

Greenwood City Council Meeting

7 PM, Tuesday, July 6, 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. 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
Council members may request removal of consent agenda items for further discussion. Removed items will be placed under Other Business.
- A. Recommendation: Approve 06-01-10 Work Session Minutes
 - B. Recommendation: Approve 06-01-10 Council Minutes
 - C. Recommendation: Approve May Cash Summary Report
 - D. Recommendation: Approve June Payables
 - E. Recommendation: Approve Resolution 15-10 Adoption of Final 2030 Comprehensive Plan
- 7:05 PM 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to three minutes.
- 7:10 PM 4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS
- A. Proposal: Northern Capital Insurance Group
 - B. Announcement: Minnehaha Creek Watershed District, Public Hearing for Wetland Rules and Shoreline/Streambank Rules, 7 PM, Thursday, July 8, 2010, MCWD District Office
 - C. Announcement: Night to Unite, Tuesday, August 3, 2010
 - D. Announcement: City Office Filing 8/3-8/17, Primary Election 8/10, Absentee Voting for General Election Begins 9/17, General Election 11/2
- 7:15 PM 5. PUBLIC HEARINGS
- A. None
- 7:15 PM 6. UNFINISHED BUSINESS
- A. Second Reading: Ordinance #183 Regulation of Telecommunications Facilities, Code Section 1179
 - B. Consider: Resolution #10-10 Summary of Ordinance #183 for Publication
- 7:20 PM 7. NEW BUSINESS
- A. Consider: Resolution #11-10 Appointing 2010 Election Judges and Absentee Ballot Board
 - B. Consider: Resolution #14-10 Regarding Voting Procedure
 - C. First Reading: Ordinance #185 Regulation of Adult Establishments, Code Section 1178
 - D. Consider: Resolution #12-10 Summary of Ordinance #185 for Publication
 - E. Consider: Resolution #13-10 Greenwood & Deephaven Letter of Understanding
- 7:35 PM 8. OTHER BUSINESS
- A. None
- 7:35 PM 9. COUNCIL REPORTS
- A. Kind: Police, Administration Transition
 - B. Rose: Fire
 - C. Quam: Roads & Sewer (MCES I/I Grant Program)
 - D. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Milfoil
 - E. Page: Lake Minnetonka Conservation District
- 7:50 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
5:30 pm, Tuesday, June 1, 2010
Council Chambers ~ 20225 Cottagewood Road ~ Deephaven, MN 55331

MINUTES

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 5:30 pm.

Council present: Fletcher (5:33 pm), Kind, Page, Quam, and Rose (5:34 pm)
Others present: City Attorney Kelly

Quam moved to approve the agenda. Second by Page. Motion carried 3-0.

3. Code Book Discussion

The council discussed section 425.

Fletcher moved to recess the work session at 6:45 pm. Second by Rose. Motion carried 5-0.

Quam moved to reconvene the work session at 8:05 pm. Second by Rose. Motion carried 5-0.

The council discussed chapters 5 through 10. Kind will make revisions to section 425 and chapters 5 through 9 per the discussion and include a new redlined version in the next work session packet.

4. Adjournment

Fletcher moved to adjourn at 9:05 pm. Second by Quam. Motion carried 5-0.

Respectfully submitted by Deb Kind

GREENWOOD CITY COUNCIL MEETING
Tuesday, June 1, 2010, 7:00 p.m.
Council Chambers 20225 Cottagewood Road Deephaven MN 55331

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

Mayor Kind called the meeting to order at 7:05 p.m.

Members present: Mayor Deb Kind, Councilmembers Tom Fletcher, Kelsey Page, Bob Quam and William "Biff" Rose

Others present: City Attorney Mark Kelly, City Engineer Dave Martini and Recording Secretary Clare Link

Fletcher moved to approve the agenda. Quam seconded the motion. Motion carried 5-0.

2. APPROVE CONSENT AGENDA

Councilmember Rose moved to approve the following Consent items.

- A. Recommendation: Approve 04-29-10 Local Board of Appeal Reconvene Minutes
- B. Recommendation: Approve 04-29-10 Work Session Minutes
- C. Recommendation: Approve 05-04-10 Work Session Minutes
- D. Recommendation: Approve 05-04-10 Council Minutes
- E. Recommendation: Approve April Cash Summary Report
- F. Recommendation: Approve May Payables

Fletcher seconded the motion. Motion approved 5-0.

3. MATTERS FROM THE FLOOR

None

4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS

A. City Engineer Dave Martini: 2010 Road Project Bids

City Engineer Martini reviewed the 2010 road projects and noted six bids were received for the work on Maple Heights Road, Highview Place and a section of Fairview Street. Omann Brothers was the low bidder in the amount of \$95,508.91. He discussed the bid alternate for work on Highview Place.

Quam believed a modification of the alternate bid should be done on Highview Place. He discussed the work on Highview Place and parts of the job that could be eliminated to save money. Councilmembers discussed

extending the project on Fairview Street to include additional roadway another 600 feet as long as there is money in the budget. Fletcher noted administrative costs will not be as high as projected, and funds could also come from the contingency funds.

Martini stated he would like to have guidance as to what would be an appropriate amount.

Fletcher moved to authorize up to \$135,000 be spent on road improvements. Quam seconded the motion. Rose stated he had concerns about potholes throughout the city that are not getting repaired. It was noted pothole repair is an entirely different budget. Motion approved 3-2. Rose and Page voted against the motion.

Kind asked when the work would start and be completed. Martini stated the project would begin in early July, with completion by mid-August.

B. Announcement: July 4th Parade, 10 a.m., Meet at the City Park by Meadville Street & Covington Street

Kind encouraged everyone to take part in the 4th of July parade.

5. PUBLIC HEARINGS

None

6. UNFINISHED BUSINESS

A. First Reading: Ordinance #183 Regulation of Telecommunications Facilities, Code Section 1179

Kind noted this item was on the last month's agenda for the first reading. The packet includes the new version of the City of Minnetonka's newly revised ordinance which Greenwood is using as an example.

Fletcher reviewed additional information in the ordinance that has recently been added.

Kind suggested a summary of the ordinance be published, and stated that the council could consider approving the summary at the second reading.

Quam moved approval the first reading of Ordinance #183. Rose seconded the motion. Motion carried 5-0.

B. Second Reading: Ordinance #184 Amending Code Section 300.15, Survey Requirements

Kind stated number 18 was changed to make to reference the tree ordinance as recommended at the first reading. Fletcher noted that number 20 should delete the specifics regarding driveway grade minimum and maximum.

Kind distributed a copy of a resolution for a summary of the ordinance for publication. Kelly indicated he was fine with the proposed summary.

Fletcher moved to approve the second reading of ordinance 184. Rose seconded the motion. Motion carried 5-0.

Page moved to adopt resolution 09-10 approving publication of ordinance 184 by title and summary. Quam seconded the motion. Motion carried 5-0.

C. Consider: Resolution #08-10 Appointments and Assignments for 2010

Kind stated a resolution has been prepared designating Gus Karpas as the clerk and Mary Courtney as the treasurer.

Fletcher moved to adopt resolution 08-10 appointments and assignments for 2010. Quam seconded the motion. Motion carried 5-0.

7. NEW BUSINESS

A. Set Date: Code Book Worksession

Kind suggested the next worksession be held at 5:30 prior to the next meeting. Fletcher and Rose noted they would not be able to attend. Kind noted the work session could be held after the July meeting.

B. Consider: Contribution to the South Lake Excelsior Chamber Fireworks Fund, \$1200 in 2010 Budget

Kind noted \$1200 has been identified in the 2010 budget for the fireworks fund.

Quam moved to approve sending \$1200 the fireworks fund. Fletcher seconded the motion. Motion carried 5-0.

8. OTHER BUSINESS

None

9. COUNCIL REPORTS

A. Kind: Police, Administration Transition Report

Kind stated the SLMPD Coordinating Committee met and approved moving \$25,000 to the building fund. She noted the robbery suspects have been caught. Fletcher suggested a letter be sent to SLMPD to thank them for their hard work. Kind will write the letter.

Kind stated duties have been taken over by Deephaven staff. They are working on direct payment of utility bills, forms have been added to the website for payment by mail, and the second account has been opened at Beacon Bank.

B. Rose: Fire

Rose stated the EFD Board will meet soon. Councilmembers expressed support for moving \$25,000 from EFD reserves to the building fund.

C. Quam: Roads

Quam stated he will meet with Martini to discuss the road projects. He noted Bolton & Menk will notify neighbors in a timely manner of proposed work.

D. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Milfoil

Fletcher stated the planning commission has been discussing adult uses and has scheduled a public hearing for their June meeting. They are also review the zoning section of the city code.

Fletcher stated an LMCC has planned a workshop for Saturday, June 5 at Mound-Westonka High School to discuss the proposed Fiber to the Premise project.

E. Page: Lake Minnetonka Conservation District

Page stated inspections are taking place in bays on Lake Minnetonka. Harvesting will begin soon with Carson's Bay to be harvested first.

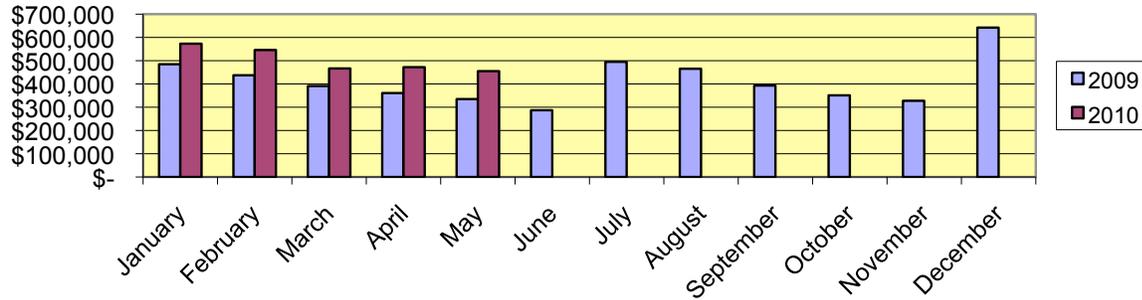
10. ADJOURNMENT

There being no further business, it was moved by Page to adjourn the meeting at 7:59 p.m. Quam seconded the motion. Motion carried 5-0.

Respectfully submitted,

Clare T. Link
Recording Secretary

City of Greenwood Monthly Cash Summary



Month	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	\$ 472,069	\$ 5,438	\$ 111,226
May	\$ 334,929	\$ 454,955	\$ (17,114)	\$ 120,026
June	\$ 286,999	\$ -	\$ (454,955)	\$ (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:	\$	\$ 221,820
Bridgewater Bank Checking:	\$	\$ 33,135
Beacon Bank Money Market	\$	\$ 200,000
	\$	\$ 454,955

Check Issue Date(s): 07/06/2010 - 07/06/2010

Per	Date	Check No	Vendor No	Payee	Amount
07/10	07/06/2010	10009	51	BOLTON & MENK, INC.	4,245.50
07/10	07/06/2010	10010		Information Only Check	.00 V
07/10	07/06/2010	10011	9	CITY OF DEEPHAVEN	14,026.52
07/10	07/06/2010	10012	759	CWC CONLEY'S WILDLIFE CONTROL	600.00
07/10	07/06/2010	10013	761	DEBRA KIND	13.63
07/10	07/06/2010	10014	52	EXCELSIOR FIRE DISTRICT	30,627.52
07/10	07/06/2010	10015	68	Gopher State One Call	62.35
07/10	07/06/2010	10016	742	Marco, Inc.	400.84
07/10	07/06/2010	10017	105	METROPOLITAN COUNCIL ENV SERV	3,007.42
07/10	07/06/2010	10018	701	Popp Telecom	143.52
07/10	07/06/2010	10019	38	SOUTH LAKE MINNETONKA POLICE	24,663.00
07/10	07/06/2010	10020	136	Sun Newspapers	350.35
07/10	07/06/2010	10021	158	US POSTMASTER	370.00
07/10	07/06/2010	10022	745	Vintage Waste Systems	1,568.40
07/10	07/06/2010	10023	145	XCEL	567.69
Totals:					<u>80,646.74</u>

Report Criteria:

Invoice.Voided = false

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount
101-41400-202	GENERAL FUND - COUNCIL - ADMINISTRATION - DUPLICATING						
	9	CITY OF DEEPHAVEN	COPIES	053110		05/31/2010	.60
	9	CITY OF DEEPHAVEN	COPIES	JUNE		06/30/2010	2.90
							3.50 *
101-41400-214	GENERAL FUND - COUNCIL - ADMINISTRATION - FORMS/PRINTING						
	761	DEBRA KIND	REIMBURSE - GUS' BUS CARDS	55832		05/07/2010	13.63
101-41400-309	GENERAL FUND - COUNCIL - ADMINISTRATION - PROFESSIONAL SERVICES-OTH						
	9	CITY OF DEEPHAVEN	Clerk Services	060110		06/01/2010	1,185.20
	9	CITY OF DEEPHAVEN	Clerk Services	070110		07/01/2010	2,370.40
							3,555.60 *
101-41400-311	GENERAL FUND - COUNCIL - ADMINISTRATION - OFFICE-RENT						
	9	CITY OF DEEPHAVEN	RENT & EQUIPMENT	053110		05/31/2010	855.36
	9	CITY OF DEEPHAVEN	RENT & EQUIPMENT	JUNE		06/30/2010	855.36
							1,710.72 *
101-41400-321	GENERAL FUND - COUNCIL - ADMINISTRATION - COMMUNICATIONS-TELEPHONE						
	701	Popp Telecom	Local, Long dist. & DSL	-952-A1-NNN		05/31/2010	143.52
101-41400-322	GENERAL FUND - COUNCIL - ADMINISTRATION - POSTAGE						
	9	CITY OF DEEPHAVEN	Postage	053110		05/31/2010	49.44
	9	CITY OF DEEPHAVEN	Postage	JUNE		06/30/2010	19.88
	158	US POSTMASTER	ANNUAL RENEWAL FEES	061010		06/10/2010	370.00
							439.32 *
101-41400-351	GENERAL FUND - COUNCIL - ADMINISTRATION - PRINTING-LEGAL NOTICES						
	136	Sun Newspapers	Ord #182	1252293		05/20/2010	257.40
	136	Sun Newspapers	ADULT ESTABLISHMENTS	1255006		06/03/2010	35.75
	136	Sun Newspapers	AL RESOLUTION 09-10	1256874		06/10/2010	57.20
							350.35 *
101-41400-411	GENERAL FUND - COUNCIL - ADMINISTRATION - RENTALS-OFFICE EQUIPMENT						
	742	Marco, Inc.	Copier lease	151033131		05/14/2010	205.47
	742	Marco, Inc.	Copier lease	153345145		06/13/2010	195.37
							400.84 *
Total COUNCIL							6,617.48
101-42100-310	GENERAL FUND - LAW ENFORCEMENT - LAW ENFORCEMENT - LAW ENFORCEMENT-CONTRACT						
	38	SOUTH LAKE MINNETONKA POL	OPERATING BUDGET EXPENSE	070110		07/01/2010	12,613.00
101-42100-311	GENERAL FUND - LAW ENFORCEMENT - LAW ENFORCEMENT - POLICE SIDE LEASE						
	38	SOUTH LAKE MINNETONKA POL	3rd quarter lease	070110		07/01/2010	11,975.00
101-42100-439	GENERAL FUND - LAW ENFORCEMENT - LAW ENFORCEMENT - PUBLIC SAFETY-OTHER						
	38	SOUTH LAKE MINNETONKA POL	Hennepin Co. Processing Fees	061810		06/18/2010	75.00
101-42200-309	GENERAL FUND - LAW ENFORCEMENT - FIRE - FIRE PROTECTION						
	52	EXCELSIOR FIRE DISTRICT	3rd qtr operations	10-011		07/01/2010	15,997.54
101-42200-311	GENERAL FUND - LAW ENFORCEMENT - FIRE - FIRE SIDE LEASE						
	52	EXCELSIOR FIRE DISTRICT	3rd qtr buildings	10-011		07/01/2010	14,629.98
101-42400-308	GENERAL FUND - LAW ENFORCEMENT - ZONING - ZONING CONTRACT						
	9	CITY OF DEEPHAVEN	ZONING	053110		05/31/2010	460.50
101-42500-381	GENERAL FUND - LAW ENFORCEMENT - CIVIL DEFENSE - UTILITY SERVICES-ELECTRIC						

145	XCEL	SIREN	060310	06/03/2010	3.35
101-42600-303	GENERAL FUND - LAW ENFORCEMENT - ENGINEERING - ENGINEERING FEES				
51	BOLTON & MENK, INC.	ENGINEER FEES	132782	05/31/2010	30.00
101-42700-309	GENERAL FUND - LAW ENFORCEMENT - ANIMAL CONTROL - ANIMAL CONTROL				
759	CWC CONLEY'S WILDLIFE CONT	1 BEAVER REMOVED	124	05/27/2010	300.00
759	CWC CONLEY'S WILDLIFE CONT	1 BEAVER REMOVED	125	06/07/2010	300.00
					600.00 *
Total LAW ENFORCEMENT					56,384.37
101-43100-381	GENERAL FUND - CONTRACT UTILITY AND ROADS - CONTRACT UTILITY AND ROADS - S&R-UTILITY SERVICES-ELEI				
145	XCEL	LIGHTS	060310	06/03/2010	358.20
145	XCEL	Street Light -Meadville	060310	06/03/2010	8.35
145	XCEL	Street Light - Sleepy Hollow	060310	06/03/2010	8.36
					374.91 *
101-43200-229	GENERAL FUND - CONTRACT UTILITY AND ROADS - ROAD IMPROVEMENT - MAJOR ROAD IMPROVEMENTS				
51	BOLTON & MENK, INC.	2010 STREET IMPROVEMENT	132783	05/31/2010	4,215.50
101-43900-226	GENERAL FUND - CONTRACT UTILITY AND ROADS - PUBLIC WORKS - SIGNS				
9	CITY OF DEEPHAVEN	SIGNS	053110	05/31/2010	114.00
101-43900-310	GENERAL FUND - CONTRACT UTILITY AND ROADS - PUBLIC WORKS - STREETS-CONTRACTURAL				
9	CITY OF DEEPHAVEN	STREETS	053110	05/31/2010	1,260.22
9	CITY OF DEEPHAVEN	STREET SWEEPING	053110	05/31/2010	2,126.00
9	CITY OF DEEPHAVEN	STREETS	JUNE	06/30/2010	275.67
					3,661.89 *
101-43900-313	GENERAL FUND - CONTRACT UTILITY AND ROADS - PUBLIC WORKS - TREE/WEED-CONTRACT				
9	CITY OF DEEPHAVEN	WEED/TREE/MOWING	053110	05/31/2010	1,023.93
9	CITY OF DEEPHAVEN	WILLOW TREE MNTNCE	15520	05/15/2010	187.73
9	CITY OF DEEPHAVEN	WEED/TREE/MOWING	JUNE	06/30/2010	2,874.89
					4,086.55 *
Total CONTRACT UTILITY AND ROADS					12,452.85
101-49000-310	GENERAL FUND - MISCELLANEOUS - MISCELLANEOUS - RECYCLING CONTRACT				
745	Vintage Waste Systems	City Recycling Contract	052710	05/27/2010	1,568.40
Total MISCELLANEOUS					1,568.40
Total GENERAL FUND					77,023.10
602-43200-309	SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - PROFESSIONAL SVCS-METRO W				
105	METROPOLITAN COUNCIL ENV	Monthly wastewater Charge	933290	06/02/2010	3,007.42
602-43200-381	SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - UTILITY SERVICES-ELECTRIC				
145	XCEL	LIFT STATION #6	060310	06/03/2010	76.42
145	XCEL	LIFT STATION #3	060310	06/03/2010	19.58
145	XCEL	LIFT STATION #1	060310	06/03/2010	32.20
145	XCEL	LIFT STATION #2	060310	06/03/2010	31.91
145	XCEL	LIFT STATION #4	060310	06/03/2010	29.32

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount
							189.43 *
602-43200-439	SEWER FUND - SEWER FUND EXPENSES - SEWER FUND EXPENSES - MISCELLANEOUS						
	68	Gopher State One Call	Gopher State calls	0050547		05/31/2010	62.35
Total SEWER FUND EXPENSES							3,259.20
Total SEWER FUND							3,259.20
605-45100-229	MARINA FUND - MARINA FUND EXPENSES - MARINA FUND EXPENSES - R&M SUPPLIES-OTHER						
	9	CITY OF DEEPHAVEN	Docks	051710		05/17/2010	10.00
605-45100-310	MARINA FUND - MARINA FUND EXPENSES - MARINA FUND EXPENSES - CITY CONTRACTURAL						
	9	CITY OF DEEPHAVEN	Docks	053110		05/31/2010	157.53
	9	CITY OF DEEPHAVEN	Docks	JUNE		06/30/2010	196.91
							354.44 *
Total MARINA FUND EXPENSES							364.44
Total MARINA FUND							364.44
Grand Total:							80,646.74

Dated: _____
 Mayor: _____
 City Council: _____

 City Recorder: _____
 City Treasurer: _____

Report Criteria:
 Invoice.Voided = false

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
07/01/10	PC	07/01/10	10004	Debra J. Kind	34	277.05
07/01/10	PC	07/01/10	10005	Fletcher, Thomas M	33	84.70
07/01/10	PC	07/01/10	10006	H. Kelsey Page	35	184.70
07/01/10	PC	07/01/10	10007	Quam, Robert	32	184.70
07/01/10	PC	07/01/10	10008	William Rose	36	184.70
Grand Totals:						<u>915.85</u>

CITY OF GREENWOOD

RESOLUTION NO. 15-10

RESOLUTION ADOPTING THE CITY OF GREENWOOD 2030 COMPREHENSIVE PLAN

WHEREAS, the City of Greenwood (the "City") is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City has adopted a comprehensive plan pursuant to Minn. Stat. 462.355, 473.175 and 473.871 to regulate development and land use within the community; and

WHEREAS, the City has conducted a decennial review of its comprehensive plan, which included the participation of city residents and city officials in open meetings; and

WHEREAS, following this public process, the City prepared an amendment to the comprehensive plan, to be called the 2030 Comprehensive Plan (the "Plan"), pursuant to the requirements of Minn. Stat. 473.864; and

WHEREAS, the Planning Commission considered the proposed Plan and held a public hearing in which all interested persons were given an opportunity to comment; and

WHEREAS, the City Council considered the Plan at numerous meetings and directed city staff to distribute the Plan to surrounding jurisdictions for review and the Metropolitan Council for informal review; and

WHEREAS, the City Council reviewed the comments received from surrounding jurisdictions and the Metropolitan Council and made certain revisions and modifications to the Plan; and

WHEREAS, the City Council authorized City Staff to resubmit the Plan to the Metropolitan Council for formal review; and

WHEREAS, the Metropolitan Council found the Plan consistent with regional system plans and the plans of adjacent communities and the Metropolitan Council authorized the City to put the Plan into effect.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, that the 2030 Comprehensive Plan is hereby adopted and City Staff and officials are authorized and directed to take necessary actions to implement the Plan as updated and approved by City Council.

Adopted by the City Council of the City of Greenwood this 6th day of July 2010.

Debra J. Kind, Mayor

ATTEST:

Gus E. Karpas, City Clerk



2010 LMCIT Renewal Process - All 2010 LMCIT renewal applications should be submitted to the LMCIT Trust by June 30, 2010. Applications should be submitted to the LMCIT Trust at the following address: LMCIT Trust, 1000 Hennepin Avenue, Suite 1000, Minneapolis, MN 55403. For more information, please contact the LMCIT Trust at (612) 338-8818.

June 3, 2010

Mayor Deb Kind
City of Greenwood
20225 Cottagewood Rd.
Deephaven, MN 55331-6700

Dear Deb,

The enclosed information describes our Agency's mission, service team, and agent services, Your City will benefit from the "hands-on" risk management approach endorsed by Carl Bennetsen and myself.

Carl and I both have over 25 years experience with the League of MN Cities Insurance Trust (LMCIT) programs. Our initial risk management approach will be to bring to your attention any coverage or loss trend concerns.

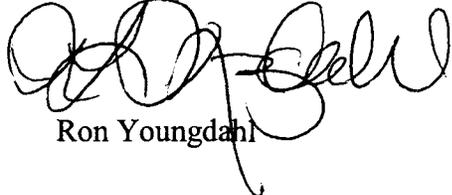
We subscribe to the LMCIT guideline of suggested agent services. Our Agency has additional support resources. Please see the following attachments for more information on our agent services and team resources.

The costs of our agent services can be paid, as it is currently, through a 10% commission paid by the League Trust, or a fee. Due to the size of Greenwood, we see no advantage for the City to pay a fee.

Your 2010 LMCIT renewal is approaching, and your premiums will be based on the renewal applications. This is the ideal time for us to become your agent of record, so we can help you complete the LMCIT renewal process.

We are looking forward to working with you and your City.

Sincerely,


Ron Youngdahl


Carl Bennetsen

INSURED'S LETTERHEAD

AGENT OF RECORD AUTHORIZATION

Date

To The League of Minnesota Cities:

This confirms that as of _____, we have appointed Ronald Youngdahl, agent of Northern Capital Insurance, P.O. Box 9396, Minneapolis, MN 55440-9396, as our insurance agent of record with respect to our property/casualty insurance.

Northern Capital is hereby authorized to deal directly with The League of Minnesota Cities Insurance Trust with respect to changes in our current insurance policies.

This letter also authorizes the League of Minnesota Cities Insurance Trust to furnish Northern Capital with all information they may request as it pertains to our insurance contracts, rates, rating schedules, surveys, reserves, claims and all other data they may wish to obtain for their study of our present and future insurance requirements.

Sincerely,

Signature

Date



June 15, 2010

Honorable Mayor Kind and Council
City of Greenwood
20225 Cottagewood Road
Greenwood, MN 55331

Re: July 8, 2010 Public Hearing for Wetland and Shoreline/Streambank Rules

Dear Mayor Kind and Council,

After reviewing comments received during public comment periods concluding on January 15, 2010 and April 12, 2010 for the Wetland Protection and Shoreline and Streambank Improvement rules, the Minnehaha Creek Watershed District Board of Managers has set a Public Hearing on July 8, 2010.

The Public Hearing will be held at 7 PM on July 8, 2010 at the Minnehaha Creek Watershed District Offices, located at 18202 Minnetonka Blvd. Deephaven, MN, 55391.

Enclosed with this letter please find:

- Wetland Protection rule language (clean and redlined)
- Shoreline and Streambank Improvement language (clean and redlined)
- Statement Of Need And Reasonableness (SONAR) for both rules

Electronic copies of this information can also be found on the Minnehaha Creek Watershed District website at www.minnehahacreek.org

Please share this information with your city council members. This information is also being sent directly to your city staff members involved in the Watershed District's Technical Advisory Committee.

The Public Hearing is the last step in an extensive public process to ensure these rule revisions protect the region's water resources. We have appreciated and listened carefully to input we've received so far, and are confident the final rules will address community concerns and remain true to our water quality goals.

For questions in advance of the July 8, 2010, Public Hearing, please contact: James Wisker at Jwisker@minnehahacreek.org or 952-471-0590 x 206.

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

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.
 - (d) Telecommunication facilities that are attached to an existing public utility structure within a right-of-way if:
 - i. the telecommunication facility does not extend above the top of the existing utility structure and the height of the existing utility structure is not increased to accommodate the telecommunication facility;
 - ii. any replacement utility structure does not exceed the height of the existing utility structure, including the telecommunication facility, and does not exceed the diameter of the existing utility structure by more than 50 percent;
 - iii. the telecommunication facility is no larger than three cubic feet and has no individual surface larger than four square feet;
 - iv. the telecommunication facility extends outward from the utility structure by no more than two and one-half feet, except that an antenna no greater than one half inch in diameter may extend an additional six inches;
 - v. there is no ground mounted equipment;
 - vi. there is no interference with public safety communications or with the original use of the public utility structure; and
 - vii. the telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of the public utility structure.

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
 - iii. The facility is not located adjacent to residentially zoned property unless the applicant demonstrates by providing a study 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 no other location is feasible in a non-residential zone

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. *Exterior maintenance.* 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.* All telecommunication facilities in a public right-of-way must comply with the following:
 - (a) 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:
 - i. The extent to which right-of-way space where the permit is sought is available, including the placement of the ground equipment;
 - ii. The potential demands for the particular space in the right-of-way;
 - iii. The availability of other locations in a right-of-way that would have less public impact;
 - iv. The extent to which the placement of the telecommunications facilities minimizes impacts on adjacent property; and
 - v. The applicability of ordinances or other regulations of the right-of-way that affect location of equipment in the right-of-way.
 - (b) The facility, including attachments other than lighting rods, may not exceed 60 feet in height measured from grade in residential and commercial zones, or 75 feet in industrial zones. The city council may waive this height standard for a facility used wholly or partially for essential public services, such as public safety;
 - (c) The support structure for the antennas cannot exceed the diameter of the closest public utility pole by more than 50 percent, but in no event may exceed 18 inches in diameter;

- (d) Antennas and other components must not project out from the side of the support structure by more than two feet in residential and commercial districts or three feet in industrial districts;
 - (e) The support structure for the antennas must match the materials and color of the closest public utility structures in the right-of-way, if required by the director of planning;
 - (f) Ground mounted equipment will be allowed only if:
 - i. the equipment will not disrupt traffic or pedestrian circulation;
 - ii. the equipment will not create a safety hazard;
 - iii. the location of the equipment minimizes impacts on adjacent property; and
 - iv. The equipment will not adversely impact the health, safety, or welfare of the community;
 - (g) Ground mounted equipment must be:
 - i. set back a minimum of 10 feet from the existing or planned edge of the pavement;
 - ii. separated from a sidewalk or trail by a minimum of 3 feet;
 - iii. set back a minimum of 50 feet from the nearest intersection right-of-way line;
 - iv. set back a minimum of 50 feet from the nearest principal residential structure;
 - v. separated from the nearest ground mounted telecommunication facilities in a right-of-way by at least 330 feet;
 - vi. no larger than 3 feet in height above grade and 27 cubic feet in size in residential districts;
 - vii. no larger than 5 feet in height above grade and 81 cubic feet in size in non-residential districts; and
 - viii. screened by vegetative or other screening compatible with the surrounding area if deemed necessary by the director of planning;
 - (h) The antennas cannot interfere with public safety communications;
 - (i) The telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of public utility structures; and
 - (j) Telecommunications facilities within a right-of-way must receive a right-of-way permit from the city engineer.
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 15 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 section 1102 for definitions.”

SECTION 2.

Greenwood ordinance code section 1102 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: _____
Gus E. Karpas, Zoning Administrator & City Clerk

RESOLUTION 10-10

A RESOLUTION APPROVING PUBLICATION OF ORDINANCE NUMBER 183 BY TITLE AND SUMMARY

WHEREAS, ON _____ 2010 THE CITY COUNCIL OF THE CITY OF GREENWOOD ADOPTED ORDINANCE 183 "AN ORDINANCE OF THE CITY OF GREENWOOD AMENDING GREENWOOD ORDINANCE CODE, CHAPTER 11 TO ADD SECTION 1179 REGULATIONS FOR TELECOMMUNICATIONS FACILITIES";

WHEREAS, the city has prepared a summary of ordinance 183 as follows:

1. The purpose of this ordinance 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.
2. This ordinance recognizes that wireless communication systems provide a valuable service to the public but that they are not a public utility. This ordinance 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 the city. This ordinance does not accept the lowest common denominator and challenges the telecommunications companies to improve their technology.

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

1. The city council finds that the above title and summary of ordinance 183 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 183 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood office.

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, Zoning Administrator & City Clerk

RESOLUTION NO. 11-10

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF GREENWOOD, MINNESOTA**

**APPOINTING THE 2010 STATE PRIMARY AND GENERAL ELECTION JUDGES AND
ESTABLISHING HENNEPIN COUNTY AS THE ABSENTEE BALLOT BOARD**

WHEREAS, Minnesota Election Laws require the certification of Election Judges for the State Primary Election and General Election to be appointed by the governing body of the municipality prior to the elections.

WHEREAS, said list includes those individuals who have agreed to serve as an Election Judge; and

WHEREAS, the City Clerk has the authority to add additional Election Judges, if needed, to conduct the 2010 Primary and General Elections; and

WHEREAS, the City of Greenwood has one voting precinct and the City Hall will serve as the absentee ballot center for the residents of Greenwood; and

WHEREAS, State Statute Section 203B.121 stated that an Absentee Ballot Board must be established by the City to facilitate the absentee process for an upcoming election;

NOW, THEREFORE BE IT RESOLVED, that the Greenwood City Council hereby approves the list of election judges, attached hereto and made part hereof as Exhibit A, to officiate at the State Primary and General Elections, with the understanding that amendments may be necessary to the appointments in order to fill vacancies and meet party splits; and approves payment of an hourly wage of \$9.00 per hour during election judge training and time served on election day.

BE IT FURTHER RESOLVED, the Greenwood City Council hereby approves Hennepin County Election Officials and City Election Officials to serve as the Absentee Ballot Board as required in State Statute Section 203B.121.

PASSED THIS 6th DAY OF JULY, 2010 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA.

____ Ayes, ____ Nays

CITY OF GREENWOOD

By _____
Debra J. Kind, Mayor

Attest _____
Gus E. Karpas, City Clerk

**City of Greenwood
Resolution No. 11-10**

Exhibit A

2010 PRIMARY AND GENERAL ELECTION JUDGES

Pamela Canning
Lisa Christian
Jan Gray
Bonnie Lane
Pat McGowan
Mary Jo Newman
Sally Olson
Cindy Paeper
Douglas Reeder
Judy Spiegel
Cheryl Svendsen
Henry Wudlick

City and County Election Officials

Gus Karpas
Mary Courtney
Deborah Hicks
Teresa Pendleton
Hennepin County Absentee Ballot Board

**Greenwood City Council Agenda Item
July 6, 2010**

Agenda Item: Discuss Ordinance No. 185, an ordinance regulating Adult Establishments.

Summary:

The proposed ordinance outlines the Purpose and Findings, established Exceptions, defines Adult Establishments and Adult Uses, limits location, hours or operation, signs and restricts liquor usage.

Planning Commission Action:

Motion by Commissioner Beal to recommend the City Council adopt Ordinance 185, establishing provision regulating adult establishments. Commissioner Palmberg seconded the motion. Motion carried 5-0.

ORDINANCE NO. 185

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING THE GREENWOOD ORDINANCE CODE CHAPTER 11 TO REGULATE ADULT
ESTABLISHMENTS**

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 1178. ADULT ESTABLISHMENTS.**Section 1178.00. Purpose.**

The purpose of this ordinance is to control, through zoning regulations, certain land uses that have a direct and detrimental affect on the character of the city’s residential and commercial neighborhoods. The city council specifically recognizes the sanctity and fundamental nature of free speech and does not intend to regulate or ban speech based on content.

Section 1178.05. Findings.

The city council makes the following findings regarding the impact adult establishments have on the character of the city. In making these findings, the city council accepts the studies conducted by the Minnesota Attorney General, the American Planning Association and cities such as St. Paul, MN, Hopkins, MN, and Rochester, MN. Based on these studies the city council concludes:

1. Adult establishments have an impact on the neighborhoods surrounding them that is distinct from the impact caused by other uses.
2. Residential and commercial neighborhoods located within close proximity to adult establishments experience the following negative impacts:
 - (a) Increased crime rates, particularly in sex-related crimes such as rapes, prostitution, indecent exposure and other lewd and lascivious behavior;
 - (b) Property values which are either diminished or fail to appreciate at the rate of other comparable properties not located in proximity to adult establishments;
 - (c) Increased transiency and decreased stability of ownership;
 - (d) Deteriorated neighborhood appearance from litter and graffiti;
 - (e) Sex-related harassment of residents and customers by motorists and pedestrians;
 - (f) A perception that the area is “unsafe;” and
 - (g) Difficulty in attracting and retaining customers, employees, and desirable tenants.
3. The adverse impacts which adult establishments have on surrounding areas diminish as the distance from the adult establishments increases.
4. The adverse impacts of adult establishments are increased when the uses are located near each other.
5. The presence of liquor establishments in the immediate vicinity of adult establishments also compounds the adverse impacts on the neighborhood.
6. Adult establishments can exert a dehumanizing influence on persons attending places of worship, children attending day care centers or schools, and people using public parks and libraries.
7. Adult establishments can significantly contribute to the deterioration of residential neighborhoods and can impair the character and quality of the residential housing in the area where they are located, thereby increasing the shortage of affordable and habitable housing for city residents.
8. The concentration of adult establishments in one area can have a substantially detrimental affect on that area and on the overall quality of urban life. A cycle of decay can result from the influx and adult establishments. The presence of such businesses are perceived by others as an indication that the area is deteriorating and the result can be devastating: other businesses move out of the vicinity and residents flee from the area. The resulting decline in real estate values erodes the city’s tax base and contributes to overall urban blight.
9. Land-use regulations are appropriate to minimize the detrimental affects that adult establishments have on adjacent land uses.

Section 1178.10. Exceptions.

This ordinance does not regulate the following:

1. Any material with significant literary content or social commentary;
2. A business where sexually-oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided for off-site use or entertainment, if (a) the sexually-oriented material on each item is blocked from view by an opaque cover as required under Minnesota statutes chapter 617, and (b) each item is in an area accessible only by an employee of the business;
3. Any person or organization exempted under Minnesota statutes chapter 617;
4. Any activity regulated under Minnesota statutes chapter 617;
5. Displaying works of art showing specified anatomical areas, so long as no sexually-oriented materials are for sale, and the business does not have a liquor license; and
6. Movies rated G, PG, PG13, NC-17, or R.

Section 1178.15. General.

1. Adult Establishments are businesses that:

- (a) Meet any of the following criteria, measured on a daily, weekly, monthly, or yearly basis: 1) has more than 10% of its inventory, stock in trade, or publicly displayed merchandise in sexually-oriented materials, or 2) devotes more than 10% of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to sexually-oriented materials, or 3) derives more than 10% of its gross revenues from sexually-oriented materials; or
- (b) Engage for any length of time in an adult use or any other use that has an emphasis on specified sexual activities or specified anatomical areas.

2. Adult Use includes, but is not limited to, any of the following activities and businesses:

- (a) *Adult Body Painting Studio* – An establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.
- (b) *Adult Bookstore* – An establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, movies, or motion picture film if the business meets the criteria in 1(a) above.
- (c) *Adult Cabaret* A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on: 1) the depiction of nudity, specified sexual activities or specified anatomical areas; or 2) the presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.
- (d) *Adult Companionship Establishment* – A business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (e) *Adult Conversation/Rap Parlor* – A business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (f) *Adult Health/Sport Club* – A health/sport club that is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (g) *Adult Hotel or Motel* means a hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- (h) *Adult Massage Parlor/Health Club* – A massage parlor or health club that provides massage services distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (i) *Adult Mini-Motion Picture Theater* – A business or establishment with a capacity of less than 50 persons that as a prevailing practice presents on-premises viewing of movies, motion pictures, or other material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (j) *Adult Modeling Studio* – A business or establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in specified sexual activities or display

specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.

- (k) *Adult Motion Picture Arcade* – Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
 - (l) *Adult Motion Picture Theater* – A motion picture theater with a capacity of 50 or more persons that as a prevailing practice presents material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons.
 - (m) *Adult Novelty Business* – An establishment or business that has a variety of items for sale if it meets the criteria in 1(a) above.
 - (n) *Adult Sauna* – A sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - (o) *Adult Steam Room/Bathhouse Facility* – A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
3. Sexually-Oriented Materials include visual, printed, or aural materials, and other objects or devices, which:
- (a) Contain, depict, simulate, or describe specified sexual activities or specified anatomical areas;
 - (b) Are marketed for use in conjunction with, or are primarily used only with or during, specified sexual activities; or
 - (c) Are designed for sexual stimulation.
4. Specified Anatomical Areas include:
- (a) Less than completely and opaquely covered human genitals, pubic area, buttock, anus, or female breast below a point immediately above the top of the areola; and
 - (b) Human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.
5. Specified Sexual Activities include:
- (a) Actual or simulated: sexual intercourse; oral copulation; anal intercourse; oral-anal copulation; bestiality; direct physical stimulation of unclothed genitals; flagellation or torture in the context of a sexual relationship; the use of excretory functions in the context of a sexual relationship; anilingus; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pedophilia; piquerism; or zooerastia;
 - (b) Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;
 - (c) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
 - (d) Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts;
 - (e) Situations involving a person or persons, any of whom are nude, who are clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding, or other physical restraint of any person;
 - (f) Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
 - (g) Human excretion, urination, menstruation, or vaginal or anal irrigation.

Section 1178.20. Location.

An adult establishment may not be located within 200 feet of any residentially-zoned property boundary or any church site, school site, day care facility, park or within 10 feet of a business licensed under chapter 8 relating to liquor, beer, and wine licensing. An adult establishment may not be located within 200 feet of another adult establishment. For purposes of this chapter, this distance is a horizontal measurement from the main public entrance of the adult establishment to: the nearest point of a residentially-zoned property boundary; the property line of a church site, school site, day care facility, park or business licensed under chapter 8 of this code; and the main public entrance of another adult establishment.

Section 1178.25. Hours of Operation.

An adult establishment may not be open to the public between the hours of 10:00 p.m. and 10:00 a.m.

Section 1178.30. Financial Records Subject to Audit.

To ensure compliance with this ordinance, businesses that derive less than 10% of gross revenues from sexually-oriented materials are required to maintain weekly, monthly, and annual financial records of gross revenue and revenue from sexually-oriented materials. Such records may be subject to city audits.

Section 1178.35. Sign Restrictions.

In order to protect children from exposure to lurid signs and materials, to avoid the appearance that the windows are boarded up and that the property is deteriorating, and to preserve the value of property surrounding adult establishments, the following sign regulations apply to all adult establishments, in addition to the provisions of section 1140.40. To the extent that the following provisions are inconsistent with section 1140.40, the following provisions apply.

1. All signs must be flat wall signs. No signs may be freestanding, located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically changing messages.
2. No merchandise, photos, or pictures of the products or entertainment on the premises may be displayed in, or immediately behind, window areas or any other area, if they can be viewed from outside the portion of the building in which the business is located.
3. Window areas must not be covered or made opaque in any way. No signs may be placed in a window. A sign no larger than one-square-foot must be placed on the main entrance door and must state, "adults only." The letters of this message must be a minimum of 2 inches high. The only other information on this sign may be the hours of operation.

Section 1178.35. Liquor Restriction.

An adult establishment may not receive a liquor license under chapter 8 of this code.

Section 1178.40. Penalty.

A violation of this ordinance is a misdemeanor is subject to the penalties and provisions of chapters 5 and 12 of this code book."

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: _____
Gus E. Karpas, City Clerk

RESOLUTION 12-10

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 185 BY TITLE AND SUMMARY**

WHEREAS, ON _____ 2010 THE CITY COUNCIL OF THE CITY OF GREENWOOD ADOPTED ORDINANCE 185 "AN ORDINANCE OF THE CITY OF GREENWOOD AMENDING GREENWOOD ORDINANCE CODE, CHAPTER 11 TO ADD SECTION 1178 REGULATIONS FOR ADULT ESTABLISHMENTS";

WHEREAS, the city has prepared a summary of ordinance 185 as follows:

1. The purpose of this ordinance is to control, through zoning regulations, certain land uses that have a direct and detrimental affect on the character of the city’s residential and commercial neighborhoods. The city council specifically recognizes the sanctity and fundamental nature of free speech and does not intend to regulate or ban speech based on content.
2. This ordinance restricts location, sets hours of operation, establishes the requirement of audits, restricts signage, and restricts liquor from being served.

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

1. The city council finds that the above title and summary of ordinance 185 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 185 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood office.

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, Zoning Administrator & City Clerk



June 24, 2010

To: Honorable Mayor Paul Skrede & Deephaven City Council
 From: Greenwood Administrative Committee (Mayor Deb Kind & Councilman Tom Fletcher)
 Re: Proposed 2011-2013 Contract for Services

Below is a summary of the proposed 2011-2013 contract for services between the City of Deephaven and the City of Greenwood for your review. The 2011-2013 contract covers services in the following five areas:

- Clerical Services
- Zoning Coordinator Services
- Building Inspection Services
- Public Works Services
- Equipment & Building Rent

CLERICAL SERVICES

Deephaven will provide clerical services from 2011-2013 for 20 hours per week according to the Exhibit A rate schedule and the scope of clerical services proposed in Exhibit C. The current estimate of 20 hours of clerical services per week might have to be renegotiated within the next few months depending on the actual experience in providing clerical services and on any proposed additions or deletions to the scope of clerical services.

The proposed annual cost to Greenwood 2011-2013 for clerical services is as follows:

Year	Hourly Rate	Hours/Week	Annual Fee
2011	\$30.52	20	\$31,740.80
2012	\$31.43	20	\$32,867.20
2013	\$32.37	20	\$33,664.80

This represents a 3% annual fee increase.

ZONING COORDINATOR SERVICES

The contract includes a 10.3% increase in the hourly fee for zoning coordinator services in 2011 and 3% annual increases in 2012 and 2013. The rate schedule for zoning coordinator services is shown in Exhibit A. Zoning coordinator responsibilities are defined in Exhibit B. The proposed annual cost to Greenwood will vary according to the number of hours provided. A summary of historic costs to Greenwood for this service is shown in Exhibit D.

BUILDING INSPECTION SERVICES

As with past contracts, Deephaven will pay all costs relating to building inspection services including Deephaven staff time and the cost of Minnetonka's plan review and inspections. The following building permit formula is proposed to remain unchanged for 2011-2013:

- 69% of Greenwood building permit fees are kept by the City of Deephaven and 31% are kept by the City of Greenwood.

The purpose and design of the building permit formula is to enable Deephaven to recover two costs relating to the administration of building permits. The costs include:

- The cost of Minnetonka's plan review and inspection services provided on behalf of the City of Greenwood, which has averaged \$16,580 per year over the last five years.
- Greenwood building permit fees also reimburse Deephaven for additional staff costs required to administer and process the permits.



A summary of historic building permit fees paid to the City of Deephaven is shown in Exhibit D. The building permit fees are shown after deducting the fees paid to the City of Minnetonka for plan review and inspection services for the City of Greenwood.

PUBLIC WORKS SERVICES

The contract includes a 3% annual increase in the hourly labor fee and a 4% annual increase in the hourly vehicle fee. The rate schedule for public works services is shown in Exhibit A. The proposed annual cost to Greenwood for public works services varies according to the number of hours provided, as shown in the summary of historic public works costs in Exhibit D.

EQUIPMENT & BUILDING RENT

The contract includes a 0% annual increase in the monthly fee for the rent of storage and office space at Deephaven City Hall, for the use of equipment provided by the City of Deephaven, and for a monthly meeting charge. The rate schedules for rent, equipment and meeting charge are shown in Exhibit A.

- The rent of storage and office space has been a fee of \$425.00 per month and would remain at this same rate from 2011 to 2013.
- The use of equipment provided by the City of Deephaven is described in Exhibit E. This fee is based on Greenwood's use of file cabinets, shelving units, office desk and audio equipment that are owned by the City of Deephaven. The monthly fee will remain at a fixed cost of \$88.44 per month from 2011 to 2013.
- The monthly meeting charge will remain at a fixed fee of \$50.00 per month from 2011 to 2013. The fee includes a monthly fee of \$25.00 for the Greenwood Council meeting and \$25.00 for the Greenwood Planning Commission meeting. There will be no other fee charged for any other additional monthly Greenwood meetings.

SUMMARY

On behalf of the City of Greenwood, we would like to thank the Deephaven City Council for the many years of exceptional service provided to our city and look forward to a continued partnership that benefits both Deephaven and Greenwood into the future.

Sincerely,

Greenwood Administrative Committee

Debra J. Kind, Mayor

Tom Fletcher, Councilman

ATTACHED EXHIBITS

Exhibit A: 2011-2013 Schedule of Fees

Exhibit B: Zoning Coordinator Responsibilities

Exhibit C: Clerical Services Responsibilities

Exhibit D: 2005- 2009 Fee History

Exhibit E: Office Equipment List

RESOLUTION NO. 13-10**CITY OF GREENWOOD & CITY OF DEEPHAVEN
LETTER OF UNDERSTANDING
FOR YEARS 2011-2013****1. Public Works Services**

- a) The City of Deephaven will provide public works services to the City of Greenwood that includes street, sign, park, bike trail, tennis court and dock maintenance; snow removal and ice control; storm sewer maintenance; and sewer maintenance.
- b) All public works services provided to Greenwood will be charged at an hourly labor and vehicle rate as described in Exhibit A.
- c) Greenwood's share of the costs of parts, equipment, materials and supplies shall be billed at 110% of the cost to Deephaven for all material and supplies purchased by Deephaven to perform the above described services within Greenwood or for its benefit.
- d) Any additional work requested by Greenwood that is required of the public works supervisor beyond the scope of this agreement will be billed to Greenwood at an hourly labor rate described in Exhibit A.
- e) All payments for public works services will be paid monthly to the City of Deephaven.

2. Building Inspection Services

- a) Building permit fees, plan check fees and other fees collected in connection with the issuance of building permits will be divided between the parties 69%-31%, with 69% payable to Deephaven and 31% payable to Greenwood.
- b) All applicable building permit fees will be paid monthly to the City of Deephaven.

3. Zoning Coordinator

- a) The zoning coordinator will be a full-service provider for zoning matters and shoreline ordinance compliance as described in Exhibit B and will be billed to Greenwood at an hourly rate described in Exhibit A.
- b) All payments for zoning coordinator services will be paid monthly to the City of Deephaven.

4. Monthly Rental Charge

- a) The City of Deephaven shall lease to the City of Greenwood the appropriate office and storage space within Deephaven City Hall at a monthly rate described in Exhibit A.
- b) In addition to the monthly rental charge, the City of Greenwood shall pay a monthly meeting charge at a cost described in Exhibit A for providing space to conduct two public meetings per month for the Greenwood City Council and the Greenwood Planning Commission. There will be no fee charged for any additional Greenwood meetings.

5. Monthly Equipment Rental Charge

- a) The City of Deephaven shall provide the City of Greenwood with office equipment to store files and to conduct business. The City of Greenwood will pay to the City of Deephaven an equipment rental charge at a monthly cost described in Exhibit A and Exhibit E.
- b) The City of Greenwood may elect to purchase such office equipment as it deems necessary to own outright. The appropriate adjustments will be made to the monthly equipment rental charge for each piece of equipment that Greenwood decides to purchase rather than rent.

6. Clerical Services

The City of Deephaven shall provide clerical services to the City of Greenwood according to the clerical services described in Exhibit C. All clerical services provided to Greenwood will be based on a 20-hour work week charged at the hourly rate described in Exhibit A. All payments for clerical will be paid monthly to the City of Deephaven.

7. Joint Board

The joint board will consist of the mayors and one councilmember from each city. The joint board will meet as needed to clarify the scope of services provided by the City of Deephaven.

8.

9. **Terms of Agreement**

The term of this agreement is three years effective on January 1, 2011 and expiring on December 31, 2013. Either party may terminate or renegotiate the terms of this agreement upon giving the other party a 180-day notice.

10. **Deephaven/Greenwood Contract**

The mayor and city clerk of the cities of Deephaven and Greenwood are hereby authorized to enter into a mutually agreeable contract that more specifically describes the terms and conditions of this agreement upon the adoption of the joint resolutions.

Adopted by the council of the City of Greenwood this 6th day of July, 2010 and by the council of the City of Deephaven this 8th day of July, 2010.

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk

CITY OF DEEPHAVEN

Paul A. Skrede, Mayor

Attest:

Dana Young, City Administrator

EXHIBIT A

City of Greenwood
2011 - 2013 Schedule of Fees

Services	2009 Historical Rates	2010 Historical Rates	Annual % Increase 2011-2013	2011 Proposed Rates	2012 Proposed Rates	2013 Proposed Rates
<u>Public Works</u>						
Labor Cost per Hour	\$29.65	\$30.54	3.00%	\$31.46	\$32.40	\$33.37
Vehicle Cost per Hour	\$43.44	\$45.17	4.00%	\$46.98	\$48.86	\$50.81
Supervisor Cost per Hour	\$31.24	\$32.18	3.00%	\$38.30	\$39.45	\$40.63
<u>Zoning Coordinator</u>						
Labor Cost per Hour	\$29.80	\$30.70	10.3% / 3.0%	\$33.85	\$34.87	\$35.91
<u>City Hall Rental Fee</u>						
Monthly Cost	\$703.68	\$725.36	0.00%	\$425.00	\$425.00	\$425.00
<u>Monthly Meeting Charge</u>						
Monthly Cost	\$50.00	\$50.00	0.00%	\$50.00	\$50.00	\$50.00
<u>Equipment Rental Charge</u>						
Monthly Cost	\$189.00	\$80.00	0.00%	\$88.44	\$88.44	\$88.44
<u>Building Permit Fees</u>						
Deephaven %	69.00%	69.00%	0.00%	69.00%	69.00%	69.00%
Greenwood %	31.00%	31.00%		31.00%	31.00%	31.00%
<u>Clerical Service Fees</u>						
Labor Hourly Rate	0.00	\$29.63	3.00%	\$30.52	\$31.43	\$32.37
Weekly Hours	0.00	20		20	20	20
Total Weekly Fee	0.00	\$592.60		\$610.40	\$628.60	\$647.40

EXHIBIT B**CITY OF DEEPHAVEN
JOB DESCRIPTION****Position Title** Zoning Coordinator**Department** Administration**Accountable To** City Administrator**Date** June 2010**Primary Objective of Position**

This position will provide services to the cities of Deephaven, Greenwood and Woodland. The objective is to ensure practical application of the zoning, subdivision, shoreland, wetland, nuisance and sign ordinances.

Essential Job Functions

Work is performed in an office environment and at work or construction sites, which may be indoors or outdoors. Requires the ability to transport oneself to a variety of locations outside of City Hall and climb stairs without assistance, especially at construction sites. Requires the ability to use independent judgment and interpret codes and ordinances. Requires the ability to compose original correspondence, evaluate technical information, prepare and deliver presentations, facilitate group discussions, advise people and communicate so as to be understood without interpretation by the general public.

Major Areas of Accountability

Assist persons to comply with the zoning ordinances, special use permits, variances, wetland development regulations, shoreland management regulations and subdivision regulations.

- Review permit applications and conduct plan reviews
- Investigate inquiries regarding ordinance requirements
- Interpret and explain zoning ordinances
- Review all plans to determine compliance
- Research complaints of violations and enforce zoning related issues
- Issue written reports and orders as necessary
- Maintain complete and accurate records
- Develop written policies on ordinance interpretation
- Coordinate activities with other staff as necessary
- Present reports to Planning Commissions and City Councils as necessary
- Meet with property owners, contractors, residents and other interested parties to explain requirements, investigate complaints and determine appropriate action for issue resolution
- Monitor and enforce accumulation of construction debris, construction noise complaints and other similar issues
- Investigate and monitor nuisance complaints and issue orders or citations as necessary.

Ensure compliance with sign ordinances

- Review sign permit application, issue permits and conduct inspections.
- Periodically survey communities to determine compliance and take appropriate action
- Coordinate activities with other staff as needed

Keep cities informed and up to date on problems and issues related to this position.

Recommend ordinance, fee and policy changes as necessary.

Perform other duties as apparent or assigned.

Examples of performance Criteria

Maintain inspection records and daily activity reports up to date and available for review.

Cultivate a thorough knowledge of the ordinances and codes and state statutes on matters that relate to this position.

Satisfactorily accomplish responsibility with a minimum of supervision.

Maintain credibility with residents, businesses, City Councils and staff.

Research conditions thoroughly before taking action.

Understand all options to effect compliance and choose one that is effective and acceptable.

Maintain a consistent enforcement program.

Promptly handle complaints and requests.

Required Qualifications

Bachelor's degree in city planning or similar field or two years of relevant experience.
Possession of a valid Minnesota Class B vehicle license.

Desired Qualifications

Masters degree in city planning or similar field and one year of relevant experience.

EXHIBIT C**GREENWOOD CLERICAL SERVICES**

- A. Services to be performed.** The City of Deephaven will perform the following services on behalf of the City of Greenwood.
1. Deephaven will provide the appropriate clerical staff to work, on average, 20 hours per week in performing the services described in this Exhibit.
 2. Deephaven will maintain a physical City office to which residents of Greenwood may come for assistance and to obtain all the necessary licenses, applications, homestead exemptions, utility billing payments and building permits required by the City of Greenwood.
 3. Provide personal and telephone assistance during normal business hours for the citizens of Greenwood.
 4. Keep available forms for applications for permits and licenses to be issued by the City of Greenwood, including applications for building permits, and provide routine clerical assistance to individuals in completing such applications.
 5. Perform the utility billing based upon the individual charges for utility service, including the preparation and mailing of statements and receipt of an accounting for payments from Greenwood residents.
 6. Perform routine bookkeeping services for the City of Greenwood, including bank deposits, preparation of payables, the General Ledger, and monthly and annual financial reports.
 7. Assist the designated City Auditor in preparing the annual audit of City financial statements.
 8. Administration of City marina waiting lists, marina revenue and marina leases.
 9. Administrate local, state and federal elections for the City of Greenwood.
 10. Provide the appropriate meeting space in which to conduct monthly meetings of the Greenwood City Council and other meetings when appropriate.
 11. Preparation of Council material and packets.
 12. Administration of liquor licenses.

13. Attend all Regular City Council meetings. Attendance will not include Special City Council meetings or the recording of Council minutes.
14. Development and administration of administrative policies, resolutions and ordinances.
15. Represent the City of Greenwood as their City Clerk on matters pertaining to the state and federal governments and other governmental units or agencies, but not as their legal representative.
16. Perform any additional duties, tasks or responsibilities as directed by the Mayor or City Council, subject to the approval of the Deephaven City Administrator and Mayor of the City of Deephaven.
17. Maintain all records of the City of Greenwood as recommended by the Record Retention Program provided by the Minnesota Department of Administration.

EXHIBIT D

City of Greenwood
Fee History

Services	2005	2006	2007	2008	2009
<u>Public Work Fees</u>	\$62,829	\$50,453	\$52,516	\$59,442	\$37,643
<u>Zoning Coordinator Fees</u>	\$2,268	\$3,619	\$4,572	\$4,796	\$2,880
<u>City Hall Rental / Equipment Fee</u>	\$10,371	\$10,574	\$10,832	\$11,496	\$10,888
<u>Net Building Permit Fees</u>	\$33,612	\$19,807	\$17,544	\$3,758	\$582
<u>Clerical Service Fees</u>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Total</u>	\$109,080	\$84,453	\$85,464	\$79,492	\$51,993

EXHIBIT E

City of Greenwood

Office Equipment List
2011 - 2013

Equipment	Replacement Cost	Replacement Schedule	Annual Rental Fee	Monthly Rental Charge
File Cabinets (5)	1,500	15 years	100.00	8.33
Modular Desk	1,750	15 years	117.00	9.75
Postage Meter Machine	1,250	6 years	208.00	17.33
Wall Shelving Unit	400	15 years	27.00	2.25
Free-standing Shelving Unit	400	15 years	27.00	2.00
Audio Equipment	4,909	10 years	491.00	40.92
10% Overhead			94.30	7.86
Equipment Maintenance Fee			0.00	0.00
Total Charges			1,064.30	88.44



Excelsior Fire District

Serving the Communities of:

Deephaven – Excelsior – Greenwood – Shorewood – Tonka Bay

24100 Smithtown Road

Shorewood, MN. 55331

952-401-8801 Phone

952-960-1690 Fax

June 2, 2010

Honorable Representative Connie Doepke
District 33B
215 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Dear Representative  Doepke,

The Excelsior Fire District Board is concerned about recent actions by the legislature, specifically, the use of the funds from the Fire Safety Account to balance the state budget. As you are aware, the Fire Safety Account is a dedicated account funded by residents through a 0.65% surcharge on their home owner's insurance policy that is used to fund local firefighter training, the statewide chemical response and decontamination teams, and the state fire marshal's office.

As a local unit of government, we understand the impact of the current economic conditions and assure you we have had many difficult challenges to meet in our organization, too. The transfer of the unallocated funds from the Fire Safety Account to the general revenue fund to balance the state budget shortfall, however, does not seem an appropriate use of these dedicated funds because it is a specific "tax" on our residents for a dedicated public safety purpose.

Since the Fire Safety Account's inception in 2007, over \$2 million has been distributed to over 400 local fire departments. Requests for partial reimbursement by departments is approximately \$5 million. Even though there are dollars in the fund to cover the requests, reimbursements have been provided only partially, as the legislature and Governor have not approved the expenditures. If the funds are not authorized and the fund is reduced for general purposes, the municipalities may be faced with raising property taxes to provide the necessary training for their firefighters or cut the amount of training provided.

Many cities, including the Excelsior Fire District which serves the cities of Deephaven, Excelsior, Greenwood, Shorewood, and Tonka Bay, use paid volunteers from the community to provide fire protection to our residents. Training is a critical component to ensure that these

dedicated residents maintain the knowledge and skills necessary to respond to emergency situations and that they do so in the safest manner possible.

The Excelsior Fire District Board is asking you oppose the use of these dedicated funds to fill the shortfall in the State's general fund in any future years and that the legislature release these funds to fire departments for training.

Thank you for your time and consideration of this important public safety issue. If you have questions regarding this, please feel free to contact me at 952.476.4478 or at krcrockett@gmail.com.

Sincerely,



Kim Crockett, Board Chair
Excelsior Fire District

Cc: EFD Board Members
Chief Scott Gerber, Excelsior Fire District



Excelsior Fire District

Serving the Communities of:

Deephaven – Excelsior – Greenwood – Shorewood – Tonka Bay

24100 Smithtown Road

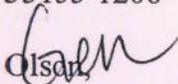
Shorewood, MN. 55331

952-401-8801 Phone

952-960-1690 Fax

June 2, 2010

Honorable Senator Gen Olson
100 Rev. Martin Luther King Jr. Blvd
State Office Building, Room 113
St. Paul, MN 55155-1206

Dear Senator 

The Excelsior Fire District Board is concerned about recent actions by the legislature, specifically, the use of the funds from the Fire Safety Account to balance the state budget. As you are aware, the Fire Safety Account is a dedicated account funded by residents through a 0.65% surcharge on their home owner's insurance policy that is used to fund local firefighter training, the statewide chemical response and decontamination teams, and the state fire marshal's office.

As a local unit of government, we understand the impact of the current economic conditions and assure you we have had many difficult challenges to meet in our organization, too. The transfer of the unallocated funds from the Fire Safety Account to the general revenue fund to balance the state budget shortfall, however, does not seem an appropriate use of these dedicated funds because it is a specific "tax" on our residents for a dedicated public safety purpose.

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Many cities, including the Excelsior Fire District which serves the cities of Deephaven, Excelsior, Greenwood, Shorewood, and Tonka Bay, use paid volunteers from the community to provide fire protection to our residents. Training is a critical component to ensure that these dedicated residents maintain the knowledge and skills necessary to respond to emergency situations and that they do so in the safest manner possible.

The Excelsior Fire District Board is asking you oppose the use of these dedicated funds to fill the shortfall in the State's general fund in any future years and that the legislature release these funds to fire departments for training.

Thank you for your time and consideration of this important public safety issue. If you have questions regarding this, please feel free to contact me at 952.476.4478 or at krcrockett@gmail.com .

Sincerely,


Kim Crockett, Board Chair
Excelsior Fire District

Cc: EFD Board Members
Chief Scott Gerber, Excelsior Fire District

GREENWOOD PLANNING COMMISSION
WEDNESDAY, MAY 19, 2010
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Lucking and Commission members David Paeper (7:01), Todd Palmberg, Mark Spiers and Alternate members Bill Cook (7:06) and Brian Malo

Absent: Commissioner John Beal

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

Due to the absence of Commissioner Beal, Alternate Commissioner Malo was a voting member of the Commission.

2. OATH OF OFFICE – Administer Oath of Office to Commissioner David Paeper

City Attorney Kelly administered the Oath of Office to Commissioner David Paeper.

3. APPROVE AGENDA

Commissioner Spiers moved to accept the agenda for tonight’s meeting. Commissioner Palmberg seconded the motion. Motion carried 5-0.

4. MINUTES OF April 21, 2010.

Commissioner Palmberg moved to approve the minutes of April 21, 2010. Commissioner Malo seconded the motion. Motion carried 5-0.

5. LIAISON REPORT

Council Liaison Fletcher informed the Commission the ordinance regulating overweight vehicle was passed. It places a twenty percent surcharge on all permits over twenty thousand dollars in the city. He said the ordinance regarding as built surveys passed its first reading. Mr. Fletcher discussed the proposed MCWD rule changes, noting they have been modified to reduce the impacts on existing residential properties. He also informed the Commission the City Clerk Roberta Whipple has resigned her position effect May 20th and that Zoning Administrator Karpas would be serving as interim City Clerk.

6. NEW BUSINESS

ORDINANCE AMENDMENT – Discuss the proposed re-codification of Chapters 11 and 12 of the city code.

Chairman Lucking said a lot of work has been done on these proposed amendments by the City Council who has asked the Commission to review the highlighted sections for any additional comments it may have.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, MAY 19, 2010
7:00 P.M.

City Attorney Kelly said work has been done on consolidating existing definitions into a separate chapter. He said the review of chapter 11 is mostly to look at any new proposed language which is highlighted in yellow.

The Planning Commission discussed the definitions chapter of the ordinance. The Commission agreed to a slight modification in the definition of roofline, more specifically pertaining to shed roof.

Commissioner Spiers said a definition should be added for "Theater", since they are specifically addressed in Section 1120. City Attorney Kelly asked for any ideas on a definition. Spiers suggested it encompass live performances, motion pictures and performing arts.

Chairman Lucking noted that the amended definition of variance included references to state statutes that may not be readily accessible to residents. He suggested keeping the first portion of the existing definition which outlines more clearly what a variance constitutes. The Commission agreed.

The Commission reviewed the proposed amendments to chapter 11, the zoning provisions.

Commissioner Spiers reiterated that Section 1120 references theaters, though it's not defined. He commented on the requirement that driveways be hard surface and the reference to cement or blacktop, noting there are other materials that would be suitable for a driveway. The Commission agreed. Commissioner Cook asked that any reference to cement be changed to concrete. City Attorney Kelly said he would make it clearer that those materials are only examples.

The Commission discussed the provisions pertaining to allowable materials for commercial structures in 1130:15 and 1135:15, agreeing that the ordinance was too limiting in terms of allowable materials and to strike the proposed language. The Commission agreed to similar language of that in the City of Deephaven's ordinance which allows materials at the Planning Commission's and Council's discretion. They also agreed to adding language requiring a site plan review process for all commercial development within the city. Commissioner Spiers said the review of materials should not be limited to just the exterior walls as suggested in the proposed ordinance. The Commission agreed the entire exterior is subject to review.

Commissioner Spiers asked what constituted noxious weeds in the ordinance. City Attorney Kelly said noxious weeds are defined by the state.

Zoning Coordinator Karpas asked about section 1140:20(5) regulating front yard street and lakeshore setback. He said it's confusing and is in conflict with a similar provision in the Shoreland Management Ordinance. The Commission discussed the provision which required a lake setback equal to the average setback of all structures within 250 feet on either side of the property. They agreed that may be too restrictive since the shoreline tends to meander. They agreed to eliminate the portion of language discussing lakeshore setback and replace it with the language in Section 1176.04(13)(3), requiring a setback averaged by the structures on either side of a proposed structure.

City Attorney Kelly discussed the proposed change of violations becoming a misdemeanor rather than a petty misdemeanor, stating it makes this section consistent with other portions of the ordinance. The Planning Commission discussed the issue and agreed to remove the provision since it was redundant.

Commissioner Spiers asked about the decibel levels for noise stating that the time of day should play a factor in the amount of allowable noise. Council Liaison Fletcher said the proposed amendment just clears up the numbers on the table and removes overlap. Commissioner Cook asked why noise is regulated in the zoning ordinance. City Attorney Kelly said there are noise concerns based on the land use of some properties.

The Commission discussed the proposed changes to the matters considered for conditional use permits. Council Liaison Fletcher said though some of the regulations are being removed, more are being added to protect the city. Commissioner Paeper said he didn't like the provision dictating design and would like to see it removed. The Planning Commission agreed to remove it.

Commissioner Palmberg asked about section 1176.05(1) regulating the number of permitted watercraft. He commented that it is more restrictive than the LMCD and asked if the city was within its rights to regulate the number of watercraft a private property owner placed on their dock. City Attorney Kelly noted the city boundary on a map included in the ordinance and said it includes a large portion of lake territory, which the city can regulate.

The Planning Commission discussed the process. They agreed to review the revisions to the ordinance at their next meeting and then schedule a public hearing for July.

7. OTHER BUSINESS

ORDINANCE AMENDMENT – Discuss an amendment to the Zoning Ordinance, establishing provisions regulating adult establishments.

Chairman Lucking presented the request. He said he spoke with some of the Councilmembers and the Mayor regarding his concern that the ordinance may not be as strong as we would like it and was told it was better than having nothing at all on the books. He noted the proposed ordinance is similar to those in neighboring communities.

Council Liaison Fletcher said the proposed ordinance had its origins in the fact there is nothing currently in the books that regulate such uses.

Commissioner Paeper asked if the proposed ordinance was just a stepping stone to a more comprehensive ordinance. Council Liaison Fletcher said the proposed ordinance is most likely the final version.

Commissioner Cook commented that more work on the ordinance would provide more protection for the city.

Commissioner Spiers doesn't believe the current form of the ordinance is the best choice for the citizens of Greenwood. He's concerned if the city doesn't take a full measure of action now to create a stronger ordinance, it could lead to future regret. He said he understands the political realities of the situation.

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, MAY 19, 2010
7:00 P.M.**

Councilmember Fletcher said in order to amend the ordinance or to select a specific site for adult uses would require three votes from the Council, which he doesn't believe are there.

The Commission directed staff to schedule a public hearing on the ordinance for the June meeting.

8. ADJOURN

Motion by Commissioner Spiers to adjourn the meeting. Commissioner Malo seconded the motion. The meeting was adjourned at 9:15 p.m.

Respectively Submitted
Gus Karpas - Zoning Coordinator



June 2, 2010

Chief Bryan Litsey
South Lake Minnetonka Police Department
24150 Smithtown Road
Shorewood, MN 55331

Dear Chief Litsey,

I am writing on behalf of the Greenwood City Council and all of the residents of Greenwood to extend a huge thank you for the police department's quick response to the attempted armed robbery at the Lakeshore Market on May 20, 2010.

It is an unusual sight to have a helicopter, canine, and police from multiple departments converge in our quiet *City on the Lake*. We are grateful that all the resources were available to come together when we needed it.

I met with the owner of the market, and he is especially appreciative of the police work on the night of the incident and in the days following. It is impressive that the suspects were identified and arrested in less than a week.

It is comforting to know that "the finest" are working for us.

Thank you!

Sincerely,

Debra J. Kind
Mayor, City of Greenwood



LAKE MINNETONKA CONSERVATION DISTRICT 2011 BUDGET AND LEVY (ADOPTED)

LMCD Member City Levy Detail for fiscal year 2011

City	2008 Population Estimates	2009 Taxable Market Value	2009 Net Tax Capacity	% of Total Net Tax Capacity (Note 1)	Share of Admin. Levy in 2011	Share of AIS Levy in 2011	Share of Total Levy in 2011	Share of Total Levy in 2010	Increase in Total Levy from 2010	% of Increase from 2010
DEEPHAVEN	3,793	1,064,954,400	12,031,979	4.7%	\$15,728	\$5,055	\$20,782	\$21,137	-\$355	-1.7%
EXCELSIOR	2,382	374,978,600	4,675,727	1.8%	\$6,112	\$1,964	\$8,076	\$8,135	-\$59	-0.7%
GREENWOOD	804	325,924,000	3,767,521	1.5%	\$4,925	\$1,583	\$6,507	\$6,344	\$163	2.6%
MINNETONKA	51,756	8,231,108,300	102,241,271	40.0%	\$50,046	\$16,084	\$66,130	\$66,130	\$0	0.0%
MTKA BEACH	610	302,951,700	3,561,541	1.4%	\$4,655	\$1,496	\$6,152	\$6,167	-\$15	-0.2%
MINNETRISTA	6,189	1,522,181,400	16,425,607	6.4%	\$21,471	\$6,900	\$28,371	\$27,885	\$486	1.7%
MOUND	9,769	1,317,188,500	14,089,812	5.5%	\$18,417	\$5,919	\$24,337	\$25,290	-\$953	-3.8%
ORONO	7,896	2,990,216,800	34,374,039	13.5%	\$44,932	\$14,441	\$59,373	\$58,994	\$379	0.6%
SHOREWOOD	7,582	1,631,938,000	18,087,557	7.1%	\$23,643	\$7,599	\$31,242	\$31,026	\$216	0.7%
SPRING PARK	1,882	275,799,700	3,275,525	1.3%	\$4,282	\$1,376	\$5,658	\$6,056	-\$398	-6.6%
TONKA BAY	1,532	597,477,300	6,859,627	2.7%	\$8,967	\$2,882	\$11,848	\$11,504	\$344	3.0%
VICTORIA	6,665	1,094,953,500	11,421,712	4.5%	\$14,930	\$4,798	\$19,728	\$19,690	\$38	0.2%
WAYZATA	4,119	1,582,668,300	21,035,184	8.2%	\$27,496	\$8,837	\$36,333	\$36,158	\$175	0.5%
WOODLAND	507	300,385,900	3,538,827	1.4%	\$4,626	\$1,487	\$6,112	\$6,135	-\$23	-0.4%
	105,486	21,612,726,400	255,385,929	100.0%	\$250,228	\$80,421	\$330,649	\$330,651	-\$2	0.0%

Maximum Levy Per MN statute 103B.635 (Total Taxable Market Value * .00242%):

\$523,028

(Note 1) Per MN statute 103B.631, no city may pay more than 20% of the total levy. The City of Minnetonka would pay a constant 20% of any amounts to be levied.

Remaining cities factor for determining levy amounts is computed as: (City Net Tax Capacity / (Total Net Tax Capacity - Minnetonka Net Tax Capacity)) * 80%

Total Net Tax Capacity	255,385,929
less Minnetonka Net Tax Capacity	(102,241,271)
Net Tax Capacity for remaining 13 cities	153,144,658



LAKE MINNETONKA CONSERVATION DISTRICT

23505 SMITHTOWN ROAD, SUITE 120 • SHOREWOOD, MINNESOTA 55331 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

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June 24, 2010

TO: LMCD Member City Administrators and Mayors
 LMCD Board Members

FROM: Greg Nybeck, Executive Director

SUBJECT: Adopted 2011 LMCD Budget

Enclosed is a copy of the 2011 Lake Minnetonka Conservation District (LMCD) Budget, which was recently adopted and certified by the LMCD Board of Directors. Minnesota State Statute 103B.635, Subd. 1 requires the LMCD Board, on or before July 1 of each year, to prepare and submit a detailed budget of the LMCD's needs for the next calendar to the governing body of each municipality in the LMCD with a statement of the proportion of the budget to be provided by each municipality.

Per enabling legislation, the maximum levy the LMCD could forward to its member cities in 2011 is \$523,028. We are pleased to forward an approved 2011 LMCD Budget that is well below the maximum levy at \$330,649. In fact, the 2011 levy is identical to the 2009 and 2010 levies. The LMCD recognizes the economic challenges that the member cities are currently facing and this was taken into consideration by the LMCD Board.

If your city has any comments about the adopted 2011 LMCD Budget, please let me know. We are glad to discuss this further and are required by state statute to schedule a public hearing on this matter, if requested.

On behalf of the LMCD Board of Directors, I would like to thank all 14 LMCD member cities for your continued participation and support of LMCD related activities. Please feel free to contact me at the LMCD office if you have questions or concerns. My e-mail address is: gnybeck@lmcd.org.



**Greenwood City Council FYI Item
July 6, 2010**

**Agenda Item: Written Public Access Procedures
From: Gus Karpas**

In compliance with section 125.00, subd. 3 of the city code, this report is submitted to inform you that no changes have been made to the public access procedures. A written document of the procedures (attached) has been updated to include my name as the responsible authority and has been posted on the city bulletin board.

CITY OF GREENWOOD NOTICE

“The Responsible Authority of the City of Greenwood is Gus Karpas, City Clerk, City of Greenwood 20225 Cottagewood Road Deephaven, MN 55331 appointed as required by Greenwood Ordinance Code Section 125.

The Responsible Authority is responsible for answering inquiries from the public concerning the provision or dissemination of government data. The Responsible Authority is also charged with creating an inventory of data varieties that the City maintains.

All data is presumed public data unless specifically determined confidential or private by State or Federal Law.