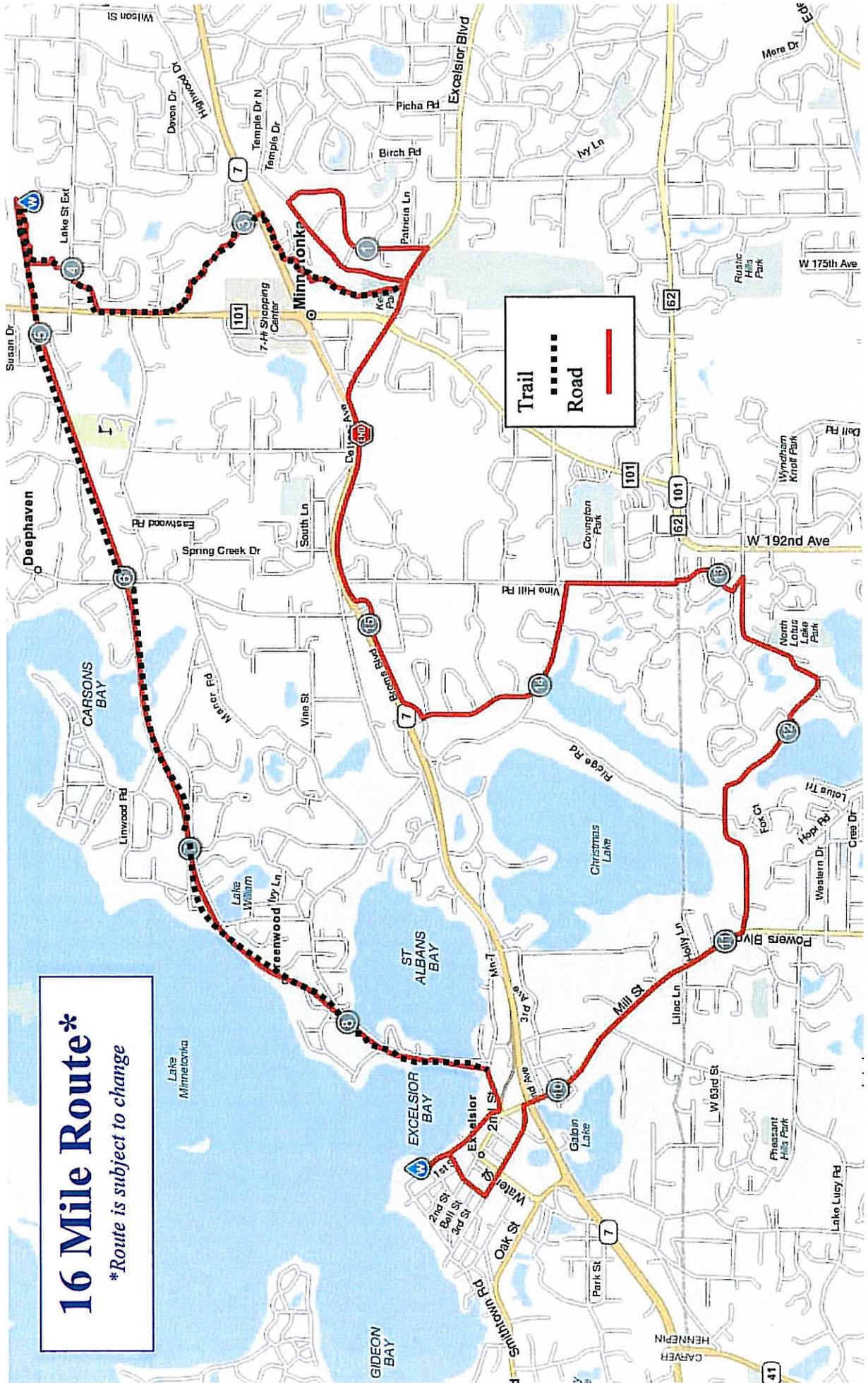


2010 Tour de Tonka



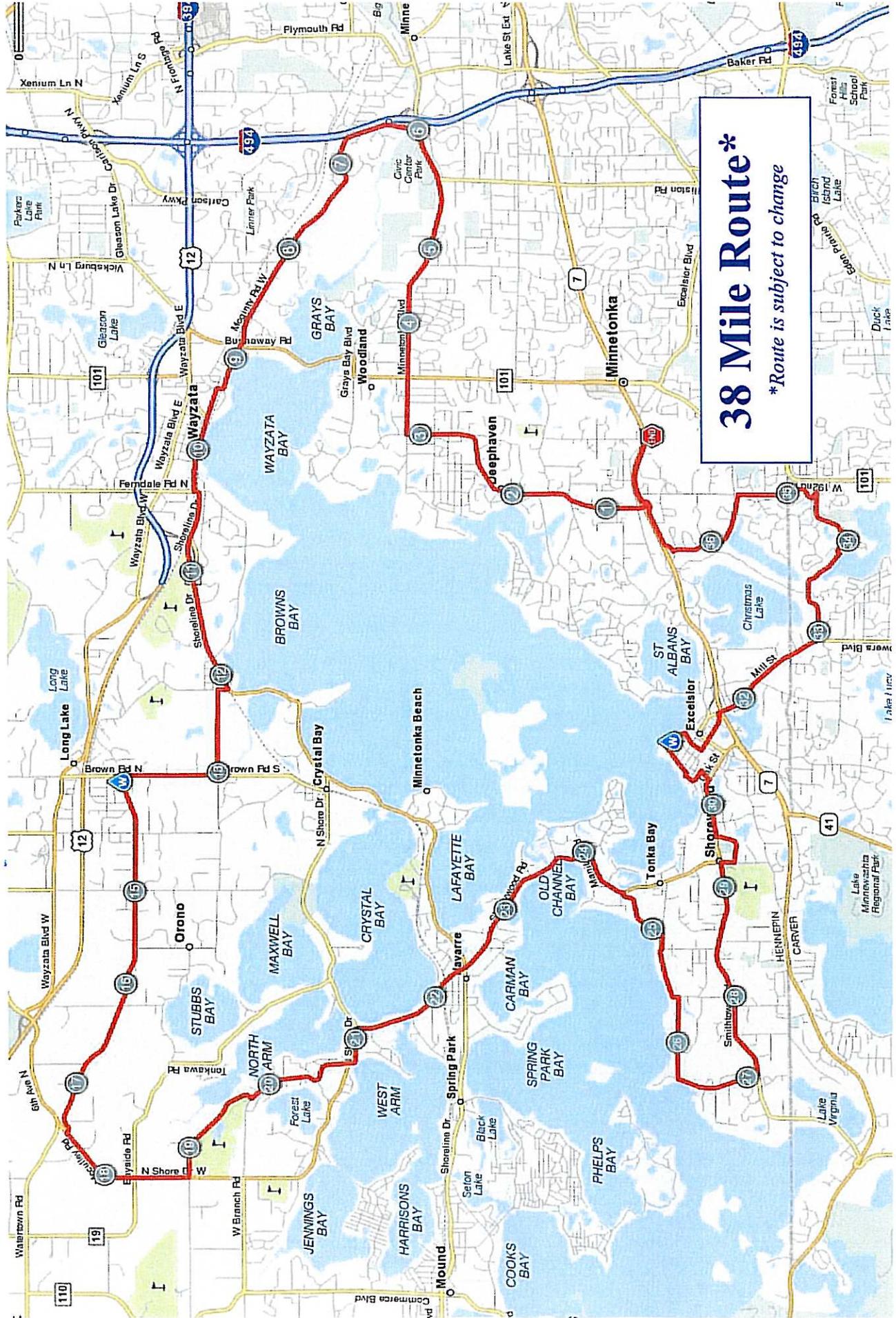
16 Mile Route*

*Route is subject to change





2010 Tour de Tonka



38 Mile Route*
**Route is subject to change*

RESOLUTION NO. 07-10

**A RESOLUTION PROVIDING INTERIM CLERICAL SERVICES
BY THE CITY OF DEEPHAVEN FOR THE CITY OF GREENWOOD**

WHEREAS, the City of Greenwood has requested interim clerical services from the City of Deephaven due to the resignation of the Greenwood City Clerk until December 31, 2010 ; and,

WHEREAS, the scope of interim clerical services will be established by the Joint Board, which is comprised of the Mayors and one Councilmember from each City, and periodically amended by the Board as deemed appropriate by the members to address the needs of each community; and,

WHEREAS, the Deephaven City Council and the Greenwood City Council have concluded that the provision of interim clerical services will be beneficial to both communities ; and,

WHEREAS, the City of Deephaven has agreed to charge, and the City of Greenwood has agreed to pay, a weekly rate of \$592.60, which is based on 20 hours of clerical service each week at the hourly Deputy Clerk rate of \$29.63 per hour for the provision of clerical services, preparation of financial statements and bills, utility billing and election administration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCILS OF THE CITIES OF DEEPHAVEN AND GREENWOOD THAT:

The term of this agreement shall begin on May 17, 2010 and will expire either upon the immediate notification by the Greenwood City Council that clerical services are no longer required or on December 31, 2010.

Adopted by the Council of the City of Deephaven this 3rd day of May, 2010 and by the Council of the City of Greenwood this 4th day of May, 2010.

CITY OF GREENWOOD

CITY OF DEEPHAVEN

Debra J. Kind, Mayor

Paul A. Skrede, Mayor

Attest: _____
City Clerk

Attest: _____
City Administrator



April 15, 2010

Minnehaha Creek Watershed District Board of Managers
c/o James Whisker
18202 Minnetonka Boulevard
Deephaven, MN 55391

RE: PROPOSED MCWD RULES REGARDING WETLANDS &
SHORELINE/STREAMBANK STABILIZATION

Dear Mr. Wisker and Managers:

First, I would like to thank you for the revisions you have made to the Wetland and Shoreline/Streambank Stabilization rules thus far. It is great to know that you are acting on the feedback you have received and are demonstrating your desire to work in partnership with the cities. Your efforts are much appreciated. I specifically would like to thank James for attending the Lake Minnetonka city meetings – James' participation has been very helpful.

As you know, representatives from the Lake Minnetonka cities have been meeting in an attempt to coordinate our message and speak with one voice. Greenwood is in general agreement with the comments that have been provided by the other Cities. In addition, we have specific changes that we are suggesting for the two rules as shown on the attached files. In particular I would like to highlight our changed Access Corridor definition to "100 feet of shoreline length or the current corridor length for public properties." This is a key concern for Greenwood residents for whom the lake is truly their front yard. It also is an attraction to the larger community that enjoys kayaking, power boating, or riding in cruise boats along Greenwood's shores and enjoying the ambiance of our lakeshore front yards.

The City of Greenwood and our residents are proud of the water quality on St. Alban's Bay and Lower Lake South and remain committed to keeping Lake Minnetonka the jewel we all value. We thank you for your consideration of our concerns and we look forward to continuing our partnership with the MCWD.

Please feel free to call me directly at 952-401-9181 if you have any questions.

Sincerely,

Debra J. Kind
Mayor, City of Greenwood

41
42 (c) A permit under this rule is required for maintenance of an existing riprap or
43 otherwise hard-armored shoreline or streambank that involves the addition of new
44 material or structural change to the improvement.

45
46 (d) A fast track permit may be issued for shoreline stabilization projects that
47 conform to the requirements in section 6, Criteria for Stabilization Techniques, of
48 this rule.

49
50 (e) Shoreline or streambank stabilization projects that do not utilize a stabilization
51 practice consistent with the erosion intensity calculation shall be required to
52 document compliance with the design flexibility/minimal impact standard in
53 section 5, Design Flexibility. Such projects shall be subject to the public notice
54 requirements of the District Procedural Requirements.

55
56 (f) A fast track permit may be issued for routine sandblanket projects that
57 conform to the requirements set forth in sections 9, Criteria for Laying
58 Sandblankets, and 10, Sandblankets Required Exhibits, of this rule.

59
60 3. SHORELINE EROSION INTENSITY CALCULATION.

61
62 (a) Applications for shoreline stabilization shall be required to complete the
63 erosion intensity scoresheet to document the shoreline erosion intensity (low,
64 medium, high).

65
66 (b) The proposed shoreline stabilization practice shall be consistent with the
67 shoreline erosion intensity calculated (low, medium, high).

68
69 (1) Low erosion intensity shorelines are those where the erosion intensity
70 calculated has a score of 41 or less and shall utilize biological stabilization
71 practices in accordance with section 6, Criteria for Stabilization
72 Techniques, of this rule.

73
74 (2) Medium erosion intensity shorelines are those where the erosion
75 intensity calculated has a score between 41 and 53 and shall utilize
76 biological or bioengineering stabilization practices in accordance with
77 section 6, Criteria for Stabilization Techniques, of this rule.

79
80
81
82
83
84
85

(3) High erosion intensity shorelines are those where the erosion intensity calculated has a score of greater than 53 and shall utilize biological, bioengineering or structural stabilization practices in accordance with section 6, Criteria for Stabilization Techniques, of this rule.

EROSION INTENSITY SCORESHEET

SHORELINE VARIABLES	DESCRIPTIVE CATEGORIES					EI VALUE
	EROSION INTENSITY (EI) VALUE IS LOCATED IN PARENTHESIS ON LEFT SIDE OF EACH CATEGORY BOX					
AVERAGE FETCH – Average distance (miles) across open water to the opposite shore.	(0) <1/10	(2) 1/10-1/3	(4) 1/3-1	(7) 1-3	(10) >3	
DEPTH AT 20 FEET – Depth of water (feet) 20 feet from the shoreline.	(1) <1	(2) 1-3	(3) 3-6	(4) 6-12	(5) >12	
DEPTH AT 100 FEET – Depth of water (feet) 100 feet from the shoreline.	(1) <1	(2) 1-3	(3) 3-6	(4) 6-12	(5) >12	
BANK HEIGHT – Measure from toe of bank to top of bank-lip (feet).	(1) <1	(2) 1-5	(3) 5-10	(4) 10-20	(5) >20	
INFLUENCE OF ADJACENT STRUCTURES – Likelihood that adjacent structures are causing flank erosion at the site.	(0) no hard armoring on either adjacent property	(1) hard armoring on one adjacent property	(2) hard armoring on both adjacent properties	(3) hard armoring on one adjacent property with measurable recession	(4) hard armoring on both adjacent properties with measurable recession adjacent to both structures	
AQUATIC VEGETATION – Type and abundance of vegetation occurring in the water off the shoreline.	(0) rocky substrates unable to support vegetation.	(1) dense or abundant emergent, floating or submergent vegetation	(4) scattered or patchy emergent, floating or submergent vegetation	(7) lack of emergent, floating or submergent vegetation		
BANK VEGETATION – Type and abundance of vegetation occurring on bank face and immediately on top of bank lip.	(0) bank composed of rocky outcropping unable to support vegetation.	(1) dense vegetation, upland trees, shrubs and grasses, including lawns	(4) clumps of vegetation alternating with areas lacking vegetation	(7) lack of vegetation (due to shading or erosion)		
BANK STABILITY – Degree to which bank and adjacent area (within 10 feet of bank lip) is stabilized by natural ground, shrub, and canopy vegetation. Human disturbance is typified by tree removal, brushing, mowing, and lawn establishment.	(0) established lawn with few canopy trees and/or shrubs	(1) established lawn with moderate to dense canopy trees and/or shrubs	(4) moderate to dense natural ground vegetation and canopy trees with shrub layer substantially reduced; or few canopy trees with moderate to dense natural shrub layer	(7) moderate to dense canopy trees with moderate to dense natural shrub layer; or other natural features prevents establishment of ground vegetation		
SHORELINE GEOMETRY – General shape of the shoreline at the point of interest plus 200 yards on either side.	(1) coves or bays		(4) irregular shoreline or straight shoreline	(8) headland, point, or island		
SHORE ORIENTATION – Geographic direction the shoreline faces.	(0) <1/3 mile fetch	(1) north to east to south-southeast (349°-360°, 1°-168°)	(4) south to west-southwest (169°-258°)	(8) west to north-northwest (259°-349°)		
BOAT WAKES – Proximity to and use of boat channels and thoroughfares.	(1) broad open waterbody with low to moderate traffic, or constricted shallow water body	(4) thoroughfare within 100 yards in a no-wake zone; broad open waterbody with intensive traffic	(8) thoroughfare within 100 yards carrying limited traffic, or thoroughfare 100 yards to ½ mile offshore carrying intensive traffic	(12) thoroughfare within 100 yards carrying intensive traffic		
SLOPE – Average slope of the Shoreland Zone (20 feet upland from OHW)	(0) < 5:1 (0- 20%)	(1) 5:1-3:1 (20-33%)	(2) 3:1-2:1 (33-50%)	(4) 2:1-1:1 (50-100%)	(6) > 1:1 (>100%)	

86 *See guidance document for additional information on how to determine EI values.

87 4. STREAMBANK EROSION INTENSITY CALCULATION

88
89 (a) Applications for streambank stabilization shall be required to include the
90 calculations detailed below to document bankfull stream velocity and shear stress:

91
92 (1) Bankfull stream velocity

93 i. Manning's equation:

$$94 \quad v = \frac{Q}{A} = \left(\frac{1.49}{n} \right) R^{2/3} S^{1/2}$$

95 v = Average velocity of flow (feet/sec)

96 Q = Bankfull flow (cubic feet/sec)

97 A = Area of flow (square feet)

98 n = Manning's number

99 R = Hydraulic radius (feet)

100 S = Slope of channel bottom (rise/run)

101
102 (2) Shear stress on the streambank

103 i. $\tau = d \times \mu \times S$

104 τ = Shear stress (pounds / square feet)

105 d = Bankfull flow depth (feet)

106 μ = Unit weight of water (62.4 pounds / cubic feet)

107 S = Slope of channel bottom (rise/run)

108
109 (b) The proposed streambank stabilization practice shall be consistent with the
110 shear stress calculated (low, medium, high).

111
112 (1) Low erosion intensity streambanks are those where the shear stress
113 calculated is less than or equal to 2.5 lb per square foot and shall utilize
114 biological stabilization practices in accordance with section 6, Criteria for
115 Stabilization Techniques, of this rule.

116
117 (2) Medium erosion intensity streambanks are those where the shear stress
118 calculated is between 2.5 and 5 lb per square foot and shall utilize
119 biological or bioengineering stabilization practices in accordance with
120 section 6, Criteria for Stabilization Techniques, of this rule.

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(3) High erosion intensity streambanks are those where the shear stress calculated is greater than 5 lb per square foot and shall utilize biological, bioengineering or structural stabilization practices in accordance with section 6, Criteria for Stabilization Techniques, of this rule.

5. DESIGN FLEXIBILITY. Where an applicant believes that, as a result of site specific conditions, the shoreline erosion intensity as calculated in section 3, Shoreline Erosion Intensity Calculation, or the streambank erosion intensity as calculated in section 4, Streambank Erosion Intensity Calculation, may inaccurately predict the degree of erosion, the District may approve alternative stabilization techniques if the applicant provides sufficient evidence to demonstrate that the proposed stabilization practice represents the minimal impact solution with respect to all other reasonable alternatives.

6. CRITERIA FOR STABILIZATION TECHNIQUES.

(a) General criteria:

(3) The District will permit the installation of structural stabilization practices only where there is a demonstrated need to prevent erosion or to restore eroded shoreline/streambank;

(4) Maintenance of existing riprap may be performed according to the following provisions:

i. Areas of shoreline/streambank located within an access corridor may be repaired and maintained in accordance with the structural stabilization standards in paragraph 6(c), setting out criteria for structural stabilization;

ii. The area of shoreline/streambank located outside of the access corridor shall incorporate biological and/or bioengineering stabilization practices where feasible and the energy environment and/or shear stresses allow.

(3) Removal of native vegetation within the shoreline/streambank stabilization zone shall be limited in accordance with the following provisions:

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i. Clear cutting shall be prohibited except within the access corridor;

ii. Native vegetation shall be preserved outside of the access corridor as much as practicable and, where removed, shall be replaced with other vegetation that is equally effective in retarding runoff and preventing erosion.

(4) Stabilization practices shall be installed at a 3:1 slope or flatter where practical and feasible. Practices proposed at slopes steeper than 2:1 shall be evaluated as retaining walls in accordance with section 11, Criteria for Other Shoreline Improvements, of this rule;

(5) Horizontal encroachment from a shoreline shall be the minimum amount needed and shall not interfere unduly with water flow. Under normal conditions, hard armoring inert material, such as riprap, or other fill shall be placed no more than 5 feet waterward of a shoreline, measured from the OHW. The maximum encroachment waterward of the OHW is 10 feet. Encroachment from streambanks shall be minimized to the greatest extent practical to limit hydraulic impacts;

(6) Streambank stabilization shall not reduce the cross sectional area of the channel nor result in a net increase in the flood stage upstream or at the site of the streambank stabilization practice unless it can be demonstrated to not exacerbate existing high-water conditions;

(7) Shoreline/streambank stabilization practices shall conform to the natural alignment of the bank (e.g., maintain an undulating or meandering shoreline/streambank);

(8) The design shall reflect the engineering properties of the underlying soils and any soil corrections or reinforcements. For a shoreline, the design shall conform to engineering principles for dispersion of wave energy and resistance to deformation from ice pressures and movement. For a streambank, design shall conform to engineering principles for the hydraulic behavior of open channel flow;

194 (9) For sites involving aquatic plantings or aquatic plant removal, a
195 separate Aquatic Plant Management permit shall be obtained from the
196 Department of Natural Resources, when applicable;

197
198 (10) Any work below the normal water level shall be encircled by a
199 flotation sediment curtain. The curtain shall be constructed and
200 maintained as illustrated in “Protecting Water Quality in Urban areas –
201 Best Management Practices for Minnesota” (MPCA 1989). The barrier
202 shall be removed upon completion of the work after disturbed sediment
203 has settled;

204
205 (11) All shoreline/streambank stabilization applications shall submit the
206 required exhibits as set forth in section 6, Criteria for Stabilization
207 Techniques, of this rule.

208
209 (b) Criteria for biological and bioengineering techniques (see typical detail
210 examples in Appendix A):

211
212 (1) Live plantings incorporated into the shoreline or bank shall be native
213 aquatic and/or native upland vegetation known to occur in the North
214 Central Hardwood Forest eco-region of Minnesota (refer to the Minnesota
215 Department of Natural Resources “Lakescaping for Wildlife and Water
216 Quality” and the Minnesota Pollution Control Agency “Plants for
217 Stormwater Design”);

218
219 (2) Vegetative treatments shall be installed in accordance with the Natural
220 Resource Conservation Service (NRCS) “Engineering Field Handbook
221 Chapter 16”;

222
223 (3) If wave barriers are utilized, they shall be located within the 3 foot
224 water depth or less and may not create an obstruction to navigation.
225 Wave barriers shall be removed within 2 years of the installation.

226
227 (c) Criteria for structural stabilization (see typical detail examples in Appendix
228 A):

229
230 (1) Hard armoring inert material, such as riprap, shall be considered
231 wetland fill only if proposed to be placed within an area identified as a
232 wetland;

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(2) Riprap shall extend no higher than the top of the bank, or two feet above the 100 year high water elevation, whichever is lower;

(3) Riprap materials shall be durable stone meeting the size and gradation requirements of MnDOT Class III or IV riprap. Toe boulders shall be at least 50 percent buried and may be as large as 30 inches in diameter;

(4) A transitional granular filler meeting requirements of MnDOT 3601.B, at least 6 inches in depth, shall be placed between the native shoreline and the riprap to prevent erosion of fine grained soils. A geotextile filter fabric meeting the requirements of MnDOT 3733 shall be placed beneath the granular filler where appropriate;

(5) Riprap **outside the access corridor** shall include plantings between individual boulders wherever feasible and practical;

NOTE: WE BELIEVE THE RED REFLECTS THE DISTRICT'S INTENT, AND SUGGEST LANGUAGE TO MAKE IT CLEAR.

(6) Wherever practical and feasible, structural stabilization practices **are encouraged to shall** include native upland plantings to retard runoff and prevent erosion.

7. REQUIRED EXHIBITS FOR SHORELINE/STREAMBANK STABILIZATION.

(a) Erosion intensity calculations from section 3, Shoreline Erosion Intensity Calculation, or 4, Streambank Erosion Intensity Calculation, of this rule, whichever is applicable, or materials necessary to make the demonstration required in section 5, Design Flexibility.

(b) Site plan showing:

(1) Survey locating the existing ordinary high water (OHW) elevation, existing shoreline or streambank, floodplain elevation, and location of property lines;

(2) Elevation contours of the upland within 15 feet of the OHW and referenced to accepted datum;

- 272 (3) Location of the shoreline/streambank stabilization zone and access
273 corridor;
- 274
- 275 (4) Location of existing trees and shrubs within the shoreline/streambank
276 stabilization zone and an indication of whether they are to be removed or
277 retained;
- 278
- 279 (5) Plan view of locations and lineal footage of the proposed
280 shoreline/bank stabilization treatment; and
- 281
- 282 (6) The location of an upland baseline parallel to the shoreline/bank with
283 stationing. The baseline shall be staked in the field and maintained in
284 place until project completion. Baseline origin and terminus each shall be
285 referenced to three fixed features, with measurements shown and
286 described on the plan. Perpendicular offsets from the baseline to the OHW
287 shall be measured and distances shown on the plan at 20 foot stations.
288
- 289 (7) Photographs of the project site, showing existing conditions.

290
291 (c) Cross section detailing:

- 292
- 293 (1) The proposed stabilization technique, drawn to scale, with the
294 horizontal and vertical scales noted on the drawing;
- 295
- 296 (2) Finished slope, distance lakeward, OHW, 100 year floodplain
297 elevation;
- 298
- 299 (3) Material specifications;
- 300
- 301 (4) Description of the underlying soil materials.

302
303 (d) Specification of erosion control and site stabilization practices.

304
305 (e) For biological stabilization:

- 306
- 307 (1) A planting plan, including a plant list with common and scientific
308 names, seed mix specifications, quantities and origin of all material;

309

310 (2) A maintenance plan specifying methods for controlling invasive
311 species and replacement of vegetation if necessary.

312

313 (f) For bioengineering:

314

315 (1) Detail the location of all hard armoring inert material, such as riprap,
316 to be utilized;

317

318 (2) Provide a written narrative explaining how the use of hard armoring
319 inert material such as riprap has been minimized to the extent practical and
320 feasible.

321

322 (g) For streambank stabilization:

323

324 (1) Cross sectional view of stream channel in existing and proposed
325 conditions;

326

327 (2) Longitudinal view of stream channel in existing and proposed
328 conditions;

329

330 (3) Plan view of stream channel in existing and proposed conditions;

331

332 (4) Identification of bankfull indicators;

333

334 (5) Documentation of existing soils, wetlands, vegetation, slopes, bank
335 and channel material;

336

337 (6) Identification of in-stream features such as woody debris, riffles and
338 pools, etc.

339

340 (h) A maintenance plan specifying the ~~methods, schedule and~~ party responsible
341 for ensuring the permanent stability of the shoreline or streambank, including
342 establishment and maintenance of plantings, erosion control and continued
343 compliance with the applicable criteria in section 6, Criteria for Stabilization
344 Techniques, of this rule.

345

346 **NOTE: REQUIRING PROPERTY OWNERS TO SPECIFY METHODS AND**

347

TO CREATE A SPECIFIC SCHEDULE IS TOO ONEROUS. ALSO THE

METHODS AND SCHEDULE MAY NOT BE APPROPRIATE IN THE FIELD

348 AND OVER TIME. INSTEAD WE SUGGEST MAKING IT CLEAR WHO IS
349 REPOSIBLE AND LEAVING IT AT THAT.

350
351 8. MAINTENANCE DECLARATION. A declaration or other recordable instrument
352 incorporating the maintenance plan required by paragraph 7(h), ~~and describing~~
353 ~~techniques for maintenance of access corridors, periodic selective vegetation removal and~~
354 ~~ongoing vegetation management,~~ must be submitted to and approved by the District, then
355 recorded in the office of the county recorder or registrar before activity under the District
356 permit commences. In lieu of recordation, a public permittee may assume the
357 maintenance obligation by means of written agreement with the District. The agreement
358 shall state that if the ownership of the property on which the shoreline or streambank
359 improvement is transferred, the permittee shall require the transferee to comply with this
360 section.

361
362
363 9. CRITERIA FOR LAYING SANDBLANKETS. All permitted sandblanketing shall
364 comply with the following standards:

365
366 (a) The sand or gravel used must be clean prior to being spread. The sand must
367 contain no toxins or heavy metal, as defined by the Minnesota Department of
368 Natural Resources, and must contain no weed infestations such as, but not limited
369 to, water hyacinth, alligator weed, and Eurasian watermilfoil, or animal life
370 infestations such as, but not limited to, zebra mussels or their larva. Violators will
371 be prosecuted to the full extent of the law.

372
373 (b) The sand layer must not exceed six inches in thickness, 50 feet in width along
374 the shoreline, or one-half the width of the lot, whichever is less, and may not
375 extend more than 10 feet waterward of the ordinary high water mark.

376
377 (c) Only one installation of sand or gravel to the same location may be made
378 during a four-year period. After the four years have passed since the last
379 blanketing, the location may receive another sandblanket. No more than two
380 applications may be made at an individual project site.

381
382 (d) Exception. Beaches which are operated by governmental entities and available
383 to the public shall be maintained in a manner that represents the minimal impact
384 to the environment, relative to other reasonable alternatives, and shall be
385 exempted from the following restrictions:

386
387 (1) Sandblankets be no more than 50 feet in width and extend no more
388 than 10 feet waterward of the ordinary high water mark. See paragraph
389 8(b), specifying sandblanket criteria, of this rule; and

391 (2) Sandblankets be installed no more frequently than once every four
392 years and no more than twice at the same project location. See paragraph
393 8(c), limiting repeated sandblanket installations, of this rule.
394

395 10. SANDBLANKET REQUIRED EXHIBITS. The following exhibits shall accompany
396 the sandblanket permit application:
397

398 (a) Site plan showing property lines, delineation of the work area, existing
399 elevation contours of the adjacent upland area, ordinary high water elevation, and
400 regional flood elevation (if available). All elevations must be reduced to NGVD
401 (1929 datum).
402

403 (b) Profile, cross sections and/or topographic contours showing existing and
404 proposed elevations and proposed side slopes in the work area. (Topographic
405 contours should be at intervals not greater than 1.0 foot).
406

407 (c) A completed Sandblanket Permit Application form, available from the
408 District.
409

410 11. CRITERIA FOR RETAINING WALLS.
411

412 (a) A new retaining wall, or repair/reconstruction of an existing retaining wall that
413 increases floodplain encroachment beyond that required by technically sound and
414 accepted repair/reconstruction methods, is permitted only pursuant to a variance
415 or an exception under the District Variance Rule. The applicant must demonstrate
416 that there is no adequate stabilization alternative.
417

418 (b) Wooden seawalls and/or steel sheetpiling retaining walls shall comply with
419 accepted engineering principles.
420

421 (c) The applicant shall submit a structural analysis prepared by a professional
422 engineer registered in the State of Minnesota, in the practice of civil engineering,
423 showing that the wall will withstand expected ice and wave action and earth
424 pressures.
425

426 (d) The applicant shall submit a survey prepared by a registered land surveyor
427 locating the finished wall and shall file a certificate of survey with the District.
428
429

430 12. CRITERIA FOR OTHER SHORELINE IMPROVEMENTS. Other shoreline
431 improvements, such as boat ramps, shall comply with accepted engineering principles as
432 follows:
433

434 (a) Boat ramps and other similar improvements shall not be allowed in riparian
435 shoreline areas unless the applicant demonstrates that no feasible alternative

436 riparian access is available, that aquatic habitat and water quality impacts are
437 minimized; and

438
439 (b) Installation of boat ramps shall involve placement of no more than 50 cubic
440 yards of inert and clean material, and the maximum width of shoreline
441 disturbance shall be 15 feet unless the facility is a commercial marina or public
442 launch facility that requires a greater width; and

443
444 (c) Materials utilized for construction of boat ramps or other similar
445 improvements shall be safe and cause not adverse environmental impacts; the
446 improvement shall be of sound design and construction so that the improvement is
447 reasonably expected to be safe and effective.

448 **Definitions**

- 449 • **Access Corridor** means the corridor equal to 100 feet ~~30 percent~~ of the total shoreline
450 length ~~to a maximum of 30 feet or the corridor length in existence prior to _____,~~
451 ~~2010 for public properties.~~

452 NOTE: MOST OF THE LOTS IN GREENWOOD ARE VERY SMALL. WHEN A
453 PERSON REALIZES THEIR DREAM OF OWNING 50 TO 100 FEET OF
454 LAKESHORE, ALLOWING THEM ONLY 15 TO 30 FEET FOR ACCESS BARELY
455 ALLOWS FOR A FEW ADIRONDACK CHAIRS ALONG THE SHORE. THIS IS A
456 KEY CONCERN FOR GREENWOOD RESIDENTS FOR WHOM THE LAKE IS
457 TRULY THEIR FRONT YARD. IT ALSO IS AN ATTRACTION TO THE LARGER
458 COMMUNITY THAT ENJOYS KAYAKING, POWER BOATING, OR RIDING IN
459 CRUISE BOATS ALONG GREENWOOD'S SHORES AND ENJOYING THE
460 AMBIENCE OF OUR LAKESHORE FRONT YARDS. WE BELIEVE THE GOAL
461 SHOULD BE TO FOCUS ON LARGER PROPERTIES WITH OVER 100 FEET OF
462 SHORELINE. WE ALSO ARE EMPHATHETIC WITH MOUND'S SITUATION
463 WHERE THEY OWN MILES OF SHORELINE WITH PUBLIC DOCKS THAT NEED
464 TO BE ACCESSED VIA MOWED AREAS NEAR THE SHORELINE AND THUS
465 OFFER THE ABOVE SUGGESTED LANGUAGE THAT EXEMPTS CURRENT
466 ACCESS COORIDORS FOR PUBLIC PROPERTIES.

- 467
468 • **Bioengineering Stabilization** means the strategic installation of natural, vegetative,
469 biologically active materials in conjunction with toe stabilization, riprap or other hard-
470 armoring materials to stabilize shoreline or streambank areas and associated slopes and
471 prevent erosion.

- 472
473 • **Biological Stabilization** means the strategic placement of natural, vegetation,
474 biologically active materials – such as but not limited to brush mattresses, live
475 stakes/plantings, brush layering, fiber rolls, root wads and willow wattles – to stabilize
476 shoreline or streambank areas and prevent erosion.

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- **Stabilization Zone** means paralleling the shoreline or streambank feet inland from all points along the ordinary high-water mark of the shoreline.
 - **Structural Stabilization** is the use of engineered systems – such as riprap, retaining walls, headwalls, groins, revetments, gabions – to stabilize shoreline or streambank areas and associated slope and prevent erosion.

46 (e) rectify the impact of any such activity by repairing, rehabilitating, or restoring
47 the affected wetland environment;

48
49 (f) reduce or eliminate the impact of such activity over time by preservation and
50 maintenance operation during the life of the activity;

51
52 (g) compensate for the impact on the wetlands by restoring a wetland;

53
54 (h) compensate for the impact on the wetlands by replacing or providing substitute
55 wetland resources or environments;

56
57 (i) promote competent administration of the Wetland Conservation Act within the
58 watershed.

59
60 2. REGULATION UNDER WETLAND CONSERVATION ACT AND WATERSHED
61 LAW.

62
63 The District regulates activity impacting wetlands pursuant to the Wetland Conservation
64 Act and the Watershed Law. A permit for activities impacting wetlands or requiring
65 wetland buffers is required as follows:

66
67 (a) In municipalities where the District is the local government unit under the
68 Wetland Conservation Act, a permit is required from the District for any draining or
69 filling of wetlands, or excavation in the permanently and semipermanently flooded
70 areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation results in
71 filling, draining, or conversion to nonwetland. The Wetland Conservation Act, as
72 amended, and its implementing rules as set forth in Minnesota Rules chapter 8420,
73 as amended, specifically including sequencing requirements and all exemptions, are
74 incorporated as a part of this rule. Wetland replacement, where permitted, shall
75 comply with section 3, Wetland Replacement, of this rule.

76
77 (b) A permit is required from the District pursuant to the excavation and buffer
78 provisions in sections 4, Excavation, and 5, Buffer, of this rule, which are adopted
79 under the District's watershed law authority and apply whether or not the District is
80 the Wetland Conservation Act local government unit. Pursuant to this authority and
81 section 4, Excavation, the District requires a permit for excavation in any type of
82 wetland, except where specifically exempted by the Wetland Conservation Act.

83
84 3. WETLAND REPLACEMENT.

85
86 (a) Replacement wetland must be sited in the following order of priority, which
87 replaces the siting priority in Minnesota Rules section 8420.0522, subpart 7, as it
88 may be amended:

89
90 (1) On site;

92 (2) Within the same subwatershed as the affected wetland (see Appendix
93 1);

94
95 (3) In the Minnehaha Creek watershed.

96
97 (b) Pursuant to Minnesota Rules section 8420.0522, subp.7, as it may be
98 amended, when reasonable, practical and environmentally beneficial replacement
99 opportunities are not available in a siting priority area in subsection 3(a),
100 providing replacement priority areas, the applicant may seek opportunities at the
101 next level. When replacement opportunities are not available in any priority area,
102 the applicant may comply with this section through the purchase of banked credits
103 from the District at the cost to the District to establish credits, so long as the
104 District has determined that sufficient credits are available, or through the
105 purchase of other banked credits in the District.

106
107 4. EXCAVATION. Excavation in wetlands is subject to the following requirements.

108
109 (a) Excavation is governed by the substantive and procedural standards, criteria
110 and requirements set forth in the Wetland Conservation Act, as amended, and the
111 rules implementing the Wetland Conservation Act as set forth in Minnesota Rules
112 chapter 8420, as amended, including all exemptions, with the exception that
113 replacement for excavation not subject to the Wetland Conservation Act shall be
114 at the ratio of 2:1. The prior siting requirements of section 3 of this rule, Wetland
115 Replacement, apply to replacement of excavated wetland under this section.

116
117 (b) Excavation of a wetland performed for public benefit, including excavation to
118 remove or control invasive species, shall be deemed self-replacing if the applicant
119 demonstrates that the wetland to be excavated is degraded; the proposed activity
120 would increase the wetland's function and value, as determined using the current
121 version of the Minnesota Routine Assessment Method or other method approved
122 by the District; and the enhanced wetland function and value are likely to be
123 preserved. Excavation shall not result in a change of wetland type, unless the
124 applicant demonstrates that public benefit is not obtainable absent such impact.

125
126 5. BUFFER.

127
128 (a) Any activity for which a permit is required under this Wetland Protection
129 Rule, the Stormwater Management Rule or the District Waterbody Crossings and
130 Structures Rule, and construction of a New Principal Residential Structure must
131 provide for buffer adjacent to each wetland and public waters wetland. To the
132 extent the buffer requirement applies to a proposed New Principal Residential
133 Structure, it will be applied in accordance with protections afforded a zoning
134 nonconformity under state law so as not to unduly restrict the proposed action.
135 Buffer must be provided on that part of the wetland edge that is downgradient
136 from the activity or construction and around each wetland that will be disturbed.

137

138 (b) Buffer width will be determined in accordance with section 6, Buffer Width,
139 of this rule.

140
141 (c) Buffers shall be documented by declaration or other recordable instrument
142 approved by the District and recorded in the office of the county recorder or
143 registrar before activity under the MCWD permit commences. A buffer on public
144 land or right-of-way may be documented in a written agreement executed with the
145 District in place of a recorded instrument. The agreement shall state that if the
146 land containing the buffer is conveyed, the public body shall require the buyer to
147 comply with this subsection.

148
149 (d) A permanent wetland buffer monument shall be installed at each lot line
150 where it crosses a wetland buffer, and where needed to indicate the contour of the
151 buffer, with a maximum spacing of 100 feet. Language shall indicate the purpose
152 of the buffer, restrictions, and the name and phone number of the Minnehaha
153 Creek Watershed District. On public land, or right-of-way, the monumentation
154 requirement may be satisfied by the use of a marker flush to the ground or
155 breakaway markers of durable material.

156
157 **6. BUFFER WIDTH.**

158
159 (a) The Base Buffer Width shall be determined by the management class of the
160 wetland as evaluated by the District's Functional Assessment of Wetlands or by
161 the current version of the Minnesota Routine Assessment Method (MnRAM).
162

Management Class	Base Buffer Width	Minimum Applied Buffer Width
Manage 3	20 feet	16 feet
Manage 2	30 feet	24 feet
Manage 1	40 feet	34 feet
Preserve	75 feet	67 feet

163
164 (b) The Applied Buffer Width, the actual width of wetland buffer(s) required for a
165 permitted project, ~~is~~ shall be the Base Buffer Width as reduced by beneficial slope
166 or soil conditions pursuant to the following formulas:

167 **NOTE: MINOR TYPO ABOVE ☺**

168
169 (1) For every 5 percent decrease in average buffer slope from 20 percent,
170 the Base Buffer Width may be reduced 2 feet.

171
172 (2) For every grade of Hydrologic Soil Group above Type D for the
173 predominant buffer soil condition, the Base Buffer Width may be reduced
174 2 feet.

175
176 Reductions for beneficial slope or soil conditions shall not reduce the buffer width
177 to less than the applicable Minimum Applied Buffer Width.

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(c) The buffer width may be reduced if the total area of the buffer exceeds the area of the wetland it is protecting.

(d) Buffer width may vary, provided that a width of at least 50 percent of the Applied Buffer Width is maintained at all points, and the buffer provides wetland and habitat protection at least equivalent to a buffer of uniform Applied Buffer Width. Buffer width averaging calculation will exclude any part of the buffer exceeding 200 percent of the Applied Buffer Width. The width of any impervious path or trail allowed in the buffer will be deducted from the buffer width calculation.

(e) The Applied Buffer Width may be further reduced by the District upon a demonstration by the applicant that the proposed buffer conditions clearly provide a higher function and value than would be required under the Applied Buffer Width.

(f) The Applied Buffer Width for Linear Reconstruction Projects shall be limited to the extent of available right-of-way.

(g) The **Applied** Buffer Width for New Principal Residential Structures shall be limited to **the lesser of 25 percent of the distance between the new structure at the point that it is nearest to the wetland and the wetland, or the Applied Buffer Width in paragraph (b) above 25 feet, whichever is greater, provided that such a buffer shall not exceed the Base Buffer Width, and** The buffer shall not render a property unbuildable.

NOTE: THE SUGGESTED LANGUAGE IN THE PARAGRAPH ABOVE REFLECTS OUR UNDERSTANDING OF WHAT THE DISTRICT IS PROPOSING – THAT SMALLER BUFFERS WILL BE ALLOWED FOR NEW HOMES ON SMALLER EXISTING LOTS.

(h) Replacement Residential Structures do not require any additional buffers beyond that which is preexisting.

NOTE: THE SUGGESTED LANGUAGE IN THE PARAGRAPH ABOVE REFLECTS OUR UNDERSTANDING OF WHAT THE DISTRICT IS PROPOSING – THAT PROPERTY OWNERS ARE ALLOWED TO REBUILD A HOME WITH A FOUNDATION OF THE SAME SQUARE FOOTAGE WITHOUT TRIGGERING THE CREATION OF A LARGER BUFFER.

7. WETLAND BUFFER VEGETATION.

(a) Buffer vegetation shall not be cultivated, cropped, pastured, mowed, fertilized, subject to the placement of mulch or yard waste, or otherwise disturbed, except for periodic cutting or burning that promotes the health of the buffer, actions to address disease or invasive species, mowing for purposes of public safety, temporary disturbance for placement or repair of buried utilities, or other actions

224 to maintain or improve buffer quality, each as approved by District staff or when
225 implemented pursuant to a written agreement executed with the District.
226 Pesticides and herbicides may be used in accordance with Minnesota Department
227 of Agriculture rules and guidelines. No new structure or hard surface shall be
228 placed within a buffer. No fill, debris or other material shall be excavated from or
229 placed within a buffer.

230
231 (b) For public land, right-of-way or property held by a homeowner's association,
232 the applicant may comply with paragraphs 5(d), requiring buffer monumentation,
233 7(a), vegetation management, and section 9, Wetland Buffer Monitoring, of this
234 rule by demonstrating that the buffer will be maintained in accordance with a
235 written maintenance agreement with the District meeting the buffer
236 monumentation, vegetation management and wetland buffer monitoring
237 requirements in this rule, listing required elements of paragraph 8(h), the Wetland
238 Buffer Maintenance Plan, including terms describing in detail the location of
239 wetland buffer on the subject property and providing detailed protocols for buffer
240 maintenance.

241
242 (c) Buffer areas, or portions thereof, that are not vegetated or will be disturbed by
243 grading activities during construction, shall be replanted and maintained
244 according to the following standards:

245
246 (1) Soils must be decompacted to a depth of 18 inches and organic matter
247 must be incorporated into soils before revegetation. Decompaction shall be
248 accomplished solely by incorporation of organic matter within the drip
249 line or critical root zone of trees or within 10 feet of underground utilities.

250
251 (2) Erosion/sediment control practices, including provisions of sections 5,
252 Erosion Control Plan, and 9, Maintenance, of the District Erosion Control
253 Rule, as appropriate, shall be used during buffer vegetation establishment.

254
255 (3) Buffers shall be planted with a native seed mix and/or native plantings
256 approved by the District.

257
258 (4) Buffer maintenance and monitoring shall be performed in accordance
259 with section 10, Wetland Buffer Monitoring, of this rule.

260
261 8. PERFORMANCE BOND OR LETTER OF CREDIT. A performance bond or
262 letter of credit, consistent with the District Performance Bond or Letter of Credit
263 Rule, may be required for any project involving wetland replacement or
264 replanting of wetland buffers. The bond or letter shall be maintained until the
265 monitoring period has ended and the District has approved the wetland
266 replacement or establishment of the buffer.

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268 9. REQUIRED EXHIBITS. The following exhibits shall accompany the
269 Combined Joint Notification (CJN) form:

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(a) Complete delineation report, in accordance with the guidelines provided by the Board of Water and Soil Resources, for any wetland(s) that will be impacted or require a buffer. The report must be approved by the WCA Local Government Unit.

(b) Site plan, one set - full size and one set - reduced to a maximum size of 11" x 17", showing:

- (1) Property lines and corners and delineation of lands under ownership of the applicant;
- (2) Existing and proposed elevation contours; including the existing runout elevation and flow capacity of the wetland outlet;
- (3) Boundaries of all wetlands on the property;
- (4) Boundaries of all existing or proposed buffers;
- (5) Proposed locations of buffer signage.
- (6) Area of the wetland portion to be filled, drained, or excavated.

(c) Identification and area of the total watershed area presently contributing stormwater runoff to the wetland.

(d) A replacement plan, if required, meeting all the requirements of Minnesota Rules chapter 8420, as amended. Replacement plans for wetland impacts not subject to the WCA must meet these same requirements.

(e) For projects involving wetland excavation (including projects deemed self-replacing under paragraph 4(b)), the application shall identify spoils placement on upland and specify how the deposited materials will be stabilized and vegetated.

(f) Information showing whether the subject wetland is protected by either the State or municipality or both.

(g) Wetland Buffer Planting Plan, if required under section 7, Wetland Buffer Vegetation, including:

- (1) Proposed seed mixes and other plant materials to be used;
- (2) Seed or plant supplier and origin of materials;
- (3) Seed/planting bed preparation (i.e. disking, raking, clearing, herbicide control, topsoiling, etc.);

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(4) Seeding and/or planting method (i.e. broadcast, drill, etc.);

(5) Application rate in either pounds of seed per acre and/or the number of plants per unit area if using plugs or seedlings. Specify if using pure live seed (PLS). Higher application rates will be required if not using PLS;

(6) Detailed erosion control plan for establishing wetland buffer.

(h) Wetland Buffer Maintenance Plan, if required under section 7, Wetland Buffer Vegetation, including:

(1) Schedule of establishment and maintenance activities for the first five years of establishment (i.e. watering, burning, mowing, herbicide control, etc.);

(2) Identification of probable invasive species and steps that will be taken to control the spread of invasive species;

(3) Inspection methods and schedule for monitoring invasive species and documenting native species germination and establishment.

10. WETLAND BUFFER MONITORING. For buffer areas required to be established or replaced under subsection 7(c), setting standards for buffer establishment and maintenance:

(a) Upon final establishment, wetland buffers shall contain little or no bare soil and shall exhibit a dominance of native vegetation.

(b) The applicant shall submit to the District an annual Wetland Buffer Inspection Report on or before January 1 of each year for five years.

(1) The applicant may submit a written request to cease annual monitoring by year three if the wetland buffer is well established pending District approval.

(2) If the wetland buffer is poorly established at the end of the five year monitoring period, the District may require continued monitoring and maintenance.

(c) The annual Wetland Buffer Inspection Report shall include:

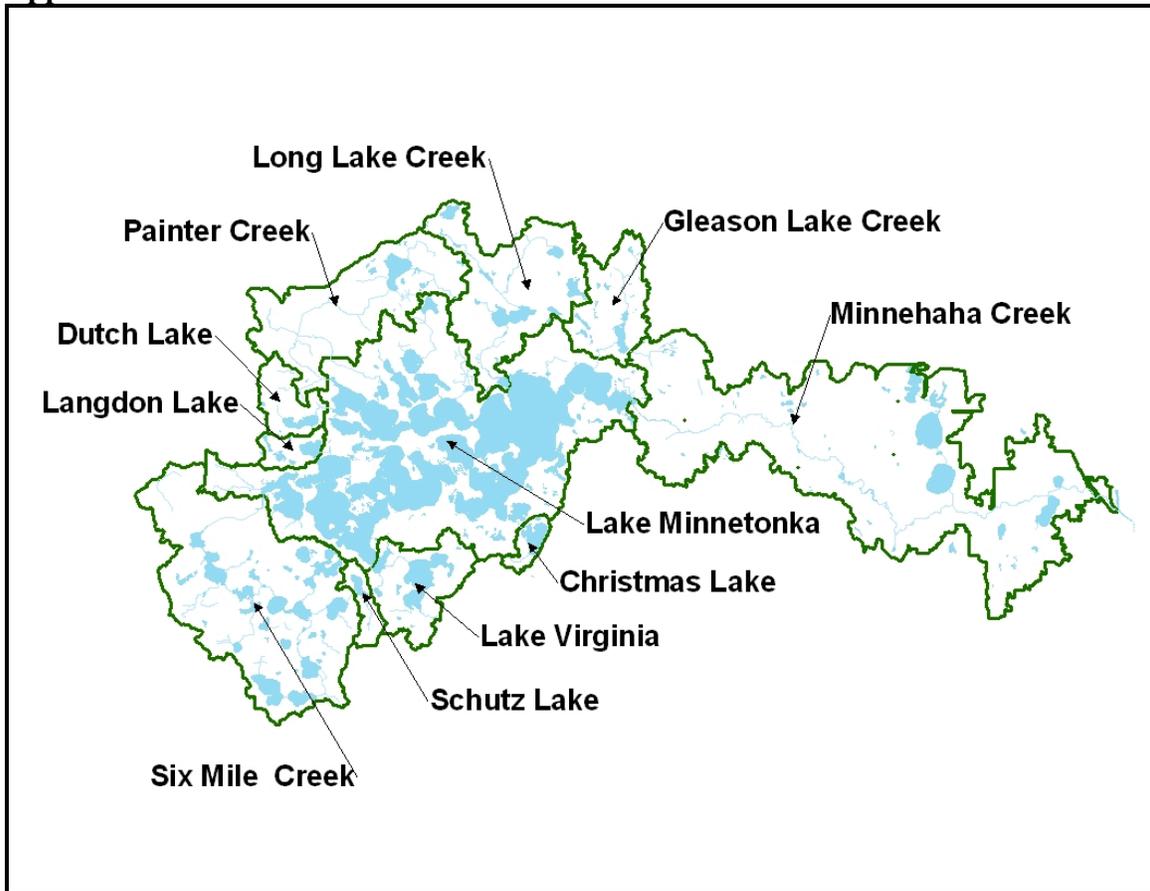
(1) Site plan showing:

i. Location of permitted buffer area;

- 362 ii. Areas of bare soil or erosion;
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364 iii. Areas of invasive vegetation;
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366 iv. Location and type of any encroachments on the buffer (structures,
367 unapproved mowing, trails, etc.)
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369 (2) Color photos of the wetland buffer taken during the growing season.
370 Vantage points for these photos shall be labeled on the site plan.
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372 (3) Description of buffer vegetation including:
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374 i. List of dominant plant species and their estimated percent cover.
375
376 ii. Comparison of the species present to the approved
377 planting/seeding plan.
378
379 (d) A written narrative that identifies the management strategies that will be
380 utilized during the upcoming growing season to manage invasive species,
381 improve percent vegetative cover and species diversity, and mitigate any
382 encroachments on the buffer.
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Appendix 1:



387

April 24, 2010

James Wisker
Planner / Program Coordinator
Eric Evenson
District Administrator
Minnehaha Creek Watershed District
18202 Minnetonka Boulevard
Deephaven, MN 55391

Dear James and Eric:

I would like to open this letter by noting that I am writing as an individual City of Greenwood Council Member and not on behalf of the rest of the Council.

The purpose of this letter is to address my concerns of proposed Rules D and F on a general level. However, before delving into the details, I would like to note that I share many of the MCWD's underlying concerns. I support improved water quality. I feel that there has been too much use of rock or riprap on the Lake Minnetonka shoreline (The island in St Albans Bay may be a prime example of this).

My feeling is that in some cases these rules may be heavy handed and possibly a solution looking for a problem. To wit on Page 33 of the MCWD's **Final Lake Minnetonka Plan** of August 2007, it states "Many of the bays of Lake Minnetonka are near or better than their water quality goal, but three bays in particular have significant water quality problems: Halsted's Bay, Jennings Bay, and Stubbs Bay. West Arm and Priest Bay also do not meet their goal and are influenced by the water quality in the upstream bays." I suspect that the MCWD's high water quality grades for the portions of the lake that Greenwood abuts are at least partly related to our 100% sanitary sewer coverage, aggressively enforced hardcover and building size limits, and strong tree protection ordinance.

Further the City of Greenwood is already included in the MCWD's **2007-2017 Comprehensive Water Resources Management Plan**, which mandates phosphorus reductions. With the 2007-2017 Plan the MCWD set the goals while allowing the Cities to decide how best to achieve them. I believe that this approach is preferable to the new one, which mandates the methods of achieving the goals.

As regards the benefits of buffers in an urban setting on Lake Minnetonka, I have reviewed **Benefits of Wetland Buffers: A Study of Functions, Values and Size prepared for the Minnehaha Creek Watershed District** dated December 6, 2001 on the MCWD website. I believe that this is the report, which is the basis for your proposed Rules.

I have included quotes from the Wetland Buffers Study along with my italicized comments on the attached two pages. To summarize my understanding after reading the report, the report states that while it appears that buffers probably have clear benefits, it does not have enough data to draw strong conclusions about buffer benefits and states on page 17 that, "the surest way for the Watershed District to document the effectiveness of its buffer approach is to conduct monitoring to see what the approach actually accomplishes."

As regards phosphorus, which appears to be the most critical element to be controlled in Greenwood's case the Wetland Buffers Study notes on page 8 that, "Because there is a limit

on the number of sites available in the soil column for adsorption of phosphorus, a condition of export might occur when soil saturation occurs, thus reducing the “permanent” reduction in TP associated with a particular buffer area” or put another way that once the buffer has reached it’s phosphorus storage limit it will probably not reduce the phosphorus flowing into the lake or wetland.

The Wetland Buffer Study also discusses buffer maintenance needs and on page 17 refers to the need for ongoing maintenance of buffer areas and the possible need to “remove accumulations of pollutants.” While I understand that this comment does not state that buffers will become hazardous waste dumps, it also does little to reassure the layman that this will not happen.

Based on my reading of the Wetland Buffer Study, it appears that a focus on removing phosphorus, solids, etc. from the system entirely instead of holding them in buffers might better serve our common long term goals. As an example I might note that in 2009 the City of Greenwood Council unanimously approved a storm water treatment structure at a cost of \$25,000 with 100% of the funding coming from the City as part of the reconstruction of Greenwood Circle. This would have captured sediment and phosphorus and allowed them to be entirely removed from the local environment instead of holding them in the environment with a rain garden or buffer. This project was not approved by the MCWD for this purpose even though the City of Greenwood offered to test the sediment captured by the structure to determine it’s effectiveness and as a result the storm water treatment was not installed.

The Wetland Buffer Study also discusses the habitat / wildlife benefits of buffers. While I don’t disagree with the benefits outlined in the Wetland Buffer Study, having sufficient native habitat in our area of Lake Minnetonka may not in fact be a problem. The City of Greenwood is currently paying to trap and euthanize beavers on St. Albans Bay and the City of Shorewood is conducting controlled hunts to reduce its deer population. I routinely observe many of the wildlife listed in Appendix C – Species List for Western Metro Area of the Wetland Buffer Study in our area.

In closing I would suggest a more localized approach to water quality, shoreline, and wetlands management by the MCWD as opposed to broad rulemaking provisions. Strategies that are appropriate and most effective in Greenwood may not be suitable for Minnetrista and vice versa. I would encourage the Watershed District to take a more proactive approach and initiate ongoing dialogues with each City / Council to develop mutually beneficial strategies and plans.

As always your comments and feedback are greatly appreciated.

Sincerely,

Thomas M. Fletcher
Councilmember
City of Greenwood

Cc: Mayor Deb Kind
Attachment

Benefits of Wetland Buffers: A Study of Functions, Values and Size prepared for the Minnehaha Creek Watershed District, December 6, 2001, Emmons & Olivier Resources excerpts and comments (italicized)

Section 3.1 Hydrology Page 4: "In parts of the drainage system that are storm-sewered, drain-tiled or channelized, runoff might occur in such a way that buffers are by-passed. That is, a storm sewer or drain tile can discharge directly into a wetland, or a channel can cut directly through a buffer. . . . By far the best manner to treat runoff in a buffer is to spread it out such that sheet flow occurs uniformly across the buffer's vegetation." *The report appears to indicate that regardless of how many buffers one installs, allowing them to be bypassed by storm sewers, etc. may substantially reduce their benefit.*

Section 3.2 Water Quality – Solids Page 5: "Unfortunately, many of the details of the studies are not listed in the research reports or in the large literature reviews. Most research reports the results of a single buffer width, rather than a series of different widths, all of which are evaluated. The significance of stating that a certain width is "good" or "best" dwindles when it is not compared in the same study with another width or set of widths." *The report appears to be indicating that it's data is not of enough quality to draw strong conclusions. Further, a review of the data sources in Table B2 indicates that many of the referenced studies apply to feedlots, logging, and coastal areas, which may not be relevant for Greenwood and most of Lake Minnetonka.*

Section 3.2 Water Quality – Solids Page 5: "The dashed lines in Figure 1 show that for a condition reflective of the statistically "best" line (recall a previous statement about the data variability), a doubling of the buffer from 50' to 100' would reduce the TSS load another 3-4%, but it does raise the assurance of low values above the 70% mark. This indicates that a high priority on sediment reduction would favor the high end of the range, but a lower priority might not justify the cost of doubling the width." *The report appears to indicate that increasing buffer widths does not bring proportional benefits.*

Section 3.2 Water Quality – Solids Page 6: "The graphic also indicates that two low values occur for grassed buffers in the 0-50' and 50-100' ranges. Statistical deductions cannot be drawn from this, but intuitive results support a mix of vegetation, including groundcovers, shrubs and trees." *This graph showed 30% TSS reduction with a 25 foot grass buffer, 55% TSS reduction with an 80 foot grass buffer, 78% with a 100 foot grass buffer (as compared to a range of 70% for woody and up to 90% for unspecified), and 85% with a 150 foot grass buffer.*

Section 3.2 Water Quality – Phosphorus Page 8: "The principal process involved in phosphorus reduction is particulate filtering of organic material (ex., grass, leaves, woody debris). Soluble forms of phosphorus also adsorb to particulates and settle with them. Eventually the solid organic material breaks down, sorption bonds break and soluble phosphorus becomes mobile, at which point it can soak into the soil, be taken up by vegetation or flow away. Because there is a limit on the number of sites available in the soil column for adsorption of phosphorus, a condition of export might occur when soil saturation occurs, thus reducing the "permanent" reduction in TP associated with a particular buffer area. However, the simple delay caused by the buffer as the transition from particulate to soluble phosphorus occurs serves to dampen the impact on downstream water bodies through the slow release." *It appears that there are probably no long term net phosphorus reductions from wetland buffers.*

Section 3.2 Water Quality – Phosphorus Page 8: “As with Figure 1, the TP graphic does not give much insight into the grass versus shrub versus forest choice.” *The data is inconclusive.*

Section 3.2 Water Quality - Biological Pollutants Page 14: “The single piece of data presented in Table B2 shows a coliform removal of 60% associated with a 98’ grassed buffer strip.” *There is no data for nongrass wetland buffers relative to biological pollutants.*

Section 4. Management Approach Page 17: “Maintenance of buffer areas is essential to their proper long-term operation. Special attention should be paid to keeping runoff over the buffer in sheet flow, removing accumulations of pollutants, keeping vegetation healthy and keeping soils as pervious as they can be. An annual maintenance program for buffer areas would help to assure their continued success as an integral part of the overall watershed management program.” *Buffers require ongoing maintenance and have the potential to become filled with pollutants.*

Section 4. Management Approach Page 17: “As a final note, the surest way for the Watershed District to document the effectiveness of its buffer approach is to conduct monitoring to see what the approach actually accomplishes. In addition to straightforward water quality and quantity monitoring, the District could sponsor different buffer configurations and vegetative mixes to see what works best under differing circumstances.” *I was not able to find any indications on it’s website that the MCWD has performed these studies since the “Benefits of Wetland Buffers” report was completed in December, 2001.*

FYI



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

April 7, 2010

Burt McGlynn
21650 Fairview Street
Greenwood, MN 55331

Dear Mr. McGlynn,

This letter is to follow up my letter of March 9th, in which you were notified that the half circle attachment on top of your fence and that the lighting on certain portions of your property are in violation of the city ordinances. A recent inspection of you property has shown the violations still exist.

To reiterate, the new fence ordinance did not include an exception for decorative attachments on top of fences, thus it included such attachments as a part of the fence and calculates them in the overall height of the fence. The attachment on your fence exceeds the maximum permitted height and must be removed.

Secondly, the new lighting ordinance requires spotlights to be extinguished by 11 p.m. There are some spot lights on your property have been documented as being illuminated past the 11 p.m. deadline. You need to modify your timer to take care of this issue.

As I stated previously, I understand your frustration with the seemingly never ending issues raised on your property, but these changes need to be made to bring your property into compliance with the city's ordinances.

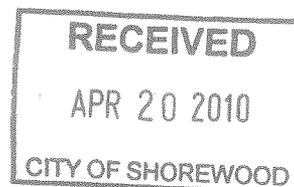
I will be forced to take further action if the property has not been brought into compliance with the city's ordinance by April 19th. Such action may include the issuance of an Administrative Citation. I have included the ordinance provisions for such action for your review.

Sincerely,

A handwritten signature in black ink, appearing to read "Gus Karpas".

Gus Karpas
Zoning Coordinator

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



FYI

Thomas Bordwell
Senior Manager of Government Relations

April 16, 2010

Dear City Official:

As you are aware, the Lake Minnetonka Communications Commission is moving ahead with their plan to build a broadband network to provide competing services with Mediacom, Quest, Frontier and other local providers. The plan calls for your City's cash and bonding capabilities and we thought the enclosed article might be of interest as you examine the issue.

Sincerely,

Tom Bordwell

Enclosure

Mediacom Communications Corporation
2831 Wilshire Blvd Mound MN 55364
Telephone 952-472-8695 • Fax 952-472-1296
E-mail: tbordwell@mediacomcc.com

Burlington muni-fiber sticks tax payers with massive debt

By [George Ou](#) 11 March 2010 2 Comments

The city of Burlington Vermont has just been downgraded from Aa3 “high grade” to A2 by Moody’s Investor Services due to excessive debts, and Burlington’s Municipal Fiber Telecom services seems to be the biggest culprit. This downgrade will likely mean that the city will have to pay higher interest rates to service Burlington Telecom’s debt. This was somewhat of a surprise because Burlington Telecom has always been held up as a shining example of how best to run a Municipal Fiber service as a self sustaining enterprise what doesn’t burden tax payers, but it seems that Burlington Telecom isn’t all that different from the other muni-fiber failures.

In a city with approximately 20,000 homes and businesses, 4800 of which are municipal fiber subscribers, Burlington Telecom seems to have racked up a \$50,000,000 debt. That works out to about \$10,417 per subscriber which is a huge tax payer subsidy for relatively affluent homes and businesses that can afford the relatively expensive fiber service. Three out of four Burlington residents don’t subscribe to the municipal fiber service and it is likely that many of them can’t afford the service yet all of them are subsidizing the muni-fiber service with regressive local sales taxes.

Worst still, Burlington Telecom’s deficits and debt are rising which makes the prospect of financial stability more of a dream than reality. This is likely due to the low 24% adoption rate and a dearth of premium high paying customers which makes it extremely difficult to recover the high costs of building out 100% of the residents and businesses. There is even a criminal investigation to determine if millions of dollars have been misappropriated and a lawsuit to reclaim \$17 million that Burlington Telecom took in 2008 from the treasury without notifying taxpayers.

The experience in Burlington isn’t all that different from “UTOPIA” which is a municipal fiber coalition of eleven counties in Utah. That fiasco resulted in UTOPIA asking their tax payers for an extension of a \$202 million 20-year sales tax subsidy to \$504 million over 33 years. The cause was hardly a surprise because UTOPIA entered the market as a third provider, underestimated their competition, underestimated their own costs, and overestimated their adoption rates. The nearby city of Provo was similarly disastrous and Provo ended up giving their “iProvo” muni-fiber network to a private operator Broadweave networks with the condition that Broadweave would simply pick up the bond payments.

The problem with all these failed municipal fiber endeavors is that they were all founded on bad assumptions. They all that tried to enter a saturated telecom/cable market under they assumption that the current providers weren’t serving the market. The assumed that there would be a market for superfast broadband when there was no such market demand since it is economically infeasible to provide applications that require more than 1 to 3 Mbps. They assumed that the 1.5 to 50 Mbps hybrid fiber-copper networks provided by the cable operators and telecoms are insufficient. The reality is that the national market only demands an average of 4 Mbps and

many businesses are happy splitting a 1.554 Mbps T1 line with 50 employees who are supposed to be working rather than surfing YouTube.

By entering a saturated market, municipal fiber operators doomed themselves to failure from the beginning since they now have to share the adoption pie with two other providers. The typical total adoption rate in the United States is 65% and if that gets split three ways evenly, that's ~21% adoption rate per provider. The economics of fiber broadband is extremely unforgiving to low adoption numbers because the operator has to build out nearly 100% of the region to make the service available at a typical cost of \$1000 per home passed. If only 1 in 4 homes adopt the service, the cost per actual subscriber rises to \$4000 per home plus the additional \$800 it costs to wire up subscribers to the service.

Since Burlington Telecom's offerings aren't competitive, it makes it difficult for them to increase their adoption numbers. Comcast for example offers 15 Mbps down and 3 Mbps up for \$43/month which is more attractive to most customers than Burlington's 5 Mbps symmetric service at \$45/month. The citizens of Burlington essentially paid 50 million dollars in taxes for a redundant network that is slower and more expensive than the commercial offerings that were supposed to be made obsolete by the municipal fiber system.

The lesson in this fiasco is that there is a right way and wrong way to build a successful municipal network and Burlington Telecom is an example of what not to do. If a community has no high speed Internet services and no commercial operators already providing service or planning to provide service, there is a role for the community and government to step in to fill in the demand. When that demand is already filled by one or more commercial providers, nothing good can come from using tax payer dollars to destroy the commercial entities.

Moody's Investors Services downgraded the city of Burlington Vermont's general obligation bond rating by two steps on Monday. According to the report, the downgrade largely reflects the city's weakened financial position resulting from the city's struggling telecommunications enterprise. The Watchlist action reflects the possibility of further downward rating movement over the near term. The lower credit rating means the city will pay higher interest rates to borrow money.

Link: <http://www.burlingtonfreepress.com/apps/pbcs.dll/article?AID=2010100309011>

See also : [Burlington muni-fiber sticks tax payers with massive debt](#)

Here is the complete report from Moody's:

**MOODY'S DOWNGRADES CITY OF BURLINGTON'S (VT) GO BOND RATING TO A2 FROM Aa3;
RATING PLACED UNDER REVIEW FOR POSSIBLE DOWNGRADE**

APPROXIMATELY \$87 MILLION OF OUTSTANDING PARITY DEBT AFFECTED

Burlington (City of) VT
Burlington (City of) VT
Municipality
Vermont

NEW YORK, March 9, 2010 -- Moody's Investors Service has downgraded to A2 from Aa3 the City of Burlington's (VT) general obligation bond rating, affecting approximately \$87 million in outstanding parity debt. The bonds are secured by a general obligation unlimited tax pledge. Concurrently, Moody's has downgraded the city's outstanding A1-rated Certificates of Participation (COPs) to A3 and its outstanding A2-rated COPs to Baa1, affecting \$4 million and \$10.4 million in outstanding COPs, respectively. The downgrade largely reflects the city's weakened financial position and strained liquidity resulting from the use of its pooled cash account to finance the expansion of the city's struggling telecommunications enterprise. The Watchlist action reflects the possibility of further downward rating movement over the near term. While the city is actively pursuing a viable solution for the telecommunications system there remains a high degree of uncertainty regarding the city's ability to place the enterprise on a more sustainable path and ultimately repay the funds owed to the city's pooled cash account.

Burlington's financial position and liquidity has been weakened by the deficit operations of the city's telecommunications enterprise. The city's preliminary fiscal 2009 financial statements (as of 6/30) includes a -\$15.9 million cash balance associated with the telecommunications enterprise fund. This represents a substantial \$7.3 million or 85% increase from the -\$8.6 million balance at the end of fiscal 2008 and a 212% increase since the end of fiscal 2007. The deficit cash position is the result of ongoing support from the city's pooled cash account to fund the citywide build out of the telecommunications system, which is currently behind schedule. Despite the city's efforts, the telecommunications system has been unsuccessful generating the cash flows necessary to self-fund its capital and debt expenses or to achieve a realistic refinancing plan to repay the interfund loan due to the pooled cash account, which includes the general fund and the airport enterprise, among other smaller accounts. The electric enterprise and the school department maintain separate bank accounts and are not part of Burlington's pooled cash account. Importantly, at -\$15.9 million the interfund borrowing represents a sizable 180% of the city's preliminary fiscal 2009 general fund balance of \$8.8 million and 94% of the combined cash balances of the general fund and the airport enterprise. Assuming the general fund fully reflects this interfund loan and adjusting fund balance for the illiquid nature of the receivable, the city's Moody's adjusted general fund reserve position declines to a pro-forma -12% of General Fund revenues from 16% of revenues.

Also of note, the city missed a scheduled February 17th payment on a lease with CitiCapital related to the telecommunications enterprise, following a Public Service Board ruling preventing the city from utilizing any additional funds from its pool cash account to fund telecommunications related obligations. Unless action is taken over the near term allowing

payment of the \$33.5 million obligation a default would occur on August 17, 2010, following the full utilization of a \$1 million debt service reserve fund. Remedies in the event of default include possession of the assets and acceleration of the current year's payments.

Future rating action will depend on the city's ability to produce a viable plan to place the telecommunications system on a more sustainable path and provide additional detail on the prospects for the system to meet its obligations, including repayment of the interfund loan. Additionally, given the city's reliance on cash flow borrowing Moody's will continue to monitor the city's cash position, its ability to meet day-to-day operating requirements, and how a potential default of their outstanding lease obligation would impact operations of the enterprise.

RATING METHODOLOGIES USED AND LAST RATING ACTION TAKEN

The principal methodology used in rating the City of Burlington (VT) was Moody's "General Obligation Bonds Issued by U.S. Local Governments," published in October, 2009 and available on www.moody.com in the Rating Methodologies sub-directory under the Research & Ratings tab. Other methodologies and factors that may have been considered in the process of rating this issuer can also be found in the Rating Methodologies sub-directory on Moody's website.

The last rating action with respect to the City of Burlington (VT) was on July 31, 2009 when a Aa3 rating was assigned to the city's GO Public Improvement Bonds.

ANALYSTS:

Conor McEachern, Analyst, Public Finance Group, Moody's Investors Service
Susan Kendall, Backup Analyst, Public Finance Group, Moody's Investors Service

Patrick Mispagel, Senior Credit Officer, Public Finance Group, Moody's Investors Service

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Research Clients: (212) 553-1653

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