

Greenwood City Council Meeting

7 PM, Tuesday, December 7, 2010
20225 Cottagewood Road ~ Deephaven, MN 55331 ~ 952-474-6633

AGENDA

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

- 7:00 PM 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00 PM 2. CONSENT AGENDA
Council members may request removal of consent agenda items for further discussion. Removed items will be placed under Other Business.
- A. Recommendation: Approve 11-04-10 Council Minutes
 - B. Recommendation: Approve October Cash Summary Report
 - C. Recommendation: Approve November Payables
- 7:05 PM 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to three minutes.
- 7:10 PM 4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS
- A. City Engineer Dave Martini: Resolution 24-10 Authorizing Inflow/Infiltration Grant Application and Phosphorus Report
 - B. Announcement: Planning Commission 2011 Term Expirations (Pat Lucking B-1, Mark Spiers B-2, Brian Malo Alt-2)
- 7:20 PM 5. PUBLIC HEARINGS
- A. None
- 7:20 PM 6. UNFINISHED BUSINESS
- A. 2nd Reading: Ordinance 187 Updating Section 500, Fees
 - B. 2nd Reading: Ordinance 188 Updating Section 320, International Property Maintenance Code
- 7:25 PM 7. NEW BUSINESS
- A. Consider: Resolution 22-10 Approving Final 2011 Tax Levy
 - B. Consider: Resolution 23-10 Approving Final 2011 Budget
 - C. 1st Reading: Ordinance 189 Amending Code to Regulate the Completion of the Exterior of Structures Under Construction
 - D. Consider: 2011 Licenses (*Recommendation: Approve licenses contingent upon the city receiving applications and fees by 12-31-10*)
 - Liquor – Old Log Theater
 - Trash – Vintage Waste, Allied Waste, Waste Management, Waste Technology, Blackowiack Disposal, Aspen Waste
 - Tobacco – Christmas Lake Gas
 - Marina – Bean's Greenwood Marina, Excelsior Bay Harbor, Kreslin's Marina
 - E. Consider: Extension of Residential Recycling Grant Agreement with Hennepin County
 - F. Discuss: Bridge Fund Transfer
 - G. Discuss: Watershed AIS Program Plan Amendment
 - H. Discuss: Insurance Premium
- 8:15 PM 8. OTHER BUSINESS
- A. None
- 8:15 PM 9. COUNCIL REPORTS
- A. Fletcher: Planning Commission, Milfoil, Lake Minnetonka Communications Commission
 - B. Kind: Police, Administration, Speed Trailer
 - C. Page: Lake Minnetonka Conservation District
 - D. Quam: Roads & Sewer, Minnetonka Community Education
 - E. Rose: Excelsior Fire District
- 8:30 PM 10. ADJOURNMENT

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GREENWOOD CITY COUNCIL MEETING
Thursday, November 4, 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 7:00 P.M.

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

Others Present: City Attorney Kelly, City Zoning Administrator/City Clerk Karpas

Members Absent: Councilmember Rose

Councilmember Fletcher asked that Item 8.A Uncompleted Building Exteriors be added to the agenda.

Page moved, Fletcher seconded, approving the agenda as amended. Motion passed 4/0.

2. CONSENT AGENDA

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

- A. **October 5, 2010, City Council Meeting Minutes** (This was moved to Item 8.B under Other Business.)
- B. **September 2010 Cash Summary Report**
- C. **October 2010 Payables Minutes** (This was moved to Item 8.C under Other Business.)

Motion passed 4/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. **None**

5. PUBLIC HEARING

- A. **None**

6. UNFINISHED BUSINESS

- A. **Sonus Hearing Care Professionals Conditional Use Permit Request for Signage**

Mayor Kind stated Council discussed the Sonus Hearing Caring Professionals, building address 21700 State Highway 7, request for a conditional use permit (CUP) to remove the existing signage along the

west side of the building and replace it with new internally illuminated cabinet signs along the west and south elevations of the building during its October 5, 2010, meeting. Council chose to continue it to this meeting because the plan for the signage had changed but the City had not been provided with new plan. The November 4, 2010 council packet included the new plan indicating the signage will use one half of the area allowed by City's Sign Ordinance. The meeting packet also contained a revised draft resolution for a conditional use permit for the signage, and the application has been signed by the property owner.

Zoning Administrator/Clerk Karpas reiterated that the new plan for the signage indicates it will occupy one-half of the allowable area. He noted the revised resolution stipulates the condition that the sign to be located on the west façade of the building not be illuminated later than 10:00 P.M. daily. He also noted the applicant is in compliance with the conditions in the City's Sign Ordinance.

In response to a question from Councilmember Page, Zoning Administrator/Clerk Karpas stated Joel Buttenhoff owns the property.

Page moved, Quam seconded, Adopting RESOLUTION NO. 20-10, "A Resolution Granting a Conditional Use Permit for Exterior Signage to Sonus Hearing Care Professional for Real Property Located at 21350 State Highway 7, Greenwood, Minnesota, (PID No. 35-117-23-120016).

Mayor Kind stated the Planning Commission recommends limiting the hours the sign that is to be located on the west façade of the building can be illuminated; the sign cannot be illuminated later than 10:00 P.M. She asked Council if the same limitation should also be applied to the sign to be located on the south façade. Councilmember Quam asked why. Councilmember Fletcher explained the Planning Commission was concerned about the residents of Greenwood on the west side. Quam stated that Shorewood residents cannot see over the wall on the south side so there isn't an issue. Quam said one side faces the Lakeshore Market and the other faces the road. Kind noted the Shorewood residents on Christmas Lake can see the signs and that Lakeshore Market is very illuminated. Councilmember Page indicated he did not think there is a need for any such restriction for either sign. Fletcher stated the owner had no issue with the limitation, and that the limitation should either apply to both signs or neither sign.

There was Council consensus to apply the illumination limitation to both signs.

Without objection from the maker or seconder of the motion, the motion was amended to include modifying the resolution to include the sign to be located on the south side of the façade cannot be illuminated later than 10:00 P.M. Motion passed 4/0.

7. NEW BUSINESS

A. First Reading: Ordinance 187 Updating Section 500, Fees

Mayor Kind explained that in 2009 Council did a major update to Sections 500 and 515 of the City Code to consolidate all fees in one area of the Code. At that time Council agreed to review the fees each fall to ensure the fees are current. Council conducted a review during its October 5, 2010, meeting. The copy of Ordinance 187 included in the meeting packet reflects the changes discussed during that meeting.

Councilmember Quam stated in Section 2 of the Ordinance the fee for Miscellaneous Petitions to the City for Legal Consent or Releases reads "\$200 plus any additional costs incurred by the City". He suggested it be changed to "actual costs". Mayor Kind and Councilmembers Fletcher and Page indicated they could support the change. In response to a comment from Kind, Quam clarified it would read "actual costs incurred by the City".

Quam then stated the current sanitary sewer rate for both residential and commercial is \$75. In Section 1 of the Ordinance the sewer rate has been reduced to \$65 for both per the discussion during the October 5th meeting. He expressed his hesitancy to reduce the rate by \$10. His reason is the City has to repair the manholes in the second half of the City; the repairs in one half of the City have already been completed. The estimated cost is \$50,000 to complete the effort in sections 5 and 6 in one year and another \$50,000 to complete it in sections 7 and 8 in the subsequent year. He commented he thought the estimate may be high.

Quam explained the City is in the process of applying for a grant through the Metropolitan (Met) Council to cover up to 50 percent (\$50,000) of the cost to do the repairs and replacements in the second half of the City. The application has to be submitted to the Met Council by December 15, 2010. In order to complete the application the manholes and covers will have to be located and inspected and the cost to repair and replace estimated, noting this would have to be done before any replacement effort begins. Under Item 9.D he will be asking Council to authorize a \$5,000 expenditure to cover the cost of the locating and inspecting the second half of the manholes and covers as well as the cost to prepare the grant application. If Council approves the expenditure the inspection process will begin post hast. The City should know by January 5, 2011, if it will be awarded a grant.

Mayor Kind noted the City will approve its final 2011 operating budget during its December 2010 meeting.

Councilmember Fletcher stated it's his understanding that every municipality that applies, within reason, for a grant will be awarded some amount of funding.

Mayor Kind stated the question before Council at this time is whether or not to lower the sanitary sewer rate to \$65 from the current rate of \$75.

Councilmember Fletcher explained that on September 30, 2010, the revenues for the Sanitary Sewer Fund were approximately \$91,000 and expenses were approximately \$42,000. The net revenues minus expenditures were approximately \$49,000. The 2010 starting balance in this Fund was approximately \$356,000. He stated Council could consider increasing the proposed rate to \$70 from \$65 (a \$5 reduction in the current rate).

Mayor Kind stated she would prefer the rate be \$70 for 2011 for both residential and commercial. Councilmember Quam stated he could support that.

It was noted that the fee for Docks: Municipal Watercraft Space Permit will be \$950 in 2011.

Fletcher moved, adopting the first reading of Ordinance 187 Enacting a Code of Ordinances for the City of Greenwood subject to changing the sanitary sewer rate to \$70 for both residential and commercial units and changing the fee for Miscellaneous Petitions to the City for Legal Consent or Releases to \$200 plus actual costs incurred by the City.

Councilmember Quam clarified he recommended the fee for Miscellaneous Petitions to the City for Legal Consent or Releases should be actual costs incurred by the City. He did not recommend a \$200 flat fee in addition to actual costs.

Councilmember Page recommended charging a \$200 fee in addition to actual costs because there is staff time involved in addition to the costs for outside services.

Attorney Kelly suggested the fee be \$200 plus consultant fees incurred by the City.

Without objection from the maker of the motion, the motion was amended to include changing the fee for Miscellaneous Petitions to the City for Legal Consent or Releases to \$200 plus consultant fees incurred by the City. Quam seconded. Motion passed 4/0.

Councilmember Quam noted the sanitary sewer rate of \$70 is \$5 less than the current rate of \$75.

B. Winter Plowing of LRT Trail

Mayor Kind stated the meeting packet includes a copy of an email from resident Pat Lucking regarding winter plowing of the LRT trail. Mr. Lucking asked Council to consider having the full width of the trail plowed during the 2010 – 2011 season. In the past the City has only plowed part of the width leaving the remainder unplowed for cross-country skiing. Having part of the width unplowed results in the cleared portion becoming icy from the snow melt making it dangerous for walkers, runners and bikers. She offered up an idea that may work. The entire path could remain unplowed for two to three days after a snowfall for skiers and then it could be cleaned off. Cross country skiers would have the opportunity to enjoy the fresh snow for a few days.

Councilmember Page stated he doesn't recollect the trail being plowed the day following a snowfall. It usually takes two to three days for that to occur. He cautioned against the City setting an expectation that the trail would be plowed no later than three days after a snowfall. He commented that the sidewalks along Minnetonka Boulevard are not plowed until a few days after a snowfall because the focus is on plowing the roads. He stated he likes the idea of plowing the full width of the trail, noting he does cross country ski. He then stated some cross country skiers don't feel comfortable skiing on Lake Minnetonka.

Councilmember Fletcher stated things should be kept simple when establishing expectations for public works personnel. He commented he prefers to cross country ski on Lake Minnetonka. He noted he had come across a skier who indicated that she preferred to ski on the trail.

Mayor Kind stated the City could experiment with plowing the full width of the trail for one season and if that proves to be a problem it can be changed for the next season.

Councilmember Fletcher commented that he thought plowing the full width could affect maybe two to three people.

Councilmember Page stated his preference is to plow the full width of the trail. He then stated Mr. Lucking was correct in stating plowing only part of the width does create problems.

Councilmember Fletcher stated it would probably be easier for public works personnel to plow the entire width of the trail. He then suggested the City track any complaints it may receive this season about the full width being plowed and that can be discussed before next year's season begins.

Zoning Administrator/Clerk Karpas stated he will inform the Deephaven Public Works Department of this.

Page moved, Quam seconded, directing the Deephaven Public Works Department to plow the full width of the LRT trail during the 2010 – 2011 winter season. Motion passed 4/0.

C. Greenwood Park Improvements

Mayor Kind stated the meeting packet contained a copy of an email from resident Kristi Conrad regarding her thoughts about how to improve the Greenwood Park. She noted the City's Park Fund has a balance of approximately \$25,000 but the funds can only be used for improvements to the Park. Funds could be used to purchase trash cans for in the Park and to resurface the basketball court in the Park. Things such as emptying the trash cans, power washing the basketball court, and trimming trees are maintenance activities and they would have to be funded out of the General Fund. The City could purchase brooms to sweep off the basketball and tennis courts and the picnic tables and the Park Fund could be used to fund such purchases. She related that Ms. Conrad thought that would be a good idea.

Councilmember Quam stated he thought the City should do a better job of maintaining the Park.

Councilmember Page stated Ms. Conrad indicated the tennis courts had been resurfaced this past summer and he asked if that is true. Mayor Kind and Councilmember Quam clarified the courts were power washed.

Councilmember Page stated he thought the tennis courts need to be resurfaced and that should be done next spring. He recommended the basketball court be resurfaced at the same time. He expressed agreement with Ms. Conrad's comments that the Park needs to be cared for better, noting there is some unsightly growth near the picnic area.

Mayor Kind stated the City should put trash cans in the Park. Councilmember Page asked if the refuse hauler will empty them. Zoning Administrator/Clerk Karpas responded that should be possible.

Councilmember Page stated Ms. Conrad had offered to coordinate a fundraiser to raise the funds needed to improve the Park. He did not think that is necessary because there are sufficient funds in the Park Fund. Mayor Kind reiterated those funds can't be used for maintenance activities.

Councilmember Fletcher stated he had spoken with a resident who pointed out that there are a number of dead trees in the Park that should be removed and there are trees that should be trimmed.

Councilmember Fletcher suggested a Park improvement plan be prepared that includes a number of the items discussed this evening. That would hopefully be eligible for funding out of the Park Fund.

Councilmember Page noted there is only one City-owned park to spend funds in the Park Fund on.

Mayor Kind suggested this be revisited in the spring of 2011. Councilmember Fletcher suggested this be discussed during the March 2011 Council meeting.

D. First Reading: Ordinance 188 Updating Section 320, International Property Maintenance Code

Mayor Kind stated Section 320, International Property Maintenance Code, in the City Ordinance refers to an old version of the International Property Maintenance Code (IPM Code). An amendment is proposed to Section 320 Sections 1, 2 and 3 to remove any reference to a specific version of the IMP Code and replace them with a general reference to the IPM Code.

Page moved, Fletcher seconded, Approving ORDINANCE NO. 188, “An Ordinance Amending Greenwood Ordinance Code Section 320 Regarding References to the International Property Management Code for Multiple Dwellings.” Motion passed 4/0.

E. Community Survey Results

Mayor Kind explained the City conducted a survey to solicit resident feedback concerning internet, television and phone service in the City. The Lake Minnetonka Communications Commission (LMCC), an agency formed by 17 area cities including Greenwood, is looking into the feasibility of *tonkaconnect* (a community-owned fiber optics service provider) providing internet, television and phone services in the LMCC community. The survey contained a brief introduction to *tonkaconnect*.

Kind reviewed the four questions in the survey. They are as follows.

1. I am satisfied with the service and pricing provided by my current internet, television and phone provider(s).
2. I believe the city should work to encourage the availability of leading-edge communication technologies, but leave the ownership and operations to the private sector.
3. I support the proposed community-owned and financed *tonkaconnect* service to compete with existing private services providers (Mediacom and Qwest).
4. I support the city contributing \$15,000 to \$20,000 (approximately \$60 per household) for the plan needed to determine the viability of *tonkaconnect* in the Lake Minnetonka area.

Kind explained the residents were asked to rate each question based on a five point rating system of strongly agree (5), agree (4), neutral (3), disagree (2) and strongly disagree (1). There were 99 responses to question 1 and the average rating was 2.74. There were 97 responses to question 2 and the average rating was 3.95. There were 98 responses to question 3 and the average response was 3.33. There were 99 responses to question 4 and the average response was 2.88.

Kind stated the reason the City conducted the survey was to give Council guidance and Councilmember Fletcher, the City’s elected representative to the LMCC, and Lake Bechtell the City’s resident representative, guidance.

Councilmember Quam stated from his vantage point he thought there is a conflict between questions 2 and 3. Question 2 states the ownership and operation should be left to the private sector. Question 3 states it should be community owned. The responses indicate stronger support for leaving ownership and operations to the private sector, but also indicate some support for a community-owned system. He then stated based on the average response to question 4 there does not seem to be support for contributing to the development of a feasibility study.

Councilmember Fletcher stated he did not interpret an average rating of 2.88 for question 4 to mean residents don’t want to contribute to the study. He does interpret the survey results to mean residents generally want the availability of better communications technology and generally want it from a private service provider.

Councilmember Quam asked how many LMCC member cities would have to agree to move forward with a study. Councilmember Fletcher stated he thought at least one half of the 17 member cities would have to agree to fund a study. He then stated he thought the cost is approximately \$1.3 million for a study. Quam asked what the study is going to study. Fletcher stated the very preliminary project cost estimate is

\$80 million to serve all 17 member cities and Mound and Wayzata. Part of the initial study would identify hard project costs and gather the information needed to sell bonds to finance the project.

Quam then asked if the cities are expected to fund that. Fletcher stated the LMCC does not have the money to fund it. Quam stated the chance of coming up with \$80 million from the cities is about zero.

Councilmember Fletcher questioned the financial viability of the project. Fletcher explained the City of Monticello sold bonds to finance a fiber to the premise initiative. Fletcher stated there are 17 – 19 cities that have to work together to make such an initiative work in the LMCC community.

Mayor Kind stated it's her understanding the cities would fund the feasibility study and then the project itself would be funded by the users of the technology.

Councilmember Page stated he thought the feasibility would be done and paid for by the member cities. If the feasibility indicates such a venture is viable then a separate entity would be formed and that entity would sell bonds to finance the project and the subscribers would pay the bonded debt.

Councilmember Fletcher stated a bond house representative spoke to the LMCC representatives about one year ago and the representative explained that when Monticello sold its bonds the bonds were on a non-recourse basis. That means that Monticello is not liable for the bonds. Monticello's original investment in the feasibility study was eventually paid out of the bond pool. The representative explained that in this bond market there would likely need to be some revenue enhancement from the cities. Each of the cities would be liable for some portion of the bonded debt if the service was not viable.

Councilmember Quam stated if the bonds were not guaranteed by a taxing authority the chances of selling the bonds would be negative. He then stated from his vantage point the project is an exercise in futility.

Mayor Kind stated her husband, who is a strong proponent of private enterprise, stated he would pay the \$60 rather than experience another almost 24-hour outage of cable internet service. Councilmember Fletcher explained the recent outage was caused by a large truck hitting a cable line above ground.

Councilmember Page stated he read an article recently that stated the penchant is to provide these types of services through the private sector. In Europe these types of services are provided by public funds.

Councilmember Fletcher stated Verizon provides fiber to the home service to 60 percent of the homes it provides wire service to in certain areas of the country. He indicated it's questionable if Verizon has achieved the returns it has hoped for yet.

Mayor Kind asked the Councilmembers if the City should be one of the first to receive such a service or should it wait until the service is available through the private sector.

Councilmember Fletcher stated Mediacom is not as much of an aggressive player in the cable service area as Comcast is in the metropolitan area. He clarified he is not purporting that argument just repeating it.

Councilmember Page asked when the LMCC would like to have a commitment.

Councilmember Fletcher stated originally that was going to be this past spring. He explained the LMCC is putting out a request for proposals for a market feasibility study and paying for it with LMCC funds. The study will survey people in the LMCC community to determine if there is support for this type of service that would be provided by a public entity. He questioned if the survey will provide the answer. He

stated it's his understanding that the attorney for the LMCC will draft the necessary paper work to set up a joint powers entity. He anticipates the LMCC will come before the cities during its 2012 budget process to look for needed funding if the survey results indicate there is market interest. He commented the survey questions can influence the results of the survey based on how they are crafted.

Mayor Kind stated based on this discussion it's her conclusion that Councilmember Fletcher and Lake Bechtell should convey to the LMCC that the City wants to encourage leading edge technology but it doesn't want to spend a lot of money on encouraging it. There was Council agreement on her conclusion.

F. Planning Commission Comments Regarding Proposed Ordinance Amendments

Zoning Administrator/Clerk Karpas stated Council asked the Planning Commission to review a proposed ordinance amendment intended to establish minimum reasonable uses for undersized lots. Council wanted the Commission to provide its thoughts about further ordinance amendments in light of the Minnesota Supreme Court decision regarding variances. He then stated the Commission reviewed the proposed amendments and thought adopting them may create unintended loopholes. The Commission also thought the City should wait until after the next State legislative session before amending its ordinances because things may change. The Commission proposed one change to the City Ordinance which would limit the number of front yard setbacks on lots with three or more frontages.

Councilmember Quam stated he agreed with the wait and see approach.

Councilmember Fletcher stated Planning Commissioner Cook thought there is too much reliance on the variance process. Commissioner Cook thought the City Ordinances could be amended so there is less need for variances and to provide more certainty to an applicant up front. He noted the other Commissioners were not in total agreement with Cook's comments, but he tended to agree with them. He stated the Commission recommended the City decide which yard would receive the side yard setback. Zoning Administrator/Clerk Karpas asked if that would be at the staff level or the Council level.

Mayor Kind clarified she drafted the amendment to the ordinance based on Attorney Kelly's suggestion.

Councilmember Page stated the Planning Commission recommended Attorney Kelly's memo regarding the Supreme Court's decision should be distributed with every variance application. He asked Kelly what he thought about the recommendation. Kelly responded he thought the language in the summary paragraph in the conclusion in the Supreme Court's decision be distributed with every variance application. Page stated he did not think the entire legal memorandum should be included. Councilmember Fletcher stated the Commission just wanted to inform variance applicants. Kelly stated an excerpt from the decision could be put on a single piece of paper for distribution. Fletcher stated he trusts Kelly's judgment.

There was Council consensus to distribute a summary paragraph crafted by the City Attorney about the Supreme Court's conclusion with variance applications.

Mayor Kind explained the City Ordinance Code Chapter 11, Zoning, defines a front yard as "a yard extending across the front of the lot between the side yard lines and lying between the edge of the public right-of-way open and actually used for travel and the nearest line of the building."

Zoning Administrator/Clerk Karpas noted the Code includes a provision that an exterior side yard setback must be equal to a front yard setback. Mayor Kind stated that although the Code makes reference to an

exterior side yard setback it does not contain a definition for an exterior side yard. Karpas clarified that he should have actually called two or three of the front yards exterior side yards.

Councilmember Quam asked what an exterior side yard is. Zoning Administrator/Clerk Karpas responded it's a yard with a platted right-of-way.

Councilmember Quam expressed his preference to limit the number of front yard and exterior side yard setbacks to a total of two.

Zoning Administrator/Clerk Karpas suggested Staff draft language defining an exterior side yard as well as a provision that there can only be one front yard setback and one exterior side yard setback. That could then be brought before the Planning Commission for review.

Councilmember Page stated there has always been the dilemma of what the front yard is. The dilemma routinely comes up when discussing garages. Councilmember Quam stated he thought the front yard faces the street. Zoning Administrator/Clerk Karpas stated there is a provision for a lake front setback; therefore, the opposite of that is the front yard. Quam stated he did not think the Code defines the side opposite from the lake as front.

Page moved, Quam seconded, directing Staff to prepare a draft amendment to the City Ordinance Code to define an exterior side yard and to include a provision limiting the total number of front yard setbacks for review by the Planning Commission and to report back to Council. Motion passed 4/0.

G. Speed Trailer

Mayor Kind stated the City has received several complaints from residents about drivers speeding in the City. She noted the responses to the survey conducted about one year ago included comments about speeding. In the past, a speed trailer has successfully been used to encourage drivers to slow down. The only speed trailer in the South Lake community is owned by the City of Shorewood. The South Lake Minnetonka Police Department (SLMPD) sets the trailer up. The City requested the use of Shorewood's trailer this past June and it was to be placed on Sleepy Hollow Road. Unfortunately, the City hasn't been able to use it because it's been heavily used in Shorewood.

Kind then stated that there may be enough demand to consider having a second speed trailer in the South Lake community. She related that SLMPD Community Service Supervisor Hohertz thought a trailer of similar size to the one Shorewood owns would cost about \$8,000. There is also a smaller dolly-mounted trailer that could be purchased for about \$2,500, but that would be easy for someone to take. She asked if Council had any interest in the City purchasing its own speed trailer, asking the Cities of Excelsior and Tonka Bay (also members of the SLMPD joint powers organization) if they would like to partner on the purchase of a speed trailer, or asking the City of Deephaven if it would like to partner on the purchase and then have Deephaven Public Works personnel be responsible for transporting the trailer to and from locations.

Councilmember Page stated he would like to encourage Deephaven to purchase a trailer and then Greenwood could periodically rent the trailer.

Councilmember Quam asked if any research has been done to determine if a speed trailer actually helps reduce speeding. Mayor Kind responded that she did not know of any research but when the speed trailer was located on Sleepy Hollow Road last year residents thought it helped reduce speeding. And, when she

sees a trailer she does slow down. Attorney Kelly stated it's his impression that it works when it's located in a spot for a few days and then followed up with police enforcement.

Councilmember Fletcher stated he thought it would be worthwhile to talk to Excelsior and Tonka Bay representatives to find out if they have any interest in contributing toward the purchase of a another trailer.

Councilmember Quam stated he thought a speed trailer is effective independent of whether or not it's coordinated with police enforcement. Mayor Kind expressed her agreement provided a trailer isn't left in one spot for a long period of time.

Councilmember Fletcher stated he thought there is plenty of use for a speed trailer in the City. For example, it could be used along Minnetonka Boulevard, Sleepy Hollow Road, St. Albans Bay Road and Excelsior Boulevard.

Councilmember Page stated he could support purchasing a larger trailer in partnership with other South Lake cities.

Mayor Kind stated she will contact other South Lake cities to determine if they are willing to share in the purchase of a trailer for an estimated amount of \$8,000.

8. OTHER BUSINESS

A. Uncompleted Building Exteriors

Councilmember Fletcher stated there is a building on Maple Heights Road that has been under construction that does not have the exterior work completed. He asked Zoning Administrator/Clerk Karpas to contact the contractor and the contractor has indicated the exterior work will be completed in December. He then referred to the ongoing complaints about a building on the island in St. Albans Bay that has been under construction for a long time and is starting to deteriorate.

Fletcher stated the City of Excelsior is in the process of considering an amendment to its ordinance regarding completing exterior work on buildings. He explained in August 2010 the State Legislature created a statute to give cities the authority to require all exterior work authorized by permit to be completed within a minimum of 180 days following the issuance of the building permit. He asked if Council has interest in the concept of including a provision in the City Ordinance about when the exterior work has to be completed. If so, Council could direct Staff to draft an amendment.

Councilmember Quam stated he would support moving forward with this idea.

Mayor Kind stated she would prefer to have some draft amendment language to discuss. She noted a line included in the revised State Statute which read "The local regulation may not require completion of exterior work earlier than 180 days following the issuance of the permit." She stated she thinks 180 days is too short of a time period. She then stated she thinks people start to become annoyed when the exterior work is not completed in a year.

Councilmember Fletcher commented a year is more than ample time. Councilmember Page suggested that nine months may be an appropriate amount of time. Zoning Administrator/Clerk Karpas suggested keeping the 180 day time limit but allow for an extension with cause. Fletcher stated an extension should be limited to an additional 90 days.

Attorney Kelly suggested the first extension could be handled administratively for a set fee and a subsequent extension would have to come before Council and the second fee would be higher.

Councilmember Fletcher stated he did not think a subsequent extension needed to go before the Planning Commission.

Mayor Kind stated this provision would be an amendment to Chapter 3 in the City Ordinance Code, which does not require review by the Planning Commission.

Councilmember Page asked what will happen if the exterior work is not completed after the extension(s) have elapsed. Attorney Kelly replied a civil citation would be issued. Page then asked if a fee schedule for handling this will be developed. Kelly stated the Code will need to be amended to allow for a civil citation once the extension(s) have elapsed and to include a fee schedule.

Councilmember Fletcher stated in addition to the civil citation the City would withhold the certificate of occupancy until the citation is paid. Mayor Kind stated the unpaid citation could be certified on the property tax roll.

There was consensus to direct Staff to work with the City Attorney to draft an ordinance amending the City Ordinance Code to address the items just discussed. Council will have the first reading of the ordinance during its December 2010 meeting.

Councilmember Fletcher stated the ordinance does not have to mirror Excelsior's proposed ordinance. He provided it as an example.

B. October 5, 2010, City Council Meeting Minutes

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

Councilmember Fletcher distributed a list of four minor changes he requested be made to the October 5, 2010.

Page moved, Quam seconded, Approving the City Council Meeting Minutes of October 5, 2010, as amended in Item 4.A, Page 2, Paragraph 3, Sentence 5, change "buckthorn be irradiated" to "buckthorn be eradicated"; in Item 6.A, Page 3, Paragraph 8, Sentence 5, change "of the board of appeals and adjustments and shall be" to "of the board of appeals and adjustments shall be"; in Item 7.G, Page 12, Paragraph 3, change "Councilmember Fletcher stated it's his recollection that some council member" to "Councilmember Fletcher stated it's his recollection that the City Attorney"; and, in Item 9.C, Page 19, Paragraph 2, Sentence 2, change "Councilmember Page stated when there in only" to "Councilmember Page stated when there is only". Motion passed 5/0.

C. October 2010 Payables

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

Councilmember Fletcher asked that check number 10119 to VISI in the amount of \$120 be removed from the payables list. The invoice was for email hosting and the City has cancelled that account.

Page moved, Fletcher seconded, approving the list of October 2010 payables subject to check number 10119 to VISI in an amount of \$120 being removed. Motion passed 4/0.

Councilmember Fletcher stated through September 30, 2010, the City is doing well with expenditures to date. Because of that he indicated that during the December 2010 Council meeting he will likely ask to increase the amount that is transferred into the Bridge Fund.

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communication Commission, Eurasian Water Milfoil, Excelsior Water

Councilmember Fletcher stated on October 13th there was a meeting in the Deephaven City Hall with three representatives from the Minnesota Department of Natural Resources (DNR), State Senator Gen Olson, and State Representative Connie Doepke to discuss the treatment of Eurasian Watermilfoil. The meeting was well attended. He thought the DNR representatives listened to peoples concerns. He indicated he would not be surprised if the DNR would be more receptive to talking about treating milfoil in St. Alban's Bay in 2011. The current plan is for the DNR to present the preliminary findings of the 2010 three-bay milfoil treatment program to the LMCD Board on November 19th. If the native vegetation in Gray's Bay faired better after the 2010 treatment the DNR may look more favorably on treating St Alban's Bay.

Fletcher then stated the Metropolitan (Met) Council is planning to tear up Excelsior Boulevard to put in a new sewer line. It's not a matter of if but when. It's possible that could happen in 2012 or 2013. The Met Council is amenable to extending water main along Excelsior Boulevard when it is torn up. The cost for extending water main during that type of effort would be approximately \$8,000 – \$10,000 per abutting property. If a street were torn up specifically for the purpose of extending the water main, the cost would be about \$20,000 per property. He has conducted an informal survey of the property owners along Excelsior Boulevard. Eleven property owners were positive, one was neutral and he was not able to contact two others. There is strong interest by the property owners for considering the extension on a preliminary basis. The two property owners he talked to beyond Maple Heights Road were not receptive to extending water main.

Fletcher noted there are number of items that have to be researched before this can be considered further. In order to have this be given consideration as part of the Met Council project, discussions have to begin relatively soon. He stated he anticipates that in order for water main extension to succeed, the City would have to be involved at least from a financing perspective. The cost for the extension would be paid for by the owners of the properties abutting the road.

Mayor Kind asked if the City would sell bonds and the benefiting property owners would pay the bonded debt. Councilmember Quam responded yes. Councilmember Fletcher stated there would not be any financial risk to the City. The property owners would either pay their cost or it would be assessed against their property. Councilmember Page clarified the City would have to pay Met Council for the cost of the extension and then the City would assess the properties. Kind stated the City could sell bonds to pay Met Council. Fletcher stated the property owners would pay interest on the bonded debt. Page commented the City has never sold bonds to finance a project. Fletcher said the City could fund the project and charge the residents interest in addition to the actual costs. Fletcher noted that \$150,000 in bonds is not a lot to a bond house.

Councilmember Fletcher stated there are many details to be discussed. He then stated a water main extension project like this won't move forward if only a portion of the abutting property owners support doing so.

Mayor Kind stated as long as there is no cost to the City she can support residents getting access to a municipal water system.

Councilmember Quam stated the City of Excelsior has to determine if it has a water supply that can support adding that many properties to its system.

Councilmember Page stated the City could pass a resolution authorizing the City of Excelsior to put a levy on those City property owners who want water main extended and Excelsior could collect the levy. He asked how property owners have paid for water main extension in the past.

There was consensus to keep investigating the possibility of extending water main along a portion of Excelsior Boulevard.

Page expressed he is leery about selling bonds for the project.

B. Kind: Police, Administration

Mayor Kind stated the South Lake Minnetonka Police Department (SLMPD) Coordinating Committee met on October 19, 2010. During the meeting SLMPD Chief Litsey explained the SLMPD will have a revenue shortfall in 2010 because it received less State Peace Officer Aid than was budgeted for. She noted Litsey is optimistic that a balanced budget can be achieved this year.

Kind then stated a Labor-Management Study Group (the Group) has been meeting to discuss the 2010 – 2011 labor agreement reopener. The SLMPD Coordinating Committee appointed SLMPD Chief Litsey and Excelsior City Manager Luger to the Group, with her serving in an advisory capacity. There are three union representatives on the Group. The items included in the reopener are uniforms (what's included in the uniform allowance), health insurance, sick leave, and severance pay. The agreement includes a zero percent base wage increase for 2010 and a two percent base wage increase for 2011.

Kind noted the City of Orono has settled its labor agreement with its police department for 2011. Councilmember Quam stated the City of Plymouth just finalized its contract with its police department and it includes a zero percent base wage increase for 2011. Councilmember Page noted the Plymouth negotiation process ended in arbitration and the arbitrator settled on the zero percent increase.

Kind stated the City of Shorewood suggested the SLMPD Coordinating Committee and the Excelsior Fire District Governing Board consider having a management study done of the SLMPD and the EFD organizations. She expressed to the Coordinating Committee that she is generally not a big supporter of management studies because often the recommendations that come out of the study are not implemented. She stated the SLMPD runs efficiently and its cost per resident is lower than neighboring communities' police departments. She noted the City's cost per resident higher than she would like but that is a funding formula issue. She asked the Councilmembers how they feel about conducting such a study.

Councilmember Fletcher noted that two of the three people on the Shorewood Council who want to have a study done will not be on that Council next year.

Councilmember Page suggested not reacting to the suggestion.

Councilmember Quam stated Greenwood believes the SLMPD is operating efficiently. He then stated a management study may validate that and it may prove the SLMPD is under funded.

Mayor Kind stated if a study is done then the member cities of the two organizations need to be prepared to implement the recommendations identified during the study.

C. Page: Lake Minnetonka Conservation District

Councilmember Page stated there was no Lake Minnetonka Conservation District (LMCD) Board meeting this month. The LMCD plans on having a study session about the proposed large development in Upper Lake Minnetonka on November 17th. He then stated he plans on attending a session about where to allocate funds in the LMCD Save-the-Lake Fund to, noting he was not pleased that \$15,000 from that Fund was given to the Steamboat Minnehaha.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated that three years ago he made a big push to keep the large refuse hauler trucks off City roadways. To get haulers more receptive to using smaller trucks the City considered to move to a one hauler. The City stopped short of going to one hauler because the haulers agreed to use smaller trucks. He noted that earlier in the day he saw a large refuse truck on the street he lives next to. He asked Zoning Administrator/Clerk Karpas to contact the haulers. He stated if large trucks are traveling the streets with regularity then it may be appropriate for the City to revisit this.

Councilmember Fletcher noted that the Old Log Theater and the Georgetown Manor are serviced with commercial trucks.

Councilmember Quam explained the City has completed the repair of the manholes and replaced the manhole covers in one half of the City. The reason for that was to stop the Inflow & Infiltration (I&I) into the manholes into the City's stormwater system which puts more demand on the Metropolitan (Met) Council's system. The City has inspected all of its sewer lines with cameras. During those inspections it became apparent that most of the problems were with the manholes.

Quam explained the City's engineers have divided the City into eight sections for ease of management. Manhole repairs and manhole cover replacement has been completed in four of the sections. Two sections were completed in 2008 and two in 2009. No repairs made done in 2010. The estimated cost to make the repairs and replacements to two sections is \$50,000 with a total cost to complete the effort estimated to be \$100,000. Two sections would be completed in 2011 and the remaining two in 2012.

Quam then explained the City is in the process of applying for a grant through the Met Council to cover up to 50 percent (\$50,000) of the cost of repairing the manholes. The application has to be submitted to the Met Council by December 15, 2010. In order to complete the grant application the manholes will have to be located and inspected, and the cost to repair them needs to be estimated. This would have to be done before any actual work effort begins.

Quam asked Council to authorize a \$5,000 expenditure to cover the cost of: the locating and inspecting the second half of the manholes; estimating the cost to repair the manholes; and to prepare the narrative for the grant application. He stated if Council approves the expenditure, the inspection process will begin post hast. The City should know by January 5, 2011, if it will be awarded a grant.

Fletcher moved, Page seconded, authorizing the City's engineers to locate the manholes in sections 5 – 8 in the City, inspect the manholes, estimate the cost to repair the manholes, and to write the narrative for the grant application to the Metropolitan Council for an amount not to exceed \$5,000.

Councilmember Fletcher noted the cash flow in the Stormwater Fund is \$50,000 for the first nine months of this year.

Motion passed 4/0.

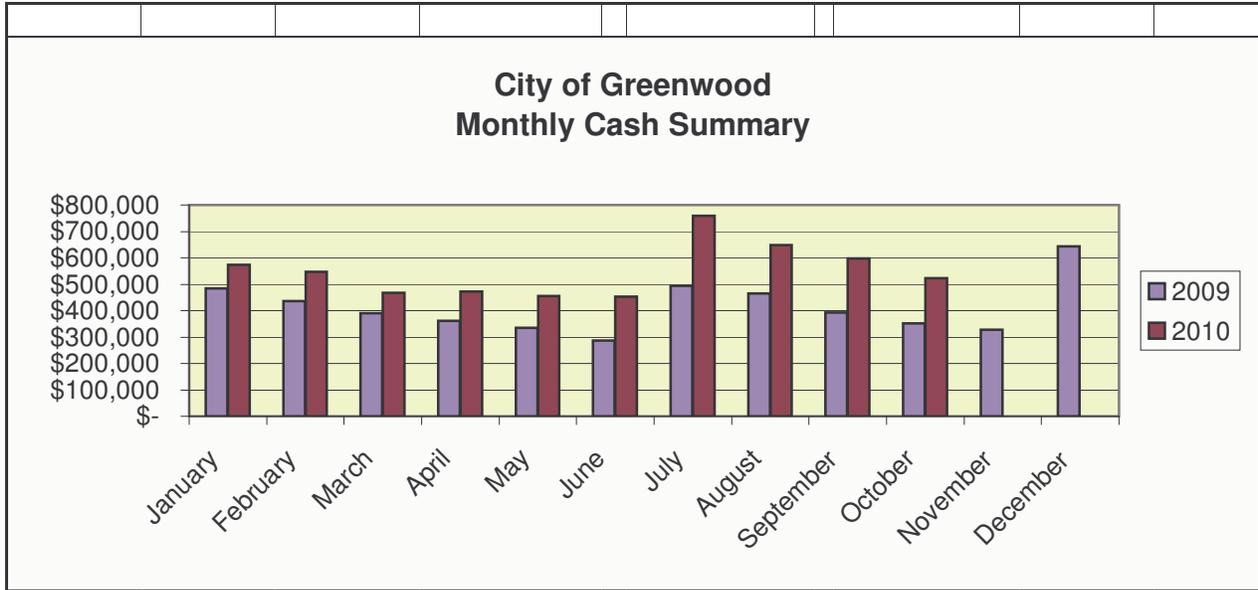
E. Rose: Excelsior Fire District

Rose was not in attendance to give an EFD report at the Council meeting. It was noted that the Excelsior Fire District (EFD) Governing Board has not met since the last Council meeting. Its next meeting is scheduled for November 17, 2010.

10. ADJOURNMENT

Quam moved, Fletcher seconded, Adjourning the City Council Regular Meeting of November 4, 2010, at 8:46 P.M. Motion passed 4/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder



Month	2009	2010	Variance with	Variance with
			Prior Month	Prior Year
January	\$ 484,702	\$ 573,056	\$ (69,158)	\$ 88,354
February	\$ 437,334	\$ 545,897	\$ (27,159)	\$ 108,563
March	\$ 391,150	\$ 466,631	\$ (79,266)	\$ 75,481
April	\$ 360,843	\$ 472,069	\$ 5,438	\$ 111,226
May	\$ 334,929	\$ 454,955	\$ (17,114)	\$ 120,026
June	\$ 286,999	\$ 453,487	\$ (1,468)	\$ 166,488
July	\$ 495,051	\$ 759,701	\$ 306,214	\$ 264,650
August	\$ 465,300	\$ 648,560	\$ (111,141)	\$ 183,260
September	\$ 393,080	\$ 597,536	\$ (51,024)	\$ 204,456
October	\$ 351,022	\$ 523,980	\$ (73,556)	\$ 172,958
November	\$ 327,615	\$ -	\$ (523,980)	\$ (327,615)
December	\$ 642,214	\$ -	\$ -	\$ (642,214)
Bridgewater Bank Money Market:	\$	\$ 310,211		
Bridgewater Bank Checking:	\$	\$ 12,929		
Beacon Bank Money Market	\$	\$ 200,840		
	\$	\$ 523,980		

Check Issue Date(s): 12/07/2010 - 12/07/2010

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/10	12/07/2010	10138	51	BOLTON & MENK, INC.	101-20100	1,035.00
12/10	12/07/2010	10139		Information Only Check	101-20100	.00 V
12/10	12/07/2010	10140	9	CITY OF DEEPHAVEN	101-20100	7,928.59
12/10	12/07/2010	10141	761	DEBRA KIND	101-20100	567.30
12/10	12/07/2010	10142	315	DOCK & LIFT INC.	605-20100	1,500.00
12/10	12/07/2010	10143	68	Gopher State One Call	602-20100	71.05
12/10	12/07/2010	10144	766	HENNEPIN COUNTY ELECTIONS	101-20100	93.58
12/10	12/07/2010	10145	779	HIGHWAY TECHNOLOGIES	101-20100	550.00
12/10	12/07/2010	10146	753	J.P. Cooke Co	101-20100	41.01
12/10	12/07/2010	10147	3	KELLY LAW OFFICES	101-20100	920.00
12/10	12/07/2010	10148	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,586.00
12/10	12/07/2010	10149	105	METROPOLITAN COUNCIL ENV SERV	602-20100	3,007.42
12/10	12/07/2010	10150	689	Mission Communications LLC	602-20100	1,737.00
12/10	12/07/2010	10151	701	Popp Telecom	101-20100	57.55
12/10	12/07/2010	10152	216	QUALITY FLOW SYSTEMS INC	602-20100	6,793.67
12/10	12/07/2010	10153	38	SOUTH LAKE MINNETONKA POLICE	101-20100	12,613.00
12/10	12/07/2010	10154	735	TGR Consulting	101-20100	95.00
12/10	12/07/2010	10155	745	Vintage Waste Systems	101-20100	1,568.40
12/10	12/07/2010	10156		Information Only Check	602-20100	.00 V
12/10	12/07/2010	10157	145	XCEL	101-20100	718.64
Totals:						<u>40,883.21</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
12/01/10	PC	12/01/10	10168	Debra J. Kind	34		001-10101	277.05
12/01/10	PC	12/01/10	10169	Fletcher, Thomas M	33		001-10101	84.70
12/01/10	PC	12/01/10	10170	H. Kelsey Page	35		001-10101	184.70
12/01/10	PC	12/01/10	10171	Quam, Robert	32		001-10101	184.70
12/01/10	PC	12/01/10	10172	William Rose	36		001-10101	184.70
Grand Totals:								<u>915.85</u>

Vendor Name	Invoice No	Seq	Type	Vendor No	Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
11/29/2010											
BOLTON & MENK, INC.											
BOLTON & MENK, INC.				51							
	135947	1	Inv	2010	MISC ENGINEERING FEES	10/31/2010	12/06/2010	131.50	No	12/10	502-43200-303
	135947	2	Inv		Signs	10/31/2010	12/06/2010	150.00	No	12/10	101-43900-226
Total 135947								281.50			
	135948	1	Inv	2010	STREET IMPROVEMENT	10/31/2010	12/06/2010	753.50	No	12/10	101-43200-303
Total BOLTON & MENK, INC.								1,035.00			
CITY OF DEEPHAVEN											
CITY OF DEEPHAVEN				9							
	NOV 2010	1	Inv		RENT & EQUIPMENT	12/01/2010	12/06/2010	855.36	No	12/10	101-41400-311
	NOV 2010	2	Inv		Postage	12/01/2010	12/06/2010	22.80	No	12/10	101-41400-322
	NOV 2010	3	Inv		COPIES	12/01/2010	12/06/2010	2.80	No	12/10	101-41400-202
	NOV 2010	4	Inv		SEWER	12/01/2010	12/06/2010	606.32	No	12/10	602-43200-310
	NOV 2010	5	Inv		SNOW PLOWING	12/01/2010	12/06/2010	1,155.07	No	12/10	101-43900-312
	NOV 2010	6	Inv		STREETS	12/01/2010	12/06/2010	157.53	No	12/10	101-43100-409
	NOV 2010	7	Inv		SIGNS	12/01/2010	12/06/2010	78.76	No	12/10	101-43900-226
	NOV 2010	8	Inv		WEED/TREE/MOWING	12/01/2010	12/06/2010	1,575.28	No	12/10	101-43900-313
	NOV 2010	9	Inv		Docks	12/01/2010	12/06/2010	172.36	No	12/10	605-45100-310
	NOV 2010	10	Inv		STORM SEWERS	12/01/2010	12/06/2010	315.06	No	12/10	502-43200-310
	NOV 2010	11	Inv		ELECTIONS	12/01/2010	12/06/2010	61.08	No	12/10	101-41200-219
	NOV 2010	12	Inv		ZONING	12/01/2010	12/06/2010	399.10	No	12/10	101-42400-308
	NOV 2010	13	Inv		Clerk Services	12/01/2010	12/06/2010	2,370.40	No	12/10	101-41400-310
	NOV 2010	14	Inv		Stormwater Coalition Membership Re	12/01/2010	12/06/2010	156.67	No	12/10	502-43200-439
Total NOV 2010								7,928.59			
Total CITY OF DEEPHAVEN								7,928.59			
DEBRA KIND											
DEBRA KIND				761							
	101910	1	Inv		REIMBURSE-OFFICE MAX & KINKO	10/19/2010	12/06/2010	567.30	No	12/10	101-49000-439
Total DEBRA KIND								567.30			
DOCK & LIFT INC.											
DOCK & LIFT INC.				315							
	18349	1	Inv		REMOVE FLOATING DOCK	11/10/2010	12/06/2010	1,500.00	No	12/10	605-45100-309
Total DOCK & LIFT INC.								1,500.00			
Gopher State One Call											
Gopher State One Call				68							
	0090559	1	Inv		Gopher State calls	09/30/2010	12/06/2010	37.70	No	12/10	602-43200-439
	0100561	1	Inv		Gopher State calls	10/31/2010	12/06/2010	33.35	No	12/10	602-43200-439
Total Gopher State One Call								71.05			
HENNEPIN COUNTY ELECTIONS											
HENNEPIN COUNTY ELECTIONS				766							
	112910	1	Inv		ELECTION SUPPLIES	11/29/2010	12/06/2010	93.58	No	12/10	101-41200-439

Vendor Name Invoice No	Seq	Type	Vendor No Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Total HENNEPIN COUNTY ELECTIONS						93.58			
HIGHWAY TECHNOLOGIES									
HIGHWAY TECHNOLOGIES			779						
394829-001	1	Inv	SIGN PANELS	11/03/2010	12/06/2010	550.00	No	12/10	101-43900-226
Total HIGHWAY TECHNOLOGIES						550.00			
J.P. Cooke Co									
J.P. Cooke Co			753						
87746	1	Inv	City Dog Tags	10/01/2010	12/06/2010	41.01	No	12/10	101-41400-439
Total J.P. Cooke Co						41.01			
KELLY LAW OFFICES									
KELLY LAW OFFICES			3						
5824	1	Inv	GENERAL LEGAL	11/30/2010	12/06/2010	460.00	Yes	12/10	101-41600-304
5825	1	Inv	LAW ENFORCE PROSECUTION	11/30/2010	12/06/2010	460.00	Yes	12/10	101-41600-308
Total KELLY LAW OFFICES						920.00			
LAKE MTKA CONSERVATION DISTRIC									
LAKE MTKA CONSERVATION DISTRIC			99						
101410	1	Inv	4th Qtr. LMCD Levy	10/14/2010	12/06/2010	1,586.00	No	12/10	101-49000-436
Total LAKE MTKA CONSERVATION DISTRIC						1,586.00			
METROPOLITAN COUNCIL ENV SERV									
METROPOLITAN COUNCIL ENV SERV			105						
0000944934	1	Inv	Monthly wastewater Charge	11/02/2010	12/06/2010	3,007.42	No	12/10	602-43200-309
Total METROPOLITAN COUNCIL ENV SERV						3,007.42			
Mission Communications LLC									
Mission Communications LLC			689						
40012037	1	Inv	Annual Service Package	10/21/2010	12/06/2010	1,737.00	No	12/10	602-43200-404
Total Mission Communications LLC						1,737.00			
Popp Telecom									
Popp Telecom			701						
1911191	1	Inv	Local, Long dist. & DSL	10/31/2010	12/06/2010	57.55	No	12/10	101-41400-321
Total Popp Telecom						57.55			
QUALITY FLOW SYSTEMS INC									
QUALITY FLOW SYSTEMS INC			216						
22979	1	Inv	LIFT STATION REPAIR	11/03/2010	12/06/2010	6,793.67	No	12/10	602-43200-404
Total QUALITY FLOW SYSTEMS INC						6,793.67			
SOUTH LAKE MINNETONKA POLICE									
SOUTH LAKE MINNETONKA POLICE			38						
120110	1	Inv	OPERATING BUDGET	12/01/2010	12/06/2010	12,613.00	No	12/10	101-42100-310

Vendor Name Invoice No	Seq	Type	Vendor No Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Total SOUTH LAKE MINNETONKA POLICE						12,613.00			
TGR Consulting									
TGR Consulting			735						
GW201009-1	1	Inv	Professional Computer Services	09/30/2010	12/06/2010	95.00	No	12/10	101-41400-309
Total TGR Consulting						95.00			
Vintage Waste Systems									
Vintage Waste Systems			745						
113010	1	Inv	City Recycling Contract	11/30/2010	12/06/2010	1,568.40	No	12/10	101-49000-310
Total Vintage Waste Systems						1,568.40			
XCEL									
XCEL			145						
102210	1	Inv	LIFT STATION #1	10/22/2010	12/06/2010	32.34	No	12/10	602-43200-381
102210	2	Inv	LIFT STATION #2	10/22/2010	12/06/2010	28.45	No	12/10	602-43200-381
102210	3	Inv	LIFT STATION #3	10/22/2010	12/06/2010	21.07	No	12/10	602-43200-381
102210	4	Inv	LIFT STATION #4	10/22/2010	12/06/2010	27.86	No	12/10	602-43200-381
102210	5	Inv	LIFT STATION #6	10/22/2010	12/06/2010	56.36	No	12/10	602-43200-381
Total 102210						166.08			
102510	1	Inv	4925 MEADVILLE ST	10/25/2010	12/06/2010	8.70	No	12/10	101-43100-381
102510	2	Inv	SIREN	10/25/2010	12/06/2010	3.35	No	12/10	101-43100-381
Total 102510						12.05			
102810	1	Inv	Sleepy Hollow Road	10/28/2010	12/06/2010	8.72	No	12/10	101-43100-381
110310	1	Inv	Street Lights	11/03/2010	12/06/2010	368.15	No	12/10	101-43100-381
112210	1	Inv	LIFT STATION #1	11/22/2010	12/06/2010	32.34	No	12/10	602-43200-381
112210	2	Inv	LIFT STATION #2	11/22/2010	12/06/2010	28.47	No	12/10	602-43200-381
112210	3	Inv	LIFT STATION #3	11/22/2010	12/06/2010	20.85	No	12/10	602-43200-381
112210	4	Inv	LIFT STATION #4	11/22/2010	12/06/2010	27.08	No	12/10	602-43200-381
112210	5	Inv	LIFT STATION #6	11/22/2010	12/06/2010	54.90	No	12/10	602-43200-381
Total 112210						163.64			
Total XCEL						718.64			
Total 11/29/2010						40,883.21			

11/29/2010 GL Period Summary

GL Period	Amount
12/10	40,883.21
	<u>40,883.21</u>

Vendor Name	Vendor No	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Invoice No	Seq	Type	Description				
Grand Total:				<u>40,883.21</u>			

Report GL Period Summary

GL Period	Amount
12/10	<u>40,883.21</u>
	<u>40,883.21</u>

Vendor Number Hash: 7680
 Vendor Number Hash - Split: 9153
 Total Number of Invoices: 25
 Total Number of Transactions: 48

Terms Description	Invoice Amt	Net Inv Amt
Open Terms	<u>40,883.21</u>	<u>40,883.21</u>
	<u>40,883.21</u>	<u>40,883.21</u>

**CITY OF GREENWOOD
RESOLUTION NO. 20-10**

**RESOLUTION AUTHORIZING APPLICATION TO THE METROPOLITAN COUNCIL FOR A
GRANT FROM THE MUNICIPAL INFILTRATION/INFLOW GRANT PROGRAM FOR THE
CITY OF GREENWOOD'S 2011SEWER LINING PROJECT**

WHEREAS, the Minnesota Legislature has appropriated \$3,000,000 for a grant program to be administered by the Metropolitan Council (Council) for the purpose of providing grants to municipalities for capital improvements to public municipal wastewater collection systems to reduce the amount of inflow and infiltration to the Council's metropolitan sanitary sewer disposal system (I/I Municipal Grant Program); and

WHEREAS, the Council has identified the City of Greenwood as a contributor of excessive inflow and infiltration to the Council's metropolitan sanitary sewer disposal system and thus an eligible applicant for grant funds under the I/I Municipal Grant Program; and

WHEREAS, grants from this appropriation are for up to 50 percent of the cost to mitigate I/I in the publicly owned municipal wastewater collection system; and

WHEREAS, only construction costs will be eligible for reimbursement, as specified in the Grant Program, and include such improvements as manhole rehabilitation and sealing, sewer pipe lining if supportive information is provided that demonstrates system susceptibility to I/I; and

WHEREAS, qualified spending on approved projects can occur between July 1, 2010 and June 30, 2012; and

WHEREAS, each submitting community, out of a total of 47 eligible cities, if approved would receive the lesser of \$50,000 or 50% of the submitted eligible project costs; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Greenwood, Minnesota that city staff is hereby authorized to prepare and submit a Grant Application to the Metropolitan Council for inclusion in the Municipal Infiltration/Inflow Grant Program prior to the submittal deadline of December 15, 2010.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS 7TH DAY OF DECEMBER 2010.

Ayes _____, Nays _____.

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk

Monday, November 8, 2010 9:56 AM

Subject: Phosphorus Results for Spring 2010**Date:** Monday, November 8, 2010 10:48 AM**From:** Dave Martini <davidma@bolton-menk.com>**To:** Gus Karpas guskarpas@mchsi.com, Shelley Souers shelley@cityofwoodlandmn.org, Dana Young City of Deephaven danayoung@mchsi.com, Debra Kind d.kind@mchsi.com, Paul Skrede pslaptop@mchsi.com, Jim Doak jdoak.woodland@hotmail.com**Cc:** Doug Carter dougca@bolton-menk.com

All,

Here are the test results for the phosphorus that was removed with the spring sweepings. As you can see, one sweeping removes enough phosphorus to cover each City's reduction goal. We have shared this information with the MCWD and propose to do the same next spring. Once we have an average established we will discuss what additional sweeping, if any, needs to be completed to meet the reduction goal going forward.

Let me know if you have questions.

Have a good day!

David P. Martini, P.E.

Bolton & Menk, Inc.

P: (952) 448-8838, Ext. 2458

F: (952) 448-8805

email: davidma@bolton-menk.com <mailto:davidma@bolton-menk.com>

www.bolton-menk.com <http://www.bolton-menk.com/>



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172

Phone (952) 448-8838 • Fax (952) 448-8805

www.bolton-menk.com

November 5, 2010

Minnehaha Creek Watershed District
 Attn: James Wisker
 18202 Minnetonka Blvd.
 Deephaven, MN, 55391

RE: Spring 2010 Phosphorus Reduction Totals for the Municipalities of Deephaven, Greenwood, and Woodland

Mr. Wisker:

We have completed our review of the results of the spring 2010 street sweepings analysis for Total Phosphorus (TP) concentration. The street sweepings were collected from the individual communities, weighed, and samples were then collected from the sweepings material prior to dumping. Three samples and one duplicate were collected for each municipality. The samples were analyzed for TP by the University of Minnesota Research Analytical Laboratory. The individual municipal results tabulated below represent the average concentration of TP for the three samples and the one duplicate.

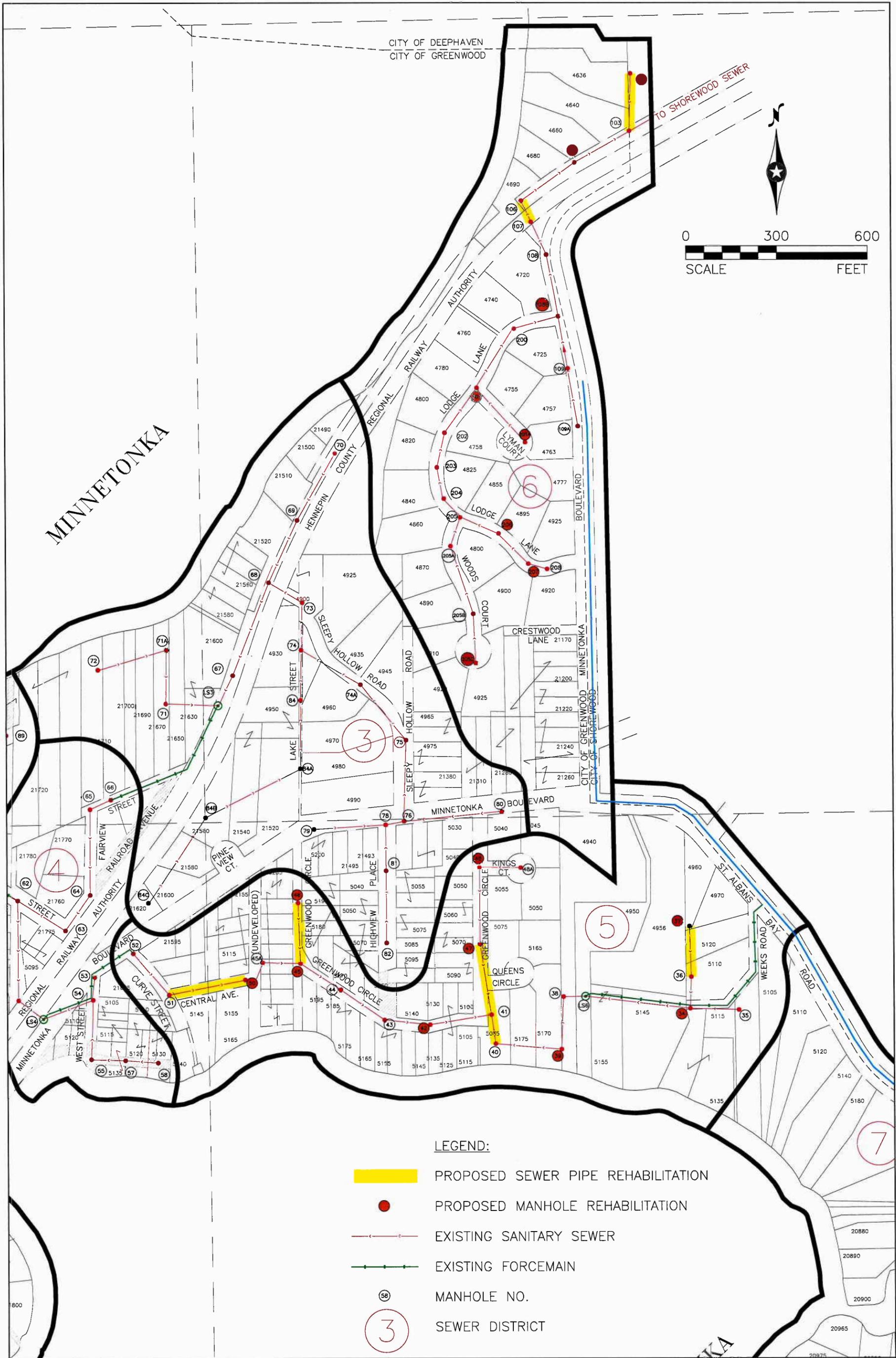
MUNICIPALITY	AVERAGE TP CONCENTRATION (mg/kg)	SWEEPINGS COLLECTED (Tons)	POUNDS TP REMOVED
Deephaven	268.69	163.80	88.02
Greenwood	277.79	48.30	26.83
Woodland	272.53	23.20	12.65

If you have any questions regarding the sampling method or the analysis procedure please give me a call to discuss.

Respectfully Submitted,
BOLTON & MENK, INC.

Douglas Carter, P.E., LEED[®] AP

CC: David Martini, P.E., Bolton & Menk, Inc.



LEGEND:

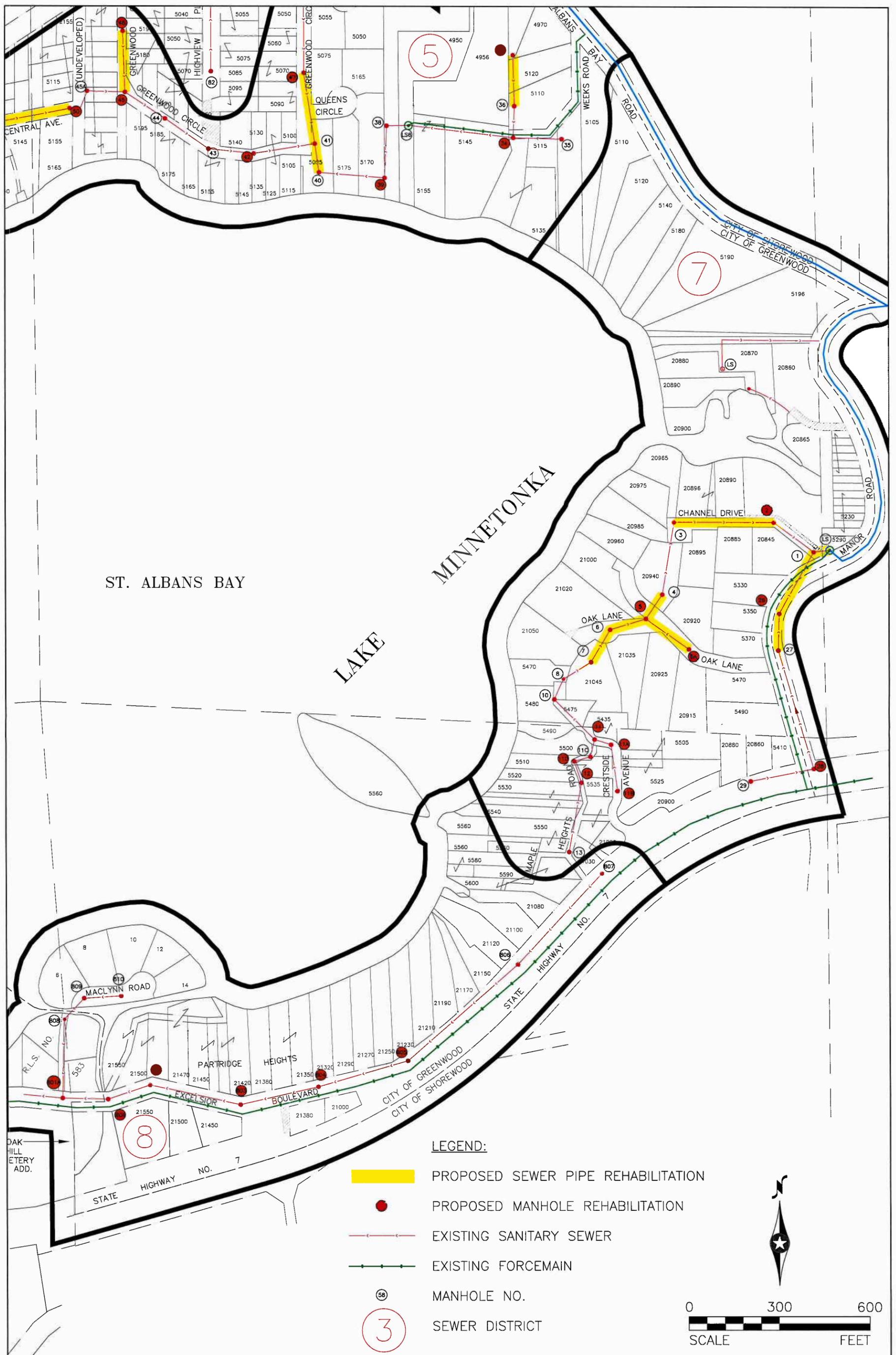
- PROPOSED SEWER PIPE REHABILITATION
- PROPOSED MANHOLE REHABILITATION
- EXISTING SANITARY SEWER
- EXISTING FORCEMAIN
- 58 MANHOLE NO.
- 3 SEWER DISTRICT

BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN
 BURNSVILLE, MN CHASKA, MN RAMSEY, MN AMES, IA
 ©Bolton & Menk, Inc. 2008, All Rights Reserved
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CITY OF GREENWOOD, MINNESOTA
 I/I GRANT PROGRAM APPLICATION

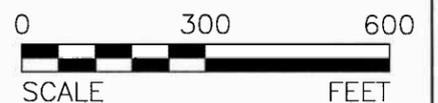
DECEMBER, 2010

FIGURE NO. 1



LEGEND:

- PROPOSED SEWER PIPE REHABILITATION
- PROPOSED MANHOLE REHABILITATION
- EXISTING SANITARY SEWER
- EXISTING FORCEMAIN
- 58 MANHOLE NO.
- 3 SEWER DISTRICT



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CITY OF GREENWOOD, MINNESOTA
 I/I GRANT PROGRAM APPLICATION

DECEMBER, 2010

FIGURE NO. 2

METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES

MUNICIPAL INFILTRATION/INFLOW GRANT PROGRAM

GRANT APPLICATION FORM

NOTICE TO APPLICANTS: Read the attached "Metropolitan Council Environmental Services – Infiltration/Inflow Mitigation Grant Program Guidelines" for guidance on how this grant program will be conducted and the grant agreement for required contractual terms. Prior to award of a grant, the applicant community must enter into the agreement with the Council.

COMMUNITY NAME: City of Greenwood

Correspondence regarding this Application should be mailed to:

NAME: David Martini
TITLE: City Engineer, Bolton & Menk, Inc.
STREET: 2638 Shadow Lane, Suite 200
CITY, ZIP: Chaska, MN 55318

TOTAL \$ AMOUNT OF ELIGIBLE PROJECT WORK: \$ 96,768 .
(The preliminary grant amount will be assigned by MCES following the allocation process described in the Guidelines).

AMOUNT OF I/I EXPECTED TO BE REMOVED FROM SYSTEM AFTER PROJECT COMPLETION:
(For advisory purposes, the Council would like a rough estimate of the amount of I/I likely to be removed by the project.)

INFILTRATION (in average MGD): 0.0022 MGD
INFLOW (in peak MGD): 0.00084 MGD

PROVIDE THE FOLLOWING ON SEPARATE SHEETS OF PAPER:
Describe the objectives of the project, highlighting the I/I mitigation to the Metropolitan System of wastewater interceptor sewers and treatment plants.

Provide a complete description of the proposed project (this may include multiple tasks). Include a map showing the limits of the project area and the wastewater collection system in the vicinity of the project. You may attach any engineering reports, plans or other pertinent documents that provide useful background for MCES evaluation of the proposed project.

Provide detailed, line item cost estimate for project. Cost items must be of specific enough detail to determine grant eligibility as per the program outline.

Identify the proposed schedule for the project completion. Identify key steps and intermediate dates. Will the project be performed by contracted services or by City staff? Will a competitive bid process be required?

Provide basis of the estimated amount (noted above) of I/I expected to be removed from system after completion of the project.

Provide the “ownership value” and “useful life” of the real property and facility (see definitions section of agreement.)

Fill out either the declaration (Attachment 1) or the certification (Attachment 1A) and Attachment 2 as appropriate.

Provide copy of the resolution of governing body which authorizes applicant to apply for loan and execute the grant Agreement.

David Martini
Print Name of Authorized Representative
E mail address: davidma@bolton-menk.com
Telephone Number: 952-448-8838
Date of Application: _____

Signature of Authorized Representative
Title of Representative: City Engineer

APPLICATIONS MUST BE POSTMARKED NO LATER THAN DECEMBER 15, 2010. QUALIFIED APPLICANTS WILL BE REQUIRED TO SUBMIT SIGNED GRANT AGREEMENTS BY MARCH 31, 2011.

CITY OF GREENWOOD
I / I Grant Program Application
Sanitary Sewer Rehabilitation
Districts 5 – 8

PROJECT OBJECTIVE

The project objective is to repair/rehabilitate the existing sanitary sewer system to reduce the infiltration and inflow that currently enters the system. The project area is Sewer Districts 5 through 8 which consists of about half of the City of Greenwood.

PROJECT DESCRIPTION

The project consists of the following repair/rehabilitation work on the sanitary sewer system:

1. Manhole Improvements
 - a. Replace broken/deteriorated adjusting rings
 - b. Install chimney seals
 - c. Seal leaking joints and bottoms
 - d. Replace deteriorated manhole structures
 - e. Replace covers with watertight covers on manholes located in depressions
2. Sewer Pipe Improvements
 - a. Seal or line leaking joints
 - b. Repair offset joints
 - c. Seal or repair leaking lateral connections
 - d. Seal or line cracks in pipe

The manhole defects proposed for repair were identified by inspection of all manholes within the project area. The sewer pipe defects proposed for repair were identified by review of sewer televising reports and videos from a 2007 sewer televising program. Copies of the manhole inspection reports and televising reports are enclosed. The locations of the proposed improvements are shown on enclosed Figure Nos. 1 and 2.

The estimated construction cost for the proposed improvements is \$96,768 as detailed on the enclosed tabulation.

PROJECT SCHEDULE

Following is the anticipated project schedule:

1. Preparation of construction plans and specifications – February 2011
2. Award of bid – March 2011
3. Construction – April / May 2011

The construction will be performed by a contractor which is selected by use of the competitive bidding process.

ESTIMATED I / I REDUCTION

The infiltration and inflow reduction volumes listed on the grant application form are based on the following:

1. Infiltration Reduction	<u>Rate in Gal. / Hr.</u>
a. Leaking manhole joints and bottom	2
b. Deteriorated manhole structure	4
c. Leaking pipe joint or crack	1
d. Offset pipe joint	2
e. Longitudinal pipe crack, per 10 foot length	1
2. Inflow	<u>Rate in Gal. / Day</u>
a. Broken/deteriorated adjusting rings	20
b. Non-gasketed manhole cover in depression	100

OWNERSHIP VALVE

The ownership value of the portions of the City of Greenwood sanitary sewer system on which repair / rehabilitation is proposed, as indicated on Figure Nos. 1 and 2, is tabulated as follows:

1. Manholes	34 Each	at \$4,000 / Each	\$136,000
2. Sewer Pipe	2,800 Feet	at \$60 / Foot	<u>\$168,000</u>
Total Estimated Ownership Value			\$304,000

USEFUL LIFE

The majority of the sanitary sewer within the project area was constructed in the early 1970's and is therefore approaching 40 years in age. It is estimated that with the repair/rehabilitation proposed in this project that the sewer system will have at least an additional 30 years of useful life.

City of Greenwood
Estimated Project Cost
I / I Grant Program Application
Sanitary Sewer Rehabilitation
Districts 5 - 8
December 2010

ITEM NO.	BID ITEM	QUAN.	UNIT	UNIT COST	TOTAL
<u>MANHOLE IMPROVEMENTS</u>					
1	REPLACE ADJUSTING RINGS	17	EA	\$500.00	\$8,500.00
2	INSTALL EXTERNAL CHIMNEY SEAL	16	EA	\$800.00	\$12,800.00
3	INSTALL INTERNAL CHIMNEY SEAL	1	EA	\$600.00	\$600.00
4	SEAL MANHOLE JOINT	6	EA	\$700.00	\$4,200.00
5	SEAL MANHOLE BASE & DOGHOUSES	7	EA	\$750.00	\$5,250.00
6	PLACE CONCRETE LINER IN MANHOLE	3	EA	\$3,000.00	\$9,000.00
7	REPLACE COVER WITH WATERTIGHT COVER	5	EA	\$250.00	\$1,250.00
8	RECONSTRUCT MANHOLE BOTTOM	7	EA	\$950.00	\$6,650.00
<u>PIPE IMPROVEMENTS</u>					
9	SEAL PIPE JOINT	12	EA	\$800.00	\$9,600.00
10	SEAL LATERAL CONNECTION JOINT	4	EA	\$900.00	\$3,600.00
11	SHORT SECTION LINER - UP TO 4' LENGTH	6	EA	\$1,800.00	\$10,800.00
12	ADDITIONAL LENGTH SHORT - SECTION LINER OVER 4'	24	LF	\$100.00	\$2,400.00
13	EXCAVATE AND REPAIR PIPE OFFSET JOINT OR LATERAL CONNECTION	4	EA	\$2,800.00	\$11,200.00
<u>RESTORATION</u>					
14	BITUMINOUS STREET PATCHING	170	SY	\$35.00	\$5,950.00
15	SOD	60	SY	\$6.00	\$360.00
SUBTOTAL:					\$92,160.00
MOBILIZATION - 5%:					\$4,608.00
TOTAL ESTIMATED CONSTRUCTION COST:					\$96,768.00
ESTIMATED SOFT COSTS - 20%:					\$19,353.60
TOTAL ESTIMATED PROJECT COST:					\$116,121.60

Attachment I-A

**State of Minnesota
General Obligation Bond Financed
CERTIFICATION**

The undersigned hereby certifies as follows:

This Certification is being submitted pursuant to the Waiver of Real Property Declaration granted by Minnesota Management and Budget to Metropolitan Council for Municipal Publicly-Owned Infrastructure Inflow/Infiltration projects or the portions thereof which lie entirely within public road, street and highway rights-of-way and utility easements.

[Grantee] certifies that [Grantee] has read and will comply with the terms and conditions of the Waiver of Real Property Declaration, a copy of which is attached to this Certification and further, that the Governmental Program which is the subject of and described in the Municipal Publicly-Owned Infrastructure Inflow/Infiltration Grant Agreement [No. _____] between [Grantee] and Metropolitan Council qualifies for the Waiver of Real Property Declaration attached hereto. [Attach copy of Waiver to this Certification. The Waiver to Metropolitan Council is Attachment V to the Grant Agreement.]

This Certification is being submitted by [Grantee] pursuant to a Waiver of Real Property Declaration granted by Minnesota Management and Budget to [Grantee], a copy of which Waiver is attached to this Certification, for the projects or the portions thereof which qualify for the Waiver.

[Grantee] certifies that [Grantee] has read and will comply with the terms and conditions of the Waiver and further that the Governmental Program which is the subject of and described in the Municipal Publicly Owned Infrastructure Inflow/Infiltration Grant Agreement [No. _____] between Grantee and Metropolitan Council qualifies for the Waiver of Real Property Declaration attached hereto [attach copy of Waiver].

The undersigned owns fee title to property or permanent easement or other easement which meets the requirements of this Agreement for wastewater collection purposes and a wastewater collection system within the fee title, permanent easement, or the easement and wastewater collection system being located in HENNEPIN County, Minnesota. The fee title property, permanent easement or other easement and the wastewater collection system therein is referred to as "Restricted Property" and is described in Exhibit A attached hereto by legal description, narrative description or diagram.

As the owner of the Restricted Property, the undersigned hereby acknowledges the following restrictions and encumbrances with respect to the Restricted Property:

- A. The Restricted Property is State bond financed property within the meaning of Minn. Stat. § 16A.695 that exists as of the effective date of the grant agreement identified in paragraph B below, is subject to the encumbrance created and requirements imposed by such statutory provision, and cannot be sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget, or its successor, which approval must be evidenced by a written statement signed by said commissioner and attached to the deed, mortgage, encumbrance or instrument used to sell or otherwise dispose of the Restricted Property; and
- B. The Restricted Property is subject to all of the terms, conditions, provisions, and limitations contained in that certain _____ [Insert title of the general obligation grant agreement] _____ between _____ and _____, dated _____, _____ (the "G.O. Grant Agreement").

The Restricted Property shall remain subject to this State of Minnesota General Obligation Bond Financed Declaration for as long as the G.O. Grant Agreement is in force and effect; at which time it shall be released therefrom by way of a written release in recordable form signed by both the Metropolitan Council and the Commissioner of Minnesota of Management and Budget, or their successors, and such written release is recorded in the real estate records relating to the Restricted Property. This Certification may not be terminated, amended, or in any way modified without the specific written consent of the Commissioner of Minnesota of Management and Budget, or its successor.

SIGNATURE BLOCK AND ACKNOWLEDGMENT

CITY OF GREENWOOD

By: _____
David Martini, City Engineer

Date: _____

By: _____
Deb Kind, Mayor

Date: _____

Exhibit A to Certification
DESCRIPTION OF RESTRICTED PROPERTY

The restricted property is the portions of the City of Greenwood municipal sanitary sewer system that will be rehabilitated under this program. The sanitary sewer locations are shown on attached Figure Nos. 1 and 2. The subject facilities are all located within public street right-of-way or permanent easements.



September 27, 2010

VIA E-MAIL

Jason Willett
MCES Finance Director
Metropolitan Council
390 Robert St N
St. Paul, MN 55101

Re: Waiver of Real Property Declaration – Metropolitan Cities Inflow and Infiltration Grants

Dear Mr. Willett:

I have reviewed your letter dated September 24, 2010 requesting a waiver pursuant to Section 7.02(b) of the Third Order Amending Order of Commissioner of Finance dated August 26, 2010 (the “Commissioner’s Order”) of the requirement that a real property declaration be recorded in connection with grants to metropolitan-area cities to address inflow and infiltration into local sanitary sewer collection systems.

I waive the requirement that a declaration be recorded for the portion of such projects which lies entirely within public road, street and highway rights-of-way and utility easements. However, a declaration will need to be executed and recorded for any portion of a project which is on land outside of such areas.

Please note that this letter only waives the requirement that a declaration be recorded. The property will remain bond-financed property and subject to all the other requirements of Minn. Stat. Sec. 16A.695 and the Commissioner’s Order.

This waiver is conditional upon our receiving a signed copy of the bond-financed property Certification (substantially in the form attached to the sample grant agreement attached to your letter) from each grantee who receives a grant from this program, in which such grantee acknowledges that the project property is bond-financed property and thus is subject to all the other requirements of Minn. Stat. Sec. 16A.695 and the Commissioner’s Order. Each signed Certification should be sent to Gay Greiter, Capital Budget Coordinator at Minnesota Management & Budget, at the address below.

Sincerely,

A handwritten signature in cursive script that reads "Tom J. Hanson".

Tom J. Hanson
Commissioner

Cc: Kathy Kardell, MMB
Gay Greiter, MMB
William Moore, MCES/Metropolitan Council
Jeanne Matross, Metropolitan Council
Angie Weidell-LaBathe, MMB
Patricia Nauman, Metro Cities
Wes Kooistra, Metropolitan Council

ORDINANCE NO. 187

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 500 REGARDING FEES**

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

SECTION 1.

Greenwood ordinance code section 500 fees is amended to revise the following fees:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Animal: Dog License	445.10	\$25 (\$15 if purchased in year 2)	Good for up to 2 years
Docks: Municipal Watercraft Space Permit	425.10	\$950	Per slip, per season
Rental Property License	320.30	\$50 first unit, \$25 per additional unit	Annual
Sewer Rates: Residential	520.10	\$70 per residential sanitary service unit	Quarterly
Sewer Rates: Commercial	520.10	\$70 per commercial sanitary service unit	Quarterly

”

SECTION 2.

Greenwood ordinance code section 500 is amended to add the following fees:

“

Code Book (binder with tabs and photocopies)		\$55
Misc. Petitions to the City for Legal Consent or Releases		\$200 plus consultant fees incurred by the city

”

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, City Clerk

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 320 REGARDING REFERENCES TO THE
INTERNATIONAL PROPERTY MAINTENANCE CODE FOR MULTIPLE DWELLINGS**

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

SECTION 1.

Greenwood ordinance code section 320.05, subd. 2 is amended to read as follows:

“Subd. 2. Code Adopted. The most current edition of the International Property Maintenance Code (hereinafter “IPM code”) as published by the International Code Council is adopted as the property maintenance code of the city, for the control of buildings and structures as provided in this section; and each and all of the regulations, provisions, penalties, conditions and terms of such code are referred to, adopted and made a part of this section, as if fully set out in this section, with the additions, insertions, deletions and changes as amended from time to time.”

SECTION 2.

Greenwood ordinance code section 320.05, subd. 3 is amended to read as follows:

“Subd. 3. Revisions. The following sections of the IPM code are revised as follows:
IPM Code Section 101.1. Title. Amended to read: These regulations shall be known as the Property Maintenance Code of the City of Greenwood, hereinafter referred to as “this code.”
IPM Code Section 102.3. Application of other codes. Amended to read: Repairs, additions or alterations to a structure or changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota state building code and the Greenwood ordinance code.
IPM Code Section 102.7. Referenced codes and standards. Amended to read: All references to other codes or standards within this code shall mean the applicable provisions of the Greenwood ordinance code or Minnesota state building code, whichever is the most restrictive requirement permitted under statute.
IPM Code Section 103.2. Appointment. Amended to read: The director of inspections shall be the zoning administrator.”

SECTION 3.

Greenwood ordinance code section 320.25 is amended to read as follows:

“Section 320.25. Disclaimer.

By the adoption of the IPM code as amended herein, the City of Greenwood does not guarantee nor does it assume responsibility or liability for the non-compliance of any particular property nor personal property damage or personal injury or death suffered by any person as a result of the entrance upon any property otherwise regulated hereby. The foregoing disclaimer, however, shall not prevent the city from enforcing the terms of this code by means as provided in said code.”

SECTION 4.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

2011 Greenwood FINAL Budget

7A & 7B

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
GENERAL FUND REVENUE									
1	TAXES								
2	101-31010	671,619	687,057	328,471	666,252	645,417	-3.13%		
3	101-31020	0	1,000	24,601	1,000	0	-100.00%		
4	101-31040	4,923	2,200	2,432	2,200	0	-100.00%		
5	101-31800	23	25	7	25	0	-100.00%		
6	101-31910	342	100	225	50	0	-100.00%		
7		676,907	690,382	355,735	669,527	645,417	-3.60%		89.05%
8	LICENSES & PERMITS								
9	101-32110	3,250	2,965	0	3,250	3,250	0.00%		
10	101-32180	2,134	1,600	3,711	3,355	3,400	1.34%		
11	101-32210	17,393	28,000	966	12,000	12,000	0.00%		
12	101-32211	2,107	2,000	664	1,200	1,200	0.00%		
13	101-32215	0	200	0	0	0	#DIV/0!		
14	101-32240	200	0	775	100	200	100.00%		
15		25,084	34,765	6,115	19,905	20,050	0.73%		2.77%
16	INTERGOVERNMENT REVENUE								
17	101-33402	0	0	0	0	0	#DIV/0!		
18	101-33423	2,549	2,000	2,671	0	0	#DIV/0!		
19	101-33610	1,722	1,675	0	0	0	#DIV/0!		
20	101-33630	0	0	0	0	0	#DIV/0!		
21		4,271	3,675	2,671	0	0	#DIV/0!		0.00%
22	PUBLIC CHARGES FOR SERVICES								
23	101-34103	1,300	1,500	400	2,500	1,500	-40.00%		
24	101-34207	200	50	375	50	200	300.00%		
25	101-34304	2,175	3,500	500	1,000	2,000	100.00%		
26	101-34409	15,100	13,478	18,584	18,810	18,819	0.05%		
27		18,775	18,528	19,859	22,360	22,519	0.71%		3.11%
28	FINES, FORFEITURES & PENALTIES								
29	101-35101	6,737	5,300	4,137	5,000	4,500	-10.00%		0.62%
30	MISC. INCOME								
31									
32	101-36100	560	1,500	6,694	0	0	#DIV/0!		
33	101-36102	3,664	7,000	4,579	5,000	5,000	0.00%		
34	101-36230	1,253	50	375	25	0	-100.00%		
35	101-39201	20,100	20,100	15,000	15,000	15,000	0.00%		
36	101-39202	0	0	0	0	10,650	#DIV/0!		
37	101-39203	0	0	0	0	1,650	#DIV/0!		
38		25,577	28,650	26,649	20,025	32,300	61.30%		4.46%
39									
40	Total Revenue	757,351	781,300	415,166	736,817	724,786	-1.63%		

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
GENERAL FUND EXPENSES									
41	COUNCIL								
42	101-41100-103 Council Salaries (Gross)	13,200	13,200	11,000	13,200	13,200	0.00%		
43	101-41100-122 FICA Contributions (6.2%)	818	975	694	818	818	0.00%		
44	101-41100-123 Medicare Contributions (1.45%)	191	220	162	191	191	0.00%		
45	101-41100-371 Training / Conference Registration (League of Minnesota Cities Training)	855	1,325	135	600	600	0.00%		
46	101-41100-372 Meals / Lodging	0	110	0	50	100	100.00%		
47	101-41100-433 Misc. (Dues, Subscriptions, Supplies, Etc.)	0	200	20	150	150	0.00%		
48		15,064	16,030	12,012	15,010	15,060	0.33%	2.23%	
49	ELECTIONS								
50	101-41200-103 Election Salaries (Part-Time Election Judge Salaries)	0	0	0	1,500	0	-100.00%		
51	101-41200-214 Operational Support - Forms (Ballots, Voter Reg. Rosters)	0	0	0	300	0	-100.00%		
52	101-41200-219 Election Operations / Support (Deephaven Public Works)	0	0	13	350	0	-100.00%		
53	101-41200-319 Equipment Maintenance (ES&S Maintenance Agreement / Programming)	161	400	301	400	200	-50.00%		
54	101-41200-372 Meals / Lodging (Election Judge Snacks)	0	0	82	75	0	-100.00%		
55	101-41200-439 Misc. (Supplies, Postage, Etc.)	55	40	72	325	50	-84.62%		
56		216	440	468	2,950	250	-91.53%	0.04%	
57	ADMINISTRATION								
58	101-41400-101 City Administrator Salary	63,587	71,000	27,078	57,681	0	-100.00%		
59	101-41400-121 PERA Contributions (7%)	4,286	4,795	1,718	4,038	0	-100.00%		
60	101-41400-122 FICA Contributions (6.2%)	3,942	4,410	1,679	3,576	0	-100.00%		
61	101-41400-123 Medicare Contributions (1.45%)	922	1,030	393	836	0	-100.00%		
62	101-41400-139 City Administrator Insurance (LTD \$99, STD \$14, Life \$5.55 = \$118.55/mo.)	1,283	1,440	579	1,423	0	-100.00%		
63	101-41400-201 Office Supplies	0	800	699	600	600	0.00%		
64	101-41400-202 Duplicating	292	500	58	400	200	-50.00%		
65	101-41400-204 Stationary, Forms, Printing	442	575	574	525	525	0.00%		
66	101-41400-309 Professional Services - Other (ISP, Website, Email)	2,015	3,500	3,747	3,500	1,000	-71.43%		
67	101-41400-310 Clerk's Contractual (\$2,400 Minutes, \$31,740 Deephaven Admin Services)	2,477	8,500	9,313	3,250	34,141	950.49%		
68	101-41400-311 Office - Rent / Equipment	10,369	11,500	8,641	11,580	6,800	-41.28%		
69	101-41400-313 Professional Services (Civic Accounting)	3,760	3,900	2,877	4,100	1,920	-53.17%		
70	101-41400-321 Communications - Telephone	1,517	1,500	1,174	1,500	700	-53.33%		
71	101-41400-322 Postage	1,198	1,400	1,729	1,400	1,400	0.00%		
72	101-41400-351 Newspaper Legal Notices	6,406	2,000	1,577	2,500	2,000	-20.00%		
73	101-41400-372 Meals / Lodging	0	50	0	50	0	-100.00%		
74	101-41400-411 Rentals / Office Equipment (Copier Lease Through May 2013)	2,335	2,280	2,626	2,280	2,335	2.41%		
75	101-41400-439 Misc. (Equipment, Dog Tags, Credit Card Fee, Etc.)	659	1,450	208	1,300	400	-69.23%		
76		105,490	120,630	64,670	100,539	52,021	-48.26%	7.70%	

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
77	ASSESSOR								
78	101-41500-309 Assessor - Contract (Hennepin Co.)	13,677	13,500	6,761	14,000	14,000	0.00%		
79	101-41500-439 Assessor - Other (Hennepin Co. Notices, Processing, Tax Rolls)	80	125	3	125	100	-20.00%		
80		13,757	13,625	6,764	14,125	14,100	-0.18%	2.09%	
81	LEGAL SERVICES								
82	101-41600-304 Legal Services - General	20,736	20,000	10,522	20,000	15,000	-25.00%		
83	101-41600-308 Legal Services - Prosecution	5,877	6,000	2,208	6,000	4,000	-33.33%		
84		26,613	26,000	12,730	26,000	19,000	-26.92%	2.81%	
85	AUDITING								
86	101-41700-301 Auditing (\$9100 in 2011, \$9300 in 2012)	12,855	13,000	8,900	8,900	9,100	2.25%		
87		12,855	13,000	8,900	8,900	9,100	2.25%	1.35%	
88	GENERAL GOVERNMENT TOTAL	173,995	189,725	105,544	167,524	109,531	-34.62%	16.21%	15.11%
90	LAW ENFORCEMENT								
91	101-42100-310 Law Enforcement - Contract (Monthly)	150,228	150,232	126,130	151,352	158,672	4.84%		
92	101-42100-311 Police Side Lease - Facilities (Quarterly)	47,648	47,649	47,900	47,901	47,263	-1.33%		
93	101-42100-439 Police Safety - Other (Jail, Etc.)	3,262	0	675	1,000	1,000	0.00%		
94		201,138	197,881	174,705	200,253	206,935	3.34%	30.62%	
95	FIRE								
96	101-42200-309 Fire Protection - Operations (Quarterly)	58,399	58,314	63,990	63,990	68,492	7.04%		
97	101-42200-311 Fire Side Lease - Facilities (Quarterly)	54,304	55,825	58,520	58,520	59,239	1.23%		
98		112,703	114,139	122,510	122,510	127,731	4.26%	18.90%	
99	PUBLIC SAFETY TOTAL	313,841	312,020	297,215	322,763	334,666	3.69%	49.53%	46.17%
100	ZONING								
101	101-42400-308 Zoning Administration	2,794	4,000	1,238	4,000	4,000	0.00%		
102	101-42400-309 Public Notices	1,409	0	50	0	1,500	#DIV/0!		
103	101-42400-310 Building Inspections	14,700	30,000	5,982	6,500	6,500	0.00%		
104	101-42400-438 Misc. (Duplicating, Etc.)	0	400	0	200	0	-100.00%		
105	ZONING TOTAL	18,903	34,400	7,269	10,700	12,000	12.15%	1.78%	1.66%
106	ENGINEERING								
107	101-42600-303 Engineering Fees	1,226	8,000	1,963	5,000	3,500	-30.00%		
108		1,226	8,000	1,963	5,000	3,500	-30.00%	0.52%	
109	UTILITIES & ROADS								
110	101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric)	4,591	4,700	3,424	3,600	4,000	11.11%		
111	101-43100-409 Other - Road Repair & Maintenance (2009 & 2010 Road Imp, 2011 Public Works Repairs)	75,000	75,500	1,372	0	5,000	#DIV/0!		
112		79,591	80,200	4,796	3,600	9,000	150.00%	1.33%	

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
	MAJOR ROAD IMPROVEMENTS								
113	101-43200-229 Major Road Improvements - Construction (New category in 2011)	0	0	121,140	100,500	115,000	14.43%		
114	101-43200-303 Major Road Improvements - Engineering (New category in 2011)	0	0	13,228	0	15,000	29.35%		
115		0	0	134,368	100,500	130,000	29.35%	#DIV/0!	
116	PUBLIC WORKS								
117	101-43900-226 Signs	329	1,000	2,235	2,000	5,000	150.00%		
118	101-43900-310 Streets - Sweeping (2011 Excess of \$4000 to Stormwater)	8,859	8,350	5,472	5,000	4,000	-20.00%		
119	101-43900-312 Snow Plowing	9,679	12,500	15,152	13,000	15,000	15.38%		
120	101-43900-313 Trees, Weeds, Mowing	9,706	13,000	9,244	13,000	13,000	0.00%		
121	101-43900-314 Tennis Court Maintenance (Pressure Wash)	0	200	0	200	200	0.00%		
122	101-43900-315 Trail / Bike Path Maintenance	342	1,000	625	1,000	800	-20.00%		
123	101-43900-439 Misc. (2009 Includes Culvert Cleaning & Storm Sewer Maintenance. Moved to Stormwater in 2010.)	2,012	4,750	3,481	2,000	0	-100.00%		
124		30,927	40,800	36,209	36,200	38,000	4.97%	5.62%	
125	ROADS & PUBLIC WORKS TOTAL	111,744	129,000	177,336	145,300	180,500	24.23%	26.71%	24.90%
126	MISC. EXPENSES								
127	101-49000-310 Recycling Contract	13,296	13,185	14,116	18,819	18,819	0.00%		
128	101-49000-311 Spring Clean-Up Day	2,329	4,500	2,108	4,000	2,500	-37.50%		
129	101-49000-369 League of Minnesota Cities Insurance Trust / Liability (2009 & 2010 Includes Work Comp)	7,483	7,000	115	7,500	7,600	1.33%		
130	101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp	0	0	0	0	110	#DIV/0!		
131	101-49000-433 Misc.	0	0	0	100	0	-100.00%		
132	101-49000-434 Southshore Center	0	0	1,200	0	1,200	#DIV/0!		
133	101-49000-435 League of Minnesota Cities	0	0	826	0	997	#DIV/0!		
134	101-49000-436 Lake Minnetonka Conservation District	6,113	6,113	4,758	6,344	6,507	2.57%		
135	101-49000-437 July 4th Fireworks (2009 & 2010 Budgets Include Southshore Center and LMC)	2,068	5,100	1,200	3,180	1,300	-59.12%		
136	MISC. TOTAL	31,289	35,898	24,322	39,943	39,033	-2.28%	5.78%	5.39%
137	Total Operating Budget	649,772	701,043	611,686	686,230	675,730	-1.53%		
138	CONTINGENCY & FUND TRANSFERS								
139	101-49000-439 Contingency (4.3%) -- slightly reduced from preliminary budget: \$30,408 (4.5%)	2,643	22,757	2,301	20,587	29,056	41.14%		
140	101-49000-440 Reserve Replenishment	104,936	57,500	102,829	10,000	0	-100.00%		
141	101-49000-500 Transfer to Bridge Fund	0	0	20,000	20,000	20,000	0.00%		
142	CONTINGENCY & FUND TRANSFERS TOTAL	107,579	80,257	125,130	50,587	49,056	-3.03%		6.77%
143	Total Expenses	757,351	781,300	736,817	736,817	724,786	-1.63%		
144	GENERAL FUND CASH BALANCE	242,058		344,887	252,058	252,058		37.30%	

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
SEWER FUND <i>This is an enterprise fund that can be used for any city purpose.</i>									
145	602-34401	REVENUE: Sewer Use Charges -- Sewer Fees \$65 in 2009, \$75 in 2010, \$70 in 2011		98,777		109,300	114,000	106,500	
146	602-34402	REVENUE: Late Charges & Penalties		4,409		2,900		2,000	
147	602-34403	REVENUE: Delinquent Sewer Payments Received		0		264		0	
148	602-34404	REVENUE: Delinquent Sewer Late Fees Received		0		20		0	
149	602-34408	REVENUE: Permit Fees		100		50		0	
150	602-36100	REVENUE: Special Assessments		0		1,728		0	
151	602-43200-303	EXPENSE: Engineering Sewer		10,429		1,430		2,700	
152	602-43200-309	EXPENSE: Met Council and Excelsior		46,415		32,354		52,000	
153	602-43200-310	EXPENSE: Public Works Sewer		4,939		6,008		5,000	
154	602-43200-319	EXPENSE: Equipment Maintenance		36,453		299		0	
155	602-43200-381	EXPENSE: Utility Services - Electric		2,446		1,603		1,700	
156	602-43200-404	EXPENSE: R&M - Machinery & Equipment		1,737		6,022		7,000	
157	602-43200-439	EXPENSE: Misc. (Gopher State One Call, Forms, Printing, Etc.)		798		363		500	
158	602-43200-530	EXPENSE: Capital Outlay (2011 Manhole Project)		0		0		50,000	
159	602-43200-720	OPERATING TRANSFER: To General Fund (10% of Sewer Revenue to Offset Adm. Costs)		0		0		10,650	
160		Net Total		69		66,183		-21,050	
161		SEWER FUND CASH BALANCE		356,140		422,323		401,273	
STORMWATER FUND <i>This is an enterprise fund that can be used for any city purpose.</i>									
162	502-34401	REVENUE: Stormwater Use Charges		11,915		15,729		16,500	
163	502-34403	REVENUE: Delinquent Stormwater Payments Received		0		0		0	
164	502-34404	REVENUE: Delinquent Stormwater Late Fees Received		0		0		0	
165	502-43200-303	EXPENSE: Engineering Stormwater		6,864		3,397		4,000	
166	502-43200-310	EXPENSE: Public Works Stormwater		0		315		500	
167	502-43200-319	EXPENSE: Equipment and Maintenance		951		1,060		1,500	
168	502-43200-409	EXPENSE: Street Sweeping		0		0		4,000	
169	502-43200-439	EXPENSE: Misc. (EPA Fee, Etc.)		0		0		2,000	
170	502-43200-720	OPERATING TRANSFER: To General Fund (10% of Stormwater Rev. to Offset Adm. Costs)		0		0		1,650	
171		Net Total		0		10,957		2,850	
172		STORMWATER FUND CASH BALANCE		4,100		15,057		17,907	
PARK FUND <i>This is a dedicated fund for "Improvements" only. Cannot be used for maintenance.</i>									
173	401-36230	REVENUE: Park Dedication Fees		0		0		0	
174	401-45000-000	EXPENSE: Park Improvements		0		0		5,000	
175		Net Total		0		0		-5,000	
176		PARK FUND CASH BALANCE		27,055		27,055		22,055	

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
MARINA FUND <i>This is an enterprise fund that can be used for any city purpose. Dock anticipated replacement year: 2015+ (minimum \$50,000 for replacement)</i>									
175	605-36201	REVENUE: Boat User Fees (\$100 slip fee increase in 2011)	20,100		22,700	22,700	25,300		
176	605-45100-309	EXPENSE: Professional Services (Dock In and Out)	4,460		2,309		4,600		
177	605-45100-310	EXPENSE: Public Works	0		364		300		
178	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License, etc.)	0		343		350		
179	605-49300-720	OPERATING TRANSFER: To General Fund	20,100		15,000	15,000	15,000		
180		Net Total	-4,460		4,684		5,050		
181		MARINA FUND CASH BALANCE	32,738		37,422		42,472		
BRIDGE FUND <i>This enterprise fund was created in 2010. Enterprise funds can be used for any city purpose.</i>									
182	403-39200	REVENUE: Transfer from General Fund	0		20,000	20,000	20,000		
183	403-45100-303	EXPENSE: Engineering	0		0	0	0		
184	403-45100-530	EXPENSE: Capital Outlay	0		0	0	0		
185		Net Total	0		20,000	20,000	20,000		
186		BRIDGE FUND CASH BALANCE	0		20,000		40,000		
187		Total Fund Cash Balances	662,091		866,744		775,765		

2011 Tax Rate Comparision

EXAMPLE – A property with an assessed EMV of:	\$750,000				
First \$500,000 is multiplied by 1% (same statewide)	\$500,000	x	1%	=	\$5,000
Balance amount is multiplied by 1.25% (same statewide)	\$250,000	x	1.25%	=	\$3,125
Equals the “tax capacity” for the property:					\$8,125

The tax capacity formula is determined by the state and the formula is the same no matter the value of your property. Simply insert your property's estimated market value (EMV) into the first line of the formula above to calculate your tax capacity. The tax capacity number then is multiplied times the county, school, city, and misc. tax rates to calculate the total taxes for your property. The 2011 PROPOSED tax rates are 46.3866% for Hennepin County and 21.269% for the Minnetonka School District. Below is a chart that shows the CITY tax rates for nearby cities compared to Greenwood.

What a \$750,000 property pays in CITY taxes in nearby cities compared to Greenwood in 2011	2011 PROPOSED City Tax Rates		2011 Tax Capacity for a \$750,000 Property		2011 Total CITY Taxes for a \$750,000 Property
Excelsior	36.197%	x	\$8,125	=	\$2,941
Minnetonka	33.593%	x	\$8,125	=	\$2,729
Shorewood	28.451%	x	\$8,125	=	\$2,312
Minnetonka Beach	26.674%	x	\$8,125	=	\$2,167
Wayzata	22.979%	x	\$8,125	=	\$1,867
Greenwood	19.122%	x	\$8,125	=	\$1,554
Deephaven	17.230%	x	\$8,125	=	\$1,400
Tonka Bay	16.529%	x	\$8,125	=	\$1,343
Woodland	8.754%	x	\$8,125	=	\$711

Source: Hennepin County

HENNEPIN COUNTY
2010-2011 PROPOSED
TAX RATES

Greenwood

AREA WIDE RATE	129.327%
STATE GENERAL RATE	
COMM, IND, UTILITY	50.000%
SEASONAL RES REC	20.000%

MUNIC	19
SCHOOL	276
WTRSHD	3
SEWER	0000
CONT %	40.3866%

COUNTY	46.250%
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MUNICIPAL DISTRICTS	
Revenue	19.122%
Bonds & Interest	
Municipality	19.122%
Sewer District	
SUBTOTAL (Munic/Sewer)	19.122%
HRA	
EDA	
TOTAL MUNICIPAL DISTRICTS	19.122%

SCHOOL DISTRICTS	
Voter Approved - General NTC	6.739%
Other - General NTC	5.421%
Other - Community Service	1.202%
Voter Approved - General Debt Service	5.611%
Other - General Debt Service	1.956%
Other - OPEB/Pension	0.340%
TOTAL SCHOOL DISTRICTS	21.269%

METRO TAXING DISTRICTS	
Metro Mosquito Control	0.524%
Metro Council Revenue	0.316%
Metro Council B&I	0.223%
Metro Council Right of Way	0.113%
Metro Council Livable Communities	0.256%
Metro Council Total	0.908%
Metro Transit Debt	1.535%
TOTAL METRO DISTRICTS	2.967%

OTHER SPECIAL TAXING DISTRICTS	
Hennepin Parks	2.751%
Hennepin Parks B&I	1.011%
Hennepin Parks Total	3.762%
Park Museum	0.814%
HC Regional Railroad Authority (HCRRRA)	1.242%
Minneapolis Public Housing	
Hennepin HRA	0.396%
Minneapolis Teachers Retrmnt Fund	
Watershed	1.607%
TOTAL OTHER SPEC DIST	7.821%

TOTAL NTC BASED RATE	97.429%
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City Referendum Market Value (RMV)	
School Voter Approved - RMV	0.21773%
School Other - RMV	0.00789%
TOTAL RMV BASED RATE	0.22562%

Solid Waste Fee - Taxable Market Value	
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Hennepin County Cities - Proposed 2011 Property Tax Rates

1	Minneapolis	70.86%
2	Saint Anthony	58.56%
3	Maple Plain	57.64%
4	Brooklyn Center	57.17%
5	Loretto	57.11%
6	Osseo	56.29%
7	Hopkins	55.68%
8	Richfield	54.95%
9	Golden Valley	53.58%
10	Brooklyn Park	50.99%
11	Rockford	50.15%
12	New Hope	49.71%
13	Crystal	49.04%
14	Dayton	48.61%
15	Rogers	45.58%
16	Robbinsdale	44.61%
17	Hanover	44.44%
18	Saint Louis Park	42.19%
19	Mound	42.14%
20	Bloomington	41.01%
21	Champlin	39.20%
22	Medicine Lake	38.68%
23	Long Lake	38.14%
24	Spring Park	37.71%
25	Maple Grove	37.19%
26	Corcoran	37.09%
27	Excelsior	36.20%
28	Minnetonka	33.59%
29	Independence	32.92%
30	Eden Prairie	31.71%
31	Saint Bonifacius	30.09%
32	Greenfield	29.78%
33	Shorewood	28.45%
34	Hassan	27.70%
35	Minnetrista	27.26%
36	Plymouth	26.79%
37	Chanhaasen	26.70%
38	Minnetonka Beach	26.67%
39	Edina	24.90%
40	Wayzata	22.98%
41	Medina	19.19%
42	Greenwood	19.12%
43	Deephaven	17.23%
44	Tonka Bay	16.53%
45	Orono	15.14%
46	Woodland	8.75%

**CITY OF GREENWOOD
RESOLUTION NO. 21-10**

A RESOLUTION APPROVING THE 2010 TAX LEVY, COLLECTIBLE IN 2011

BE IT RESOLVED by the city council of the City of Greenwood that the following sum of money be levied for the current year, collectible in 2011, upon taxable property in the City of Greenwood, Minnesota for general fund activities:

TOTAL LEVY: \$645,417

The city clerk is hereby instructed to transmit a certified copy of this resolution to the county auditor of Hennepin County Minnesota.

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk

**CITY OF GREENWOOD
RESOLUTION NO. 22-10**

A RESOLUTION APPROVING THE 2011 CITY BUDGET

WHEREAS, the city council of the City of Greenwood has reviewed the 2011 city budget and determined that the proposed expenditures and revenues adequately address the needs of the city and the residents it serves,

WHEREAS, the public had the opportunity to comment on the 2011 city budget at the December 7, 2010 city council meeting.

NOW, THEREFORE BE IT RESOLVED by the city council of the City of Greenwood, that the 2011 general fund city budget in the amount of **\$724,786** is hereby approved.

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk

ORDINANCE NO. 189

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING THE GREENWOOD ORDINANCE CODE CHAPTERS 3 & 5 ADDING PROVISIONS REGULATING THE
COMPLETION OF THE EXTERIOR OF STRUCTURES UNDER CONSTRUCTION**

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

SECTION 1.

Greenwood ordinance code chapter 3 is amended to add the following regulations:

“Section 300.30. Completion of Exterior.

All exterior building work authorized by a permit issued in accordance with the SBC shall be completed **within 180 days following the issuance of the building permit.**

- (a) Administrative Extension. In the event the holder of a building permit is in need of additional time to complete all planned exterior building work, the permit holder may on payment of the applicable fee, (in an amount set by the city council and included in chapter 5 of this code) make written application to the zoning administrator for a one time 30-day extension to complete the exterior work of their project. The zoning administrator may grant the time extension upon a finding that:
 - (1) Substantial progress has been made toward completion. (Substantial progress means that the planned exterior work on the project is presently over 75% complete);
 - (2) A justifiable cause for the delay has been demonstrated; and,
 - (3) The permit holder has the capability to finish the planned exterior work within the time period of the extension.
- (b) Evidence. Prior to the grant of extension, the zoning administrator may require of the permit holder evidence of the ability to complete the exterior work, including but not limited to, a list of contractors and subcontractors under contract for the completion of the project.
- (c) Council Review. In the event the permit holder application for an administrative extension is denied or the permit holder believes they are in need of additional time to complete the planned exterior work, a permit holder may on payment of the applicable fee, (in an amount set by the city council and included in chapter 5 of this code), make written application to the city clerk for city council review and grant of additional time to complete the planned exterior work. The council may grant **one extension for an additional 30 to 120 days** if (1) substantial progress has been made toward completion, and (2) a justifiable cause for the delay has been demonstrated by the permit holder.
- (d) Noncompliance. Permit holders whose planned exterior work remains uncompleted shall be subject to an administrative citation and fine in an amount set by the city council and included in chapter 5 of this code following the procedures outlined in chapter 12 of this code. In the event a permit holder after receiving an extension to complete the planned exterior work, (administrative or council issued), then fails to complete the exterior work within the time granted, the permit holder shall be subject to an administrative citation and fine in an amount set by the city council and included in chapter 5 of this code. A continuing violation of this section may be addressed by the city through administrative civil citations and/or, at the sole election of the city, a civil action for injunctive relief in district court.”

SECTION 2.

Greenwood ordinance code section 510 is amended to add the following:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Building: Permit to Extend Completion of Exterior Work	300.30	\$200 for first 30-day extension, \$400 per each additional 30 days	

”

SECTION 3.

Greenwood ordinance code section 515 is amended to add the following:

“

Type of Violation	Section	Civil Fine	Notes
Building Code: Non Completion of Exterior	300.30	\$300	Each day a violation continues is subject to administrative civil citation.

”

SECTION 4.

Greenwood ordinance code section 515 is amended to revise the following:

“

Penal Code Violation	900 et seq	\$300	Each day a violation continues is subject to administrative civil citation.
Nuisance Code Violation	900 et seq	\$100	Each day a violation continues is subject to administrative civil citation.
Zoning Code Violation	1100 et seq	\$300	Each day a violation continues is subject to administrative civil citation.

”

SECTION 5.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Gus E. Karpas, City Clerk



Hennepin County Department of Environmental Services

417 North Fifth Street, Suite 200
Minneapolis, MN 55401-3206

612-348-3777, REDUCE, REUSE, RECYCLE
612-348-8532, FAX
612-348-6500, Facility **INFO** Line
www.hennepin.us

November 16, 2010

Roberta Whipple
CITY OF GREENWOOD
20225 Cottagewood Road
Deephaven, MN 55331

Ms. Whipple:

Hennepin County has traditionally distributed all the SCORE funding it receives from the state to municipalities for the purpose of supporting curbside residential recycling programs. In order to award these grant funds again in 2011, the city must sign an amendment to the existing agreement. The amendment extends the term for one year and requires the same annual report for that additional year. A sense of urgency on your part is needed to usher this amendment through city administration so that the county can approve the amendment before the expiration of the agreement at the end of this calendar year.

Enclosed are two originals of Amendment 1 to Contract No. A081230, the 2008-2010 Residential Recycling Grant Agreement between Hennepin County and the CITY OF GREENWOOD. Please have both originals of the amendment signed and both documents returned to me.

When I receive the signed originals of the amendment, I will forward the amendment to the county board and administration for final signatures. After the amendment has been approved, I will send you one of the originals and your grant payment.

If you have any questions, please contact me at benjamin.knudson@co.hennepin.mn.us or 612-596-1176.

Sincerely,

Ben Knudson

Enclosures - 2

AMENDMENT 1 TO RESIDENTIAL RECYCLING GRANT AGREEMENT

This Amendment 1 to Residential Recycling Grant Agreement (the "Amendment") is between the COUNTY OF HENNEPIN, STATE OF MINNESOTA (the "COUNTY") A-2300 Government Center, Minneapolis, Minnesota 55487, on behalf of the Hennepin County Department of Environmental Services, 417 North Fifth Street, Minneapolis, Minnesota 55401-1397 ("DEPARTMENT") and the CITY OF GREENWOOD, 20225 Cottagewood Road, Deephaven, Minnesota 55331 ("CITY").

WHEREAS, the COUNTY and the CITY entered into a three-year Residential Recycling Grant Agreement, Contract No. A081230 (the "Agreement"), for a residential recycling grant commencing on January 1, 2008; and

WHEREAS, the County Board, by Resolution No. 10-0486, adopted on November 16, 2010, approved the Hennepin County Residential Recycling Funding Policy for the period January 1, 2008, through December 31, 2011, and authorized grant funding for municipal recycling programs consistent with said policy; and

WHEREAS, the parties desire to amend the Agreement to extend the term.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties agree as follow:

1. Paragraph a. of Section 1, TERM AND COST OF THE AGREEMENT, shall be amended to read as follows:

This Agreement shall commence on execution and terminate on December 31, 2011, unless terminated earlier pursuant to the provisions set forth herein.

2. Paragraph b.4. of Section 2, SERVICES TO BE PROVIDED, shall be amended to read as follows:

The CITY shall submit, on forms provided by the COUNTY, a Final 2008 Report by February 15, 2009; a Final 2009 Report by February 15, 2010; a Final 2010 Report by February 15, 2011; and a Final 2011 Report by February 15, 2012. The CITY shall submit an updated Grant Application by February 15 of each year.

3. Except as hereinabove amended, the terms, conditions and provisions of the Agreement shall remain in full force and effect.

COUNTY BOARD AUTHORIZATION

Reviewed by the County Attorney's Office

COUNTY OF HENNEPIN
STATE OF MINNESOTA

Assistant County Attorney

By: _____
Chair of Its County Board

Date: _____

ATTEST: _____
Deputy/Clerk of County Board

Date: _____

By: _____
Richard P. Johnson, County Administrator

Date: _____

By: _____
Assistant County Administrator, Public Works

Recommended for Approval

Date: _____

By: _____
Director, Department of Environmental Services

Date: _____

CITY OF GREENWOOD
CITY warrants that the person who executed this Agreement is authorized to do so on behalf of CITY as required by applicable articles, bylaws, resolutions or ordinances.*

Signature: _____

Printed Name: _____

Date: _____

*CITY shall submit applicable documentation (articles, bylaws, resolutions or ordinances) that confirms the signatory's delegation of authority. This documentation shall be submitted at the time CONTRACTOR returns the Agreement to the COUNTY. Documentation is not required for a sole proprietorship.

MEMO FOR 12-07-10 GREENWOOD CITY COUNCIL MEETING

RE: POTENTIAL BRIDGE FUND TRANSFER

The City of Greenwood's cash balance of \$523,980 on October 31, 2010 was \$172,958 higher than the \$351,022 cash balance on October 31, 2009. Approximately \$97,643 of this increase can be attributed to specific accounts (roughly \$10,957 stormwater, \$4,684 marina, \$62,002 sewer, and \$20,000 bridge fund). The remaining \$75,315 should be attributable to the General Fund. The budgeted general fund reserve increase for 2010 was \$10,000. It is looking more and more likely that this will be exceeded significantly.

I would suggest that given the strong performance of the general fund, we consider increasing the contribution to the bridge fund from \$20,000 to either \$30,000 or \$40,000 this year. My preference is \$40,000. The bridge is a significant unknown for Greenwood. Increasing the reserves now for this likely project could help to avoid unpleasant surprises in the future.

It should also be noted that since no money is actually being spent, the council will have the option of transferring the monies from the bridge fund back to the general fund at its discretion at a later date. Thus, there is little if any downside from increasing the bridge fund allocation for 2010.

Respectfully submitted,

Tom Fletcher


MINNEHAHA CREEK WATERSHED DISTRICT
 QUALITY OF WATER QUALITY OF LIFE

Date: November 23, 2010
 To: Cities, Counties, Met Council, State Review Agencies
 From: Udai Singh, Minnehaha Creek Watershed District
 Re: Minor Plan Amendment – 45-Day Comment Period

The Minnehaha Creek Watershed District is proposing a minor amendment to its 2007 Comprehensive Watershed Resources Management Plan. The amendment establishes a District wide aquatic invasive species (AIS) control and management program, which may include a regulatory permitting process as well as an inspection and decontamination program.

As you know, zebra mussels were discovered this summer in one of the most important water bodies in the District and state - Lake Minnetonka. The discovery reminds us of why we need to continue to focus on a comprehensive and watershed-wide approach to prevent the spread of invasive species and introduction of new invasive species and the irreversible damage they have on our lakes and streams, plants and fish and the recreational, property and commercial value of our water resources.

The attached amendment reviews the threat AIS pose to the watershed and outlines the watershed management policies, goals and strategies in the existing District Plan that support an AIS program. The amendment describes specifics of a potential regulatory program, including methods of certifying watercraft and other equipment to be placed in watershed water bodies as AIS free. Note that any actual regulatory program would be developed with the engagement of stakeholders and the public through a rulemaking process pursuant to Minnesota Statutes section 103D.341. The amendment also includes an initial cost estimate of the program.

The District invites your comments on the plan amendment and the continued engagement of the many stakeholders involved in addressing the critical issue of AIS prevention, control and management. Enclosed are the affected sections of the plan showing the proposed changes. The full plan is available on the District's website: <http://www.minnehahacreek.org/Draft509Plan.php>

The District will be accepting comments on the amendments until January 7, 2011. Please direct any comments or questions to Dr. Udai Singh at:

Minnehaha Creek Watershed District
 18202 Minnetonka Blvd, Deephaven, MN 55391
usingh@minnehahacreek.org, Tel. 952-641-4507

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.

6.1.2 Regulation for Ecological Integrity

6.1.2a Aquatic Invasive Species Program

The District has shifted its water-quality improvement efforts to an ecosystem based approach to the management of water resources. Moving beyond the traditional assessment of water quality of streams and lakes in terms of excessive nutrients, such as phosphorus, and water transparency, the District now measures additional ecosystem elements and parameters that contribute to water quality and the overall health of water bodies, as well as their capacity to support designated uses. The District continues to work closely with public and private partners in this effort. In this evolution, the District and its partners have confronted the threat posed by aquatic invasive species (AIS) to water quality, ecological integrity, and suitability for designated uses. The District has also surveyed published research on the impacts of AIS on the ecological integrity of water resources. This analysis has been corroborated in the case of zebra mussel field surveys and inspections to assess the extent of the infestation by the District and its partners in the wake of their discovery, in July 2010, in Lake Minnetonka.

Increased efforts by the Minnesota Department of Natural Resources (MNDNR) and local authorities to educate recreational users of water resources and inspect watercraft were not enough to prevent the recent introduction of zebra mussels to Lake Minnetonka and stronger efforts are clearly needed to prevent the introduction and spread of AIS. After numerous public meetings and substantial consultation with the MNDNR, local authorities and other stakeholders, the District determined that a watershed-based approach to stopping the spread of AIS is critical in order to protect the ecological integrity of the District's water resources and the function of water management infrastructure. A watershed-based approach is necessary to slow the rate at which AIS infiltrate waterbodies in which they are already established, prevent the spread of AIS to additional waterbodies, and guard against the introduction of new AIS threats.

AIS have a significant capacity not only to change the aesthetics of aquatic ecosystems, but also to replace or damage plants and animals of horticultural, agricultural, ecological, cultural, and recreational value. AIS can cause or exacerbate disease, and can damage lake ecology, recreation, property values, commerce and industry.¹ The capacity of waterbodies to support designated uses can also be fundamentally undermined if AIS are not prevented, contained, controlled, managed or eliminated. In the case of Lake Minnetonka, AIS may also adversely affect the operation of the Grays Bay dam and the stormwater outfalls along Minnehaha Creek, and other infrastructure throughout the District.

To implement this amendment to the District's 2007 Water Resources Management Plan, the District will consider conducting a rulemaking process and adopting a rule to require anyone wishing to place a watercraft, dock, boat ramp or other equipment in a watershed waterbody to obtain a District permit. To receive a permit, the applicant would have to

¹ Minnesota Waters, "Aquatic Invasive Species in Minnesota's Waters – An Aquademic," (April 2009), available at <http://www.minnesotawaters.org>.

demonstrate that the watercraft or equipment he or she wishes to launch or place in a waterbody is free of aquatic invasive species (AIS). The District will also consider establishing an independent, District-led voluntary inspection and decontamination system. Whichever approach is adopted – regulatory or voluntary – education and outreach will be a critical complement to the District’s hands-on engagement with users of watershed water resources.

Legal Authority

An aquatic invasive species program would contribute to the District’s fulfillment of its statutory purposes. Given the threat invasive species pose to water resources, recreation and public health, the program would address water management purposes to “protect and enhance fish and wildlife habitat and water recreational facilities,” “secure the other benefits associated with the proper management of surface and ground water,”² and “minimize public capital expenditures needed to correct ... water quality problems.”³ By containing aquatic invasive species to the greatest extent possible and preventing their spread and the introduction of new species, the District and its partners would help watershed communities avoid the substantially higher cost of addressing the impacts of invasive species after they are established. In addition, Board of Water and Soil Resources rules require watershed districts, in their watershed plans, to develop goals and policies that “outline how water resource based recreational activities and wildlife interests will be protected or improved through the implementation of the plan.”⁴ That is, if a watershed lake has a fishery of particular importance, the plan must state what measure the watershed district will take (or require other local governments to take) to conserve it. The District’s Water Resources Management Plan identifies several high quality fisheries, including Lake Minnetonka.⁵ The AIS program would contribute substantially to the protection of these resources.

The District program also fulfills the general charge to “conserve the natural resources of the state ... by using sound scientific principles for ... the provident use of the natural resources,”⁶ and the specific purpose to “protect or enhance water quality” in terms of ecological integrity.⁷ The District is also specifically authorized to conduct studies and monitoring of water resources within the watershed, and to implement water resource management programs.⁸

Support in the District Plan

The District’s 2007 Water Resources Management Plan identifies the critical water resources issues in the watershed, setting goals for the District’s efforts to address the issues and providing detail on the tools and resources the District will use. The Plan consistently underscores the importance of ecological integrity in watershed

² Minn. Stat. § 103B.201(7), (8).

³ *Id.* at (2).

⁴ *Id.*

⁵ Plan, Sec. 2.3.2.

⁶ Minn. Stat. § 103D.201, subdivision 1.

⁷ Minn. Stat. 103D.201, subd. 2 (13).

⁸ Minn. Stat. § 103D.335, subd. 25.

management.⁹ The Plan identifies invasive and exotic species as important threats to ecological integrity.¹⁰ The Plan includes several policies and goals that are served by an aquatic invasive species program, including:

- Maintain, support and enhance the ecological integrity of upland and aquatic resources in the watershed and the ability of flora and fauna in the watershed to proliferate;
- Increase the ecological integrity of the environmental resources within the watershed;
- Conserve, maintain and improve the aesthetic, physical, chemical and biological properties of surface waters and groundwater within the watershed;
- Protect the ecological integrity of surface waters and the riparian environment;
- Achieve no net loss in the quantity, quality and biological diversity of existing wetlands in the watershed;
- Cooperate with other agencies to minimize the spread of harmful exotic species.¹¹

A District AIS program is therefore strongly supported by the watershed management policies, goals and strategies detailed in the Plan. This amendment supplements the Plan by directly addressing the specific threat of zebra mussels and other AIS to the ecological integrity and water quality of the District's water resources and water management infrastructure, and clarifying the basis in the District's 2007 Water Resources Management Plan for a regulatory program to respond to that threat.

The District will explore with watershed stakeholders whether local regulation of activities that have the potential to introduce and spread invasive species is necessary to prevent devastating impacts to the ecological integrity of watershed waterbodies.¹² Its local partners and stakeholders already have urged the District to regulate activities that introduce and spread invasive species. A regulatory or voluntary inspection program will be the key component of the District's AIS program as it pursues the goals of providing leadership and cooperating with partner agencies to control and manage the impact of AIS on Minnehaha Creek watershed streams, lakes and wetlands.

Rule

If it opts to develop a regulatory program, the District will initiate rulemaking under Minnesota Statutes section 103D.341 to adopt a rule pursuant to its authority under chapters 103B and 103D and consistent with the provisions of the state invasive species law (Minnesota Statutes chapter 84D). The District will convene a rulemaking task force that will provide for technical and stakeholder input during the development of the rule. The rule will provide for administration by the District of a permit requirement. The basic structure of the rule, described above, will be supplemented by criteria and required steps with which applicants must comply to receive a permit to place a watercraft or

⁹ See, e.g., sections 1.7.1, 4.8.

¹⁰ *Id.*

¹¹ Plan, sec. 5, goals 2, 2.1, 3, 6.3, 11.1, 14.3

¹² See Laurie Blake, "A Call for New Launch Rules at Lake Minnetonka – Shore Owners Push for More Protection Against Zebra Mussels and Other Invasive Species," *StarTribune*, March 21, 2009.

equipment into a watershed waterbody such as inspection certifying invasive-free status, decontamination procedures, and the application of tags or stickers to indicate authorization to use a particular waterbody or group of waterbodies. The rule will identify specific prohibited AIS (a subset of those listed by the MNDNR in Minnesota Rules chapter 6216).

Stakeholder input on the draft rule during the statutory rulemaking process will supplement the input from state and regional review agencies on the program received in the course of amending the Plan, ensuring that all affected parties will have an opportunity to advise and guide the District's aquatic invasive species program and that the program will be effective when implemented.

Fee

Watershed law allows the District to impose fees for permits commensurate with the administration, inspection and related costs of permit processing and enforcement.¹³ The permit fee for the District's aquatic invasive species program would be structured in keeping with this authority.

Inspection, Decontamination and Permitting Protocol

Successful application of the District's permitting program to activities such as boating or installation of a dock would require approval of the permit by the District's Board of Managers or Board delegation of authority to issue such permits to inspection staff. To accomplish this step and begin implementation of either a regulatory or voluntary program, District staff will establish specific inspection protocols, instructions and forms that inspectors will be required to follow.

The protocols will address aquatic invasive species of concern to the District because they are already present (i.e., Eurasian Water Milfoil, curly-leaf pondweed, flowering rush and zebra mussels) or are a potential threat in the future (i.e., hydrilla, spiny waterflea, and viral hemorrhagic septicemia). The program will seek to minimize or eliminate as many of the identified invasive threats as feasible; for example, hot-water decontamination may kill the larvae of zebra mussels, but not spiny waterflea or viral hemorrhagic septicemia.

To implement the program, the District may establish decontamination stations at public boat launches, private marinas and major access roads to lakes in the watershed. The District's established relationships with other local governmental units, marina owners and related commercial services will be invaluable in developing agreements allowing such entities to play a role in the implementation of the proposed program. Agreements will provide, at minimum, for access by District employees and contractors and equipment to conduct inspections, provide AIS information and issue permits. Whenever possible, agreements will provide for the contribution of inspection and decontamination resources by employees of partner organizations, allowing the District to more cost-effectively deploy its resources.

¹³ Minn. Stat. § 103D.341.

Another critical component of the District’s invasive species program will be a system by which watercraft and equipment are authorized to enter a waterbody including a particular lake or group of lakes. The program will use colored tamper-proof tags or stickers (blue) affixed to watercraft and trailers. A blue sticker will indicate that a watercraft or piece of equipment has been inspected and found to be free of AIS, or decontaminated and allowed to dry for a sufficient period. An intact blue sticker or tag will indicate that the watercraft or equipment may be launched or placed in any non-infested waterbody in the watershed without inspection. Upon launching or placement in the water, the tag or sticker will be automatically broken or separated (leaving a portion in place to indicate that the boat or equipment is permitted to use the waterbody). Boats exiting non-infested waterbodies will again be blue-tagged or -stickered, while boats leaving infested waterbodies will be red-tagged or -stickered, indicating that they must be decontaminated and dried before launching in a blue-tag waterbody.

The District will work closely with the MNDNR, watershed municipalities and counties, parks organizations, nonprofits and citizens groups, the Lake Minnetonka Conservation District, marina owners and other stakeholders to develop and implement these aspects of the program.

Penalties

The District may enforce violations of permit requirements via the standard District enforcement options, including the civil or criminal sanctions available under chapter 103D. The District will direct staff to contact MNDNR conservation officers or other peace officers trained to enforce the invasive species law in the event that a transient violation is encountered in the field. The conservation officer or peace officer can then impose penalties as provided in state law.

To bolster its enforcement capacity, the District anticipates continuing its established invasive species training for peace officers, which the MNDNR has authorized as providing the necessary information for municipal, county and parks peace officers to enforce the state invasive species law.

To further supplement its enforcement capacity, the District also will explore a delegation of authority to enforce the invasive species law from the MNDNR. Under the state invasive species law, the agency may “empower [another entity] to act, temporarily or otherwise ... with powers and duties as may be specified...” in the event of an “invasive species emergency.”¹⁴

Education and Outreach

The District’s invasive species education and outreach efforts – such as the peace officer training noted above – will serve as a critical complement to the aquatic invasive species inspection and permitting program. The District will develop and provide signs and maps of permitting/inspection locations and decontamination stations, and continue to work

¹⁴ Minn. Stat. § 84D.02, subd. 7.

with other agencies and nonprofits to develop and distribute educational materials and will maintain AIS information on its website.

District education and outreach personnel will also coordinate and conduct training of staff and contracted inspectors on the District's inspection, decontamination and permitting protocols, as well as safety issues.

Administration and Budgeting

The aquatic invasive species program would be integrated into the District's organizational structure, with support from all relevant District programs. The District will organize and lead an AIS task force with a watershed-wide focus to provide overall guidance to the program and outreach to leadership at partner organizations, while the District administrator will oversee the administration of the program.

The initial development and implementation of the District's invasive species control and management program will cost \$180,000 per year. Program startup costs will be collected from an *ad valorem* tax levy on property in the watershed per Minnesota Statutes section 103B.241. The District will seek grant funding, as well as contributions from other governmental organizations with an interest in managing and stopping the propagation of aquatic invasive species, to offset this levy as much as possible.

Although the program would initially be funded by watershed district taxpayers, and if the regulatory program is established, permit fees will be collected that will offset costs to the greatest extent possible. The costs of the program will be shifted, in part, to the recreational and commercial users of the waterbodies in the Minnehaha Creek watershed whose activities present the greatest threat and potential to exacerbate the impacts caused by invasive species. The District will explore partnerships with marina owners and operators of related commercial services to assist in implementation of the program.



- NORTHERN CAPITAL COMMERCIAL LINES, INC.
- NORTHERN CAPITAL PERSONAL LINES, INC.
- NORTHERN UNDERWRITERS, INC.
- WAYNE MANN AGENCY, INC.
- BUSINESS INSURANCE BROKERS, INC.
- MCGOVERN AND FISHER INSURANCE AGENCY, INC.
- GOODARD AND MANN AGENCY, LLC

November 29, 2010

Deb Kind
 Gus Karpas
 City of Greenwood
 20225 Cottagewood Road
 Deephaven, MN 55331

RE: LMCIT Renewal Eff. 10/12/2101

Dear Deb and Gus:

The renewal premium is \$6,609 for the LMCIT Municipal Property and Casualty package, including the Excess Liability coverage. This is \$500 less than last year's total premium.

An additional \$280 liability premium is included for the 28 marina slips. This exposure was not included in last year's renewal premium.

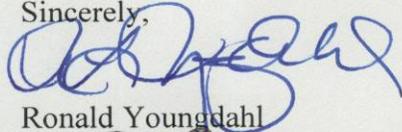
Your City does not have Equipment Breakdown coverage, even though you have five sewer lift stations with mechanical and electrical breakdown exposures. The premium is \$400 to add this coverage.

The City presently has \$250 per occurrence deductible. There would be an approximate \$200 annual premium savings with a \$500 deductible.

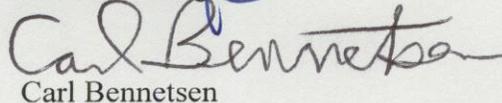
The summary that follows is an outline of the LMCIT premiums and coverages. Your LMCIT Covenants are the actual coverage documents, and will be the basis for any future claims determination.

Please review the premium and coverage summary (and the LMCIT Covenant policies upon receipt). We would appreciate your questions and comments.

Sincerely,



Ronald Youngdahl



Carl Bennetsen

EQUIPMENT BREAKDOWN (OPTION)

Covered Property:

Boilers and other pressure vessels, fired and unfired, as well as machinery, heating, cooling equipment, or electrical apparatus.

Limit of Coverage: \$467,851

**Loss of Revenue &
Extra Expense:** \$5,000,000

Deductible: \$250 Any One Accident

Sublimits:

Service Interruption	\$100,000
Perishable Goods	\$100,000
Data Restoration	\$100,000
Demolition and ICC	\$100,000
Expediting Expense	\$100,000
Pollutants	\$100,000
CFC Refrigerants	\$100,000
Ice Rink Buried Piping	\$50,000
LEED "Green" re-construct	See "Property Section"

Covered Cause of Loss

Accident means direct physical loss to covered equipment built to operate under vacuum or pressure:

- 1.) Mechanical Breakdown
- 2.) Artificially generated electrical current, including electrical arcing.
- 3.) Explosion of steam boilers, pipes, turbines that are under your control.
- 4.) Loss or damage to steam boilers, pipes, turbines from an internal condition (rupture).
- 5.) Loss or damage to hot water boilers or water heating equipment from internal condition (rupture).

EQUIPMENT BREAKDOWN (CONTINUED)

Coverage Extensions Exclude but are Not Limited To:

- Excludes electrical generating steam, gas, water, wind turbine and fuel cell equipment, except standby diesel electric generators.
- Depletion, deterioration, corrosion, erosion, wear & tear or other gradually developing conditions
- Enforcement of any law or ordinance, regulation, ruling or restricting repair, replacement or alteration, use operation, construction or installation (except as specifically included Demolition and ICC, Pollutants or CFC Refrigerants)
- Earth movement, including but not limited to earthquake, subsidence, sinkhole collapse, landslide, mudslide, earth sinking, tsunami or volcanic action
- Flood, surface water, waves, tides, tidal waves, overflow of any body of water, or their spray, all whether driven by wind or not.
- Windstorm or hail (except if a loss is suffered as a result of an accident caused by rain, snow, sand or dust and the structure did not first sustain wind or hail damage to its roof or walls through which the rain, snow, sand or dust entered)
- Nuclear reaction or radiation or radioactive contamination
- War, including undeclared or civil war
- Fire or combustion explosion
- Hydrostatic, pneumatic or gas pressure test of any boiler or pressure vessel or an insulation breakdown test of any electrical equipment
- Water or other means used to extinguish a fire
- Lightning, Explosion (except for steam or centrifugal explosion), Smoke, Aircraft or Vehicles, Riot or civil Commotion, Vandalism or Sprinkler leakage, Breakage of Glass, Falling Objects, Weight of Snow, Ice or Sleet or Water Damage, Freezing, Collapse or Molten Material
- Mold (except as specifically covered)
- Loss resulting from Defect, Programming Error, Programming Limitation, Virus, Loss of Data, Loss of Access, Loss of Use, Loss of Functionality or media or any kind (except loss resulting from an accident)

**COVERAGE SUMMARY
LMCIT COVERAGE AGREEMENT
Coverage Period: From 10/12/10-10/12/11**

**City of Greenwood
20225 Cottagewood Road
Excelsior, MN 55331**

Presented by:

**Ronald L. Youngdahl
& Carl Bennetsen
Northern Capital Insurance Group
P.O. Box 9396
Minneapolis, MN 55440-9396
952-996-8819**

**CITY OF GREENWOOD
PREMIUM SUMMARY**

October 12, 2010 to October 12, 2011

COVERAGES	PREMIUMS
Property	\$2,143
Equipment Breakdown*	Not Covered
Mobile Property	Not Covered
Crime	Included
Faithful Performance Bond	\$133
Municipal Liability	\$3,100
Auto Liability & Physical Damage	\$69
Petrofund	Included
Fireworks	Not Covered
No Fault Sewer Back Up Limit	\$264
TOTAL PROPERTY/CASUALTY PACKAGE	\$2,709
Open Meeting Law	Included
Liquor Liability	Not Covered
Excess Liability	<u>\$900</u>
TOTAL PREMIUM	\$6,609
*Optional Quote - Equipment Breakdown	\$400

CITY OF GREENWOOD
LMCIT PREMIUM BREAKDOWN – 10/12/2010 to 10/12/2011

COVERAGES		AMOUNT OF COVERAGE	PREMIUM
Property (Per \$100 Coverage)		\$ 467,851	\$ 2,143
Equipment Breakdown Coverage		No Coverage	\$ 0
Mobile Property (Per \$100 Coverage):	Sched. Over 25,000	No Coverage	\$ 0
	Unsched. 25,000 & Less	No Coverage	\$ 0
Municipal Liability		See Attached	\$ 3,100
No Fault Sewer Backup		No Coverage	\$ 264
Auto Liability & Physical Damage		See Attached	\$ 69
Crime-Inside/Out/Forgery		\$ 250,000	Included
Bonds		\$ 50,000	\$ 133
Petrofund		See Attached	Included
Fireworks		No Coverage	\$ 0
Open Meeting Law		See Attached	Included
Liquor Liability		No Coverage	\$ 0
Excess Liability		\$ 1,000,000	\$ 900
Total Premium:			\$ 6,609

MUNICIPAL LIABILITY

--HAZARD--	PREMIUM BASIS	ADVANCED PREMIUM
Operating Expenditure	\$ 319,125	\$ 1,425
Waterworks – Payroll	None	\$ 0
Waterworks-Per 1 mill gallons	0	\$ 0
Streets-Miles	10	\$ 144
Independent Contractors-Per \$100	\$ 470,418	\$ 129
Special Events – Marina Slips		\$ 280
No Fault Sewer Backup Coverage		\$ 264
Errors & Omissions/Prior Acts	\$ 794,003	\$ 1,122
Total Liability		\$ 3,364

**PROPERTY SCHEDULE
CITY OF GREENWOOD**

Loc#	Location	Occupancy	Type of Flood Coverage	Building Replacement	Content Replacement	Property in Open Replacement	Premium
001	21953 Minnetonka Blvd.	Sewer Lift Station	C	\$49,332			\$26
002	5105 Meadville Street	Sewer Lift Station	C	\$49,332			\$26
003	21610 Fairview Street	Sewer Lift Station	C	\$49,332			\$26
004	5165 Weeks Road	Sewer Lift Station	C	\$61,666			\$32
005	21630 Minnetonka Blvd.	Sewer Lift Station	C	\$49,332			\$26
006	Greenwood Circle	Lake	C			\$94,547	\$951
007	5015 Meadville Street	Park	C			\$50,982	\$512
008	Curve Street	Park	C			\$50,982	\$512
009	20225 Cottagewood Rd.	Office	C		\$12,346		\$32
				\$258,994	\$12,346	\$196,511	\$2,143

*The limit of coverage for Section IV – Water Supplemental Coverage is \$500,000 per occurrence/500,000 Annual Aggregate

PROPERTY COVERAGE

Coverage:

Property insurance covers your interest against direct physical loss or damage by covered causes of loss to named property that you own or are required to insure.

Perils:

All perils are covered except those specifically excluded such as war, earthquake and nuclear hazard.

Schedule of Locations:

Per Statement of Values on File with Company

Total Property Limit:

\$467,851	General Limit per Occurrence, subject to sub-limits and the specific scheduled property limit. Basis: \$467,851 Buildings, Contents, Property In Open No Coverage Mobile Property - Scheduled (+\$25,000) No Coverage Mobile property - Unscheduled
\$50,000,000	Terrorism loss-occurrence-shared limit for all member losses occurring during 72 consecutive hours, with limitations
\$500,000	Water and Supplemental Flood Coverage - Per Occurrence and Annual Aggregate For Buildings/Contents or Property In The Open, or Builders Risk, Excluding Vacant Buildings (Coverage for a specific location as shown on policy schedule)

Deductible:

\$250	Per Occurrence
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Valuation:

Building/Contents & Property In Open: Replacement Cost
Mobile Property: Repair or Replace Cost up to 200% of Fair Market Value
Vacant Buildings: Fair Market Value

PROPERTY COVERAGE (CONTINUED)

Property Not Covered:

- * Aircraft, Animals (except police dogs)
- * Automobiles (Licensed)
- * Money or Securities (Except Crime Coverage)
- * Bridges or Other Paved Surfaces (Except Golf Course Property)
- * Builders Risk Property (any project over \$2,000,000)
- * Illegal Contraband
- * Cost of Excavations and Grading etc.
- * Crops and Lawns (Except Golf Course Prop)
- * Pilings, Piers, Wharves or Docks
- * Underground Buried Pipes, Flues or Drains
- * Foundations of Buildings, etc. (if below the lowest floor surface)
- * Retaining Walls (if not part of specified property)
- * Electrical Transmission Lines
- * Trees and Shrubs not within 100 ft. of a building

Additional Coverages:

Asbestos, Clean Up, Abatement & Removal	\$250,000 Per Location
Loss of Revenue, Extra & Expediting Expense	\$5,000,000 Per Occurrence
Debris Removal - Direct Physical Damage	25% of Replacement Cost
Debris Removal - No Direct Physical Damage	\$50,000 Per Occurrence
Leasehold Interest	\$500,000 Per Location
Pollutant Cleanup and Removal	\$250,000 Per Location
Errors: 90% Of The Loss	\$500,000 Per Occurrence
Rental Reimbursement	\$25,000 Annual Aggregate
Arson Reward	\$5,000 Per Fire
Accounts Receivable	\$500,000 Per Location
Valuable Papers & Records	\$500,000 Per Location
Extraordinary Expenses	\$250,000 Annual Aggr.
Utility Services	\$100,000 Per Occurrence
Criminal Acts Other Than Vandalism	\$1,000,000

PROPERTY COVERAGE (CONTINUED)

Sublimits In Addition To The Scheduled General Limit Of Occurrence:

Newly Acquired or Constructed Building/Contents	
Or Property In Open	\$5,000,000 One Location
Newly Acquired or Built Mobile Property	\$500,000 Per Unit
Buildings in the Course of Construction, Alterations, or Repair	
Any One Location	\$2,000,000
Includes: Property In Transit	\$250,000
Temporary Location	\$500,000
Vacant Buildings	Fair Market Value

Sublimits Included In The Scheduled General Limit of Occurrence (Maximum \$39,000)

Computer Equipment Data & Media		\$1,000,000
Fine Arts		\$500,000
Personal Effects	Per Occurrence	\$25,000
	Per Employee	\$2,500
Business Personal effects	Per Occurrence	\$25,000
	Per Employee	\$5,000
Covered Property In Transit	Per Occurrence	\$250,000
Unscheduled Location	Per Occurrence	\$500,000
Golf Course Property - For Direct Damage and Debris Removal	Per Occurrence	\$100,000

Coverage Exclusions Included but are Not Limited To:

War, Nuclear Hazard, etc.

No coverage for increased costs to comply with City zoning or ordinances

No coverage for costs to correct code violations that existed prior to the date of loss

Water and Supplemental Flood (Coverage Codes):

Code A: LMCIT Water and Supplemental Flood Coverage applies with no additional exclusions.

Code B: LMCIT Water and Supplemental Flood Coverage applies in addition to and in excess of the applicable National Flood Insurance Program Coverage.

Code C: LMCIT Water and Supplemental Flood Coverage excludes damages from any *occurrence* for which any loss or any damage would be payable under a National Flood Insurance Program Coverage.

PROPERTY COVERAGE (CONTINUED)

Terrorism Losses – Special Pool Limit Endorsement

- Shared Limit – for any terrorism loss occurrence which is over \$50,000,000 the LMCIT will pay a proportionate share of the City's loss.
- Sub Limits – Maximum \$1,000,000 for all of the following:
 - a. Discharge of pollutants, and resulting fire losses.
 - b. Chemical or biological release and exposure, and resulting fire losses.
 - c. Attack by electronic means, including computer corruption.
 - d. Asbestos exposure of any kind, including resulting fire.
 - e. Threat or hoax losses and expenses
 - f. Any expediting expense
 - g. Nuclear and radioactive costs, including resulting fire losses
- Termination
 - a. Automatic termination – LMCIT loss cost for any terrorism loss occurrence that exceeds \$15,000,000.
 - b. Discretionary termination – by LMCIT Board of Trustees upon 10 days notice to the city

PETROFUND COVERAGE

Limits of Reimbursement Benefits:

Reimbursable Costs – Single Tank Release	10% Maximum
Reimbursable Costs & Defense Costs Limits:	
Each Tank Release	\$250,000
Agreement Term Aggregate	\$250,000
Deductible:	Not Applicable

Reimbursement Benefits:

Reimburse *you* for damage you have been required to pay for taking corrective action and for compensating third parties for bodily injury and property damage caused by an accidental tank release.

This coverage is supplementary to the *Minnesota Petrofund* pursuant to the provisions and monetary limitations of the *Petroleum Tank Release Cleanup Act*.

Coverage Stipulation:

Underground tanks must be registered with the Minnesota Pollution Control Agency.

Excluded Entities:

- Gas, Electrical, or steam utilities commission
- Port authority, housing and redevelopment authority, economic development authority
- Municipal power or gas agency
- Hospital or nursing home board or commission
- Welfare or public relief agency
- School board
- Airport commission
- Joint Powers entity, subject to policy exceptions

CRIME COVERAGE

Limits of Insurance:

Per Occurrence \$250,000

Deductible:

\$250 per occurrence

Coverage Agreement:

- Money and securities loss from theft, disappearance, and destruction - Inside the premises, include damage to premises
- Money and securities loss from the theft, etc - outside the premises, in care, custody or control of a messenger
- Forgery or alteration of any instruments of payment, plus legal defense expenses.
- Auditing and accounting costs reimbursement up to 25% or the covered loss, in addition to the coverage limit

Causes of Loss and Damages Not Covered:

- Accounting or Arithmetical Errors & Omissions
- Acts of Employees - dishonest or criminal act
- Fire - Loss or damage to premises
- Governmental Action - Seizure or destruction
- Indirect Loss - Unrealized income loss, legally liable damages
- Legal Expenses
- Nuclear Hazard & War
- Vandalism or malicious mischief damage to your premises or "collection boxes"

FAITHFUL PERFORMANCE BOND

Limit of Insurance:

Per Occurrence \$50,000

Deductible:

Per Occurrence \$250

Coverage:

Loss or damages from the failure to your employee to properly perform duties or obligations of his or her positions as required or prescribed by law and which would constitute malfeasance, willful neglect of duty or bad faith, sustained through acts committed or events occurring at any time and when first discovered by you during the covenant period.

Other loss or damages required to be covered under Minnesota Statute 574.24 that are not otherwise covered by the above, or another LMCIT coverage, or another insurance company coverage. This sublimit is 10% of the above limit of coverage, and is not additional coverage.

Reimbursement for reasonable auditing and accounting costs to establish the existence and amount of a covered loss, subject to reimbursement not exceeding 25% of the covered loss. This reimbursement is in addition to the covered limit.

Excluded:

Joint Powers Entity (subject to Policy exception).
Port Authority, EDA, HRA, or similar, unless specifically named.

COMPREHENSIVE MUNICIPAL LIABILITY

Coverage:

Your legal liability to members of the public for claims arising out of your premises, operations, products, or completed operations. Coverage is "Claims Made" during the policy period.

Limits of Liability:

Each Occurrence Limit	\$1,500,000
Products/Completed Operations*	\$2,000,000 Annual Aggregate
Failure to Supply Claim Limit	\$2,000,000 Annual Aggregate
Electromagnetic Fields	\$2,000,000 Annual Aggregate
Mold Claim Limit	\$2,000,000 Annual Aggregate
Fire Damage Limit	\$50,000 Any One Fire
Medical and Related Expense	\$1,000/\$10,000 Any One Person/Occurrence
Limited Pollution Liability*	\$1,500,000 Per Sudden Occurrence
	\$2,000,000 Annual Aggregate
Outside Organization Claim Limit**	\$100,000 Annual Aggregate
Land Use, Development Litigation***	\$1,000,000 Annual Aggregate
No-Fault Sewer Backup	No Coverage

*Applies only to claims arising from city's "product", not city's "work"

**Limit includes damages, loss expense, defense costs, supplementary payments

***Limit includes litigation costs

Deductible:

\$250 Per Occurrence

Retroactive Dates:

Municipal Liability	10/12/87
Limited Pollution Liability	10/12/88

COMPREHENSIVE MUNICIPAL LIABILITY (CONTINUED)

Additional Liability Coverage:

- Personal Injury (False Arrest or Detention, Libel, Slander or Defamation of Character; wrongful Eviction)
- Employees as Additional Insured (Including Elected Officials & Volunteers while acting within the scope of their business)
- Broad Form Property Damage
- Failure to Supply Utilities, Including electricity, gas, water or steam
- Contractual Liability policy "covered contracts"
- Non-Owned Watercraft (26' limit)
- Incidental Malpractice- Including Paramedical Services
- Employment Practices Liability
- Employee Benefits Liability
- Firefighters' Professional Liability
- Fiduciary Liability (for relief association board members)
- Property of Others in Care Custody and Control of Public Safety Personnel
- Coverage for claims and litigation for claims arising from the activities of a joint city-township zoning board created under orderly annexation agreements. This extends to the town and town officers and employees if they are named in a claims arising from the joint board's activities.

Exclusions Include, but are not limited to:

- Any Ownership/Construction/Operation/Maintenance Associated with Railroad Tracks or Rolling Stock
- Any Operations Associated with the Ownership of an Airport
- Any Ownership/Operations of a Municipal Hospital or Nursing Home
- Any Injury to a Volunteer Fireman
- Failure or bursting of any:
 - a. DNR Class I or II Dam
 - b. Any dike, levee, or similar structure
- The Policy Does Not Apply to the Use of Watercraft if:
 - a. The boat is over 26 feet
 - b. The boat is used to carry people or property for a charge
 - c. The boat is rented to others

COMPREHENSIVE MUNICIPAL LIABILITY (CONTINUED)

- The Policy Does Not Cover the Failure to Give or the Giving or Any Professional Services, e.g.:
 - a. Attorney
 - b. Architect
 - c. Doctor of Medicine, Dentist, and Pharmacist
 - d. Nurse, except in capacity as emergency medical technician or first responder
 - e. Accountant, unless an employee
 - f. Professional Engineer, unless an employee
- The Policy Excludes any Coverage for "Special Events" that Involve the Operation of:
 - a. Mechanically Operated Amusement Devices
 - b. Automobile, Snowmobile or Motorcycle Racing or Stunting
 - c. Rodeos
 - d. Fireworks Displays or Exhibitions, when owner, sponsor and/or operator
- Pollution Exclusion With "Limited Pollution Liability" Coverage Per Policy. Exception: Lead and Asbestos Exposures- \$250,000. per Claim and \$250,000. Aggregate per Year. Coverage Does Not Apply to Landfills, Dumps or Other Waste Facilities.
- Liability Arising out of the Activities of Joint Powers Entity
- Land Use, Development of Franchise Litigation Coverage Limitations (Subject to policy deductible)
 - a. 100% of the first \$50,000. of defense costs, 85% of the next \$200,000. of defense costs, and 60% of any defense costs in excess of \$250,000. after reported to LMCIT.
 - b. 50% of defense costs prior to reporting to LMCIT.
 - c. 85% of any damages which the "City" shall be required to pay.
Inter-City litigation: litigation costs or damaged will be one half of the above percentages.

Minn. Statute 466.04 Municipal Tort Liability Limits (not waived by City):

Individual Claimant - \$500,000 limit any claim

All Claimants - \$1,500,000 limit per occurrence

Claims to which the Minn. Statutory Municipal Tort Limits do not apply and are not affected by these limits, include Minnesota Statutory Liquor Legal Liability and Federal Civil Rights Laws.

AUTOMOBILE COVERAGE

Coverage:

Your legal liability arising out of the use of owned, leased, hired, and non owned vehicles as described below. Defense Costs are outside the policy limits. Liability Coverage is "Claims Made" during the policy period.

Limits:

Automobile Liability - per occurrence	\$1,500,000
Owned Automobile Liability	Not Covered
Hired/Borrowed Auto Liability	Covered
Employer's Non-Owned Auto Liability	Covered
Uninsured/Underinsured Motorists	Not Covered
Personal Injury Protection (No-Fault)	Not Covered
Automobile Physical Damage	Not Covered

Deductible:

\$250 Per Occurrence

Coverage Exclusions:

- Expected or Intended Injury
- Workers Compensation and Employers Liability
- Property Damage to Property Owned or Transported By You
- Pollution
- Other Standard Policy Exclusions Apply

OPEN MEETING LAW DEFENSE COST REIMBURSEMENT

Coverage Includes:

Defense of officials in regards to the Open Meeting Law
"Claims Made" During Policy Period

Retro Active Date: 05/01/2010

Reimbursement Limits:

Defense Costs per Lawsuit Per Official	\$50,000.
Agreement Term Aggregate Per Official	\$50,000.

Reimbursement "Defense Costs": 100%

Special Endorsements/Conditions:

Reimbursement Policy- LMCIT will reimburse the individual after they have made payment and proof of payment is submitted to LMCIT.
Reimbursement will be made at 100% up to the policy limit.

Minnesota Open Meeting Law - "Lawsuit":

A lawsuit seeking penalties against a City official based on an allegation that the City official has violated M.S.12D.01-12.D.07.

Definition - City Official:

"City Official" means any former or present elected or appointed official of the city or any present or former employee of the city.

MUNICIPAL EXCESS LIABILITY

Limits of Liability: \$1,000,000. Annual Aggregate

Coverage: Claims-Made

Retroactive Date: October 12, 1987

Underlying Coverage:
Comprehensive Municipal Coverage (Including Auto Liability)

Exclusions Included but not Limited to:

- Medical Payments Coverage
- Automobile no fault, uninsured/uninsured motorists, workers' compensation, disability benefits, or unemployment compensation or any similar law
- Any "failure to supply claim" (ie: water service)
- Any mold claim
- Attorney fee awards pursuant to statute except federal civil rights suits or state human rights suits
- Limited pollution liability claims, except: pesticide or herbicide applications; City's sanitary sewer, storm sewer or water supply systems accidental rupture, backup, or overflow; above dry ground pollutants damages caused by a discharge, dispersal, release or escape.
- Any outside organization claim

Subject: Insurance questions**Date:** Tuesday, November 30, 2010 1:30 PM**From:** Tom Fletcher <tfletcher@aexcom.com>**To:** rly@ronyoungdahl.com**Cc:** Debra Kind d.kind@mchsi.com, Gus Karpas administrator@greenwoodmn.com

Ron:

Our questions / items are as follows:

What are the annual savings for \$500, \$1,000 and \$2,500 deductibles as compared to the current \$250 deductible?

We do not need property insurance for the Park Tennis Court at 5015 Meadville Street (Location 007) with a current replacement value of \$50,982 and a premium of \$512 on the policy.

We do not need property insurance for the one slip dock on Curve Street (Location 008) with a current replacement value of \$50,982 and premium of \$512 on the policy.

We do not need office equipment coverage for 20225 Cottagewood Road (Location 009) with a current replacement value of \$12,246 and premium of \$32 on the policy.

Can you have the above property coverages taken off the policy effective on the 12/19/2010 renewal date?

The Council will be discussing the umbrella coverage (\$1,000,000 annual aggregate) with a \$900.00 premium at it's December 7 meeting and I expect that a decision will be made regarding whether or not to renew this portion of Greenwood's coverage at that time.

Please feel free to contact me if you have any questions on the above items.

Thank you for your help,

Tom

Tom Fletcher

President

AEX Communications, Inc.

Fletcher Management, Inc.

4445 West 77th Street Suite 102

Edina, MN 55435

phone 952-224-5500

fax 952-224-5501

If the statute limits our liability, why purchase higher coverage limits?

There are several different reasons why cities should strongly consider carrying higher limits of liability coverage.

The Statutory Tort Limits Either Do Not or May Not Apply to Several Types of Claims

Some examples include:

- *Claims under federal civil rights laws.* These include Section 1983, the Americans with Disabilities Act, etc.
- *Claims for tort liability that the city has assumed by contract.* This occurs when a city agrees in a contract to defend and indemnify a private party.
- *Claims for actions in another state.* This might occur in border cities that have mutual aid agreements with adjoining states, or when a city official attends a national conference or goes to Washington to lobby, etc.
- *Claims based on liquor sales.* This mostly affects cities with municipal liquor stores, but it could also arise in connection with beer sales at a fire relief association fund-raiser, for example.
- *Claims based on a “taking” theory.* Suits challenging land use regulations frequently include an “inverse condemnation” claim, alleging that the regulation amounts to a “taking” of the property.

LMCIT’s Primary Liability Coverage has Annual Limits on Coverage for a few Specific Risks

The table on page one lists the liability risks to which aggregate coverage limits apply. If the city has a loss or claim in one of these areas, there might not be enough limits remaining to cover the city’s full exposure if there is a second loss of the same sort during the year. Excess liability coverage gives the city additional protection against this risk as well.

However, there are a couple important restrictions on how the excess coverage applies to risks that are subject to aggregate limits:

- The excess coverage *does not apply* to three risks: *failure to supply utilities; mold; and “limited pollution” claims if either the pollutant release or the damage is below ground or in a body of water;* and
- The excess coverage *does not automatically apply to liquor liability* unless the city specifically requests it.

The City may be Required by Contract to Carry Higher Coverage Limits

Occasionally, a contract might include a requirement the city carry more than \$1,500,000 of coverage limits. Carrying excess coverage is a way to meet these requirements. (There’s also another option



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FYI

MEMORANDUM

Date: October 7, 2010
To: Dan Faulkner, P.E., David Martini, P.E., Jake Saulsbury, P.E., Kreg Schmidt, P.E.
From: Douglas Carter, P.E., LEED AP
Subject: Minnehaha Creek Watershed District TAC Meeting

The meeting was held on September 30, 2010

I attended TAC meeting representing the communities of: Mound, Greenwood, Deephaven, Woodland, and St. Bonnie.

Meeting was conducted by Becky Houdek, MCWD Planning Technician.

The purpose of the meeting was to review the changes made to the Draft Stormwater Management Rule as a result of the September 1, 2010 TAC Meeting; identify areas of the Draft Stormwater Management Rule requiring further refinement and/or definition; and to identify work and/or information needed for future meetings to complete the Draft Stormwater Management Rule by the end of the year.

Becky stated that the current plan is to send the revised Draft Stormwater Rule to the MCWD Board on October 14, 2010 and then send it out for a public comment period (approx. 1-month).

At this time the appendices and definitions are not complete and the TAC has not reviewed them. The TAC stated that it did not want the Draft Stormwater Management Rule going out for public comment without having the opportunity to review and comment on the definitions and appendices.

Becky stated that Total Phosphorous (TP) load reduction for redevelopment would be flexible if it was not possible to achieve the 1-in abstraction requirement.

The MCWD Board wants to target redevelopment that results in increased impervious surface. To that end they are requiring redevelopment that results in an increase in impervious surface to have no net increase in TP. That requirement is more restrictive than state anti-degradation standards.

The recommendation made from the TAC to the MCWD staff and Board to not regulate single family residential construction was accepted by the MCWD Board.

The TAC stated that they wanted an exception for lands and waters not draining to Minnehaha Creek.



New disturbance thresholds were introduced by the MCWD Board since the last TAC meeting. The new threshold is greater than 20% of site disturbance is the trigger for TP reduction (previous threshold was 50%). The TAC wanted to see published data substantiating the revised lower threshold. Becky stated that the MCWD did not have any data at this time. The TAC stated that it would not agree to the revised lower threshold number without some form of justification regarding benefit or perceived impact.

The abstraction credit schedule is not defined at this time as to which sites and locations will be held to a 1-in abstraction and which ones will be held to a 0.5-in abstraction. Further input is required by the TAC to determine how best to delineate requirement in a fair and equitable manner.

The variance requirements associated with the Draft Stormwater Management Rule still require additional detail and clarification. No new information was provided by the MCWD.

The discussion of when filtration is an acceptable substitute for infiltration was not addressed at this TAC meeting.

The MCWD Board added a requirement for stormwater BMP maintenance agreements to be recorded on the property deed. When a municipality (public entity) is assuming maintenance the MCWD wants the municipality to file a document with the MCWD. The TAC objected as this is already required as part of the MS4 permit. The TAC requested that additional language be added to account for MS4 requirements and not have municipalities completing duplicate paperwork.

GREENWOOD CITY COUNCIL MEETING
Thursday, November 4, 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 7:00 P.M.

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

Others Present: City Attorney Kelly, City Zoning Administrator/City Clerk Karpas

Members Absent: Councilmember Rose

Councilmember Fletcher asked that Item 8.A Uncompleted Building Exteriors be added to the agenda.

Page moved, Fletcher seconded, approving the agenda as amended. Motion passed 4/0.

2. CONSENT AGENDA

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

- A. **October 5, 2010, City Council Meeting Minutes** (This was moved to Item 8.B under Other Business.)
- B. **September 2010 Cash Summary Report**
- C. **October 2010 Payables Minutes** (This was moved to Item 8.C under Other Business.)

Motion passed 4/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. **None**

5. PUBLIC HEARING

- A. **None**

6. UNFINISHED BUSINESS

- A. **Sonus Hearing Care Professionals Conditional Use Permit Request for Signage**

Mayor Kind stated Council discussed the Sonus Hearing Caring Professionals, building address 21700 State Highway 7, request for a conditional use permit (CUP) to remove the existing signage along the

west side of the building and replace it with new internally illuminated cabinet signs along the west and south elevations of the building during its October 5, 2010, meeting. Council chose to continue it to this meeting because the plan for the signage had changed but the City had not been provided with new plan. The November 4, 2010 council packet included the new plan indicating the signage will use one half of the area allowed by City's Sign Ordinance. The meeting packet also contained a revised draft resolution for a conditional use permit for the signage, and the application has been signed by the property owner.

Zoning Administrator/Clerk Karpas reiterated that the new plan for the signage indicates it will occupy one-half of the allowable area. He noted the revised resolution stipulates the condition that the sign to be located on the west façade of the building not be illuminated later than 10:00 P.M. daily. He also noted the applicant is in compliance with the conditions in the City's Sign Ordinance.

In response to a question from Councilmember Page, Zoning Administrator/Clerk Karpas stated Joel Buttenhoff owns the property.

Page moved, Quam seconded, Adopting RESOLUTION NO. 20-10, "A Resolution Granting a Conditional Use Permit for Exterior Signage to Sonus Hearing Care Professional for Real Property Located at 21350 State Highway 7, Greenwood, Minnesota, (PID No. 35-117-23-120016).

Mayor Kind stated the Planning Commission recommends limiting the hours the sign that is to be located on the west façade of the building can be illuminated; the sign cannot be illuminated later than 10:00 P.M. She asked Council if the same limitation should also be applied to the sign to be located on the south façade. Councilmember Quam asked why. Councilmember Fletcher explained the Planning Commission was concerned about the residents of Greenwood on the west side. Quam stated that Shorewood residents cannot see over the wall on the south side so there isn't an issue. Quam said one side faces the Lakeshore Market and the other faces the road. Kind noted the Shorewood residents on Christmas Lake can see the signs and that Lakeshore Market is very illuminated. Councilmember Page indicated he did not think there is a need for any such restriction for either sign. Fletcher stated the owner had no issue with the limitation, and that the limitation should either apply to both signs or neither sign.

There was Council consensus to apply the illumination limitation to both signs.

Without objection from the maker or seconder of the motion, the motion was amended to include modifying the resolution to include the sign to be located on the south side of the façade cannot be illuminated later than 10:00 P.M. Motion passed 4/0.

7. NEW BUSINESS

A. First Reading: Ordinance 187 Updating Section 500, Fees

Mayor Kind explained that in 2009 Council did a major update to Sections 500 and 515 of the City Code to consolidate all fees in one area of the Code. At that time Council agreed to review the fees each fall to ensure the fees are current. Council conducted a review during its October 5, 2010, meeting. The copy of Ordinance 187 included in the meeting packet reflects the changes discussed during that meeting.

Councilmember Quam stated in Section 2 of the Ordinance the fee for Miscellaneous Petitions to the City for Legal Consent or Releases reads "\$200 plus any additional costs incurred by the City". He suggested it be changed to "actual costs". Mayor Kind and Councilmembers Fletcher and Page indicated they could support the change. In response to a comment from Kind, Quam clarified it would read "actual costs incurred by the City".

Quam then stated the current sanitary sewer rate for both residential and commercial is \$75. In Section 1 of the Ordinance the sewer rate has been reduced to \$65 for both per the discussion during the October 5th meeting. He expressed his hesitancy to reduce the rate by \$10. His reason is the City has to repair the manholes in the second half of the City; the repairs in one half of the City have already been completed. The estimated cost is \$50,000 to complete the effort in sections 5 and 6 in one year and another \$50,000 to complete it in sections 7 and 8 in the subsequent year. He commented he thought the estimate may be high.

Quam explained the City is in the process of applying for a grant through the Metropolitan (Met) Council to cover up to 50 percent (\$50,000) of the cost to do the repairs and replacements in the second half of the City. The application has to be submitted to the Met Council by December 15, 2010. In order to complete the application the manholes and covers will have to be located and inspected and the cost to repair and replace estimated, noting this would have to be done before any replacement effort begins. Under Item 9.D he will be asking Council to authorize a \$5,000 expenditure to cover the cost of the locating and inspecting the second half of the manholes and covers as well as the cost to prepare the grant application. If Council approves the expenditure the inspection process will begin post hast. The City should know by January 5, 2011, if it will be awarded a grant.

Mayor Kind noted the City will approve its final 2011 operating budget during its December 2010 meeting.

Councilmember Fletcher stated it's his understanding that every municipality that applies, within reason, for a grant will be awarded some amount of funding.

Mayor Kind stated the question before Council at this time is whether or not to lower the sanitary sewer rate to \$65 from the current rate of \$75.

Councilmember Fletcher explained that on September 30, 2010, the revenues for the Sanitary Sewer Fund were approximately \$91,000 and expenses were approximately \$42,000. The net revenues minus expenditures were approximately \$49,000. The 2010 starting balance in this Fund was approximately \$356,000. He stated Council could consider increasing the proposed rate to \$70 from \$65 (a \$5 reduction in the current rate).

Mayor Kind stated she would prefer the rate be \$70 for 2011 for both residential and commercial. Councilmember Quam stated he could support that.

It was noted that the fee for Docks: Municipal Watercraft Space Permit will be \$950 in 2011.

Fletcher moved, adopting the first reading of Ordinance 187 Enacting a Code of Ordinances for the City of Greenwood subject to changing the sanitary sewer rate to \$70 for both residential and commercial units and changing the fee for Miscellaneous Petitions to the City for Legal Consent or Releases to \$200 plus actual costs incurred by the City.

Councilmember Quam clarified he recommended the fee for Miscellaneous Petitions to the City for Legal Consent or Releases should be actual costs incurred by the City. He did not recommend a \$200 flat fee in addition to actual costs.

Councilmember Page recommended charging a \$200 fee in addition to actual costs because there is staff time involved in addition to the costs for outside services.

Attorney Kelly suggested the fee be \$200 plus consultant fees incurred by the City.

Without objection from the maker of the motion, the motion was amended to include changing the fee for Miscellaneous Petitions to the City for Legal Consent or Releases to \$200 plus consultant fees incurred by the City. Quam seconded. Motion passed 4/0.

Councilmember Quam noted the sanitary sewer rate of \$70 is \$5 less than the current rate of \$75.

B. Winter Plowing of LRT Trail

Mayor Kind stated the meeting packet includes a copy of an email from resident Pat Lucking regarding winter plowing of the LRT trail. Mr. Lucking asked Council to consider having the full width of the trail plowed during the 2010 – 2011 season. In the past the City has only plowed part of the width leaving the remainder unplowed for cross-country skiing. Having part of the width unplowed results in the cleared portion becoming icy from the snow melt making it dangerous for walkers, runners and bikers. She offered up an idea that may work. The entire path could remain unplowed for two to three days after a snowfall for skiers and then it could be cleaned off. Cross country skiers would have the opportunity to enjoy the fresh snow for a few days.

Councilmember Page stated he doesn't recollect the trail being plowed the day following a snowfall. It usually takes two to three days for that to occur. He cautioned against the City setting an expectation that the trail would be plowed no later than three days after a snowfall. He commented that the sidewalks along Minnetonka Boulevard are not plowed until a few days after a snowfall because the focus is on plowing the roads. He stated he likes the idea of plowing the full width of the trail, noting he does cross country ski. He then stated some cross country skiers don't feel comfortable skiing on Lake Minnetonka.

Councilmember Fletcher stated things should be kept simple when establishing expectations for public works personnel. He commented he prefers to cross country ski on Lake Minnetonka. He noted he had come across a skier who indicated that she preferred to ski on the trail.

Mayor Kind stated the City could experiment with plowing the full width of the trail for one season and if that proves to be a problem it can be changed for the next season.

Councilmember Fletcher commented that he thought plowing the full width could affect maybe two to three people.

Councilmember Page stated his preference is to plow the full width of the trail. He then stated Mr. Lucking was correct in stating plowing only part of the width does create problems.

Councilmember Fletcher stated it would probably be easier for public works personnel to plow the entire width of the trail. He then suggested the City track any complaints it may receive this season about the full width being plowed and that can be discussed before next year's season begins.

Zoning Administrator/Clerk Karpas stated he will inform the Deephaven Public Works Department of this.

Page moved, Quam seconded, directing the Deephaven Public Works Department to plow the full width of the LRT trail during the 2010 – 2011 winter season. Motion passed 4/0.

C. Greenwood Park Improvements

Mayor Kind stated the meeting packet contained a copy of an email from resident Kristi Conrad regarding her thoughts about how to improve the Greenwood Park. She noted the City's Park Fund has a balance of approximately \$25,000 but the funds can only be used for improvements to the Park. Funds could be used to purchase trash cans for in the Park and to resurface the basketball court in the Park. Things such as emptying the trash cans, power washing the basketball court, and trimming trees are maintenance activities and they would have to be funded out of the General Fund. The City could purchase brooms to sweep off the basketball and tennis courts and the picnic tables and the Park Fund could be used to fund such purchases. She related that Ms. Conrad thought that would be a good idea.

Councilmember Quam stated he thought the City should do a better job of maintaining the Park.

Councilmember Page stated Ms. Conrad indicated the tennis courts had been resurfaced this past summer and he asked if that is true. Mayor Kind and Councilmember Quam clarified the courts were power washed.

Councilmember Page stated he thought the tennis courts need to be resurfaced and that should be done next spring. He recommended the basketball court be resurfaced at the same time. He expressed agreement with Ms. Conrad's comments that the Park needs to be cared for better, noting there is some unsightly growth near the picnic area.

Mayor Kind stated the City should put trash cans in the Park. Councilmember Page asked if the refuse hauler will empty them. Zoning Administrator/Clerk Karpas responded that should be possible.

Councilmember Page stated Ms. Conrad had offered to coordinate a fundraiser to raise the funds needed to improve the Park. He did not think that is necessary because there are sufficient funds in the Park Fund. Mayor Kind reiterated those funds can't be used for maintenance activities.

Councilmember Fletcher stated he had spoken with a resident who pointed out that there are a number of dead trees in the Park that should be removed and there are trees that should be trimmed.

Councilmember Fletcher suggested a Park improvement plan be prepared that includes a number of the items discussed this evening. That would hopefully be eligible for funding out of the Park Fund.

Councilmember Page noted there is only one City-owned park to spend funds in the Park Fund on.

Mayor Kind suggested this be revisited in the spring of 2011. Councilmember Fletcher suggested this be discussed during the March 2011 Council meeting.

D. First Reading: Ordinance 188 Updating Section 320, International Property Maintenance Code

Mayor Kind stated Section 320, International Property Maintenance Code, in the City Ordinance refers to an old version of the International Property Maintenance Code (IPM Code). An amendment is proposed to Section 320 Sections 1, 2 and 3 to remove any reference to a specific version of the IMP Code and replace them with a general reference to the IPM Code.

Page moved, Fletcher seconded, Approving ORDINANCE NO. 188, “An Ordinance Amending Greenwood Ordinance Code Section 320 Regarding References to the International Property Management Code for Multiple Dwellings.” Motion passed 4/0.

E. Community Survey Results

Mayor Kind explained the City conducted a survey to solicit resident feedback concerning internet, television and phone service in the City. The Lake Minnetonka Communications Commission (LMCC), an agency formed by 17 area cities including Greenwood, is looking into the feasibility of *tonkaconnect* (a community-owned fiber optics service provider) providing internet, television and phone services in the LMCC community. The survey contained a brief introduction to *tonkaconnect*.

Kind reviewed the four questions in the survey. They are as follows.

1. I am satisfied with the service and pricing provided by my current internet, television and phone provider(s).
2. I believe the city should work to encourage the availability of leading-edge communication technologies, but leave the ownership and operations to the private sector.
3. I support the proposed community-owned and financed *tonkaconnect* service to compete with existing private services providers (Mediacom and Qwest).
4. I support the city contributing \$15,000 to \$20,000 (approximately \$60 per household) for the plan needed to determine the viability of *tonkaconnect* in the Lake Minnetonka area.

Kind explained the residents were asked to rate each question based on a five point rating system of strongly agree (5), agree (4), neutral (3), disagree (2) and strongly disagree (1). There were 99 responses to question 1 and the average rating was 2.74. There were 97 responses to question 2 and the average rating was 3.95. There were 98 responses to question 3 and the average response was 3.33. There were 99 responses to question 4 and the average response was 2.88.

Kind stated the reason the City conducted the survey was to give Council guidance and Councilmember Fletcher, the City’s elected representative to the LMCC, and Lake Bechtell the City’s resident representative, guidance.

Councilmember Quam stated from his vantage point he thought there is a conflict between questions 2 and 3. Question 2 states the ownership and operation should be left to the private sector. Question 3 states it should be community owned. The responses indicate stronger support for leaving ownership and operations to the private sector, but also indicate some support for a community-owned system. He then stated based on the average response to question 4 there does not seem to be support for contributing to the development of a feasibility study.

Councilmember Fletcher stated he did not interpret an average rating of 2.88 for question 4 to mean residents don’t want to contribute to the study. He does interpret the survey results to mean residents generally want the availability of better communications technology and generally want it from a private service provider.

Councilmember Quam asked how many LMCC member cities would have to agree to move forward with a study. Councilmember Fletcher stated he thought at least one half of the 17 member cities would have to agree to fund a study. He then stated he thought the cost is approximately \$1.3 million for a study. Quam asked what the study is going to study. Fletcher stated the very preliminary project cost estimate is

\$80 million to serve all 17 member cities and Mound and Wayzata. Part of the initial study would identify hard project costs and gather the information needed to sell bonds to finance the project.

Quam then asked if the cities are expected to fund that. Fletcher stated the LMCC does not have the money to fund it. Quam stated the chance of coming up with \$80 million from the cities is about zero.

Councilmember Fletcher questioned the financial viability of the project. Fletcher explained the City of Monticello sold bonds to finance a fiber to the premise initiative. Fletcher stated there are 17 – 19 cities that have to work together to make such an initiative work in the LMCC community.

Mayor Kind stated it's her understanding the cities would fund the feasibility study and then the project itself would be funded by the users of the technology.

Councilmember Page stated he thought the feasibility would be done and paid for by the member cities. If the feasibility indicates such a venture is viable then a separate entity would be formed and that entity would sell bonds to finance the project and the subscribers would pay the bonded debt.

Councilmember Fletcher stated a bond house representative spoke to the LMCC representatives about one year ago and the representative explained that when Monticello sold its bonds the bonds were on a non-recourse basis. That means that Monticello is not liable for the bonds. Monticello's original investment in the feasibility study was eventually paid out of the bond pool. The representative explained that in this bond market there would likely need to be some revenue enhancement from the cities. Each of the cities would be liable for some portion of the bonded debt if the service was not viable.

Councilmember Quam stated if the bonds were not guaranteed by a taxing authority the chances of selling the bonds would be negative. He then stated from his vantage point the project is an exercise in futility.

Mayor Kind stated her husband, who is a strong proponent of private enterprise, stated he would pay the \$60 rather than experience another almost 24-hour outage of cable internet service. Councilmember Fletcher explained the recent outage was caused by a large truck hitting a cable line above ground.

Councilmember Page stated he read an article recently that stated the penchant is to provide these types of services through the private sector. In Europe these types of services are provided by public funds.

Councilmember Fletcher stated Verizon provides fiber to the home service to 60 percent of the homes it provides wire service to in certain areas of the country. He indicated it's questionable if Verizon has achieved the returns it has hoped for yet.

Mayor Kind asked the Councilmembers if the City should be one of the first to receive such a service or should it wait until the service is available through the private sector.

Councilmember Fletcher stated Mediacom is not as much of an aggressive player in the cable service area as Comcast is in the metropolitan area. He clarified he is not purporting that argument just repeating it.

Councilmember Page asked when the LMCC would like to have a commitment.

Councilmember Fletcher stated originally that was going to be this past spring. He explained the LMCC is putting out a request for proposals for a market feasibility study and paying for it with LMCC funds. The study will survey people in the LMCC community to determine if there is support for this type of service that would be provided by a public entity. He questioned if the survey will provide the answer. He

stated it's his understanding that the attorney for the LMCC will draft the necessary paper work to set up a joint powers entity. He anticipates the LMCC will come before the cities during its 2012 budget process to look for needed funding if the survey results indicate there is market interest. He commented the survey questions can influence the results of the survey based on how they are crafted.

Mayor Kind stated based on this discussion it's her conclusion that Councilmember Fletcher and Lake Bechtell should convey to the LMCC that the City wants to encourage leading edge technology but it doesn't want to spend a lot of money on encouraging it. There was Council agreement on her conclusion.

F. Planning Commission Comments Regarding Proposed Ordinance Amendments

Zoning Administrator/Clerk Karpas stated Council asked the Planning Commission to review a proposed ordinance amendment intended to establish minimum reasonable uses for undersized lots. Council wanted the Commission to provide its thoughts about further ordinance amendments in light of the Minnesota Supreme Court decision regarding variances. He then stated the Commission reviewed the proposed amendments and thought adopting them may create unintended loopholes. The Commission also thought the City should wait until after the next State legislative session before amending its ordinances because things may change. The Commission proposed one change to the City Ordinance which would limit the number of front yard setbacks on lots with three or more frontages.

Councilmember Quam stated he agreed with the wait and see approach.

Councilmember Fletcher stated Planning Commissioner Cook thought there is too much reliance on the variance process. Commissioner Cook thought the City Ordinances could be amended so there is less need for variances and to provide more certainty to an applicant up front. He noted the other Commissioners were not in total agreement with Cook's comments, but he tended to agree with them. He stated the Commission recommended the City decide which yard would receive the side yard setback. Zoning Administrator/Clerk Karpas asked if that would be at the staff level or the Council level.

Mayor Kind clarified she drafted the amendment to the ordinance based on Attorney Kelly's suggestion.

Councilmember Page stated the Planning Commission recommended Attorney Kelly's memo regarding the Supreme Court's decision should be distributed with every variance application. He asked Kelly what he thought about the recommendation. Kelly responded he thought the language in the summary paragraph in the conclusion in the Supreme Court's decision be distributed with every variance application. Page stated he did not think the entire legal memorandum should be included. Councilmember Fletcher stated the Commission just wanted to inform variance applicants. Kelly stated an excerpt from the decision could be put on a single piece of paper for distribution. Fletcher stated he trusts Kelly's judgment.

There was Council consensus to distribute a summary paragraph crafted by the City Attorney about the Supreme Court's conclusion with variance applications.

Mayor Kind explained the City Ordinance Code Chapter 11, Zoning, defines a front yard as "a yard extending across the front of the lot between the side yard lines and lying between the edge of the public right-of-way open and actually used for travel and the nearest line of the building."

Zoning Administrator/Clerk Karpas noted the Code includes a provision that an exterior side yard setback must be equal to a front yard setback. Mayor Kind stated that although the Code makes reference to an

exterior side yard setback it does not contain a definition for an exterior side yard. Karpas clarified that he should have actually called two or three of the front yards exterior side yards.

Councilmember Quam asked what an exterior side yard is. Zoning Administrator/Clerk Karpas responded it's a yard with a platted right-of-way.

Councilmember Quam expressed his preference to limit the number of front yard and exterior side yard setbacks to a total of two.

Zoning Administrator/Clerk Karpas suggested Staff draft language defining an exterior side yard as well as a provision that there can only be one front yard setback and one exterior side yard setback. That could then be brought before the Planning Commission for review.

Councilmember Page stated there has always been the dilemma of what the front yard is. The dilemma routinely comes up when discussing garages. Councilmember Quam stated he thought the front yard faces the street. Zoning Administrator/Clerk Karpas stated there is a provision for a lake front setback; therefore, the opposite of that is the front yard. Quam stated he did not think the Code defines the side opposite from the lake as front.

Page moved, Quam seconded, directing Staff to prepare a draft amendment to the City Ordinance Code to define an exterior side yard and to include a provision limiting the total number of front yard setbacks for review by the Planning Commission and to report back to Council. Motion passed 4/0.

G. Speed Trailer

Mayor Kind stated the City has received several complaints from residents about drivers speeding in the City. She noted the responses to the survey conducted about one year ago included comments about speeding. In the past, a speed trailer has successfully been used to encourage drivers to slow down. The only speed trailer in the South Lake community is owned by the City of Shorewood. The South Lake Minnetonka Police Department (SLMPD) sets the trailer up. The City requested the use of Shorewood's trailer this past June and it was to be placed on Sleepy Hollow Road. Unfortunately, the City hasn't been able to use it because it's been heavily used in Shorewood.

Kind then stated that there may be enough demand to consider having a second speed trailer in the South Lake community. She related that SLMPD Community Service Supervisor Hohertz thought a trailer of similar size to the one Shorewood owns would cost about \$8,000. There is also a smaller dolly-mounted trailer that could be purchased for about \$2,500, but that would be easy for someone to take. She asked if Council had any interest in the City purchasing its own speed trailer, asking the Cities of Excelsior and Tonka Bay (also members of the SLMPD joint powers organization) if they would like to partner on the purchase of a speed trailer, or asking the City of Deephaven if it would like to partner on the purchase and then have Deephaven Public Works personnel be responsible for transporting the trailer to and from locations.

Councilmember Page stated he would like to encourage Deephaven to purchase a trailer and then Greenwood could periodically rent the trailer.

Councilmember Quam asked if any research has been done to determine if a speed trailer actually helps reduce speeding. Mayor Kind responded that she did not know of any research but when the speed trailer was located on Sleepy Hollow Road last year residents thought it helped reduce speeding. And, when she

sees a trailer she does slow down. Attorney Kelly stated it's his impression that it works when it's located in a spot for a few days and then followed up with police enforcement.

Councilmember Fletcher stated he thought it would be worthwhile to talk to Excelsior and Tonka Bay representatives to find out if they have any interest in contributing toward the purchase of a another trailer.

Councilmember Quam stated he thought a speed trailer is effective independent of whether or not it's coordinated with police enforcement. Mayor Kind expressed her agreement provided a trailer isn't left in one spot for a long period of time.

Councilmember Fletcher stated he thought there is plenty of use for a speed trailer in the City. For example, it could be used along Minnetonka Boulevard, Sleepy Hollow Road, St. Albans Bay Road and Excelsior Boulevard.

Councilmember Page stated he could support purchasing a larger trailer in partnership with other South Lake cities.

Mayor Kind stated she will contact other South Lake cities to determine if they are willing to share in the purchase of a trailer for an estimated amount of \$8,000.

8. OTHER BUSINESS

A. Uncompleted Building Exteriors

Councilmember Fletcher stated there is a building on Maple Heights Road that has been under construction that does not have the exterior work completed. He asked Zoning Administrator/Clerk Karpas to contact the contractor and the contractor has indicated the exterior work will be completed in December. He then referred to the ongoing complaints about a building on the island in St. Albans Bay that has been under construction for a long time and is starting to deteriorate.

Fletcher stated the City of Excelsior is in the process of considering an amendment to its ordinance regarding completing exterior work on buildings. He explained in August 2010 the State Legislature created a statute to give cities the authority to require all exterior work authorized by permit to be completed within a minimum of 180 days following the issuance of the building permit. He asked if Council has interest in the concept of including a provision in the City Ordinance about when the exterior work has to be completed. If so, Council could direct Staff to draft an amendment.

Councilmember Quam stated he would support moving forward with this idea.

Mayor Kind stated she would prefer to have some draft amendment language to discuss. She noted a line included in the revised State Statute which read "The local regulation may not require completion of exterior work earlier than 180 days following the issuance of the permit." She stated she thinks 180 days is too short of a time period. She then stated she thinks people start to become annoyed when the exterior work is not completed in a year.

Councilmember Fletcher commented a year is more than ample time. Councilmember Page suggested that nine months may be an appropriate amount of time. Zoning Administrator/Clerk Karpas suggested keeping the 180 day time limit but allow for an extension with cause. Fletcher stated an extension should be limited to an additional 90 days.

Attorney Kelly suggested the first extension could be handled administratively for a set fee and a subsequent extension would have to come before Council and the second fee would be higher.

Councilmember Fletcher stated he did not think a subsequent extension needed to go before the Planning Commission.

Mayor Kind stated this provision would be an amendment to Chapter 3 in the City Ordinance Code, which does not require review by the Planning Commission.

Councilmember Page asked what will happen if the exterior work is not completed after the extension(s) have elapsed. Attorney Kelly replied a civil citation would be issued. Page then asked if a fee schedule for handling this will be developed. Kelly stated the Code will need to be amended to allow for a civil citation once the extension(s) have elapsed and to include a fee schedule.

Councilmember Fletcher stated in addition to the civil citation the City would withhold the certificate of occupancy until the citation is paid. Mayor Kind stated the unpaid citation could be certified on the property tax roll.

There was consensus to direct Staff to work with the City Attorney to draft an ordinance amending the City Ordinance Code to address the items just discussed. Council will have the first reading of the ordinance during its December 2010 meeting.

Councilmember Fletcher stated the ordinance does not have to mirror Excelsior's proposed ordinance. He provided it as an example.

B. October 5, 2010, City Council Meeting Minutes

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

Councilmember Fletcher distributed a list of four minor changes he requested be made to the October 5, 2010.

Page moved, Quam seconded, Approving the City Council Meeting Minutes of October 5, 2010, as amended in Item 4.A, Page 2, Paragraph 3, Sentence 5, change "buckthorn be irradiated" to "buckthorn be eradicated"; in Item 6.A, Page 3, Paragraph 8, Sentence 5, change "of the board of appeals and adjustments and shall be" to "of the board of appeals and adjustments shall be"; in Item 7.G, Page 12, Paragraph 3, change "Councilmember Fletcher stated it's his recollection that some council member" to "Councilmember Fletcher stated it's his recollection that the City Attorney"; and, in Item 9.C, Page 19, Paragraph 2, Sentence 2, change "Councilmember Page stated when there in only" to "Councilmember Page stated when there is only". Motion passed 5/0.

C. October 2010 Payables

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

Councilmember Fletcher asked that check number 10119 to VISI in the amount of \$120 be removed from the payables list. The invoice was for email hosting and the City has cancelled that account.

Page moved, Fletcher seconded, approving the list of October 2010 payables subject to check number 10119 to VISI in an amount of \$120 being removed. Motion passed 4/0.

Councilmember Fletcher stated through September 30, 2010, the City is doing well with expenditures to date. Because of that he indicated that during the December 2010 Council meeting he will likely ask to increase the amount that is transferred into the Bridge Fund.

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communication Commission, Eurasian Water Milfoil, Excelsior Water

Councilmember Fletcher stated on October 13th there was a meeting in the Deephaven City Hall with three representatives from the Minnesota Department of Natural Resources (DNR), State Senator Gen Olson, and State Representative Connie Doepke to discuss the treatment of Eurasian Watermilfoil. The meeting was well attended. He thought the DNR representatives listened to peoples concerns. He indicated he would not be surprised if the DNR would be more receptive to talking about treating milfoil in St. Alban's Bay in 2011. The current plan is for the DNR to present the preliminary findings of the 2010 three-bay milfoil treatment program to the LMCD Board on November 19th. If the native vegetation in Gray's Bay faired better after the 2010 treatment the DNR may look more favorably on treating St Alban's Bay.

Fletcher then stated the Metropolitan (Met) Council is planning to tear up Excelsior Boulevard to put in a new sewer line. It's not a matter of if but when. It's possible that could happen in 2012 or 2013. The Met Council is amenable to extending water main along Excelsior Boulevard when it is torn up. The cost for extending water main during that type of effort would be approximately \$8,000 – \$10,000 per abutting property. If a street were torn up specifically for the purpose of extending the water main, the cost would be about \$20,000 per property. He has conducted an informal survey of the property owners along Excelsior Boulevard. Eleven property owners were positive, one was neutral and he was not able to contact two others. There is strong interest by the property owners for considering the extension on a preliminary basis. The two property owners he talked to beyond Maple Heights Road were not receptive to extending water main.

Fletcher noted there are number of items that have to be researched before this can be considered further. In order to have this be given consideration as part of the Met Council project, discussions have to begin relatively soon. He stated he anticipates that in order for water main extension to succeed, the City would have to be involved at least from a financing perspective. The cost for the extension would be paid for by the owners of the properties abutting the road.

Mayor Kind asked if the City would sell bonds and the benefiting property owners would pay the bonded debt. Councilmember Quam responded yes. Councilmember Fletcher stated there would not be any financial risk to the City. The property owners would either pay their cost or it would be assessed against their property. Councilmember Page clarified the City would have to pay Met Council for the cost of the extension and then the City would assess the properties. Kind stated the City could sell bonds to pay Met Council. Fletcher stated the property owners would pay interest on the bonded debt. Page commented the City has never sold bonds to finance a project. Fletcher said the City could fund the project and charge the residents interest in addition to the actual costs. Fletcher noted that \$150,000 in bonds is not a lot to a bond house.

Councilmember Fletcher stated there are many details to be discussed. He then stated a water main extension project like this won't move forward if only a portion of the abutting property owners support doing so.

Mayor Kind stated as long as there is no cost to the City she can support residents getting access to a municipal water system.

Councilmember Quam stated the City of Excelsior has to determine if it has a water supply that can support adding that many properties to its system.

Councilmember Page stated the City could pass a resolution authorizing the City of Excelsior to put a levy on those City property owners who want water main extended and Excelsior could collect the levy. He asked how property owners have paid for water main extension in the past.

There was consensus to keep investigating the possibility of extending water main along a portion of Excelsior Boulevard.

Page expressed he is leery about selling bonds for the project.

B. Kind: Police, Administration

Mayor Kind stated the South Lake Minnetonka Police Department (SLMPD) Coordinating Committee met on October 19, 2010. During the meeting SLMPD Chief Litsey explained the SLMPD will have a revenue shortfall in 2010 because it received less State Peace Officer Aid than was budgeted for. She noted Litsey is optimistic that a balanced budget can be achieved this year.

Kind then stated a Labor-Management Study Group (the Group) has been meeting to discuss the 2010 – 2011 labor agreement reopener. The SLMPD Coordinating Committee appointed SLMPD Chief Litsey and Excelsior City Manager Luger to the Group, with her serving in an advisory capacity. There are three union representatives on the Group. The items included in the reopener are uniforms (what's included in the uniform allowance), health insurance, sick leave, and severance pay. The agreement includes a zero percent base wage increase for 2010 and a two percent base wage increase for 2011.

Kind noted the City of Orono has settled its labor agreement with its police department for 2011. Councilmember Quam stated the City of Plymouth just finalized its contract with its police department and it includes a zero percent base wage increase for 2011. Councilmember Page noted the Plymouth negotiation process ended in arbitration and the arbitrator settled on the zero percent increase.

Kind stated the City of Shorewood suggested the SLMPD Coordinating Committee and the Excelsior Fire District Governing Board consider having a management study done of the SLMPD and the EFD organizations. She expressed to the Coordinating Committee that she is generally not a big supporter of management studies because often the recommendations that come out of the study are not implemented. She stated the SLMPD runs efficiently and its cost per resident is lower than neighboring communities' police departments. She noted the City's cost per resident higher than she would like but that is a funding formula issue. She asked the Councilmembers how they feel about conducting such a study.

Councilmember Fletcher noted that two of the three people on the Shorewood Council who want to have a study done will not be on that Council next year.

Councilmember Page suggested not reacting to the suggestion.

Councilmember Quam stated Greenwood believes the SLMPD is operating efficiently. He then stated a management study may validate that and it may prove the SLMPD is under funded.

Mayor Kind stated if a study is done then the member cities of the two organizations need to be prepared to implement the recommendations identified during the study.

C. Page: Lake Minnetonka Conservation District

Councilmember Page stated there was no Lake Minnetonka Conservation District (LMCD) Board meeting this month. The LMCD plans on having a study session about the proposed large development in Upper Lake Minnetonka on November 17th. He then stated he plans on attending a session about where to allocate funds in the LMCD Save-the-Lake Fund to, noting he was not pleased that \$15,000 from that Fund was given to the Steamboat Minnehaha.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated that three years ago he made a big push to keep the large refuse hauler trucks off City roadways. To get haulers more receptive to using smaller trucks the City considered to move to a one hauler. The City stopped short of going to one hauler because the haulers agreed to use smaller trucks. He noted that earlier in the day he saw a large refuse truck on the street he lives next to. He asked Zoning Administrator/Clerk Karpas to contact the haulers. He stated if large trucks are traveling the streets with regularity then it may be appropriate for the City to revisit this.

Councilmember Fletcher noted that the Old Log Theater and the Georgetown Manor are serviced with commercial trucks.

Councilmember Quam explained the City has completed the repair of the manholes and replaced the manhole covers in one half of the City. The reason for that was to stop the Inflow & Infiltration (I&I) into the manholes into the City's stormwater system which puts more demand on the Metropolitan (Met) Council's system. The City has inspected all of its sewer lines with cameras. During those inspections it became apparent that most of the problems were with the manholes.

Quam explained the City's engineers have divided the City into eight sections for ease of management. Manhole repairs and manhole cover replacement has been completed in four of the sections. Two sections were completed in 2008 and two in 2009. No repairs made done in 2010. The estimated cost to make the repairs and replacements to two sections is \$50,000 with a total cost to complete the effort estimated to be \$100,000. Two sections would be completed in 2011 and the remaining two in 2012.

Quam then explained the City is in the process of applying for a grant through the Met Council to cover up to 50 percent (\$50,000) of the cost of repairing the manholes. The application has to be submitted to the Met Council by December 15, 2010. In order to complete the grant application the manholes will have to be located and inspected, and the cost to repair them needs to be estimated. This would have to be done before any actual work effort begins.

Quam asked Council to authorize a \$5,000 expenditure to cover the cost of: the locating and inspecting the second half of the manholes; estimating the cost to repair the manholes; and to prepare the narrative for the grant application. He stated if Council approves the expenditure, the inspection process will begin post hast. The City should know by January 5, 2011, if it will be awarded a grant.

Fletcher moved, Page seconded, authorizing the City's engineers to locate the manholes in sections 5 – 8 in the City, inspect the manholes, estimate the cost to repair the manholes, and to write the narrative for the grant application to the Metropolitan Council for an amount not to exceed \$5,000.

Councilmember Fletcher noted the cash flow in the Stormwater Fund is \$50,000 for the first nine months of this year.

Motion passed 4/0.

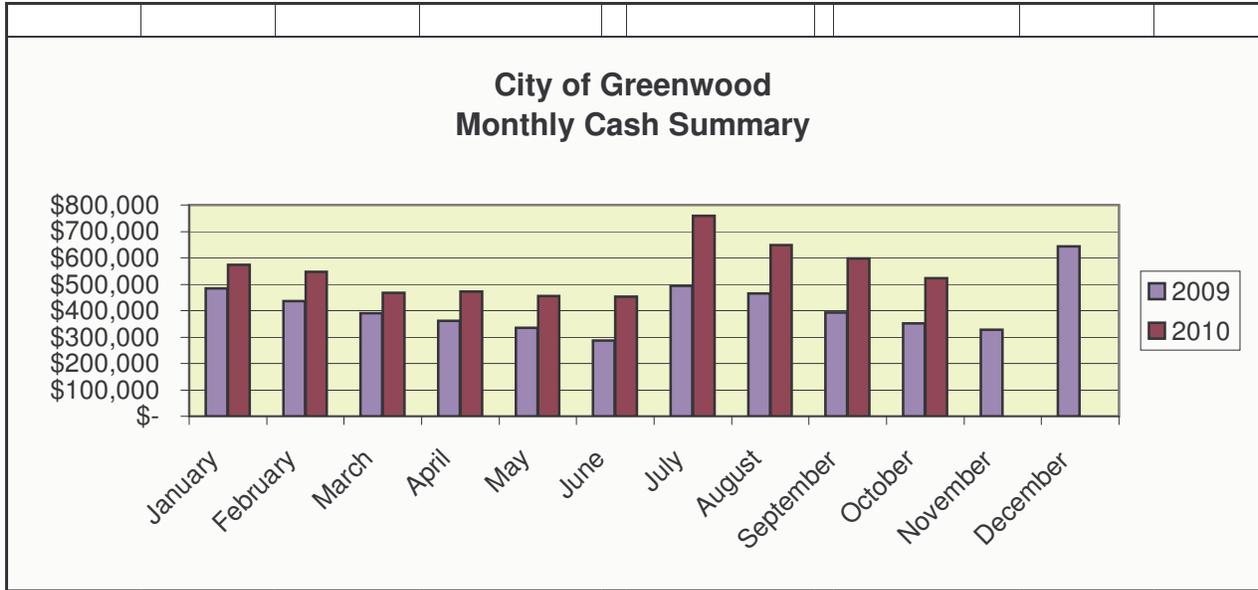
E. Rose: Excelsior Fire District

Rose was not in attendance to give an EFD report at the Council meeting. It was noted that the Excelsior Fire District (EFD) Governing Board has not met since the last Council meeting. Its next meeting is scheduled for November 17, 2010.

10. ADJOURNMENT

Quam moved, Fletcher seconded, Adjourning the City Council Regular Meeting of November 4, 2010, at 8:46 P.M. Motion passed 4/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder



Month	2009	2010	Variance with	Variance with
			Prior Month	Prior Year
January	\$ 484,702	\$ 573,056	\$ (69,158)	\$ 88,354
February	\$ 437,334	\$ 545,897	\$ (27,159)	\$ 108,563
March	\$ 391,150	\$ 466,631	\$ (79,266)	\$ 75,481
April	\$ 360,843	\$ 472,069	\$ 5,438	\$ 111,226
May	\$ 334,929	\$ 454,955	\$ (17,114)	\$ 120,026
June	\$ 286,999	\$ 453,487	\$ (1,468)	\$ 166,488
July	\$ 495,051	\$ 759,701	\$ 306,214	\$ 264,650
August	\$ 465,300	\$ 648,560	\$ (111,141)	\$ 183,260
September	\$ 393,080	\$ 597,536	\$ (51,024)	\$ 204,456
October	\$ 351,022	\$ 523,980	\$ (73,556)	\$ 172,958
November	\$ 327,615	\$ -	\$ (523,980)	\$ (327,615)
December	\$ 642,214	\$ -	\$ -	\$ (642,214)
Bridgewater Bank Money Market:	\$	\$ 310,211		
Bridgewater Bank Checking:	\$	\$ 12,929		
Beacon Bank Money Market	\$	\$ 200,840		
	\$	\$ 523,980		

Check Issue Date(s): 12/07/2010 - 12/07/2010

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/10	12/07/2010	10138	51	BOLTON & MENK, INC.	101-20100	1,035.00
12/10	12/07/2010	10139		Information Only Check	101-20100	.00 V
12/10	12/07/2010	10140	9	CITY OF DEEPHAVEN	101-20100	7,928.59
12/10	12/07/2010	10141	761	DEBRA KIND	101-20100	567.30
12/10	12/07/2010	10142	315	DOCK & LIFT INC.	605-20100	1,500.00
12/10	12/07/2010	10143	68	Gopher State One Call	602-20100	71.05
12/10	12/07/2010	10144	766	HENNEPIN COUNTY ELECTIONS	101-20100	93.58
12/10	12/07/2010	10145	779	HIGHWAY TECHNOLOGIES	101-20100	550.00
12/10	12/07/2010	10146	753	J.P. Cooke Co	101-20100	41.01
12/10	12/07/2010	10147	3	KELLY LAW OFFICES	101-20100	920.00
12/10	12/07/2010	10148	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,586.00
12/10	12/07/2010	10149	105	METROPOLITAN COUNCIL ENV SERV	602-20100	3,007.42
12/10	12/07/2010	10150	689	Mission Communications LLC	602-20100	1,737.00
12/10	12/07/2010	10151	701	Popp Telecom	101-20100	57.55
12/10	12/07/2010	10152	216	QUALITY FLOW SYSTEMS INC	602-20100	6,793.67
12/10	12/07/2010	10153	38	SOUTH LAKE MINNETONKA POLICE	101-20100	12,613.00
12/10	12/07/2010	10154	735	TGR Consulting	101-20100	95.00
12/10	12/07/2010	10155	745	Vintage Waste Systems	101-20100	1,568.40
12/10	12/07/2010	10156		Information Only Check	602-20100	.00 V
12/10	12/07/2010	10157	145	XCEL	101-20100	718.64
Totals:						<u>40,883.21</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
12/01/10	PC	12/01/10	10168	Debra J. Kind	34		001-10101	277.05
12/01/10	PC	12/01/10	10169	Fletcher, Thomas M	33		001-10101	84.70
12/01/10	PC	12/01/10	10170	H. Kelsey Page	35		001-10101	184.70
12/01/10	PC	12/01/10	10171	Quam, Robert	32		001-10101	184.70
12/01/10	PC	12/01/10	10172	William Rose	36		001-10101	184.70
Grand Totals:								<u>915.85</u>

Vendor Name	Invoice No	Seq	Type	Vendor No	Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
11/29/2010											
BOLTON & MENK, INC.											
BOLTON & MENK, INC.				51							
	135947	1	Inv	2010	MISC ENGINEERING FEES	10/31/2010	12/06/2010	131.50	No	12/10	502-43200-303
	135947	2	Inv		Signs	10/31/2010	12/06/2010	150.00	No	12/10	101-43900-226
Total 135947								281.50			
	135948	1	Inv	2010	STREET IMPROVEMENT	10/31/2010	12/06/2010	753.50	No	12/10	101-43200-303
Total BOLTON & MENK, INC.								1,035.00			
CITY OF DEEPHAVEN											
CITY OF DEEPHAVEN				9							
	NOV 2010	1	Inv		RENT & EQUIPMENT	12/01/2010	12/06/2010	855.36	No	12/10	101-41400-311
	NOV 2010	2	Inv		Postage	12/01/2010	12/06/2010	22.80	No	12/10	101-41400-322
	NOV 2010	3	Inv		COPIES	12/01/2010	12/06/2010	2.80	No	12/10	101-41400-202
	NOV 2010	4	Inv		SEWER	12/01/2010	12/06/2010	606.32	No	12/10	602-43200-310
	NOV 2010	5	Inv		SNOW PLOWING	12/01/2010	12/06/2010	1,155.07	No	12/10	101-43900-312
	NOV 2010	6	Inv		STREETS	12/01/2010	12/06/2010	157.53	No	12/10	101-43100-409
	NOV 2010	7	Inv		SIGNS	12/01/2010	12/06/2010	78.76	No	12/10	101-43900-226
	NOV 2010	8	Inv		WEED/TREE/MOWING	12/01/2010	12/06/2010	1,575.28	No	12/10	101-43900-313
	NOV 2010	9	Inv		Docks	12/01/2010	12/06/2010	172.36	No	12/10	605-45100-310
	NOV 2010	10	Inv		STORM SEWERS	12/01/2010	12/06/2010	315.06	No	12/10	502-43200-310
	NOV 2010	11	Inv		ELECTIONS	12/01/2010	12/06/2010	61.08	No	12/10	101-41200-219
	NOV 2010	12	Inv		ZONING	12/01/2010	12/06/2010	399.10	No	12/10	101-42400-308
	NOV 2010	13	Inv		Clerk Services	12/01/2010	12/06/2010	2,370.40	No	12/10	101-41400-310
	NOV 2010	14	Inv		Stormwater Coalition Membership Re	12/01/2010	12/06/2010	156.67	No	12/10	502-43200-439
Total NOV 2010								7,928.59			
Total CITY OF DEEPHAVEN								7,928.59			
DEBRA KIND											
DEBRA KIND				761							
	101910	1	Inv		REIMBURSE-OFFICE MAX & KINKO	10/19/2010	12/06/2010	567.30	No	12/10	101-49000-439
Total DEBRA KIND								567.30			
DOCK & LIFT INC.											
DOCK & LIFT INC.				315							
	18349	1	Inv		REMOVE FLOATING DOCK	11/10/2010	12/06/2010	1,500.00	No	12/10	605-45100-309
Total DOCK & LIFT INC.								1,500.00			
Gopher State One Call											
Gopher State One Call				68							
	0090559	1	Inv		Gopher State calls	09/30/2010	12/06/2010	37.70	No	12/10	602-43200-439
	0100561	1	Inv		Gopher State calls	10/31/2010	12/06/2010	33.35	No	12/10	602-43200-439
Total Gopher State One Call								71.05			
HENNEPIN COUNTY ELECTIONS											
HENNEPIN COUNTY ELECTIONS				766							
	112910	1	Inv		ELECTION SUPPLIES	11/29/2010	12/06/2010	93.58	No	12/10	101-41200-439

Vendor Name Invoice No	Seq	Type	Vendor No Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Total HENNEPIN COUNTY ELECTIONS						93.58			
HIGHWAY TECHNOLOGIES									
HIGHWAY TECHNOLOGIES			779						
394829-001	1	Inv	SIGN PANELS	11/03/2010	12/06/2010	550.00	No	12/10	101-43900-226
Total HIGHWAY TECHNOLOGIES						550.00			
J.P. Cooke Co									
J.P. Cooke Co			753						
87746	1	Inv	City Dog Tags	10/01/2010	12/06/2010	41.01	No	12/10	101-41400-439
Total J.P. Cooke Co						41.01			
KELLY LAW OFFICES									
KELLY LAW OFFICES			3						
5824	1	Inv	GENERAL LEGAL	11/30/2010	12/06/2010	460.00	Yes	12/10	101-41600-304
5825	1	Inv	LAW ENFORCE PROSECUTION	11/30/2010	12/06/2010	460.00	Yes	12/10	101-41600-308
Total KELLY LAW OFFICES						920.00			
LAKE MTKA CONSERVATION DISTRIC									
LAKE MTKA CONSERVATION DISTRIC			99						
101410	1	Inv	4th Qtr. LMCD Levy	10/14/2010	12/06/2010	1,586.00	No	12/10	101-49000-436
Total LAKE MTKA CONSERVATION DISTRIC						1,586.00			
METROPOLITAN COUNCIL ENV SERV									
METROPOLITAN COUNCIL ENV SERV			105						
0000944934	1	Inv	Monthly wastewater Charge	11/02/2010	12/06/2010	3,007.42	No	12/10	602-43200-309
Total METROPOLITAN COUNCIL ENV SERV						3,007.42			
Mission Communications LLC									
Mission Communications LLC			689						
40012037	1	Inv	Annual Service Package	10/21/2010	12/06/2010	1,737.00	No	12/10	602-43200-404
Total Mission Communications LLC						1,737.00			
Popp Telecom									
Popp Telecom			701						
1911191	1	Inv	Local, Long dist. & DSL	10/31/2010	12/06/2010	57.55	No	12/10	101-41400-321
Total Popp Telecom						57.55			
QUALITY FLOW SYSTEMS INC									
QUALITY FLOW SYSTEMS INC			216						
22979	1	Inv	LIFT STATION REPAIR	11/03/2010	12/06/2010	6,793.67	No	12/10	602-43200-404
Total QUALITY FLOW SYSTEMS INC						6,793.67			
SOUTH LAKE MINNETONKA POLICE									
SOUTH LAKE MINNETONKA POLICE			38						
120110	1	Inv	OPERATING BUDGET	12/01/2010	12/06/2010	12,613.00	No	12/10	101-42100-310

Vendor Name Invoice No	Seq	Type	Vendor No Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Total SOUTH LAKE MINNETONKA POLICE						12,613.00			
TGR Consulting									
TGR Consulting			735						
GW201009-1	1	Inv	Professional Computer Services	09/30/2010	12/06/2010	95.00	No	12/10	101-41400-309
Total TGR Consulting						95.00			
Vintage Waste Systems									
Vintage Waste Systems			745						
113010	1	Inv	City Recycling Contract	11/30/2010	12/06/2010	1,568.40	No	12/10	101-49000-310
Total Vintage Waste Systems						1,568.40			
XCEL									
XCEL			145						
102210	1	Inv	LIFT STATION #1	10/22/2010	12/06/2010	32.34	No	12/10	602-43200-381
102210	2	Inv	LIFT STATION #2	10/22/2010	12/06/2010	28.45	No	12/10	602-43200-381
102210	3	Inv	LIFT STATION #3	10/22/2010	12/06/2010	21.07	No	12/10	602-43200-381
102210	4	Inv	LIFT STATION #4	10/22/2010	12/06/2010	27.86	No	12/10	602-43200-381
102210	5	Inv	LIFT STATION #6	10/22/2010	12/06/2010	56.36	No	12/10	602-43200-381
Total 102210						166.08			
102510	1	Inv	4925 MEADVILLE ST	10/25/2010	12/06/2010	8.70	No	12/10	101-43100-381
102510	2	Inv	SIREN	10/25/2010	12/06/2010	3.35	No	12/10	101-43100-381
Total 102510						12.05			
102810	1	Inv	Sleepy Hollow Road	10/28/2010	12/06/2010	8.72	No	12/10	101-43100-381
110310	1	Inv	Street Lights	11/03/2010	12/06/2010	368.15	No	12/10	101-43100-381
112210	1	Inv	LIFT STATION #1	11/22/2010	12/06/2010	32.34	No	12/10	602-43200-381
112210	2	Inv	LIFT STATION #2	11/22/2010	12/06/2010	28.47	No	12/10	602-43200-381
112210	3	Inv	LIFT STATION #3	11/22/2010	12/06/2010	20.85	No	12/10	602-43200-381
112210	4	Inv	LIFT STATION #4	11/22/2010	12/06/2010	27.08	No	12/10	602-43200-381
112210	5	Inv	LIFT STATION #6	11/22/2010	12/06/2010	54.90	No	12/10	602-43200-381
Total 112210						163.64			
Total XCEL						718.64			
Total 11/29/2010						40,883.21			

11/29/2010 GL Period Summary

GL Period	Amount
12/10	40,883.21
	<u>40,883.21</u>

Vendor Name	Vendor No	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Invoice No	Seq	Type	Description				
Grand Total:				<u>40,883.21</u>			

Report GL Period Summary

GL Period	Amount
12/10	<u>40,883.21</u>
	<u>40,883.21</u>

Vendor Number Hash: 7680
 Vendor Number Hash - Split: 9153
 Total Number of Invoices: 25
 Total Number of Transactions: 48

Terms Description	Invoice Amt	Net Inv Amt
Open Terms	<u>40,883.21</u>	<u>40,883.21</u>
	<u>40,883.21</u>	<u>40,883.21</u>

**CITY OF GREENWOOD
RESOLUTION NO. 24-10**

**RESOLUTION AUTHORIZING APPLICATION TO THE METROPOLITAN COUNCIL FOR A
GRANT FROM THE MUNICIPAL INFILTRATION/INFLOW GRANT PROGRAM FOR THE
CITY OF GREENWOOD'S 2011 SEWER LINING PROJECT**

WHEREAS, the Minnesota Legislature has appropriated \$3,000,000 for a grant program to be administered by the Metropolitan Council (Council) for the purpose of providing grants to municipalities for capital improvements to public municipal wastewater collection systems to reduce the amount of inflow and infiltration to the Council's metropolitan sanitary sewer disposal system (I/I Municipal Grant Program); and

WHEREAS, the Council has identified the City of Greenwood as a contributor of excessive inflow and infiltration to the Council's metropolitan sanitary sewer disposal system and thus an eligible applicant for grant funds under the I/I Municipal Grant Program; and

WHEREAS, grants from this appropriation are for up to 50 percent of the cost to mitigate I/I in the publicly owned municipal wastewater collection system; and

WHEREAS, only construction costs will be eligible for reimbursement, as specified in the Grant Program, and include such improvements as manhole rehabilitation and sealing, sewer pipe lining if supportive information is provided that demonstrates system susceptibility to I/I; and

WHEREAS, qualified spending on approved projects can occur between July 1, 2010 and June 30, 2012; and

WHEREAS, each submitting community, out of a total of 47 eligible cities, if approved would receive the lesser of \$50,000 or 50% of the submitted eligible project costs; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Greenwood, Minnesota that city staff is hereby authorized to prepare and submit a Grant Application to the Metropolitan Council for inclusion in the Municipal Infiltration/Inflow Grant Program prior to the submittal deadline of December 15, 2010.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS 7TH DAY OF DECEMBER 2010.

Ayes _____, Nays _____.

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk

Monday, November 8, 2010 9:56 AM

Subject: Phosphorus Results for Spring 2010**Date:** Monday, November 8, 2010 10:48 AM**From:** Dave Martini <davidma@bolton-menk.com>**To:** Gus Karpas guskarpas@mchsi.com, Shelley Souers shelley@cityofwoodlandmn.org, Dana Young City of Deephaven danayoung@mchsi.com, Debra Kind d.kind@mchsi.com, Paul Skrede pslaptop@mchsi.com, Jim Doak jdoak.woodland@hotmail.com**Cc:** Doug Carter dougca@bolton-menk.com

All,

Here are the test results for the phosphorus that was removed with the spring sweepings. As you can see, one sweeping removes enough phosphorus to cover each City's reduction goal. We have shared this information with the MCWD and propose to do the same next spring. Once we have an average established we will discuss what additional sweeping, if any, needs to be completed to meet the reduction goal going forward.

Let me know if you have questions.

Have a good day!

David P. Martini, P.E.

Bolton & Menk, Inc.

P: (952) 448-8838, Ext. 2458

F: (952) 448-8805

email: davidma@bolton-menk.com <mailto:davidma@bolton-menk.com>

www.bolton-menk.com <http://www.bolton-menk.com/>



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172

Phone (952) 448-8838 • Fax (952) 448-8805

www.bolton-menk.com

November 5, 2010

Minnehaha Creek Watershed District
 Attn: James Wisker
 18202 Minnetonka Blvd.
 Deephaven, MN, 55391

RE: Spring 2010 Phosphorus Reduction Totals for the Municipalities of Deephaven, Greenwood, and Woodland

Mr. Wisker:

We have completed our review of the results of the spring 2010 street sweepings analysis for Total Phosphorus (TP) concentration. The street sweepings were collected from the individual communities, weighed, and samples were then collected from the sweepings material prior to dumping. Three samples and one duplicate were collected for each municipality. The samples were analyzed for TP by the University of Minnesota Research Analytical Laboratory. The individual municipal results tabulated below represent the average concentration of TP for the three samples and the one duplicate.

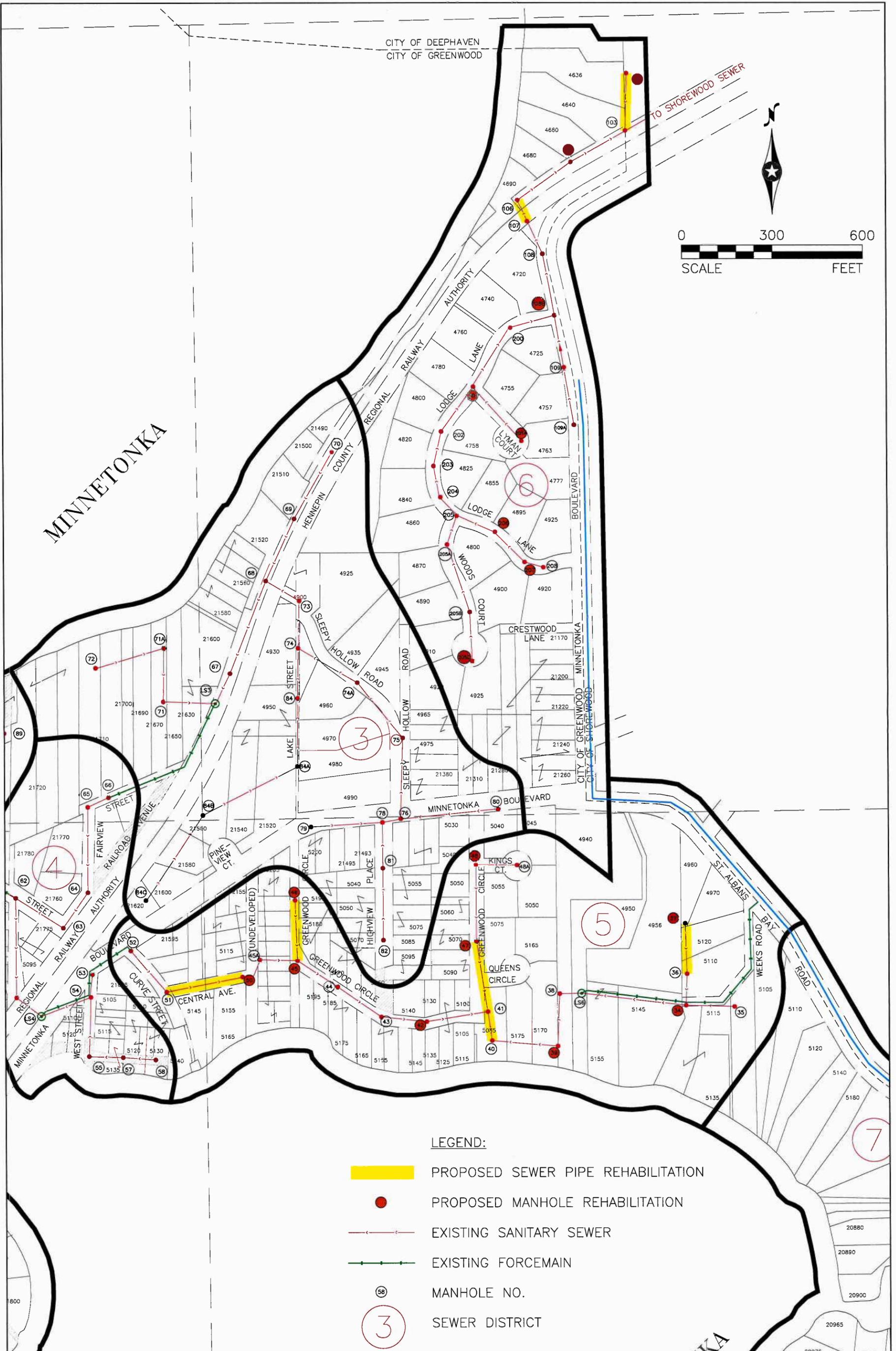
MUNICIPALITY	AVERAGE TP CONCENTRATION (mg/kg)	SWEEPINGS COLLECTED (Tons)	POUNDS TP REMOVED
Deephaven	268.69	163.80	88.02
Greenwood	277.79	48.30	26.83
Woodland	272.53	23.20	12.65

If you have any questions regarding the sampling method or the analysis procedure please give me a call to discuss.

Respectfully Submitted,
BOLTON & MENK, INC.

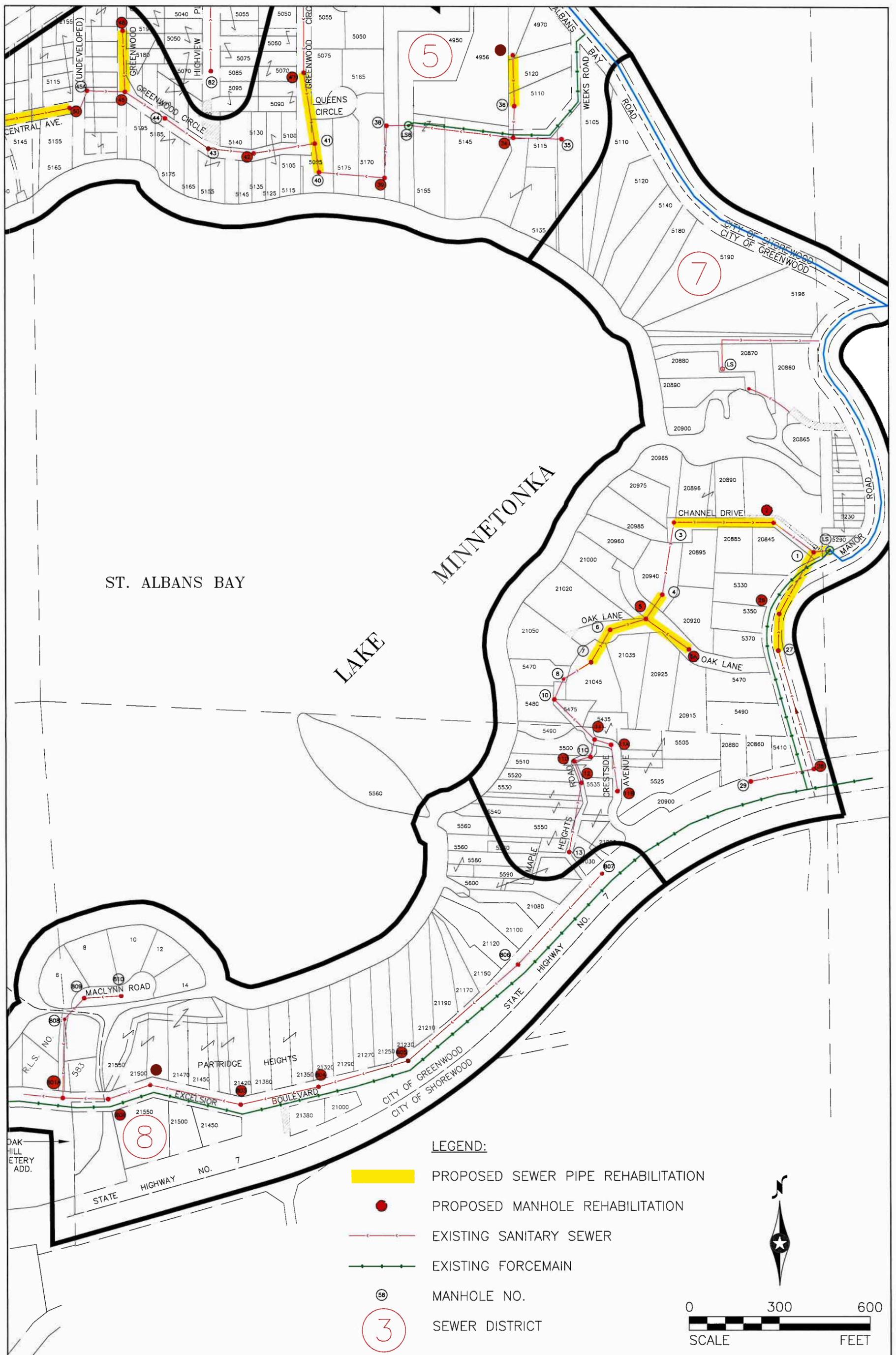
Douglas Carter, P.E., LEED[®] AP

CC: David Martini, P.E., Bolton & Menk, Inc.



LEGEND:

- PROPOSED SEWER PIPE REHABILITATION
- PROPOSED MANHOLE REHABILITATION
- EXISTING SANITARY SEWER
- EXISTING FORCEMAIN
- 58 MANHOLE NO.
- 3 SEWER DISTRICT



BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN
 BURNSVILLE, MN CHASKA, MN RAMSEY, MN AMES, IA
 ©Bolton & Menk, Inc. 2008, All Rights Reserved
 H:\GRWD\C13102886\CAD\102886_SAN.dwg 12/2/10 10:14 am

CITY OF GREENWOOD, MINNESOTA
 I/I GRANT PROGRAM APPLICATION

DECEMBER, 2010

FIGURE NO. 2

METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES

MUNICIPAL INFILTRATION/INFLOW GRANT PROGRAM

GRANT APPLICATION FORM

NOTICE TO APPLICANTS: Read the attached "Metropolitan Council Environmental Services – Infiltration/Inflow Mitigation Grant Program Guidelines" for guidance on how this grant program will be conducted and the grant agreement for required contractual terms. Prior to award of a grant, the applicant community must enter into the agreement with the Council.

COMMUNITY NAME: City of Greenwood

Correspondence regarding this Application should be mailed to:

NAME: David Martini
TITLE: City Engineer, Bolton & Menk, Inc.
STREET: 2638 Shadow Lane, Suite 200
CITY, ZIP: Chaska, MN 55318

TOTAL \$ AMOUNT OF ELIGIBLE PROJECT WORK: \$ 96,768 .

(The preliminary grant amount will be assigned by MCES following the allocation process described in the Guidelines).

AMOUNT OF I/I EXPECTED TO BE REMOVED FROM SYSTEM AFTER PROJECT COMPLETION:

(For advisory purposes, the Council would like a rough estimate of the amount of I/I likely to be removed by the project.)

INFILTRATION (in average MGD): 0.0022 MGD
INFLOW (in peak MGD): 0.00084 MGD

PROVIDE THE FOLLOWING ON SEPARATE SHEETS OF PAPER:

Describe the objectives of the project, highlighting the I/I mitigation to the Metropolitan System of wastewater interceptor sewers and treatment plants.

Provide a complete description of the proposed project (this may include multiple tasks). Include a map showing the limits of the project area and the wastewater collection system in the vicinity of the project. You may attach any engineering reports, plans or other pertinent documents that provide useful background for MCES evaluation of the proposed project.

Provide detailed, line item cost estimate for project. Cost items must be of specific enough detail to determine grant eligibility as per the program outline.

Identify the proposed schedule for the project completion. Identify key steps and intermediate dates. Will the project be performed by contracted services or by City staff? Will a competitive bid process be required?

Provide basis of the estimated amount (noted above) of I/I expected to be removed from system after completion of the project.

Provide the “ownership value” and “useful life” of the real property and facility (see definitions section of agreement.)

Fill out either the declaration (Attachment 1) or the certification (Attachment 1A) and Attachment 2 as appropriate.

Provide copy of the resolution of governing body which authorizes applicant to apply for loan and execute the grant Agreement.

David Martini
Print Name of Authorized Representative
E mail address: davidma@bolton-menk.com
Telephone Number: 952-448-8838
Date of Application: _____

Signature of Authorized Representative
Title of Representative: City Engineer

APPLICATIONS MUST BE POSTMARKED NO LATER THAN DECEMBER 15, 2010. QUALIFIED APPLICANTS WILL BE REQUIRED TO SUBMIT SIGNED GRANT AGREEMENTS BY MARCH 31, 2011.

CITY OF GREENWOOD
I / I Grant Program Application
Sanitary Sewer Rehabilitation
Districts 5 – 8

PROJECT OBJECTIVE

The project objective is to repair/rehabilitate the existing sanitary sewer system to reduce the infiltration and inflow that currently enters the system. The project area is Sewer Districts 5 through 8 which consists of about half of the City of Greenwood.

PROJECT DESCRIPTION

The project consists of the following repair/rehabilitation work on the sanitary sewer system:

1. Manhole Improvements
 - a. Replace broken/deteriorated adjusting rings
 - b. Install chimney seals
 - c. Seal leaking joints and bottoms
 - d. Replace deteriorated manhole structures
 - e. Replace covers with watertight covers on manholes located in depressions
2. Sewer Pipe Improvements
 - a. Seal or line leaking joints
 - b. Repair offset joints
 - c. Seal or repair leaking lateral connections
 - d. Seal or line cracks in pipe

The manhole defects proposed for repair were identified by inspection of all manholes within the project area. The sewer pipe defects proposed for repair were identified by review of sewer televising reports and videos from a 2007 sewer televising program. Copies of the manhole inspection reports and televising reports are enclosed. The locations of the proposed improvements are shown on enclosed Figure Nos. 1 and 2.

The estimated construction cost for the proposed improvements is \$96,768 as detailed on the enclosed tabulation.

PROJECT SCHEDULE

Following is the anticipated project schedule:

1. Preparation of construction plans and specifications – February 2011
2. Award of bid – March 2011
3. Construction – April / May 2011

The construction will be performed by a contractor which is selected by use of the competitive bidding process.

ESTIMATED I / I REDUCTION

The infiltration and inflow reduction volumes listed on the grant application form are based on the following:

1. Infiltration Reduction	<u>Rate in Gal. / Hr.</u>
a. Leaking manhole joints and bottom	2
b. Deteriorated manhole structure	4
c. Leaking pipe joint or crack	1
d. Offset pipe joint	2
e. Longitudinal pipe crack, per 10 foot length	1
2. Inflow	<u>Rate in Gal. / Day</u>
a. Broken/deteriorated adjusting rings	20
b. Non-gasketed manhole cover in depression	100

OWNERSHIP VALVE

The ownership value of the portions of the City of Greenwood sanitary sewer system on which repair / rehabilitation is proposed, as indicated on Figure Nos. 1 and 2, is tabulated as follows:

1. Manholes	34 Each	at \$4,000 / Each	\$136,000
2. Sewer Pipe	2,800 Feet	at \$60 / Foot	<u>\$168,000</u>
Total Estimated Ownership Value			\$304,000

USEFUL LIFE

The majority of the sanitary sewer within the project area was constructed in the early 1970's and is therefore approaching 40 years in age. It is estimated that with the repair/rehabilitation proposed in this project that the sewer system will have at least an additional 30 years of useful life.

City of Greenwood
Estimated Project Cost
I / I Grant Program Application
Sanitary Sewer Rehabilitation
Districts 5 - 8
December 2010

ITEM NO.	BID ITEM	QUAN.	UNIT	UNIT COST	TOTAL
<u>MANHOLE IMPROVEMENTS</u>					
1	REPLACE ADJUSTING RINGS	17	EA	\$500.00	\$8,500.00
2	INSTALL EXTERNAL CHIMNEY SEAL	16	EA	\$800.00	\$12,800.00
3	INSTALL INTERNAL CHIMNEY SEAL	1	EA	\$600.00	\$600.00
4	SEAL MANHOLE JOINT	6	EA	\$700.00	\$4,200.00
5	SEAL MANHOLE BASE & DOGHOUSES	7	EA	\$750.00	\$5,250.00
6	PLACE CONCRETE LINER IN MANHOLE	3	EA	\$3,000.00	\$9,000.00
7	REPLACE COVER WITH WATERTIGHT COVER	5	EA	\$250.00	\$1,250.00
8	RECONSTRUCT MANHOLE BOTTOM	7	EA	\$950.00	\$6,650.00
<u>PIPE IMPROVEMENTS</u>					
9	SEAL PIPE JOINT	12	EA	\$800.00	\$9,600.00
10	SEAL LATERAL CONNECTION JOINT	4	EA	\$900.00	\$3,600.00
11	SHORT SECTION LINER - UP TO 4' LENGTH	6	EA	\$1,800.00	\$10,800.00
12	ADDITIONAL LENGTH SHORT - SECTION LINER OVER 4'	24	LF	\$100.00	\$2,400.00
13	EXCAVATE AND REPAIR PIPE OFFSET JOINT OR LATERAL CONNECTION	4	EA	\$2,800.00	\$11,200.00
<u>RESTORATION</u>					
14	BITUMINOUS STREET PATCHING	170	SY	\$35.00	\$5,950.00
15	SOD	60	SY	\$6.00	\$360.00
SUBTOTAL:					\$92,160.00
MOBILIZATION - 5%:					\$4,608.00
TOTAL ESTIMATED CONSTRUCTION COST:					\$96,768.00
ESTIMATED SOFT COSTS - 20%:					\$19,353.60
TOTAL ESTIMATED PROJECT COST:					\$116,121.60

Attachment I-A

**State of Minnesota
General Obligation Bond Financed
CERTIFICATION**

The undersigned hereby certifies as follows:

This Certification is being submitted pursuant to the Waiver of Real Property Declaration granted by Minnesota Management and Budget to Metropolitan Council for Municipal Publicly-Owned Infrastructure Inflow/Infiltration projects or the portions thereof which lie entirely within public road, street and highway rights-of-way and utility easements.

[Grantee] certifies that [Grantee] has read and will comply with the terms and conditions of the Waiver of Real Property Declaration, a copy of which is attached to this Certification and further, that the Governmental Program which is the subject of and described in the Municipal Publicly-Owned Infrastructure Inflow/Infiltration Grant Agreement [No. _____] between [Grantee] and Metropolitan Council qualifies for the Waiver of Real Property Declaration attached hereto. [Attach copy of Waiver to this Certification. The Waiver to Metropolitan Council is Attachment V to the Grant Agreement.]

This Certification is being submitted by [Grantee] pursuant to a Waiver of Real Property Declaration granted by Minnesota Management and Budget to [Grantee], a copy of which Waiver is attached to this Certification, for the projects or the portions thereof which qualify for the Waiver.

[Grantee] certifies that [Grantee] has read and will comply with the terms and conditions of the Waiver and further that the Governmental Program which is the subject of and described in the Municipal Publicly Owned Infrastructure Inflow/Infiltration Grant Agreement [No. _____] between Grantee and Metropolitan Council qualifies for the Waiver of Real Property Declaration attached hereto [attach copy of Waiver].

The undersigned owns fee title to property or permanent easement or other easement which meets the requirements of this Agreement for wastewater collection purposes and a wastewater collection system within the fee title, permanent easement, or the easement and wastewater collection system being located in HENNEPIN County, Minnesota. The fee title property, permanent easement or other easement and the wastewater collection system therein is referred to as "Restricted Property" and is described in Exhibit A attached hereto by legal description, narrative description or diagram.

As the owner of the Restricted Property, the undersigned hereby acknowledges the following restrictions and encumbrances with respect to the Restricted Property:

- A. The Restricted Property is State bond financed property within the meaning of Minn. Stat. § 16A.695 that exists as of the effective date of the grant agreement identified in paragraph B below, is subject to the encumbrance created and requirements imposed by such statutory provision, and cannot be sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget, or its successor, which approval must be evidenced by a written statement signed by said commissioner and attached to the deed, mortgage, encumbrance or instrument used to sell or otherwise dispose of the Restricted Property; and
- B. The Restricted Property is subject to all of the terms, conditions, provisions, and limitations contained in that certain _____ [Insert title of the general obligation grant agreement] _____ between _____ and _____, dated _____, _____ (the "G.O. Grant Agreement").

The Restricted Property shall remain subject to this State of Minnesota General Obligation Bond Financed Declaration for as long as the G.O. Grant Agreement is in force and effect; at which time it shall be released therefrom by way of a written release in recordable form signed by both the Metropolitan Council and the Commissioner of Minnesota of Management and Budget, or their successors, and such written release is recorded in the real estate records relating to the Restricted Property. This Certification may not be terminated, amended, or in any way modified without the specific written consent of the Commissioner of Minnesota of Management and Budget, or its successor.

SIGNATURE BLOCK AND ACKNOWLEDGMENT

CITY OF GREENWOOD

By: _____
David Martini, City Engineer

Date: _____

By: _____
Deb Kind, Mayor

Date: _____

Exhibit A to Certification
DESCRIPTION OF RESTRICTED PROPERTY

The restricted property is the portions of the City of Greenwood municipal sanitary sewer system that will be rehabilitated under this program. The sanitary sewer locations are shown on attached Figure Nos. 1 and 2. The subject facilities are all located within public street right-of-way or permanent easements.



September 27, 2010

VIA E-MAIL

Jason Willett
MCES Finance Director
Metropolitan Council
390 Robert St N
St. Paul, MN 55101

Re: Waiver of Real Property Declaration – Metropolitan Cities Inflow and Infiltration Grants

Dear Mr. Willett:

I have reviewed your letter dated September 24, 2010 requesting a waiver pursuant to Section 7.02(b) of the Third Order Amending Order of Commissioner of Finance dated August 26, 2010 (the "Commissioner's Order") of the requirement that a real property declaration be recorded in connection with grants to metropolitan-area cities to address inflow and infiltration into local sanitary sewer collection systems.

I waive the requirement that a declaration be recorded for the portion of such projects which lies entirely within public road, street and highway rights-of-way and utility easements. However, a declaration will need to be executed and recorded for any portion of a project which is on land outside of such areas.

Please note that this letter only waives the requirement that a declaration be recorded. The property will remain bond-financed property and subject to all the other requirements of Minn. Stat. Sec. 16A.695 and the Commissioner's Order.

This waiver is conditional upon our receiving a signed copy of the bond-financed property Certification (substantially in the form attached to the sample grant agreement attached to your letter) from each grantee who receives a grant from this program, in which such grantee acknowledges that the project property is bond-financed property and thus is subject to all the other requirements of Minn. Stat. Sec. 16A.695 and the Commissioner's Order. Each signed Certification should be sent to Gay Greiter, Capital Budget Coordinator at Minnesota Management & Budget, at the address below.

Sincerely,

A handwritten signature in cursive script that reads "Tom J. Hanson".

Tom J. Hanson
Commissioner

Cc: Kathy Kardell, MMB
Gay Greiter, MMB
William Moore, MCES/Metropolitan Council
Jeanne Matross, Metropolitan Council

Angie Weidell-LaBathe, MMB
Patricia Nauman, Metro Cities
Wes Kooistra, Metropolitan Council

ORDINANCE NO. 187

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 500 REGARDING FEES**

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

SECTION 1.

Greenwood ordinance code section 500 fees is amended to revise the following fees:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Animal: Dog License	445.10	\$25 (\$15 if purchased in year 2)	Good for up to 2 years
Docks: Municipal Watercraft Space Permit	425.10	\$950	Per slip, per season
Rental Property License	320.30	\$50 first unit, \$25 per additional unit	Annual
Sewer Rates: Residential	520.10	\$70 per residential sanitary service unit	Quarterly
Sewer Rates: Commercial	520.10	\$70 per commercial sanitary service unit	Quarterly

”

SECTION 2.

Greenwood ordinance code section 500 is amended to add the following fees:

“

Code Book (binder with tabs and photocopies)		\$55
Misc. Petitions to the City for Legal Consent or Releases		\$200 plus consultant fees incurred by the city

”

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, City Clerk

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 320 REGARDING REFERENCES TO THE
INTERNATIONAL PROPERTY MAINTENANCE CODE FOR MULTIPLE DWELLINGS**

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

SECTION 1.

Greenwood ordinance code section 320.05, subd. 2 is amended to read as follows:

“Subd. 2. Code Adopted. The most current edition of the International Property Maintenance Code (hereinafter “IPM code”) as published by the International Code Council is adopted as the property maintenance code of the city, for the control of buildings and structures as provided in this section; and each and all of the regulations, provisions, penalties, conditions and terms of such code are referred to, adopted and made a part of this section, as if fully set out in this section, with the additions, insertions, deletions and changes as amended from time to time.”

SECTION 2.

Greenwood ordinance code section 320.05, subd. 3 is amended to read as follows:

“Subd. 3. Revisions. The following sections of the IPM code are revised as follows:
IPM Code Section 101.1. Title. Amended to read: These regulations shall be known as the Property Maintenance Code of the City of Greenwood, hereinafter referred to as “this code.”
IPM Code Section 102.3. Application of other codes. Amended to read: Repairs, additions or alterations to a structure or changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota state building code and the Greenwood ordinance code.
IPM Code Section 102.7. Referenced codes and standards. Amended to read: All references to other codes or standards within this code shall mean the applicable provisions of the Greenwood ordinance code or Minnesota state building code, whichever is the most restrictive requirement permitted under statute.
IPM Code Section 103.2. Appointment. Amended to read: The director of inspections shall be the zoning administrator.”

SECTION 3.

Greenwood ordinance code section 320.25 is amended to read as follows:

“Section 320.25. Disclaimer.

By the adoption of the IPM code as amended herein, the City of Greenwood does not guarantee nor does it assume responsibility or liability for the non-compliance of any particular property nor personal property damage or personal injury or death suffered by any person as a result of the entrance upon any property otherwise regulated hereby. The foregoing disclaimer, however, shall not prevent the city from enforcing the terms of this code by means as provided in said code.”

SECTION 4.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

2011 Greenwood FINAL Budget

7A & 7B

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
GENERAL FUND REVENUE									
1	TAXES								
2	101-31010	671,619	687,057	328,471	666,252	645,417	-3.13%		
3	101-31020	0	1,000	24,601	1,000	0	-100.00%		
4	101-31040	4,923	2,200	2,432	2,200	0	-100.00%		
5	101-31800	23	25	7	25	0	-100.00%		
6	101-31910	342	100	225	50	0	-100.00%		
7		676,907	690,382	355,735	669,527	645,417	-3.60%		89.05%
8	LICENSES & PERMITS								
9	101-32110	3,250	2,965	0	3,250	3,250	0.00%		
10	101-32180	2,134	1,600	3,711	3,355	3,400	1.34%		
11	101-32210	17,393	28,000	966	12,000	12,000	0.00%		
12	101-32211	2,107	2,000	664	1,200	1,200	0.00%		
13	101-32215	0	200	0	0	0	#DIV/0!		
14	101-32240	200	0	775	100	200	100.00%		
15		25,084	34,765	6,115	19,905	20,050	0.73%		2.77%
16	INTERGOVERNMENT REVENUE								
17	101-33402	0	0	0	0	0	#DIV/0!		
18	101-33423	2,549	2,000	2,671	0	0	#DIV/0!		
19	101-33610	1,722	1,675	0	0	0	#DIV/0!		
20	101-33630	0	0	0	0	0	#DIV/0!		
21		4,271	3,675	2,671	0	0	#DIV/0!		0.00%
22	PUBLIC CHARGES FOR SERVICES								
23	101-34103	1,300	1,500	400	2,500	1,500	-40.00%		
24	101-34207	200	50	375	50	200	300.00%		
25	101-34304	2,175	3,500	500	1,000	2,000	100.00%		
26	101-34409	15,100	13,478	18,584	18,810	18,819	0.05%		
27		18,775	18,528	19,859	22,360	22,519	0.71%		3.11%
28	FINES, FORFEITURES & PENALTIES								
29	101-35101	6,737	5,300	4,137	5,000	4,500	-10.00%		0.62%
30	MISC. INCOME								
31									
32	101-36100	560	1,500	6,694	0	0	#DIV/0!		
33	101-36102	3,664	7,000	4,579	5,000	5,000	0.00%		
34	101-36230	1,253	50	375	25	0	-100.00%		
35	101-39201	20,100	20,100	15,000	15,000	15,000	0.00%		
36	101-39202	0	0	0	0	10,650	#DIV/0!		
37	101-39203	0	0	0	0	1,650	#DIV/0!		
38		25,577	28,650	26,649	20,025	32,300	61.30%		4.46%
39									
40	Total Revenue	757,351	781,300	415,166	736,817	724,786	-1.63%		

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
GENERAL FUND EXPENSES									
41	COUNCIL								
42	101-41100-103 Council Salaries (Gross)	13,200	13,200	11,000	13,200	13,200	0.00%		
43	101-41100-122 FICA Contributions (6.2%)	818	975	694	818	818	0.00%		
44	101-41100-123 Medicare Contributions (1.45%)	191	220	162	191	191	0.00%		
45	101-41100-371 Training / Conference Registration (League of Minnesota Cities Training)	855	1,325	135	600	600	0.00%		
46	101-41100-372 Meals / Lodging	0	110	0	50	100	100.00%		
47	101-41100-433 Misc. (Dues, Subscriptions, Supplies, Etc.)	0	200	20	150	150	0.00%		
48		15,064	16,030	12,012	15,010	15,060	0.33%	2.23%	
49	ELECTIONS								
50	101-41200-103 Election Salaries (Part-Time Election Judge Salaries)	0	0	0	1,500	0	-100.00%		
51	101-41200-214 Operational Support - Forms (Ballots, Voter Reg. Rosters)	0	0	0	300	0	-100.00%		
52	101-41200-219 Election Operations / Support (Deephaven Public Works)	0	0	13	350	0	-100.00%		
53	101-41200-319 Equipment Maintenance (ES&S Maintenance Agreement / Programming)	161	400	301	400	200	-50.00%		
54	101-41200-372 Meals / Lodging (Election Judge Snacks)	0	0	82	75	0	-100.00%		
55	101-41200-439 Misc. (Supplies, Postage, Etc.)	55	40	72	325	50	-84.62%		
56		216	440	468	2,950	250	-91.53%	0.04%	
57	ADMINISTRATION								
58	101-41400-101 City Administrator Salary	63,587	71,000	27,078	57,681	0	-100.00%		
59	101-41400-121 PERA Contributions (7%)	4,286	4,795	1,718	4,038	0	-100.00%		
60	101-41400-122 FICA Contributions (6.2%)	3,942	4,410	1,679	3,576	0	-100.00%		
61	101-41400-123 Medicare Contributions (1.45%)	922	1,030	393	836	0	-100.00%		
62	101-41400-139 City Administrator Insurance (LTD \$99, STD \$14, Life \$5.55 = \$118.55/mo.)	1,283	1,440	579	1,423	0	-100.00%		
63	101-41400-201 Office Supplies	0	800	699	600	600	0.00%		
64	101-41400-202 Duplicating	292	500	58	400	200	-50.00%		
65	101-41400-204 Stationary, Forms, Printing	442	575	574	525	525	0.00%		
66	101-41400-309 Professional Services - Other (ISP, Website, Email)	2,015	3,500	3,747	3,500	1,000	-71.43%		
67	101-41400-310 Clerk's Contractual (\$2,400 Minutes, \$31,740 Deephaven Admin Services)	2,477	8,500	9,313	3,250	34,141	950.49%		
68	101-41400-311 Office - Rent / Equipment	10,369	11,500	8,641	11,580	6,800	-41.28%		
69	101-41400-313 Professional Services (Civic Accounting)	3,760	3,900	2,877	4,100	1,920	-53.17%		
70	101-41400-321 Communications - Telephone	1,517	1,500	1,174	1,500	700	-53.33%		
71	101-41400-322 Postage	1,198	1,400	1,729	1,400	1,400	0.00%		
72	101-41400-351 Newspaper Legal Notices	6,406	2,000	1,577	2,500	2,000	-20.00%		
73	101-41400-372 Meals / Lodging	0	50	0	50	0	-100.00%		
74	101-41400-411 Rentals / Office Equipment (Copier Lease Through May 2013)	2,335	2,280	2,626	2,280	2,335	2.41%		
75	101-41400-439 Misc. (Equipment, Dog Tags, Credit Card Fee, Etc.)	659	1,450	208	1,300	400	-69.23%		
76		105,490	120,630	64,670	100,539	52,021	-48.26%	7.70%	

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
77	ASSESSOR								
78	101-41500-309 Assessor - Contract (Hennepin Co.)	13,677	13,500	6,761	14,000	14,000	0.00%		
79	101-41500-439 Assessor - Other (Hennepin Co. Notices, Processing, Tax Rolls)	80	125	3	125	100	-20.00%		
80		13,757	13,625	6,764	14,125	14,100	-0.18%	2.09%	
81	LEGAL SERVICES								
82	101-41600-304 Legal Services - General	20,736	20,000	10,522	20,000	15,000	-25.00%		
83	101-41600-308 Legal Services - Prosecution	5,877	6,000	2,208	6,000	4,000	-33.33%		
84		26,613	26,000	12,730	26,000	19,000	-26.92%	2.81%	
85	AUDITING								
86	101-41700-301 Auditing (\$9100 in 2011, \$9300 in 2012)	12,855	13,000	8,900	8,900	9,100	2.25%		
87		12,855	13,000	8,900	8,900	9,100	2.25%	1.35%	
88	GENERAL GOVERNMENT TOTAL	173,995	189,725	105,544	167,524	109,531	-34.62%	16.21%	15.11%
90	LAW ENFORCEMENT								
91	101-42100-310 Law Enforcement - Contract (Monthly)	150,228	150,232	126,130	151,352	158,672	4.84%		
92	101-42100-311 Police Side Lease - Facilities (Quarterly)	47,648	47,649	47,900	47,901	47,263	-1.33%		
93	101-42100-439 Police Safety - Other (Jail, Etc.)	3,262	0	675	1,000	1,000	0.00%		
94		201,138	197,881	174,705	200,253	206,935	3.34%	30.62%	
95	FIRE								
96	101-42200-309 Fire Protection - Operations (Quarterly)	58,399	58,314	63,990	63,990	68,492	7.04%		
97	101-42200-311 Fire Side Lease - Facilities (Quarterly)	54,304	55,825	58,520	58,520	59,239	1.23%		
98		112,703	114,139	122,510	122,510	127,731	4.26%	18.90%	
99	PUBLIC SAFETY TOTAL	313,841	312,020	297,215	322,763	334,666	3.69%	49.53%	46.17%
100	ZONING								
101	101-42400-308 Zoning Administration	2,794	4,000	1,238	4,000	4,000	0.00%		
102	101-42400-309 Public Notices	1,409	0	50	0	1,500	#DIV/0!		
103	101-42400-310 Building Inspections	14,700	30,000	5,982	6,500	6,500	0.00%		
104	101-42400-438 Misc. (Duplicating, Etc.)	0	400	0	200	0	-100.00%		
105	ZONING TOTAL	18,903	34,400	7,269	10,700	12,000	12.15%	1.78%	1.66%
106	ENGINEERING								
107	101-42600-303 Engineering Fees	1,226	8,000	1,963	5,000	3,500	-30.00%		
108		1,226	8,000	1,963	5,000	3,500	-30.00%	0.52%	
109	UTILITIES & ROADS								
110	101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric)	4,591	4,700	3,424	3,600	4,000	11.11%		
111	101-43100-409 Other - Road Repair & Maintenance (2009 & 2010 Road Imp, 2011 Public Works Repairs)	75,000	75,500	1,372	0	5,000	#DIV/0!		
112		79,591	80,200	4,796	3,600	9,000	150.00%	1.33%	

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
	MAJOR ROAD IMPROVEMENTS								
113	101-43200-229 Major Road Improvements - Construction (New category in 2011)	0	0	121,140	100,500	115,000	14.43%		
114	101-43200-303 Major Road Improvements - Engineering (New category in 2011)	0	0	13,228	0	15,000	29.35%		
115		0	0	134,368	100,500	130,000	29.35%	#DIV/0!	
116	PUBLIC WORKS								
117	101-43900-226 Signs	329	1,000	2,235	2,000	5,000	150.00%		
118	101-43900-310 Streets - Sweeping (2011 Excess of \$4000 to Stormwater)	8,859	8,350	5,472	5,000	4,000	-20.00%		
119	101-43900-312 Snow Plowing	9,679	12,500	15,152	13,000	15,000	15.38%		
120	101-43900-313 Trees, Weeds, Mowing	9,706	13,000	9,244	13,000	13,000	0.00%		
121	101-43900-314 Tennis Court Maintenance (Pressure Wash)	0	200	0	200	200	0.00%		
122	101-43900-315 Trail / Bike Path Maintenance	342	1,000	625	1,000	800	-20.00%		
123	101-43900-439 Misc. (2009 Includes Culvert Cleaning & Storm Sewer Maintenance. Moved to Stormwater in 2010.)	2,012	4,750	3,481	2,000	0	-100.00%		
124		30,927	40,800	36,209	36,200	38,000	4.97%	5.62%	
125	ROADS & PUBLIC WORKS TOTAL	111,744	129,000	177,336	145,300	180,500	24.23%	26.71%	24.90%
126	MISC. EXPENSES								
127	101-49000-310 Recycling Contract	13,296	13,185	14,116	18,819	18,819	0.00%		
128	101-49000-311 Spring Clean-Up Day	2,329	4,500	2,108	4,000	2,500	-37.50%		
129	101-49000-369 League of Minnesota Cities Insurance Trust / Liability (2009 & 2010 Includes Work Comp)	7,483	7,000	115	7,500	7,600	1.33%		
130	101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp	0	0	0	0	110	#DIV/0!		
131	101-49000-433 Misc.	0	0	0	100	0	-100.00%		
132	101-49000-434 Southshore Center	0	0	1,200	0	1,200	#DIV/0!		
133	101-49000-435 League of Minnesota Cities	0	0	826	0	997	#DIV/0!		
134	101-49000-436 Lake Minnetonka Conservation District	6,113	6,113	4,758	6,344	6,507	2.57%		
135	101-49000-437 July 4th Fireworks (2009 & 2010 Budgets Include Southshore Center and LMC)	2,068	5,100	1,200	3,180	1,300	-59.12%		
136	MISC. TOTAL	31,289	35,898	24,322	39,943	39,033	-2.28%	5.78%	5.39%
137	Total Operating Budget	649,772	701,043	611,686	686,230	675,730	-1.53%		
138	CONTINGENCY & FUND TRANSFERS								
139	101-49000-439 Contingency (4.3%) -- slightly reduced from preliminary budget: \$30,408 (4.5%)	2,643	22,757	2,301	20,587	29,056	41.14%		
140	101-49000-440 Reserve Replenishment	104,936	57,500	102,829	10,000	0	-100.00%		
141	101-49000-500 Transfer to Bridge Fund	0	0	20,000	20,000	20,000	0.00%		
142	CONTINGENCY & FUND TRANSFERS TOTAL	107,579	80,257	125,130	50,587	49,056	-3.03%		6.77%
143	Total Expenses	757,351	781,300	736,817	736,817	724,786	-1.63%		
144	GENERAL FUND CASH BALANCE	242,058		344,887	252,058	252,058		37.30%	

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
SEWER FUND <i>This is an enterprise fund that can be used for any city purpose.</i>									
145	602-34401	REVENUE: Sewer Use Charges -- Sewer Fees \$65 in 2009, \$75 in 2010, \$70 in 2011		98,777		109,300	114,000	106,500	
146	602-34402	REVENUE: Late Charges & Penalties		4,409		2,900		2,000	
147	602-34403	REVENUE: Delinquent Sewer Payments Received		0		264		0	
148	602-34404	REVENUE: Delinquent Sewer Late Fees Received		0		20		0	
149	602-34408	REVENUE: Permit Fees		100		50		0	
150	602-36100	REVENUE: Special Assessments		0		1,728		0	
151	602-43200-303	EXPENSE: Engineering Sewer		10,429		1,430		2,700	
152	602-43200-309	EXPENSE: Met Council and Excelsior		46,415		32,354		52,000	
153	602-43200-310	EXPENSE: Public Works Sewer		4,939		6,008		5,000	
154	602-43200-319	EXPENSE: Equipment Maintenance		36,453		299		0	
155	602-43200-381	EXPENSE: Utility Services - Electric		2,446		1,603		1,700	
156	602-43200-404	EXPENSE: R&M - Machinery & Equipment		1,737		6,022		7,000	
157	602-43200-439	EXPENSE: Misc. (Gopher State One Call, Forms, Printing, Etc.)		798		363		500	
158	602-43200-530	EXPENSE: Capital Outlay (2011 Manhole Project)		0		0		50,000	
159	602-43200-720	OPERATING TRANSFER: To General Fund (10% of Sewer Revenue to Offset Adm. Costs)		0		0		10,650	
160		Net Total		69		66,183		-21,050	
161		SEWER FUND CASH BALANCE		356,140		422,323		401,273	
STORMWATER FUND <i>This is an enterprise fund that can be used for any city purpose.</i>									
162	502-34401	REVENUE: Stormwater Use Charges		11,915		15,729		16,500	
163	502-34403	REVENUE: Delinquent Stormwater Payments Received		0		0		0	
164	502-34404	REVENUE: Delinquent Stormwater Late Fees Received		0		0		0	
165	502-43200-303	EXPENSE: Engineering Stormwater		6,864		3,397		4,000	
166	502-43200-310	EXPENSE: Public Works Stormwater		0		315		500	
167	502-43200-319	EXPENSE: Equipment and Maintenance		951		1,060		1,500	
168	502-43200-409	EXPENSE: Street Sweeping		0		0		4,000	
169	502-43200-439	EXPENSE: Misc. (EPA Fee, Etc.)		0		0		2,000	
170	502-43200-720	OPERATING TRANSFER: To General Fund (10% of Stormwater Rev. to Offset Adm. Costs)		0		0		1,650	
171		Net Total		0		10,957		2,850	
172		STORMWATER FUND CASH BALANCE		4,100		15,057		17,907	
PARK FUND <i>This is a dedicated fund for "Improvements" only. Cannot be used for maintenance.</i>									
173	401-36230	REVENUE: Park Dedication Fees		0		0		0	
174	401-45000-000	EXPENSE: Park Improvements		0		0		5,000	
175		Net Total		0		0		-5,000	
176		PARK FUND CASH BALANCE		27,055		27,055		22,055	

2011 Greenwood FINAL Budget

		2009 Actual	2009 Budget	2010 Oct. YTD	2010 Budget	2011 Budget	% Change	% Op. Budget	% Total Budget
MARINA FUND <i>This is an enterprise fund that can be used for any city purpose. Dock anticipated replacement year: 2015+ (minimum \$50,000 for replacement)</i>									
175	605-36201	REVENUE: Boat User Fees (\$100 slip fee increase in 2011)	20,100		22,700	22,700	25,300		
176	605-45100-309	EXPENSE: Professional Services (Dock In and Out)	4,460		2,309		4,600		
177	605-45100-310	EXPENSE: Public Works	0		364		300		
178	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License, etc.)	0		343		350		
179	605-49300-720	OPERATING TRANSFER: To General Fund	20,100		15,000	15,000	15,000		
180		Net Total	-4,460		4,684		5,050		
181		MARINA FUND CASH BALANCE	32,738		37,422		42,472		
BRIDGE FUND <i>This enterprise fund was created in 2010. Enterprise funds can be used for any city purpose.</i>									
182	403-39200	REVENUE: Transfer from General Fund	0		20,000	20,000	20,000		
183	403-45100-303	EXPENSE: Engineering	0		0	0	0		
184	403-45100-530	EXPENSE: Capital Outlay	0		0	0	0		
185		Net Total	0		20,000	20,000	20,000		
186		BRIDGE FUND CASH BALANCE	0		20,000		40,000		
187		Total Fund Cash Balances	662,091		866,744		775,765		

2011 Tax Rate Comparision

EXAMPLE – A property with an assessed EMV of:	\$750,000				
First \$500,000 is multiplied by 1% (same statewide)	\$500,000	x	1%	=	\$5,000
Balance amount is multiplied by 1.25% (same statewide)	\$250,000	x	1.25%	=	\$3,125
Equals the “tax capacity” for the property:					\$8,125

The tax capacity formula is determined by the state and the formula is the same no matter the value of your property. Simply insert your property's estimated market value (EMV) into the first line of the formula above to calculate your tax capacity. The tax capacity number then is multiplied times the county, school, city, and misc. tax rates to calculate the total taxes for your property. The 2011 PROPOSED tax rates are 46.3866% for Hennepin County and 21.269% for the Minnetonka School District. Below is a chart that shows the CITY tax rates for nearby cities compared to Greenwood.

What a \$750,000 property pays in CITY taxes in nearby cities compared to Greenwood in 2011	2011 PROPOSED City Tax Rates		2011 Tax Capacity for a \$750,000 Property		2011 Total CITY Taxes for a \$750,000 Property
Excelsior	36.197%	x	\$8,125	=	\$2,941
Minnetonka	33.593%	x	\$8,125	=	\$2,729
Shorewood	28.451%	x	\$8,125	=	\$2,312
Minnetonka Beach	26.674%	x	\$8,125	=	\$2,167
Wayzata	22.979%	x	\$8,125	=	\$1,867
Greenwood	19.122%	x	\$8,125	=	\$1,554
Deephaven	17.230%	x	\$8,125	=	\$1,400
Tonka Bay	16.529%	x	\$8,125	=	\$1,343
Woodland	8.754%	x	\$8,125	=	\$711

Source: Hennepin County

HENNEPIN COUNTY
2010-2011 PROPOSED
TAX RATES

Greenwood

AREA WIDE RATE	129.327%
STATE GENERAL RATE	
COMM, IND, UTILITY	50.000%
SEASONAL RES REC	20.000%

MUNIC	19
SCHOOL	276
WTRSHD	3
SEWER	0000
CONT %	40.3866%

COUNTY	46.250%
--------	---------

MUNICIPAL DISTRICTS	
Revenue	19.122%
Bonds & Interest	
Municipality	19.122%
Sewer District	
SUBTOTAL (Munic/Sewer)	19.122%
HRA	
EDA	
TOTAL MUNICIPAL DISTRICTS	19.122%

SCHOOL DISTRICTS	
Voter Approved - General NTC	6.739%
Other - General NTC	5.421%
Other - Community Service	1.202%
Voter Approved - General Debt Service	5.611%
Other - General Debt Service	1.956%
Other - OPEB/Pension	0.340%
TOTAL SCHOOL DISTRICTS	21.269%

METRO TAXING DISTRICTS	
Metro Mosquito Control	0.524%
Metro Council Revenue	0.316%
Metro Council B&I	0.223%
Metro Council Right of Way	0.113%
Metro Council Livable Communities	0.256%
Metro Council Total	0.908%
Metro Transit Debt	1.535%
TOTAL METRO DISTRICTS	2.967%

OTHER SPECIAL TAXING DISTRICTS	
Hennepin Parks	2.751%
Hennepin Parks B&I	1.011%
Hennepin Parks Total	3.762%
Park Museum	0.814%
HC Regional Railroad Authority (HCRRRA)	1.242%
Minneapolis Public Housing	
Hennepin HRA	0.396%
Minneapolis Teachers Retrmnt Fund	
Watershed	1.607%
TOTAL OTHER SPEC DIST	7.821%

TOTAL NTC BASED RATE	97.429%
-----------------------------	---------

City Referendum Market Value (RMV)	
School Voter Approved - RMV	0.21773%
School Other - RMV	0.00789%
TOTAL RMV BASED RATE	0.22562%

Solid Waste Fee - Taxable Market Value	
---	--

Hennepin County Cities - Proposed 2011 Property Tax Rates

1	Minneapolis	70.86%
2	Saint Anthony	58.56%
3	Maple Plain	57.64%
4	Brooklyn Center	57.17%
5	Loretto	57.11%
6	Osseo	56.29%
7	Hopkins	55.68%
8	Richfield	54.95%
9	Golden Valley	53.58%
10	Brooklyn Park	50.99%
11	Rockford	50.15%
12	New Hope	49.71%
13	Crystal	49.04%
14	Dayton	48.61%
15	Rogers	45.58%
16	Robbinsdale	44.61%
17	Hanover	44.44%
18	Saint Louis Park	42.19%
19	Mound	42.14%
20	Bloomington	41.01%
21	Champlin	39.20%
22	Medicine Lake	38.68%
23	Long Lake	38.14%
24	Spring Park	37.71%
25	Maple Grove	37.19%
26	Corcoran	37.09%
27	Excelsior	36.20%
28	Minnetonka	33.59%
29	Independence	32.92%
30	Eden Prairie	31.71%
31	Saint Bonifacius	30.09%
32	Greenfield	29.78%
33	Shorewood	28.45%
34	Hassan	27.70%
35	Minnetrista	27.26%
36	Plymouth	26.79%
37	Chanhaasen	26.70%
38	Minnetonka Beach	26.67%
39	Edina	24.90%
40	Wayzata	22.98%
41	Medina	19.19%
42	Greenwood	19.12%
43	Deephaven	17.23%
44	Tonka Bay	16.53%
45	Orono	15.14%
46	Woodland	8.75%

**CITY OF GREENWOOD
RESOLUTION NO. 22-10**

A RESOLUTION APPROVING THE 2010 TAX LEVY, COLLECTIBLE IN 2011

BE IT RESOLVED by the city council of the City of Greenwood that the following sum of money be levied for the current year, collectible in 2011, upon taxable property in the City of Greenwood, Minnesota for general fund activities:

TOTAL LEVY: \$645,417

The city clerk is hereby instructed to transmit a certified copy of this resolution to the county auditor of Hennepin County Minnesota.

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk

**CITY OF GREENWOOD
RESOLUTION NO. 23-10**

A RESOLUTION APPROVING THE 2011 CITY BUDGET

WHEREAS, the city council of the City of Greenwood has reviewed the 2011 city budget and determined that the proposed expenditures and revenues adequately address the needs of the city and the residents it serves,

WHEREAS, the public had the opportunity to comment on the 2011 city budget at the December 7, 2010 city council meeting.

NOW, THEREFORE BE IT RESOLVED by the city council of the City of Greenwood, that the 2011 general fund city budget in the amount of **\$724,786** is hereby approved.

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk

ORDINANCE NO. 189

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING THE GREENWOOD ORDINANCE CODE CHAPTERS 3 & 5 ADDING PROVISIONS REGULATING THE
COMPLETION OF THE EXTERIOR OF STRUCTURES UNDER CONSTRUCTION

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

SECTION 1.

Greenwood ordinance code chapter 3 is amended to add the following regulations:

“Section 300.30. Completion of Exterior.

All exterior building work authorized by a permit issued in accordance with the SBC shall be completed within 180 days following the issuance of the building permit.

- (a) Administrative Extension. In the event the holder of a building permit is in need of additional time to complete all planned exterior building work, the permit holder may on payment of the applicable fee, (in an amount set by the city council and included in chapter 5 of this code) make written application to the zoning administrator for a one time 30-day extension to complete the exterior work of their project. The zoning administrator may grant the time extension upon a finding that:
 - (1) Substantial progress has been made toward completion. (Substantial progress means that the planned exterior work on the project is presently over 75% complete);
 - (2) A justifiable cause for the delay has been demonstrated; and,
 - (3) The permit holder has the capability to finish the planned exterior work within the time period of the extension.
- (b) Evidence. Prior to the grant of extension, the zoning administrator may require of the permit holder evidence of the ability to complete the exterior work, including but not limited to, a list of contractors and subcontractors under contract for the completion of the project.
- (c) Council Review. In the event the permit holder application for an administrative extension is denied or the permit holder believes they are in need of additional time to complete the planned exterior work, a permit holder may on payment of the applicable fee, (in an amount set by the city council and included in chapter 5 of this code), make written application to the city clerk for city council review and grant of additional time to complete the planned exterior work. The council may grant one extension for an additional 30 to 120 days if (1) substantial progress has been made toward completion, and (2) a justifiable cause for the delay has been demonstrated by the permit holder.
- (d) Noncompliance. Permit holders whose planned exterior work remains uncompleted shall be subject to an administrative citation and fine in an amount set by the city council and included in chapter 5 of this code following the procedures outlined in chapter 12 of this code. In the event a permit holder after receiving an extension to complete the planned exterior work, (administrative or council issued), then fails to complete the exterior work within the time granted, the permit holder shall be subject to an administrative citation and fine in an amount set by the city council and included in chapter 5 of this code. A continuing violation of this section may be addressed by the city through administrative civil citations and/or, at the sole election of the city, a civil action for injunctive relief in district court.”

SECTION 2.

Greenwood ordinance code section 510 is amended to add the following:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Building: Permit to Extend Completion of Exterior Work	300.30	\$200 for first 30-day extension, \$400 per each additional 30 days	

”

SECTION 3.

Greenwood ordinance code section 515 is amended to add the following:

“

Type of Violation	Section	Civil Fine	Notes
Building Code: Non Completion of Exterior	300.30	\$300	Each day a violation continues is subject to administrative civil citation.

”

SECTION 4.

Greenwood ordinance code section 515 is amended to revise the following:

“

Penal Code Violation	900 et seq	\$300	Each day a violation continues is subject to administrative civil citation.
Nuisance Code Violation	900 et seq	\$100	Each day a violation continues is subject to administrative civil citation.
Zoning Code Violation	1100 et seq	\$300	Each day a violation continues is subject to administrative civil citation.

”

SECTION 5.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Gus E. Karpas, City Clerk



Hennepin County Department of Environmental Services

417 North Fifth Street, Suite 200
Minneapolis, MN 55401-3206

612-348-3777, REDUCE, REUSE, RECYCLE
612-348-8532, FAX
612-348-6500, Facility **INFO** Line
www.hennepin.us

November 16, 2010

Roberta Whipple
CITY OF GREENWOOD
20225 Cottagewood Road
Deephaven, MN 55331

Ms. Whipple:

Hennepin County has traditionally distributed all the SCORE funding it receives from the state to municipalities for the purpose of supporting curbside residential recycling programs. In order to award these grant funds again in 2011, the city must sign an amendment to the existing agreement. The amendment extends the term for one year and requires the same annual report for that additional year. A sense of urgency on your part is needed to usher this amendment through city administration so that the county can approve the amendment before the expiration of the agreement at the end of this calendar year.

Enclosed are two originals of Amendment 1 to Contract No. A081230, the 2008-2010 Residential Recycling Grant Agreement between Hennepin County and the CITY OF GREENWOOD. Please have both originals of the amendment signed and both documents returned to me.

When I receive the signed originals of the amendment, I will forward the amendment to the county board and administration for final signatures. After the amendment has been approved, I will send you one of the originals and your grant payment.

If you have any questions, please contact me at benjamin.knudson@co.hennepin.mn.us or 612-596-1176.

Sincerely,

Ben Knudson

Enclosures - 2

AMENDMENT 1 TO RESIDENTIAL RECYCLING GRANT AGREEMENT

This Amendment 1 to Residential Recycling Grant Agreement (the "Amendment") is between the COUNTY OF HENNEPIN, STATE OF MINNESOTA (the "COUNTY") A-2300 Government Center, Minneapolis, Minnesota 55487, on behalf of the Hennepin County Department of Environmental Services, 417 North Fifth Street, Minneapolis, Minnesota 55401-1397 ("DEPARTMENT") and the CITY OF GREENWOOD, 20225 Cottagewood Road, Deephaven, Minnesota 55331 ("CITY").

WHEREAS, the COUNTY and the CITY entered into a three-year Residential Recycling Grant Agreement, Contract No. A081230 (the "Agreement"), for a residential recycling grant commencing on January 1, 2008; and

WHEREAS, the County Board, by Resolution No. 10-0486, adopted on November 16, 2010, approved the Hennepin County Residential Recycling Funding Policy for the period January 1, 2008, through December 31, 2011, and authorized grant funding for municipal recycling programs consistent with said policy; and

WHEREAS, the parties desire to amend the Agreement to extend the term.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties agree as follow:

1. Paragraph a. of Section 1, TERM AND COST OF THE AGREEMENT, shall be amended to read as follows:

This Agreement shall commence on execution and terminate on December 31, 2011, unless terminated earlier pursuant to the provisions set forth herein.

2. Paragraph b.4. of Section 2, SERVICES TO BE PROVIDED, shall be amended to read as follows:

The CITY shall submit, on forms provided by the COUNTY, a Final 2008 Report by February 15, 2009; a Final 2009 Report by February 15, 2010; a Final 2010 Report by February 15, 2011; and a Final 2011 Report by February 15, 2012. The CITY shall submit an updated Grant Application by February 15 of each year.

3. Except as hereinabove amended, the terms, conditions and provisions of the Agreement shall remain in full force and effect.

COUNTY BOARD AUTHORIZATION

Reviewed by the County Attorney's Office

COUNTY OF HENNEPIN
STATE OF MINNESOTA

Assistant County Attorney

By: _____
Chair of Its County Board

Date: _____

ATTEST: _____
Deputy/Clerk of County Board

Date: _____

By: _____
Richard P. Johnson, County Administrator

Date: _____

By: _____
Assistant County Administrator, Public Works

Recommended for Approval

Date: _____

By: _____
Director, Department of Environmental Services

Date: _____

CITY OF GREENWOOD
CITY warrants that the person who executed this Agreement is authorized to do so on behalf of CITY as required by applicable articles, bylaws, resolutions or ordinances.*

Signature: _____

Printed Name: _____

Date: _____

*CITY shall submit applicable documentation (articles, bylaws, resolutions or ordinances) that confirms the signatory's delegation of authority. This documentation shall be submitted at the time CONTRACTOR returns the Agreement to the COUNTY. Documentation is not required for a sole proprietorship.

MEMO FOR 12-07-10 GREENWOOD CITY COUNCIL MEETING

RE: POTENTIAL BRIDGE FUND TRANSFER

The City of Greenwood's cash balance of \$523,980 on October 31, 2010 was \$172,958 higher than the \$351,022 cash balance on October 31, 2009. Approximately \$97,643 of this increase can be attributed to specific accounts (roughly \$10,957 stormwater, \$4,684 marina, \$62,002 sewer, and \$20,000 bridge fund). The remaining \$75,315 should be attributable to the General Fund. The budgeted general fund reserve increase for 2010 was \$10,000. It is looking more and more likely that this will be exceeded significantly.

I would suggest that given the strong performance of the general fund, we consider increasing the contribution to the bridge fund from \$20,000 to either \$30,000 or \$40,000 this year. My preference is \$40,000. The bridge is a significant unknown for Greenwood. Increasing the reserves now for this likely project could help to avoid unpleasant surprises in the future.

It should also be noted that since no money is actually being spent, the council will have the option of transferring the monies from the bridge fund back to the general fund at its discretion at a later date. Thus, there is little if any downside from increasing the bridge fund allocation for 2010.

Respectfully submitted,

Tom Fletcher


MINNEHAHA CREEK WATERSHED DISTRICT
 QUALITY OF WATER QUALITY OF LIFE

Date: November 23, 2010
 To: Cities, Counties, Met Council, State Review Agencies
 From: Udai Singh, Minnehaha Creek Watershed District
 Re: Minor Plan Amendment – 45-Day Comment Period

The Minnehaha Creek Watershed District is proposing a minor amendment to its 2007 Comprehensive Watershed Resources Management Plan. The amendment establishes a District wide aquatic invasive species (AIS) control and management program, which may include a regulatory permitting process as well as an inspection and decontamination program.

As you know, zebra mussels were discovered this summer in one of the most important water bodies in the District and state - Lake Minnetonka. The discovery reminds us of why we need to continue to focus on a comprehensive and watershed-wide approach to prevent the spread of invasive species and introduction of new invasive species and the irreversible damage they have on our lakes and streams, plants and fish and the recreational, property and commercial value of our water resources.

The attached amendment reviews the threat AIS pose to the watershed and outlines the watershed management policies, goals and strategies in the existing District Plan that support an AIS program. The amendment describes specifics of a potential regulatory program, including methods of certifying watercraft and other equipment to be placed in watershed water bodies as AIS free. Note that any actual regulatory program would be developed with the engagement of stakeholders and the public through a rulemaking process pursuant to Minnesota Statutes section 103D.341. The amendment also includes an initial cost estimate of the program.

The District invites your comments on the plan amendment and the continued engagement of the many stakeholders involved in addressing the critical issue of AIS prevention, control and management. Enclosed are the affected sections of the plan showing the proposed changes. The full plan is available on the District's website: <http://www.minnehahacreek.org/Draft509Plan.php>

The District will be accepting comments on the amendments until January 7, 2011. Please direct any comments or questions to Dr. Udai Singh at:

Minnehaha Creek Watershed District
 18202 Minnetonka Blvd, Deephaven, MN 55391
usingh@minnehahacreek.org, Tel. 952-641-4507

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.

6.1.2 Regulation for Ecological Integrity

6.1.2a Aquatic Invasive Species Program

The District has shifted its water-quality improvement efforts to an ecosystem based approach to the management of water resources. Moving beyond the traditional assessment of water quality of streams and lakes in terms of excessive nutrients, such as phosphorus, and water transparency, the District now measures additional ecosystem elements and parameters that contribute to water quality and the overall health of water bodies, as well as their capacity to support designated uses. The District continues to work closely with public and private partners in this effort. In this evolution, the District and its partners have confronted the threat posed by aquatic invasive species (AIS) to water quality, ecological integrity, and suitability for designated uses. The District has also surveyed published research on the impacts of AIS on the ecological integrity of water resources. This analysis has been corroborated in the case of zebra mussel field surveys and inspections to assess the extent of the infestation by the District and its partners in the wake of their discovery, in July 2010, in Lake Minnetonka.

Increased efforts by the Minnesota Department of Natural Resources (MNDNR) and local authorities to educate recreational users of water resources and inspect watercraft were not enough to prevent the recent introduction of zebra mussels to Lake Minnetonka and stronger efforts are clearly needed to prevent the introduction and spread of AIS. After numerous public meetings and substantial consultation with the MNDNR, local authorities and other stakeholders, the District determined that a watershed-based approach to stopping the spread of AIS is critical in order to protect the ecological integrity of the District's water resources and the function of water management infrastructure. A watershed-based approach is necessary to slow the rate at which AIS infiltrate waterbodies in which they are already established, prevent the spread of AIS to additional waterbodies, and guard against the introduction of new AIS threats.

AIS have a significant capacity not only to change the aesthetics of aquatic ecosystems, but also to replace or damage plants and animals of horticultural, agricultural, ecological, cultural, and recreational value. AIS can cause or exacerbate disease, and can damage lake ecology, recreation, property values, commerce and industry.¹ The capacity of waterbodies to support designated uses can also be fundamentally undermined if AIS are not prevented, contained, controlled, managed or eliminated. In the case of Lake Minnetonka, AIS may also adversely affect the operation of the Grays Bay dam and the stormwater outfalls along Minnehaha Creek, and other infrastructure throughout the District.

To implement this amendment to the District's 2007 Water Resources Management Plan, the District will consider conducting a rulemaking process and adopting a rule to require anyone wishing to place a watercraft, dock, boat ramp or other equipment in a watershed waterbody to obtain a District permit. To receive a permit, the applicant would have to

¹ Minnesota Waters, "Aquatic Invasive Species in Minnesota's Waters – An Aquademic," (April 2009), available at <http://www.minnesotawaters.org>.

demonstrate that the watercraft or equipment he or she wishes to launch or place in a waterbody is free of aquatic invasive species (AIS). The District will also consider establishing an independent, District-led voluntary inspection and decontamination system. Whichever approach is adopted – regulatory or voluntary – education and outreach will be a critical complement to the District’s hands-on engagement with users of watershed water resources.

Legal Authority

An aquatic invasive species program would contribute to the District’s fulfillment of its statutory purposes. Given the threat invasive species pose to water resources, recreation and public health, the program would address water management purposes to “protect and enhance fish and wildlife habitat and water recreational facilities,” “secure the other benefits associated with the proper management of surface and ground water,”² and “minimize public capital expenditures needed to correct ... water quality problems.”³ By containing aquatic invasive species to the greatest extent possible and preventing their spread and the introduction of new species, the District and its partners would help watershed communities avoid the substantially higher cost of addressing the impacts of invasive species after they are established. In addition, Board of Water and Soil Resources rules require watershed districts, in their watershed plans, to develop goals and policies that “outline how water resource based recreational activities and wildlife interests will be protected or improved through the implementation of the plan.”⁴ That is, if a watershed lake has a fishery of particular importance, the plan must state what measure the watershed district will take (or require other local governments to take) to conserve it. The District’s Water Resources Management Plan identifies several high quality fisheries, including Lake Minnetonka.⁵ The AIS program would contribute substantially to the protection of these resources.

The District program also fulfills the general charge to “conserve the natural resources of the state ... by using sound scientific principles for ... the provident use of the natural resources,”⁶ and the specific purpose to “protect or enhance water quality” in terms of ecological integrity.⁷ The District is also specifically authorized to conduct studies and monitoring of water resources within the watershed, and to implement water resource management programs.⁸

Support in the District Plan

The District’s 2007 Water Resources Management Plan identifies the critical water resources issues in the watershed, setting goals for the District’s efforts to address the issues and providing detail on the tools and resources the District will use. The Plan consistently underscores the importance of ecological integrity in watershed

² Minn. Stat. § 103B.201(7), (8).

³ *Id.* at (2).

⁴ *Id.*

⁵ Plan, Sec. 2.3.2.

⁶ Minn. Stat. § 103D.201, subdivision 1.

⁷ Minn. Stat. 103D.201, subd. 2 (13).

⁸ Minn. Stat. § 103D.335, subd. 25.

management.⁹ The Plan identifies invasive and exotic species as important threats to ecological integrity.¹⁰ The Plan includes several policies and goals that are served by an aquatic invasive species program, including:

- Maintain, support and enhance the ecological integrity of upland and aquatic resources in the watershed and the ability of flora and fauna in the watershed to proliferate;
- Increase the ecological integrity of the environmental resources within the watershed;
- Conserve, maintain and improve the aesthetic, physical, chemical and biological properties of surface waters and groundwater within the watershed;
- Protect the ecological integrity of surface waters and the riparian environment;
- Achieve no net loss in the quantity, quality and biological diversity of existing wetlands in the watershed;
- Cooperate with other agencies to minimize the spread of harmful exotic species.¹¹

A District AIS program is therefore strongly supported by the watershed management policies, goals and strategies detailed in the Plan. This amendment supplements the Plan by directly addressing the specific threat of zebra mussels and other AIS to the ecological integrity and water quality of the District's water resources and water management infrastructure, and clarifying the basis in the District's 2007 Water Resources Management Plan for a regulatory program to respond to that threat.

The District will explore with watershed stakeholders whether local regulation of activities that have the potential to introduce and spread invasive species is necessary to prevent devastating impacts to the ecological integrity of watershed waterbodies.¹² Its local partners and stakeholders already have urged the District to regulate activities that introduce and spread invasive species. A regulatory or voluntary inspection program will be the key component of the District's AIS program as it pursues the goals of providing leadership and cooperating with partner agencies to control and manage the impact of AIS on Minnehaha Creek watershed streams, lakes and wetlands.

Rule

If it opts to develop a regulatory program, the District will initiate rulemaking under Minnesota Statutes section 103D.341 to adopt a rule pursuant to its authority under chapters 103B and 103D and consistent with the provisions of the state invasive species law (Minnesota Statutes chapter 84D). The District will convene a rulemaking task force that will provide for technical and stakeholder input during the development of the rule. The rule will provide for administration by the District of a permit requirement. The basic structure of the rule, described above, will be supplemented by criteria and required steps with which applicants must comply to receive a permit to place a watercraft or

⁹ See, e.g., sections 1.7.1, 4.8.

¹⁰ *Id.*

¹¹ Plan, sec. 5, goals 2, 2.1, 3, 6.3, 11.1, 14.3

¹² See Laurie Blake, "A Call for New Launch Rules at Lake Minnetonka – Shore Owners Push for More Protection Against Zebra Mussels and Other Invasive Species," *StarTribune*, March 21, 2009.

equipment into a watershed waterbody such as inspection certifying invasive-free status, decontamination procedures, and the application of tags or stickers to indicate authorization to use a particular waterbody or group of waterbodies. The rule will identify specific prohibited AIS (a subset of those listed by the MNDNR in Minnesota Rules chapter 6216).

Stakeholder input on the draft rule during the statutory rulemaking process will supplement the input from state and regional review agencies on the program received in the course of amending the Plan, ensuring that all affected parties will have an opportunity to advise and guide the District's aquatic invasive species program and that the program will be effective when implemented.

Fee

Watershed law allows the District to impose fees for permits commensurate with the administration, inspection and related costs of permit processing and enforcement.¹³ The permit fee for the District's aquatic invasive species program would be structured in keeping with this authority.

Inspection, Decontamination and Permitting Protocol

Successful application of the District's permitting program to activities such as boating or installation of a dock would require approval of the permit by the District's Board of Managers or Board delegation of authority to issue such permits to inspection staff. To accomplish this step and begin implementation of either a regulatory or voluntary program, District staff will establish specific inspection protocols, instructions and forms that inspectors will be required to follow.

The protocols will address aquatic invasive species of concern to the District because they are already present (i.e., Eurasian Water Milfoil, curly-leaf pondweed, flowering rush and zebra mussels) or are a potential threat in the future (i.e., hydrilla, spiny waterflea, and viral hemorrhagic septicemia). The program will seek to minimize or eliminate as many of the identified invasive threats as feasible; for example, hot-water decontamination may kill the larvae of zebra mussels, but not spiny waterflea or viral hemorrhagic septicemia.

To implement the program, the District may establish decontamination stations at public boat launches, private marinas and major access roads to lakes in the watershed. The District's established relationships with other local governmental units, marina owners and related commercial services will be invaluable in developing agreements allowing such entities to play a role in the implementation of the proposed program. Agreements will provide, at minimum, for access by District employees and contractors and equipment to conduct inspections, provide AIS information and issue permits. Whenever possible, agreements will provide for the contribution of inspection and decontamination resources by employees of partner organizations, allowing the District to more cost-effectively deploy its resources.

¹³ Minn. Stat. § 103D.341.

Another critical component of the District’s invasive species program will be a system by which watercraft and equipment are authorized to enter a waterbody including a particular lake or group of lakes. The program will use colored tamper-proof tags or stickers (blue) affixed to watercraft and trailers. A blue sticker will indicate that a watercraft or piece of equipment has been inspected and found to be free of AIS, or decontaminated and allowed to dry for a sufficient period. An intact blue sticker or tag will indicate that the watercraft or equipment may be launched or placed in any non-infested waterbody in the watershed without inspection. Upon launching or placement in the water, the tag or sticker will be automatically broken or separated (leaving a portion in place to indicate that the boat or equipment is permitted to use the waterbody). Boats exiting non-infested waterbodies will again be blue-tagged or -stickered, while boats leaving infested waterbodies will be red-tagged or -stickered, indicating that they must be decontaminated and dried before launching in a blue-tag waterbody.

The District will work closely with the MNDNR, watershed municipalities and counties, parks organizations, nonprofits and citizens groups, the Lake Minnetonka Conservation District, marina owners and other stakeholders to develop and implement these aspects of the program.

Penalties

The District may enforce violations of permit requirements via the standard District enforcement options, including the civil or criminal sanctions available under chapter 103D. The District will direct staff to contact MNDNR conservation officers or other peace officers trained to enforce the invasive species law in the event that a transient violation is encountered in the field. The conservation officer or peace officer can then impose penalties as provided in state law.

To bolster its enforcement capacity, the District anticipates continuing its established invasive species training for peace officers, which the MNDNR has authorized as providing the necessary information for municipal, county and parks peace officers to enforce the state invasive species law.

To further supplement its enforcement capacity, the District also will explore a delegation of authority to enforce the invasive species law from the MNDNR. Under the state invasive species law, the agency may “empower [another entity] to act, temporarily or otherwise ... with powers and duties as may be specified...” in the event of an “invasive species emergency.”¹⁴

Education and Outreach

The District’s invasive species education and outreach efforts – such as the peace officer training noted above – will serve as a critical complement to the aquatic invasive species inspection and permitting program. The District will develop and provide signs and maps of permitting/inspection locations and decontamination stations, and continue to work

¹⁴ Minn. Stat. § 84D.02, subd. 7.

with other agencies and nonprofits to develop and distribute educational materials and will maintain AIS information on its website.

District education and outreach personnel will also coordinate and conduct training of staff and contracted inspectors on the District's inspection, decontamination and permitting protocols, as well as safety issues.

Administration and Budgeting

The aquatic invasive species program would be integrated into the District's organizational structure, with support from all relevant District programs. The District will organize and lead an AIS task force with a watershed-wide focus to provide overall guidance to the program and outreach to leadership at partner organizations, while the District administrator will oversee the administration of the program.

The initial development and implementation of the District's invasive species control and management program will cost \$180,000 per year. Program startup costs will be collected from an *ad valorem* tax levy on property in the watershed per Minnesota Statutes section 103B.241. The District will seek grant funding, as well as contributions from other governmental organizations with an interest in managing and stopping the propagation of aquatic invasive species, to offset this levy as much as possible.

Although the program would initially be funded by watershed district taxpayers, and if the regulatory program is established, permit fees will be collected that will offset costs to the greatest extent possible. The costs of the program will be shifted, in part, to the recreational and commercial users of the waterbodies in the Minnehaha Creek watershed whose activities present the greatest threat and potential to exacerbate the impacts caused by invasive species. The District will explore partnerships with marina owners and operators of related commercial services to assist in implementation of the program.



- NORTHERN CAPITAL COMMERCIAL LINES, INC.
- NORTHERN CAPITAL PERSONAL LINES, INC.
- NORTHERN UNDERWRITERS, INC.
- WAYNE MANN AGENCY, INC.
- BUSINESS INSURANCE BROKERS, INC.
- MCGOVERN AND FISHER INSURANCE AGENCY, INC.
- GOODARD AND MANN AGENCY, LLC

November 29, 2010

Deb Kind
 Gus Karpas
 City of Greenwood
 20225 Cottagewood Road
 Deephaven, MN 55331

RE: LMCIT Renewal Eff. 10/12/2101

Dear Deb and Gus:

The renewal premium is \$6,609 for the LMCIT Municipal Property and Casualty package, including the Excess Liability coverage. This is \$500 less than last year's total premium.

An additional \$280 liability premium is included for the 28 marina slips. This exposure was not included in last year's renewal premium.

Your City does not have Equipment Breakdown coverage, even though you have five sewer lift stations with mechanical and electrical breakdown exposures. The premium is \$400 to add this coverage.

The City presently has \$250 per occurrence deductible. There would be an approximate \$200 annual premium savings with a \$500 deductible.

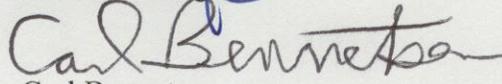
The summary that follows is an outline of the LMCIT premiums and coverages. Your LMCIT Covenants are the actual coverage documents, and will be the basis for any future claims determination.

Please review the premium and coverage summary (and the LMCIT Covenant policies upon receipt). We would appreciate your questions and comments.

Sincerely,



Ronald Youngdahl



Carl Bennetsen

EQUIPMENT BREAKDOWN (OPTION)

Covered Property:

Boilers and other pressure vessels, fired and unfired, as well as machinery, heating, cooling equipment, or electrical apparatus.

Limit of Coverage: \$467,851

**Loss of Revenue &
Extra Expense:** \$5,000,000

Deductible: \$250 Any One Accident

Sublimits:

Service Interruption	\$100,000
Perishable Goods	\$100,000
Data Restoration	\$100,000
Demolition and ICC	\$100,000
Expediting Expense	\$100,000
Pollutants	\$100,000
CFC Refrigerants	\$100,000
Ice Rink Buried Piping	\$50,000
LEED "Green" re-construct	See "Property Section"

Covered Cause of Loss

Accident means direct physical loss to covered equipment built to operate under vacuum or pressure:

- 1.) Mechanical Breakdown
- 2.) Artificially generated electrical current, including electrical arcing.
- 3.) Explosion of steam boilers, pipes, turbines that are under your control.
- 4.) Loss or damage to steam boilers, pipes, turbines from an internal condition (rupture).
- 5.) Loss or damage to hot water boilers or water heating equipment from internal condition (rupture).

EQUIPMENT BREAKDOWN (CONTINUED)

Coverage Extensions Exclude but are Not Limited To:

- Excludes electrical generating steam, gas, water, wind turbine and fuel cell equipment, except standby diesel electric generators.
- Depletion, deterioration, corrosion, erosion, wear & tear or other gradually developing conditions
- Enforcement of any law or ordinance, regulation, ruling or restricting repair, replacement or alteration, use operation, construction or installation (except as specifically included Demolition and ICC, Pollutants or CFC Refrigerants)
- Earth movement, including but not limited to earthquake, subsidence, sinkhole collapse, landslide, mudslide, earth sinking, tsunami or volcanic action
- Flood, surface water, waves, tides, tidal waves, overflow of any body of water, or their spray, all whether driven by wind or not.
- Windstorm or hail (except if a loss is suffered as a result of an accident caused by rain, snow, sand or dust and the structure did not first sustain wind or hail damage to its roof or walls through which the rain, snow, sand or dust entered)
- Nuclear reaction or radiation or radioactive contamination
- War, including undeclared or civil war
- Fire or combustion explosion
- Hydrostatic, pneumatic or gas pressure test of any boiler or pressure vessel or an insulation breakdown test of any electrical equipment
- Water or other means used to extinguish a fire
- Lightning, Explosion (except for steam or centrifugal explosion), Smoke, Aircraft or Vehicles, Riot or civil Commotion, Vandalism or Sprinkler leakage, Breakage of Glass, Falling Objects, Weight of Snow, Ice or Sleet or Water Damage, Freezing, Collapse or Molten Material
- Mold (except as specifically covered)
- Loss resulting from Defect, Programming Error, Programming Limitation, Virus, Loss of Data, Loss of Access, Loss of Use, Loss of Functionality or media or any kind (except loss resulting from an accident)

**COVERAGE SUMMARY
LMCIT COVERAGE AGREEMENT
Coverage Period: From 10/12/10-10/12/11**

**City of Greenwood
20225 Cottagewood Road
Excelsior, MN 55331**

Presented by:

**Ronald L. Youngdahl
& Carl Bennetsen
Northern Capital Insurance Group
P.O. Box 9396
Minneapolis, MN 55440-9396
952-996-8819**

**CITY OF GREENWOOD
PREMIUM SUMMARY**

October 12, 2010 to October 12, 2011

COVERAGES	PREMIUMS
Property	\$2,143
Equipment Breakdown*	Not Covered
Mobile Property	Not Covered
Crime	Included
Faithful Performance Bond	\$133
Municipal Liability	\$3,100
Auto Liability & Physical Damage	\$69
Petrofund	Included
Fireworks	Not Covered
No Fault Sewer Back Up Limit	\$264
TOTAL PROPERTY/CASUALTY PACKAGE	\$2,709
Open Meeting Law	Included
Liquor Liability	Not Covered
Excess Liability	<u>\$900</u>
TOTAL PREMIUM	\$6,609
*Optional Quote - Equipment Breakdown	\$400

CITY OF GREENWOOD
LMCIT PREMIUM BREAKDOWN – 10/12/2010 to 10/12/2011

COVERAGES		AMOUNT OF COVERAGE	PREMIUM
Property (Per \$100 Coverage)		\$ 467,851	\$ 2,143
Equipment Breakdown Coverage		No Coverage	\$ 0
Mobile Property (Per \$100 Coverage):	Sched. Over 25,000	No Coverage	\$ 0
	Unsched. 25,000 & Less	No Coverage	\$ 0
Municipal Liability		See Attached	\$ 3,100
No Fault Sewer Backup		No Coverage	\$ 264
Auto Liability & Physical Damage		See Attached	\$ 69
Crime-Inside/Out/Forgery		\$ 250,000	Included
Bonds		\$ 50,000	\$ 133
Petrofund		See Attached	Included
Fireworks		No Coverage	\$ 0
Open Meeting Law		See Attached	Included
Liquor Liability		No Coverage	\$ 0
Excess Liability		\$ 1,000,000	\$ 900
Total Premium:			\$ 6,609

MUNICIPAL LIABILITY

--HAZARD--	PREMIUM BASIS	ADVANCED PREMIUM
Operating Expenditure	\$ 319,125	\$ 1,425
Waterworks – Payroll	None	\$ 0
Waterworks-Per 1 mill gallons	0	\$ 0
Streets-Miles	10	\$ 144
Independent Contractors-Per \$100	\$ 470,418	\$ 129
Special Events – Marina Slips		\$ 280
No Fault Sewer Backup Coverage		\$ 264
Errors & Omissions/Prior Acts	\$ 794,003	\$ 1,122
Total Liability		\$ 3,364

**PROPERTY SCHEDULE
CITY OF GREENWOOD**

Loc#	Location	Occupancy	Type of Flood Coverage	Building Replacement	Content Replacement	Property in Open Replacement	Premium
001	21953 Minnetonka Blvd.	Sewer Lift Station	C	\$49,332			\$26
002	5105 Meadville Street	Sewer Lift Station	C	\$49,332			\$26
003	21610 Fairview Street	Sewer Lift Station	C	\$49,332			\$26
004	5165 Weeks Road	Sewer Lift Station	C	\$61,666			\$32
005	21630 Minnetonka Blvd.	Sewer Lift Station	C	\$49,332			\$26
006	Greenwood Circle	Lake	C			\$94,547	\$951
007	5015 Meadville Street	Park	C			\$50,982	\$512
008	Curve Street	Park	C			\$50,982	\$512
009	20225 Cottagewood Rd.	Office	C		\$12,346		\$32
				\$258,994	\$12,346	\$196,511	\$2,143

*The limit of coverage for Section IV – Water Supplemental Coverage is \$500,000 per occurrence/500,000 Annual Aggregate

PROPERTY COVERAGE

Coverage:

Property insurance covers your interest against direct physical loss or damage by covered causes of loss to named property that you own or are required to insure.

Perils:

All perils are covered except those specifically excluded such as war, earthquake and nuclear hazard.

Schedule of Locations:

Per Statement of Values on File with Company

Total Property Limit:

\$467,851	General Limit per Occurrence, subject to sub-limits and the specific scheduled property limit. Basis: \$467,851 Buildings, Contents, Property In Open No Coverage Mobile Property - Scheduled (+\$25,000) No Coverage Mobile property - Unscheduled
\$50,000,000	Terrorism loss-occurrence-shared limit for all member losses occurring during 72 consecutive hours, with limitations
\$500,000	Water and Supplemental Flood Coverage - Per Occurrence and Annual Aggregate For Buildings/Contents or Property In The Open, or Builders Risk, Excluding Vacant Buildings (Coverage for a specific location as shown on policy schedule)

Deductible:

\$250	Per Occurrence
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Valuation:

Building/Contents & Property In Open: Replacement Cost
Mobile Property: Repair or Replace Cost up to 200% of Fair Market Value
Vacant Buildings: Fair Market Value

PROPERTY COVERAGE (CONTINUED)

Property Not Covered:

- * Aircraft, Animals (except police dogs)
- * Automobiles (Licensed)
- * Money or Securities (Except Crime Coverage)
- * Bridges or Other Paved Surfaces (Except Golf Course Property)
- * Builders Risk Property (any project over \$2,000,000)
- * Illegal Contraband
- * Cost of Excavations and Grading etc.
- * Crops and Lawns (Except Golf Course Prop)
- * Pilings, Piers, Wharves or Docks
- * Underground Buried Pipes, Flues or Drains
- * Foundations of Buildings, etc. (if below the lowest floor surface)
- * Retaining Walls (if not part of specified property)
- * Electrical Transmission Lines
- * Trees and Shrubs not within 100 ft. of a building

Additional Coverages:

Asbestos, Clean Up, Abatement & Removal	\$250,000 Per Location
Loss of Revenue, Extra & Expediting Expense	\$5,000,000 Per Occurrence
Debris Removal - Direct Physical Damage	25% of Replacement Cost
Debris Removal - No Direct Physical Damage	\$50,000 Per Occurrence
Leasehold Interest	\$500,000 Per Location
Pollutant Cleanup and Removal	\$250,000 Per Location
Errors: 90% Of The Loss	\$500,000 Per Occurrence
Rental Reimbursement	\$25,000 Annual Aggregate
Arson Reward	\$5,000 Per Fire
Accounts Receivable	\$500,000 Per Location
Valuable Papers & Records	\$500,000 Per Location
Extraordinary Expenses	\$250,000 Annual Aggr.
Utility Services	\$100,000 Per Occurrence
Criminal Acts Other Than Vandalism	\$1,000,000

PROPERTY COVERAGE (CONTINUED)

Sublimits In Addition To The Scheduled General Limit Of Occurrence:

Newly Acquired or Constructed Building/Contents	
Or Property In Open	\$5,000,000 One Location
Newly Acquired or Built Mobile Property	\$500,000 Per Unit
Buildings in the Course of Construction, Alterations, or Repair	
Any One Location	\$2,000,000
Includes: Property In Transit	\$250,000
Temporary Location	\$500,000
Vacant Buildings	Fair Market Value

Sublimits Included In The Scheduled General Limit of Occurrence (Maximum \$39,000)

Computer Equipment Data & Media		\$1,000,000
Fine Arts		\$500,000
Personal Effects	Per Occurrence	\$25,000
	Per Employee	\$2,500
Business Personal effects	Per Occurrence	\$25,000
	Per Employee	\$5,000
Covered Property In Transit	Per Occurrence	\$250,000
Unscheduled Location	Per Occurrence	\$500,000
Golf Course Property - For Direct Damage and Debris Removal	Per Occurrence	\$100,000

Coverage Exclusions Included but are Not Limited To:

- War, Nuclear Hazard, etc.
- No coverage for increased costs to comply with City zoning or ordinances
- No coverage for costs to correct code violations that existed prior to the date of loss

Water and Supplemental Flood (Coverage Codes):

- Code A: LMCIT Water and Supplemental Flood Coverage applies with no additional exclusions.
- Code B: LMCIT Water and Supplemental Flood Coverage applies in addition to and in excess of the applicable National Flood Insurance Program Coverage.
- Code C: LMCIT Water and Supplemental Flood Coverage excludes damages from any *occurrence* for which any loss or any damage would be payable under a National Flood Insurance Program Coverage.

PROPERTY COVERAGE (CONTINUED)

Terrorism Losses – Special Pool Limit Endorsement

- Shared Limit – for any terrorism loss occurrence which is over \$50,000,000 the LMCIT will pay a proportionate share of the City's loss.
- Sub Limits – Maximum \$1,000,000 for all of the following:
 - a. Discharge of pollutants, and resulting fire losses.
 - b. Chemical or biological release and exposure, and resulting fire losses.
 - c. Attack by electronic means, including computer corruption.
 - d. Asbestos exposure of any kind, including resulting fire.
 - e. Threat or hoax losses and expenses
 - f. Any expediting expense
 - g. Nuclear and radioactive costs, including resulting fire losses
- Termination
 - a. Automatic termination – LMCIT loss cost for any terrorism loss occurrence that exceeds \$15,000,000.
 - b. Discretionary termination – by LMCIT Board of Trustees upon 10 days notice to the city

PETROFUND COVERAGE

Limits of Reimbursement Benefits:

Reimbursable Costs – Single Tank Release	10% Maximum
Reimbursable Costs & Defense Costs Limits:	
Each Tank Release	\$250,000
Agreement Term Aggregate	\$250,000
Deductible:	Not Applicable

Reimbursement Benefits:

Reimburse *you* for damage you have been required to pay for taking corrective action and for compensating third parties for bodily injury and property damage caused by an accidental tank release.

This coverage is supplementary to the *Minnesota Petrofund* pursuant to the provisions and monetary limitations of the *Petroleum Tank Release Cleanup Act*.

Coverage Stipulation:

Underground tanks must be registered with the Minnesota Pollution Control Agency.

Excluded Entities:

- Gas, Electrical, or steam utilities commission
- Port authority, housing and redevelopment authority, economic development authority
- Municipal power or gas agency
- Hospital or nursing home board or commission
- Welfare or public relief agency
- School board
- Airport commission
- Joint Powers entity, subject to policy exceptions

CRIME COVERAGE

Limits of Insurance:

Per Occurrence \$250,000

Deductible:

\$250 per occurrence

Coverage Agreement:

- Money and securities loss from theft, disappearance, and destruction - Inside the premises, include damage to premises
- Money and securities loss from the theft, etc - outside the premises, in care, custody or control of a messenger
- Forgery or alteration of any instruments of payment, plus legal defense expenses.
- Auditing and accounting costs reimbursement up to 25% or the covered loss, in addition to the coverage limit

Causes of Loss and Damages Not Covered:

- Accounting or Arithmetical Errors & Omissions
- Acts of Employees - dishonest or criminal act
- Fire - Loss or damage to premises
- Governmental Action - Seizure or destruction
- Indirect Loss - Unrealized income loss, legally liable damages
- Legal Expenses
- Nuclear Hazard & War
- Vandalism or malicious mischief damage to your premises or "collection boxes"

FAITHFUL PERFORMANCE BOND

Limit of Insurance:

Per Occurrence \$50,000

Deductible:

Per Occurrence \$250

Coverage:

Loss or damages from the failure to your employee to properly perform duties or obligations of his or her positions as required or prescribed by law and which would constitute malfeasance, willful neglect of duty or bad faith, sustained through acts committed or events occurring at any time and when first discovered by you during the covenant period.

Other loss or damages required to be covered under Minnesota Statute 574.24 that are not otherwise covered by the above, or another LMCIT coverage, or another insurance company coverage. This sublimit is 10% of the above limit of coverage, and is not additional coverage.

Reimbursement for reasonable auditing and accounting costs to establish the existence and amount of a covered loss, subject to reimbursement not exceeding 25% of the covered loss. This reimbursement is in addition to the covered limit.

Excluded:

Joint Powers Entity (subject to Policy exception).
Port Authority, EDA, HRA, or similar, unless specifically named.

COMPREHENSIVE MUNICIPAL LIABILITY

Coverage:

Your legal liability to members of the public for claims arising out of your premises, operations, products, or completed operations. Coverage is "Claims Made" during the policy period.

Limits of Liability:

Each Occurrence Limit	\$1,500,000
Products/Completed Operations*	\$2,000,000 Annual Aggregate
Failure to Supply Claim Limit	\$2,000,000 Annual Aggregate
Electromagnetic Fields	\$2,000,000 Annual Aggregate
Mold Claim Limit	\$2,000,000 Annual Aggregate
Fire Damage Limit	\$50,000 Any One Fire
Medical and Related Expense	\$1,000/\$10,000 Any One Person/Occurrence
Limited Pollution Liability*	\$1,500,000 Per Sudden Occurrence \$2,000,000 Annual Aggregate
Outside Organization Claim Limit**	\$100,000 Annual Aggregate
Land Use, Development Litigation***	\$1,000,000 Annual Aggregate
No-Fault Sewer Backup	No Coverage

*Applies only to claims arising from city's "product", not city's "work"

**Limit includes damages, loss expense, defense costs, supplementary payments

***Limit includes litigation costs

Deductible:

\$250 Per Occurrence

Retroactive Dates:

Municipal Liability	10/12/87
Limited Pollution Liability	10/12/88

COMPREHENSIVE MUNICIPAL LIABILITY (CONTINUED)

Additional Liability Coverage:

- Personal Injury (False Arrest or Detention, Libel, Slander or Defamation of Character; wrongful Eviction)
- Employees as Additional Insured (Including Elected Officials & Volunteers while acting within the scope of their business)
- Broad Form Property Damage
- Failure to Supply Utilities, Including electricity, gas, water or steam
- Contractual Liability policy "covered contracts"
- Non-Owned Watercraft (26' limit)
- Incidental Malpractice- Including Paramedical Services
- Employment Practices Liability
- Employee Benefits Liability
- Firefighters' Professional Liability
- Fiduciary Liability (for relief association board members)
- Property of Others in Care Custody and Control of Public Safety Personnel
- Coverage for claims and litigation for claims arising from the activities of a joint city-township zoning board created under orderly annexation agreements. This extends to the town and town officers and employees if they are named in a claims arising from the joint board's activities.

Exclusions Include, but are not limited to:

- Any Ownership/Construction/Operation/Maintenance Associated with Railroad Tracks or Rolling Stock
- Any Operations Associated with the Ownership of an Airport
- Any Ownership/Operations of a Municipal Hospital or Nursing Home
- Any Injury to a Volunteer Fireman
- Failure or bursting of any:
 - a. DNR Class I or II Dam
 - b. Any dike, levee, or similar structure
- The Policy Does Not Apply to the Use of Watercraft if:
 - a. The boat is over 26 feet
 - b. The boat is used to carry people or property for a charge
 - c. The boat is rented to others

COMPREHENSIVE MUNICIPAL LIABILITY (CONTINUED)

- The Policy Does Not Cover the Failure to Give or the Giving or Any Professional Services, e.g.:
 - a. Attorney
 - b. Architect
 - c. Doctor of Medicine, Dentist, and Pharmacist
 - d. Nurse, except in capacity as emergency medical technician or first responder
 - e. Accountant, unless an employee
 - f. Professional Engineer, unless an employee
- The Policy Excludes any Coverage for "Special Events" that Involve the Operation of:
 - a. Mechanically Operated Amusement Devices
 - b. Automobile, Snowmobile or Motorcycle Racing or Stunting
 - c. Rodeos
 - d. Fireworks Displays or Exhibitions, when owner, sponsor and/or operator
- Pollution Exclusion With "Limited Pollution Liability" Coverage Per Policy. Exception: Lead and Asbestos Exposures- \$250,000. per Claim and \$250,000. Aggregate per Year. Coverage Does Not Apply to Landfills, Dumps or Other Waste Facilities.
- Liability Arising out of the Activities of Joint Powers Entity
- Land Use, Development of Franchise Litigation Coverage Limitations (Subject to policy deductible)
 - a. 100% of the first \$50,000. of defense costs, 85% of the next \$200,000. of defense costs, and 60% of any defense costs in excess of \$250,000. after reported to LMCIT.
 - b. 50% of defense costs prior to reporting to LMCIT.
 - c. 85% of any damages which the "City" shall be required to pay.
Inter-City litigation: litigation costs or damaged will be one half of the above percentages.

Minn. Statute 466.04 Municipal Tort Liability Limits (not waived by City):

Individual Claimant - \$500,000 limit any claim

All Claimants - \$1,500,000 limit per occurrence

Claims to which the Minn. Statutory Municipal Tort Limits do not apply and are not affected by these limits, include Minnesota Statutory Liquor Legal Liability and Federal Civil Rights Laws.

AUTOMOBILE COVERAGE

Coverage:

Your legal liability arising out of the use of owned, leased, hired, and non owned vehicles as described below. Defense Costs are outside the policy limits. Liability Coverage is "Claims Made" during the policy period.

Limits:

Automobile Liability - per occurrence	\$1,500,000
Owned Automobile Liability	Not Covered
Hired/Borrowed Auto Liability	Covered
Employer's Non-Owned Auto Liability	Covered
Uninsured/Underinsured Motorists	Not Covered
Personal Injury Protection (No-Fault)	Not Covered
Automobile Physical Damage	Not Covered

Deductible:

\$250 Per Occurrence

Coverage Exclusions:

- Expected or Intended Injury
- Workers Compensation and Employers Liability
- Property Damage to Property Owned or Transported By You
- Pollution
- Other Standard Policy Exclusions Apply

OPEN MEETING LAW DEFENSE COST REIMBURSEMENT

Coverage Includes:

Defense of officials in regards to the Open Meeting Law
"Claims Made" During Policy Period

Retro Active Date: 05/01/2010

Reimbursement Limits:

Defense Costs per Lawsuit Per Official	\$50,000.
Agreement Term Aggregate Per Official	\$50,000.

Reimbursement "Defense Costs": 100%

Special Endorsements/Conditions:

Reimbursement Policy- LMCIT will reimburse the individual after they have made payment and proof of payment is submitted to LMCIT.
Reimbursement will be made at 100% up to the policy limit.

Minnesota Open Meeting Law - "Lawsuit":

A lawsuit seeking penalties against a City official based on an allegation that the City official has violated M.S.12D.01-12.D.07.

Definition - City Official:

"City Official" means any former or present elected or appointed official of the city or any present or former employee of the city.

MUNICIPAL EXCESS LIABILITY

Limits of Liability: \$1,000,000. Annual Aggregate

Coverage: Claims-Made

Retroactive Date: October 12, 1987

Underlying Coverage:
Comprehensive Municipal Coverage (Including Auto Liability)

Exclusions Included but not Limited to:

- Medical Payments Coverage
- Automobile no fault, uninsured/uninsured motorists, workers' compensation, disability benefits, or unemployment compensation or any similar law
- Any "failure to supply claim" (ie: water service)
- Any mold claim
- Attorney fee awards pursuant to statute except federal civil rights suits or state human rights suits
- Limited pollution liability claims, except: pesticide or herbicide applications; City's sanitary sewer, storm sewer or water supply systems accidental rupture, backup, or overflow; above dry ground pollutants damages caused by a discharge, dispersal, release or escape.
- Any outside organization claim

Subject: Insurance questions**Date:** Tuesday, November 30, 2010 1:30 PM**From:** Tom Fletcher <tfletcher@aexcom.com>**To:** rly@ronyoungdahl.com**Cc:** Debra Kind d.kind@mchsi.com, Gus Karpas administrator@greenwoodmn.com

Ron:

Our questions / items are as follows:

What are the annual savings for \$500, \$1,000 and \$2,500 deductibles as compared to the current \$250 deductible?

We do not need property insurance for the Park Tennis Court at 5015 Meadville Street (Location 007) with a current replacement value of \$50,982 and a premium of \$512 on the policy.

We do not need property insurance for the one slip dock on Curve Street (Location 008) with a current replacement value of \$50,982 and premium of \$512 on the policy.

We do not need office equipment coverage for 20225 Cottagewood Road (Location 009) with a current replacement value of \$12,246 and premium of \$32 on the policy.

Can you have the above property coverages taken off the policy effective on the 12/19/2010 renewal date?

The Council will be discussing the umbrella coverage (\$1,000,000 annual aggregate) with a \$900.00 premium at it's December 7 meeting and I expect that a decision will be made regarding whether or not to renew this portion of Greenwood's coverage at that time.

Please feel free to contact me if you have any questions on the above items.

Thank you for your help,

Tom

Tom Fletcher

President

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Fletcher Management, Inc.

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If the statute limits our liability, why purchase higher coverage limits?

There are several different reasons why cities should strongly consider carrying higher limits of liability coverage.

The Statutory Tort Limits Either Do Not or May Not Apply to Several Types of Claims

Some examples include:

- *Claims under federal civil rights laws.* These include Section 1983, the Americans with Disabilities Act, etc.
- *Claims for tort liability that the city has assumed by contract.* This occurs when a city agrees in a contract to defend and indemnify a private party.
- *Claims for actions in another state.* This might occur in border cities that have mutual aid agreements with adjoining states, or when a city official attends a national conference or goes to Washington to lobby, etc.
- *Claims based on liquor sales.* This mostly affects cities with municipal liquor stores, but it could also arise in connection with beer sales at a fire relief association fund-raiser, for example.
- *Claims based on a "taking" theory.* Suits challenging land use regulations frequently include an "inverse condemnation" claim, alleging that the regulation amounts to a "taking" of the property.

LMCIT's Primary Liability Coverage has Annual Limits on Coverage for a few Specific Risks

The table on page one lists the liability risks to which aggregate coverage limits apply. If the city has a loss or claim in one of these areas, there might not be enough limits remaining to cover the city's full exposure if there is a second loss of the same sort during the year. Excess liability coverage gives the city additional protection against this risk as well.

However, there are a couple important restrictions on how the excess coverage applies to risks that are subject to aggregate limits:

- The excess coverage *does not apply* to three risks: *failure to supply utilities; mold; and "limited pollution" claims if either the pollutant release or the damage is below ground or in a body of water;* and
- The excess coverage *does not automatically apply to liquor liability* unless the city specifically requests it.

The City may be Required by Contract to Carry Higher Coverage Limits

Occasionally, a contract might include a requirement the city carry more than \$1,500,000 of coverage limits. Carrying excess coverage is a way to meet these requirements. (There's also another option



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FYI

MEMORANDUM

Date: October 7, 2010
To: Dan Faulkner, P.E., David Martini, P.E., Jake Saulsbury, P.E., Kreg Schmidt, P.E.
From: Douglas Carter, P.E., LEED AP
Subject: Minnehaha Creek Watershed District TAC Meeting

The meeting was held on September 30, 2010

I attended TAC meeting representing the communities of: Mound, Greenwood, Deephaven, Woodland, and St. Bonnie.

Meeting was conducted by Becky Houdek, MCWD Planning Technician.

The purpose of the meeting was to review the changes made to the Draft Stormwater Management Rule as a result of the September 1, 2010 TAC Meeting; identify areas of the Draft Stormwater Management Rule requiring further refinement and/or definition; and to identify work and/or information needed for future meetings to complete the Draft Stormwater Management Rule by the end of the year.

Becky stated that the current plan is to send the revised Draft Stormwater Rule to the MCWD Board on October 14, 2010 and then send it out for a public comment period (approx. 1-month).

At this time the appendices and definitions are not complete and the TAC has not reviewed them. The TAC stated that it did not want the Draft Stormwater Management Rule going out for public comment without having the opportunity to review and comment on the definitions and appendices.

Becky stated that Total Phosphorous (TP) load reduction for redevelopment would be flexible if it was not possible to achieve the 1-in abstraction requirement.

The MCWD Board wants to target redevelopment that results in increased impervious surface. To that end they are requiring redevelopment that results in an increase in impervious surface to have no net increase in TP. That requirement is more restrictive than state anti-degradation standards.

The recommendation made from the TAC to the MCWD staff and Board to not regulate single family residential construction was accepted by the MCWD Board.

The TAC stated that they wanted an exception for lands and waters not draining to Minnehaha Creek.



New disturbance thresholds were introduced by the MCWD Board since the last TAC meeting. The new threshold is greater than 20% of site disturbance is the trigger for TP reduction (previous threshold was 50%). The TAC wanted to see published data substantiating the revised lower threshold. Becky stated that the MCWD did not have any data at this time. The TAC stated that it would not agree to the revised lower threshold number without some form of justification regarding benefit or perceived impact.

The abstraction credit schedule is not defined at this time as to which sites and locations will be held to a 1-in abstraction and which ones will be held to a 0.5-in abstraction. Further input is required by the TAC to determine how best to delineate requirement in a fair and equitable manner.

The variance requirements associated with the Draft Stormwater Management Rule still require additional detail and clarification. No new information was provided by the MCWD.

The discussion of when filtration is an acceptable substitute for infiltration was not addressed at this TAC meeting.

The MCWD Board added a requirement for stormwater BMP maintenance agreements to be recorded on the property deed. When a municipality (public entity) is assuming maintenance the MCWD wants the municipality to file a document with the MCWD. The TAC objected as this is already required as part of the MS4 permit. The TAC requested that additional language be added to account for MS4 requirements and not have municipalities completing duplicate paperwork.