

Greenwood City Council Meeting

7 PM, Tuesday, June 7, 2011

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

AGENDA

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

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

7:00 PM 2. CONSENT AGENDA

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

- A. Recommendation: Approve 05-03-11 City Council Minutes
- B. Recommendation: Approve 05-18-11 Joint City Council & Planning Commission Worksession Minutes
- C. Recommendation: Approve April Cash Summary Report
- D. Recommendation: Approve May Verifieds and Check Register
- E. Recommendation: Approve June Payroll Register

7:05 PM 3. MATTERS FROM THE FLOOR

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

7:10 PM 4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. Terrence Haines, Eagle Scout Project at the Southshore Center
- B. City Engineer Dave Martini
 - a. 2011 Sewer Project Bids
 - b. Street Sweeping Test Results
 - c. Estimate for Survey and Analysis of Meadville Drainage Issue
- C. Announcement: July 4th Parade, 10 AM at Greenwood Park, Grand Marshal Don Stolz

7:45 PM 5. PUBLIC HEARINGS

- A. None

7:45 PM 6. UNFINISHED BUSINESS

- A. 2nd Reading: Ordinance 194 Setting the March 1 to May 1 Load Limit at 5 Tons Per Axle on City Streets

7:50 PM 7. NEW BUSINESS

- A. Consider: July 4th Fireworks Contribution
- B. Discuss: Possible Ordinance Amendment Regarding Section 425.15(e) Municipal Dock Waiting List
- C. Discuss: Completion of Exterior at 5560 Maple Heights Road
- D. Consider: Resolution 14-11 Supporting Hennepin County Sheriff's New Regional 911 Emergency Communications Facility
- E. 1st Reading: Ordinance 195 Relating to Criminal History Background Checks for City Employment and City License Applications
- F. Discuss: New Variance Legislation and Potential Change to City Code
- G. Discuss: Tree Replacement Along LRT Trail
- H. Discuss: Lake Minnetonka Communications Survey Results and Policy Questions

9:30 PM 8. OTHER BUSINESS

- A. None

9:30 PM 9. COUNCIL REPORTS

- A. Fletcher: Planning Commission, Milfoil
- B. Kind: Police, Speed Trailer, Administration
- C. Page: Lake Minnetonka Conservation District
- D. Quam: Roads & Sewer, St. Alban's Bay Bridge, Minnetonka Community Education
- E. Rose: Excelsior Fire District

9:45 PM 10. ADJOURNMENT

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



Agenda Number	2
Agenda Date	06-07-11

Agenda Item	Consent Agenda
Summary	<p>The following is a brief summary of this agenda item:</p> <p>The consent agenda includes the most recent council minutes, cash summary report, verified report, and check registers. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.</p>
Council Action	<p>Recommended Motion:</p> <p>I move the council approves the consent agenda items as presented in the 06-07-11 council packet.</p>

**Greenwood City Council & Planning Commission
Joint Work Session Minutes**

7:00 pm, Wednesday, May 18, 2011
Jake O'Connor's Public House ~ 200 Water Street ~ Excelsior, MN 55331

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 7:15 pm.

Council members present: Fletcher, Kind, Page, Quam and Rose
Planning Commission members present: Beal, Cook, Lucking, Malo and Paeper
Council members absent: None
Planning Commission members absent: Reeder
Others present: City Attorney Kelly and City Clerk Karpas

Quam moved to approve the agenda. Second by Paeper. Motion carried 10-0.

2. Introductions

Each person introduced themselves to the group.

Discussion Topics

Open Discussion

The group discussed a number of issues of interest.

A. Survey Requirement

Raised by Karpas, the group discussed the concept of requiring as-built surveys during the construction process to ensure that projects are built according to what was promised, allowing potential issues to be caught and addressed prior to the completion of a project. The Planning Commission will look at the issue.

B. Requiring Escrows for Completion of Building Exteriors Under Construction

Raised by Kind, the group discussed the concept of requiring an escrow to ensure the exterior of a home is completed. The idea stems from an existing property that has been sitting for over five years uncompleted. There was discussion on the legality, the appropriate amount and on the ability of the city to force compliance using the current penalty fee contained in the ordinance.

C. New Variance Standards Approved by the State

Raised by Page, the group discussed the new standards approved by the State in reviewing variance requests which includes looking at the concept of practical difficulty rather than undue hardship and reasonable use of the property.

D. Tree Replacement in Conjunction With the Upcoming Excel Project Along the LRT

Raised by Fletcher, the concept of a multi-city tree restoration program to counter the upcoming tree removal necessary for the Excel upgrade. The thought being that there may be more success if the cities were united in addressing the issue.

3. Adjournment

Beal moved to adjourn at 8:15 pm. Second by Rose. Motion carried 10-0.

Respectfully submitted
Gus Karpas
City Clerk

GREENWOOD CITY COUNCIL MEETING
Tuesday, May 3, 2011, 7:00 P.M.
Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

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

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

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

Others Present: City Attorney Kelly; City Zoning Administrator/City Clerk Karpas; and, City Engineer Martini (departed the meeting at 7:50 P.M.)

Members Absent: None

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

2. CONSENT AGENDA

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

- A. April 5, 2011, City Council Work Session Minutes** (This was moved to Item 8.A under Other Business.)
- B. April 5, 2011, City Council Meeting Minutes** (This was moved to Item 8.A under Other Business.)
- C. April 14, 2011, Local Board of Appeal & Equalization Minutes**
- D. March 2011 Cash Summary Report**
- E. April 2011 Verifieds and Check Register**
- F. May 2011 Payroll Register**
- G. Public Access Procedures**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. City Engineer Dave Martini**
 - 1. 2011 Road Project Recommendations and Rough Estimates**

Engineer Martini stated each year the conditions of the City's roadways are evaluated based on a visual inspection, and rough cost estimates are prepared for recommended potential road improvement projects. The meeting packet includes copy of a document describing the potential road projects as well as soft cost estimates for each of the projects. Also included is a map of all of the City's roadways indicating when the last work was been done on each roadway and what the work was and a map depicting the current condition of each roadway.

Martini then reviewed the recommended potential road projects for 2011.

- 1) Lodge Lane, Woods Court and Lyman Court – the area is in relatively good condition. There are several deficiencies (cracking around manholes, cracking, and areas of settlement). In order to prolong the life of these roads Staff recommends doing full-depth patching around most of the sanitary sewer and storm sewer manholes, repairing cracked and settled curb and gutter, sealing the cracks (some of which are fairly significant), milling and overlaying the cul-de-sac on Lyman Court and other areas as required, and sealcoating the roads. The estimated cost for these recommended improvements is \$75,880.
- 2) Crestside Avenue (from Maple Heights Road to the dead end) – the recommended improvements include removing the existing bituminous pavement, regrading and preparing the existing base, putting down 3.5 inches of new bituminous surface, and doing restoration as needed. The estimated cost for these recommended improvements is \$13,322.
- 3) West Street (from Minnetonka Boulevard to the dead end) – the condition of the road is poor and there are drainage issues at the south end of the roadway. The recommended improvements include removing the existing bituminous pavement, regrading and preparing the existing base, putting down 3.5 inches of new bituminous surface, and doing turf and driveway restoration as needed. The driveway and grass lawn area at the south end of the roadway will be reshaped to facilitate drainage off of the roadway to Lake Minnetonka. The road grade at the high point will be raised to keep stormwater runoff from leaving the Minnetonka Boulevard right-of-way. The estimated cost for these recommended improvements is \$23,605.
- 4) West leg of Greenwood Circle (from Minnetonka Boulevard to the improvements made in 2009) – the recommended improvements include removing the existing bituminous pavement, regrading and preparing the existing base, putting down 3.5 inches of new bituminous surface, and doing turf and driveway restoration as needed. The estimated cost for these recommended improvements is \$59,274. If the entire west leg of the roadway can't be done because of budget constraints, then the smaller area near the intersection of Minnetonka Boulevard could be improved for an estimated cost of \$19,661.
- 5) Meadville Street (from the north part of the Old Log Theater property to the areas that have been patched on the north end of the road) – the recommended improvements include removing the existing bituminous pavement, regrading and preparing the existing base, putting down 3.5 inches of new bituminous surface, and doing turf and driveway restoration as needed. The estimated cost for these recommended improvements is \$86,570.

It was noted that the section of Meadville Street located near of the entrance to the Old Log Theater is in very poor condition. The very poor drainage in that area is directly affecting the condition of the roadway. Pavement improvements should not be made to the area until the drainage in that area can be improved. In 2006 the area was milled and overlaid.

Martini asked Council if, from a policy perspective, it had any desire to make some investment into preventative maintenance to prolong the life of some roads or did it want to continue with its past practice of making improvements to roadways in the poorest condition. He recommended improvements be made to Crestside Avenue, noting they should have been made in 2010.

Mayor Kind stated the 2011 budget allocates \$130,000 for roadway improvements. She noted the City's portion of the cost of joint sealcoating projects with the City of Shorewood is \$2,650; that will be funded out of the \$130,000. She also noted there is an additional \$5,000 budgeted in 2011 for repairing pot holes.

Engineer Martini noted there will have to be some patching done to the area located in front of the entrance into the Old Log Theater and to some other roadways.

Councilmember Quam stated at some point the drainage issue on Meadville Street has to be addressed. He asked what the first steps in fixing the problem should be. Engineer Martini responded a survey needs to be done first in order to gain an understanding of what's causing the issue. Mayor Kind noted the City does not have a drainage easement through that area. Martini stated his hope is that the City will be able to work cooperatively with the property owners in the area. Martini noted the City has the responsibility to maintain the traditional drainage pattern and it has rights to make improvements to the drainage way and to discharge stormwater runoff at that location. The City doesn't have the right to make changes to that drainage way without proper permission.

Mayor Kind asked what happens if property owners in that area have done something to stop or block the natural flow of stormwater. Engineer Martini stated it's his opinion that every property owner has the responsibility to take the stormwater that naturally flows on to their property. Martini then stated often times when a local drainage issue is solved it creates a new issue at a different location. He went on to state the location of this drainage problem area is located near where the water ultimately needs to flow into and that is Lake Minnetonka.

Engineer Martini stated it's his understanding that at least one of the property owners near the area has concerns about how the stormwater currently flows. He then stated who will have to pay the cost to resolve the issue has yet to be determined. He noted there will be some private components as part of the overall solution. He stated the City has an interest in coming up with a solution to address the drainage issue because of the impact it has on the City's roadway.

Attorney Kelly stated the City needs a topographical survey to help determine what the natural drainage pathways are, and it would be helpful if there were any old surveys they could use to determine what they used to be.

Mayor Kind asked if Staff is looking for authorization from Council to move forward with having a survey done. Engineer Martini responded that is Council's decision. Councilmember Quam indicated he would like to get the ball rolling.

Councilmember Fletcher asked how much it will cost to do a survey, do the analysis and identify a recommended solution. Engineer Martini responded to do the survey and some initial analysis would cost \$1,500 – \$2,000. Fletcher then asked how long it would take from the time the survey is authorized until the initial work is done. Martini responded about one to two weeks.

Councilmember Fletcher stated he is interested in doing the survey work but he prefers to wait until a little later into this year to see how 2011 operating expenses are tracking against budget since any work on the area will not be done until 2012.

Engineer Martini stated Council may want to consider having Staff at least meet with the property owners who may have an interest in this issue and try and gain an understanding of whether or not they will be willing partners with the City.

Councilmember Rose stated that a few years ago the area used to drain better than it does now. Then there was an attempt to improve the drainage area (he noticed newer rock in the area) and it doesn't drain as well as it used to.

Engineer Martini stated the City could reshape the road to make sure the stormwater flows off of the roadway in that area but because it's so flat in that area the stormwater will end up being trapped on the other side of the roadway.

Councilmember Page stated Council doesn't need to decide on the survey this evening, but he does agree with Councilmember Quam's suggestion to do so in the very near future. He then stated there has been a drainage issue in that area for a long time. He went on to state it would be great if the property owners would cooperate with the City, but if they won't the City will have to use the power of eminent domain to make a drainage pathway to the Lake. He noted that it would take time to complete eminent domain process.

Councilmember Quam requested Staff provide Council with an estimate to do the survey for the next Council meeting.

Engineer Martini stated if Council and Staff decide the City wants to ultimately have some control over the drainage pathway the City may want to commit to taking over ownership and maintenance of the drainage easement if property owners will grant the easement.

Council returned to discussing which of the five recommended potential projects the City should do in 2011 based on having a budget of \$130,000 minus the \$2,650 for sealcoating.

Mayor Kind stated she preferred to spend the funds on making improvements to the roadways in the poorest condition. Councilmember Page stated he didn't think the City should do anything but that.

Councilmember Page explained that last year he suggested delaying improvements to the west leg of Greenwood Circle for one year and having done that has caused some deterioration. He recommended improvements be made this year.

Mayor Kind explained the cost to make improvements to Crestside Avenue, West Street, and the entire west leg of Greenwood Circle plus the cost for the joint sealcoating effort would be \$98,851. The cost to make improvements to Crestside Avenue, West Street, and Meadville Street and the joint sealcoating effort would be \$126,147. It would mean delaying improvements to Greenwood Circle until 2012.

Councilmember Rose asked if the turn area on Meadville Street could be fixed.

Councilmember Fletcher noted that he believes in spending money to ultimately save money. He stated he understood Engineer Martini to say that by investing in preventative maintenance to prolong the life of Lodge Lane, Woods Court and Lyman Court the City will ultimately save money down the road. He recommended doing the preventive maintenance and making improvements to the west leg of Greenwood Circle in 2011. The cost for those improvements would be \$135,154. When the cost for the joint seal coating effort is added in the total costs would be \$137,804. He stated because the two projects would be

larger, the City may be able to get a lower bid. He noted that he thought there were sufficient funds in reserves to fund the amount over budget (\$7,804). He commented that Crestside Avenue is not as heavily used as Greenwood Circle.

Mayor Kind expressed her concern that certain budget line items (e.g. snow plowing) are already over budget.

Engineer Martini explained that in the past the City has bid out such projects and included an amount for patching larger areas. He noted that in the past the goal has been to maximize the budget; therefore, things were included in the bid to allow some flexibility. He expressed hope that the bids will come in lower than estimate and allow for more work to get done.

Councilmember Fletcher stated there are contingency funds.

Mayor Kind noted that funding for milfoil treatment will have to come out of the contingency. She stated she prefers to hold off on doing preventative maintenance work on Lodge Lane, Woods Court and Lyman Court until 2012.

Councilmember Fletcher asked Engineer Martini what the impact would be of delaying preventative maintenance work on Lodge Lane, Woods Court and Lyman Court until 2012. Martini responded he did not think delaying it one year should expedite the rate of deterioration.

Page moved, Fletcher seconded, directing the City Engineer to secure bids for the roadway improvement projects Crestside Avenue, West Street, and the entire west leg of Greenwood Circle and to use some of the remaining roadway improvement budget to repair some of the bad areas on Meadville Street.

Councilmember Fletcher recommended using the approximate \$30,000 in uncommitted funds to make repairs to Meadville Street that will last longer than one year.

Motion passed 5/0.

2. Greenwood Sign Management Program to Comply with Federal Retroreflectivity Regulations

Mayor Kind explained the City has a couple options to select from to become compliant with federally mandated minimum sign retroreflectivity standards. The meeting packet contains a proposal from Bolton & Menk dated September 23, 2010, for executing one of the options. That option includes developing an inventory of the City's existing signs and evaluating the retroreflectivity of each sign. The inventory and condition information will be entered into a management software program called Cartegraph. The cost for the inventory and sign evaluation and entry into Cartegraph is \$5,000 – \$6,000. There is also a \$1,000 annual fee for maintaining the database. Since Bolton & Menk submitted its proposal a second option was identified. The second option is to approve a blanket sign replacement program with the replacement being spread out over a six-year period. The meeting packet contains a copy of the schedule for the six-year program.

Engineer Martini stated with the blanket program option the City could track when signs were replaced and what the manufacturer's warranty period is for the retroreflectivity of the signs. At the end of the warranty period the signs could be evaluated for need of replacement.

Mayor Kind then explained that by January 22, 2012 the City needs to have a sign assessment and management plan in place to satisfy the federal mandate. Under the blanket replacement method in 2011 all signs will be removed that are determined to be inconsistent with the Minnesota Manual on Uniform Traffic Control Devices (MN MUTCD) practices, and/or do not provide a public benefit as determined by the City Engineer or Council.

In response to a question from Councilmember Page, Engineer Martini explained that by January 22, 2012, the City has to have an inventory of all of its signs and a replacement plan developed. Martini then explained that by January 22, 2015, all regulatory, warning and guide signs must be compliant. By January 22, 2018, street name and miscellaneous other signs must be in compliance.

Councilmember Page asked what the estimated cost is to replace the signs. Mayor Kind stated she guessed the worst-case amount would be about \$120,000; the City has about 400 signs and the estimated cost for installing a new sign is \$300. Engineer Martini noted that some signs will be removed and others do not have to meet the retroreflectivity standards (e.g., no parking signs).

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 12-11, “A Resolution Relating to a Greenwood Sign Management Program” subject to changing “the street name and miscellaneous other signs in the city” to “the street name and other federally mandated signs” in three places and changing “the city will proceed with repeating the above blanket replacement schedule beginning the following year” to “the city will either repeat the above blanket replacement schedule beginning the following year or use a sign inventory method.” Motion passed 5/0.

Councilmember Fletcher stated that Item 7.A on the agenda is about a proposed redevelopment project to replace what was formerly the St. Alban’s Bay Boathouse Restaurant with a new office building. The new structure would be approximately 10 percent larger from a square footage perspective. He explained that questions have been asked what impact the traffic to and from a larger office facility will have on the City’s roadways. He asked Engineer Martini to comment on that. Martini stated the traffic will depend on the actual use of the property. Martini explained traffic volume can vary by type of restaurant and by what types of tenants there are in an office building and what the hours of operation are.

B. Joint City Council & Planning Commission Work Session

Mayor Kind noted that the joint meeting between Council and the Planning Commission has been rescheduled to start at 7:00 P.M. on May 18, 2011, and it will be held at Jack O’Connor’s Public House in the City of Excelsior. The meeting is open to the public but there will be no public participation.

5. PUBLIC HEARING

None.

6. UNFINISHED BUSINESS

A. Greenwood Park Estimates

Zoning Administrator/Clerk Karpas explained Staff received estimates from Viking Tree Services (\$3,754.63) and Emery Tree (\$8,000) for tree trimming and brush removal in the City’s park. The bids also include chipping the wood and using it to fill the trails. Staff received an estimate in the amount of \$790 from Tennis West to pressure wash the tennis court and basketball court and to stripe the basketball court. Staff priced the cost to purchase two brooms, two squeegees, and a rack to hold them at \$133 and

the estimated cost for the Public Works Department to install the rack is \$170. Staff received an estimate from Vintage Waste for the placement and servicing of a garbage can in the park. The cost for a 65-gallon can and servicing would be \$22.36 a month and the cost for a 96-gallon can and servicing would be \$24.99 a month. The can would be serviced every two weeks. Vintage Waste indicated it would not service a park-style garbage can and suggested the Public Works Department provide such a service. The cost for that service would be about \$170 per month. The cost for a park-style garbage can for trash only is about \$500 and the cost for a trash and recycling can is \$900.

In response to a comment from Councilmember Quam, Zoning Administrator/Clerk Karpas stated a second garbage can could be placed in the park for recycling for an additional cost. He questioned if people using the park would actually keep trash and recyclable material separate.

Fletcher moved, Page seconded, approving the Greenwood Park Beautification estimate to trim trees; spread wood chips on the trail; clean up brush from the grounds; pressure wash the tennis court; pressure wash and stripe the basketball court; and install brooms, squeegees and rack for an amount of approximately \$5,000.

Councilmember Fletcher noted that his motion did not include servicing of a garbage can because he thought a garbage can in the park would look ugly. He noted he was not totally opposed to having a can in the park.

Without objection from the maker, the seconder amended the motion to include the cost to service a 65-gallon garbage can.

Kristi Conrad, 21780 Fairview Street, stated she supported the plan and wanted there to be a garbage can in the park.

Motion passed 5/0.

7. NEW BUSINESS

A. Conditional Use Permit and Site Plan Review for 21900 Minnetonka Boulevard (former St. Alban's Bay Boathouse Restaurant)

Mayor Kind explained Kent Carlson, owner of the property located at 21900 Minnetonka Boulevard (former the St. Alban's Bay Boathouse Restaurant) is requesting a site plan review and an amendment to the existing conditional use permit (CUP) in force on the property to demolish the existing building and construct a new office building. City notification was mailed to neighbors on April 5, 2011, and it was published in the Sun-Sailor on April 7, 2011. The Planning Commission held a public hearing on this request during its April 20, 2011 meeting and a copy of the draft minutes for that meeting are included in the meeting packet. Therefore, Council is aware of the comments made by the public during that meeting. The Planning Commission recommended approval of the amendment to the CUP and the proposed site plan on a 5/0 vote.

Kind stated this evening Council will hear from Staff, the Council Liaison at the April 20th Planning Commission meeting (Councilmember Fletcher) and from the applicant Mr. Carlson. She noted Council will provide the public an opportunity to comment even though the public hearing has already been held. She stated Council would appreciate it if there would be a spokesperson for a group of people who have similar concerns.

Zoning Administrator/Clerk Karpas explained City Code requires a site plan review for any new building in the C-2 District. The CUP portion of the request is the proposed commercial office space. The current CUP allows for a mixed use structure.

Karpas highlighted the staff report about this request. The applicant is proposing to demolish the existing mixed-use building which has an overall height of 24 feet and contains a footprint area of 5,218 square feet. The proposed two-story structure would have an overall height of 28 feet and contain a footprint area of 5,772 square feet. He noted that the applicant complies with the maximum permitted height. The applicant complies with the front yard, east side yard, west side yard, and lake yard setbacks. The applicant complies with the permitted impervious surface area. The applicant proposes increasing the overall impervious surface area by 0.5 percent or approximately 525 square feet which is still under the allowable percentage. The applicant has a lot area that exceeds the minimum required by the City's Ordinance. The applicant is proposing adding additional landscaping around the new structure as well as an additional 175 square feet of rain garden. He stated the applicant will work with the Minnehaha Creek Watershed District (MCWD) about the expansion of the existing rain garden.

Karpas stated the meeting packet contains a copy of the site plan, elevations, signage information and lighting information. The lighting and signage are in compliance.

Mayor Kind asked Zoning Administrator/Clerk Karpas to comment on the topic of view protection.

Karpas explained that in Woodland there are properties that have easements across them protecting a neighbor's view. The private easement would be filed by two property owners and it would prohibit one of the property owners from doing anything that would take away a view of something. There is no such easement on the 21900 Minnetonka Boulevard property. There is no state law that protects views. The State gives the City the right to regulate dimensional requirements in its zoning ordinance. He noted that condos could be built on the site and condos have an allowable height of 35 feet.

Attorney Kelly stated the City has the right to regulate what is call "bulk regulations"; volume of structures, location of structures, side lot setbacks and so forth. That does not extend to granting site and view easements to the benefiting property owners. He then stated he is not aware of any site view easement across the subject property.

Mayor Kind stated that Section 1150.20(1) of the zoning ordinates states "*The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish: (k) The use will not depreciate surrounding property values.*" She then stated Council needs to decide if office use will depreciate the surrounding property values; not whether the height of the proposed structure depreciates the surrounding property values.

Zoning Administrator/Clerk Karpas stated he agreed with Kind's interpretation, noting the CUP is based on the use of the property. The physical structure is not the use.

Mayor Kind stated the property is zoned for restaurant and marina use. The applicant is asking to change the use to office building. The applicant does not need approval for restaurant use. Attorney Kelly clarified office is a conditional use permitted in that zone. The use is permitted on reasonable conditions. It doesn't mean Council has the elective authority to say no to the use. The zoning code is not being amended to add office; it's already there. Council can impose reasonable conditions.

Councilmember Page asked if the suggested conditions of approval listed in a letter from Bolton & Menk dated April 6, 2011, will be added to the draft resolution. Attorney Kelly stated those conditions should be referenced in the concluding paragraphs of the resolution by adding an item 2.e under terms and conditions. Kelly stated the draft resolution was intended to reflect the discussion of the Planning Commission.

Councilmember Fletcher highlighted the discussion about this request during the April 20, 2011, Planning Commission meeting (as detailed in the minutes of that meeting.)

Mayor Kind noted that in the draft resolution under terms and conditions Item 2.d states "*The previous restaurant use is deemed abandoned, however in the event the applicant desires to make future application for a restaurant use on the subject property, nothing shall prevent such an application made in due course meeting the requirements of the City Code then in effect.*"

Kent Carlson, 20505 Lakeview Avenue, Deephaven and the applicant, explained the subject property was redeveloped about ten years ago. Over the last ten years there has been great success with the office space; it's been fully leased and there have been great tenants. He noted his partner Bob Vogt runs Bayside Marine Services and he thanked him for the outstanding job he does. He stated there have been problems over the last ten years with the restaurant on the property. He then stated the goal is to build a class A facility. He noted the tenants in the current structure are not intensive uses and they tend to be longer-term tenants. He stated over the years he has learned that office is a better use for the property.

Mr. Carlson noted that when the property was redeveloped the site was re-orientated. He described some of the things that were done at that time, including the installation of rain gardens. He noted there will be rain gardens on the proposed redeveloped property as well.

Mr. Carlson stated he met with residents around the subject property in February 2011. He met with Mr. Slattery, the president of the St. Alban's Bay Villas Association, to share ideas and he sent him all of the documents. He also met with T. White in February and March to share ideas and solicit input. He noted that at that time Mr. White was very supportive because there was not going to be a restaurant on the property because there had been issues with the previous restaurant, and he didn't think Mr. White had an issue with the height of the proposed building at that time.

Mr. Carlson explained the top of the proposed building is 26 feet high and then there is a 2 foot high parapet wall on top of that for a total building height of 28 feet. The first and second floors will have standard nine-foot ceilings. Space above each floor is needed for sprinkler systems, mechanical systems, and so forth. Instead of using a traditional roof a concrete planking system will be used which allows the height to be reduced to 28 feet instead of the typical 30-foot-high commercial structure.

Mr. Carlson stated there has been concern expressed about parking. He explained that at this time of the year there is a lot action at the marina as boats are being prepared to be launched for the boating season. By the time Memorial Day comes about the boats and been launched and the boat trailers have been taken to a storage facility or they are inside the service repair building along with the equipment. He noted that on the traditionally busy days of the summer and early in the boating season there are a number of dock boys on site who help monitor the parking area on the property. He noted the property is located next to the Hennepin County trail and people try and park on the subject property when they come to use the trail. He noted that trail parking is not allowed on the property. The slip customers are only allowed to park a certain number of cars on the property. He stated it's difficult to control parking around the area on the Fourth of July holiday.

Mr. Carlson explained the original signage was permitted for 148.5 square feet in area and the proposed new signage will be 132 square feet in area. The lighting will be located in the soffit and the lighting is downcast along the side of the building.

Councilmember Fletcher stated that Planning Commissioner Dave Paeper is a professional architect. He had asked Paeper about the architecture of the proposed structure and Paeper thought it was a significant improvement over the current structure. He also asked Paeper if he thought there were any measures that could be taken to lower the height of the proposed building and Paeper had indicated he thought Mr. Carlson had made a reasonable effort to minimize the height of the structure.

Councilmember Quam noted the Planning Commission meeting minutes state that Mr. Carlson has no plans to start construction until 50 percent of the space is leased. Quam asked if that is still the plan. Mr. Carlson said that is still the plan.

Councilmember Rose asked about the two-foot-high parapet wall. Mr. Carlson stated it will provide screening of the mechanical system from Minnetonka Boulevard and the property line to the south. Rose asked if that could be put in a rain garden instead and the parapet wall eliminated. Mr. Carlson stated if rain gardens work effectively there is standing water in them for an extended period of time. A goal of the rain garden is to purify the stormwater runoff from parking lots. Therefore, electrical equipment shouldn't be put in a rain garden. Rose stated that condo property across the street from the subject property has mechanical equipment and air conditioning equipment located in the rain garden and then it is screened with plantings. Mr. Carlson explained the soffit detail provides the location for the recessed lights and if the parapet wall wasn't there that wouldn't happen.

Mayor Kind stated it would be really helpful if there could be a spokesperson for those in the audience wishing to comment on the request.

T. White, 5290 Meadville Street, expressed his disappointment with the Planning Commission. A group of neighbors found major flaws in a number of the issues in the proposal prepared by RLK Incorporated for the applicant. The group did a lot of research. It had evidence and photos which were presented to the Commission and that information was not given to Council. Mayor Kind clarified that the information was delivered with the meeting packet.

Mr. White stated parking is a major issue. The group thought the comments about parking in the RLK proposal are not true. He stated boats are parked on blocks in an area of about 27 parking spaces for about two months in the spring and again in the fall. The group submitted photographs of that. The boats are repaired, sanded, and painted in the parking area near the boat repair facility all of the time. The rest of the time there are boats being brought to and from the hanger for repair. He noted that he called former Greenwood Mayor Bob Newman about the parking issue, noting Mr. Newman had concerns about parking. Mayor Kind noted she spoke with Mr. Newman earlier in the day. He stated the employees park on the restaurant side because boats are being moved around on the property.

Mr. White then stated it's silly to think a new, taller structure won't affect people's property values. He noted that doesn't affect him, but it does affect his neighbors. He found it ironic that Mr. Carlson developed the St. Alban's Bay Villas and now he wants to build a structure that will impact the value of those units. He thought that is unfair. He stated he thought the meeting packet contained numerous emails and correspondence from residents expressing various points of view about the proposed project.

Mr. White went on to state he thought the Planning Commission put consideration of this request on a fast track. The Commission wanted this resolved by May 14, 2011. He thought more time was needed to

completely evaluate this request. He noted the group told the Commission that there are a number of neighbors who are still away for the winter and they would like to submit their concerns. He encouraged Council to take enough time to consider this request and to read all the correspondence from residents. He asked Council to consider how they would feel if they lived near the subject property. He stated the large air conditioners make a lot of noise. He then stated the hauling of boats on Minnetonka Boulevard creates stress on that roadway.

Councilmember Quam asked Mr. White if he would prefer to have a full blown restaurant on the property, to which Mr. White responded no. Quam asked if the parking situation would be better if it were a full blown restaurant, to which Mr. White responded it would be worse.

Mr. White stated residents are mainly upset about the four foot increase in the height of the proposed building.

Councilmember Fletcher stated he understands Mr. White to be saying it would be better to have an office use on that site than a restaurant use, and that the concern is about the height of the proposed building.

Mitch Stover, 21957 Minnetonka Boulevard, Unit 18, stated he resides in the most southern unit and has the top two floors. He expressed confidence that if a new building gets built it will be a great building. He stated he understood the challenges for the property. He then stated from his perspective there are legal requirements and then there is what is right for the community. He explained that from one area in his unit, an area he entertains in, he can see all the way to Lafayette Bay. The proposed building would be four feet higher than the existing structure and that would limit his view to Excelsior Bay. He noted that he accepted there being a restaurant on the property when he purchased his unit. He stated being able to enjoy his property is important to him. He then stated he thought all of the residents in the Villas would like to have something that will work, have less traffic, and be economically viable. The four foot increase in height will have a major league impact. He indicated he thought Council has some amount of discretion when considering whether or not to approve the request. He stated he wanted there to be a solution that works for everyone. He commented office is a more desirable use for him than restaurant.

Mr. Stover stated parking is and always will be an issue with the major problem being on the Fourth of July. He asked what will happen if a nice office building is constructed and then the leasing of office space in that building is not significant enough to keep the office building viable. He commented he frequents a restaurant in the City of St. Paul that has parking problems. That restaurant has an offsite parking lot and patrons are shuttled to and from the restaurant. He stated he does want the property owner to have a successful business on the subject property.

Councilmember Rose asked Mr. Stover if the proposed building were constructed to be two feet lower in height and if the applicant had the volume (square footage) he wanted would it help. Mr. Stover responded he may be able to see a little more of the water if it were two feet lower.

In response to a comment from Councilmember Fletcher, Mr. Stover stated that he can see the City of Excelsior, Excelsior Bay, Big Island and Lafayette Bay from his unit. The increase in building height will negatively impact his view.

Mr. Stover stated there are legal issues and balance issues that should be taken into consideration.

Susan Covnick, 4715 Gulf Terrace, Edina, stated Debra Antone (who owns Unit 19 in the Villas) can not be present this evening because she is out of town. She commented she has a degree in urban and regional planning from George Washington University, and she has also been a commercial and residential

licensed realtor for 34 years. She stated any real estate booklet or ads for this community and the surrounding Lake Minnetonka communities indicate the value of a property is based on view. When going through a booklet on properties 64 percent of the time view was mentioned. She then stated she thought the proposed building would be an unnecessary mass on a property that is already over crowded. A taller building will affect the property values of all units in the Villas even though only the views for the top three units will be impacted. From her vantage point there are ways the property could be developed that would not impact views.

Councilmember Page asked what loss in value there will be for the top three units that will lose some of their view. Ms. Covnick stated she did not know that answer but she does know having a great view is a big draw. A lake view brings people to the community. Page asked if the top three units had a view of St. Alban's Bay. Members of the audience responded they all do. Mayor Kind stated their primary view is of St. Alban's Bay.

Councilmember Fletcher stated he saw the brochures about properties in the Villas that are for sale that Ms. Antone passed out to the Planning Commission and every picture showed a view of St. Alban's Bay, not of Excelsior Bay.

In response to a question from Mayor Kind, Ms. Covnick stated for unit resale purposes having office use on the property would be better than having restaurant use.

Mary McNutt, 21957 Minnetonka Boulevard Unit 14, stated she has the garden unit in the south building directly under Mr. Stover. She noted she does not have a dual lake view like Mr. Stover and Ms. Antone, her view is out onto St. Albans Bay. She explained that when she walks out her front door and takes in the panoramic view of the Lake she has a gorgeous view. She stated she prefers an office use for the subject property over a restaurant use. She is not in support of a four-foot taller building that will obstruct the views. She commented that the view from the parking lot the previous evening was breathtaking. She stated she enjoys watching the sunset from the parking lot. She noted she would be affected by the taller building. She explained that City Code Section 1150.20(1)(j) states "*The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*" She stated the taller building would damage a scenic, panoramic view. She explained Section 1150.20(1)(k) states "*The use will not depreciate surrounding property values.*" She stated her garden unit has already lost \$50,000 in value. She then stated the properties on the second and third floors have dual panoramic views. The owners of those units are objecting to losing one of their views. She commented that some of the views of St. Alban's Bay are not extremely great because the views include looking another marina. She asked Council to respect the fact that Ms. Antone does not want to lose her scenic view.

Mayor Kind stated in her opinion in City Code Section 1150.20(1)(j) and 1150.20(1)(k) the word "use" refers to "office use," not "height." The destruction of the former St. Alban's Boathouse restaurant building is not destroying a scenic or historic feature of major importance. Attorney Kelly stated he doesn't believe the Code defines a major, natural historic feature.

Councilmember Fletcher stated Council is supposed to be considering the totality of the project. Attorney Kelly stated that is true and that there must be a balance.

Elizabeth Bennett, 21957 Minnetonka Boulevard, Unit 20, stated her one bedroom unit is located next to Mr. Stover's. She commented that previously she lived in a three bedroom unit in Building A, but it did not have a view of Excelsior Bay. She noted that she and her husband have had a view of the main part of the Lake since 1951; having such a view is extremely important to them. She explained in the past there has been a \$100,000 cost difference between units on different floors in each building and the additional

cost was for the view. The unit she currently owns in Building B was at one time valued by realtors at \$1.2 million; Hennepin County property assessors valued the property at \$1,104,000. The property is currently valued at \$865,000 and the decline is because of the economy.

Councilmember Fletcher stated the assessor for the City had told him that the value of a unit on the third floor is \$60,000 more than the value for a similar unit on the second floor.

Mayor Kind recessed the meeting at 9:01 P.M.

Mayor Kind reconvened the meeting at 9:10 P.M.

John Reimann, 21057 Minnetonka Boulevard, Unit 12, stated he and his wife moved into the building in November 2010. He commented that he has never been inside of the current building on the subject property. He asked if the building had two floors. Mayor Kind explained the second floor is not fully utilized because part of the floor has a 2-story ceiling.

Councilmember Fletcher explained the existing mixed-use building has an overall height of 24 feet and contains a footprint area of 5,218 square feet and the proposed two-story structure would have an overall height of 28 feet and contain a footprint area of 5,772 square feet. The footprint area will increase 10.6 percent. Because of these changes the mass volume will increase around 29 percent. Mayor Kind clarified the size of the building is not double. Zoning Administrator/Clerk Karpas stated the proposal is for 10,300 gross square feet but it would accommodate 7,200 square feet of leasable space. Karpas stated he does not know what the gross and leasable space is for the existing building. Mr. Carlson stated the second floor of the existing structure has approximately one half the footprint of the first floor.

Mr. Reimann stated it's his understanding there is a parking ratio based on building size. He asked if the parking area is sufficient to accommodate the size of the proposed building.

Councilmember Fletcher stated later on he is going to offer an amendment to the draft CUP. He explained the applicant calculated the parking requirements based on leasable space and the City Code requires it be calculated based on gross floor area (1 space for every 330 square feet of gross floor area). The applicant calculated a need of 50 spaces for the office building. Based on Code calculations 59 spaces are needed. The current CUP states 12 spaces are required for marina-retail and boat service parking. For the boat slips the applicant only included the 83 permanent boat slips, but there are an additional 10 transient boat slips. The City Code requires 6 parking spaces for every ten slips; therefore the number of surface parking spaces for the boat slips will need to be increased to 56 from the 50 in the application. The Code has common use provisions which allow for some reduction in the number of spaces required when the parking spaces will be used during different times and days. The office is primarily used Monday through Friday and the boat slips / marina is heavily used on Saturday and Sunday. Fletcher's proposed change to the resolution also would require the applicant have a parking lot attendant during peak marina paring periods. The City Code contains a common parking area ordinance which gives the City some power to correct parking issues.

In response to a comment from Mr. Reimann, Zoning Administrator/Clerk Karpas explained there still would have had to have been a site plan review if a new structure was going to be built for the existing mixed uses. The same issues would have come up then.

Councilmember Page stated the applicant meets all of the requirements of the City Code. The height of the proposed building would be less than what is allowed. He explained he looked into case law regarding an applicant coming in under a CUP. The case law under the CUP analysis states that it's arbitrary

capricious as a matter of law where an applicant comes in and meets all of the criteria not to grant the CUP unless there is in the record concrete facts which justify the use of subjective factors. Case law states non specific trepidation by the neighbors is not a legal criterion on which to deny the CUP. He stated that based on comments he heard it sounds as if each of the units in the Villas has some view of Lake Minnetonka. He then stated he is not aware of any case law that grants anyone the right to a view absent there being an easement for view.

Page then stated the plan looks good to him. He commented that for a very long time boats have come and gone from the property; it's the nature of the marina that has been there for 40 years or so. He stated the Villas were built in an area where there has been long-term commercial use..

Councilmember Quam stated that although he feels bad for the property owners at the Villas the applicant has met all of the requirements. The issue with parking is not going to be any worse than it has been in the past. It appears that no one wants there to be a restaurant on the property. He then stated he hasn't heard anything that tells him he has the legal right to deny the application because of loss of view.

Councilmember Rose expressed concern that there may be insufficient parking. He stated he understands the applicant meets all of the requirements. He commented that property owners complained when the Villas were built that they were going to lose their view. He stated he would like to delay taking action on this request until he has had time to do more research. He would like to come up with a solution that will make every one happy.

Mayor Kind noted State Statute 15.99 requires the City Council to make a decision on an application within 60 days from the time it was submitted; that would be by May 14, 2011. The time period for making a decision can be extended for specific reasons provided the applicant is notified in writing during the initial 60 day time period.

Councilmember Fletcher asked Mr. Carlson if he would have concern if residents from the Villas came onto his property to enjoy the views. Mr. Carlson responded he would not.

Fletcher moved, Page seconded, Adopting RESOLUTION NO. 13-11, "A Resolution Amending the Conditional Use Permit Issued Pursuant to Resolution 11-00 April 11, 2000 Relating to Multiple Uses at 21900 Minnetonka Boulevard, Greenwood, Minnesota" subject to the resolution be amended as follows: under Findings of Facts (2) Parking – change "7,192 sq. ft. for proposed office building" to "10,300 sq. ft. for proposed office building", change the number of required office parking spaces to "59," change the number of required marina parking spaces to "56," and change the maximum total number of parking spaces required for the entire site to "127 without considering exigent circumstances unique to the planned uses."; replace Findings of Fact (3) Parking Experience with "The applicant's 10-plus years of experience demonstrates that the primary use of office parking is from 8:00 AM to 5:00 PM Monday through Friday. The 12 spaces for retail-marina and boat service are used on a seven day per week basis. The heaviest demand for marina dock parking is on Saturday and Sunday during the summer with no demand off-season. The offsetting nature of the office and marina dock parking demand provides exigent circumstances for the applicant to meet the requirements of the Greenwood ordinance code section 1140.45(11)(j) Common parking area with the existing 122 on site parking spaces."; under BE IT RESOLVED replace 2.b with "122 spaces of parking shall be provided on site. Applicant shall provide a parking lot attendant as needed during peak marina parking periods to ensure that parking does not overflow onto neighborhood streets or cause congestion on Minnetonka Boulevard. The reservation of rights in favor of the City, the memorialization and recording requirements, and the reimbursement of city expenses and filing fees as currently provided in

Ordinance 1140.45(11)(j) shall apply in full to this Conditional Use Permit.”; and, add 2.e “The applicant will meet the requirements set forth in the letter dated April 6, 2011, from City Engineer David Martini to the City of Greenwood.”

Councilmember Fletcher stated he appreciates the concerns about the loss of view. He stated that in his opinion the Council could probably find reasons to deny the application, but that from his vantage point the City will be better off if there is an office building rather than a restaurant on the property. The four foot increase in building height is an issue for people, but property owners will still have some view of Excelsior Bay.

Councilmember Rose stated his perspective is the opposite of Councilmember Fletcher’s. The loss of views could have been prevented. He expressed he still has concerns about insufficient parking. If there ends up being insufficient parking the taller building will already be there and it will be difficult to resolve the problem. He has concerns about there being a future request for a restaurant.

Councilmember Fletcher stated the Common Parking Ordinance gives the City a lot more control over enforcing parking issues with multiple use properties.

Mayor Kind stated she understands the concern about loss of view. But, she doesn’t understand how Council could justify denying the request for an office building, which is an allowable use, when the applicant complies with the City’s requirements.

Motion passed 4/1 with Rose dissenting.

B. Ordinance 194 Setting the March 1 to May 1 Load Limit at 5 Tons Per Axle on City Streets

Mayor Kind stated that Ordinance 194 will amend Ordinance Code Section 730.00 regarding March 1 to May 1 load limits on City-owned streets. It will make the seasonal load limit consistent throughout the City and it would be 5 tons per axle. The rest of the year it would be 7 tons per axle. In the past the City has put up over twenty signs depicting seasonal weight restrictions. Making the weight restrictions consistent would reduce the number of signs needed to six. She noted a copy of the draft Ordinance is included in the meeting packet.

Quam moved, Fletcher seconded, Approving Ordinance 194, “An Ordinance Amending the Greenwood Ordinance Code Section 730.00 to Set the March 1 to May 1 Load Limit to 5 Tons Per Axle. Motion passed 5/0.

C. Resolution 11-11 Establishing Limited Clean Up and Property Damage Protection for Sewer Back-Ups and Water Main Breaks for Water and Sewer Connections

Zoning Administrator/Clerk Karpas stated the League of Minnesota Cities Insurance Trust (LMCIT) is offering additional protection coverage for damage caused by a water main break. In order to be covered for that the City has to adopt the draft resolution, modeled on a resolution prepared by the LMCIT, included in the meeting packet.

Councilmember Fletcher explained the LMCIT will pay the resident for the damage if it’s not the City’s fault. The current amount the LMCIT would pay per occurrence is \$10,000.

Councilmember Page commented that he thought this is to address what has occurred in the City of Chanhassen.

Councilmember Fletcher stated he has spoken with the insurance agent. The City pays \$264 for up to \$10,000 worth of protection. The cost for \$25,000 of protection is slightly more the \$300. The cost for \$40,000 is about \$380. For an additional cost of \$120 per year the City could get \$40,000 in protection per occurrence.

Councilmember Quam stated he thought the City should purchase the additional protection.

Councilmember Page stated if the City is found to not have properly maintained the sewer and water lines the city could be found liable whether or not it has insurance.

Mayor Kind clarified this insurance is for when it's not the City's fault.

Page moved, Quam seconded, Adopting RESOLUTION NO. 14-11, "A Resolution Establishing Limited Clean Up and Property Damage Protection for Sewer Back-Ups and Water Main Breaks for Water and Sewer Connections with the maximum coverage that the city can obtain with a premium that does not exceed \$400." Motion passed 5/0.

D. Park & Dock Patrol Proposal for the City of Excelsior

Kind stated this is a routine request from the City of Excelsior for South lake Minnetonka Police Department to provide park and dock patrol services. Excelsior pays for all the services.

Quam moved, Page seconded, approving the South lake Minnetonka Police Department providing Park and Dock Patrol Services for the City of Excelsior in 2011 as mutually agreed upon by both parties. Motion passed 5/0.

8. OTHER BUSINESS

A. April 5, 2011, City Council Work Session Minutes and April 5, 2011, City Council Meeting Minutes

These items were removed from the consent agenda at Mayor Kind's request.

Mayor Kind explained the reason she had these items removed from the consent agenda is she did not attend those meetings.

Quam moved, Fletcher seconded, Approving the City Council Work Session Minutes and the City Council Regular Meeting Minutes of April 5, 2011, as presented. Motion passed 4/0/1 with Kind abstaining due to her absence at the meetings.

9. COUNCIL REPORTS

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

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

With regard to Eurasian Watermilfoil, Fletcher stated St. Alban's Bay Captain Rob Roy and his team have raised the private donation funds needed for treating Eurasian Watermilfoil in St. Alban's Bay this coming summer. The treatment will occur when the water reaches the desired temperature.

With regard to the Lake Minnetonka Communications Commission, Fletcher had nothing to report this evening.

B. Kind: Police, Aquatic Invasive Species Mayors' Meeting, Administration, Lake Minnetonka Mayors' Meeting

Mayor Kind stated the South Lake Minnetonka Police Department (SLMPD) Coordinating Committee has not met since the last Council meeting. The next meeting is scheduled for May 11, 2011.

With regard to administration, Kind reminded the Councilmembers to provide her with their banking information needed for depositing their checks directly into their accounts. She proposed the City print City Code updates only once a year, noting there are 22 books to update. She suggested keeping the copy of the City Code book at City Hall and the one on the City's website current. There was consensus to do that. She then stated the City is protesting the former city administrator's unemployment claim. She noted that the Greenwood sign located at Christmas Lake Road was replaced by mistake. The sign located on Minnetonka Boulevard near the City of Deephaven is the sign that was supposed to have been replaced. The old sign from the Christmas Lake Road location will replace the one at the Minnetonka Boulevard location.

Kind stated she attended an aquatic invasive species (AIS) meeting this past March which was hosted by the Minnehaha Creek Watershed District (MCWD). The meeting was for the mayors of the cities located in the MCWD. She stated it appeared the purpose of the meeting was to gain support for the MCWD taking a larger role in AIS mitigation. She noted that she told the group that the Greenwood Council was not in support of that.

Kind then stated she attended the annual Lake Minnetonka Mayors' Meeting on March 4. The meeting is hosted by Hennepin County Commissioner Jan Callison. Minnesota Senator Gen Olson, Minnesota House of Representatives Connie Doepke, Hennepin County Attorney Mike Freeman and Hennepin County Sheriff Rich Stanek were also in attendance. She related that Sheriff Stanek stated there has been a 32 percent decrease in crime in the County. She learned that the City of Mound is buying sand and salt through the County. She stated Excelsior Mayor Ruehl made a presentation with the intent of possibly generating some interest in holding a multi-week long Lake Minnetonka festival sometime in the future.

C. Page: Lake Minnetonka Conservation District

Councilmember Page reported on Lake Minnetonka Conservation District (LMCD) activities. The LMCD has forwarded its proposed 2012 budget to its member cities. The budget reflects a 2.6 percent decrease when compared to previous year's budget, noting the decrease was achieved by using \$20,000 in reserve funds. The budget includes a 1.5 percent salary increase placeholder. The LMCD Board passed a resolution and sent a letter signed by the LMCD Board Vice-Chair in support of the new AIS legislation. The LMCD Board discussed a request from the Upper Minnetonka Yacht Club about reconfiguring its docks. The LMCD Board had some discussion about removing the public amenities criterion for multiple dock licenses from the LMCD's code and have them addressed by resolution as well as to change some of them; no action was taken on that. He noted that he is on the LMCD's Ordinance Review Committee.

Councilmember Fletcher stated the LMCD budget allocates \$93,633 for Eurasian Watermilfoil (milfoil) harvesting and about \$30,000 for AIS prevention in 2012. In 2011 about \$300,000 will be spent to treat three bays in Lake Minnetonka for milfoil.

Councilmember Page stated the LMCD Board believes the State should make a larger contribution to mitigating AIS issues in Lake Minnetonka. He noted the MCWD and the Minnesota Department of Natural Resources (MnDNR) have committed an additional combined approximate \$13,000 to AIS prevention efforts in Lake Minnetonka. He stated the LMCD's \$30,000 will be used to pay for boat launch inspectors which are trained by the MnDNR. The MnDNR's plan is to have inspectors at three launch sites with the focus being primarily on keeping people from transporting AIS out of the Lake.

D. Quam: Roads & Sewer, St. Alban's Bay Bridge, Minnetonka Community Education

Councilmember Quam stated the City's roadways have already been discussed. The bids for 2011 improvements should be available for the next Council meeting. The work will probably be done in July. The bids for repairs to the City's sewer system and manhole covers have started to come in. Council may have to have a special meeting to award the contract rather than wait to do that during its June meeting. There is nothing new to report on St. Alban's Bay Bridge.

Quam went on to state there was nothing new to report on Minnetonka Community Education (MCE) activities. He noted there is a youth triathlon planned for May 7.

E. Rose: Excelsior Fire District

Councilmember Rose stated the Excelsior Fire District (EFD) Board held work sessions on April 6 and April 20 to discuss the proposed 2012 EFD Operating Budget and 2012 – 2032 EFD Capital Improvement Program. The biggest issue with the budget is the anticipated \$80,000 mandatory contribution that will have to be made to the Excelsior Firefighters Relief Association (EFRA) fund for pensions. The mandatory contribution is required because that fund is currently under funded because of the market declines a few years back. During the April 20 meeting the Boardmembers were asked to ask their respective Council about considering using the approximate \$40,000 surplus in the Fire Facilities Fund there's anticipated to be at the end of 2011 to help fund the mandatory contribution. [The surplus is the result of using about \$40,000 in unspent construction funds for part of the EFD's bonded debt payment for the facilities due February 1, 2011.]

Mayor Kind and Councilmember Fletcher stated they thought it made sense to use the surplus funds for that purpose. Fletcher then stated he thought the City would come out better than it would if it asked for the surplus funds to be returned to the member cities and then have to fund \$40,000 for the EFRA.

Councilmember Page stated he prefers the surplus funds be returned to the member cities.

Councilmember Rose stated he thought it would be cleaner from an accounting perspective to have the surplus returned to the member cities and then have the cities fund the mandatory contribution. He noted there is still the remaining \$40,000 of mandatory contribution that has to be funded some how.

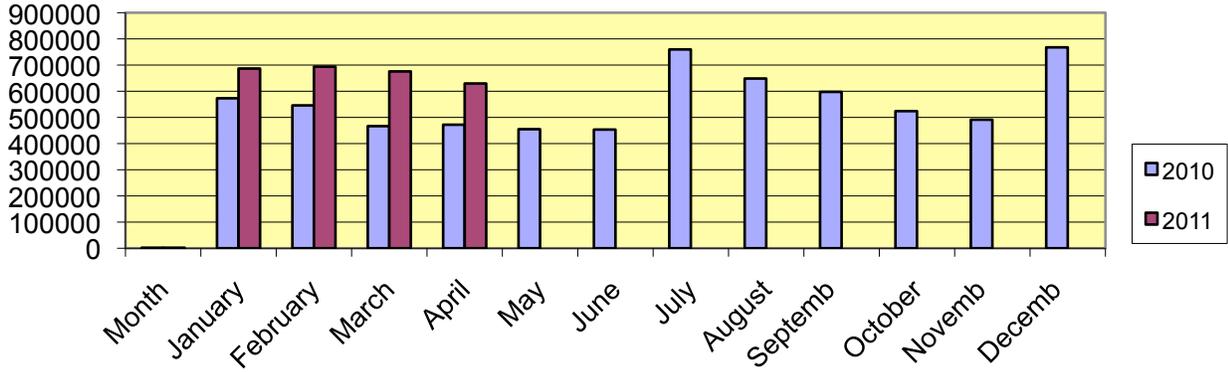
Fletcher moved, Quam seconded, approving the use of the \$40,000 surplus in the Excelsior Fire District's Fire Facilities Fund there is anticipated to be at the end of 2011 to help fund the anticipated \$80,000 2012 mandatory contribution to the Excelsior Firefighters Relief Association's fund for pensions. Motion passed 3/2 with Page and Rose dissenting.

10. ADJOURNMENT

Fletcher moved, Page seconded, Adjourning the City Council Regular Meeting of May 3, 2011, at 10:20 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

City of Greenwood Monthly Cash Summary



Month	2010	2011	Variance with Prior Month	Variance with Prior Year
January	\$573,056	\$686,781	-\$80,855	\$113,725
February	\$545,897	\$693,859	\$7,078	\$147,962
March	\$466,631	\$675,719	-\$18,140	\$209,088
April	\$472,069	\$629,569	-\$46,150	\$157,500
May	\$454,955	\$0	-\$629,569	-\$454,955
June	\$453,487	\$0	\$0	-\$453,487
July	\$759,701	\$0	\$0	-\$759,701
August	\$648,560	\$0	\$0	-\$648,560
September	\$597,536	\$0	\$0	-\$597,536
October	\$523,980	\$0	\$0	-\$523,980
November	\$491,216	\$0	\$0	-\$491,216
December	\$767,636	\$0	\$0	-\$767,636

Bridgewater Bank Money Market	\$422,729
Bridgewater Bank Checking	\$4,893
Beacon Bank Money Market	\$201,847
Beacon Bank Checking	\$100
Total	\$629,569

ALLOCATION BY FUND

General Fund	\$88,545
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$39,970
Stormwater Special Revenue Fund	\$9,973
Sewer Enterprise Fund	\$423,273
Marina Enterprise Fund	\$40,753
Total	\$629,569

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
06/01/11	PC	06/06/11	6061101	Debra J. Kind	34		001-10101	277.05
06/01/11	PC	06/06/11	6061102	Fletcher, Thomas M	33		001-10101	84.70
06/01/11	PC	06/06/11	6061103	H. Kelsey Page	35		001-10101	184.70
06/01/11	PC	06/06/11	6061104	Quam, Robert	32		001-10101	184.70
06/01/11	PC	06/06/11	6061105	William Rose	36		001-10101	184.70
Grand Totals:								<u>915.85</u>

Check Issue Date(s): 05/01/2011 - 05/31/2011

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
05/11	05/05/2011	10300	765	GUS KARPAS	101-20100	38.45
05/11	05/10/2011	10301	245	ALLIED BLACKTOP, INC.	502-20100	2,350.00
05/11	05/10/2011	10302		Information Only Check	101-20100	.00 V
05/11	05/10/2011	10303	9	CITY OF DEEPHAVEN	101-20100	6,179.44
05/11	05/10/2011	10304	315	DOCK & LIFT INC.	605-20100	1,500.00
05/11	05/10/2011	10305	3	KELLY LAW OFFICES	101-20100	1,104.00
05/11	05/10/2011	10306	754	Lake Minnetonka Association	101-20100	5,000.00
05/11	05/10/2011	10307	105	METROPOLITAN COUNCIL ENV SERV	602-20100	2,336.37
05/11	05/10/2011	10308	782	PACE ANALYTICAL SERVICES INC	502-20100	735.00
05/11	05/10/2011	10309	701	Popp Telecom	101-20100	42.19
05/11	05/10/2011	10310	38	SOUTH LAKE MINNETONKA POLICE	101-20100	13,223.00
05/11	05/10/2011	10311	136	Sun Newspapers	101-20100	91.52
05/11	05/10/2011	10312	745	Vintage Waste Systems	101-20100	1,568.40
05/11	05/10/2011	10313	145	XCEL	602-20100	642.77
05/11	05/25/2011	10319	51	BOLTON & MENK, INC.	101-20100	2,987.50
05/11	05/25/2011	10320	594	CITY OF EXCELSIOR	602-20100	2,317.56
05/11	05/25/2011	10321	581	EMERY'S TREE SERVICE, INC.	101-20100	1,072.75
05/11	05/25/2011	10322	75	HENNEPIN COUNTY TREASURER	101-20100	12.00
05/11	05/25/2011	10323	742	Marco, Inc.	101-20100	212.51
05/11	05/25/2011	10324	783	SGC HORIZON LLC	602-20100	208.25
05/11	05/25/2011	10325	136	Sun Newspapers	602-20100	251.68
05/11	05/25/2011	10326	745	Vintage Waste Systems	101-20100	4,428.01
Totals:						<u>46,301.40</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor Name	Vendor No	Seq	Type	Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
5/5/2011										
GUS KARPAS										
GUS KARPAS	765									
050511		1	Inv	COUNCIL MTG NAME PLATES	05/05/2011	05/05/2011	38.45	No	5/11	101-41100-433
Total GUS KARPAS							38.45			
Total 5/5/2011							38.45			

05/05/2011 GL Period Summary

GL Period	Amount
5/11	38.45
	38.45

Vendor Name Invoice No	Seq	Type	Vendor No Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
5/10/2011									
ALLIED BLACKTOP, INC.									
ALLIED BLACKTOP, INC.			245						
15049	1	Inv	STREET SWEEPING	04/20/2011	05/10/2011	2,350.00	No	5/11	502-43200-409
Total ALLIED BLACKTOP, INC.						2,350.00			
CITY OF DEEPHAVEN									
CITY OF DEEPHAVEN			9						
050111	1	Inv	Clerk Services	05/01/2011	05/10/2011	2,441.60	No	5/11	101-41400-310
050111	2	Inv	ZONING	05/01/2011	05/10/2011	160.79	No	5/11	101-42400-308
Total 050111						2,602.39			
APRIL 2011	1	Inv	RENT & EQUIPMENT	05/01/2011	05/10/2011	542.95	No	5/11	101-41400-311
APRIL 2011	2	Inv	Postage	05/01/2011	05/10/2011	33.28	No	5/11	101-41400-322
APRIL 2011	3	Inv	COPIES	05/01/2011	05/10/2011	20.10	No	5/11	101-41400-202
APRIL 2011	4	Inv	SEWER	05/01/2011	05/10/2011	902.06	No	5/11	602-43200-310
APRIL 2011	5	Inv	SNOW PLOWING/SANDING/SALT	05/01/2011	05/10/2011	313.76	No	5/11	101-43900-312
APRIL 2011	6	Inv	BIKE PATH	05/01/2011	05/10/2011	313.76	No	5/11	101-43900-315
APRIL 2011	7	Inv	STREETS	05/01/2011	05/10/2011	1,098.16	No	5/11	101-43100-409
APRIL 2011	8	Inv	WEED/TREE/MOWING	05/01/2011	05/10/2011	196.10	No	5/11	101-43900-313
APRIL 2011	9	Inv	Docks	05/01/2011	05/10/2011	78.44	No	5/11	605-45100-310
APRIL 2011	10	Inv	PARK MAINTENANCE	05/01/2011	05/10/2011	78.44	No	5/11	101-43900-313
Total APRIL 2011						3,577.05			
Total CITY OF DEEPHAVEN						6,179.44			
DOCK & LIFT INC.									
DOCK & LIFT INC.			315						
18595	1	Inv	INSTALL FLOATING DOCK	04/20/2011	05/10/2011	1,500.00	No	5/11	605-45100-309
Total DOCK & LIFT INC.						1,500.00			
KELLY LAW OFFICES									
KELLY LAW OFFICES			3						
5866	1	Inv	GENERAL LEGAL	04/25/2011	05/10/2011	759.00	Yes	5/11	101-41600-304
5867	1	Inv	LAW ENFORCE PROSECUTION	04/26/2011	05/10/2011	345.00	Yes	5/11	101-41600-308
Total KELLY LAW OFFICES						1,104.00			
Lake Minnetonka Association									
Lake Minnetonka Association			754						
050311	1	Inv	St ALBANS MILFOIL PROJECT	05/03/2011	05/10/2011	5,000.00	No	5/11	101-49000-439
Total Lake Minnetonka Association						5,000.00			
METROPOLITAN COUNCIL ENV SERV									
METROPOLITAN COUNCIL ENV SERV			105						
0000958972	1	Inv	Monthly wastewater Charge	05/03/2011	05/10/2011	2,336.37	No	5/11	602-43200-309
Total METROPOLITAN COUNCIL ENV SERV						2,336.37			
PACE ANALYTICAL SERVICES INC									
PACE ANALYTICAL SERVICES INC			782						

Vendor Name Invoice No	Seq	Type	Vendor No Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
111160938	1	Inv	STREET SWEEPING	05/02/2011	05/10/2011	735.00	No	5/11	502-43200-409
Total PACE ANALYTICAL SERVICES INC						735.00			
Popp Telecom									
Popp Telecom			701						
1953821	1	Inv	Local, Long dist. & DSL	04/30/2011	05/10/2011	42.19	No	5/11	101-41400-321
Total Popp Telecom						42.19			
SOUTH LAKE MINNETONKA POLICE									
SOUTH LAKE MINNETONKA POLICE			38						
05 2011	1	Inv	OPERATING BUDGET	05/01/2011	05/10/2011	13,223.00	No	5/11	101-42100-310
Total SOUTH LAKE MINNETONKA POLICE						13,223.00			
Sun Newspapers									
Sun Newspapers			136						
1046320	1	Inv	RESOLUTION	04/21/2011	05/10/2011	91.52	No	5/11	101-42400-309
Total Sun Newspapers						91.52			
Vintage Waste Systems									
Vintage Waste Systems			745						
042811	1	Inv	City Recycling Contract	04/28/2011	05/10/2011	1,568.40	No	5/11	101-49000-310
Total Vintage Waste Systems						1,568.40			
XCEL									
XCEL			145						
042511	1	Inv	4925 MEADVILLE STREET *	04/25/2011	05/10/2011	9.29	No	5/11	101-43100-381
042511	2	Inv	SIREN	04/25/2011	05/10/2011	3.80	No	5/11	101-43100-381
042511	3	Inv	LIFT STATION #1	04/25/2011	05/10/2011	38.64	No	5/11	602-43200-381
042511	4	Inv	LIFT STATION #2	04/25/2011	05/10/2011	37.98	No	5/11	602-43200-381
042511	5	Inv	LIFT STATION #3	04/25/2011	05/10/2011	26.69	No	5/11	602-43200-381
042511	6	Inv	LIFT STATION #4	04/25/2011	05/10/2011	38.21	No	5/11	602-43200-381
042511	7	Inv	LIFT STATION #6	04/25/2011	05/10/2011	85.68	No	5/11	602-43200-381
042511	8	Inv	Sleepy Hollow Road *	04/25/2011	05/10/2011	9.30	No	5/11	101-43100-381
042511	9	Inv	Street Lights *	04/25/2011	05/10/2011	393.18	No	5/11	101-43100-381
Total 042511						642.77			
Total XCEL						642.77			
Total 5/10/2011						34,772.69			

05/10/2011 GL Period Summary

GL Period	Amount
5/11	34,772.69
	34,772.69

<u>GL Period</u>	<u>Amount</u>
	<u><u> </u></u>

Vendor Name	Vendor No	Seq	Type	Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
5/24/2011										
BOLTON & MENK, INC.										
BOLTON & MENK, INC. 51										
139248		1	Inv	2011 STREET IMPROVEMENT	04/30/2011	05/24/2011	1,404.50	No	5/11	101-43200-303
139252		1	Inv	2011 MISC ENGINEERING FEES	04/30/2011	05/24/2011	952.00	No	5/11	502-43200-303
139253		1	Inv	2011 SANITARY SWR REHAB	04/30/2011	05/24/2011	631.00	No	5/11	602-43200-303
Total BOLTON & MENK, INC.							2,987.50			
CITY OF EXCELSIOR										
CITY OF EXCELSIOR 594										
040111		1	Inv	1st qrt joint sanitary sewer use	04/01/2011	05/24/2011	2,317.56	No	5/11	602-43200-309
Total CITY OF EXCELSIOR							2,317.56			
EMERY'S TREE SERVICE, INC.										
EMERY'S TREE SERVICE, INC. 581										
16547		1	Inv	TREE MAINTENANCE	05/15/2011	05/24/2011	1,072.75	No	5/11	101-43900-313
Total EMERY'S TREE SERVICE, INC.							1,072.75			
HENNEPIN COUNTY TREASURER										
HENNEPIN COUNTY TREASURER 75										
042911		1	Inv	Processing Special Assessments	04/29/2011	05/24/2011	12.00	No	5/11	101-41500-439
Total HENNEPIN COUNTY TREASURER							12.00			
Marco, Inc.										
Marco, Inc. 742										
177607009		1	Inv	Copier lease	05/14/2011	05/24/2011	212.51	No	5/11	101-41400-411
Total Marco, Inc.							212.51			
SGC HORIZON LLC										
SGC HORIZON LLC 783										
54754		1	Inv	2011 SANITARY SWR REHAB	05/11/2011	05/24/2011	208.25	No	5/11	602-43200-404
Total SGC HORIZON LLC							208.25			
Sun Newspapers										
Sun Newspapers 136										
051911		1	Inv	Legal Notice - SANITARY SWR	05/19/2011	05/24/2011	251.68	No	5/11	602-43200-439
Total Sun Newspapers							251.68			
Vintage Waste Systems										
Vintage Waste Systems 745										
051111		1	Inv	City Recycling Contract	05/11/2011	05/24/2011	1,568.40	No	5/11	101-49000-310
051111		2	Inv	Spring Clean-up	05/11/2011	05/24/2011	2,859.61	No	5/11	101-49000-311
Total 051111							4,428.01			
Total Vintage Waste Systems							4,428.01			

Vendor Name	Vendor No	Invoice No	Seq	Type	Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Total 5/24/2011								<u>11,490.26</u>			

05/24/2011 GL Period Summary

GL Period	Amount
5/11	<u>11,490.26</u>
	<u>11,490.26</u>

Grand Total: 46,301.40

Report GL Period Summary

GL Period	Amount
5/11	<u>46,301.40</u>
	<u>46,301.40</u>

Vendor Number Hash: 8564
 Vendor Number Hash - Split: 10559
 Total Number of Invoices: 25
 Total Number of Transactions: 44

Terms Description	Invoice Amt	Net Inv Amt
Open Terms	<u>46,301.40</u>	<u>46,301.40</u>
	<u>46,301.40</u>	<u>46,301.40</u>



Agenda Number	4A
Agenda Date	06-07-11

Agenda Item	Terrence Haines, Eagle Scout Project at the Southshore Center
Summary	<p>The following is a brief summary of this agenda item:</p> <p>Terrence Haines is seeking contributions for his Eagle Scout project at the Southshore Center. His plan involves fixing the bridge and walking path in the woods, building two benches, and creating steps with a railing. The cost for this project is approximately \$3150. There is money in the general fund contingency if the council desires to make a contribution. Terrence is planning to attend the council meeting to present his project.</p> <p>For the council's reference:</p> <ul style="list-style-type: none"> • Greenwood shares ownership of the Southshore Center with Deephaven, Excelsior, Shorewood, and Tonka Bay. • Greenwood's population is approximately 5% of the 5 cities combined. 5% of \$3150 equals \$158. • Greenwood's tax capacity is 8.45% of the 5 cities combined. 8.45% of \$3150 equals \$266.
Council Action	<p>Recommended Motion:</p> <p>I move the council approves a \$_____ contribution to Terrence Haines for his Eagle Scout project at the Southshore Center and directs that the cost be paid from the general fund.</p>

May 4, 2011

Terrence Haines
25775 Birch Bluff RD
Shorewood MN 55331
(952)-474-7487

To Whom It May Concern:

My name is Terrence Haines and I am working on an Eagle Scout Project. I was wondering if you would be willing to make a donation to my project. I will be working to improve the Shorewood Community Center's property. It will involve fixing the bridge and walking path in the woods. I will also build two benches to put by the path. The third part will be to create steps with a railing so people will find it easier to get down to the path and take a stroll in the beautiful woods. The cost for this project will be 3,147.75. I will appreciate any and all the help I receive.

If there is any one who would like to volunteer with this project that will be appreciate also.

Sincerely Yours,

Future Eagle Scout

Terrence Haines

Project price for treated wood	
Bridge	46.01
Railing	99.51
Benches	1,037.81
Steps	1,682.42
Total	2,865.75

PLUS EQUIPMENT RENTAL

Rent for a wood chipper	190.00 a day
Rent for a power washer	80.00 a day
Rent tamper	12.00 a day
Grand Total	3,147.75

This amount is with the rental of equipment

Estimated Cost

		2 Benches		
Qty	item	price cedar		Total
12	1x6x8'	40.00		480.00
8	2x4x8'	52.00		416.00
	1 box/nails 6D finish	1.48		1.48
1	box deckscrews #2 prem	7.46		7.46
1	box 3 prem deckscrews	7.46		7.46
3	5/16 dowel pin	.89		2.67
1	1-1/4x3' hardwood dowel	.37		.37
2	gallon deck stain	24.98		49.96
			Total =	965.40
			Tax	72.41
			Grand Total cedar (clear) wood plus tax =	1,037.81

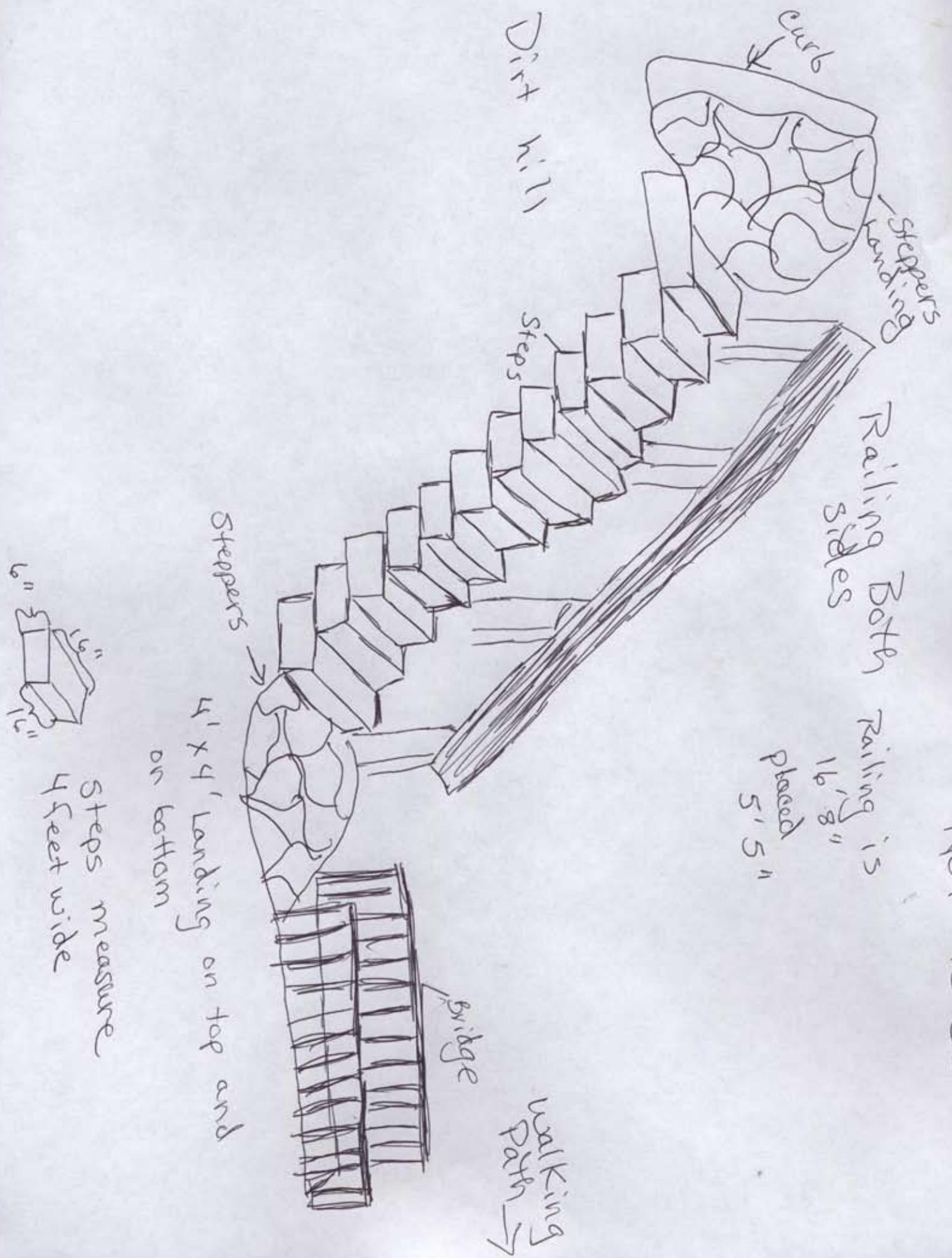
		Steps		
Qty	item description	Cost		Total
48	diamond step block	10.70		513.60
6	diamond split	6.00		36.00
3	shipping bag	16.00		48.00
3	loading bags	33.00		99.00
1.5 tons	buff class 2 under step	23.15		34.73
2 tons 3/4	clear buff Lime stone	30.00		60.00
1.50 (Approx 1.5" to 3" thickness walk way)	Fond Du Lac Steppers	332.00		498.00
2	refundable pallet	16.00		32.00
1	delivery charge	160.00		160.00
1	roll landscape fabric 6'x100'	51.00		51.00
4	tubes of glue	9.00		36.00
	Tax			114.10
	Grand Total			1,682.42

		Bridge Replacement		
Qty	Item Description	Price Treated		Total
6	2x2- 8 treated wood	2.97		17.82
1	gallon stain	24.98		24.98
	Tax			3.21
	Grand Total for bridge			46.01

		Railing		
Qty	item description	price treated	amount	total
1	2x6 - 18'	8.97	2	17.58
2	4x4 - 8'	6.78	8	27.12
3	premix concrete	2.65	56 (7 pre-post)	148.40
	Tax			6.95
	Grand Total for treated wood			99.51

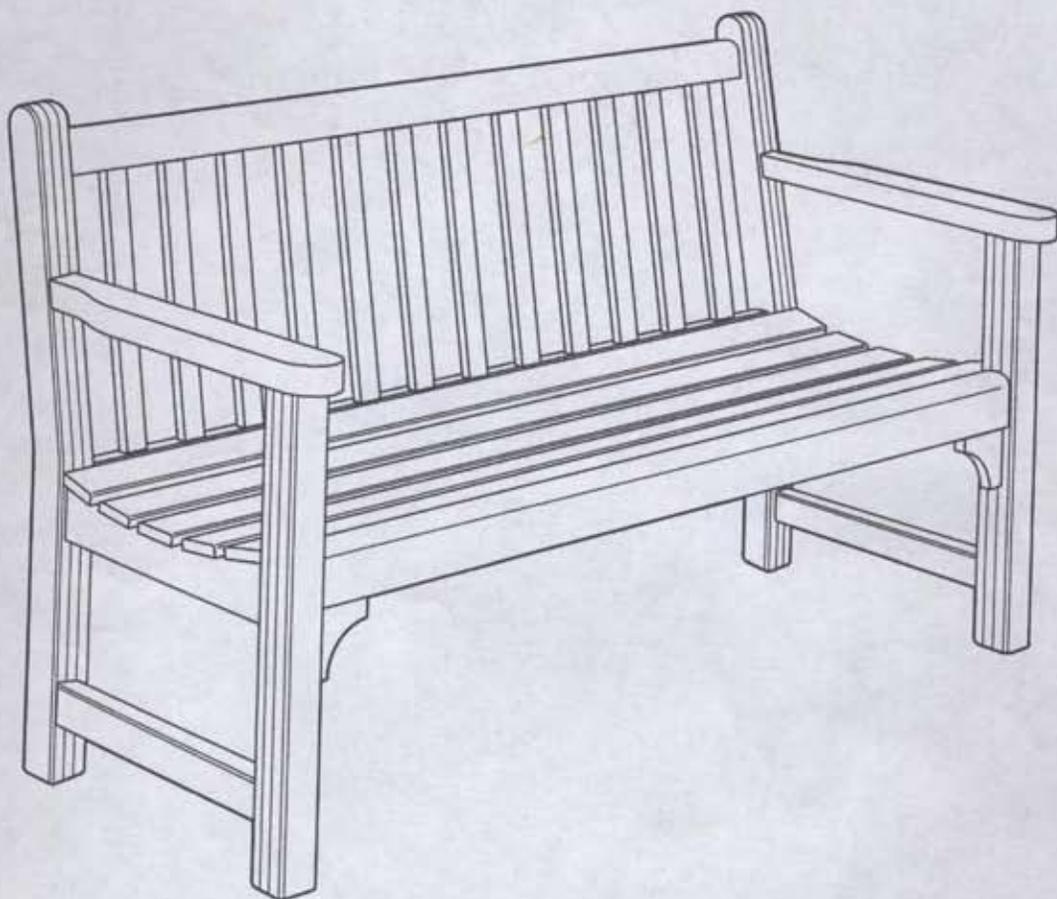
The first Estimate was for treated wood, this estimate is for clear wood (non-treated)

NOT TO SCALE



Thompson's WaterSeal

WOODWORKS: INTERMEDIATE PROJECT 2005-2006 GARDEN BENCH



Traditionally made of teak, these benches have long graced English parks and gardens, aging gracefully through years of use and weather. This version is made of cedar, but you could also use white oak, redwood or cypress. Whatever wood you use, it's a good idea to finish your bench with a waterproofer. This project uses traditional mortise-and-tenon construction for extra durability. Normally, you might avoid this type of joinery in favor of easier methods, such as dowels or even drywall screws, but the superior strength of a mortise-and-tenon joint will ensure long-term sturdiness and is consistent with the bench's classic design. This project is perfect for learning this joint because cedar compresses easily, so it will fit together even if it's not perfectly cut.

Other skills you will learn are face-gluing and making dowelled joints. Face-gluing the boards that make up this bench's legs isn't difficult; just follow the instructions. Dowelling requires care and patience more than anything else. And after it's assembled, you'll learn more about applying and using finishes to enhance the wood's natural beauty and ensure that it's well-protected.

From: Debra Kind <dkind100@gmail.com>
Subject: **Eagle Scout Project**
Date: May 6, 2011 9:53:41 AM CDT
To: Theresa Haines <haines7theresa@hotmail.com>

Terrance --

Congratulations on the creation of a worthwhile and ambitious Eagle Scout project at the Southshore Center.

The Greenwood City Council would need to approve any financial contribution to your project. Our council meets once a month and we already have held our May meeting. If you are interested in presenting your project at our June 7 council meeting (7 PM), I would be willing to put you on the agenda. Let me know.

In his book THE LAST LECTURE, author Randy Pausch said, "Becoming an Eagle Scout is just about the only thing you can put on your resume at age fifty that you did in your teens -- and it still impresses." My husband is an Eagle Scout. So I know you will be among impressive company.

I wish you all the best as you work towards this important goal.

Debra J. Kind
Mayor, City of Greenwood
612.718.6753
dkind100@gmail.com
www.greenwoodmn.com



Agenda Number	4B
Agenda Date	06-07-11

Agenda Item	City Engineer Dave Martini
Summary	<p>The following is a brief summary of this agenda item:</p> <p>City Engineer Dave Martini will report on ...</p> <ul style="list-style-type: none"> a. <u>2011 Sewer Project Bids</u> The 2011 sewer project was put out for official bids. Dave will present the results of the bids at the June council meeting. The council needs to approve one bid. The total cost of this project is anticipated to be approximately \$96,000. The city has been awarded a \$48,000 Inflow & Infiltration Grant from the Met Council to cover half of the costs of the project. The remaining costs will come from the city's sewer fund. b. <u>Street Sweeping Test Results</u> The April 2011 street sweeping samples were sent to Pace Analytical for testing. The report is in the council packet. A copy of the \$735 invoice also is included in the packet. The city is participating in a Minnehaha Creek Watershed District study. So the report was sent directly to Aldis Kurmis at the watershed. The watershed will be reimbursing the city for the cost of the testing. Dave will present the results of the testing and answer council questions at the June council meeting. No council action is needed at this time. c. <u>Estimate for Survey and Analysis of Meadville Drainage Issue</u> At the May 2011 meeting the council directed Dave to put together an estimate for the cost of a survey and analysis of the Meadville drainage issue. Dave will present the estimate at the June council meeting. The council needs to determine whether to proceed with the survey and analysis and where funds will come. Note: The current stormwater fund balance is \$9,973.
Council Action	<p>Suggested Motions:</p> <ul style="list-style-type: none"> (a) I move the council approves the \$_____ bid from _____ (company) for the 2011 city sewer project and directs that the costs be paid from the sewer fund. (b) No council action needed. (c) I move the council approves the \$_____ estimate from Bolton & Menk for a survey and analysis of the Meadville Street drainage issue and directs that the costs be paid from the stormwater fund.



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

June 1, 2011

City of Greenwood
Attn: Bob Quam
20225 Cottagewood Road
Deephaven, MN 55331

RE: 2011 Sanitary Sewer Rehabilitation Project

Dear Mr. Quam:

Enclosed is the bid abstract for the 2011 Sanitary Sewer Rehabilitation Project. The following bids were received:

Infratech	\$166,184.88
Minger Construction	\$180,162.60

The low bid was submitted by Infratech in the amount of \$166,184.88. As you recall, the City has been awarded a grant from Met Council in the amount of \$48,384 to cover a portion of the project costs. However, because the low bid is significantly higher than the engineer's estimate of \$96,768, we are reviewing the bids to determine what measures can be taken to reduce the cost of the project.

I will be at the City Council meeting on June 7th to discuss the bids and provide the Council with recommendations for awarding the project. Please let me know if you have questions before then or if you need additional information.

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer

ABSTRACT OF BIDS
 2011 SANITARY SEWER REHABILITATION
 CITY OF GREENWOOD, MINNESOTA
 BMI PROJECT NO. C13.103379

ITEM NO.	BID ITEM	1		2			
		APPROX. QUAN.	UNIT	INFRA TECH Rogers, MN UNIT PRICE	AMOUNT	MINGER CONSTRUCTION Chanhassen, MN UNIT PRICE	AMOUNT
1	MOBILIZATION	1	LS	\$25,000.00		\$21,225.00	\$21,225.00
2	SEWER CLEANING, INCLUDING TREE ROOTS AND MINERAL DEPOSITS	2,474	LF	\$2.12		\$2.40	\$5,937.60
3	CHEMICAL GROUT SEALING OF JOINT OR CRACK	12	EA	\$625.00		\$705.00	\$8,460.00
4	LATERAL SERVICE CONNECTION SEALING AND RE-ESTABLISHMENT OF FLOW	4	EA	\$720.00		\$810.00	\$3,240.00
5	SHORT-SECTION LINER - UP TO 4' LENGTH	6	EA	\$1,740.00		\$1,960.00	\$11,760.00
6	ADDITIONAL LENGTH SHORT-SECTION LINER OVER 4'	24	LF	\$120.00		\$135.00	\$3,240.00
7	EXCAVATION AND SEWER POINT REPAIR - 6' DEPTH	1	EA	\$6,960.00		\$18,075.00	\$18,075.00
8	EXCAVATION AND SEWER POINT REPAIR - 10'-12' DEPTH	1	EA	\$6,960.00		\$7,000.00	\$7,000.00
9	EXCAVATION AND SEWER POINT REPAIR - 12'-14' DEPTH	3	EA	\$6,960.00		\$9,000.00	\$27,000.00
10	SEAL MANHOLE JOINT	11	EA	\$800.00		\$900.00	\$9,900.00
11	SEAL PIPE CONNECTIONS TO MANHOLE	14	EA	\$500.00		\$560.00	\$7,840.00
12	PLACE CONCRETE LINER IN MANHOLE	31	LF	\$220.00		\$250.00	\$7,750.00
13	REPAIR / RECONSTRUCT MANHOLE BOTTOM AND INVERT	7	EA	\$650.00		\$730.00	\$5,110.00
14	RECONSTRUCT MANHOLE ADJUSTING RINGS AND INSTALL EXTERNAL CHIMNEY SEAL INCLUDES BITUMINOUS STREET PATCHING	16	EA	\$1,322.00		\$840.00	\$13,440.00
15	RECONSTRUCT MANHOLE ADJUSTING RINGS AND INSTALL INTERNAL CHIMNEY SEAL INCLUDES BITUMINOUS STREET PATCHING	1	EA	\$1,322.00		\$960.00	\$960.00
16	REPLACE MANHOLE COVER WITH WATERTIGHT COVER	5	EA	\$138.00		\$290.00	\$1,450.00
17	BITUMINOUS STREET RESTORATION FOR SEWER POINT REPAIR AREAS	300	SY	\$78.22		\$97.50	\$28,250.00
18	SOD	200	SY	\$15.95		\$5.65	\$1,130.00
19	SILT FENCE	50	LF	\$9.00		\$7.90	\$395.00
				TOTAL BID:	\$166,184.88		\$180,162.60



INVOICE

Pace Analytical Services, Inc.
 1700 Elm Street, Suite 200
 Minneapolis, MN 55414
 Phone: (612)607-1700

Invoice Number: 111160938
Date: 05/02/2011
Total Amount Due: \$735.00

Sold To:

Gus Karpas
 City of Greenwood
 20225 Cottagewood Drive
 Deephaven, MN 55331

New Remittance Address

Please ensure that payments are now mailed to:

Pace Analytical Services, Inc.
 P.O. Box 684056
 Chicago, IL 60695-4056

Client Number/Client ID	Purchase Order No	Pace Project Mgr	Terms	Page
10-110639 / Minnehaha		Diane J. Anderson	Net 30 Days**	1

Client Project: Street Sweepings
Pace Project No: 10154369
Report Sent To: Mr. Aldis Kurmis, Minnehaha Creek Watershed Dist
Comments:

Client Name: Minnehaha Creek Watershed District
Sample Received: 4/13/2011

ANALYTICAL CHARGES

Quantity	Unit	Description	Method	Matrix	Price	Total
3	Ea	6010 ICP Metals	EPA 6010	Solid	\$40.00	\$120.00
3	Ea	EPA 8270 PAH by SIM Solid	EPA 8270 by SIM	Solid	\$75.00	\$225.00
3	Ea	Phosphorus		Solid	\$25.00	\$75.00
3	Ea	Specific Gravity/Bulk Density	ASTM D5057	Solid	\$15.00	\$45.00
3	Ea	Sub out- Grain Size		Solid	\$90.00	\$270.00
Analytical Subtotal						\$735.00

Total Number of Charges 15

Total Invoice Amount \$735.00

Samples Received for analysis:

Lab ID	Client Sample ID	Received
10154369001	1GNWD_(01-05)	4/13/2011 1:33:00
10154369002	2GNWD_(01-05)	4/13/2011 1:33:00
10154369003	3GNWD_(01-05)	4/13/2011 1:33:00

*If you have any questions or to pay by credit card, please contact Diane J. Anderson at Pace.
 Phone: 1(612)607-1700 Email: diane.anderson@pacelabs.com*

****1.5% MONTHLY FINANCE CHARGE ASSESSED AFTER 30 DAYS OR TERMS OF CONTRACT.
 PLEASE REFERENCE THE INVOICE NUMBER ON ALL REMITTANCE ADVICE.**

AN EQUAL OPPORTUNITY EMPLOYER

Please complete and return copy of invoice with your payment.

INVOICE TOTAL \$735.00

Amount Paid: \$ _____

Check No: _____

Customer No: 10-110639 Invoice No: 111160938

May 02, 2011

Mr. Aldis Kurmis
Minnehaha Creek Watershed Dist
18202 Minnetonka Boulevard
Deephaven, MN 55391

RE: Project: Street Sweepings
Pace Project No.: 10154369

Dear Mr. Kurmis:

Enclosed are the analytical results for sample(s) received by the laboratory on April 13, 2011. The results relate only to the samples included in this report. Results reported herein conform to the most current NELAC standards, where applicable, unless otherwise narrated in the body of the report.

If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Carolynne Trout

Carolynne Trout for
Diane J. Anderson
diane.anderson@pacelabs.com
Project Manager

Enclosures

REPORT OF LABORATORY ANALYSIS

Page 1 of 17

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CERTIFICATIONS

Project: Street Sweepings

Pace Project No.: 10154369

Minnesota Certification IDs

1700 Elm Street SE Suite 200, Minneapolis, MN 55414

A2LA Certification #: 2926.01

Alaska Certification #: UST-078

Alaska Certification #MN00064

Arizona Certification #: AZ-0014

Arkansas Certification #: 88-0680

California Certification #: 01155CA

EPA Region 8 Certification #: Pace

Florida/NELAP Certification #: E87605

Georgia Certification #: 959

Idaho Certification #: MN00064

Illinois Certification #: 200011

Iowa Certification #: 368

Kansas Certification #: E-10167

Louisiana Certification #: 03086

Louisiana Certification #: LA080009

Maine Certification #: 2007029

Maryland Certification #: 322

Michigan DEQ Certification #: 9909

Minnesota Certification #: 027-053-137

Mississippi Certification #: Pace

Montana Certification #: MT CERT0092

Nevada Certification #: MN_00064

Nebraska Certification #: Pace

New Jersey Certification #: MN-002

New Mexico Certification #: Pace

New York Certification #: 11647

North Carolina Certification #: 530

North Dakota Certification #: R-036

North Dakota Certification #: R-036A

Ohio VAP Certification #: CL101

Oklahoma Certification #: D9921

Oklahoma Certification #: 9507

Oregon Certification #: MN200001

Pennsylvania Certification #: 68-00563

Puerto Rico Certification

Tennessee Certification #: 02818

Texas Certification #: T104704192

Washington Certification #: C754

Wisconsin Certification #: 999407970

Green Bay Certification IDs

1241 Bellevue Street, Green Bay, WI 54302

California Certification #: 09268CA

Florida/NELAP Certification #: E87948

Illinois Certification #: 200050

Kentucky Certification #: 82

Louisiana Certification #: 04168

Minnesota Certification #: 055-999-334

New York Certification #: 11888

New York Certification #: 11888

North Carolina Certification #: 503

North Dakota Certification #: R-150

South Carolina Certification #: 83006001

US Dept of Agriculture #: S-76505

Wisconsin Certification #: 405132750

Wisconsin DATCP Certification #: 105-444

REPORT OF LABORATORY ANALYSIS

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SAMPLE SUMMARY

Project: Street Sweepings

Pace Project No.: 10154369

Lab ID	Sample ID	Matrix	Date Collected	Date Received
10154369001	1GNWD_(01-05)	Solid	04/11/11 00:00	04/13/11 13:33
10154369002	2GNWD_(01-05)	Solid	04/11/11 00:00	04/13/11 13:33
10154369003	3GNWD_(01-05)	Solid	04/11/11 00:00	04/13/11 13:33

REPORT OF LABORATORY ANALYSIS

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SAMPLE ANALYTE COUNT

Project: Street Sweepings

Pace Project No.: 10154369

Lab ID	Sample ID	Method	Analysts	Analytes Reported	Laboratory
10154369001	1GNWD_(01-05)	EPA 6010	IP	2	PASI-M
		% Moisture	JDL	1	PASI-M
		EPA 8270 by SIM	DRE	18	PASI-M
		ASTM D5057	PH1	1	PASI-M
		EPA 365.4	DAW	1	PASI-G
10154369002	2GNWD_(01-05)	EPA 6010	IP	2	PASI-M
		% Moisture	JDL	1	PASI-M
		EPA 8270 by SIM	DRE	18	PASI-M
		ASTM D5057	PH1	1	PASI-M
		EPA 365.4	DAW	1	PASI-G
10154369003	3GNWD_(01-05)	EPA 6010	IP	2	PASI-M
		% Moisture	JDL	1	PASI-M
		EPA 8270 by SIM	DRE	18	PASI-M
		ASTM D5057	PH1	1	PASI-M
		EPA 365.4	DAW	1	PASI-G

REPORT OF LABORATORY ANALYSIS

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ANALYTICAL RESULTS

Project: Street Sweepings
Pace Project No.: 10154369

Sample: 1GNWD_(01-05) Lab ID: 10154369001 Collected: 04/11/11 00:00 Received: 04/13/11 13:33 Matrix: Solid

Results reported on a "dry-weight" basis

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
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6010 MET ICP

Analytical Method: EPA 6010 Preparation Method: EPA 3050

Arsenic	3.8 mg/kg		0.47	1	04/20/11 18:46	04/21/11 15:54	7440-38-2	
Copper	11.8 mg/kg		0.47	1	04/20/11 18:46	04/21/11 15:54	7440-50-8	

Dry Weight

Analytical Method: % Moisture

Percent Moisture	6.2 %		0.10	1		04/18/11 00:00		
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8270 MSSV PAH by SIM

Analytical Method: EPA 8270 by SIM Preparation Method: EPA 3550

Acenaphthene	ND ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	83-32-9	
Acenaphthylene	109 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	208-96-8	M1
Anthracene	234 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	120-12-7	M1
Benzo(a)anthracene	611 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	56-55-3	M1
Benzo(a)pyrene	607 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	50-32-8	M1
Benzo(b)fluoranthene	946 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	205-99-2	M1
Benzo(g,h,i)perylene	478 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	191-24-2	M1
Benzo(k)fluoranthene	315 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	207-08-9	M1
Chrysene	739 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	218-01-9	M1
Dibenz(a,h)anthracene	123 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	53-70-3	M1
Fluoranthene	1530 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	206-44-0	M1
Fluorene	123 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	86-73-7	M1
Indeno(1,2,3-cd)pyrene	367 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	193-39-5	M1
Naphthalene	ND ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	91-20-3	
Phenanthrene	1120 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	85-01-8	M1
Pyrene	1170 ug/kg		53.1	1	04/18/11 10:01	04/19/11 04:59	129-00-0	M1
2-Fluorobiphenyl (S)	72 %		62-125	1	04/18/11 10:01	04/19/11 04:59	321-60-8	P3
Terphenyl-d14 (S)	70 %		57-125	1	04/18/11 10:01	04/19/11 04:59	1718-51-0	

Specific Gravity/Bulk Density

Analytical Method: ASTM D5057

Density	2.07 g/mL		0.010	1		04/20/11 00:00		
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365.4 Total Phosphorus

Analytical Method: EPA 365.4

Phosphorus	213 mg/kg		14.0	1		04/21/11 08:09	7723-14-0	
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Sample: 2GNWD_(01-05) Lab ID: 10154369002 Collected: 04/11/11 00:00 Received: 04/13/11 13:33 Matrix: Solid

Results reported on a "dry-weight" basis

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
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6010 MET ICP

Analytical Method: EPA 6010 Preparation Method: EPA 3050

Arsenic	6.3 mg/kg		0.40	1	04/20/11 18:46	04/21/11 16:11	7440-38-2	
Copper	14.4 mg/kg		0.40	1	04/20/11 18:46	04/21/11 16:11	7440-50-8	

Dry Weight

Analytical Method: % Moisture

Percent Moisture	12.3 %		0.10	1		04/18/11 00:00		
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ANALYTICAL RESULTS

Project: Street Sweepings

Pace Project No.: 10154369

Sample: 2GNWD_(01-05) **Lab ID:** 10154369002 Collected: 04/11/11 00:00 Received: 04/13/11 13:33 Matrix: Solid

Results reported on a "dry-weight" basis

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
8270 MSSV PAH by SIM Analytical Method: EPA 8270 by SIM Preparation Method: EPA 3550								
Acenaphthene	ND	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	83-32-9
Acenaphthylene	ND	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	208-96-8
Anthracene	147	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	120-12-7 M1
Benzo(a)anthracene	674	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	56-55-3 M1
Benzo(a)pyrene	806	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	50-32-8 M1
Benzo(b)fluoranthene	1420	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	205-99-2 M1
Benzo(g,h,i)perylene	883	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	191-24-2 M1
Benzo(k)fluoranthene	495	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	207-08-9 M1
Chrysene	1050	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	218-01-9 M1
Dibenz(a,h)anthracene	175	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	53-70-3 M1
Fluoranthene	1580	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	206-44-0 M1
Fluorene	ND	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	86-73-7 M1
Indeno(1,2,3-cd)pyrene	639	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	193-39-5 M1
Naphthalene	ND	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	91-20-3
Phenanthrene	661	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	85-01-8 M1
Pyrene	1440	ug/kg		114	1	04/18/11 11:44	04/21/11 00:39	129-00-0 M1
2-Fluorobiphenyl (S)	0 %		62-125	1	04/18/11 11:44	04/21/11 00:39	321-60-8	P3,S4
Terphenyl-d14 (S)	0 %		57-125	1	04/18/11 11:44	04/21/11 00:39	1718-51-0	S4

Specific Gravity/Bulk Density Analytical Method: ASTM D5057

Density **1.94** g/mL 0.010 1 04/20/11 00:00

365.4 Total Phosphorus Analytical Method: EPA 365.4

Phosphorus **332** mg/kg 16.0 1 04/21/11 08:10 7723-14-0

Sample: 3GNWD_(01-05) **Lab ID:** 10154369003 Collected: 04/11/11 00:00 Received: 04/13/11 13:33 Matrix: Solid

Results reported on a "dry-weight" basis

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
6010 MET ICP Analytical Method: EPA 6010 Preparation Method: EPA 3050								
Arsenic	4.8	mg/kg	0.45	1	04/20/11 18:46	04/21/11 16:17	7440-38-2	
Copper	7.5	mg/kg	0.45	1	04/20/11 18:46	04/21/11 16:17	7440-50-8	
Dry Weight Analytical Method: % Moisture								
Percent Moisture	5.9	%	0.10	1		04/18/11 00:00		
8270 MSSV PAH by SIM Analytical Method: EPA 8270 by SIM Preparation Method: EPA 3550								
Acenaphthene	454	ug/kg		106	1	04/18/11 11:44	04/21/11 01:39	83-32-9
Acenaphthylene	ND	ug/kg		106	1	04/18/11 11:44	04/21/11 01:39	208-96-8
Anthracene	1060	ug/kg		106	1	04/18/11 11:44	04/21/11 01:39	120-12-7
Benzo(a)anthracene	2930	ug/kg		106	1	04/18/11 11:44	04/21/11 01:39	56-55-3
Benzo(a)pyrene	3050	ug/kg		106	1	04/18/11 11:44	04/21/11 01:39	50-32-8
Benzo(b)fluoranthene	5000	ug/kg		1060	10	04/18/11 11:44	04/21/11 10:08	205-99-2

Date: 05/02/2011 02:40 PM

REPORT OF LABORATORY ANALYSIS

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ANALYTICAL RESULTS

Project: Street Sweepings

Pace Project No.: 10154369

Sample: 3GNWD_(01-05) **Lab ID:** 10154369003 Collected: 04/11/11 00:00 Received: 04/13/11 13:33 Matrix: Solid

Results reported on a "dry-weight" basis

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
8270 MSSV PAH by SIM		Analytical Method: EPA 8270 by SIM Preparation Method: EPA 3550						
Benzo(g,h,i)perylene	2110	ug/kg	106	1	04/18/11 11:44	04/21/11 01:39	191-24-2	
Benzo(k)fluoranthene	1500	ug/kg	106	1	04/18/11 11:44	04/21/11 01:39	207-08-9	
Chrysene	3440	ug/kg	106	1	04/18/11 11:44	04/21/11 01:39	218-01-9	
Dibenz(a,h)anthracene	529	ug/kg	106	1	04/18/11 11:44	04/21/11 01:39	53-70-3	
Fluoranthene	10500	ug/kg	1060	10	04/18/11 11:44	04/21/11 10:08	206-44-0	
Fluorene	568	ug/kg	106	1	04/18/11 11:44	04/21/11 01:39	86-73-7	
Indeno(1,2,3-cd)pyrene	1850	ug/kg	106	1	04/18/11 11:44	04/21/11 01:39	193-39-5	
Naphthalene	112	ug/kg	106	1	04/18/11 11:44	04/21/11 01:39	91-20-3	
Phenanthrene	6320	ug/kg	1060	10	04/18/11 11:44	04/21/11 10:08	85-01-8	
Pyrene	7980	ug/kg	1060	10	04/18/11 11:44	04/21/11 10:08	129-00-0	
2-Fluorobiphenyl (S)	0 %		62-125	1	04/18/11 11:44	04/21/11 01:39	321-60-8	P3,S4
Terphenyl-d14 (S)	0 %		57-125	1	04/18/11 11:44	04/21/11 01:39	1718-51-0	S4

Specific Gravity/Bulk Density Analytical Method: ASTM D5057

Density	2.00	g/mL	0.010	1		04/20/11 00:00		
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365.4 Total Phosphorus Analytical Method: EPA 365.4

Phosphorus	234	mg/kg	20.7	1		04/21/11 08:11	7723-14-0	
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QUALITY CONTROL DATA

Project: Street Sweepings
Pace Project No.: 10154369

QC Batch: MPRP/25570 Analysis Method: EPA 6010
QC Batch Method: EPA 3050 Analysis Description: 6010 MET
Associated Lab Samples: 10154369001, 10154369002, 10154369003

METHOD BLANK: 960397 Matrix: Solid
Associated Lab Samples: 10154369001, 10154369002, 10154369003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Arsenic	mg/kg	ND	0.45	04/21/11 15:45	
Copper	mg/kg	ND	0.45	04/21/11 15:45	

LABORATORY CONTROL SAMPLE: 960398

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Arsenic	mg/kg	43.9	39.6	90	80-120	
Copper	mg/kg	43.9	40.3	92	80-120	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 960399 960400

Parameter	Units	10154369001		MS		MSD		% Rec		Max		Qual
		Result	Spike Conc.	MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result	MS % Rec	MSD % Rec	Limits	RPD	
Arsenic	mg/kg	3.8	37	46.4	39.7	47.4	97	94	75-125	18	30	
Copper	mg/kg	11.8	37	46.4	48.6	53.4	99	90	75-125	10	30	

QUALITY CONTROL DATA

Project: Street Sweepings

Pace Project No.: 10154369

QC Batch: MPRP/25587

Analysis Method: % Moisture

QC Batch Method: % Moisture

Analysis Description: Dry Weight/Percent Moisture

Associated Lab Samples: 10154369001, 10154369002, 10154369003

SAMPLE DUPLICATE: 960676

Parameter	Units	10154600002 Result	Dup Result	RPD	Max RPD	Qualifiers
Percent Moisture	%	8.3	9.2	10	30	

SAMPLE DUPLICATE: 960809

Parameter	Units	10154371003 Result	Dup Result	RPD	Max RPD	Qualifiers
Percent Moisture	%	20.1	20.8	3	30	

QUALITY CONTROL DATA

Project: Street Sweepings
Pace Project No.: 10154369

QC Batch: OEXT/15304 Analysis Method: EPA 8270 by SIM
QC Batch Method: EPA 3550 Analysis Description: 8270 Soild PAH by SIM MSSV
Associated Lab Samples: 10154369001

METHOD BLANK: 960611 Matrix: Solid
Associated Lab Samples: 10154369001

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Acenaphthene	ug/kg	ND	10.0	04/19/11 02:20	
Acenaphthylene	ug/kg	ND	10.0	04/19/11 02:20	
Anthracene	ug/kg	ND	10.0	04/19/11 02:20	
Benzo(a)anthracene	ug/kg	ND	10.0	04/19/11 02:20	
Benzo(a)pyrene	ug/kg	ND	10.0	04/19/11 02:20	
Benzo(b)fluoranthene	ug/kg	ND	10.0	04/19/11 02:20	
Benzo(g,h,i)perylene	ug/kg	ND	10.0	04/19/11 02:20	
Benzo(k)fluoranthene	ug/kg	ND	10.0	04/19/11 02:20	
Chrysene	ug/kg	ND	10.0	04/19/11 02:20	
Dibenz(a,h)anthracene	ug/kg	ND	10.0	04/19/11 02:20	
Fluoranthene	ug/kg	ND	10.0	04/19/11 02:20	
Fluorene	ug/kg	ND	10.0	04/19/11 02:20	
Indeno(1,2,3-cd)pyrene	ug/kg	ND	10.0	04/19/11 02:20	
Naphthalene	ug/kg	ND	10.0	04/19/11 02:20	
Phenanthrene	ug/kg	ND	10.0	04/19/11 02:20	
Pyrene	ug/kg	ND	10.0	04/19/11 02:20	
2-Fluorobiphenyl (S)	%	80	62-125	04/19/11 02:20	
Terphenyl-d14 (S)	%	97	57-125	04/19/11 02:20	

LABORATORY CONTROL SAMPLE: 960612

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Acenaphthene	ug/kg	33.3	26.4	79	56-125	
Acenaphthylene	ug/kg	33.3	24.6	74	49-125	
Anthracene	ug/kg	33.3	26.2	79	49-125	
Benzo(a)anthracene	ug/kg	33.3	27.2	82	60-125	
Benzo(a)pyrene	ug/kg	33.3	28.0	84	58-125	
Benzo(b)fluoranthene	ug/kg	33.3	28.1	84	63-125	
Benzo(g,h,i)perylene	ug/kg	33.3	29.0	87	56-125	
Benzo(k)fluoranthene	ug/kg	33.3	30.8	93	56-127	
Chrysene	ug/kg	33.3	30.3	91	60-125	
Dibenz(a,h)anthracene	ug/kg	33.3	29.1	87	57-125	
Fluoranthene	ug/kg	33.3	27.7	83	58-125	
Fluorene	ug/kg	33.3	27.7	83	53-125	
Indeno(1,2,3-cd)pyrene	ug/kg	33.3	28.9	87	56-125	
Naphthalene	ug/kg	33.3	24.4	73	56-125	
Phenanthrene	ug/kg	33.3	27.0	81	53-125	
Pyrene	ug/kg	33.3	28.1	84	60-125	
2-Fluorobiphenyl (S)	%			80	62-125	
Terphenyl-d14 (S)	%			93	57-125	

Date: 05/02/2011 02:40 PM

REPORT OF LABORATORY ANALYSIS

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QUALITY CONTROL DATA

Project: Street Sweepings

Pace Project No.: 10154369

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 960866 960867												
Parameter	Units	MS		MSD		MS Result	MSD Result	MS % Rec	MSD % Rec	% Rec Limits	Max	
		10154369001 Result	Spike Conc.	Spike Conc.	MSD Result						RPD	RPD
Acenaphthene	ug/kg	ND	35.5	35.4	61.0	67.7	66	85	30-150	10	30	
Acenaphthylene	ug/kg	109	35.5	35.4	63.4	65.7	-127	-121	30-150	4	30	M1
Anthracene	ug/kg	234	35.5	35.4	145	138	-248	-269	30-150	5	30	M1
Benzo(a)anthracene	ug/kg	611	35.5	35.4	465	443	-412	-474	30-150	5	30	M1
Benzo(a)pyrene	ug/kg	607	35.5	35.4	499	487	-303	-340	30-150	3	30	M1
Benzo(b)fluoranthene	ug/kg	946	35.5	35.4	776	735	-479	-594	30-150	5	30	M1
Benzo(g,h,i)perylene	ug/kg	478	35.5	35.4	413	391	-184	-245	30-150	5	30	M1
Benzo(k)fluoranthene	ug/kg	315	35.5	35.4	256	273	-166	-118	30-150	6	30	M1
Chrysene	ug/kg	739	35.5	35.4	597	582	-400	-442	30-150	2	30	M1
Dibenz(a,h)anthracene	ug/kg	123	35.5	35.4	124	117	3	-16	30-150	5	30	M1
Fluoranthene	ug/kg	1530	35.5	35.4	1150	1140	-1060	-1080	30-150	.6	30	M1
Fluorene	ug/kg	123	35.5	35.4	77.2	83.7	-130	-112	30-150	8	30	M1
Indeno(1,2,3-cd)pyrene	ug/kg	367	35.5	35.4	316	309	-145	-166	30-150	2	30	M1
Naphthalene	ug/kg	ND	35.5	35.4	31.5J	28.4J	89	80	30-150		30	
Phenanthrene	ug/kg	1120	35.5	35.4	630	682	-1390	-1250	30-150	8	30	M1
Pyrene	ug/kg	1170	35.5	35.4	939	937	-658	-666	30-150	.2	30	M1
2-Fluorobiphenyl (S)	%						73	78	62-125			P3
Terphenyl-d14 (S)	%						69	73	57-125			

QUALITY CONTROL DATA

Project: Street Sweepings

Pace Project No.: 10154369

QC Batch: OEXT/15305

Analysis Method: EPA 8270 by SIM

QC Batch Method: EPA 3550

Analysis Description: 8270 Soild PAH by SIM MSSV

Associated Lab Samples: 10154369002, 10154369003

METHOD BLANK: 960710

Matrix: Solid

Associated Lab Samples: 10154369002, 10154369003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Acenaphthene	ug/kg	ND	10.0	04/20/11 23:59	
Acenaphthylene	ug/kg	ND	10.0	04/20/11 23:59	
Anthracene	ug/kg	ND	10.0	04/20/11 23:59	
Benzo(a)anthracene	ug/kg	ND	10.0	04/20/11 23:59	
Benzo(a)pyrene	ug/kg	ND	10.0	04/20/11 23:59	
Benzo(b)fluoranthene	ug/kg	ND	10.0	04/20/11 23:59	
Benzo(g,h,i)perylene	ug/kg	ND	10.0	04/20/11 23:59	
Benzo(k)fluoranthene	ug/kg	ND	10.0	04/20/11 23:59	
Chrysene	ug/kg	ND	10.0	04/20/11 23:59	
Dibenz(a,h)anthracene	ug/kg	ND	10.0	04/20/11 23:59	
Fluoranthene	ug/kg	ND	10.0	04/20/11 23:59	
Fluorene	ug/kg	ND	10.0	04/20/11 23:59	
Indeno(1,2,3-cd)pyrene	ug/kg	ND	10.0	04/20/11 23:59	
Naphthalene	ug/kg	ND	10.0	04/20/11 23:59	
Phenanthrene	ug/kg	ND	10.0	04/20/11 23:59	
Pyrene	ug/kg	ND	10.0	04/20/11 23:59	
2-Fluorobiphenyl (S)	%	79	62-125	04/20/11 23:59	
Terphenyl-d14 (S)	%	89	57-125	04/20/11 23:59	

LABORATORY CONTROL SAMPLE: 960711

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Acenaphthene	ug/kg	33.3	23.3	70	56-125	
Acenaphthylene	ug/kg	33.3	23.9	72	49-125	
Anthracene	ug/kg	33.3	24.7	74	49-125	
Benzo(a)anthracene	ug/kg	33.3	26.5	79	60-125	
Benzo(a)pyrene	ug/kg	33.3	27.6	83	58-125	
Benzo(b)fluoranthene	ug/kg	33.3	27.9	84	63-125	
Benzo(g,h,i)perylene	ug/kg	33.3	26.3	79	56-125	
Benzo(k)fluoranthene	ug/kg	33.3	26.4	79	56-127	
Chrysene	ug/kg	33.3	26.0	78	60-125	
Dibenz(a,h)anthracene	ug/kg	33.3	26.3	79	57-125	
Fluoranthene	ug/kg	33.3	27.1	81	58-125	
Fluorene	ug/kg	33.3	24.1	72	53-125	
Indeno(1,2,3-cd)pyrene	ug/kg	33.3	26.6	80	56-125	
Naphthalene	ug/kg	33.3	22.0	66	56-125	
Phenanthrene	ug/kg	33.3	24.5	73	53-125	
Pyrene	ug/kg	33.3	26.9	81	60-125	
2-Fluorobiphenyl (S)	%			72	62-125	
Terphenyl-d14 (S)	%			85	57-125	

QUALITY CONTROL DATA

Project: Street Sweepings

Pace Project No.: 10154369

Parameter	Units	10154369002		MS		MSD		MS		MSD		% Rec	% Rec	Limits	RPD	Max	RPD	Qual
		Result	Conc.	Spike	Conc.	Result	Conc.	Result	Conc.	Result	Conc.							
Acenaphthene	ug/kg	ND	38	37.8	46.1J	46.2J	121	122	30-150		30							
Acenaphthylene	ug/kg	ND	38	37.8	45.9J	40.9J	121	108	30-150		30							
Anthracene	ug/kg	147	38	37.8	104J	107J	-115	-107	30-150	14	30 M1							
Benzo(a)anthracene	ug/kg	674	38	37.8	448	513	-596	-426	30-150	13	30 M1							
Benzo(a)pyrene	ug/kg	806	38	37.8	576	656	-606	-398	30-150	19	30 M1							
Benzo(b)fluoranthene	ug/kg	1420	38	37.8	994	1200	-1130	-575	30-150	.8	30 M1							
Benzo(g,h,i)perylene	ug/kg	883	38	37.8	662	667	-584	-571	30-150	12	30 M1							
Benzo(k)fluoranthene	ug/kg	495	38	37.8	390	346	-278	-394	30-150	10	30 M1							
Chrysene	ug/kg	1050	38	37.8	796	878	-668	-452	30-150	5	30 M1							
Dibenz(a,h)anthracene	ug/kg	175	38	37.8	150	158	-66	-45	30-150	3	30 M1							
Fluoranthene	ug/kg	1580	38	37.8	1030	1070	-1440	-1360	30-150	8	30 M1							
Fluorene	ug/kg	ND	38	37.8	62.7J	61.2J	165	162	30-150		30 M1							
Indeno(1,2,3-cd)pyrene	ug/kg	639	38	37.8	470	510	-445	-340	30-150	5	30 M1							
Naphthalene	ug/kg	ND	38	37.8	29J	26.9J	76	71	30-150		30							
Phenanthrene	ug/kg	661	38	37.8	416	438	-645	-587	30-150	5	30 M1							
Pyrene	ug/kg	1440	38	37.8	999	1050	-1150	-1020	30-150	5	30 M1							
2-Fluorobiphenyl (S)	%						0	0	62-125									P3, S0, S4
Terphenyl-d14 (S)	%						0	0	57-125									S0, S4

QUALITY CONTROL DATA

Project: Street Sweepings

Pace Project No.: 10154369

QC Batch: WET/22037

Analysis Method: ASTM D5057

QC Batch Method: ASTM D5057

Analysis Description: Spec.Gravity/Bulk Density,ASTM D5057

Associated Lab Samples: 10154369001, 10154369002, 10154369003

SAMPLE DUPLICATE: 961222

Parameter	Units	10154369002 Result	Dup Result	RPD	Max RPD	Qualifiers
Density	g/mL	1.94	1.92	1	20	

SAMPLE DUPLICATE: 961223

Parameter	Units	10154369003 Result	Dup Result	RPD	Max RPD	Qualifiers
Density	g/mL	2.00	2.03	1	20	

QUALITY CONTROL DATA

Project: Street Sweepings
Pace Project No.: 10154369

QC Batch: WETA/8737 Analysis Method: EPA 365.4
QC Batch Method: EPA 365.4 Analysis Description: 365.4 Total Phosphorus
Associated Lab Samples: 10154369001, 10154369002, 10154369003

METHOD BLANK: 439007 Matrix: Solid
Associated Lab Samples: 10154369001, 10154369002, 10154369003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Phosphorus	mg/kg	ND	40.0	04/21/11 07:59	

LABORATORY CONTROL SAMPLE: 439008

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Phosphorus	mg/kg	500	502	100	80-120	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 439009 439010

Parameter	Units	10154371002		MS	MSD	MS	MSD	MS	MSD	% Rec	Max	Qual
		Result	Conc.	Spike Conc.	Spike Conc.	Result	Result	% Rec	% Rec	Limits	RPD	
Phosphorus	mg/kg	559	234	234	576	2330	8	759	80-120	121	20	M3, R2

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 439011 439012

Parameter	Units	4044513002		MS	MSD	MS	MSD	MS	MSD	% Rec	Max	Qual
		Result	Conc.	Spike Conc.	Spike Conc.	Result	Result	% Rec	% Rec	Limits	RPD	
Phosphorus	mg/kg	2420 % (w/w)	400	400	2580	2680	38	64	80-120	4	20	P6

QUALIFIERS

Project: Street Sweepings

Pace Project No.: 10154369

DEFINITIONS

DF - Dilution Factor, if reported, represents the factor applied to the reported data due to changes in sample preparation, dilution of the sample aliquot, or moisture content.

ND - Not Detected at or above adjusted reporting limit.

J - Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit.

MDL - Adjusted Method Detection Limit.

S - Surrogate

1,2-Diphenylhydrazine (8270 listed analyte) decomposes to Azobenzene.

Consistent with EPA guidelines, unrounded data are displayed and have been used to calculate % recovery and RPD values.

LCS(D) - Laboratory Control Sample (Duplicate)

MS(D) - Matrix Spike (Duplicate)

DUP - Sample Duplicate

RPD - Relative Percent Difference

NC - Not Calculable.

SG - Silica Gel - Clean-Up

U - Indicates the compound was analyzed for, but not detected.

N-Nitrosodiphenylamine decomposes and cannot be separated from Diphenylamine using Method 8270. The result reported for each analyte is a combined concentration.

Pace Analytical is NELAP accredited. Contact your Pace PM for the current list of accredited analytes.

LABORATORIES

PASI-G Pace Analytical Services - Green Bay

PASI-M Pace Analytical Services - Minneapolis

ANALYTE QUALIFIERS

- M1 Matrix spike recovery exceeded QC limits. Batch accepted based on laboratory control sample (LCS) recovery.
- M3 Matrix spike recovery was outside laboratory control limits due to matrix interferences.
- P3 Sample extract could not be concentrated to the routine final volume, resulting in elevated reporting limits.
- P6 Matrix spike recovery was outside laboratory control limits due to a parent sample concentration notably higher than the spike level.
- R2 RPD value was outside control limits due to matrix interference
- S0 Surrogate recovery outside laboratory control limits.
- S4 Surrogate recovery not evaluated against control limits due to sample dilution.

QUALITY CONTROL DATA CROSS REFERENCE TABLE

Project: Street Sweepings

Pace Project No.: 10154369

Lab ID	Sample ID	QC Batch Method	QC Batch	Analytical Method	Analytical Batch
10154369001	1GNWD_(01-05)	EPA 3050	MPRP/25570	EPA 6010	ICP/10984
10154369002	2GNWD_(01-05)	EPA 3050	MPRP/25570	EPA 6010	ICP/10984
10154369003	3GNWD_(01-05)	EPA 3050	MPRP/25570	EPA 6010	ICP/10984
10154369001	1GNWD_(01-05)	% Moisture	MPRP/25587		
10154369002	2GNWD_(01-05)	% Moisture	MPRP/25587		
10154369003	3GNWD_(01-05)	% Moisture	MPRP/25587		
10154369001	1GNWD_(01-05)	EPA 3550	OEXT/15304	EPA 8270 by SIM	MSSV/6500
10154369002	2GNWD_(01-05)	EPA 3550	OEXT/15305	EPA 8270 by SIM	MSSV/6515
10154369003	3GNWD_(01-05)	EPA 3550	OEXT/15305	EPA 8270 by SIM	MSSV/6515
10154369001	1GNWD_(01-05)	ASTM D5057	WET/22037		
10154369002	2GNWD_(01-05)	ASTM D5057	WET/22037		
10154369003	3GNWD_(01-05)	ASTM D5057	WET/22037		
10154369001	1GNWD_(01-05)	EPA 365.4	WETA/8737		
10154369002	2GNWD_(01-05)	EPA 365.4	WETA/8737		
10154369003	3GNWD_(01-05)	EPA 365.4	WETA/8737		

Report Number
11-115-2212



13611 "B" Street • Omaha, Nebraska 68144-3693 • (402) 334-7770 • FAX (402) 334-9121
www.midwestlabs.com

Mail to:
PACE ANALYTICAL
MICHELLE KRUSE
1700 ELM ST STE 200
MINNEAPOLIS MN 55414-

REPORT OF ANALYSIS

For: (11705) PACE ANALYTICAL
(612)607-6378

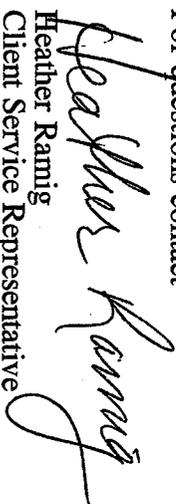
PO/Proj. #: 10154369
10154369001

Date Reported: 04/26/11
Date Received: 04/19/11
Date Sampled: 04/11/11

Lab number: 1838871 Sample ID: 1GNWD (01-05)

Analysis	Level Found	Units	Detection Limit	Method	Analyst-Date	Verified-Date
Grain Size-Complete	see attached			ASTM D422	mjs-04/25	mjs-04/25

For questions contact


Heather Ramig
Client Service Representative
heather@midwestlabs.com (402)829-9891

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Particle Size Distribution Report

Project: 10154369 STREET SWEEPINGS

Report No.: 11-115-2212

Client: PACE ANALYTICAL

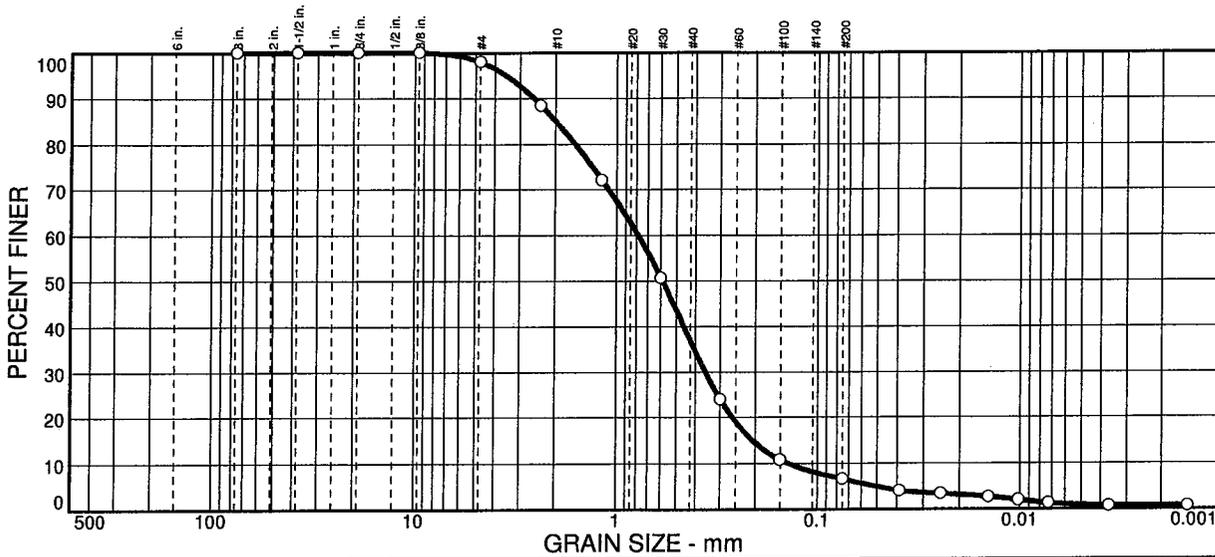
Sample No: 1838871

Source of Sample:

Date: 04/11/2011

Location: 1GNWD_(01-05)

Elev./Depth:



% COBBLES	% GRAVEL		% SAND			% FINES	
	CRS.	FINE	CRS.	MEDIUM	FINE	SILT	CLAY
0.0	0.0	2.0	13.0	48.2	30.1	5.8	0.9

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
3 in.	100.0		
1.5 in.	100.0		
.75 in.	100.0		
.375 in.	100.0		
#4	98.0		
#8	88.4		
#16	72.1		
#30	50.7		
#50	24.0		
#100	10.8		
#200	6.7		

<u>Soil Description</u>		
<p>PL=</p> <p>D₈₅= 2.00</p> <p>D₃₀= 0.357</p> <p>C_u= 5.69</p> <p>USCS=</p>	<p><u>Atterberg Limits</u></p> <p>LL=</p> <p><u>Coefficients</u></p> <p>D₆₀= 0.782</p> <p>D₁₅= 0.206</p> <p>C_c= 1.19</p> <p><u>Classification</u></p> <p>AASHTO=</p> <p><u>Remarks</u></p>	<p>PI=</p> <p>D₅₀= 0.589</p> <p>D₁₀= 0.137</p>

* (no specification provided)

Figure

Report Number
11-115-2213



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Mail to:

PACE ANALYTICAL
MICHELLE KRUSE
1700 ELM ST STE 200
MINNEAPOLIS MN 55414-

REPORT OF ANALYSIS

For: (11705) PACE ANALYTICAL
(612)607-6378

PO/Proj. #: 10154369
10154369002

Date Reported: 04/26/11
Date Received: 04/19/11
Date Sampled: 04/11/11

Lab number: 1838872 Sample ID: 2GNWD (01-05)

Analysis	Level Found	Units	Detection Limit	Method	Analyst-Date	Verified-Date
Grain Size-Complete	see attached			ASTM D422	mjs-04/25	mjs-04/25

For questions contact


Heather Ramig
Client Service Representative
heather@midwestlabs.com (402)829-9891

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Particle Size Distribution Report

Project: 10154369 STREET SWEEPINGS

Report No.: 11-115-2213

Client: PACE ANALYTICAL

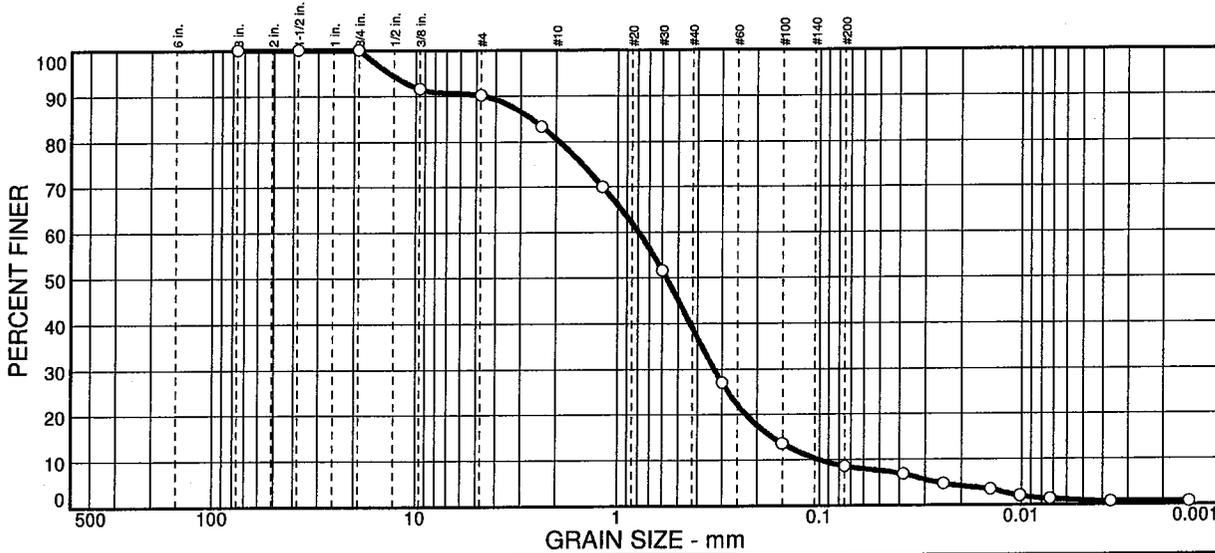
Sample No.: 1838872

Source of Sample:

Date: 04/11/2011

Location: 2GNWD_(01-05)

Elev./Depth:



Report Number
11-115-2214



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www.midwestlabs.com
REPORT OF ANALYSIS

For: (11705) PACE ANALYTICAL
(612)607-6378

PO/Proj. #: 10154369
10154369003

Date Reported: 04/26/11
Date Received: 04/19/11
Date Sampled: 04/11/11

Mail to:
PACE ANALYTICAL
MICHELLE KRUSE
1700 ELM ST STE 200
MINNEAPOLIS MN 55414-

Lab number: 1838873 Sample ID: 3GNWD (01-05)

Analysis	Level Found	Units	Detection Limit	Method	Analyst-Date	Verified-Date
Grain Size-Complete	see attached			ASTM D422	njs-04/25	njs-04/25

For questions contact

Heather Ramig
Heather Ramig
Client Service Representative
heather@midwestlabs.com (402)829-9891

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Particle Size Distribution Report

Project: 10154369 STREET SWEEPINGS

Report No.: 11-115-2214

Client: PACE ANALYTICAL

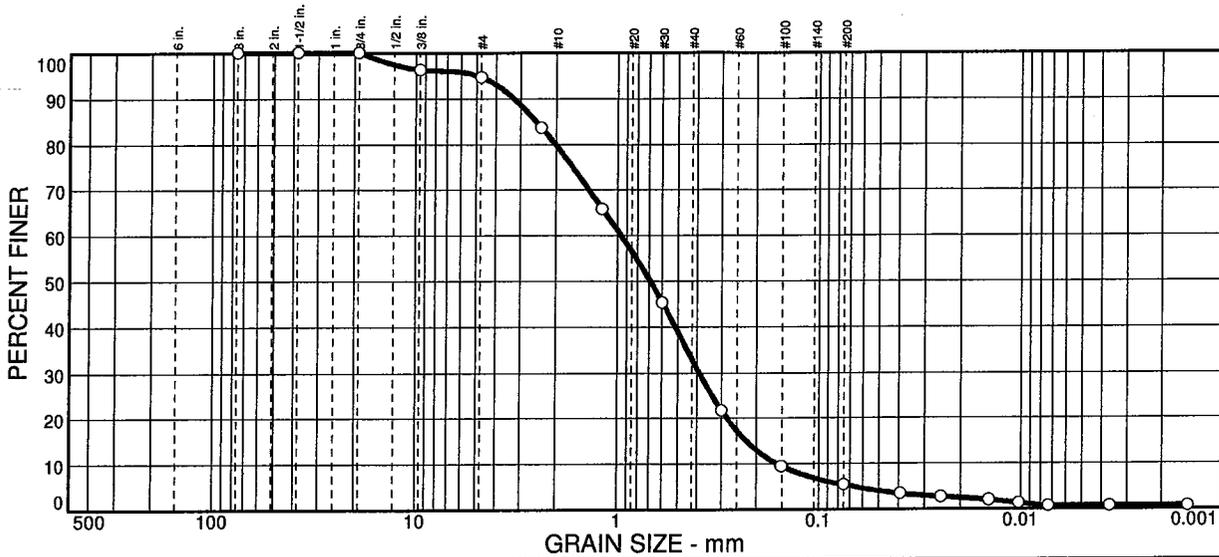
Sample No: 1838873

Source of Sample:

Date: 04/11/2011

Location: 3GNWD_(01-05)

Elev./Depth:



Particle Size Distribution Report

Project: 10154369 STREET SWEEPINGS

Report No.: 11-115-2214

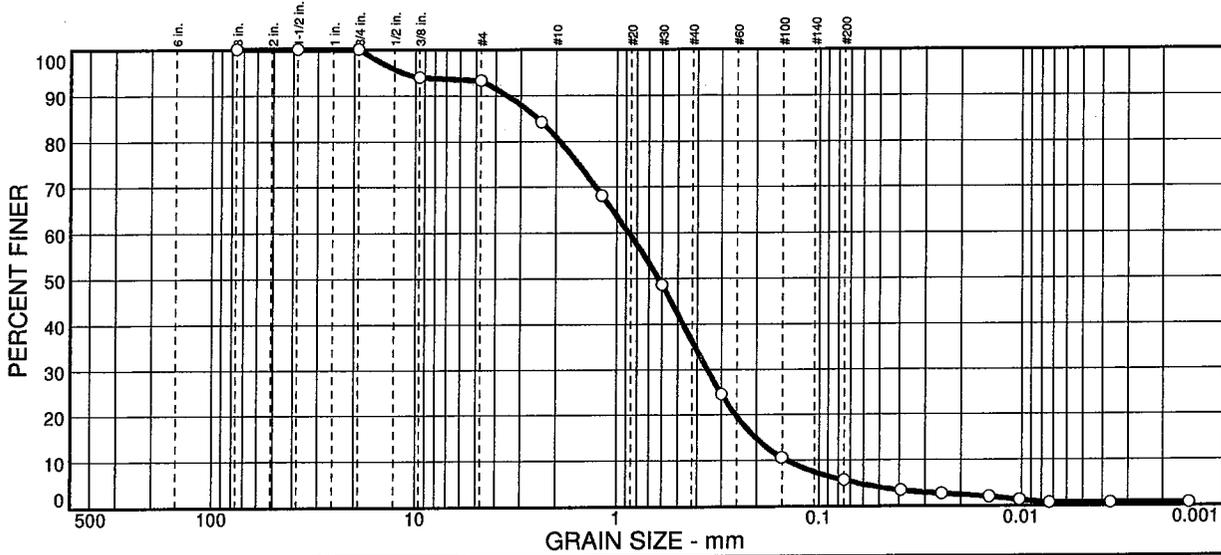
Client: PACE ANALYTICAL

Sample No: 1838873 DUP **Source of Sample:**

Date: 04/11/2011

Location: 3GNWD_(01-05) DUP

Elev./Depth:



% COBBLES	% GRAVEL		% SAND			% FINES	
	CRS.	FINE	CRS.	MEDIUM	FINE	SILT	CLAY
0.0	0.0	6.7	12.4	44.7	30.5	5.0	0.7

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
3 in.	100.0		
1.5 in.	100.0		
.75 in.	100.0		
.375 in.	93.9		
#4	93.3		
#8	84.1		
#16	68.1		
#30	48.5		
#50	24.5		
#100	10.6		
#200	5.7		

Soil Description

Atterberg Limits
 PL= LL= PI=

Coefficients
 D₈₅= 2.48 D₆₀= 0.873 D₅₀= 0.628
 D₃₀= 0.356 D₁₅= 0.201 D₁₀= 0.142
 C_u= 6.14 C_c= 1.02

Classification
 USCS= AASHTO=

Remarks

* (no specification provided)

Figure

Chain of Custody

04-19-11P12:14 RCVD

Pace Analytical
www.pacelabs.com

Workorder: 10154369 Workorder Name: Street Sweepings

Results Requested 4/26/2011

Report / Invoice To:
Diane J. Anderson
Pace Analytical Minnesota
1700 Elm Street
Suite 200
Minneapolis, MN 55414
Phone (612)607-1700
Email: diane.anderson@pacelabs.com

Subcontract To:

Mr. Duval 10154369

Item	Sample ID	Collect Date/Time	Lab ID	Matrix	Unpreserved	Preserved Containers	Comments
1	1GNWD_(01-05)	4/11/2011 00:00	10154369001	Solid	1		
2	2GNWD_(01-05)	4/11/2011 00:00	10154369002	Solid	1		
3	3GNWD_(01-05)	4/11/2011 00:00	10154369003	Solid	1		
4							
5							

Transfers	Released By	Date/Time	Received By	Date/Time
1	<i>[Signature]</i>			
2				
3				
4				
5				

Brain free air hydromer

LAB USE ONLY
1838871 1838872 1838873

1838871 - 1838873



Sample Condition Upon Receipt



Client Name: Minnehaha Creek

Project # 10154369

Courier: Fed Ex UPS USPS Client Commercial Pace Other _____

Tracking #: _____

Optional
Proj. Dir. Date
Proj. Name

Custody Seal on Cooler/Box Present: yes no Seals Intact: yes no

Packing Material: Bubble Wrap Bubble Bags None Other _____ Temp Blank: Yes _____ No

Thermometer Used 80344042 or 179425 Type of Ice: Wet Blue None Samples on ice, cooling process has begun

Cooler Temperature 17.8 Biological Tissue Is Frozen: Yes No

Date and Initials of person examining contents: 4-13-11 WJ

Temp should be above freezing to 6°C

Comments:

Chain of Custody Present:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	1.
Chain of Custody Filled Out:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	2. <u>Date & Time missing</u>
Chain of Custody Relinquished:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	3.
Sampler Name & Signature on COC:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	4. <u>Signature missing</u>
Samples Arrived within Hold Time:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	5.
Short Hold Time Analysis (<72hr):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	6.
Rush Turn Around Time Requested:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	7.
Sufficient Volume:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	8.
Correct Containers Used:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	9.
-Face Containers Used:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Containers Intact:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	10.
Filtered volume received for Dissolved tests	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	11.
Sample Labels match COC:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	12.
-Includes date/time/ID/Analysis Matrix: <u>SC</u>		
All containers needing acid/base preservation have been checked. Noncompliance are noted in 13.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	13.
All containers needing preservation are found to be in compliance with EPA recommendation.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Samp #
Exceptions: VOA, Coliform, TOC, Oil and Grease, WI-DRO (water)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Initial when completed
		Lot # of added preservative
Samples checked for dechlorination:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	14.
Headspace in VOA Vials (>6mm):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	15.
Trip Blank Present:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	16.
Trip Blank Custody Seals Present	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Pace Trip Blank Lot # (if purchased):		

Client Notification/ Resolution:

Field Data Required? Y / N

Person Contacted: Melissa Kivvanit Date/Time: 4-15-11

Comments/ Resolution: _____

collected 4-11-11
received on blue ice
run regardless of temp

Project Manager Review:

CMO

Date: 4-15-11

Note: Whenever there is a discrepancy affecting North Carolina compliance samples, a copy of this form will be sent to the North Carolina DENR, Inc. F-L213Rev.00, 05Aug2009 1700 Elm Street SE, Suite 200, Minneapolis, MN 55414



Agenda Number	6A
Agenda Date	06-07-11

Agenda Item	2nd Reading: Ordinance 194 Setting the March 1 to May 1 Load Limit at 5 Tons Per Axle on City Streets
Summary	<p>The following is a brief summary of this agenda item:</p> <p>If the city changes to a citywide March 1 to May 1 (seasonal) load limit on all streets, signs can be posted at the main entry points to the city instead of on each end of every street in the city. This will save the city the cost of installing signs and also reduce the cluttered appearance of signs on the city landscape. Currently the seasonal load limit is 5 tons per axle on Minnetonka Boulevard and Excelsior Boulevard, and 4 tons per axle on any other residential street. The city engineer has determined that 5 tons per axle is acceptable for all streets in the city. Attached is the proposed ordinance to make the change in the code book. The council approved the 1st reading of this ordinance at the May meeting.</p>
Council Action	<p>Suggested Motion:</p> <p>I move the council approves the 2nd reading of ordinance 194 setting the March 1 to May 1 load limit at 5 tons per axle on all city streets and directs the city clerk to post the appropriate signs at the city limits.</p>

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 730.00 TO SET THE
MARCH 1 TO MAY 1 LOAD LIMIT AT 5 TONS PER AXLE ON ALL CITY STREETS**

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

SECTION 1.

Greenwood ordinance code section 730.00, subd. 2 is amended to read as follows:

"Subd. 2. Signs. The city shall erect and maintain signs plainly indicating the prohibition or restriction set out in this section by placing signs at the main entry points to the city and at such other points as recommended by the city engineer."

SECTION 2.

Greenwood ordinance code section 730.00, subd. 4 is amended to read as follows:

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

SECTION 3.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number	7A
Agenda Date	06-07-11

Agenda Item	Consider: July 4th Fireworks Contribution
Summary	<p>The following is a brief summary of this agenda item:</p> <p>The South Lake - Excelsior Chamber of Commerce coordinates the July 4th fireworks in Excelsior. This community event draws people from the entire South Lake Minnetonka area. At the June meeting the council needs to authorize our annual contribution to the fireworks fund. The city's 2011 budget includes \$1200 for fireworks. The council could use the general fund contingency if a larger contribution is desired.</p> <p>For the council's reference:</p> <ul style="list-style-type: none"> • The total cost of the fireworks is approximately \$20,000. • The South Lake Minnetonka area includes Greenwood, Deephaven, Excelsior, Shorewood, and Tonka Bay. • Greenwood's population is approximately 5% of the 5 cities combined. 5% of \$20,000 equals \$1000. • Greenwood's tax capacity is 8.45% of the 5 cities combined. 8.45% of \$20,000 equals \$1690.
Council Action	<p>Suggested Motion:</p> <p>I move the council approves a \$_____ contribution to the South Lake - Excelsior Chamber of Commerce fireworks and directs that the cost be paid from the general fund.</p>



Agenda Number	7B
Agenda Date	06-07-11

Agenda Item	Consider: Ordinance Amendment Regarding Section 425.15(e) Municipal Dock Waiting List
Summary	<p>The following is a brief summary of this agenda item:</p> <p>In 2011 one space opened up at the municipal docks on St. Alban's Bay. The first 2 people on the waiting list declined to take the space and, per city ordinance, their names went to the bottom of the waiting list. Mike Brost is the 3rd person on the list. Mr. Brost is at the Courage Center recovering from brain surgery, so his wife Micheele declined to take the space on his behalf. Mrs. Brost would like the council to consider changing the ordinance to allow the Brosts to keep their spot at the top of the waiting list instead of moving to the bottom. Mrs. Brost will attend the June council meeting to present her case and answer council questions. A copy of the current ordinance is attached.</p> <p>Ideas for the council's consideration:</p> <ol style="list-style-type: none"> 1. Revise the ordinance to allow people to decline a space ONCE for MEDICAL REASONS ONLY. They must submit a letter from a medical doctor. If they decline a second time, their name goes to the bottom of the waiting list. 2. Revise the ordinance to allow ANYONE to decline a space ONCE (no reason necessary) and keep their position on the waiting list. If they decline a second time, their name goes to the bottom of the waiting list. This is what Deephaven does and according to city staff it works well. If the council chooses this option, the ordinance could be effective January 1, 2011 so the 3 names that went to the bottom in 2011 would move back to the top 3 positions. 3. Revise the ordinance to allow ANYONE to decline a space REPEATEDLY (no reason necessary) and move to position 5 on the waiting list after all slip spaces have been filled for the season. If more than one person declines, their names go to position 5, 6, 7, etc. If the council chooses this option, the ordinance could be effective January 1, 2011 so the 3 names that went to the bottom in 2011 would move to positions 5, 6 and 7 respectively. 4. Do nothing and enforce the current ordinance. 5. Other idea ???
Council Action	<p>Suggested Motion:</p> <p>I move the council directs the city clerk to draft an ordinance to revise section 425.15(e) of the Greenwood code to incorporate the ideas in paragraph #___ above and bring back to the council for a first reading at the July 5 council meeting.</p>

- (d) Open spaces assigned to past permittees who request relocation: After March 15 open spaces will be assigned to past permittees who request relocation on their application. Open spaces will be assigned based on seniority. Seniority is determined by the year the permittee was assigned a space.
- (e) Open spaces assigned to waiting list: The city clerk will offer remaining open spaces to the person(s) at the top of the waiting list in writing by mailing an application for "first time slip assignment." New permittees must complete the application requirements in section 425.25 by the deadline on the application (10 days from the date of mailing). Failure to meet the 10-day deadline shall be treated the same as if the space was declined. **If the person(s) at the top position on the waiting list declines to take a watercraft space, their name(s) shall go to the bottom of the waiting list,** and the offer will go to the next person(s) on the list. If more than one space opens up in a given year, a letter (A, B, C, etc.) is added to the year for seniority purposes. The letter corresponds to the order the new permittee's name appeared on the waiting list.
- (f) Adding or deleting names: A second name may be added or changed, as long as the second person resides at the same household. If either person moves from the city, their name shall be removed from the list. In the case of one person moving to another household in the city, the person staying at the original household shall keep the priority position on the list and the other person will go to the bottom of the appropriate waiting list. In the case of death, the priority position can only go to a second person if their name was on the list with the deceased. In other words, a child cannot move back into the home and take over the priority rights. No one under the age of 18 is allowed to be on a dock list or waiting list. All requests for name changes must be in writing and establish residency by including a photocopy of a Minnesota driver's license or Minnesota state identification card.

Section 425.20 Additional Provisions for the Meadville Sailboat Slips.

The city holds interest in various public right-of-way and other properties that abut public waters of Lake Minnetonka (apart from the St. Alban's Bay municipal dock site). The subdivisions set forth below state special conditions and provisions related to the identified lake access lots.

Subd. 2. Terms and Conditions. The use of that certain public access lying westerly of Meadville Street located between property tax ID parcels 261172332-0004 and 261172332-0011 (commonly called the Meadville sailboat slips) is subject to the following terms and conditions:

- (a) The city may offer watercraft permits for up to 2 watercraft.
- (b) Watercraft spaces shall be for sailboats only.
- (c) The city shall not be responsible for providing any docking facilities at this site.
- (d) Boatlifts supplied by the permittee may be used. The city may refuse permits for boatlifts because of size considerations. Any watercraft space permittee that desires to place a boatlift at this assigned site shall request preapproval from the city clerk.

Subd. 3. Meadville sailboat permits are not transferrable to the St. Alban's Bay municipal docks. Holders of a Meadville sailboat permit shall be entitled to renewal, but shall not obtain rights of priority to a permit at the St. Alban's municipal dock site on St. Alban's Bay. Nothing herein shall prevent the holder of a Meadville sailboat permit from being on the waiting list for a permit at the municipal dock site on St. Alban's Bay. In the event a Meadville sailboat permit holder is granted a permit for the municipal dock site on St. Alban's Bay, such person shall not also be entitled keep their Meadville sailboat permit.

Section 425.25. Application Requirements.

An applicant for a watercraft space permit must:

- (a) Complete the application form and pay the requisite non-refundable fee (set forth in chapter 5).
- (b) Establish residency by submitting a photocopy of a Minnesota driver's license or Minnesota state identification card to the city clerk. If 2 names are on the application, both must prove residency and live at the same residence.
- (c) Submit a photocopy of the watercraft title and registration card indicating that at least one of the applicants is the owner of the watercraft. Maximum of 2 names (both must reside at the same residence) may appear on the title and registration card.
- (d) Provide a complete description of the watercraft including make, model, length (maximum 23 ft.), beam (maximum of 8.5 ft.), and Minnesota Department of Natural Resources registration number. Note: Immediate past watercraft space permit holders whose watercraft identified on their 1997 watercraft space permit violates the size requirements of this paragraph shall not be denied renewal of the permit for non-conformance of the same watercraft.
- (e) Provide proof of current watercraft liability insurance in the name of at least one of the applicants.



Agenda Number	7C
Agenda Date	06-07-11

Agenda Item	Discuss: Completion of Exterior at 5560 Maple Heights Road
Summary	<p>The following is a brief summary of this agenda item:</p> <p>On January 4, 2011 the city council approved an ordinance based on a new state statute that allows cities to require the completion of the exterior of structures. A copy of the ordinance is attached.</p> <p>Two property owners in the city were sent letters stating that they must complete their exteriors within 180 days of the notification. One of the properties completed their exterior. The second property at 5560 Maple Heights Road still has an unfinished exterior. City records show the Maple Heights Road property was issued a building permit on June 17, 2003 and there has not been an inspection on the property since December 8, 2006. The city zoning administrator sent a letter to Jeffery Wirth on January 18, 2011 (see attached) stating that he needs to complete the exterior of his home by July 17, 2011.</p> <p>Mr. Wirth will attend the June council meeting to discuss this issue.</p>
Council Action	None required.

- 1) Secured a certificate from the building inspector that the building or structure meets the requirements of the building code, in which certificate the building inspector shall fix the time by which the moving shall be completed.
- 2) Secured the approval in writing of the owners of the land within a radius of 500 feet of the land upon which the building or structure is to be located.
- 3) Secured the approval of the city council to move the building or structure over city streets, the city council taking into consideration the width, type and condition of the streets to be traveled and the overhanging trees and utility lines on said streets, which may have to be cut or removed.
- 4) Agreed to and complied with all requirements of the building code regarding location of the building or structure on the land, construction of a new foundation, wiring, plumbing, and well; and agreed to and complied with any other applicable requirements of the building code and city ordinances.
- 5) Posted a cash bond in the sum to be fixed by the council, insuring payment for any damage to streets traveled and insuring compliance with the building code and the permit to be issued.

Section 300.25. Duration of Permit.

In addition to the expiration provisions of the SBC, every permit issued under this ordinance shall expire and become null and void one year after the date it is issued, unless the expiration date of the permit is extended by resolution of the city council.

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 60-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 and all reasonable attorney fees, staff expenses, and costs incurred by the city can be assessed to the subject property.

(SECTION 300.30 ADDED JANUARY 2011, ORD. 189)



5560 Maple Heights Road, 01-16-11

January 18, 2011

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

Dear Mr. Wirth,

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

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

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

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

Sincerely,

Gus Karpas
Zoning Coordinator

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



Agenda Number	7C
Agenda Date	06-07-11

Agenda Item	Consider: Resolution 14-11 Supporting Hennepin County Sheriff's New Regional 911 Emergency Communications Facility
Summary	<p>The following is a brief summary of this agenda item:</p> <p>Sheriff Stanek is asking the council to approve the attached resolution in support of a new 911 communications facility. A letter from Sheriff Stanek and a copy of the resolution are attached. Sheriff Stanek or a representative from the Sheriff's Office will attend the council meeting to answer council questions.</p> <p>Also attached are two emails from Chief Litsey regarding funding sources for the new facility. He is concerned that the cities could be assessed local user fees to fund the new system. His suggested wording change is incorporated in the attached resolution.</p>
Council Action	<p>Suggested Motions:</p> <ol style="list-style-type: none"> 1. I move the council approves resolution 14-11 supporting the Hennepin County Sheriff's new regional 911 emergency communications facility. 2. Do nothing.



RICHARD W. STANEK
HENNEPIN COUNTY SHERIFF

May 25, 2011

Dear Councilmembers:

I am writing to ask for your consideration of the attached ***Resolution in Support of the Sheriff's New 911 Communications Facility.***

The Hennepin County Sheriff's Office provides 911 emergency dispatch for 19 fire departments and 23 police agencies in thirty-six communities across Hennepin County, including your city. We are the largest consolidated public safety answering point in the upper Midwest, handling nearly 600,000 events each year.

Our existing communications facility, located in Golden Valley, is now over sixty years old and must be replaced in order to ensure continued 911 services and to accommodate future advancements in communications technology.

The new 911 communications facility will be located in Plymouth, adjacent to the Adult Correctional Facility at Parkers Lake, near County Road 6. Schematic design is well underway and we expect construction to begin in 2012 with a move-in date early 2014.

Because of the regional and statewide significance of this project, we are working with the county board to secure state and federal dollars to support this project.

Adoption of this resolution demonstrates local support for the project and helps secure these state and federal funds. State and federal funding for this project ultimately benefits Hennepin County taxpayers by decreasing the amount of property taxes necessary to fund this project.

As deadlines for submitting local government unit bonding proposals for the 2012 legislative session are just around the corner, I would appreciate your timely consideration of this request.

If you have any questions about this request, please feel free to contact me directly at 612.348.2347 or Sandra Westerman, Director of Intergovernmental Relations for the Sheriff's Office at 612.543.0694 Sandra.westerman@co.hennepin.mn.us.

Thank you for your consideration of this request. I look forward to our continued partnership to advance public safety in Hennepin County.

Sincerely,

Richard W. Stanek
Hennepin County Sheriff

**CITY OF GREENWOOD
RESOLUTION NO. 14-11**

**A RESOLUTION SUPPORTING HENNEPIN COUNTY SHERRIF'S
NEW REGIONAL 911 EMERGENCY COMMUNICATIONS FACILITY**

WHEREAS, the City of Greenwood values public safety as a core service of government; and

WHEREAS, reliable emergency communications is a critical component in the delivery of public safety; and

WHEREAS, the City of Greenwood receives police and fire dispatch service from the Hennepin County Sheriff's Office, with over 11,830 police dispatch events handled in 2010 for the South Lake Minnetonka Police Department; and

WHEREAS, the Hennepin County Sheriff's Office currently provides dispatch to 36 entities across Hennepin County from a 60 plus year-old building in Golden Valley scheduled to be replaced in 2012/2013 with a new facility on county-owned property in Plymouth, adjacent to the Adult Correctional Facility at Parkers Lake; and

WHEREAS, the new Hennepin County Sheriff's Office emergency communications facility is important to public safety.

NOW, THEREFORE, BE IT RESOLVED, that the City of Greenwood supports the construction of a new Hennepin County Sheriff's Office Regional 911 Communications Facility at no cost to the city and with the understanding that no fees will be assessed to the city to support ongoing operations of the new facility; and

BE IT FURTHER RESOLVED, that due to the regional nature of this project, the City of Greenwood encourages the Minnesota State Legislature and Federal Elected Officials to support this project through state bonding and state and federal grants.

ADOPTED by the city council of the City of Greenwood, Minnesota, this ___ day of _____, 2011.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

From: "Bryan Litsey" <blitsey@southlakepd.com>
Subject: **New Hennepin County Communications Facility**
Date: May 31, 2011 8:50:02 PM CDT
To: <nruehl@mchsi.com>, <chrislizee@gmail.com>, <dkind100@gmail.com>, <bill@labellebarin.com>
Cc: <kluger@ci.excelsior.mn.us>, <bheck@ci.shorewood.mn.us>, <guskarpas@mchsi.com>, <jkohlmann@cityoftonkabay.net>, <sgerber@excelsiorfire.org>, <PottsKatty@aol.com>, <Sandra.Westerman@co.hennepin.mn.us>, "Jeff Storms" <Jeff.Storms@co.hennepin.mn.us>

May 31, 2011

Coordinating Committee Members:

Re: Resolution in Support of New Hennepin County 911 Communications Facility

Fire Chief Scott Gerber and I plan to meet tomorrow to discuss the recent communication from the Hennepin County Sheriff's Office asking our respective member city councils to pass resolutions in support of a new Hennepin County Communications Facility.

Although there appears to be a compelling need for a new facility, I am concerned that no mention is made in the resolution and/or accompanying letter about continuing the current arrangement whereby no dispatch fees will be assessed to local users to help support the additional operating costs associated with a new facility. It is my understanding one of the ongoing funding sources being studied is instituting such a fee structure. This would obviously have significant financial implications to local municipalities. Although I have been told that the Sheriff's Office is not in favor of charging local users, it would be nice if they would go on record as part of this resolution opposing any change to the current dispatch arrangement. I have copied representatives of the Sheriff's Office so they can address this concern sooner rather than later.

Chief Bryan Litsey
South Lake Minnetonka Police Department
24150 Smithtown Road
Shorewood, Minnesota 55331
(952) 474-3261 General Number
(952) 960-1601 Direct Number

Proudly Serving Excelsior, Greenwood, Shorewood and Tonka Bay

From: "Bryan Litsey" <blitsey@southlakepd.com>
Subject: **New Hennepin County 911 Communications Facility**
Date: June 1, 2011 10:40:33 AM CDT
To: <nruehl@mchsi.com>, <chrislizze@gmail.com>, <dkind100@gmail.com>, <bill@labellebarin.com>
Cc: <kluger@ci.excelsior.mn.us>, <bheck@ci.shorewood.mn.us>, <guskarpas@mchsi.com>, <jkohlmann@cityoftonkabay.net>, <sgerber@excelsiorfire.org>, <PottsKatty@aol.com>, <Sandra.Westerman@co.hennepin.mn.us>, "Jeff Storms" <Jeff.Storms@co.hennepin.mn.us>, "Dave Pierson" <dpierson@southlakepd.com>, <sgerber@excelsiorfire.org>

June 1, 2011 - Wednesday

Re: Resolution in Support of New Hennepin County 911 Communications Facility

Coordinating Committee Members:

I had a voice mail message this morning from Inspector Kip Carver with the Hennepin County Sheriff's Office regarding my previous e-mail. I tried calling him back, but I received his voice mail. He wanted to reassure me this resolution only deals with the capital costs associated with constructing the facility and that there has been no talk within the Sheriff's Office about assessing dispatch fees to support ongoing operations.

Nevertheless, I still feel it would be prudent to include some additional wording in the resolution making it clear that your city does not want to incur any ongoing financial obligations as a result of this facility being constructed. I will be meeting with Fire Chief Scott Gerber this afternoon to formulate a unified position. I will be suggesting language similar to the following be considered:

NOW, THEREFORE, BE IT RESOLVED, that the City of _____ supports the construction of a new Hennepin County Sheriff's Office Regional 911 Communications Facility at no cost to the city and with the understanding that no fees will be assessed to the city to support ongoing operations of the new facility; and

...

There will be a follow up e-mail from Fire Chief Scott Gerber and I once we meet this afternoon.

Chief Bryan Litsey
South Lake Minnetonka Police Department
24150 Smithtown Road
Shorewood, Minnesota 55331
(952) 474-3261 General Number
(952) 960-1601 Direct Number

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Agenda Number	7D
Agenda Date	06-07-11

Agenda Item	1st Reading: Ordinance 195 Relating to Criminal History Background Checks for City Employment and City License Applications
Summary	<p>The following is a brief summary of this agenda item:</p> <p>Chief Litsey is asking the council to approve the attached League of Minnesota Cities model ordinance, so the South Lake Minnetonka Police department can resume conducting background checks for the city. A letter from Chief Litsey explaining the need for the ordinance is attached. A bulletin from the League of Minnesota Cities also is attached for the council's reference.</p>
Council Action	<p>Suggested Motion:</p> <ol style="list-style-type: none"> 1. I move the council approves the 1st reading of ordinance 195 relating to criminal history background checks for city employment and city license applications. 2. Do nothing.



SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Serving Excelsior, Greenwood, Shorewood and Tonka Bay

BRYAN T. LITSEY
Chief of Police

24150 SMITHTOWN ROAD
SHOREWOOD, MN 55331-8598

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

M E M O R A N D U M

TO: Kristi Luger Excelsior City Manager
Gus Karpa Greenwood City Clerk
Brian Heck Shorewood City Administrator
Joe Kohlmann Tonka Bay City Administrator

FROM: Bryan Litsey Chief of Police

DATE: May 16, 2011

RE: Background Checks
Recommended Model Ordinance

Law enforcement agencies connected to the state and federal criminal justice databases are subject to a triennial quality assurance review (audit). This extensive on-site review is conducted by auditors with the Minnesota Bureau of Criminal Apprehension (BCA), Justice Information Services Division.

The South Lake Minnetonka Police Department (SLMPD), which has access to the aforementioned databases, had its triennial audit earlier this year. One of the areas that has become increasingly restrictive is how criminal justice information can be shared beyond bonafide law enforcement uses. This includes background checks the SLMPD conducts on behalf of member cities for liquor licenses, employment purposes, peddler licenses, etc. Part of the audit process is making sure the member cities have the appropriate ordinances in place authorizing the SLMPD to conduct background checks on their behalf. It was determined all the member cities are in compliance for liquor license checks. Such is not the case with employment and peddler license checks. Either the ordinance is nonexistent or lacks the proper wording according to the BCA auditors. The SLMPD has been told to suspend conducting these types of checks for member cities until brought into compliance.

The easiest way to remedy the situation is for each member city to adopt the attached model ordinance by the League of Minnesota Cities (LMC) for conducting background checks. Although there may be some overlap with existing ordinances, all bases will be covered by adopting this model ordinance. A member city also has the option of bypassing the SLMPD

Chief's Memorandum to Member Cities
Background Checks - Model Ordinance
Page 2 of 2

for employment and peddler license background checks by using the BCA public web site to access background information. Please note, however, this database is much more limited in scope. Attached is the LMC informational bulletin that explains how this works.

The SLMPD is willingly to resume conducting background checks for employment and peddler licenses once the model ordinance has been adopted by the requesting city. Please give Office Administrator Nancy Swanson and/or myself a call if you have any questions.

Cc: Coordinating Committee Members
David Pierson, Lieutenant
Nancy Swanson, Office Administrator
Lynn Tollberg, Office and Administrative Specialist



RISK MANAGEMENT INFORMATION

BACKGROUND CHECKS: THE ABCS OF BCA DATA

Background

City police departments generally have access to the state’s data base of criminal justice information maintained by the Bureau of Criminal Apprehension (BCA) for the purpose of carrying out law enforcement duties. However, access to the data base has proven useful for other city functions such as criminal history background checks on prospective city job applicants, liquor license applicants, and peddler license applicants.

Using the city’s police department to run these criminal history checks can save the city both money and time. However, it is important for the city to access the data appropriately and to understand what will – and will not – be provided in the way of criminal history information.

Statutory Restrictions

Public vs. Private Data. Criminal history data compiled by the BCA is generally classified as either private or public by Minnesota Statutes 13.87 as shown below:

BCA – Criminal History PRIVATE Data	BCA – Criminal History PUBLIC Data
Fingerprints	Conviction data – for 15 years after discharge of sentence
Photographs and identification data	Sentence information – for 15 years after discharge of sentence
Arrest data and prosecution data	Confinement information – for 15 years after discharge of sentence
Criminal court data	
Custody and supervision data	

Public Web Site Conviction Data. If a city wishes to access public information for an employment or license background check, it can do so by using the BCA’s free internet web site access. However, only conviction, sentence, and confinement information for 15 years after the discharge of the sentence will appear. No arrest data is available using the web site. The web site search tool requires an exact match of name and date of birth. If there are multiple cases of “John Smith” with the same date of birth, the web site tool will not be able to distinguish between them.

Cities that use this web site tool for employment background checks must notify the applicant for

This material is provided as general information and is not a substitute for legal advice.
Consult your attorney for advice concerning specific situations.

employment that it intends to do the background check using the web site. (See Minn. Statutes 13.87, subd. 3.)

Police Department Access. Police departments can have access to the BCA criminal history data only to perform the duties that are required by law (Minn. 299C.46) and generally this means performing law enforcement duties. Since a city ordinance is a law, however, an ordinance can be used to allow the use of this data for non-criminal purposes such as employment background and license checks. As the agency responsible for maintaining the security of the criminal history data, the BCA has directed that each local ordinance should contain:

- A requirement that the police department conduct the criminal history check
- The specific category (e.g., job type) subject to the checks (for employment purposes, this can include employees, applicants for employment, volunteers and independent contractors; for licensing purposes, this can include owners of liquor establishments or applicants for peddler’s licenses)
- A requirement that the data be maintained by the police department and only a summary of the criminal history record is provided to the hiring authority
- Language that complies with the Minnesota Government Data Practices Act
- A provision that requires notice to the applicant of the reason for denial if the denial is based on data obtained from the criminal history check

If the local ordinance does not contain the above requirements, the BCA may require the agency to discontinue access for the ordinance checks until an ordinance is adopted or updated to meet BCA audit requirements for access. LMC has a model ordinance for cities to adopt that complies with these requirements.

When local police departments access BCA data for employment or city licensing checks, the data they will receive includes Minnesota adult arrests less than one year old with no disposition, adult arrest information resulting in a conviction, and adult conviction and sentencing data for 15 years after discharge of the sentence. No juvenile arrest or adjudication data, adult arrest data older than one year with no disposition, or dismissal data will be returned for these checks.

More Information

Download the LMC model ordinance for cities to adopt that complies with BCA requirements. *Ordinance Relating to Criminal History Background for Applicants for City Employment and City Licenses* is available in the Resource Library of the LMC web site at **www.lmc.org**.

The League recommends the city obtain an appropriate consent form from the applicant for employment prior to conducting the criminal history check.

Child Protection Workers. The Child Protection Background Check Act (Minn. Stat. 299C.61 & 62) allows employers to conduct special background checks of individuals who work with children in various settings (care, treatment, education, training, instruction, or recreation). Since many cities have recreational opportunities for children, this statute would apply to most of those workers and to any volunteers in those programs.

Only background checks conducted in accordance with the Child Protection Act allow for the release of certain criminal data – juvenile adjudication data that cannot be obtained using the city’s police department. In order to obtain this type of criminal history data, the background check must be submitted to the BCA using a specific informed consent form. The fee for Child Protection Act background checks is \$15. Please note that Predatory Offender Registration (POR) data may also be included in the background check if the consent form specifically includes a consent for POR data.

The data a city will receive, if it uses the BCA to conduct a background check under the Child Protection Act, includes the following Minnesota information:

- Conviction data,
- Juvenile adjudication data for specific crimes listed in the Act,
- Arrests resulting in conviction, and
- Arrest data that has occurred in the past year with no disposition.

The city also can request a national background check by submitting fingerprints to the BCA along with a fee of \$24.25.

Firefighters. Background checks on firefighters are another special situation allowed under Minnesota Statutes 299F.035. Because Minnesota statute specifically permits background checks on firefighters, an ordinance is not needed to have the background checks done by the local agency. These background checks use a different code than “regular” employment background checks and will include the following Minnesota data:

- Adult arrests less than one year old with no disposition,
- Adult arrest information resulting in a conviction, and
- Adult conviction and sentencing data for 15 years after discharge of the sentence, and juvenile adjudication data.

In this case, a copy of the Minnesota criminal history record can be given by the local police department to the hiring authority (Clerk, Administrator, HR, etc.).

The statute also requires the Department of Public Safety to determine a process for the background checks in cooperation with the State Fire Marshal. The Fire Marshal’s plan requires background checks be done on all firefighters. It also requires a national background check for anyone who has been a resident of the state for less than five years and is optional for residents of the state longer than five years.

National checks can be obtained by submitting fingerprints to the BCA along with the fee of \$24.25 for paid firefighters and \$20.25 for volunteer firefighters.

LMC recommends that an appropriate informed consent form should be signed by the firefighter applicant when using the local police department to conduct the check. The State Fire Marshal’s plan requires that an informed consent form be used when using the BCA to conduct the firefighter background check.

Use of BCA for Background Checks. A city that does not wish to use its own police department for employment background or license checks may access the BCA for this purpose by paying an established fee (\$15.00). The city will need to understand which statute applies to the individual being checked in order to use the appropriate consent form and access the appropriate data through the BCA.

Using the BCA for background checks has some advantages over using the local police department, even when the city is not required to do so, including that the BCA has:

- Extensive experience with background checks, the relevant statutes, and the associated consent forms. They also have the ability to match up “suspense” records (dispositions that come from the court but are not matched with a given criminal history yet) to the appropriate individual’s record. In other words, if a suspense record exists that contains a conviction, the BCA will attempt to resolve the reason for the suspense so the court disposition can be moved to the individual’s criminal history before the record is released.
- Experience resolving situations where there may be a “questioned identity” – two individuals have the same name and the same date of birth.
- The ability to do additional checks – such as Predatory Offender Registration (POR) checks if the consent form specifically authorizes the release of the POR data – the local police department may not be able to perform.

Therefore, the city may receive better information with which to make hiring decisions by going through the BCA. However, the city will need to pay a fee of \$15, and may have to wait somewhat longer for background checks through the BCA than it would by using the city’s own police department, however more information will be obtained. It generally takes about a week for a background check to be completed.

Other Issues

Records maintenance. The BCA prohibits dissemination of records obtained from the system by the local law enforcement agency for ordinance checks (city employment or city licensing) outside the police department, therefore the information must be maintained by the local police department –not by any other city department.

The police department must establish an appropriate records management process for these records. The records should be locked and only police department employees with a business reason for handling the information should have access. In addition, the police department will need to consult with the city’s administrative staff (city administrator, clerk, or other records management staff) to decide how long the records will be maintained. Generally, records of persons not hired are kept for one year after the position is filled, records of persons on eligibility lists are kept for two years (or the length of eligibility if longer), and records of persons who are hired are kept for five years after termination of employment.

Conveying information. When a city uses the local police department to conduct background checks, the police department will be responsible for conveying the appropriate information to the city department that will determine whether to hire the applicant or not. The police department should provide a summary of the information from the criminal history check and assist the

decision-maker in understanding what the data means. Ideally, the hiring authority has determined in advance which types of crimes will be disqualifying and conveyed that to the police department before the background check is done. When questions arise, the police department and decision-making authority should discuss together whether any crimes or arrests are related to the job for which the individual is applying.

Out of State Criminal History. The BCA data base – whether accessed through the local police department or through the BCA – will not contain most criminal history that occurred in another state, even a neighboring state. If the city wishes to obtain that information, it should contact the neighboring state to find how to access their information. The city will receive national criminal history information on workers covered by the Child Protection Act and firefighters by submitting fingerprints and paying the required fees to the BCA.

Driver's License Checks. The League generally recommends checking the driving records of applicants for employment and current employees who will be driving for the city on a routine basis. These checks should be done to ensure the employee or applicant does not have a record of reckless or drunk driving, traffic violations, or a high number of accidents that could expose the city to liability if the employee is involved in a traffic accident.

Local police departments have access to Minnesota Driver and Vehicle Services (DVS) data on driving records for law enforcement purposes only. Therefore, access to DVS data through BCA systems for non-criminal justice employment or licensing is generally prohibited. The reason for this is that police departments have access to private data that is only authorized by Minnesota statute to be used for law enforcement purposes (for example, home addresses of persons who fear for their safety and have specifically asked to not have it released, medical data, or other private data).

The Driver and Vehicle Services Division is the best source for information on driving records of Minnesota residents. They do offer cities (and other organizations) the option of entering into a “business partner records access agreement.” Cities can obtain driving records on-line (currently without charge) by signing this agreement. Contact information for the Driver and Vehicle Services is found at the end of this memo.

Using an Outside Service. There are several private companies that conduct criminal history checks as part of an overall background checking fee-based service. These companies likely have access only to public conviction data and the data may not be up to date. While these companies can save the city time and effort, the city will want to question the company about what data they will be receiving as part of the criminal history check and how often it is updated.

Contact Information & Other Resources

Driver & Vehicle Services

To obtain business partner records access agreement forms:

Tami Bartholomew

651-201-7630

<http://www.dps.state.mn.us/dvs/>

Bureau of Criminal Apprehension/Minnesota Justice Information Services

For information about background checks through local agencies:

Kris Rush

651-793-2602

Kris.Rush@state.mn.us

For information about background checks through the BCA:

Julie LeTourneau Lackner

651-793-2480

Julie.LetourneauLackner@state.mn.us

<http://www.bca.state.mn.us/CJIS/Documents/cjis-intro.html>

Public criminal history information:

<https://cch.state.mn.us>

Informed consent forms:

<http://www.bca.state.mn.us/Forms/Documents/cjis-infmdcon.pdf>

MN Public Access to Court records:

<http://www.mncourts.gov/default.aspx?page=1927>

Laura Kushner, March 2009

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 12 TO ADD A SECTION REGARDING CRIMINAL
HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES**

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

SECTION 1.

Greenwood ordinance code chapter 12 is amended to add following:

“SECTION 1220. EMPLOYMENT BACKGROUND CHECKS.

1220.00. Applicants for City Employment.

Subd. 1. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota’s Computerized Criminal History information for specified non-criminal purposes of employment background checks for city employment.

Subd. 2. Criminal History Employment Background Investigations. The police department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following positions within the city, unless the city’s hiring authority concludes that a background investigation is not needed: All regular part-time or full-time employees of the city and other positions that work with children or vulnerable adults.

In conducting the criminal history background investigation in order to screen employment applicants, the police department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the police department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the police department to the hiring authority, including the city council, or others involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the police department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota statutes chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota statutes section 364.09, the city will not reject an applicant for employment on the basis of the applicant’s prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant’s request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota statutes section 364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

1220.05. Applicants for City Licenses.

Subd. 1. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota’s Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

Subd. 2. Criminal History Employment Background Investigations. The police department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city: Tobacco, Liquor, Peddlers.

In conducting the criminal history background investigation in order to screen license applicants, the police department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the police department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the police department to the licensing authority, including the city council, or others involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the police department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota statutes chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota statutes section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication."

SECTION 2.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number	7E
Agenda Date	06-07-11

Agenda Item	Discuss: New Variance Legislation and Potential Change to City Code
Summary	<p>The following is a brief summary of this agenda item:</p> <p>On May 6, 2011 the new law regarding variance authority went into effect. The League of Minnesota Cities suggests that an argument can be made that that the state statutory language pre-empts inconsistent local ordinance provisions, so cities can apply the new law immediately without necessarily amending the ordinance first. However, the LMC recommends that it would be best for cities to revisit their ordinance provisions and consider adopting language that mirrors the new state statute.</p> <p>Attached is a DRAFT of proposed changes to the Greenwood code that incorporates language from the state statute and the LMC recommendation for the questions to be addressed in the findings for evaluating variances.</p> <p>At the June meeting the council will discuss the potential change to the city code. If the council decides to move forward with amending the variance ordinance, the draft of the ordinance will go to the planning commission for their review and recommendation.* After that it will come back to the council for a 1st and 2nd reading.</p> <p>* Any changes to the zoning code require a review and recommendation from the planning commission.</p>
Council Action	<p>Suggested Motion:</p> <ol style="list-style-type: none"> 1. I move the council directs the planning commission to review and make recommendations to the council regarding the draft of variance ordinance as written (or with the following changes _____). 2. Do nothing.



Gov. Dayton Signs Variance Legislation into Law

The changes, which are now in effect, may require some cities to change ordinances or statutory cross-references.

(Published May 11, 2011)

The League and a long list of allies are finally able to celebrate having a fix in place to restore city variance authority. After a long and contentious session working on resolving this issue, the final version of HF 52 was supported by the League and passed unanimously by the Legislature.

On May 5, Gov. Dayton signed **2011 Minnesota Laws, Chapter 19** ([Link to: https://www.revisor.mn.gov/laws/?id=19&doctype=chapter&year=2011&type=0](https://www.revisor.mn.gov/laws/?id=19&doctype=chapter&year=2011&type=0)), amending **Minnesota Statutes, section 462.357, subdivision 6** ([Link to: https://www.revisor.mn.gov/statutes/?id=462.357](https://www.revisor.mn.gov/statutes/?id=462.357)) to restore municipal variance authority in response to *Krummenacher v. City of Minnetonka*, 783 N.W.2d 721 (Minn. June 24, 2010). The law also provides consistent statutory language between **Minnesota Statutes, chapter 462** ([Link to: https://www.revisor.mn.gov/statutes/?id=462](https://www.revisor.mn.gov/statutes/?id=462)) and the county variance authority of **Minnesota Statutes, section 394.27, subdivision 7** ([Link to: https://www.revisor.mn.gov/statutes/?id=394.27](https://www.revisor.mn.gov/statutes/?id=394.27)).

In *Krummenacher*, the Minnesota Supreme Court narrowly interpreted the statutory definition of “undue hardship” and held that the “reasonable use” prong of the “undue hardship” test is not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance. The new law changes that factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling.

The new law was effective on May 6, the day following the governor’s approval. Presumably it applies to pending applications, as the general rule is that cities are to apply the law at the time of the decision, rather than at the time of application.

The new law renames the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retains the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance authority that was already in the county statutes: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.”

So in evaluating variance requests under the new law, cities should adopt findings addressing the following questions:

- Is the variance in *harmony with* the purposes and intent of the *ordinance*?
- Is the variance *consistent with* the *comprehensive plan*?
- Does the proposal put property to use in a *reasonable manner*?
- Are there *unique circumstances* to the property not created by the landowner?
- Will the variance, if granted, alter the *essential character* of the locality?

Some cities may have ordinance provisions that codified the old statutory language, or that have their own set of standards. For those cities, the question may be whether you have to first amend your zoning code before processing variances under the new standard. A credible argument can be made that the statutory language pre-empts inconsistent local ordinance provisions. Under a pre-emption theory, cities could apply the new law immediately without necessarily amending their ordinance first. In any regard, it would be best practice for cities to revisit their ordinance provisions and consider adopting language that mirrors the new statute.

In addition, the new law clarifies that conditions may be imposed on granting of variances if those conditions are directly related to and bear a rough proportionality to the impact created by the variance.

If you have questions about how your city should approach variances under this new statute, you should discuss it with your city attorney or contact **Jed Burkett**, LMC land use attorney, at jburkett@lmc.org (*Link to: <mailto:jburkett@lmc.org>*) or (651) 281-1247, or **Tom Grundhoefer**, LMC general counsel, at tgrundho@lmc.org (*Link to: <mailto:tgrundho@lmc.org>*) or (651) 281-1266.

Read the current issue of the Cities Bulletin (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

Your LMC Resource

Contact Craig Johnson

IGR Representative

(651) 281-1259 or (800) 925-1122

cjohnson@lmc.org (*Link to: <mailto:cjohnson@lmc.org>*)

Contact Tom Grundhoefer

General Counsel

(651) 281-1266 or (800) 925-1122

tgrundho@lmc.org (*Link to: <mailto:tgrundho@lmc.org>*)

Contact Jed Burkett

Land Use Attorney

(651) 281-1247 or (800) 925-1122

jburkett@lmc.org (*Link to: <mailto:jburkett@lmc.org>*)

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

2011, Regular Session

This document represents the act as presented to the governor. The version passed by the legislature is the final engrossment. It does not represent the official 2011 session law, which will be available here summer 2011.

CHAPTER 19--H.F.No. 52

An act

relating to local government; providing for variances from city, county, and town zoning controls and ordinances; amending Minnesota Statutes 2010, sections 394.27, subdivision 7; 462.357, subdivision 6.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 394.27, subdivision 7, is amended to read:

Subd. 7. **Variances; ~~hardship~~ practical difficulties.** The board of adjustment shall have the exclusive power to order the issuance of variances from the ~~terms requirements~~ of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control ~~in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control,~~ and when the ~~terms of the variance~~ variances are consistent with the comprehensive plan. ~~"Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.~~ Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone ~~shall do not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance~~ practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is ~~prohibited~~ not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances ~~to~~. A condition must be directly related to and must

bear a rough proportionality to the impact created by the variance insure compliance and to protect adjacent properties and the public interest. The board of adjustment may consider the inability to use solar energy systems a "hardship" in the granting of variances.
EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2010, section 462.357, subdivision 6, is amended to read:

Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the ~~literal provisions of the ordinance~~ in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone ~~shall do not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes practical difficulties. Practical difficulties include, but is are not limited to, inadequate access to direct sunlight for solar energy systems.~~ Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not ~~permitted~~ allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances ~~to insure compliance and to protect adjacent properties.~~ A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor May 2, 2011

Signed by the governor May 5, 2011, 3:03 p.m.

- (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- (k) The use will not depreciate surrounding property values.

Subd. 2. The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to prevent injurious effects therefrom upon other properties in the neighborhood. Examples of conditions are: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Section 1150.25. Uses and Buildings.

The following uses and buildings shall be subject to conditional use permits when they differ from the principal and accessory uses of a zoning district and when listed as a conditional use for that zoning district. The conditional uses shall be subject to the requirements stated herein and to any other conditions deemed necessary by the planning commission or the council.

Subd. 1. Public Buildings. Any public buildings erected and used by any department of the city, county, state, or federal government.

Subd. 2. Utilities. Telephone exchange and static transformer stations and other public utility buildings; provided there is no public business office nor any storage yard or storage building operated in connection therewith.

Subd. 3. Medical Buildings. Hospitals, clinics, provided that such buildings occupy not over 25% of the total area of the lot and will not have any serious depreciating effect upon the value of the surrounding property.

Subd. 4. Community Centers. Community centers not operated for profit.

Subd. 5. Parking Lots. Automobile parking lots, provided: that the parking area is adjacent to a C-1 or C-2 district, that it contains spaces for 4 or more automobiles and that such parking lot be subject to the requirements of sections 1140.45, 1140.55, 1140.60, and 1140.65.

SECTION 1155. VARIANCES.

Section 1155.00. Board of Appeals and Adjustments.

Subd. 1. Establishment of Board and Powers. A board of appeals and adjustments is hereby established and invested with such authority as hereinafter provided and shall have the powers set forth in Minnesota statutes chapter 462 as amended. The city council shall serve as the board of appeals and adjustments and shall have the following powers with respect to the zoning ordinance:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
2. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration as governed by Minnesota statutes chapter 462 as amended.

Subd. 2. Officers, Rules, Minutes and Proceedings.

1. The mayor shall serve as the chair of the board of appeals and adjustments and the mayor pro tem shall serve as the vice chair of the board.
2. The board may adopt, from time to time, rules for the transaction of its business and proceedings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by parties.
3. The board shall provide a record of its proceedings that shall include minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.
4. Meetings and proceedings of the board of appeals and adjustments shall be held as agenda items of the city council and upon such notice to the public and interested parties as the law requires and otherwise in conformance with Minnesota statute section 15.99, as amended.

Section 1155.05. Appeals from Alleged Error in Administration of Zoning Ordinance.

Subd. 1. Appeals of Alleged Errors in Administration of the Zoning Ordinance. Any aggrieved person objecting to the ruling of an administrative officer in the enforcement of zoning ordinance, shoreland management district ordinance, wetland ordinance, or other zoning control shall have the right to appeal such determination to the board of appeals and adjustments, which shall hear and decide the appeal.

Subd. 2. Standard of Review on Appeal. The board of appeals and adjustments shall not grant an appeal from any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance unless it finds, at public hearing, that the aggrieved person has demonstrated:

1. That there are special circumstances or conditions affecting the land, building, or use in question on appeal that do not apply generally to other similarly situated properties;
2. That the granting of the appeal will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property; and
3. That the granting of the appeal will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property in question.

If, upon considering an appeal from an aggrieved person, the board of appeals and adjustments determines that the matter at issue is not an error in administration of the zoning ordinance but is rather a request for a variance from the literal provisions of the ordinance, the board shall apply the standards applicable to the processing of variance requests.

Subd. 3. Required Vote. No appeal shall be granted by the board except upon an affirmative vote of at least 3/5 of the entire board of appeals and adjustments (city council).

Subd. 4. Appeal Process. An aggrieved person-appellant shall file with the city clerk within 60 days of the date of the contested order, requirement, decision or determination the following:

1. A completed appeal application form;
2. Pay a fee as established by the city council and set forth in chapter 5 of this code book. This fee shall not be refundable;
3. Detailed written and graphic materials explaining and illustrating the alleged error and the aggrieved person-appellant's proposed interpretation of the applicable zoning ordinance, shoreland management district ordinance, wetland ordinance, or other zoning control at issue;
4. Where necessary, in the determination of the city clerk or zoning administrator, a survey prepared by a registered land surveyor illustrating all improvements existing and proposed setbacks and hard-cover;
5. A mailing list of property owners located within 350 feet of the subject property obtained from and certified by Hennepin County, Minnesota;
6. Verification that there are no delinquent property taxes, special assessments, interests or city utility fees due and owing upon the subject parcel.

Subd. 5. Processing of Appeals; Planning Commission Review.

1. The city clerk shall advise the aggrieved-person appellant within 10 days of submission of subdivision 4 appeal filings, any omission or deficiency in the appeal application and supporting documents. Appeals with complete documentation shall be placed upon the agenda of the first planning commission meeting occurring at least 30 days from the date of the submission of all required appeal materials.
2. The planning commission shall hold a public hearing and shall, at the close of the public hearing consider the appeal, the testimony of the applicant, all exhibits, public comments, city staff and consultant reports, and

other evidence, shall then record its advice on the granting of the aggrieved person-appellant's appeal by motion to either:

- (a) Recommend approval of the appeal together with comments and suggested conditions, if any; or
- (b) Recommend denial of the appeal together with comments and suggested conditions, if any.

Subd. 6. Board of Appeals and Adjustments Review.

1. Subsequent to the planning commission recommendation on the appeal. The appeal shall be considered by the board of appeals and adjustments at the next regularly scheduled city council meeting.
2. The board shall consider the recommendation of the planning commission, public comment, staff reports, consultants' reports, the application, all files, records, submissions, and other evidence. The board must make a decision within the time period specified in state law. Where it deems appropriate, the board may instruct city staff or consultants to prepare for its consideration, proposed findings of fact and proposed order. Decisions of the board of appeals and adjustments shall be final. Appeals of the decisions of the board of appeals and adjustments shall be made to the district court within 30 days.

Subd. 7. Public Notice.

- A. An application shall be by written petition in the form prescribed by the planning commission, signed by the applicant, and shall be filed with the zoning administrator. A fee determined by the city council and published in the fee schedule located in chapter 5, shall be required for the filing of such petition.
- B. Notice of the time and place of the public hearing shall be given not more than 30 days nor less than 10 days in advance by publishing a notice in the official newspaper at least 10 days prior to the date of public hearing, and by mailing notices to the owner or owners of property within 350 feet of the subject property. This notice shall describe the particular variance proposed and shall contain a brief description thereof. The names and addresses of owners appearing in the tax record shall be deemed sufficient for mailing notices and the failure of any owner to receive notice shall not invalidate the proceedings.
- C. Where appropriate notice also shall be given to the commissioner of the Minnesota Department of Natural Resources together with a complete copy of the appeal documentation of the aggrieved person-appellant sufficiently in advance of the public hearing to permit the commissioner an opportunity to comment as provided under the shoreland management district ordinance or other applicable code.
- D. Failure of a property owner to receive notice shall not invalidate any proceedings on the appeal request provided a bona fide attempt has been made to comply with the notice requirements of this ordinance.

Subd. 8. Reconsideration. Whenever an appeal of an alleged error made by an administrative officer in the enforcement of a zoning ordinance has been considered and denied by the board, a similar appeal by the aggrieved person, their successor or assigns, regarding the same property issue shall not be considered by the board for at least 1 year from the date of its denial except as follows:

1. If the aggrieved person-appellant or their successor or assigns, can clearly demonstrate circumstances surrounding the previous appeal request have changed significantly; and
2. The board decides to reconsider the matter upon an affirmative vote of 4/5 of the entire board.

Section 1155.10. Requests for Variances from the Literal Provisions of the Ordinance.

Subd. 1. Variances to Zoning Code. Any persons may request variances from the literal provisions of the zoning ordinance, shoreland management district ordinance, wetland ordinance and other applicable zoning regulations in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

Subd. 2. Undue Hardship Standard Defined. "Undue hardship" as used in this ordinance in conjunction with the granting of a variance request means:

1. That the property in question cannot be put to a reasonable use if used under conditions allowed by the official control in question;
2. That the plight of the landowner is due to circumstances unique to the property and not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone shall not constitute an "undue hardship" if some reasonable use for the property exists under the terms of the ordinance. However, practical difficulties and functional considerations may be taken into account.

Subd. 3. Variance Standard. A variance to the literal provisions of the zoning code, shoreland management district ordinance, wetland ordinance and other related zoning controls shall not be granted unless the applicants demonstrate, to the satisfaction of the board of appeals and adjustments:

1. That a variance, if granted, will be in keeping with the spirit and intent of the zoning ordinance, shoreland management district ordinance, wetland ordinance or other applicable zoning regulation at issue (including standards set forth in subdivision 4 below); and
2. That the strict enforcement of the ordinance would cause "undue hardship" because of circumstances unique to the individual property under consideration.

Subd. 4. Additional Requirements for Variance and Undue Hardship Grants of Variance Requests. The board, in considering all requests for a variance, shall determine that the proposed variance, if granted, will not:

1. Impair an adequate supply of light and air to adjacent property.
2. Unreasonably increase the congestion in the public street.
3. Increase the danger of fire or endanger the public safety.
4. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.
5. Violate the intent and purpose of the comprehensive plan.

Subd. 5. Ordinance Provisions to Which Variances May Be Granted. The board of appeals and adjustments may consider variances to the following types of regulations under the zoning code, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations and no others:

1. To vary the applicable lot area, lot width, lot depth and minimum lot area per dwelling unit requirement provided that minimum lot area per dwelling unit requirements for multiple dwellings shall not be varied so as to permit more than one dwelling unit in addition to the number that would be permitted by the strict application of the minimum lot area requirements.
2. To vary the applicable bulk regulations, including maximum height, lot coverage, lot/floor area ratio, and minimum yard requirements.
3. To vary the off-street parking and off-street loading requirements.
4. To vary the regulations relating to restoration of damaged or destroyed nonconforming structures.
5. To interpret zoning district boundaries on official zoning maps and otherwise make interpretations of the zoning ordinance, shoreland management district ordinance, wetland ordinance and other related zoning regulations.
6. To permit the extension of a zoning district where the boundary line thereof divides a lot of record and as of the time of the passage of the zoning ordinance, however, in no event shall extension of district boundaries exceed 100 feet.

Subd. 6. Imposition of Conditions and Safeguards. Specific conditions and safeguards may be imposed by the board of appeals and adjustments upon any premises to be benefitted by a variance as considered necessary to prevent injurious affects upon other property in the neighborhood or upon public facilities and services. Violation of such conditions and/or safeguards shall be a violation of the zoning code and subject to the enforcement provisions thereof.

Subd. 7. Required Vote. No variance shall be granted by the board except upon an affirmative 3/5 vote of the entire board of appeals and adjustments (city council).

Subd. 8. Lifespan of Variances Granted. Variances permitting the erection or alteration of a building shall be valid for a period of 1 year from the date of final approval unless a building permit for such erection or alteration is issued and construction is actually begun within said period. Failure to obtain an approved, final inspection (in the case of remodeling) or an occupancy permit (in the case of new construction) within 1 year from the date a building permit for such construction and/or alteration has been issued, shall cause the variance relied upon to become null and void. The structure shall then become a nonconforming structure.

Section 1155.15. Variance Application Procedure.

Subd. 1. Application Requirements. Persons requesting variances from the literal provision of the zoning ordinance, shoreland management district ordinance, wetland ordinance, or other applicable zoning regulation shall file with the city clerk:

1. A completed application form; together with acknowledgment of the applicant's obligation to pay costs incurred by the city pursuant to section 1155.25;

2. The fee as established by the city council and set forth in chapter 5 of this code book. This fee shall not be refundable;
3. Detailed written and graphic materials explaining and illustrating the proposed change, development or use;
4. Applicant's reasons why a variance under the applicable ordinance is justified;
5. Hard surface calculations for both before and after construction;
6. A survey prepared by a registered land surveyor illustrating all improvements existing and proposed, setbacks and hardcover; and
7. A mailing list of property owners located within 350 feet of the subject property obtained from and certified by Hennepin County, Minnesota. The application shall include verification that there are no delinquent property taxes, special assessments, interest or city utility fees due and owing upon the subject parcel.

Subd. 2. Staff Review. The city clerk shall advise the zoning administrator, or their designate, and other staff and consultants to prepare such technical reports, legal advice and other information as may be deemed appropriate to assist the planning commission and board of appeals and adjustments in considering the request.

Subd. 3. Planning Commission Review of Variance Requests.

1. The city clerk shall advise the applicant within 10 days of submission of subdivision 1 variance application filings, of any omission or deficiency in the variance application and supporting documents. Requests for variances shall be placed upon the agenda of the first available planning commission meeting that allows for public notice requirements after the date of submission of all required materials.
2. The planning commission shall hold a public hearing and shall, at the close of the public hearing, consider the application, the testimony of the applicant, all exhibits, public comment, city staff and consultants' reports, and other evidence, and shall then record its advice on the granting of the applicant's variance request by motion to either recommend to the board of appeals and adjustments:
 - a) Approval of the request, together with comments and suggested conditions, if any or
 - b) Denial of the request, together with comments and suggested conditions, if any.

Subd. 4. Right to Request Additional Information; Applicant Appearances and Testimony Before Board.

1. The board of appeals and adjustments may request additional information from the applicant concerning the proposed variance, its impact on neighboring property owners, statistical data, alternative plans; consult or seek out expert testimony; and otherwise require verification and means for measuring performance of any conditions that may be imposed in conjunction with the grant of a variance. Failure of an applicant to supply any and all necessary supportive information, including supplemental requests, shall be grounds for denial of the requested variance.
2. The applicant or the applicant's representative shall appear before the planning commission and the board of adjustments and appeals to answer questions concerning the proposed variance.
3. Any party may appear at the public hearing or before the planning commission or board of adjustments and appeals in person or by agent or attorney.

Subd. 5. Board of Appeals and Adjustments Variance Review.

1. Subsequent to the planning commission recommendation on the requested variance, the variance application shall be considered by the city council, sitting as the board of appeals and adjustments at the next regularly scheduled city council meeting. The board hearing date for such variance application request may be continued to the next regular city council meeting at the request of a board member. Provided the planning commission has held a public hearing on the variance request, the board need not but may elect to hold a public hearing.
2. The board shall consider the recommendation of the planning commission, any public comment, staff reports, consultants' reports, the application, all files, records, submissions, and other evidence. The board must make a decision within the time period specified in state law. Where it deems appropriate, the board may instruct city staff or consultants to prepare for its consideration, proposed findings of fact and proposed order. A copy of the final order shall be served upon the person requesting the variance by mail.
3. A copy of all decisions granting variances for properties from the shoreland management district ordinance shall be forwarded to the commissioner of the Department of Natural Resources within 10 days of such action.
4. Variance request decisions of the board shall be final. Appeals of board decisions shall be made to the district court within 30 days.

Subd. 6. Reconsideration. Whenever an application for a variance has been considered and denied, a similar application for variance affecting the same property by the applicant, their successors or assigns, shall not be

considered a second time by the planning commission or the board of adjustments and appeals for at least one year from the date of its denial; unless the board of adjustments and appeals vote for reconsideration of the matter upon a vote of not less than 4/5 of the entire board of adjustments and appeals.

Subd. 7. Public Notice. Public notice of said hearing shall consist of a summary of the variances requested, a street address and a tax assessor legal property description, including property tax ID number. The same shall be published in the official newspaper at least 10 days prior to the public hearing and written notification of said hearing shall be mailed at least 10 days prior to said hearing to all owners of land within 350 feet of the boundary of the property in question. (Public right-of-way shall not be included in the 350 foot measurement.) A copy of the notice and the list of the property owners and addresses to which the notice was sent shall become a part of the records of the proceeding.

Where appropriate, notice also shall be given to the commissioner of the Minnesota Department of Natural Resources together with the complete application of the requesting party, sufficiently in advance of the public hearing to permit the commissioner opportunity to comment as provided under the shoreland management district ordinance or other applicable code.

Failure of a property owner to receive notice shall not invalidate any proceedings on a variance request provided a bonafide attempt has been made to comply with the notice requirements of this ordinance.

Section 1155.20. Performance Bond.

When a variance or an appeal, is approved contingent upon certain conditions imposed by the board of adjustments and appeals. The board may require a performance bond be provided. Such bond shall be a surety bond, cash equivalent, securities or cash deposit made with the city clerk prior to the issuance of any building permit or the initiation of any work on the proposed improvements or development the subject of the variance or appeal request. Said security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the variance and ordinances of the city.

The security shall be in an amount of 110% the city engineer's, estimated cost of labor and materials for the performance of the required conditions, improvements or development or such other amount as the city engineer deems appropriate. The city shall hold the security until completion of the conditions shall have been performed and a certificate of occupancy issued or final building inspection completed whichever applicable. Failure to comply with the conditions of the variance appeal shall result in forfeiture of the security to the city. In addition, the city may seek specific enforcement of its codes to correct any violations or deficiencies.

Section 1155.25. Recovery of Legal and Administrative Costs in Variance Requests.

In addition to the initial application fee as may be established from time to time by the city council, the applicant in making an application for variance agrees to pay all legal fees, engineering fees, consultant fees, and other administrative costs the city may incur in conjunction with the processing of the variance application. No building permit shall issue on a granted variance until such costs have been paid in full.

SECTION 1160. ZONING AMENDMENTS.

Section 1160.00. Process.

The council may on its own motion, or on request of the planning commission, or on petition or appeal of the affected property owners:

Subd. 1. Transfer land, or a portion thereof, from the district in which it is situated into another district, by amendment to this ordinance.

Subd. 2. Change any of the regulations of this ordinance as to the use or platting of land in any district, or as to the restrictions upon buildings or structures herein, by amendment to this ordinance.

Section 1160.05. Procedure.

Subd. 1. Application for amendment shall be filed with the city clerk in duplicate, accompanied by a fee as determined by the city council and set forth in chapter 5 of this code book. The clerk shall forward 1 copy to the planning commission.

Subd. 2. The planning commission shall give notice of the time and place of the public hearing. Notice shall be given not more than 30 days nor less than 10 days in advance of the hearings, by publishing a notice thereof at least once

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1155 REGARDING VARIANCES**

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

SECTION 1.

Greenwood ordinance code section 1155.00, subd. 1 (2) is amended to read as follows:

"2. To hear requests for variances from the requirements of any official control including restrictions placed on nonconformities as governed by Minnesota statutes chapter 462 as amended."

SECTION 2.

Greenwood ordinance code section 1155.10, subd. 2 through subd. 4 are amended to read as follows:

"Subd. 2. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties.

Subd. 3. Variance Standard. A variance to the requirements of the zoning code, shoreland management district ordinance, wetland ordinance, and other related zoning controls shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Subd. 4. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?"

SECTION 3.

Greenwood ordinance code section 1155.10, subd. 6 is amended to read as follows:

"Subd. 6. Conditions. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. Violation of such conditions shall be a violation of the zoning code and subject to the enforcement provisions thereof."

SECTION 3.

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

Enacted by the city council of the City of Greenwood, Minnesota, this ____ day of _____ 2011.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number	7F
Agenda Date	06-07-11

Agenda Item	Discuss: Tree Replacement Along LRT Trail
Summary	<p>The following is a brief summary of this agenda item:</p> <p>Councilman Tom Fletcher requested this item be included on the June agenda. He will make a presentation at the council meeting.</p>
Council Action	<p>Suggested Motion:</p> <p>Tom may suggest a motion.</p>



Agenda Number	7G
Agenda Date	06-07-11

Agenda Item	Discuss: Lake Minnetonka Communications Survey Results and Policy Questions
Summary	<p>The following is a brief summary of this agenda item:</p> <p>The Lake Minnetonka Communications Commission is looking into building a fiber-to-the-premise FTTP system called "tonkaconnect," that would provide leading-edge technology for telephone, internet, and TV service to all homes and businesses within the LMCC joint powers area.* The tonkaconnect system would be community-owned and would compete with Qwest and Mediacom for customers. As part of the feasibility study, the LMCC created a survey to gauge the interest in tonkaconnect. The results of the survey are attached.</p> <p>At the June council meeting, the council will discuss the survey results and also hear a report from LMCC representative Councilman Tom Fletcher regarding finances and other LMCC priorities and policy questions ...</p> <ol style="list-style-type: none"> 1. What should the LMCC priorities be? General community programming, agenda parsing for city meetings, tonkaconnect, or ??? 2. Is the LMCC assessment (franchise and PEG fees) on cable bills at the appropriate level? 3. The LMCC is starting the franchise renewal discussion process with Mediacom. One likely priority will be expanding Mediacom's coverage area where it provides cable service, which will not affect Greenwood since Mediacom already serves the entire city. Are there other areas that the franchise renewal committee should be focusing on such as customer service or reliability? <p>The council needs to give direction to Councilman Fletcher regarding priorities and policy questions. Note: Lake Bechtell has decided to resign from the LMCC. An ad regarding the opening will be included in the upcoming city newsletter.</p> <p>* The cities of Mound and Wayzata also may be included if they choose to participate.</p>
Council Action	<p>Suggested Motion:</p> <ol style="list-style-type: none"> 1. I move the council supports moving forward with tonkaconnect. 2. I move the council supports other initiatives such as _____ instead of tonkaconnect. 3. I move the council supports _____ (maintaining, lowering, or raising) assessment fees on cable bills. 4. I move the council supports _____ (expanding the service area, improving customer service, improving reliability, or ???) when reviewing the franchise renewal with Mediacom.

April 21, 2011

Dear Mr. Karpas

***PLEASE FORWARD TO YOUR MAYOR AND CITY COUNCIL ***

As you know, the Lake Minnetonka Communications Commission has been exploring the desirability and feasibility of building a state-of-the-art fiber optic system (FTTP) that would serve all premises within the LMCC joint powers area. Potentially, this project would also include the city of Mound. An important part of that exploration was to commission a statistically valid residential consumer survey by telephone to gauge the interest of our citizens in such a service. This survey is now complete and, as promised, we are forwarding the results for your community to you.

The survey was conducted by a very experienced and highly regarded vendor, CCG Consulting LLC, who has completed many similar surveys in the past including several in Minnesota. CCG did a similar survey, for instance, for Monticello. The survey was carefully designed to ensure a statistical validity of 95%. To achieve this while keeping costs reasonable, the 17 LMCC member cities were divided into 4 groups, plus Mound, which because of its size was done separately. The four groups are:

Group 1	Group 2	Group 3	Group 4
Deephaven	Excelsior	Minnetrista	Orono
Woodland	Minnetonka Beach	Victoria	Long Lake
Greenwood	Spring Park	St. Bonifacius	Medina
Shorewood	Tonka Bay		Maple Plain
			Loretto
			Independence

Enclosed with this letter are the survey questions that were actually used, including the opening narrative used to put the survey into context for the respondent, the summary results showing the responses for the five survey groups, and the specific survey results and report for the group which included your city. We encourage you to review these documents and share them with your mayor and council.

The survey results are fairly consistent across the five groups, with only a couple of minor exceptions. One outstanding result is that there is high support (some of the highest the survey firm has ever seen) for the LMCC to provide a governmentally-owned competitive service. On average, citizens responded to questions regarding the quality of TV/Cable, internet, and phone services that they are receiving with Neutral to Somewhat Satisfied answers. However, there was a high level of dissatisfaction with the perceived value of those services. This is viewed as indicating a significant opportunity to motivate customers to change to another service provider. The catalyst for such a move seems likely to be a small discount (which is consistent with what the consultant has seen in other situations where the network has actually been implemented).

The task force charged with exploring this concept is carefully studying the results and shortly will make a recommendation of next steps to the executive committee of the LMCC. The primary next step, if taken, is to develop a detailed business plan, reflecting among other things the results of this survey. The business plan will detail the FTTP system to be developed and include a detailed *proforma* financial plan, including how any system developed would be governed, operated and financed. As always in this process, the task force is careful to keep moving forward only if there is substantial reason to believe the financing options available and the business model developed will be sufficiently attractive to ensure support by the member communities.

The task force is committed to keeping all the member communities informed at each step in the process, hence the enclosed reports. There will be follow-up by the task force with you and ample opportunity for you to ask questions and make comments on the project and the process.

Please feel free to call Sally Koenecke, LMCC executive director, at (952) 471-7125, extension 101 or Dick Woodruff, chair of the FTTP task force at (612) 850-4845 if you have any questions. Also, lots of information about the FTTP project may be found at www.tonkaconnect.com.

The LMCC will be contacting you in the next few weeks to discuss this report and the emerging plans.

Sincerely
Henry Pryor, Chair
Enclosures/4



7712 Stanmore Drive
Beltsville, MD 20705
(301) 210-5200

March 11, 2011

Group 1 Residential Surveys

CCG conducted a residential survey of a statistically valid sample of residents of Group 1 which consists of Deephaven, Greenwood, Shorewood and Woodland, Minnesota. In this survey we asked residents questions concerning cable television, data and telephone service.

The survey was given to the following number of households in each city:

Deephaven	108
Greenwood	26
Shorewood	207
Woodland	14

The first step in developing the survey was to determine how many residents must be surveyed for the results to be considered statistically valid. In our line of work we routinely over the years have helped clients to determine sample sizes. At CCG we use tools to help us determine sample size. For several years we have consulted two web sites, (www.surveysystem.com/sscalc.htm#terminology) and (<http://calculators.stat.ucla.edu/>) that have online sample size calculators. The first site is from the web site for Creative Research Systems, a firm specializing in market research. The second site is from the Statistics Department at UCLA. Prior to using these sites, I used to perform these calculations manually and I have tested both of these sites to make sure they produce the same results as my manual calculations. For both websites the sample size provided by the website has always been the same or nearly the same (sometimes varied by 1 because of rounding) as the results I obtained by manual calculation.

In creating the sample size for this survey we first determined, the level of confidence that we wanted. We selected a sample size that would produce results with a 95% confidence level. In layman's terms this means that the results we obtained would be within 5% of the same results we would expect to obtain if we were able to talk to every resident in these cities. I then calculated the sample size using the results given by both web sites. There are roughly 4,587

households in the group and to obtain the results we needed we had to talk to 355 households in the cities.

We determined who to call using a systematic sampling approach. Since we had separate white pages for each City we first determined how many households to call in each City based upon their proportionate share of the total group. Then, within each City we called every tenth resident. If we were unable to get an answer we continued with the tenth household after the one we missed. This type of methodology isn't strictly random, but is the approach that almost all telephone surveyors use and it is a valid sampling technique. Since our callers didn't know anybody in the cities, we believe this method achieves the same results as using a pure random calling pattern.

One thing that we must caution you about is how to interpret this survey. This survey was given to a group of the four cities and the results are statistically valid for those four cities as a group. While the results to any given question are interesting when looked at by an individual city within the group, there is an extremely low statistical reliability of results by given city. Thus, we caution that results can only be relied upon at the stated significance when looked at as a whole, and not by individual city.

The survey produced some interesting results. Here are highlight survey results by the different sections of the survey:

Data (High Speed Internet Access)

Residents were first asked if they could get high speed Internet at their homes. Only 2% said that they did not, while another 9% didn't know if they could get high speed Internet. I would note that this question does not reflect the actual availability of broadband, but rather the perception of the public about whether it is available.

90% of residences currently have high-speed Internet access of some sort with 30% using DSL and 60% using cable modem. The nationwide average for broadband penetration today is estimated to be around 65% of homes by various experts, so this group of cities already has an extraordinarily high overall broadband take rate today. Only 4% of customers still use dial-up which is lower than the nationwide average of around 15%. Only 6% of customers have no Internet access at home compared to the nationwide average of around 20%.

When we asked the households without Internet why they didn't have it we got the following reasons: they didn't want it or need it; it is too expensive, they have no computer, or they use it at work.

69% of the households with dial-up said they have considered changing to a high-speed connection.

Only 6% of households have no computer in the home. 23% of houses have one computer; 34% have two computers; 37% have three or more computers.

Residents were basically satisfied with the current Internet service providers. Only 19% were dissatisfied with repair response times. Only 14% were dissatisfied with download and upload speeds. Only 18% were dissatisfied with the reliability of their provider. However, 26% were dissatisfied with the value they get compared to the price they pay for the service.

An extremely high 90% of households said they would buy Internet access from LMCC. This is the highest result we have ever seen. 30% said they were willing to pay the same price; 11% said they would pay a little more while 49% said they would only buy if there was a discount. Interestingly, the 90% who said they would buy equals all of the households that have high speed Internet access today (90%). It is clear that a competitor would need to offer a discount to get customers in these cities.

Cable TV

93% of residents subscribe to cable TV. This is higher than the 75% nationwide average for cable service. 78% of those with cable use Mediacom while the other 22% use one of satellite dish providers. The nationwide average penetration for the dish providers is at around 16% of households, so at 20% these Cities have more dish customers than a 'normal' market (calculated as 22% satellite customers of 93% total cable customers).

People have a lot of TVs in their homes. Only four households reported having no TVs. 17% have one TV; 35% have two TVs, and 47% have three or more TVs.

Many residents are satisfied with the current cable providers. Only 21% were dissatisfied with repair response times. Only 16% were dissatisfied with overall customer service. Only 22% were dissatisfied with the reliability of their provider. However, 30% were dissatisfied with the value they get compared to the price they pay for the service.

40% of residents said that it is important to have local programming about local schools, local sports events, community organizations, local government and community events.

A very high 85% of residences said they would buy cable TV from LMCC. 30% said they were willing to pay the same price; 6% said they would pay a little more while 49% said they would only buy if there was a discount. This is the one of the highest such response we have ever seen from this type of survey.

In summary, customers are basically happy with the current service providers, but the vast majority of the existing cable customers are open to changing to a network operated by LMCC.

Telephone

65% of households with telephone service use Qwest. Another 30% have switched to Mediacom. 5% use a VoIP provider like Vonage or other provider.

Many residents are satisfied with the current telephone providers. Only 17% were dissatisfied with repair response times. Only 17% were dissatisfied with overall customer service. Only 18%

were dissatisfied with the reliability of their provider. And only 23% were dissatisfied with the value they get compared to the price they pay for the service.

4% of customers said they were considering dropping landline service for cell phone service in the coming year. Nationwide it's estimated that about 85% of households still have a landline telephone.

An extremely high 90% of residences said they would buy telephone service from LMCC. 31% said they were willing to pay the same price; 2% said they would pay a little more while 57% said they would only buy if there was a discount.

General Questions

We asked some general questions about the communications marketplace.

79% of households get some kind of bundle today, meaning they buy a package of at least two of the services that include telephone, cable TV and Internet Access. 31% of the households buy a bundle of all three services.

Households reported to us what they pay for service, summarized as follows. We would note that the actual amounts people pay is often different than what they think they pay. However, overall, the prices quoted to us seem higher than what we normally find in other communities. It was reported to us that households pay:

- \$132 Average for those buying the triple play
- \$116 Average for those buying TV / Internet bundle
- \$69 Average for those buying TV / Telephone bundle
- \$80 Average for those buying Internet / Telephone bundle
- \$31 Average for those buying telephone outside a bundle
- \$36 Average for those buying Internet outside a bundle
- \$69 Average for those buying Cable TV outside the bundle

Only 3% of households say they would work more at home if they had faster Internet. That is one of the lowest results we have ever seen to that question.

70% of households say that it is important for their communications provider to have a local office and local support staff. This is the same level of response to this question that we normally see in other cities we have surveyed.

Finally, we asked households if LMCC should provide a locally-owned competitive choice for the triple play services.

- 69% said LMCC should get into the communications business.
- 11% said LMCC should not get into the communications business
- 20% were undecided.

Summary

Overall the surveys produced some interesting results.

The four Cities in this group have high-speed Internet available throughout. Only 4% of household still use dial-up. This group has more high-speed Internet customers than the national average. The group also has more homes with computers than the nationwide average.

The group has a much higher percentage of households with cable TV service than the nationwide average. Most people use Mediacom but the penetration of satellite is higher than the nationwide average. 40% of homes thought that a channel with local programming is important.

30% of households have already switched telephone service to Mediacom. 4% of households are thinking about dropping landline telephone service.

A large percentage of customers seem satisfied with the current service providers for all three primary services. But interestingly, while people didn't dislike the support or the quality from the incumbent providers, many of them did not perceive a value for these services compared to the price that they pay.

Only 11% said LMCC should not build a network. However, in the question asked about buying each service, a vast majority of the respondents say they would buy from LMCC if you could provide a lower cost competitive alternative.

Group 1 Residential Survey Results

Following are the responses from the survey given to residents of Deephaven, Greenwood, Shorewood, and Woodland. The survey was given by telephone to 355 randomly selected households in these towns.

The survey was given to the following number of households in each city:

Deephaven	108
Greenwood	26
Shorewood	207
Woodland	14

1. Should the LMCC and local governments provide locally-owned, competitive choice of TV, Internet and telephone services to every home, business, school, governmental buildings, etc. in the LMCC area?

Yes	245	69%
No	40	11%
Don't Know	70	20%

Comments:

Would like better prices	7	16%
Would like more choice	4	8%
Government should not get involved	15	34%
Happy with current providers	1	2%
Need more information	7	16%
Will taxes go up?	1	2%
Depends on quality	1	2%
Doesn't think LMCC is effective	2	5%
Doesn't trust government	2	5%
Think it's a great idea	2	5%
Not needed	2	5%

High Speed Internet

2. Is high speed Internet available at your home today if you wanted to buy it? (Can answer yes to the first two). Percentages are shown as percent of total households.

Yes, I can get high speed cable model from Mediacom	303	85%
Yes, I can get high speed DSL from my telephone company	179	50%
No	6	2%
Don't Know	30	9%

3. What kind of Internet service do you have at home?
- | | | |
|--|-----|-----|
| Don't have Internet | 20 | 6% |
| Dial-up | 13 | 4% |
| Cable modem from Mediacom | 214 | 60% |
| High speed DSL from Qwest | 108 | 30% |
| High speed DSL from Frontier | 0 | 0% |
| High speed DSL from other Telephone company | 0 | 0% |
| Cellular (AT&T, T-Mobile, Verizon, Sprint, etc.) at home | 0 | 0% |
| Satellite | 0 | 0% |
| Other | 0 | 0% |
4. If you don't use Internet at home, why not?
- | | | |
|-------------------------|----|-----|
| Don't want it / need it | 12 | 60% |
| Too Expensive | 4 | 20% |
| No computer | 3 | 15% |
| Use at work | 1 | 5% |
5. If you use dial-up Internet access at home today, have you considered changing to high-speed Internet access?
- | | | |
|------------------|-----------------------------------|-----|
| Yes | 9 | 69% |
| No | 4 | 31% |
| If not, why not? | No need, connection not available | |
6. What is the greatest number of people who might use the Internet at the same time in your home?
- | | | |
|-----------|-----|-----|
| Zero | 20 | 6% |
| One | 83 | 23% |
| Two | 121 | 34% |
| Three | 87 | 24% |
| Four | 34 | 10% |
| Five Plus | 10 | 3% |
7. Please rate your Internet service provider regarding the following from 1 to 5, where one is 'extremely dissatisfied' and five is 'extremely satisfied'
- Amount of time it takes to get problems fixed
- | | | |
|------------------------|-----|-----|
| Extremely Dissatisfied | 10 | 3% |
| Somewhat Dissatisfied | 51 | 16% |
| Neutral | 100 | 31% |
| Somewhat Satisfied | 106 | 32% |
| Extremely Satisfied | 58 | 18% |

Speed

Extremely Dissatisfied	18	5%
Somewhat Dissatisfied	28	9%
Neutral	112	33%
Somewhat Satisfied	105	31%
Extremely Satisfied	72	22%

Reliability

Extremely Dissatisfied	18	5%
Somewhat Dissatisfied	44	13%
Neutral	102	31%
Somewhat Satisfied	111	33%
Extremely Satisfied	60	18%

The value I get compared to the price I pay

Extremely Dissatisfied	19	6%
Somewhat Dissatisfied	66	20%
Neutral	126	37%
Somewhat Satisfied	90	27%
Extremely Satisfied	34	10%

8. If LMCC could bring you Internet with significantly faster speeds, both download and upload and better customer service than you get today, would you:

Buy from LMCC at the same price	109	30%
Buy from LMCC and pay a little more	38	11%
Buy from LMCC if it cost a little less	173	49%
Not buy	35	10%

Cable TV

9. Do you currently subscribe to cable TV service?

Yes	331	93%
No	24	7%

10. If yes, who is Cable TV Provider?

Mediacom	258	78%
Satellite Dish	59	18%
Other	14	4%

11. How many televisions are used in your home?

Zero	4	1%
One	61	17%
Two	124	35%
Three	97	27%
Four	53	15%
Five or More	16	5%

12. Please rate your cable TV provider regarding the following from 1 to 5, where one is 'extremely dissatisfied' and five is 'extremely satisfied'

Amount of time it takes to get problems fixed

Extremely Dissatisfied	18	5%
Somewhat Dissatisfied	53	16%
Neutral	102	31%
Somewhat Satisfied	101	31%
Extremely Satisfied	57	17%

Overall Customer Service

Extremely Dissatisfied	14	4%
Somewhat Dissatisfied	39	12%
Neutral	116	35%
Somewhat Satisfied	102	31%
Extremely Satisfied	60	18%

Reliability

Extremely Dissatisfied	21	6%
Somewhat Dissatisfied	54	16%
Neutral	92	28%
Somewhat Satisfied	112	34%
Extremely Satisfied	52	16%

The value I get compared to the price I pay

Extremely Dissatisfied	22	7%
Somewhat Dissatisfied	75	23%
Neutral	124	37%
Somewhat Satisfied	84	25%
Extremely Satisfied	26	8%

13. How important is it to have access to local programming for things like school events, local sports events, community organization meetings, city council meetings and community events?

Very Important	38	11%
Important	100	29%
Not Important	179	52%
No Opinion	28	8%

14. If LMCC could bring you TV with better picture quality and better customer service than you get today, would you:

Buy from LMCC at the same price	105	30%
Buy from LMCC and pay a little more	21	6%
Buy from LMCC if it cost a little less	176	49%
Would not buy	53	15%

Telephone Service

15. Who provides your land line telephone service?

Qwest	233	65%
Frontier	0	0%
Mediacom	107	30%
Internet-based like Vonage or Magic Jack	2	1%
Other	13	4%

16. Please rate your local telephone provider regarding the following from 1 to 5, where one is ‘extremely dissatisfied’ and five is ‘extremely satisfied’

Amount of time it takes to get problems fixed

Extremely Dissatisfied	10	3%
Somewhat Dissatisfied	48	14%
Neutral	81	23%
Somewhat Satisfied	108	30%
Extremely Satisfied	108	30%

Overall Customer Service

Extremely Dissatisfied	15	4%
Somewhat Dissatisfied	46	13%
Neutral	80	23%
Somewhat Satisfied	106	30%
Extremely Satisfied	108	30%

Reliability

Extremely Dissatisfied	15	4%
Somewhat Dissatisfied	51	14%
Neutral	77	22%
Somewhat Satisfied	96	27%
Extremely Satisfied	116	33%

The value I get compared to the price I pay

Extremely Dissatisfied	9	3%
Somewhat Dissatisfied	70	20%
Neutral	123	34%
Somewhat Satisfied	95	27%
Extremely Satisfied	58	16%

17. In the next year, do you plan to drop your land line telephone and use only cellular service or Internet-based telephone?

Yes	15	4%
No	334	94%
Maybe	6	2%

18. If LMCC could bring you telephone service that would include many features in the basic price would you:

Buy from LMCC at the same price	109	31%
Buy from LMCC and pay a little more	7	2%
Buy from LMCC if it cost a little less	202	57%
Would not buy	37	10%

Pricing

19. Do you buy a bundle of services today that includes TV, Internet and telephone service?

Yes, I get all three	110	31%
Yes, I get cable TV and Internet in a bundle	79	22%
Yes, I get cable TV and telephone in a bundle	16	4%
Yes, I get Internet and telephone in a bundle	77	22%
No	73	21%

20. How much do you pay for the bundle?

\$132 Average for those buying the triple play
\$116 Average for those buying TV / Internet bundle
\$69 Average for those buying TV / Telephone bundle
\$80 Average for those buying Internet / Telephone bundle

21. If you have any of these services that are not part of a bundle, how much do you pay?

\$31 Average for those buying telephone outside a bundle
\$36 Average for those buying Internet outside a bundle
\$69 Average for those buying Cable TV outside the bundle

General Questions

22. If you had faster Internet access at home, would you:

Work from home more often than you do now?	11	3%
Work from the home the same as now?	76	21%
Not work at home	268	76%

23. Is it important to you for your communication provider to have local customer service and have a local person to help you with problems?

Yes	249	70%
No	105	30%

Summary of Residential Survey Results

Following are the composite results for all groups to the some of the key questions from the survey.

- Should the LMCC and local governments provide locally-owned, competitive choice of TV, Internet and telephone services to every home, business, school, governmental buildings, etc. in the LMCC area?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Yes	60%	69%	60%	62%	61%
No	9%	11%	10%	9%	7%
Don't Know	31%	20%	30%	29%	32%

High Speed Internet

- Is high speed Internet available at your home today if you wanted to buy it? (Can answer yes to the first two)

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Can Get Cable Modem	75%	85%	68%	96%	60%
Can Get DSL	13%	50%	50%	87%	54%
Can't Get Broadband	2%	2%	4%	1%	1%
Don't Know	10%	9%	10%	3%	8%

- What kind of Internet service do you have at home?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
No Internet	27%	6%	15%	12%	25%
Dial-Up	1%	4%	2%	1%	3%
Cable Modem	52%	60%	62%	57%	45%
DSL	19%	30%	20%	30%	26%
Cellular	1%	0%	1%	0%	0%
Satellite	0%	0%	0%	0%	0%
Other	0%	0%	0%	0%	1%

- What is the greatest number of people who might use the Internet at the same time in your home?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Zero	27%	6%	14%	12%	25%
One	31%	23%	31%	24%	32%
Two	29%	34%	30%	38%	37%
Three	10%	24%	10%	17%	4%
Four	2%	10%	3%	7%	1%
Five Plus	1%	3%	12%	2%	1%

7. Please rate your Internet service provider regarding the following from 1 to 5, where one is 'extremely dissatisfied' and five is 'extremely satisfied'

Amount of time it takes to get problems fixed

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	7%	3%	9%	8%	8%
Somewhat Dissatisfied	9%	16%	12%	14%	11%
Neutral	29%	31%	34%	25%	36%
Somewhat Satisfied	30%	32%	26%	31%	34%
Extremely Satisfied	25%	18%	19%	22%	11%

Speed

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	5%	5%	9%	9%	8%
Somewhat Dissatisfied	9%	9%	13%	15%	14%
Neutral	29%	33%	33%	28%	33%
Somewhat Satisfied	35%	31%	28%	27%	30%
Extremely Satisfied	22%	22%	17%	21%	15%

Reliability

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	6%	5%	7%	8%	7%
Somewhat Dissatisfied	12%	13%	12%	13%	13%
Neutral	25%	31%	35%	29%	35%
Somewhat Satisfied	35%	33%	29%	29%	32%
Extremely Satisfied	22%	18%	17%	21%	13%

The value I get compared to the price I pay

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	16%	6%	12%	14%	15%
Somewhat Dissatisfied	19%	20%	24%	18%	31%
Neutral	29%	37%	33%	28%	27%
Somewhat Satisfied	20%	27%	20%	21%	20%
Extremely Satisfied	16%	10%	11%	19%	7%

8. If LMCC could bring you Internet with significantly faster speeds, both download and upload and better customer service than you get today, would you:

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Buy from LMCC at the same price	18%	30%	20%	22%	10%
Buy from LMCC and Pay a little more	4%	11%	2%	5%	2%
Buy from LMCC and pay less	57%	49%	59%	54%	65%
Not Buy	21%	10%	19%	18%	23%
Don't Know	0%	0%	0%	1%	0%

Cable TV

9. Do you currently subscribe to cable TV service?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Yes	84%	93%	91%	89%	83%
No	17%	7%	9%	11%	17%

10. If yes, who is Cable TV Provider?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Mediacom	85%	78%	80%	77%	63%
Satellite	15%	18%	17%	22%	36%
Other	0%	4%	3%	1%	1%

11. How many televisions are used in your home?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Zero	0%	1%	0%	1%	0%
One	22%	17%	17%	10%	20%
Two	29%	35%	33%	28%	32%
Three	30%	27%	35%	35%	32%
Four	10%	15%	10%	16%	12%
Five					
Plus	9%	5%	5%	10%	4%

12. Please rate your cable TV provider regarding the following from 1 to 5, where one is 'extremely dissatisfied' and five is 'extremely satisfied'

Amount of time it takes to get problems fixed

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	3%	5%	8%	6%	6%
Somewhat Dissatisfied	8%	16%	9%	8%	9%
Neutral	23%	31%	30%	29%	32%
Somewhat Satisfied	36%	31%	34%	32%	34%
Extremely Satisfied	30%	17%	19%	25%	19%

Overall Customer Service

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	4%	4%	7%	4%	7%
Somewhat Dissatisfied	10%	12%	9%	9%	8%
Neutral	20%	35%	34%	34%	30%
Somewhat Satisfied	35%	31%	30%	30%	32%
Extremely Satisfied	31%	18%	20%	23%	23%

Reliability

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	4%	6%	11%	6%	8%
Somewhat Dissatisfied	11%	12%	11%	14%	13%
Neutral	19%	35%	33%	31%	34%
Somewhat Satisfied	38%	31%	29%	29%	27%
Extremely Satisfied	28%	18%	16%	20%	18%

The value I get compared to the price I pay

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	16%	7%	13%	9%	15%
Somewhat Dissatisfied	18%	23%	27%	17%	27%
Neutral	33%	37%	35%	34%	32%
Somewhat Satisfied	16%	25%	15%	22%	17%
Extremely Satisfied	17%	8%	10%	18%	9%

13. How important is it to have access to local programming for things like school events, local sports events, community organization meetings, city council meetings and community events?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Very Important	3%	11%	3%	5%	3%
Important	18%	29%	22%	24%	21%
Not Important	70%	52%	58%	51%	63%
No Opinion	9%	8%	17%	20%	13%

14. If LMCC could bring you TV with better picture quality and better customer service than you get today, would you:

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Buy from LMCC at the same price	17%	30%	15%	21%	8%
Buy from LMCC and Pay a little more	3%	6%	2%	5%	1%
Buy from LMCC and pay less	64%	49%	64%	56%	37%
Not Buy	16%	15%	19%	18%	24%

Telephone Service

15. Who provides your land line telephone service?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Qwest	0%	65%	48%	0%	38%
Frontier	59%	0%	0%	38%	24%
Century	0%	0%	0%	18%	0%
Mediacom	40%	30%	50%	44%	34%
Internet-based	1%	1%	0%	0%	0%
Other	0%	4%	2%	0%	4%

16. Please rate your local telephone provider regarding the following from 1 to 5, where one is 'extremely dissatisfied' and five is 'extremely satisfied'

Amount of time it takes to get problems fixed

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	3%	3%	7%	5%	5%
Somewhat Dissatisfied	5%	14%	7%	10%	4%
Neutral	17%	23%	21%	23%	19%
Somewhat Satisfied	31%	30%	38%	35%	50%
Extremely Satisfied	44%	30%	27%	27%	22%

Overall Customer Service

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	4%	4%	9%	6%	5%
Somewhat Dissatisfied	6%	13%	5%	10%	6%
Neutral	17%	23%	24%	24%	23%
Somewhat Satisfied	33%	30%	37%	36%	40%
Extremely Satisfied	40%	30%	25%	24%	26%

Reliability

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	4%	4%	6%	6%	5%
Somewhat Dissatisfied	6%	14%	9%	8%	6%
Neutral	15%	22%	21%	25%	18%
Somewhat Satisfied	36%	27%	41%	35%	49%
Extremely Satisfied	39%	33%	23%	26%	22%

The value I get compared to the price I pay

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Extreme Dissatisfied	26%	3%	13%	11%	11%
Somewhat Dissatisfied	21%	20%	13%	12%	35%
Neutral	27%	34%	33%	27%	33%
Somewhat Satisfied	15%	27%	24%	28%	12%
Extremely Satisfied	11%	16%	17%	22%	9%

17. In the next year, do you plan to drop your land line telephone and use only cellular service or Internet-based telephone?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Yes	17%	4%	3%	6%	11%
No	83%	94%	97%	93%	89%
Maybe	0%	2%	0%	1%	0%

18. If LMCC could bring you telephone service that would include many features in the basic price would you:

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Buy from LMCC at the same price	15%	31%	17%	20%	8%
Buy from LMCC and Pay a little more	2%	2%	2%	1%	1%
Buy from LMCC and pay less	69%	57%	70%	65%	71%
Not Buy	14%	10%	11%	14%	20%

Pricing

19. Do you buy a bundle of services today that includes TV, Internet and telephone service?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Bundle all three	38%	31%	43%	43%	37%
Bundle cable and Internet	15%	22%	14%	14%	10%
Bundle cable and telephone	6%	4%	5%	5%	5%
Bundle Internet and telephone	11%	22%	15%	20%	19%
No bundle	30%	21%	23%	18%	30%

General Questions

22. If you had faster Internet access at home, would you:

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Work from home more	1%	3%	1%	2%	1%
Work from home the same	17%	21%	27%	21%	17%
Not work at home	82%	76%	72%	77%	82%

23. Is it important to you for your communication provider to have local customer service and have a local person to help you with problems?

	<u>Mound</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
Yes	51%	70%	53%	56%	39%
No	49%	30%	47%	44%	61%

LMCC Residential Survey

Hello, I'm calling for the Lake Minnetonka Communications Commission to survey your needs and thoughts about your TV, Internet and telephone service. Your phone number was chosen at random from residential numbers in your city. The answers you give will not identify you except by the city in which you live.

The LMCC is a governmental body created by cities that surround Lake Minnetonka. It is exploring whether it should create an all fiber-optic network covering all residences, businesses, schools, municipal buildings, etc. This network would provide world-class capabilities for TV, Internet and telephone and would compete with existing providers.

It is LMCC's goal to pay for any fiber network without using tax dollars. Your answers to survey questions will be a major factor for LMCC deciding if it should move forward with the fiber network project.

When you answer the questions, please answer for everyone in your household not just for yourself

1. In what city do you live? _____

2. Should the LMCC and local governments provide locally-owned, competitive choice of TV, Internet and telephone services to every home, business, school, governmental buildings, etc. in the LMCC area? Yes No Don't Know

Any comments on your response?

High Speed Internet

3. Is high speed Internet available at your home today if you wanted to buy it? (Can answer yes to the first two)
 - Yes, I know I can get high speed cable model from Mediacom
 - Yes, I know I can get high speed DSL from my telephone company
 - No
 - Don't Know

4. What kind of Internet service do you have at home?
- Don't have Internet
- Dial-up
- Cable modem from Mediacom
- High speed DSL from Qwest
- High speed DSL from Frontier
- High speed DSL from other Telephone company
- Cellular (AT&T, T-Mobile, Verizon, Sprint, etc.) at home
- Satellite
- Other (*Please list*) _____
5. If you don't use Internet at home, why not? _____
6. If you use dial-up Internet access at home today, have you considered changing to high-speed Internet access? Yes No If not, why not? _____
7. What is the greatest number of people who might use the Internet at the same time in your home? _____
8. Please rate your Internet service provider regarding the following from 1 to 5, where one is 'extremely dissatisfied' and five is 'extremely satisfied'
- | | | | | | |
|---|---|---|---|---|---|
| Amount of time it takes to get problems fixed | 1 | 2 | 3 | 4 | 5 |
| Speed | 1 | 2 | 3 | 4 | 5 |
| Reliability | 1 | 2 | 3 | 4 | 5 |
| The value I get compared to the price I pay | 1 | 2 | 3 | 4 | 5 |
9. If LMCC could bring you Internet with significantly faster speeds, both download and upload and better customer service than you get today, would you:
- Buy from LMCC at the same price
- Buy from LMCC and pay a little more
- Buy from LMCC if it cost a little less
- Not buy

Cable TV

10. Do you currently subscribe to cable TV service? Yes No
11. If yes, who is Cable TV Provider?
- Mediacom
- Satellite Dish
- Other _____
12. How many televisions are used in your home? 1 2 3 4 or more

13. Please rate your cable TV provider regarding the following from 1 to 5, where one is 'extremely dissatisfied' and five is 'extremely satisfied'

Amount of time it takes to get problems fixed	1	2	3	4	5
Overall customer service	1	2	3	4	5
Reliability	1	2	3	4	5
The value I get compared to the price I pay	1	2	3	4	5

14. How important is it to have access to local programming for things like school events, local sports events, community organization meetings, city council meetings and community events?

Very Important Important Not Important No Opinion

15. If LMCC could bring you TV with better picture quality and better customer service than you get today, would you:

- Buy from LMCC at the same price
- Buy from LMCC and pay a little more
- Buy from LMCC if it cost a little less
- Would not buy

Telephone Service

16. Who provides your land line telephone service?

- Qwest
- Frontier
- Mediacom
- Internet-based like Vonage or Magic Jack
- Other _____

17. Please rate your local telephone provider regarding the following from 1 to 5, where one is 'extremely dissatisfied' and five is 'extremely satisfied'

Amount of time it takes to get problems fixed	1	2	3	4	5
Overall customer service	1	2	3	4	5
Reliability	1	2	3	4	5
The value I get compared to the price I pay	1	2	3	4	5

18. In the next year, do you plan to drop your land line telephone and use only cellular service or Internet-based telephone?

- Yes No

19. If LMCC could bring you telephone service that would include many features in the basic price would you:

- Buy from LMCC at the same price
- Buy from LMCC and pay a little more
- Buy from LMCC if it cost a little less
- Would not buy

Pricing

20. Do you buy a bundle of services today that includes TV, Internet and telephone service?

- Yes, I get all three – cable TV, Internet and telephone in a bundle
- Yes, I get cable TV and Internet in a bundle
- Yes, I get cable TV and telephone in a bundle
- Yes, I get Internet and telephone in a bundle
- No

21. How much do you pay for the bundle? _____

22. If you have any of these services that are not part of a bundle, how much do you pay:

- TV not in a bundle _____
- Internet not in a bundle _____
- Telephone not in a bundle? _____

General Questions

23. If you had faster Internet access at home, would you:

- Work from home more often than you do now?
- Work from the home the same as now?
- Not work at home

24. Is it important to you for your communication provider to have local customer service and have a local person to help you with problems? Yes No



Agenda Number	FYI
Agenda Date	06-07-11

Agenda Item	FYI Items in Council Packet
Summary	The attached items are included in the council packet For Information Only.
Council Action	No council action is needed for FYI items.



May 9, 2011

Christine Rudberg
5120 Weeks Road
Greenwood, MN 55331

RE: Girl Scout Gold Award

Dear Christine:

On behalf of the City of Greenwood, I am writing to congratulate you on earning the Girl Scout Gold Award.

I was a "Brownie Scout," so I have seen first hand how Girl Scouts help develop leadership skills, organizational skills, and self esteem. It is my understanding that you contributed 80 hours planning and implementing your Gold Award project in the community. On behalf of the "community" I say THANK YOU.

The future is in good hands with leaders like you.

Sincerely,

Debra J. Kind
Mayor, City of Greenwood

CC: Greenwood City Council
Ruth Lutmer, Girl Scouts of Minnesota and Wisconsin River Valleys, 5601 Brooklyn Boulevard, Brooklyn Center, MN 55429