

AGENDA

Greenwood City Council Meeting

Wednesday, October 3, 2012
20225 Cottagewood Road, Deephaven, MN 55331



Worksession

In accordance with open meeting laws, the worksession is open for public viewing, but there will be no opportunity for public participation.

- 6:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 6:00pm 2. DISCUSSION: Potential Excelsior Blvd. Watermain Project
- 6:50pm 3. DISCUSSION: Potential Fee Schedule Changes (sections 510 and 515 of city code)
- 6:50pm 4. ADJOURNMENT

Regular Meeting

The public is invited to address the council regarding any item on the regular agenda. If your topic is not on the agenda, you may speak during Matters from the Floor. Comments are limited to 3 minutes. Agenda times are approximate. Please turn off cell phones. Thank you!

- 7:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
 - 1A. FIRST ORDER OF BUSINESS ~ William Cook, Affirmation of Oath of Office
- 7:00pm 2. CONSENT AGENDA
 - Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.*
 - A. Approve: 09-05-12 Worksession Minutes
 - B. Approve: 09-05-12 Regular Meeting Minutes
 - C. Approve: August Cash Summary Report
 - D. Approve: September Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: October Payroll Register
- 7:05pm 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 3 minutes.*
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS
 - A. City Engineer Dave Martini: Phosphorus Report and Resolution 27-12 Authorizing Inflow / Infiltration Grant Application
 - B. City Prosecutor Greg Keller: Annual Prosecution Update
- 7:20pm 5. PUBLIC HEARINGS
 - A. Delinquent Sewer, Stormwater, and Recycling Charges
- 7:25pm 6. UNFINISHED BUSINESS
 - A. Consider: Resolution 22-12, Variance Findings of Fact, Frank Precopio, 5520 Maple Heights Road (setback variances and hardcover variance for a deck and accessory structure)
 - B. Consider: Resolution 23-12, Variance Findings of Fact, Justin and Jen Zygmunt, 5370 Manor Road (setback variances for home addition)
- 7:30pm 7. NEW BUSINESS
 - A. Consider: Potential Buckthorn and Brush Removal Projects
 - B. Consider: Resolution 26-12, Updating Appointments & Assignments
 - C. Consider: Resolution 24-12, Assessment Roll for Delinquent Sewer, Stormwater, and Recycling Charges
 - D. Discuss: Sewer Discharge Certification Report and Next Steps
 - E. Consider: Cornerstone Path Snowplowing Proposal
 - F. Consider: Three Rivers Park District Permit for Winter Trail Activities
 - G. Consider: Resolution 25-12, Supporting Deephaven Youth Sports Program Grant Application
- 8:15pm 8. OTHER BUSINESS
 - A. None
- 8:15pm 9. COUNCIL REPORTS
 - A. Cook: Welcome!
 - B. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Xcel Transmission Line Upgrade, Excelsior Fire District
 - C. Kind: Police, Administration, Mayors' Meetings, Website
 - D. Page: Lake Minnetonka Conservation District
 - E. Quam: Roads & Sewer, Minnetonka Community Education
- 8:30pm 10. ADJOURNMENT



Agenda Number: **Worksession**

Agenda Date: 10-03-12

Agenda Item: Worksession Discussion - Excelsior Blvd. Watermain Project

Summary: City engineer Dave Martini is seeking council input regarding the Excelsior Blvd. watermain project. In addition, representatives from the Met Council will be in attendance for the discussion.

For the council's reference, below is the project schedule ...

- 10-03-12 City council worksession with city engineer and Met Council representatives to discuss project.
- 10-10-12 Draft of feasibility report due (planning commission packet deadline).
- 10-17-12 Planning commission meeting to review compliance with the comp plan and make a recommendation to the city council. This would not be a public hearing, but public comment may be heard at the discretion of the planning commission. Dave Martini would attend this meeting.
- 10-31-12 Final feasibility report due (city council packet deadline).
- 11-07-12 City council considers a resolution to accept the feasibility study and call for a public hearing. Dave Martini would attend this meeting.
- 12-05-12 If the above is approved, the city council holds a public hearing and considers a resolution ordering the improvement. Dave Martini would attend this meeting.

Council Action: No action can be taken at worksessions.



Agenda Number: **Worksession**

Agenda Date: 10-03-12

Agenda Item: Worksession Discussion – Potential Fee Changes

Summary: Each fall the council reviews chapter 5 fees for potential updates. The current fee schedules are attached. For the council's reference, below is the timetable ...

10-03-12	Worksession to determine which fees need to be updated
11-07-12	1st reading of ordinance changing chapter 5 fee schedules
12-05-12	2nd reading of ordinance changing chapter 5 fee schedules
12-13-12	Ordinance published in Sun-Sailor

The above timetable will allow the fees to be in effect for 2013. If the council runs out of time at the 6pm worksession on 10-03-12, the discussion can be continued after the regular meeting.

Council Action: No action can be taken at worksessions.

CHAPTER 5: FEES, FINES & PUBLIC UTILITIES

SECTION 500. FEES: GENERAL.

SECTION 510. FEES: LICENSES, PERMITS AND SERVICES.

SECTION 515. CIVIL FINES AND FEES.

SECTION 520. SANITARY SEWER UTILITY FUND.

SECTION 525. STORMWATER MANAGEMENT UTILITY FUND.

SECTION 530. FRANCHISE GRANTS.

SECTION 500. FEES: GENERAL.

Section 500.00. Fees, Charges and Rates Authorized and Defined.

The fees, charges, and rates for the purposes set forth in this chapter 5 of this code for licenses, permits, and municipal services shall be in the amounts set forth in this chapter. Reference to the amounts set forth herein in other portions of this code or in other ordinances may be made in such terms as “required fee,” “established fee,” “required license fee,” “license fee,” and “license fee in the required amount,” without specific reference to this chapter, in which event the amounts herein set forth shall be applicable.

Section 500.05. Priority of Application.

If fees, charges, and rates are set forth specifically in parts of this code other than this chapter 5 or in other ordinances which are now in effect, but have not been set forth in this chapter 5, in that event, the fees, charges, and rates thereby specifically set forth shall be effective for all purposes. In the event that such amounts shall appear in other places in this code or in other ordinances or codes, but shall appear in this chapter 5, the amounts appearing in chapter 5 shall supersede the others.

Section 500.10. Collection, Late Payment Charge, Special Assessment.

Payment in accordance with billings shall be made not later than the billing date established for the account. In addition to the charges provided, there shall be a late charge as set by the council and as may be set from time to time for payments made after the 15th day after the billing date. When a charge is more than 15 days past due, it shall be considered delinquent. It shall be the duty of the clerk to endeavor to promptly collect delinquent accounts. All delinquent accounts shall be certified to the clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts, plus interest at the rate of 8% per annum from the date they become delinquent, against the respective properties served. This assessment roll shall be delivered to the council for adoption on or before October 10 of each year. Such action may be optional or subsequent to taking legal action to collect delinquent accounts.

SECTION 510. FEES: LICENSES, PERMITS AND SERVICES.

Section 510.00. Fees: Licenses, Permits and Services Established.

Subd.1. The following fees for licenses, permits and municipal services have been established by the city council. No person, partnership, corporation, or other association shall engage in the following types of activity without paying the fee listed.

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Advertisement Tube License	490.00	\$25	Annual per tube
Animal: Dog License	445.10	\$25 (\$15 if purchased in year 2)	Good for up to 2 years
Animal: Potentially Dangerous Animal License	445.25	\$500	Plus proof of \$100,000 insurance
Animal: Private Kennel License	445.05	\$50	Annual

Animal: Wild Animal Permit	445.15	\$50	72-hour limit
Blasting Permit	910.20	\$500	Council approval required
Boat Launch Permit (for Meadville fire lane) - Resident	425.40	FREE	Annual. Maximum of 2 free permits per address. Must show proof of residency and provide vehicle information / license plate number.
Boat Launch Permit (for Meadville fire lane) - Non-Resident	425.40	\$50	Annual per vehicle. Must provide vehicle information / license plate number.
Building: IPM Code Book	320.30	\$31	Per copy
Building: Excavation / Filling Permit	440.00	Per building code	Per instance
Building: Excavation / Building Permit, Floodplain	1174.07	Per building code	Per instance
Building: Moving Permit	300.20	Per building code	Required per structure
Building: Permit	300.10	Per building code	Required per structure
Building: Permit to Extend Completion of Exterior Work	300.30	\$200 for first 60-day extension (administrative) \$400 for an additional extension (council)	Required per structure
Burning Permit: Recreational	475.10	No permit required	
Burning Permit: Non-Recreational	475.10	\$50	Per instance
Code Book (binder with tabs and photocopies)		\$55	
Docks: Commercial Marina License, Base	430.10	\$110	Base per year
Docks: Commercial Marina License, Per Slip	430.10	\$5	Per slip, per year
Docks: Municipal Watercraft Space Permit	425.10	\$1,050	Per slip, per season
Docks: Municipal Sailboat Space Permit	425.10	\$300	Per slip, per season
Docks: Municipal Canoe / Kayak Permit		\$60	Per space, per season
Duplicate Permit / License	400.15	\$5	Per instance
Excavation Permit: Temporary	1140.50	The fee is the cost incurred by the city for the review of the excavation plan.	Council approval required plus proof of bonding to cover expense of development plan.
Excavation Permit: Street / Sewer	640.30 & 640.95	The fee is the cost incurred by the city for the review of the excavation plan.	Plus surety bond as determined by city engineer.
False Alarm Permit: Fire (after 2nd offense in 12 mo. period)	460.03	\$75	
False Alarm Permit: Police (after 3rd offense in 12 mo. period)	455.10	\$75	
Fire / Police Alarm Non-Compliance Fine	455.35 & 460.07	\$1,000	According to state statute
Firearms Permit	900.20	\$100	Council approval required
Fireworks Permit	900.55	\$50	Council approval required
Gambling License	915.15	\$100	Council approval required
Garage Sale Permit (more than 1 in 12-month period)	450.25	\$50 per event, plus cost of mailing and publishing notification, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage	
Garbage / Refuse Collector License	475.20	\$150 per year, plus proof of insurance: \$100,000 per person, \$500,000 per incident, \$100,000 property damage	
Gasoline Station / Auto Repair License	420.15	\$0 per site plus \$0 per pump	Annual
Landscaping Security Deposit	1140.60	\$1,500 (refundable once landscaping is complete)	Cashier's or certified check. If landscaping is not completed in 12 months, deposit is forfeited.
Liquor: Off-Sale Non-Intoxicating License	800.15 & 800.35	\$100 per year plus commercial general liability by an insurance company licensed to do business in the state of Minnesota with a limit of liability of not less than \$1,000,000 per occurrence for bodily and property damage and loss of means of support with the City of Greenwood being named as an additional insured on the policy. The liability policy must provide that it may not be canceled for any cause either by the insured or the insurance company without first giving ten days notice to the city in writing of that intention. The policy must also provide that any amount paid by the insurance company as a result of a claim will not reduce the coverage available to pay subsequent claims. Businesses with projected liquor sales of less than \$50,000 per year are only required to comply with the minimum insurance requirements in Minnesota state statutes.	

Liquor: Off-Sale Non-Intoxicating, Investigation Fee	800.30	\$500 plus all costs and expenses associated with investigation outside of MN as allowable by state statute	
Liquor: On-Sale Non-Intoxicating Temporary License	800.15	\$100 plus the minimum insurance requirements in Minnesota state statutes. License good for no more than 3 consecutive days	
Liquor: On-Sale Intoxicating License	820.40 & 820.45	\$10,000 per year plus commercial general liability and dram shop insurance by an insurance company licensed to do business in the state of Minnesota with a limit of liability of not less than \$1,000,000 per occurrence for bodily and property damage and loss of means of support with the City of Greenwood being named as an additional insured on the policy. The liability policy must provide that it may not be canceled for any cause either by the insured or the insurance company without first giving ten days notice to the city in writing of that intention. The policy must also provide that any amount paid by the insurance company as a result of a claim will not reduce the coverage available to pay subsequent claims.	
Liquor: On-Sale Intoxicating, Wine License	820.40	\$2,000	Annual
Liquor: On-Sale Intoxicating, Sunday License	820.40	\$200	Annual
Liquor: On-Sale Intoxicating, Delimited License	820.40	\$2,500	Annual
Liquor: On-Sale Intoxicating, Investigation Fee	820.35	\$500 plus all costs and expenses associated with investigation outside of MN as allowable by state statute	
Liquor: On-Sale Intoxicating, Investigation Fee for Renewal Applications or Change of Status	820.35	\$250 per person to be investigated (not to exceed \$500)	Annual
Liquor: On-Sale Surety Bond	820.45	\$1,000	In conjunction w/application
Load Limit Fee: Per Trip Special Operating Permit	730.00	\$50 (\$500 from March 1- May 1)	Per round trip. Not available for building projects exceeding \$20,000 in value.
Load Limit Fee: Blanket Special Operating Permit	730.00	20% of the Building Permit or Moving Fee	Required for building projects exceeding \$20,000 in value. Not available March 1- May 1
Misc. Petitions to the City for Legal Consent or Releases Application Fee		\$200 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Mobile Home Park Permit Fee	405.40	\$100	Annual
Mobile Home 15-Day License	405.40	\$50	Per instance
Mobile Home Temporary Residence License	405.40	\$100	Per instance
Parking Permit: Building Project	305.00	\$50	Per project
Parking Permit: Temporary	710.05	\$25	Charged on a per event basis. Fee will be refunded in cases where the permit is revoked due to inclement weather.
Peddler Permit	465.10	\$70	For 6 months
Photocopies	125.00	\$0.25	Per copy
Plumbing Permit	410.25	Per building code	Required per structure
Recycling: Collection Fee	475.30	\$16	Quarterly
Rental Property License	320.30	\$50 first unit, \$30 per additional unit	Annual
Right-Of-Way Encroachment Permit	630.05	Minimum \$50	Council approval required. Actual fee will be determined by Council based on the proposed intensity of use.
Sewer: Lateral Connection Fee		\$5,120	Per instance
Sewer: Metro Waste Fee		As set by Metro Waste Control	
Sewer: Cap Fee		\$75	Per instance
Sewer: Re-Connection Fee		\$75	Per instance
Sewer Rates: Residential	520.10	\$70 per residential sanitary service unit	Quarterly
Sewer Rates: Commercial	520.10	\$70 per commercial sanitary service unit	Quarterly
Sewer / Recycling / Stormwater: Delinquent Accounts	520.15 & 525.15	The greater of \$5 or 5% of the delinquent amount per quarter.	Certified to county annually.
Showcase Event Permit	450.25	\$50 per event, plus cost of mailing and publishing notification, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage	

Sign Permit: Temporary	1140.40	\$25	Valid for 30 days. Limit 6 per year.
Stormwater Management Utility Fee	525.00	\$12	Quarterly
Stormwater Surcharge Fee for Discharge into Sewer: Residential	310.30 5(f)	\$300	Quarterly
Stormwater Surcharge Fee for Discharge into Sewer: Commercial	310.30 5(f)	\$750	Quarterly
Street Excavation Permit	640.30	\$200	Per site
Tobacco License	415.04	\$50	Annual
Tree Contractor License	435.00 & 1140.80	\$50	Annual. Proof of insurance also required: workers compensation insurance and liability insurance in the amounts of \$500,000 for injury or death of any one person, \$500,000 for injury or death of more than one person in any one accident, and \$100,000 for damage to property.
Tree Removal Conditional Use Permit: Shore / Bluff Impact Zone	1140.80	\$100	Per application
Tree Removal Permit: Exceed Permitted Tree Harvest	1140.80	\$100	Maximum of 5 significant trees
Tree Removal Permit: Construction Related	1140.80	\$250	Home Addition: Remove up to 10% of trees. New Construction: Remove up to 20% of trees. Tree preservation plan required for both.
Zoning: Code Amendment Application Fee	1160.05	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Zoning: Conditional Use Permit Application Fee	1150.15	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Zoning: Misc. Administrative Review Fee	Chapter 11	\$200 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Zoning: Preliminary Administrative Plan Review Fee	1105.00	\$200	Per instance
Zoning: Preliminary Plat Application Fee	600.10	\$500 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per instance
Zoning: Shoreland Compliance Review Fee	1176.03	\$200	Per application
Zoning: Simple Subdivision Fee	600.07	\$150 plus publication cost and Park Fund contribution	
Zoning: Subdivision Park Fund Fee	600.35	10% of the fair market value of the buildable land to be subdivided	
Zoning: Variance Application Fee	1155.20	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application

(SECTION 510 TABLE REVISED JAN. 2011 ORD. 189; APR. 2011 ORD. 193; NOV. 2011 ORD. 200; JAN. 2012 ORD. 204; FEB. 2012 ORD. 207; MAR. 2012 ORD. 208)

SECTION 515. CIVIL FINES AND FEES.

Section 515.00. Civil Fines and Fees Established.

To aid in the enforcement of the ordinance code, the following civil fines and fees authorized by chapter 12 of this code have been established by the city council:

Type of Violation	Section	Civil Fine	Notes
Animal Code Violation: Dog-At-Large 1st offense in 12-month period	445.15 445.30	\$50	In addition to impound fees
Animal Code Violation: Dog-At-Large 2nd offense in 12-month period	445.15 445.30	\$100	In addition to impound fees
Animal Code Violation: Dog-At-Large 3-plus offenses in 12-month period	445.15 445.30	\$150	In addition to impound fees
Animal Code Violation: Nuisance	445.15	\$300	
Building Code: Non Completion of Exterior	300.30	\$300	Each day a violation continues is subject to administrative civil citation
Liquor Code Violation: 60/40 Food/Liquor Sales 1st offense	820.70	\$2,000	1-year probation
Liquor Code Violation: 60/40 Food/Liquor Sales 2nd offense	820.70	\$4,000	7-day suspension of license and possible additional year probation

Liquor Code Violation: 60/40 Food/Liquor Sales 3rd offense in 10-year period	820.70	\$6,000	7-day suspension of license and possible revocation of license
Liquor Code Violation: Sale to Minor or Intoxicated Person, 1st offense in 24-month period	820.70	\$500	3-day suspension of license
Liquor Code Violation: Sale to Minor or Intoxicated Person, 2nd offense in 24-month period	820.70	\$1,000	3-day suspension of license. Proof of training completion.
Liquor Code Violation: Sale to Minor or Intoxicated Person, 3rd offense in 24-month period	820.70	\$1,500	3-day suspension of license. Proof of training completion. Possible revocation of license.
Liquor Code Violation: Sale to Minor or Intoxicated Person, 4th offense in 24-month period	820.70	\$2,000	3-day suspension of license. Proof of training completion. Possible revocation of license.
Tobacco Code Violation: 1st Offense in 24-Months	412.15	\$75	
Tobacco Code Violation: 2nd Offense in 24-Months	412.15	\$200	
Tobacco Code Violation: 3rd Offense in 24-Months	412.15	\$250	7-day suspension of license.
Tobacco Code Violation: Other	412.15	\$50	
Tree Harvest Without Permit	1140.80	\$1,000	Per tree
Penal Code Violation	900 et seq	\$300	Each day a violation continues is subject to administrative civil citation
Nuisance Code Violation	900 et seq	\$100	Each day a violation continues is subject to administrative civil citation
Zoning Code Violation	1100 et seq	\$300	Each day a violation continues is subject to administrative civil citation
City Code Violation Not Otherwise Designated		\$300	
Code Violation Fees	Section	Fee	Notes
Administrative Hearing Officer Fee	1210.25	\$100	Per instance
Late Fee	1210.50	10% of the fine amount. Applies for each 30-day period, or part thereof, that the fine is not paid.	

(SECTION 515 TABLE REVISED JANUARY 2011, ORD. 189)

SECTION 520. SANITARY SEWER UTILITY FUND.

520.00. Authority and Purpose.

Minnesota statutes section 444.075 permits a municipality to build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain sanitary sewer facilities, and maintain and operate the necessary sanitary sewer facilities inside or outside its corporate limits, and acquire by gift, purchase, lease, condemnation, or otherwise any and all land and easements required for that purpose. For purposes of this ordinance “sanitary sewer” means sanitary sewer systems, including sewage treatment works, disposal systems, and other facilities for disposing of sewage, industrial waste, or other wastes as may be established by the city from time to time.

520.01. Sanitary Sewer Utility Established.

A sanitary sewer utility is hereby established. The sanitary sewer utility shall be operated as a public utility pursuant to Minnesota statutes section 444.075. Pursuant to said authority the city shall charge residential, commercial, and industrial customers a quarterly charge to offset sanitary sewer expenses of the city including Metropolitan Council, state, and federally mandated procedures, testing, and servicing costs relating to sanitary sewer and related facilities and utilities.

520.05. General Provisions.

Subd. 1. Sanitary Sewer Utility Fund. The city shall retain all sanitary sewer utility fees within a sanitary sewer utility fund approved by the Greenwood city council for sanitary sewer expenses including: planning, engineering, monitoring, capital expenditures, personnel expenses, equipment, and operation of the utility in accordance with the established city policy.

Subd. 2. Exceptions.

The following land uses are exempt from sanitary sewer utility fees:

- A. Public rights of way.
- B. Unimproved real estate tax parcels employed for agricultural purposes only.
- C. Lakes.



Agenda Number: **1A**

Agenda Date: 10-03-12

Agenda Item: William Cook, Affirmation of Oath of Office

Summary: At the 09-05-12 city council meeting the council appointed Bill Cook to complete the term of Biff Rose. The council specified that Bill should be sworn in at the earliest convenience – which he did do at the city attorney’s office. At the 10-03-12 Bill will affirm the oath of office in a public ceremony.

Council Action: None needed.



Agenda Item: Consent Agenda

Summary: The consent agenda typically includes the most recent council minutes, cash summary report, verified report, electronic fund transfers, and check registers. The consent agenda also may include the 2nd reading of ordinances that were approved unanimously by the council at the 1st reading. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

Council Action: Required. Possible motion ...

1. I move the council approves the consent agenda items as presented.

**Greenwood City Council
Worksession Minutes**

6:00 pm, Tuesday, September 5, 2012
Deephaven City Hall ~ 20225 Cottagewood Avenue ~ Deephaven, MN 55331

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 6:01 pm.

Council members present: Fletcher, Quam and Page
Others present: City Clerk Karpas

Quam moved to approve the agenda. Second by Fletcher. Motion carried 4-0.

2. Discuss 2013 Preliminary Tax Levy and Budget

Mayor Kind noted she highlighted those items that were changed based on the discussion at the last work session. She suggested the Council again go through the budget page by page and raise any questions they may have.

Mayor Kind said the attempt was to keep the levy at the same level as it was in 2012. Councilmember Page questioned why that was necessary. Kind said property taxes were raised as a concern of the residents.

Councilmember Page was opposed to line item 36, the interfund transfer from the Marina fund. He's concerned this is keeping the Marina fund too low and there won't be enough money in it when it comes time to replace the docks. Mayor Kind said she spoke with the city's dock contractor who said the city's docks could last another five to ten years. Page noted that was a pretty large range. He asked if at the rate the fund is growing if the city would have enough to replace the docks in five years. Kind said that depends on the type of dock the city chooses to replace them with. She discussed the different types docks available to the city. She noted if the funds were not available in the Marina fund when the docks need replacing, there would be plenty of funds that could be transferred from the sewer fund. Page asked why it would be transferred from the sewer fund. Kind said that the sewer fund goal is \$250,000 with a current balance of approximately \$350,000, and that since the sewer fund is an enterprise fund, the excess money may be spent on any city purpose such as the city docks. Councilmember Fletcher said he would be comfortable transferring sewer funds if necessary to cover the costs of docks. Page stated he didn't feel that \$250,000 was enough to cover a major sewer issue. Kind said the City Engineer recommended the \$250,000 goal and he said it would be enough to cover a catastrophic event with the sewer system.

Mayor Kind said she supported decreasing the increase in the slip fee by fifty dollars from \$1,200 to \$1,150. The Council agreed.

Mayor Kind commented she was not in favor of increasing Council salaries. She views the position as community service. Councilmember Page disagrees and feels they should still be increased. The consensus of the rest of the council was to leave the Council salaries as is.

Mayor Kind discussed the public safety building budgets noting Greenwood's ad valorem share of South Lake's budget increased while Greenwood's ad valorem share of the Excelsior Fire District's budget went down. The difference means that Greenwood's tax capacity went up more than the other South Lake cities and went down more than the other Fire District cities.

The Council reaffirmed its support of a 2013 contribution of \$1,200 to the Southshore Senior Center.

Councilmember Page expressed concern about the Council not following through on its commitment to put \$20,000 in its bridge fund, noting only \$10,000 was being included for 2013. Councilmember Fletcher said very little of past contingency funds have been spent and he feels the bridge is coming later rather than sooner, so he suggested that unspent contingency funds could be transferred to the bridge fund. Page feels that as more people find out about the money in the contingency fund, they will begin to ask for it. The Council discussed the bridge project and it was noted the city's share would be \$200,000. Mayor Kind said she would not have an issue adding \$10,000 to the bridge fund (total of \$20,000) and reducing the contingency fund to \$12,212. Councilmember Quam said he had no feeling either way. He said the current bridge fund has \$86,000 and there appears to be nothing going on. The Council agreed to move an additional \$10,000 into the Bridge fund.

Councilmember Page reiterated his opposition to the entire \$5,000 for milfoil treatment coming out of the Marina fund. The consensus of the rest of the Council was to leave the milfoil contribution as is.

Councilmember Quam asked if there were any grants available for future sewer projects. Mayor Kind said the city did receive some information recently that was passed onto the City Engineer.

Mayor Kind said she would have clean copies of the revised budget printed off for Council action at the regular meeting.

3. Adjournment

Page moved to adjourn the worksession. Second by Fletcher. The worksession adjourned at 6:39 pm.

Respectfully submitted
Gus Karpas
City Clerk

GREENWOOD CITY COUNCIL MEETING
Wednesday, September 5, 2012, 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 7:01 P.M.

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

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

Members Absent: None

Councilmember Fletcher asked that Item 4.C Buckthorn Removal along Excelsior Boulevard be added to the agenda.

Mayor Kind asked that Item 4.E August 1, 2012, City Council Work Session Minutes be added to the agenda.

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

1A. FIRST ORDER OF BUSINESS

Mayor Kind explained former Councilmember Rose moved out of Greenwood. Mr. Rose sent a letter of resignation to the City. She reviewed the procedural steps Council needs to follow. First, a council seat vacancy must be declared. Once that is done State Statute 412.02 mandates the Council must act to fill it. She noted copy of the language stipulating that is included in the meeting packet.

She then explained that because only four months remain in Mr. Rose's term a special election is not required. Therefore, Council needs to appoint someone to complete that term. She stated the obvious people to consider are the two people who filed to run in the November 6, 2012, election for the two council seats that will be up at the end of 2012. Bill Cook filed for candidacy on August 1, 2012, and Rob Roy filed for candidacy on August 9, 2012. Both of the candidates have indicated they are willing to complete the remainder of Mr. Rose's term and that they are fine with whatever process Council decides to use for determining who to appoint to the remainder of the term. Council may also chose to appoint someone else. Council can appoint a person during this meeting or during its next meeting, but it cannot leave the seat open for the rest of the year.

Kind stated the meeting packet contains a copy of a certificate of appreciation of Mr. Rose's service to the City for Council to approve to give to Mr. Rose.

Fletcher moved, Quam seconded, declaring a City Council seat vacancy due to the resignation of Councilman William "Biff" Rose because of the sale of his Greenwood residence. Motion passed 4/0.

Fletcher moved, Quam seconded, approving the certificate of appreciation recognizing the contributions of Councilman William "Biff" Rose and directing the City Clerk to mail the certificate to his new address. Motion passed 4/0.

Councilmember Quam recommended filling the open council seat immediately because he thought it is difficult to operate with only four members. He then recommended appointing either Mr. Cook or Mr. Roy.

Page moved, Quam seconded, approving the appointment of Bill Cook to complete former Councilman Rose's remaining term through December 31, 2012, and directing that the oath of office be administered as soon as possible. Motion passed 4/0.

Mayor Kind asked Zoning Administrator/Clerk Karpas to inform Mr. Cook that he has been appointed to Council and that the oath of office will be administered during Council's October 2012 meeting. Councilmember Quam recommended not to wait that long to administer the oath. Attorney Kelly stated if it is done sooner a notary on the City of Deephaven's staff may be willing to notarize that it has been done or he himself could do it. Quam recommended doing it quickly. Kind asked Karpas to contact Mr. Cook and ask him to stop by Kelly's office to take the oath of office.

2. CONSENT AGENDA

Mayor Kind reviewed the items on the Consent Agenda.

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

- A. August 1, 2012, City Council Meeting Minutes**
- B. July 2012 Cash Summary Report**
- C. August 2012 Verifieds, Check Register, Electronic Fund Transfers**
- D. September 2012 Payroll Register**
- E. August 1, 2012, City Council Work Session Minutes**

Motion passed 4/0.

3. MATTERS FROM THE FLOOR

Valdis Muceniaks, 21555 Minnetonka Boulevard, noted he has been a resident of Greenwood for 44 years. He stated the lakeshore by the City-owned docks is overgrown with brush and it now blocks off the view of Lake Minnetonka even from the area where picnic tables are. He asked if the City would remove the brush. He noted he used to be able to see the docks from his deck, and he cannot see them now. He then stated the right of way (ROW) between his property on the west and the apartments is overgrown with buckthorn with some of the buckthorn being six to eight inches in diameter. The buckthorn has created a canopy. If something is not done in the near future the buckthorn will infringe upon his property. He went on to state if the docks are stored in the ROW he asked the City to put down grass seed after the docks have been removed in the spring to restore the grass. The grass that was killed this past season when the docks were stored there has been replaced with weeds. He noted he cuts the grass in the ROW of the side closest to his property all the way down to the Lake. The person who manages the apartment complex mows the other side. They take turns mowing the area where the picnic tables are. He has been mowing that grass for 44 years. He noted there are two dead trees in the ROW.

Mayor Kind explained Council cannot take action on matters from the floor but it can consider them during a future meeting. She thanked Mr. Muceniaks for bringing these items to Council's attention.

Councilmember Page thanked Mr. Muceniaks for doing the mowing.

Councilmember Fletcher suggested Mr. Muceniaks' requests be placed on the October 2012 meeting agenda for consideration.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

A. Chief Scott Gerber, Excelsior Fire District 2013 Budget

Mayor Kind noted Excelsior Fire District (EFD) Chief Scott Gerber is present to give a brief presentation about the final recommended 2013 EFD Operating Budget (the Budget) and Capital Improvement Program (CIP). She noted a copy of each of them is included in the meeting packet.

Chief Gerber stated the 2013 budget process started in 2011. He noted the EFD Board and members of the Department have had a great deal of discussion about the Budget. He explained a copy of the final recommended Budget and CIP had been forwarded to the member City Administrators/Manager on August 9, 2012. A joint meeting of the EFD Board and member City Councils was held on August 8th to provide the member City Councilmembers the opportunity to talk about any concerns they may have had about the Budget and CIP. When a similar joint meeting was held a number of years ago there were a number of concerns raised and questions asked about the then budget. None of the non-Board member City Councilmembers attended the August 8th meeting.

Gerber explained the Budget calls for a 1.09 percent increase in the municipal contribution when compared to the actual 2012 contribution. It is based on utilizing fund balance. The actual Budget increase is a 3.3 percent and a large portion of that is based on a 2013 required contribution to the Excelsior Firefighters Relief Association (EFRA) fund for pensions.

Gerber stated he will entertain questions from Council.

Councilmember Fletcher asked what the funding level for the EFRA fund for pensions is. Chief Gerber responded it is not 100 percent funded and explained that is why there continues to be a required contribution. Gerber stated since the market fall in 2008 there has been continued progress toward achieving 100 percent funding. If a snapshot were taken today the fund is probably 95-100 percent funded. If the market continues to do as well as it is doing the funding level should continue to grow.

Fletcher stated it is his understanding that the EFD leases some of its equipment.

Chief Gerber explained that since 2006 it has been the EFD's policy to purchase big apparatus on a five-year lease purchase. The EFD pays for them over a five year period and then it owns them. That same approach was used for purchasing new self contained breathing apparatus (SCBA), but it was over a ten year period. SCBA is replaced every ten years. The main apparatus are on a 20-25 year replacement schedule.

Councilmember Fletcher asked what the lease rates are. Chief Gerber stated the rates vary. Gerber explained that for the last couple of purchases the lease rates have been 2-2.5 percent and the EFD was able to finance the equipment through one of the EFD member cities. That benefited both the EFD and the member city.

Councilmember Quam noted that he likes the EFD's General Fund balance which is proposed to be 41 percent for 2013.

Chief Gerber stated the EFD also likes its General Fund balance. He noted the level of fund balance is a result of the District being fiscally responsible and operationally responsible. He then noted the Department has operated under budget for the last several years. He stated he hopes it will be possible to continue with that trend.

Mayor Kind noted that even though there is a proposed overall increase in the municipal contribution of 1.09 percent Greenwood will have a decrease of 2.38 percent in operations and a decrease of 3.19 percent for facilities/capital costs. Greenwood's overall decrease will be 2.76 percent. The decrease is a result of property values going down in the City. The funding formulas are based on ad valorem.

Councilmember Fletcher asked Chief Gerber to comment on the volunteer paid-on-call firefighters staff.

Chief Gerber stated the EFD has a great organization that provides a great service to the community. The EFD recently brought onboard four new firefighters to bring the compliment of paid-on-call firefighters to 47. The firefighters live and work within the community the EFD serves. Gerber then stated volunteerism continues to be an issue across the nation. It is becoming increasingly more difficult to find people to volunteer. Although the EFD continues to be able to find volunteers today he has no idea what it will be like ten years from now. People who move into the five EFD member cities, as well as other cities, believe they will continue to have the same services they had when they lived in an urban city. They think they will have a full-time fire department. He noted the goal is to continue with the current staffing model with some slight refinements. To go to a full-time department would be considerably more expensive than today's paid-on-call department.

Mayor Kind stated although the pay for being on-call is not great the pension is very good. She asked if the EFD is in need of more firefighters now. Chief Gerber stated the EFD likes to stay in the 45-50 range of firefighters, and noted that 50 is the maximum the EFD can have. Gerber then stated the EFD likes to maintain a list of people who are interested for when there is a need for a firefighter. Today there are some people in the EFD's file of pending applications.

Councilmember Fletcher asked what the paid-on-call rate is. Chief Gerber explained an active firefighter that is off of probation gets \$10.20 per hour and a probationary firefighter gets \$9.25 per hour. Gerber stated a person does not sign up to be a paid-on-call firefighter because they are going to get rich. They do it because it is something they want to do. There is a pension if a firefighter has been an active firefighter for at least 10 years. Mayor Kind stated the pension is the motivator. Gerber stated it is a component of it. Gerber noted a firefighter carries a pager day-in and day-out and they aren't compensated for carrying it. He explained there is an expectation that when a firefighter receives a page for a call that they will drop what they are doing and respond. Gerber explained the District is fortunate to have the people it does as firefighters because they do respond when a call is received. Fletcher stated he thought it is pretty good for people to get a call at 2:00 A.M. and show up at the station for \$10.20 per hour. Fletcher then stated it is not about the on-call pay.

Fletcher moved, Quam seconded, approving the recommended final 2013 Excelsior Fire District Operating Budget and 2013-2033 Capital Improvement Program as recommended by the EFD Governing Board on August 8, 2012. Motion passed 4/0.

Chief Gerber thanked Council for its continued support of the EFD.

Council thanked Chief Gerber and the EFD firefighters for the service the EFD provides.

B. CUB Food Dash, September 6, 2012, 1:00 P.M.

Mayor Kind stated the CUB Food Dash is scheduled for September 6, 2012, at 1:00 P.M. She encouraged people to come and cheer her on. She stated she will find out who her partner is the day of the Food Dash. She noted the Food Dash raises money for the ICA Food Shelf.

C. Buckthorn Removal along Excelsior Boulevard

John Beal, 5470 Maple Heights Road, stated he had sent Council an email about his proposal for removing buckthorn along Excelsior Boulevard. He explained that volunteers will cut all of the buckthorn down on Saturday, September 22, 2012. He recommends a method of cutting the buckthorn close to the ground and then treating the stumps rather than pulling the buckthorn out. He stated he would like the City to haul away the brush and pay for the applicators, blue dye and the chemical purchased for this removal effort. It will probably cost about \$50. The chemical used to kill the buckthorn will not harm the lilacs in the area.

Quam moved, Page seconded, authorizing an amount not to exceed \$100 for the removal of buckthorn along Excelsior Boulevard and directing Public Works to haul away the brush that will be cut down. Motion passed 4/0.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Variance Findings of Fact, Matt and Angela Lindberg, 5160 Greenwood Circle (grade alteration)

Mayor Kind explained that during its August 1, 2012, meeting Council approved the variance request to permit an alternation of grade for Matt and Angela Lindberg, 5160 Greenwood Circle, to help with drainage and enlarge the rear yard. The Council directed the City Attorney to draft Findings of Fact for approval at the September 5, 2012 council meeting. She noted that a copy of the Findings of Fact prepared by the City Attorney is included in the meeting packet.

Fletcher moved, Kind seconded, Adopting RESOLUTION NO. 18-12, "A Resolution of the City Council of the City of Greenwood, Minnesota Acting as the Board of Appeals and Adjustments, for real property located at 5160 Greenwood Circle setting out the findings of fact and conclusions of law regarding the Matt and Angela Lindberg variance request for grade alteration." Motion passed 3/1 with Page dissenting.

Mayor Kind asked Councilmember Page if he would like to comment on his dissenting vote. Page stated he has already elaborated ad nauseam in previous meetings about his position on this.

B. Second Reading: Ordinance 212, Amending Code Section 425, Municipal Watercraft Spaces

Mayor Kind stated this is the second reading of Ordinance 212, amending Ordinance Code Section amending Ordinance Code Section 425, Municipal Watercraft Spaces to establish a process for assigning spaces for canoe racks. It also includes other minor revisions to help clarify the process for watercraft spaces in general. She explained Council approved the first reading of the Ordinance during its August 1, 2012, meeting. During that meeting Council discussed the concern raised by property owners whose drivers' licenses do not list Greenwood as their address because their primary residences are in Florida or other winter locations. She noted the City of Deephaven's dock requirement is that people need to reside in Deephaven during the boating season. She stated Council decided not to make any changes regarding residency requirements during the first reading, and chose to continue the discussion to this meeting with the understanding it could do so during this second reading. She commented she thought the way the Ordinance reads now is fine.

Councilmember Quam recommended leaving the Ordinance the way it is proposed.

Councilmember Page stated he is not advocating change to what is proposed.

Mayor Kind asked Council when it wants the City to start accepting applications for the Meadville canoe rack spaces. Councilmember Fletcher suggested October 1, 2012.

There was Council consensus to start accepting applications for the Meadville canoe rack spaces starting October 1, 2012, at 8:00 A.M.

Kind noted the meeting packet contains a copy of Section 425 showing the original and amended text as well as a clean copy with the amendments incorporated.

Page moved, Quam seconded, Approving ORDINANCE NO. 212 "An Ordinance of the City of Greenwood, Minnesota, Amending Ordinance Code Section 425, Watercraft Spaces." Motion passed 4/0.

Page Moved, Quam seconded, Adopting RESOLUTION NO. 19-12, "A Resolution Approving Publication of Ordinance Number 212 by Title and Summary." Motion passed 4/0.

C. Capital Replacement Fund for the Public Safety Facility

Mayor Kind explained that during Council's August 1, 2012, meeting South Lake Minnetonka Police Department (SLMPD) Chief presented the 2013 SLMPD Operating Budget. Litsey also presented the concept of creating a Capital Replacement Fund (the Fund) for the public safety facility located in the City of Shorewood. Litsey is referring to the portion of the facility used by the SLMPD; not the portion used by the Excelsior Fire District (EFD). The meeting packet contains a copy of Chief Litsey's memorandum and the proposed funding plan. Litsey proposes the four member cities fund a \$10,000 contribution based on ad valorem (tax capacity).

Kind noted that since the August 1st meeting the Excelsior and Shorewood City Councils have approved motions to create the Fund in 2013 with a total contribution amount of \$10,000 with each SLMPD member city's share being based on ad valorem. The Tonka Bay City Council discussed the concept of the Fund during its August 15th meeting but it did not take any action on it. All four member City Councils must approve creating the Fund.

Kind stated no action has to be taken, but that it is highly recommended that the member cities establish a fund, or at a minimum agree on a funding formula before a repair is needed.

Councilmember Quam asked when money is anticipated to be needed. Mayor Kind stated it's anticipated it will be needed a couple years before the bonded debt for the facility is paid off in 2023.

Councilmember Page stated the first thing Council must decide is if it supports creating the Fund.

Mayor Kind reiterated at a minimum a formula for funding unbudgeted repairs need to be agreed upon before a there is a need for the repairs.

Councilmember Page stated with all of the money the City is paying to the SLMPD it seems to him there should be a way to squeak out a repair fund. He recommended doing nothing to send the message the City is paying plenty already. He stated the SLMPD already found money that belonged to the City that the SLMPD kept. He thought it was around \$7,000. Mayor Kind stated that the money was put into a building maintenance fund and that she did not remember the amount.

Mayor Kind stated she understands Councilmember Page to be stating that if a cash call is needed it should be worked into the operating budget using the formula for funding operations. She then stated the council memo included a proposed funding formula that would be based on one-third tax capacity, one-third on use, and one-third on population. From her vantage point she thought that funding formula would be fairer than either the current formula for operations or for debt service.

Councilmember Quam stated he did not think the member cities could reach an agreement on a formula in the near future. He recommended the SLMPD Coordinating Committee make a recommendation. Mayor Kind stated what is before Council is the Committee's recommendation, noting there was no agreement what the funding formula would be.

Councilmember Fletcher stated to the extent there is a formula, which assumes there is a desire to have the Fund, he prefers the one-third, one-third, and one-third formula. He then stated in 2023 the debt service for the facility will be paid off. Therefore, there will be substantial monies available. He asked if the \$25,000 set aside for repairs has been spent. Mayor Kind stated not all of it. Councilmember Page stated then there is already a maintenance fund. Kind stated that is correct. Fletcher stated based on his experience major components of a building last longer than 20 years. Fletcher then stated he thought it made sense to have certain amount of money set aside so that if an unexpected repair came up it could be paid for. He went on to state it will be known ahead of time if the roof has problems. An elevator is not going to suddenly fall apart. He expressed he supports Councilmember Page's suggestion to do nothing.

Mayor Kind stated she will let the SLMPD Coordinating Committee know that Council prefers the one-third, one-third, and one-third formula if a cash call is needed and that it does not want to create a fund at this time.

Councilmember Fletcher stated to sway him he needs to see something that shows there is a real need that has to be addressed. He does not see that there is a real need yet.

Mayor Kind stated if there were to be a real need and it is very costly each SLMPD member City Council would have to approve it.

Councilmember Fletcher stated he did not think there will be any big ticket repairs/replacements needed over the next few years that warrant setting money aside.

7. NEW BUSINESS

A. 2013 Preliminary Tax Levy

Mayor Kind stated during its work session preceding this meeting Council had its final discussion about the preliminary 2013 General Fund Operating Budget. The proposed budget requires a property tax levy of \$644,688. The 2012 levy was \$644,719. She explained if that 2013 levy is approved this evening the amount cannot be increased when the final levy is adopted during the December 5, 2012 Council meeting. However, the levy can be lowered before the final budget adoption.

Kind asked if anyone in the audience wants to comment on the proposed budget.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 20-12, "A Resolution Approving the Proposed Tax Levy Collectible in 2013 in the amount of \$644,688." Motion passed 4/0.

B. City Council Position Regarding Bean's Greenwood Marina Proposed Dock

Mayor Kind introduced Aaron Bean with Bean's Greenwood Marina (the Marina) who is here to present his plan for reconfiguring the docks at the Marina. She noted a copy of the proposed plan is included in the meeting packet. A copy of the current dock configuration was placed at the dais this evening.

Councilmember Fletcher stated Council is about one-half hour ahead of where the agenda predicted this discussion would begin. He questioned if there may be people who want to be here for the discussion but aren't because of the estimated time on the agenda. Councilmember Quam and Councilmember Page recommended moving forward with this discussion now being this is not a public hearing.

Aaron Bean, with Bean's Greenwood Marina, stated he lives above the building and he manages the Marina. He explained he is presenting a proposal to the Lake Minnetonka Conservation District (LMCD) next month that would improve all of the Marina's docks. The change would improve the quality, the visual appeal and the aesthetics of the Marina. He noted his reason for being there this evening is to see if Council would endorse what he is proposing to do. He clarified he does not need the City approval on his plan. He noted he had spoken with Mayor Kind and she had suggested he come before Council.

Mr. Bean explained the footprint will basically remain the same. In addition to improving the quality of the Marina, the plan should also help address consumer trends for mid-size boats. In order to do that, all of the 22-foot boat slips, its three 40-foot boat slips, and a 58-foot boat slip will be eliminated. The new configuration will have 28-foot slips. There would be the same number of slips and the square footage will remain the same. In the approved current plan the existing top left dock section (the northwest) is closer to the B dock section. That will be moved out a little further in order to straighten the slips and make enough room to have the 28-foot slips. Other than that there will be very little change to the current footprint. The pilings will be 6-8 inches. While making the changes will improve safety and quality of the Marina, he believes it prudent to accommodate consumer trends.

Mayor Kind asked if the intent is to have the same style of lighting as what is shown in the example picture from Excel Boat Club. Mr. Bean stated that it is. Bean then stated if the plan is approved he will begin to address the electrical and lighting needs. Kind stated there has been a neighbor concern about the amount of lighting, and if that could be improved it would be great. Mr. Bean stated he is doing his best to improve the light situation without compromising the security and safety of his customers. Kind stated she thought the overall look of the docks and lighting was very attractive.

Councilmember Page stated he heard Mr. Bean state the dock section on the northwest is proposed to be moved to the northwest. He then stated the Villas are to the west of that. Mr. Bean stated they are on the northwest. Page asked if Mr. Bean will maintain the required setback. Mr. Bean stated he will be. Mr. Bean explained there is a 20-foot setback for the easement for the water way. The setback in the proposed plan is 45 feet and he is well within what is required by the LMCD. Page asked if the width of the docks will be changed. Mr. Bean stated they will be a little wider for the 28-foot slips, and the main walkways will be a little wider. They are 3 feet now and the new ones will be 4 feet. They will not obstruct the public waterways. Mr. Bean highlighted which slips were being removed and new ones added on a map. Mr. Bean explained that by eliminating the largest slips he can accommodate the 28-foot slips without adding square footage.

John Beal, 5470 Maple Heights Road, asked if the Marina will continue to offer covered slips. Mr. Bean stated the covered slips will basically be in the same areas where there are covered slips now. Mayor Kind stated she assumes the covered slips are grandfathered in.

Councilmember Fletcher stated the current lights are very open and project across St. Albans Bay. Mr. Bean stated he is fully aware that one neighbor thinks it is excessive lighting. Mr. Bean stated the hope is to install podium style lights that would be about waist high from the dock provided they will not compromise safety or security. Fletcher asked if there is some type of cover that could be placed on top of the taller lights to direct light downward. Mr. Bean expressed his willingness to accommodate all property owners that front St. Alban's Bay, while noting he has only received one complaint.

Councilmember Quam stated he supports making the improvements.

Mayor Kind stated she supports property owners bettering their properties. She then stated the upgrade proposed is very attractive. It would be good for the Marina's customers and the City.

Fletcher moved, Quam seconded, authorizing the Mayor to write a letter of support regarding the proposed dock reconfiguration plan by Bean's Greenwood Marina and requesting the Marina do its best to minimize the impact of light on adjacent properties. Motion passed 4/0.

C. Variance Requests, Frank Precopio 5520 Maple Heights Road

Zoning Administrator/Clerk Karpas explained Frank Precopio, 5520 Maple Heights Road, is requesting variances to demolish and reconfigure an existing non-conforming deck which would encroach into the minimum required north and south side yard setbacks and exceed the maximum permitted impervious surface. The applicant also proposes to remove and reconstruct an existing non-conforming lakeside accessory structure within the required north side yard setback.

The applicant proposes a north side yard setback of 1 foot 9 inches and a south side yard setback of 7 feet 10 inches for the proposed deck alteration and expansion. The proposal requires a variance of 13 feet 3 inches of the north side yard setback and 7 feet 2 inches of the south side yard setback. Both the existing and proposed decks are elevated approximately 9 feet at their highest point. The existing deck extends towards the lake approximately 27 feet 8 inches from the principal structure at the approximate midpoint of the deck. The proposed deck would extend a maximum of 24 feet from the principal structure. It would be pulled back from the lake.

The applicant is proposing to remove an existing non-conforming shed that sits on the lake side of the principal structure and to construct a new structure on the lake side. The Zoning Ordinance requires a minimum side yard setback of 15 feet. The applicant proposes a north side yard setback of 8 feet, 5 inches

for the proposed accessory structure. It requires a variance of 6 feet, 7 inches of the north side yard setback. It would be moving it closer to the north side yard setback. The Zoning Ordinance does not permit the placement of an accessory building between the lakeshore and the side of the principal building closest to the lake.

The Zoning Ordinance permits a maximum permitted impervious surface area of 30 percent. The applicant is requesting to exceed that by 16 percent.

Karpas asked if Council wants the long recommendation of the planning commission to be read into the record. Council did not think there was a need to do that.

Mayor Kind stated the Planning Commission's recommendation is included in the meeting packet. Therefore, it is already public record.

Councilmember Fletcher noted the Planning Commission passed its recommendation on 3 to 1 vote with Commissioner Conrad voting against it. He explained Conrad thought the applicant could have maintained a portion of the existing deck design along the north property line without extending further into the neighboring property and keeping within or behind the existing non-conforming deck. He noted that Commissioners Beal and Paeper were not present at the meeting, but they both submitted a letter of support for the project as proposed.

Mayor Kind noted that in its motion the Planning Commission basically recommended the accessory structure be constructed in its current location because the Commission could not find an ordinance to hang its hat on for relocating it. In the motion it states "*The Planning Commission stated for the record they viewed the request for the reconstruction and relocation of the proposed accessory structure as reasonable and felt it should be approved but could not determine the appropriate ordinance provisions which granted them the authority to permit the reconstruction and relocation of a nonconforming structure.*" Councilmember Fletcher stated that does not mean that Council cannot find a good reason for it.

Kind stated the next step in this process is for Council to ask questions of Staff. After that the applicant will be allowed the opportunity to address Council if he wants to. There will also be an opportunity for the public to comment as well.

Councilmember Quam asked if the deck will extend further into the neighboring property. Zoning Administrator/Clerk Karpas responded it will not. Karpas explained it will extend closer to the neighboring property *line*, but that it will not extend into the neighbor's *property*. Karpas stated that is what he thought Planning Commissioner Conrad meant to say when she voted against the motion. Councilmember Fletcher explained the deck is along the neighboring property line, and that the deck will be squared up a little which will result in it being a little closer to the property line. Fletcher noted the deck's square footage does not change.

Councilmember Fletcher noted that Commissioner Cook had suggested the property owner on the side where the accessory structure is located be asked to submit comments about the relocation of that structure. He stated he thought applicant has gotten something.

Frank Precopio, 5520 Maple Heights Road, stated the overall hardcover for the entire project will stay the same. For the deck it will actually be a little bit less.

Mayor Kind commented she visited the site. She explained the Staff report and the application both say the current shed (accessory structure) is 10 feet by 12 feet (or 120 square feet) and the proposed new shed would be 8.5 feet by 14.5 feet (or 123.25 square feet). She asked Mr. Precopio to explain that. Mr. Precopio explained the 10 foot by 12 foot size is a rounded number.

Travis Van Liere, Travis Van Liere Studio, 4146 Coffman Lane, Minneapolis, stated he is the landscape architect for the project. He explained per the survey the actual size of the current shed is 10 feet 2.5 inches by 12 feet 2.5 inches (or approximately 123.88 square feet). The certificate of survey has it documented at 124 square feet. The proposed shed also would be 124 square feet.

Councilmember Quam stated because the shed will be narrower he asked if it will help the line of site from shore. Mr. Precopio stated it will because it will be a thinner structure. He explained the main reason for making the new shed longer was to be able to fit things such as paddle boards into the shed. Today the paddle boards are stored alongside of the shed.

Councilmember Page stated the satellite dishes at the property are currently located on the ground. He asked if the plan is to locate them on top of the proposed shed. Mr. Precopio noted that only one of the dishes is functional, and that he prefers to have the dishes located on the ground. Page noted he would not like the dish to be located on top of the new shed. Mayor Kind stated she assumes that Page would like that as a condition of approval if this is to be approved. Mr. Precopio stated he is fine with the dish being located close to the ground.

Mr. Precopio noted that both of his neighbors are in attendance should Council have any questions for them.

Councilmember Quam asked if any of the neighbors have any objections.

Marietta Jacobsen, 5530 Maple Heights Road, expressed her support for Mr. Precopio's remodeling and landscaping plan. She stated that removing the existing deck and upgrading it plus addressing his lift station makes sense to do it all together. Mr. Precopio no longer uses his hot tub so it makes sense to remove it. The birch tree that the deck was built around by the original owners has gotten large and old. It is a concern when it is windy.

Ms. Jacobsen then stated that most of the homeowners on her street have sheds down by the lake to keep their water toys and lawn mowers in. It would create a hardship if they had to carry everything up and down their steps. She then stated allowing Mr. Precopio to make the shed longer and narrower will allow him to keep his longer items inside the shed rather than having them sit alongside of the shed. Having the shed located closer to the side yard makes sense to her when a person is trying to clean up a property. She noted that the hardcover remains the same so that should be a moot point.

Ms. Jacobsen went on to state the air conditioning unit will be moved off of the deck and onto the side yard by her. She noted that she is comfortable with where it will be placed. She stated Mr. Precopio has assured her that he will plant some evergreens around it. She expressed concern about the large planting of hydrangeas on her property. They are located right on the lot line and she would like them saved. She stated Mr. Precopio is aware of her concern.

Ms. Jacobsen reiterated that she supports the change 100 percent.

John Beal, 5470 Maple Heights Road, stated his property is located in the cul-de-sac at the bottom of the hill. He noted that he is a member of the Planning Commission, and that he missed the meeting because

he was in Chicago. He stated the Planning Commission was not able to approve the shed construction portion of the project so he would like to talk about it. He thought what Mr. Precopio proposes is absolutely reasonable. He explained Mr. Precopio's house is located at street level and all of the lake stuff and lawn care stuff is at the lake level. It is two really long flights of stairs to get from the lake level to the garage which is the other place a person would put that stuff. Therefore, having a shed is reasonable for this property. There are five houses in a row with accessory structures between the house and the lake; that is for a reason. Mr. Precopio's house is in the middle of the group of five, and his shed is about the mid-size of them. His shed is 59.8 feet back from the lake.

Mr. Beal then stated that Mr. Precopio proposes to tear down the existing shed and construct a new shed. The frontal area of the new shed (the area a person would see if they were on the lake) will be reduced by 16 percent, assuming it is the same height. The new shed will be 7 feet 10.5 inches farther back from the lake. Mr. Precopio has committed to him that it will be all neutral colors with white trim. From his vantage point Council has two choices. It can require Mr. Precopio to fix the old shed in the current location. Or it can allow him to build the one he proposes which will be less intrusive and be located farther back from the lake. From his perspective Mr. Precopio's proposal is better for his neighbors and for people going by on the lake. He questioned why Council would not approve the shed request.

Mr. Beal went on to state that with regard to the practical difficulty standard the proposed use is entirely appropriate. The lot is a steep, lake lot with the lake and lawn being way down below. To use the property there is a need for storage space down by the lake. The problems are unique to the property; Mr. Precopio did not create them. The proposed shed will be less intrusive and it will not alter the essential character of the locality.

Mark Knight, 5510 Maple Heights Road, noted his property is located directly north of Mr. Precopio's. He expressed his support for Mr. Precopio's proposed project. The proposed dimensions of and location of the new shed would be an improvement.

Fletcher moved, Quam seconded, accepting the recommendation of the Planning Commission and approving the variance requests by Frank Precopio to encroach thirteen feet, three inches into the required north side yard setback and seven feet, two inches into the required south side yard setback and to exceed the maximum permitted impervious surface area by 16 percent for the deck reconfiguration as presented; and approving the variance requests as presented by the applicant to permit the construction of an accessory structure between the lakeshore and the lake side of the principal structure which would encroach six feet, seven inches into the required north side yard setback with the height of the structure not exceeding the height of the current structure. The motion is based on the following findings. The proposed accessory structure will clean up the view from the lake by making it narrower. Locating it closer to the property line will make it look better because the shed on the abutting property is located close to the property line. It is a reasonable use of the property. It improves the essential character of the locality.

Councilmember Page proposed the following friendly amendments. The first is the movement of the air conditioner to the south side of the property be subject to there being natural screening around it. The second is that there will not be any satellite dish placed on top of the new accessory structure. He stated he thought Council could justify the variance for construction of the new accessory structure based on the fact it is reducing the existing nonconformity. That should always be encouraged. It is inherent in the City Code that the City can always allow a decrease in the nonconformity. Mayor Kind asked what the decrease is. Page stated it will be located farther back from the lake than the existing accessory structure is. Kind stated the existing structure is not encroaching, but it will be farther back. Councilmember Fletcher stated the visual impact from the lake is diminished.

Without objection from the maker or seconded, the motion was amended to require that relocating the air conditioner to the south side of the property is subject to there being natural screening around it, and that a satellite dish cannot be placed on top of the new accessory structure. Motion passed 4/0.

Mayor Kind recessed the meeting at 8:22 P.M.

Mayor Kind reconvened the meeting at 8:32 P.M.

D. Variance Requests, Justin and Jen Zygmunt, 5370 Manor Road

Zoning Administrator/Clerk Karpas explained Justin and Jen Zygmunt, 5370 Manor Road, are requesting variances to expand and construct a partial second story over an existing non-conforming structure which would encroach into the minimum required rear yard and exterior south side yard setbacks. The Zoning Ordinance requires a minimum rear yard setback of 35 feet and an exterior south side yard setback of 30 feet. The existing structure is non-conforming in that the footprint extends 4 feet into the required rear yard setback, 17 feet into the required exterior side yard setback and 8 feet into the required 15-foot north side yard setback.

The proposal is to build a partial second story which would only encroach into the required rear and exterior south side yard setbacks. The second story would maintain the existing encroachment into the required rear yard and reduce the existing encroachment into the required exterior south side yard setback by 9 feet. The applicants propose a rear yard setback of 31 feet (a 4-foot variance) and an exterior side yard setback of 22 feet (an 8-foot variance) for the second story. It would comply with north side yard and front yard setbacks.

The existing structure is non-conforming in that the current garage encroaches 17 feet at its closet point into the required exterior south side yard setback. The applicants propose to attach an addition to the southeast foundation of the garage and continue the angle of the garage to the east to create additional garage space. At the point where the proposed addition would meet the existing garage it is set back 20 feet from the property line, thus reducing the existing encroachment. The applicant is requesting a variance of 10 feet of the required exterior south side yard setback for the garage addition.

The proposal would comply with the maximum permitted impervious surface area and the maximum permitted volume area.

Justin Zygmunt, 5370 Manor Road, stated he and his wife Jen bought their property under a year ago. The house was built in 1955. The majority of the homes in their neighborhood were built more recently. Their proposal would improve the consistency of their home with the neighborhood and it will help to increase the property values.

Mayor Kind commented that she went to look at the site the previous day. She highlighted the current structures on the site and the proposed structure. She stated the grade on the property is fairly high. There is a big hill that comes up to the house. She asked what the applicant is proposing to do with grading.

BJ Shelly, with Auben Residential, 1486 Steiger Lake Lane, Victoria, stated the grade will stay the same on the bottom side of the second story addition. They will have to dig down about 6 feet for the driveway. A 2 foot retaining wall will have to be constructed near the garage addition. The existing asphalt driveway will have to be removed, but the grade in that area will remain the same.

Councilmember Page asked if the existing garage doors will be removed. Mr. Shelly stated the plan is to leave them and that area will be used for storage. Page asked if grass and landscaping will replace the current asphalt driveway. Mr. Shelly stated it will.

Mayor Kind displayed the view of the proposed house and garage from each side. She noted the driveway onto the property will come off of Oak Lane. She stated what is being proposed is very attractive.

Councilmember Fletcher asked what the setback is from Oak Lane for the second story addition. Mayor Kind stated it appears as if it is about 30 feet.

Councilmember Quam noted the neighbors are not objecting to the applicants' proposal, and that the Planning Commission recommended approval of this on a 4 to 0 vote.

Councilmember Fletcher noted that he had expressed concern to the Planning Commission about the structure being close to Oak Lane. He also noted that Planning Commissioner Paeper, who was not at the Commission meeting when this was discussed, had expressed concern in writing about that also.

Mayor Kind stated the proposed addition will comply with the setback from the roadway. She then stated the overall look is very nice and she wants to encourage property owners to make their properties better. She went on to state she found it confusing to know where the entry into the existing home is. It was noted it will be much clearer on the proposed structure.

Councilmember Fletcher stated the setback is defined as being from the property line.

Zoning Administrator/Clerk Karpas noted the second story addition does need a variance of 8 feet on the south. But, from the edge of the road it will be well over 30 feet. From the road it will not have the feeling of crowding. As the structure goes to the east it is pulling away from Oak Lane based on the angle of the house.

Councilmember Quam stated he does not find any problems with what is being proposed.

Quam moved, Kind seconded, accepting the recommendation of the Planning Commission and approving the variance requests by Justin and Jen Zygmunt, 5370 Manor Road, to encroach ten feet into the required exterior south side yard setback for the proposed one story addition, and to encroach four feet into the required rear yard setback and eight feet into the required exterior south side yard setback for the proposed second story addition as presented. The motion is based on the following findings. The variance is in harmony with the purpose and intent of the ordinance, and it is consistent with the comprehensive plan. The proposal puts the property to use in a reasonable manner. The unique circumstances to the property are not created by the property owner. The variance, if granted, will not alter the essential character of the locality.

Councilmember Fletcher expressed concern about the mass close to the roadway. He noted Planning Commissioner Paeper had expressed the same concern. He stated he thought it has the potential to alter the essential character of the locality. He noted he is not in favor of the motion. He stated he likes the design of the house but thinks it is much too close to Oak Lane.

Councilmember Page stated he went to the site earlier in the day and took a good look at it. From his perspective all of houses in the area of Oak Lane seem kind of tight. Therefore, he does not think what is being proposed will alter the essential character of the neighborhood. He noted he is always concerned

with people coming in and requesting a variance who make no effort to reduce nonconformities. He does not think the applicants made any effort to do that.

Zoning Administrator/Clerk Karpas noted the applicants did pull the second story back from Oak Lane as much as they could on the south side and they did comply with the north side setback. They did not push to the limit of the footprint on the second story. He also noted and that the existing garage is not usable. He stated the applicants did try to design it as one story. He explained that their initial plan had upwards of 40 percent impervious surface and he told them that would not be approved. The applicants did redesign their plan.

Councilmember Quam stated the proposed structure is well within the maximum permitted volume area. He questioned how the house could be called too big. Councilmember Page stated he does not think it is, and noted that most of the houses in the area are two story homes. Mayor Kind stated she thought what is being proposed will fit better in the neighborhood. Quam noted that before his home was fixed it was difficult for visitors to determine where the front door was.

Mayor Kind offered the applicant the opportunity to wait to have Council act on this until its October meeting. She explained if this fails on a 2 to 2 vote it fails.

Councilmember Fletcher noted that Bill Cook was appointed to fill the vacancy on the Council for the remainder of this year, and Mr. Cook had been a Planning Commissioner up until his appointment. Mayor Kind noted that Mr. Cook made the motion to recommend approval of the requests at the Planning Commission meeting.

In response to a question from Councilmember Fletcher, Zoning Administrator/Clerk Karpas stated from his perspective the applicants made a reasonable attempt to limit their encroachments. Karpas then stated they did not encroach farther with the proposed garage addition. They attached to the existing foundation and the garage angles away from Oak Lane. They pulled the second story addition back as much as they could on the south side. After hearing Karpas' comments Councilman Fletcher stated he supported the motion.

Motion passed 4/0.

E. State of Minnesota eCharging/eComplaint Agreements

Mayor Kind explained that the South Lake Minnetonka Police Department (SLMPD) is about to go live with the new eCharging/eComplaint system. The SLMPD has the required documents in place to connect with the system, but also needs each SLMPD member city to approve separate agreements with the State on behalf of their respective prosecutors. The meeting packet contains a copy of the resolution and related documents. The resolution and documents are based on model documents provided by SLMPD Chief Litsey and mirror those adopted by the Excelsior City Council on August 8, 2012. The packet also contains a copy of an email from Chief Litsey explaining why the member cities need to enter into separate agreements and a copy of the November 2011 resolution adopted by the SLMPD Coordinating Committee that was deemed unacceptable by the State of Minnesota.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 21-12, "A Resolution Approving State of Minnesota Joint Powers Agreements with the City of Greenwood on Behalf of its City Attorney and Police Department."

Councilmember Page stated the resolution states "... *and obligates the City to pay the costs for the network connection.*" He asked if those costs are known. Mayor Kind responded she does not know what they are. Page stated he thought it prudent to know what they are. Councilmember Fletcher stated the network connection would typically be provided by the SLMPD because it is a secure network connection to the State. He thought it would be apportioned to the member cities as part of SLMPD operating costs. Page stated he wants to know what the cost is.

Page then stated the resolutions states "*The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.*" He noted that he does not like that language because he did not think it would be appropriate to put the City Clerk in the situation of trying to interpret an amendment or agreement which are copious, ambiguous and difficult to understand. He stated the City has to be given 30 days notice before they make any change. He recommends that language be removed from items 2 and 3 in the resolution.

Without objection from the maker or seconder, the resolution was amended to remove the language stating "*The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State*" in two places. Motion passed 4/0.

F. Hosting Planning and Zoning Workshop

Mayor Kind stated Council expressed interest in exploring the idea of the City hosting a workshop to train Planning Commissioners and elected officials from Greenwood and neighboring cities. Interested citizens would also be welcome. A preliminary cost estimate was prepared and an email was sent to representatives from neighboring cities to gauge interest. Based on feedback it appears that the City would be close to getting the minimum of 18 participants needed to break even. There is enough in the City budget to cover the cost (\$125 per person) for Greenwood planning commissioners, elected officials, and staff. The event is proposed to be held at the Southshore Community Center (SSCC) in Shorewood on Saturday, January 12, 2013, from 9:00 A.M. to 4:00 P.M. and the alternate date would be January 26th. The workshop would be conducted by facilitators from the Government Training Services (GTS). The meeting packet contains a copy of the facilitators' biographies and a copy of a draft of the agenda. This agenda reflects the standard class offered by GTS. She noted if there is a desire to change the agenda, the workshop would cost more. She stated if Council wants to move forward with offering the workshop, the next step is to sign a contract with GTS and the SSCC.

Fletcher moved, Quam seconded, approving the plans for the City to host a Planning and Zoning workshop as proposed and authorizing the Mayor to sign contracts with Government Training Serviced and the Southshore Community Center for a workshop to be held on January 12, 2013. Motion passed 3/0/1 with Page abstaining because he will not be a Councilmember after the December 31, 2012.

Zoning Administrator/Clerk Karpas stated if all of the Planning Commissioners decided to attend the workshop the \$600 training budget would be exceeded. Mayor Kind noted the City has a contingency fund to cover the overage.

Councilmember Page recommended all the Planning Commissioners be encouraged to attend.

Mayor Kind suggested the City pay for Attorney Kelly if he would like to attend it.

Zoning Administrator/Clerk Karpas suggested extending an invitation to Deephaven and Woodland representatives.

A. League of Minnesota Cities Insurance Trust Liability Waiver

Mayor Kind explained the cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust (LMCIT) must decide whether or not to waive the statutory tort liability limits. Historically the City has chosen not to waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

Page moved, Quam seconded, directing Staff to complete the League of Minnesota Cities Insurance Trust (LMCIT) Waiver Form and indicate that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04, and to mail the completed form to the LMCIT. Motion passed 4/0.

B. Lake Minnetonka Communications Commission 2013 Budget

Mayor Kind stated the meeting packet contains a copy of the Lake Minnetonka Communications Commission (LMCC) 2013 Budget and a copy of a cover letter from LMCC Executive Director Koenecke. She explained the LMCC's budget is funded with franchise fees paid by Mediacom cable television subscribers (not by tax dollars). The LMCC needs approval of the majority of the LMCC member cities to proceed with the proposed budget. A copy of the minutes showing Council action regarding the Budget needs to be forwarded to the LMCC for their records.

Councilmember Fletcher, the City's representative to the LMCC and the Chair of the LMCC Budget Committee, noted that if residents subscribe to Mediacom cable television they will see an increase in the PEG (public, education and government) fee. It will go from \$0.85 to \$1.20 a month.

Councilmember Page asked Councilmember Fletcher if he recommends Council approve the budget. Fletcher responded he does.

Page moved, Fletcher seconded, approving the Lake Minnetonka Communications Commission's 2013 Budget as presented and directing Staff to forward a copy of the Greenwood City Council September 5, 2012, meeting minutes to the LMCC. Motion passed 4/0.

C. City Council Input Regarding the Minnehaha Creek Watershed District's Lake Virginia Project and 911 Dispatch Fees

Mayor Kind stated the meeting packet went out with the wrong memorandum in it. The correct memo was sent out by email. She noted the third item on the wrong memo was about the Minnesota Department of Commerce seeking public comment. She clarified it is not seeking public comment at this time.

Kind then stated the Minnehaha Creek Watershed District (MCWD) is seeking public comment regarding the Lake Virginia Regional Infiltration Project. The project will be completed in partnership with the Cities of Chanhassen and Victoria. The total estimated cost is \$47,000 and it will be paid via the MCWD ad valorem tax taxes. Council may wish to weigh in on this topic, given the City already pays a lot of money to the MCWD via ad valorem taxes. During its August 1, 2012, meeting Council authorized her to send a letter regarding the Taft-Legion Regional Volume and Load Reduction Project in Richfield to the MCWD Board of Managers. A copy of that letter is included in the meeting packet. The letter states the City supports that Project only if the cost is covered by the MCWD's existing tax levy.

Councilmember Fletcher stated he does not think there is a need to send a letter for the Infiltration Project. He then stated from his vantage point aquatic invasive species (AIS) is a higher priority for the MCWD.

Mayor Kind asked Councilmember Fletcher if he would rather send a letter to the MCWD saying the City would prefer the MCWD spend money on AIS than on these types of projects. Fletcher stated he would be in favor of doing that or doing nothing.

Councilmember Page stated he prefers to do nothing. Councilmember Quam concurred.

There was Council consensus not to send a letter to the MCWD about the Infiltration Project.

Mayor Kind explained Hennepin County Sheriff Stanek sent her a letter recommending that she attend a Hennepin County Board briefing scheduled for September 13, 2012, at 9:30 A.M. regarding the possibility of the County charging for 911 dispatch services. A copy of Stanek's letter is included in the meeting packet. The City already adopted a resolution and sent a letter authored by her to Hennepin County Commissioner Jan Callison regarding this issue. A copy of that letter dated March 12, 2012 is included in the meeting packet. She stated Council may wish to reiterate the City's position by resending the resolution and letter to the County Board with a cover note stating that City's position has not changed.

Kind noted she really does not want to attend the briefing but if Council thinks it is important that she attend she will.

There was Council consensus to do nothing.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Xcel Energy Project, Excelsior Fire District

With regard to the Planning Commission, Councilmember Fletcher stated the Commission has had some discussion about landscaping hardcover versus structure hardcover.

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Fletcher stated the LMCC 2013 budget was discussed earlier in the meeting.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated the recent scoping decision did include having the cost to bury the line that is located in Greenwood. He noted he went to Minnesota Department of Commerce presentation on the Project and he again expressed that Greenwood would like the power line buried from St. Alban's Bay Bridge to Greenwood Circle. He reminded them that Greenwood expressed interest in that before and wanted to know what it would cost to do that.

Mayor Kind thanked Councilmember Fletcher for birddogging that effort and encouraging her to send a letter reiterating the City's request.

Councilmember Fletcher noted the meeting packet contains photographs of the existing 65-foot-high poles and the proposed 80-foot-high poles. It also includes a doctored up photograph of what the view would be like from Lake Minnetonka.

With regard to the Excelsior Fire District, Fletcher stated he had nothing to comment on. Mayor Kind asked Fletcher if he is willing to serve on the EFD Board being he is the alternate until January 2013 when new appointments are made. Fletcher said he would be willing to serve on the EFD Board.

B. Kind: Police, Administration, Mayors Meetings, Website

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated the City received a report on statistics for the deployment of the speed trailer from May 4 to May 11, 2012. The display was on from May 4 to 8 and the 85 percentile speed was 34 miles per hour (mph). The display was off from May 8 to 11 and the 85 percentile speed was 33 mph. She noted that the speed was lower when the display was off. She then stated the SLMPD member City Administrators/Manager met to talk about the draft Uniform Animal Control Ordinance and incorporated changes the various cities wanted in the draft Ordinance. The Ordinance will be sent back to the Coordinating Committee for review and then sent on to each city council for consideration. The goal is to have the same or very similar ordinance for all four SLMPD member cities. She went on to state the PremierOne replacement record management system (RMS) through LOGIS (Local Government Information Systems) the SLMPD had originally selected ran into problems. The SLMPD has now chosen to go with the LETG (Law Enforcement Technology Group) RMS. The Committee met on September 4, 2012, to approve moving forward with LETG. The RMS the SLMPD currently uses has not been supported for awhile. She noted the next Citizens Law Enforcement Academy starts on September 13, 2012, and it will be on Thursday evenings until November 15. She stated she will be participating in the Academy. There are a few openings remaining. She asked people to let her know if they would like to attend and then she will pass that on to the SLMPD. She then noted the Lake Area Emergency Management Group is going to hold two sessions of the required Incident Management Training for elected officials; one in November and one in January. They will be held at the Long Lake Fire Station. Excelsior Fire District (EFD) Chief Gerber is going to conduct the sessions.

Councilmember Fletcher stated he attended the Academy in 2011 and he found it to be very interesting.

With regard to administration, Kind stated the City of Excelsior has done nothing with the St. Alban's Bay Bridge Agreement sent to Excelsior for review. Excelsior Staff has had other priorities to focus on. She then stated 241 forms have been returned so far for the City's Sump Pump Program. Council will receive the official list for its October 2012 meeting and Council can decide how to move forward after that. Zoning Administrator/Clerk Karpas stated to date 109 have not been returned, and only nine people have requested an inspection.

Councilmember Quam encouraged residents to read any mail they receive from the City because it is not junk mail.

Mayor Kind stated the first phase of the sign project has been completed. Councilmember Quam noted no more signs will be replaced in 2012. That will start up again in 2013. Kind stated it is a five-year program, and stated people cannot reserve an old sign. They are available on a first-come first-serve basis.

With regard to mayors meetings, Kind noted she attended a mayors' meeting and main the topic of discussion was about the major turnover of mayors in the South Lake area.

Mayor Kind asked anyone who has history about the City or old photos of it to please send items to her. Her contact information can be found on the City's website.

C. Page: Lake Minnetonka Conservation District

Councilmember Page reported on significant Lake Minnetonka Conservation District (LMCD) activities. The LMCD has been working on the bow fishing ordinance. The ordinance needs to be refined a little. An attempt will be made to get a little more unanimity among the cities around Lake Minnetonka. The Lake Vegetation Management Study is proceeding with a goal of bringing it to the LMCD Board at the end of October 2012.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated the City has not received its final bill for the 2012 roadway project. He anticipates the project will run over because of some unexpected things that had to be addressed. The largest of them were the poor base on Curve Street and a new culvert on Greenwood Circle. Each of them cost approximately \$2,000.

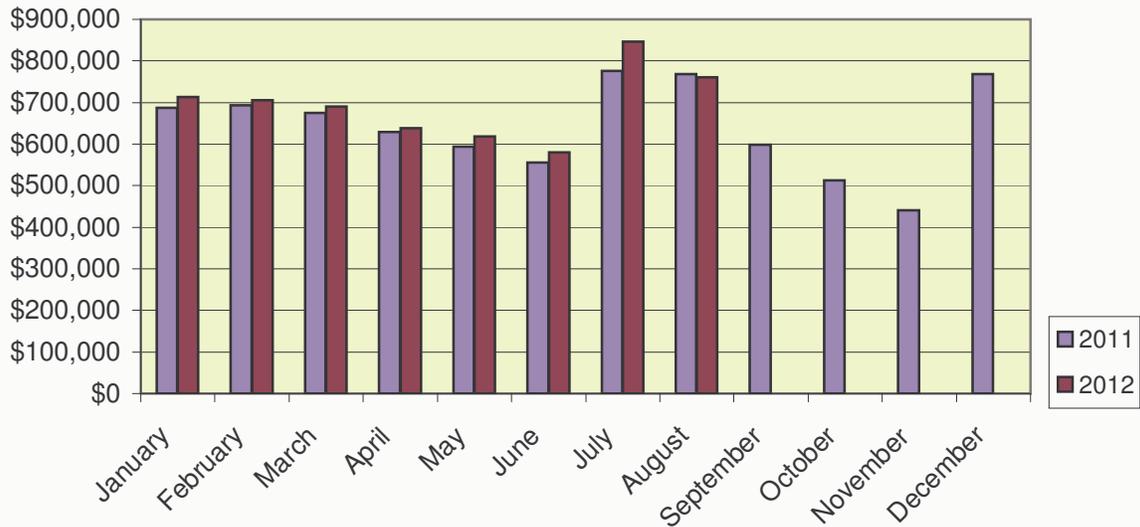
With regard to Minnetonka Community Education (MCE), Quam stated MCE Board has not met recently.

10. ADJOURNMENT

Page moved, Fletcher seconded, Adjourning the City Council Regular Meeting of September 5, 2012, at 9:30 P.M. Motion passed 4/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

City of Greenwood Monthly Cash Summary



Month	2011	2012	Variance with Prior Month	Variance with Prior Year
January	\$686,781	\$712,814	-\$56,305	\$26,033
February	\$693,859	\$704,873	-\$7,941	\$11,014
March	\$675,719	\$690,422	-\$14,451	\$14,703
April	\$629,569	\$637,990	-\$52,432	\$8,421
May	\$593,928	\$618,262	-\$19,728	\$24,334
June	\$555,064	\$580,578	-\$37,684	\$25,514
July	\$776,650	\$846,897	\$266,319	\$70,247
August	\$768,223	\$760,682	-\$86,215	-\$7,541
September	\$599,139	\$0	-\$760,682	-\$599,139
October	\$512,188	\$0	\$0	-\$512,188
November	\$440,946	\$0	\$0	-\$440,946
December	\$769,119	\$0	\$0	-\$769,119

Bridgewater Bank Money Market	\$552,891
Bridgewater Bank Checking	\$4,492
Beacon Bank CD	\$180,000
Beacon Bank Money Market	\$23,199
Beacon Bank Checking	\$100
<hr/>	
	\$760,682

ALLOCATION BY FUND

General Fund	\$218,289
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$58,613
Stormwater Special Revenue Fund	\$10,243
Sewer Enterprise Fund	\$403,866
Marina Enterprise Fund	\$42,616
<hr/>	
	\$760,682

Check Issue Date(s): 09/01/2012 - 09/30/2012

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
09/12	09/06/2012	10647	760	BEACON BANK	101-20100	60,000.00
09/12	09/06/2012	10648	9	CITY OF DEEPHAVEN	101-20100	5,328.33
09/12	09/06/2012	10649	792	CORNERSTONE INDUSTRIES INC	101-20100	8,204.90
09/12	09/06/2012	10650	761	DEBRA KIND	101-20100	197.12
09/12	09/06/2012	10651	68	GOPHER STATE ONE CALL	602-20100	55.10
09/12	09/06/2012	10652	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,566.00
09/12	09/06/2012	10653	26	LEAGUE OF MN CITIES	101-20100	777.00
09/12	09/06/2012	10654	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,598.16
09/12	09/06/2012	10655	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	14,376.58
09/12	09/06/2012	10656	745	Vintage Waste Systems	101-20100	1,568.40
09/12	09/06/2012	10657	145	XCEL	101-20100	198.29
09/12	09/20/2012	10658	10	AMERICAN SOLUTIONS BUSINESS	101-20100	202.54
09/12	09/20/2012	10659	51	BOLTON & MENK, INC.	101-20100	7,429.50
09/12	09/20/2012	10660	762	CATALYST GRAPHICS INC	101-20100	69.73
09/12	09/20/2012	10661	761	DEBRA KIND	101-20100	8.68
09/12	09/20/2012	10662	68	GOPHER STATE ONE CALL	602-20100	49.40
09/12	09/20/2012	10663	3	KELLY LAW OFFICES	101-20100	1,495.00
09/12	09/20/2012	10664	26	LEAGUE OF MN CITIES	101-20100	15.00
09/12	09/20/2012	10665	742	Marco, Inc.	101-20100	222.90
09/12	09/20/2012	10666	801	SHAWN & KARI RUSING	00120100	97.56
09/12	09/20/2012	10667	112	Southshore Community Center	101-20100	66.00
09/12	09/20/2012	10668	136	Sun Newspapers	101-20100	182.85
09/12	09/20/2012	10669	145	XCEL	101-20100	388.09
Totals:						<u>105,097.13</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
AMERICAN SOLUTIONS BUSINESS					
10	AMERICAN SOLUTIONS BUSINESS	01204711	ENVELOPES	09/11/2012	202.54
Total AMERICAN SOLUTIONS BUSINESS					202.54
BEACON BANK					
760	BEACON BANK	090612	NEW 13 MONTH CD	09/06/2012	60,000.00
Total BEACON BANK					60,000.00
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0150211	2012 MISC ENGINEERING FEES	08/31/2012	147.00
		0150212	2012 STREET IMPROVEMENT	08/31/2012	4,617.00
		0150213	EXC BLVD DRAINAGE IMPROV	08/31/2012	571.00
		0150214	WATERMAIN FEASIBILITY REPORT	08/31/2012	2,094.50
Total BOLTON & MENK, INC.					7,429.50
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	79547	CITY NEWSLETTER	09/13/2012	69.73
Total CATALYST GRAPHICS INC					69.73
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	SEPT 2012	WEED/TREE/MOWING	09/01/2012	1,422.05
			RENT & EQUIPMENT		542.95
			Postage		191.50
			COPIES		.80
			Clerk Services		3,143.00
			ELECTIONS		28.03
Total CITY OF DEEPHAVEN					5,328.33
CORNERSTONE INDUSTRIES INC					
792	CORNERSTONE INDUSTRIES INC	1114	SIGN PROJECT	08/27/2012	7,049.90
		1115	TREE MAINTENANCE	08/27/2012	1,155.00
Total CORNERSTONE INDUSTRIES INC					8,204.90
DEBRA KIND					
761	DEBRA KIND	090612	REIMBURSE - FEDEX	09/06/2012	9.88
			AMAZON ZIP ENVELOPES		39.75
			"VOTE HERE" SIGNS		147.49
		091012	CODE BOOK	09/10/2012	8.68
Total DEBRA KIND					205.80
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	42030	Gopher State calls	07/03/2012	49.40
		45892	Gopher State calls	09/04/2012	55.10
Total GOPHER STATE ONE CALL					104.50
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	6013	GENERAL LEGAL	09/06/2012	46.00
			GENERAL LEGAL		1,000.50
		6014	LAW ENFORCE PROSECUTION	09/06/2012	448.50

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total KELLY LAW OFFICES				1,495.00
LAKE MTKA CONSERVATION DISTRIC					
99	LAKE MTKA CONSERVATION DIST	082112	4th Qtr. LMCD Levy	08/21/2012	1,566.00
	Total LAKE MTKA CONSERVATION DISTRIC				1,566.00
LEAGUE OF MN CITIES					
26	LEAGUE OF MN CITIES	090112	MMA MEMBERSHIP DUES	09/01/2012	30.00
			Membership Dues 2012-2013		747.00
		169376	POLICE LEADERSHIP	09/07/2012	15.00
	Total LEAGUE OF MN CITIES				792.00
Marco, Inc.					
742	Marco, Inc.	211770128	Copier lease	09/13/2012	222.90
	Total Marco, Inc.				222.90
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERVIC	0000997656	Monthly wastewater Charge	09/05/2012	2,598.16
	Total METRO COUNCIL ENVIRO SERVICES				2,598.16
SHAWN & KARI RUSING					
801	SHAWN & KARI RUSING	091812	UB PMT REFUND	09/18/2012	97.56
	Total SHAWN & KARI RUSING				97.56
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE DE	SEPT 2012	OPERATING BUDGET	09/01/2012	14,376.58
	Total SO LAKE MINNETONKA POLICE DEPT				14,376.58
Southshore Community Center					
112	Southshore Community Center	092012	TRNG WORKSHOP - 25% DEPOSIT	09/20/2012	66.00
	Total Southshore Community Center				66.00
Sun Newspapers					
136	Sun Newspapers	1124843	GREENWOOD CIRCLE	09/06/2012	101.92
		1125768	RESOLUTION 19-12	09/13/2012	80.93
	Total Sun Newspapers				182.85
Vintage Waste Systems					
745	Vintage Waste Systems	082712	City Recycling Contract	08/27/2012	1,568.40
	Total Vintage Waste Systems				1,568.40
XCEL					
145	XCEL	082212	LIFT STATION #1	08/22/2012	29.18
			LIFT STATION #2		31.40
			LIFT STATION #3		22.47
			LIFT STATION #4		30.82
			LIFT STATION #6		62.58
			4925 MEADVILLE STREET *		9.06
			Sleepy Hollow Road *		9.09

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
			SIREN		3.69
		090412	Street Lights *	09/04/2012	388.09
	Total XCEL				<u>586.38</u>

Total Paid: 105,097.13

Total Unpaid: -

Grand Total: 105,097.13

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
10/01/12	PC	10/01/12	10011201	COOK, WILLIAM B.	37	188.70
10/01/12	PC	10/01/12	10011202	Debra J. Kind	34	283.05
10/01/12	PC	10/01/12	10011203	Fletcher, Thomas M	33	88.70
10/01/12	PC	10/01/12	10011204	H. Kelsey Page	35	188.70
10/01/12	PC	10/01/12	10011205	Quam, Robert	32	188.70
Grand Totals:						<u>937.85</u>



Agenda Number: **4A**

Agenda Date: 10-03-12

Agenda Item: City Engineer Dave Martini: Phosphorus Report and Resolution 27-12 Authorizing Inflow / Infiltration Grant Application

Summary: If the city council is interested in applying for grant money to complete inflow / infiltration project in 2013, the council needs to authorize the city engineer to apply for the grant.

Council Action: None required. Potential motions ...

1. I move the council approves resolution 27-12 authorizing the city engineer to apply for a Met Council grant to complete 2013 inflow / infiltration projects.
2. Do nothing or another motion ???



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

September 26, 2012

City of Greenwood
Attn: Gus Karpas
20225 Cottagewood Road
Deephaven, MN

RE: 2012 I & I Grant Application
City of Greenwood, MN

Dear Gus:

As requested, we have prepared information for the 2012 Met Council I & I Grant Program. Enclosed is the application cover letter, a resolution authorizing City staff to prepare and submit the application, and the cost estimate for the proposed improvements. The estimated construction cost for the proposed improvements is \$65,110.50. If approved, the City would receive 50% of the submitted eligible project costs, which would result in a grant amount of \$32,555.25.

I will be at the Council Meeting on October 3rd to discuss the grant application with the Council. Please contact me if you have any questions or need additional information.

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer

METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES

20012 MUNICIPAL INFILTRATION/INFLOW GRANT PROGRAM

GRANT APPLICATION COVER LETTER

NOTICE TO APPLICANTS: This cover letter must accompany your city's grant proposal which can be made by completing and submitting Attachments I – IV of the grant agreement. Prior to the official award of a grant, the applicant City must enter into the agreement with the Council. The attachments DO NOT NEED TO BE NOTARIZED for the application phase, but must be prior to signing the final agreement. The agreement can be found at the following link:

<http://www.metrocouncil.org/environment/ProjectTeams/documents/GO%202012%20Bond%20Construction%20Grant%20Agreement%20FINAL%20%208-21-2012.pdf>

Be sure to read State and Council requirements, guidelines, and process as found at the following link:

<http://www.metrocouncil.org/environment/ProjectTeams/documents/2012%20Municipal%20Grant%20Requirements%20and%20Approved%20Guidelines.pdf>

CITY NAME: City of Greenwood

Correspondence regarding this cover letter and grant application should be sent to the attention of:

NAME: David Martini
TITLE: City Engineer, Bolton & Menk, Inc.
STREET: 2638 Shadow Lane, Suite 200
CITY, ZIP: Chaska, Mn 55318
EMAIL: davidma@bolton-menk.com
PHONE #: 952-448-8838

ESTIMATED TOTAL \$ AMOUNT OF ELIGIBLE PROJECT WORK: \$ 65,110.
(The preliminary grant amount will be assigned by MCES following the allocation process described in the Guidelines).

When completing the appropriate attachments, you may find it necessary to attach additional pages or documents. Be sure to describe the objectives of the project, highlighting the I/I mitigation to the Metropolitan System of wastewater interceptor sewers and treatment plants.

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

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

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

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

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

Finally, it will be important to provide copy of any Resolution or Business Item of the City that authorizes applying for and executing the grant Agreement.

<u>David Martini</u>	_____
Print Name of Authorized Representative	Signature of Authorized Representative
E mail address: <u>davidma@bolton-menk.com</u>	
Telephone Number: <u>952-448-8838</u>	Title of Representative <u>City Engineer</u>
Date of Application: _____	

APPLICATIONS MUST BE POSTMARKED NO LATER THAN OCTOBER 26, 2012. QUALIFIED APPLICANTS WILL BE REQUIRED TO SUBMIT SIGNED GRANT AGREEMENTS BY MARCH 1, 2013.

**CITY OF GREENWOOD
RESOLUTION NO. 27-12**

**RESOLUTION AUTHORIZING APPLICATION TO THE METROPOLITAN COUNCIL
FOR A GRANT FROM THE MUNICIPAL INFILTRATION GRANT PROGRAM
FOR THE CITY OF GREENWOOD'S 2013 SEWER REHABILITATION PROJECT**

WHEREAS, the Minnesota Legislature has appropriated \$4,000,000 for a grant program to be administered by the Metropolitan Council (Council) for the purpose of providing grants to municipalities for capital improvements to public municipal wastewater collection systems to reduce the amount of inflow and infiltration to the Council's metropolitan sanitary sewer disposal system (I/I Municipal Grant Program); and

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

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

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

WHEREAS, qualified spending on approved projects can occur between May 12, 2012 and June 30, 2014; and

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

NOW, THEREFORE, BE IT RESOLVED, by the city council of the city of Greenwood, Minnesota that city staff is hereby authorized to prepare and submit a Grant Application to the Metropolitan Council for inclusion in the Municipal Infiltration/Inflow Grant Program prior to the submittal deadline of October 26, 2012.

ADOPTED by the city council of the city of Greenwood, Minnesota this 3rd day of October, 2012.

There were ____ AYES and ____ NAYS as follows:

Greenwood City Council	YEAS	NAYS	ABSTAIN	ABSENT
Mayor Debra Kind				
Councilman Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

City of Greenwood
Estimated Project Cost
I / I Grant Program Application
Sanitary Sewer Rehabilitation
October 2012

ITEM NO.	BID ITEM	QUAN.	UNIT	UNIT COST	TOTAL
<u>PIPE IMPROVEMENTS</u>					
1	SEWER CLEANING, INCLUDING TREE ROOTS AND MINERAL DEPOSITS, AND TELEVISIONING	2,950	LF	\$3.00	\$8,850.00
2	SEAL PIPE JOINT	8	EA	\$800.00	\$6,400.00
3	SEAL LATERAL CONNECTION JOINT AND RE-ESTABLISH FLOW	2	EA	\$900.00	\$1,800.00
4	SHORT SECTION LINER - UP TO 4' LENGTH	3	EA	\$2,000.00	\$6,000.00
5	ADDITIONAL LENGTH SHORT - SECTION LINER OVER 4'	8	LF	\$150.00	\$1,200.00
6	EXCAVATE AND REPAIR PIPE OFFSET JOINT OR LATERAL CONNECTION	3	EA	\$8,000.00	\$24,000.00
<u>MANHOLE IMPROVEMENTS</u>					
7	INSTALL EXTERNAL CHIMNEY SEAL	10	EA	\$400.00	\$4,000.00
8	ADJUST MAHOLE CASTINGS, REPLACE ADJUSTING RINGS AND INSTALL EXTERNAL CHIMNEY SEAL (2012 STREET PROJECT)	4	EA	\$600.00	\$2,400.00
<u>RESTORATION</u>					
9	BITUMINOUS STREET PATCHING	80	SY	\$90.00	\$7,200.00
10	SOD	20	SY	\$8.00	\$160.00
SUBTOTAL:					\$62,010.00
MOBILIZATION - 5%:					\$3,100.50
TOTAL ESTIMATED CONSTRUCTION COST:					\$65,110.50
ESTIMATED SOFT COSTS - 20%:					\$13,022.10
TOTAL ESTIMATED PROJECT COST:					\$78,132.60



Agenda Number: **4B**

Agenda Date: 10-03-12

Agenda Item: City Prosecutor Greg Keller, Annual Prosecution Update

Summary: City prosecutor Greg Keller will attend the 10-03-12 council meeting to give the council his annual update. Specific cases will not be discussed, but this is an opportunity for the council to get an overview of prosecution cases from the preceding 12 months. This also will be an opportunity for the council to ask questions.

Council Action: None required.



Agenda Number: **5A**

Agenda Date: 10-03-12

Agenda Item: Public Hearing – Delinquent Sewer, Stormwater, and Recycling Charges

Summary: Public notices regarding this public hearing were published in the Sun-Sailor on 09-13-12 and 09-20-12. A list of delinquent accounts and charges is in the council packet under item 7C. Members of the public may address the council regarding delinquent accounts during the public hearing at the 10-03-12 council meeting.

Council Action: Council action is needed to open and close the public hearing. The council will take action on the resolution for the assessment roll under item 7C. Suggested motions for the public hearing:

1. I move the council **opens** the public hearing regarding delinquent sewer, stormwater, and recycling charges.
2. I move the council **closes** the public hearing regarding delinquent sewer, stormwater, and recycling charges.

**CITY OF GREENWOOD
NOTICE OF PUBLIC HEARING ON THE ASSESSMENT
OF DELINQUENT SEWER, STORMWATER
AND RECYCLING CHARGES**

NOTICE IS HEREBY GIVEN that the City Council of the City of Greenwood will hold a public hearing at Deephaven City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on Wednesday , October 3, 2012 at 7:00 p.m. or as soon thereafter as practical to hear, consider and pass upon proposed assessments with respect to delinquent sewer, stormwater and recycling charges. The assessment roll is available for public inspection in the office of the City Clerk, Monday through Friday between 8:00 a.m. and 4:30 p.m.

Any assessment not paid prior to November 21, 2012 will be certified on the 2013 tax rolls and shall be payable in the same year as the taxes contained therein. Certified assessments of sewer, stormwater and recycling charges are subject to an 8.0% interest rate per annum along with a penalty of \$20.00 per delinquent item, as determined by the City Council. Amounts owed are presently due and payable and can draw interest from December 1, 2012 as determined by the City Council.

All interested persons will be given the opportunity to be heard and written and oral objections will be accepted regarding any assessment for delinquent sewer, stormwater and recycling charges.

Gus E. Karpas
City Clerk

Published in the Sun Sailor this 13th and 20th day of September, 2012.



Agenda Number: **6A**

Agenda Date: 10-03-12

Agenda Item: Resolution 22-12, Variance Findings of Fact, Frank Precopio, 5520 Maple Heights Road

Summary: At the 09-05-12 council meeting the council approved Frank Precopio's requests for setback and hardcover variances to permit the relocation and rebuilding of an existing accessory structure and deck. The next step is for the council to approve the resolution that includes the written findings of fact prepared by the city attorney. The resolution is attached.

Council Action: Required. Potential motions ...

1. I move the council approves resolution 22-12 approving the variance requests of Frank Precopio.
2. I move the council approves resolution 22-12 approving the variance requests of Frank Precopio with the following revisions: _____.
3. Another motion ???

RESOLUTION NO. 22-12

**RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GREENWOOD, MINNESOTA ACTING AS THE
BOARD OF APPEALS AND ADJUSTMENTS**

APPROVING

IN RE: The Application of Frank Precopio for Variances to Section 1120:15 (side yard setbacks), 1140:10 (accessory structures), and 1176:04 (impervious surface) to permit reconstruction of an existing deck and relocation of an accessory shed.

WHEREAS, Frank Precopio is the owner of property commonly known as 5520 Maple Heights Road, Greenwood, Minnesota 55331 (PID No. 35-117-23 11 0028); and

WHEREAS, application was made for variance to Section 1120:15 and 1176:04 so as to permit redesign and reconstruction of an existing lakeside deck; and also variance to 1140:10 to permit relocation of a lakeside accessory shed; and

WHEREAS, notice of Public Hearing was published, notice given to neighboring property owners, and a Public Hearing held before the Planning Commission to consider the application; and

WHEREAS, public comment was taken at the Public Hearing before the Planning Commission on August 15, 2012; and

WHEREAS, the City Council of the City of Greenwood has received the staff report, the recommendation of the Planning Commission, and considered the application, the comments of the applicant and the comments of the public.

NOW, THEREFORE, the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 5520 Maple Heights Road, Greenwood, Minnesota 55331 (PID No. 35-117-23 11 0028) is a single family lot of record located within the R-1A Single Family Residential District.

2. The applicant proposes to demolish and reconfigure an existing non-conforming deck which would encroach into the minimum required north and south side yard setbacks and exceed the maximum permitted impervious surface.
3. Section 1120:15 of the Zoning Ordinance requires a minimum side yard setback of fifteen feet. The applicant proposes a north side yard setback of one foot, nine inches (1' 9") and a south side yard setback of seven feet, ten inches (7'10") for the proposed deck alteration/expansion. The proposal requires a variance of thirteen feet, three inches of the north side yard setback and seven feet, two inches of the south side yard setback.
4. Both the existing and proposed decks are elevated approximately nine feet at their highest point. The existing deck extends towards the lake approximately twenty-seven feet, eight inches (27' 8") from the principal structure at the approximate midpoint of the deck. The proposed deck would extend a maximum of twenty-four feet from the principal structure at the southernmost portion of the deck. The proposed deck complies with the required fifty foot lake yard setback.
5. The applicant is also proposing to remove an existing non-conforming 10x12 shed that sits on the lake side of the principal structure and construct a new relocated 8.5x14.5 accessory structure also on the lake side of the principal structure. The existing shed complies with the required lake yard setback but encroaches approximately two feet, seven inches into the north side yard setback. The location of the new shed would move it further within the required north side yard setback.
6. The lot area is about two thirds of the minimum required lot area for the R-1A zoning district. The applicant's proposals will leave the total impervious surface of the lot largely unchanged. Current hardcover is 46%; proposed is 45.7%.
7. Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The reconstruction requires the applicant to seeking a variance to exceed the maximum permitted impervious surface area by 16%.
8. The applicant advises that the reason for replacing the deck is to access and upgrade an existing sanitary lift station and pump under the current deck. The other reason is to remove a damaged birch tree that the deck encompasses. There is reason to believe that in a storm the tree may fall into the house. The new deck is of a slightly remodeled design.

9. The applicant advises the existing storage shed is in disrepair. The new shed will be of the same square footage, but be of a longer/narrower design to accommodate canoes and kayaks. The new shed would be relocated to the north of the existing site.
10. The Applicant asserts that the requested deck related variances, if granted, will be in keeping with the spirit and intent of the City Zoning Code because it will allow maintenance of an existing non-conforming use.
11. In support of the deck variance the Applicant advises (1) that the variance to maintain/rebuild the deck is a reasonable use of the property as bringing the property fully into code compliance would require significant change to an established use; (2) that the plight of the landowner is due to the deck existing before current codes and the condition was therefore not created by the landowner; (3) that the variance if granted will not alter the essential character of the locality because the applicant's home is non-conforming in the same manner as the majority of adjacent properties and the proposed rebuild will not significantly change the established use of the property.
12. In support of the shed variance the Applicant advises (1) that the variance to maintain/rebuild the deck is a reasonable use of the property as it is an existing non-conforming legal use and bringing the property fully into code compliance would require abandonment of the shed; (2) that the plight of the landowner is due to the shed existing before current codes and the condition was therefore not created by the landowner; (3) that the variance if granted will not alter the essential character of the locality because the applicant's shed is non-conforming in the same manner as the majority of adjacent properties with lakeside sheds and the proposed rebuild/relocation will not significantly change the established use of the property.
13. The Planning Commission discussed the proposed plan and recommended approval of the proposed deck project as proposed and the rebuild relocation of the shed reasonable if the square footage thereof remained the same. The motion recommending the council approve the variance requests was approved on a 3-1 vote.
14. Section 1155.10, Subd. 4, 5 & 6 provide:

“Subd. 4. 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 and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd.5 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?

Subd. 6. Additional Requirements for Grants of Variance Requests. The board, in considering all requests for a variance, shall determine that the proposed variance, if granted, will not:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

15. Based on the foregoing, the City council determined that (1) the variance, for the deck rebuild, if granted, would be in keeping with the spirit and intent of the Zoning Code; (2) that the property owner proposes to use the property in a manner not permitted by the zoning ordinance, but which is a reasonable use for a residential property of this dimension and location; (3) the plight of the owner, (narrow lot width and an established use (deck) which encroaches on required side yard setbacks), is due to circumstances unique to the property as built and not created by the landowner; (4) the variance, if granted, will not alter the essential character of the locality as the existing character of the lot will be maintained.
16. Also based on the foregoing, the City council determined that (1) the variance, for the shed rebuild/relocation, if granted, will clean up the view from the lake by making it appear narrower. Locating it closer to the property line will make it look better because the shed on the abutting property is located close to the property line also. The variance, if granted, will be in keeping with the spirit and intent of the Zoning Code; (2) the proposed use is a reasonable use for a residential property of this dimension and location; (3) the plight of the owner, (which because of narrow lot width makes placement of a shed in the available side yards not possible), is due to circumstances unique to the property as built and not created by the landowner; (4) the variance, if granted, will improve and not alter the essential character of the locality as the existing character of the use of the lot will be maintained. The proposed

accessory structure.

17. The foregoing variances being appropriate, the grant of a variance to exceed the maximum permitted impervious surface area by 16%, but not expand on existing hardcover is also appropriate and should be granted.
18. The following conditions should be imposed on any variance grant:
 - A. The project must be completed according to the specifications and design requirements in the submitted plans.
 - B. The height of the shed structure must not exceed the height of the existing shed structure.
 - C. The air conditioner to the south side of the property must be screened with natural plantings, and no satellite dish may be placed on top of the new accessory shed.
 - D. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.
19. Subject to the stated conditions, the variance, if granted, will be in harmony with the purpose and intent of the zoning ordinance and may be granted.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, The City Council acting as the Board of Appeals makes the following Conclusions of Law:

1. The applicant has made an adequate demonstration of facts meeting the standards of Section 1155.10 necessary for the grant of the following variances to Sections 1120:15, 1140.10, and 1176.04:
 - A. A variance to section 1120:15 permitting side yard encroachment of thirteen feet, three inches (13' 3") into the required north side yard setback should be granted.
 - B. A variance to section 1120:15 permitting side yard encroachment of seven feet, two inches (7' 2") into the required south side yard setback should be granted.
 - C. A variance to section 1176.04 permitting impervious surfacing to exceed the maximum permitted impervious surface area of 30% by 16% percent for the deck reconfiguration as presented should be granted; and

- D. A variance to section 1140:10 permitting an accessory structure between the lakeshore and the lake side of the principal structure which would encroach six feet, seven inches into the required north side yard setback should be granted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments:

That the application of Frank Precopio for variances to Greenwood Ordinance Code Sections 1120:15, 1140.10, and 1176.04, are granted as follows:

- A. A variance to section 1120:15 permitting side yard encroachment of thirteen feet, three inches (13' 3") into the required north side yard setback.
- B. A variance to section 1120:15 permitting side yard encroachment of seven feet, two inches (7' 2") into the required south side yard setback should be granted.
- C. A variance to section 1176.04 permitting impervious surfacing to exceed the maximum permitted impervious surface area of 30% by 16% percent for the deck reconfiguration as presented should be granted; and
- D. A variance to section 1140:10 permitting an accessory structure between the lakeshore and the lake side of the principal structure which would encroach six feet, seven inches into the required north side yard setback should be granted,

on the following conditions:

1. The project must be completed according to the specifications and design requirements in the submitted plans.
2. The height of the shed structure must not exceed the height of the existing shed structure.
3. The air conditioner to the south side of the property must be screened with natural plantings, and no satellite dish may be placed on top of the new accessory shed.
4. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.

PASSED THIS ____ DAY OF OCTOBER, 2012 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

____ Ayes, ____ Nays

CITY OF GREENWOOD

ATTEST:

By _____
Debra J. Kind, Mayor

Gus Karpas, Clerk/Administrator



Agenda Number: **6B**

Agenda Date: 10-03-12

Agenda Item: Resolution 23-12, Variance Findings of Fact, Justin and Jen Zygmunt, 5370 Manor Road

Summary: At the 09-05-12 council meeting the council approved Justin and Jen Zygmunt's requests for setback variances for a home addition. The next step is for the council to approve the resolution that includes the written findings of fact prepared by the city attorney. The resolution is attached.

Council Action: Required. Potential motions ...

1. I move the council approves resolution 23-12 approving the variance requests of Justin and Jen Zygmunt.
2. I move the council approves resolution 23-12 approving the variance requests of Justin and Jen Zygmunt with the following revisions: _____.
3. Another motion ???

RESOLUTION NO. 23-12

**RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GREENWOOD, MINNESOTA ACTING AS THE
BOARD OF APPEALS AND ADJUSTMENTS**

APPROVING

IN RE: The Application of Justin and Jen Zygmunt for Variances to Section 1120:15 (side yard setbacks), 1140:10 (accessory structures), and 1176:04 (impervious surface) to permit reconstruction of an existing deck and relocation of an accessory shed.

WHEREAS, Justin and Jen Zygmunt are the owners of property commonly known as 5370 Manor Road, Greenwood, Minnesota 55331 (PID No. 26-117-23 44 0020); and

WHEREAS, application was made for variances to Section 1120:15 so as to permit remodeling of an existing house; and

WHEREAS, notice of Public Hearing was published, notice given to neighboring property owners, and a Public Hearing held before the Planning Commission to consider the application; and

WHEREAS, public comment was taken at the Public Hearing before the Planning Commission on August 15, 2012; and

WHEREAS, the City Council of the City of Greenwood has received the staff report, the recommendation of the Planning Commission, and considered the application, the comments of the applicant and the comments of the public.

NOW, THEREFORE, the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 5370 Manor Road, Greenwood, Minnesota 55331 (PID No. 26-117-23 44 0020) is a single family lot of record located within the R-1A Single Family Residential District.
2. The applicants are requesting variances to expand and construct a

partial second story over an existing non-conforming structure which would encroach into the minimum required rear yard and exterior south side yard setbacks. The Zoning Ordinance requires a minimum rear yard setback of 35 feet and an exterior south side yard setback of 30 feet. The existing structure is non-conforming in that the footprint extends 4 feet into the required rear yard setback, 17 feet into the required exterior side yard setback and 8 feet into the required 15-foot north side yard setback.

3. The proposal is to build a partial second story which would only encroach into the required rear and exterior south side yard setbacks, but not the north side yard setback. The second story would maintain the existing encroachment into the required rear yard and on the upper level reduce the existing encroachment into the required exterior south side yard setback by 9 feet. The applicants propose a rear yard setback of 31 feet (a 4-foot variance) and an exterior side yard setback of 22 feet (an 8-foot variance) for the second story. It would comply with north side yard and front yard setbacks.
4. The existing structure is non-conforming in that at its closet point the current garage encroaches 17 feet into the required exterior south side yard setback. The applicants propose to attach an addition to the southeast foundation of the garage and continue the existing south line of the building eastwardly. This progressively increases the south side yard setback. At the point where the proposed addition would meet the existing garage the house will be set back 20 feet from the property line, reducing the existing encroachment. The applicant is requesting a variance of 10 feet of the required exterior south side yard setback for the garage addition.
5. The proposal would comply with the maximum permitted impervious surface area and the maximum permitted volume.
6. Section 1120:15 of the Zoning Ordinance requires a minimum exterior side yard setback of thirty feet and a front yard setback of 35 ft. The applicant proposes an exterior side yard setback of 22 ft. (eight foot variance) and a 31 ft rear yard setback (4 foot variance).
7. The lot area (12,993 sq. ft.) is about 86% of the minimum required lot area for the R-1A zoning district. Existing hardcover is 22%; proposed hardcover will be 28%.
8. The Applicant advises that the variance if granted will be in keeping with the spirit and intent of the ordinance because the project would make the house esthetically and structurally consistent with the neighborhood.

9. In support of the variances the Applicants advise (1) that the project is a reasonable use of the residential property as it would make the house esthetically and structurally consistent with the neighborhood while respecting existing setbacks; (2) that the plight of the landowner is due to the existing house foot print location built before current codes and the condition was therefore not created by the landowner; (3) that the variance if granted will not alter the essential character of the locality but rather bring the house up to par with neighboring houses and the design will blend and not impact existing nearby homes.

10. The Planning Commission discussed the proposed plan and observed that the application meets the Practical Difficulty Standard, the use is reasonable, plight of the owner - conflict between as built and new code setbacks - was not created by the owner, and if granted, the variance will not alter the character of the area. The motion recommending the council approve the variance requests was approved on a 4-0 vote.

11. Section 1155.10, Subd. 4, 5 & 6 provide:

“Subd. 4. 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 and not created by the landowner;
 - (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd.5 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?

Subd. 6. Additional Requirements for Grants of Variance Requests. The board, in considering all requests for a variance, shall determine that the proposed variance, if granted, will not:

 - (a) Impair an adequate supply of light and air to adjacent property.
 - (b) Unreasonably increase the congestion in the public street.
 - (c) Increase the danger of fire or endanger the public safety.
 - (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

12. Based on the foregoing, the City council determined that (1) the variance, for the remodeling, if granted, would be in keeping with the spirit and

intent of the Zoning Code; (2) that the property owner proposes to use the property in a manner not permitted by the zoning ordinance, but which is a reasonable use for a residential property of this dimension and location; (3) the plight of the owner - conflict between as built and new code setbacks - is due to circumstances unique to the property and not created by the landowner; (4) the variance, if granted, will not alter the essential character of the locality as the existing character of the neighborhood will be maintained.

13. The following conditions should be imposed on any variance grant:
 - A. The project must be completed according to the specifications and design requirements in the submitted plans.
 - B. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.
14. Subject to the stated conditions, the variance, if granted, will be in harmony with the purpose and intent of the zoning ordinance and doing so is consistent with the comprehensive plan.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, The City Council acting as the Board of Appeals makes the following Conclusions of Law:

1. The applicant has made an adequate demonstration of facts meeting the standards of Section 1155.10 necessary for the grant of the following variances to Sections 1120:15:
 - A. A variance to section 1120:15 permitting exterior side yard (south side) encroachment of ten feet, (10ft) into the required south side yard setback for the main level;
 - B. A variance to section 1120:15 permitting exterior side yard (south side) encroachment of eight feet, (8ft) into the required south side yard setback for the upper level should be granted; and
 - C. A variance to section 1120:15 permitting a rear yard encroachment of four feet (4') into the required rear yard setback should be granted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments:

That the application of Justin and Jen Zygmunt for variances to Greenwood Ordinance Code Section 1120:15 are granted as follows:

- A. A variance to section 1120:15 permitting exterior side yard (south side) encroachment of ten feet, (10ft) into the required south side yard setback for the main level;
- B. A variance to section 1120:15 permitting exterior side yard (south side) encroachment of eight feet, (8ft) into the required south side yard setback for the upper level should be granted; and
- C. A variance to section 1120:15 permitting a rear yard encroachment of four feet (4') into the required rear yard setback should be granted.

on the following conditions:

1. The project must be completed according to the specifications and design requirements in the submitted plans.
2. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.

PASSED THIS ____ DAY OF OCTOBER, 2012 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

_____ Ayes, _____ Nays

CITY OF GREENWOOD

ATTEST:

By _____
Debra J. Kind, Mayor

Gus Karpas, Clerk/Administrator



Agenda Number: **7A**

Agenda Date: 10-03-12

Agenda Item: Potential Buckthorn and Brush Removal Projects

Summary: At the 09-05-12 council meeting Greenwood resident Val Muceniaks spoke during Matters from the Floor to request that the city remove the buckthorn and brush growing in the right-of-way between his property and Georgetown apartments as well as along the shore by the city docks.

A similar request was received from another resident earlier in the year to remove buckthorn and brush along the Minnetonka Blvd. shoreline of St. Alban's Bay.

At the 09-05-12 council meeting the council authorized a team of 18 volunteers to remove buckthorn growing in the lilacs along Excelsior Blvd. The city contributed \$290 for the project (\$46 for chemicals and applicators, \$244 for public works to haul and dispose of the brush).

The trees / weeds / mowing budget for 2012 is \$13,000. As of 08-31-12 the city has spent \$12,441 of that budget. In 2011 the year-end total was \$21,575 for this category. The city council has budgeted \$20,000 for this category in 2013.

Council Action: None required. Potential motions ...

1. I move the council establishes a policy that the city supports volunteer efforts to remove buckthorn and brush on city property and will pay for the costs of chemicals, applicators, hauling, and disposal with the following conditions:
 - a. A volunteer team leader submits a plan (chemical / applicator cost estimate, date, and location) to the city clerk.
 - b. The volunteer team leader purchases chemicals / applicators and submit receipts to the city clerk for reimbursement.
 - c. Projects with chemical / applicator costs exceeding \$____ must be approved by the city council.
2. Do nothing or another motion ???



Agenda Number: **7B**

Agenda Date: 10-03-12

Agenda Item: Consider: Resolution 26-12, Updating Appointments & Assignments

Summary: The attached resolution is an update of the resolution that the council approved in January. Below are the changes that have been made:

1. The Fire Board position needs to be filled due to the resignation of Councilman Rose. Councilman Fletcher was the Fire Board alternate and has agreed to be the primary representative. Councilman Quam has agreed to be the alternate.
2. The B-2 Planning Commission seat needs to be filled due to former planning commissioner Bill Cook's appointment to the city council. Past practice has been to appoint the most senior alternate to vacant voting positions on the planning commission. This would mean that Kristi Conrad would move from Alternate 1 to the B-2 position, that Lisa Christian would move up from the Alternate 2 to the Alternate 1 position, and that the Alternate 2 position would become vacant.
3. Since Councilman Fletcher has agreed to be the Fire Board representative, he would like to give up being the Planning Commission Liaison position. Councilman Cook has agreed to be the Planning Commission Liaison.

Council Action: Required. Potential motions ...

1. I move the council approves resolution 26-12 updating appointments and assignments for the rest of 2012.
2. Do nothing or another motion ???

Resolution 26-12

City of Greenwood Appointments and Assignments for 2012

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following appointments for October 3, 2012 through December 31, 2012

OFFICE & DESIGNATIONS	2011 HOLDER	2012 HOLDER
Mayor Pro-Tem	Bob Quam	Bob Quam
Administrative Committee	Tom Fletcher, Deb Kind	Tom Fletcher, Deb Kind
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Mark Kelly	Mark Kelly
Auditor	LarsonAllen	CliftonLarsonAllen
Bank Signatures	Kind, Quam, Courtney	Kind, Quam, Courtney
Building Official	Bob Manor	Bob Manor
Clerk	Gus Karpas	Gus Karpas
Depositories	Bridgewater Bank, Beacon Bank	Bridgewater Bank, Beacon Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wed (Jan, Mar, May, Jul, Sep, Nov)	Biff Rose, Alternate Kelsey Page	Biff Rose, Alternate Tom Fletcher Tom Fletcher, Alternate Bob Quam
Forester / Tree Inspector	Jerry Hudlow	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representatives – 1 must be elected official, meets 3rd Tues (Feb, May, Aug, Nov)	Tom Fletcher, Lake Bechtell	Tom Fletcher, Deb Kind
Lake Minnetonka Conservation District (LMCD) Rep – 2nd and 4th Wed	Kelsey Page	Kelsey Page
Milfoil Project Liaison	Tom Fletcher	Tom Fletcher
Minnetonka Community Education (MCE) Representative – 4th Mon	Bob Quam	Bob Quam
Newspapers	Sun-Sailor, Star Tribune (alt.)	Sun-Sailor, Star Tribune (alt.)
Planning Commissioners – 3rd Wed	A-1 Brian Malo (3/12)	A-1 Douglas Reeder (3/14)
	A-2 John Beal (3/12)	A-2 John Beal (3/14)
	A-3 Dave Paeper (3/12)	A-3 Dave Paeper (3/14)
	B-1 Pat Lucking (3/13)	B-1 Pat Lucking (3/13)
	B-2 Bill Cook (3/13)	B-2 Bill Cook (3/13) B-2 Kristi Conrad (3/13)
	Alt-1 Douglas Reeder (3/12)	Alt-1 Kristi Conrad (3/14) Alt-1 Lisa Christian (3/14)
	Alt-2 Kristi Conrad (3/13)	Alt-2 Lisa Christian (3/13) Alt-2 Vacant (3/13)
Planning Commission Liaison – 3rd Wed	Tom Fletcher	Tom Fletcher Bill Cook
Prosecutor	Greg Keller	Greg Keller
Responsible Authority (Govt. Data Practices Act)	Gus Karpas	Gus Karpas
Road and Sewer Liaison	Bob Quam	Bob Quam
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (Must be mayor, meets quarterly)	Deb Kind, Alternate Bob Quam	Deb Kind, Alternate Bob Quam
Treasurer	Mary Courtney	Mary Courtney
Weed Inspector (Must be mayor), Assistant Weed Inspector	Deb Kind	Deb Kind, Assistant Gus Karpas
Zoning Administrator	Gus Karpas	Gus Karpas

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA that any and all commissioners, appointees, representatives, delegates, or other non-elected officials of the city shall hold their official status or membership on a basis subject to resolution, subject to reconsideration, and/or removal at the insistence of the city council. This resolution is enacted pursuant to the codes of the city.

ADOPTED by the city council of the city of Greenwood, Minnesota this 3rd day of October, 2012.

There were ___ AYES and ___ NAYS as follows:

Greenwood City Council	YEAS	NAYS	ABSTAIN	ABSENT
Mayor Debra Kind				
Councilman Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **7C**

Agenda Date: 10-03-12

Agenda Item: Consider: Resolution 24-12, Assessment Roll for Delinquent Sewer, Stormwater, and Recycling Charges

Summary: As a follow up to the public hearing held earlier in the council meeting, the council needs to take action to certify assessments for delinquent sewer, stormwater, and recycling accounts with the county to be collected with property taxes. A copy of a proposed resolution is attached.

Council Action: Required. Suggested motions ...

1. I move the council approves resolution 24-12 and the assessment roll for delinquent sewer, stormwater, and recycling charges.
2. I move the council approves resolution 24-12 and the assessment roll for delinquent sewer, stormwater, and recycling charges with the following revisions _____.

**CITY OF GREENWOOD
RESOLUTION NO. 24-12**

**A RESOLUTION APPROVING THE ASSESSMENT ROLL
FOR DELINQUENT SEWER, STORMWATER, AND RECYCLING ACCOUNTS**

WHEREAS, the city council of the city of Greenwood has caused a notice to be published fixing the time and place of the council meeting to pass upon the proposed assessment roll for delinquent sewer, stormwater, and recycling charges, more specifically described in the "Notice of Public Hearing" published September 13, 2012 and September 20, 2012 in the Sun-Sailor publication; and

WHEREAS, notice of said meeting has been given to all property owners whose property is to be assessed therefore, by publication thereof in the manner required by law; and

WHEREAS, all persons have had an opportunity to be heard in connection with said manner.

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

1. That the assessment roll, as prepared by the city clerk, is hereby approved, and the assessments therein contained are hereby determined to be the special assessments for the services herein included.
2. That said assessments are found to be properly assessed upon the properties so served.
3. That each of such unpaid assessments shall bear interest at the rate of 8% per annum accruing on the full amount from December 1, 2012, together with a service charge on each assessment.
4. That each of such unpaid assessment shall bear the penalty of \$20, per ordinance sections 475.30, 520.15, and 525.15.
5. Prior to certification of the assessment to the county auditor, the owner of any lot, piece or parcel of land assessed hereby may at any time pay the whole of such assessment inclusive of the penalties, to the city treasurer, prior to November 15, 2012.
6. That the city clerk is hereby directed to certify such assessment to the county auditor for collection and remittance to the city treasurer in the same manner as assessments for local improvements.

ADOPTED by the city council of the city of Greenwood, Minnesota this ____ day of _____, 2012.

There were ____ AYES and ____ NAYS as follows:

Greenwood City Council	YEAS	NAYS	ABSTAIN	ABSENT
Mayor Debra Kind				
Councilman Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

2012 GREENWOOD TAX CERTIFICATION - DELINQUENT UTILITIES

<i>PROPERTY OWNER</i>	<i>House Number</i>	<i>Street Name</i>	<i>Zip Code</i>	<i>PID #</i>	<i>Delinquent Amount Due</i>	<i>Assessment Penalty</i>	<i>Total due after October 3rd</i>
<i>Brandel, Joseph & Elizabeth</i>	<i>4763</i>	<i>Lyman Ct</i>	<i>55331</i>	<i>26-117-23-13-0066</i>	<i>\$103.00</i>	<i>\$20.00</i>	<i>\$123.00</i>
<i>Brost, Michael & S.R.</i>	<i>5110</i>	<i>Curve St</i>	<i>55331</i>	<i>26-117-23-31-0018</i>	<i>\$324.53</i>	<i>\$20.00</i>	<i>\$344.53</i>
<i>Dahl, James R. & Robin E.</i>	<i>4960</i>	<i>Sleepy Hollow Rd</i>	<i>55331</i>	<i>26-117-23-13-0036</i>	<i>\$103.00</i>	<i>\$20.00</i>	<i>\$123.00</i>
<i>Dinndorf, Michael</i>	<i>5475</i>	<i>Maple Heights Rd</i>	<i>55331</i>	<i>26-117-23-44-0009</i>	<i>\$272.69</i>	<i>\$20.00</i>	<i>\$292.69</i>
<i>Lent, Morton</i>	<i>21080</i>	<i>Excelsior Blvd.</i>	<i>55331</i>	<i>35-117-23-11-0024</i>	<i>\$103.00</i>	<i>\$20.00</i>	<i>\$123.00</i>
<i>Quackenboss, Michael & Cristine</i>	<i>21030</i>	<i>Excelsior Blvd.</i>	<i>55331</i>	<i>35-117-23-11-0038</i>	<i>\$443.63</i>	<i>\$20.00</i>	<i>\$463.63</i>
<i>Reisner, Toby & Sharon</i>	<i>4970</i>	<i>St. Alban's Bay Rd</i>	<i>55331</i>	<i>26-117-23-41-0042</i>	<i>\$103.00</i>	<i>\$20.00</i>	<i>\$123.00</i>
<i>Short, Brian & Karen</i>	<i>20975</i>	<i>Channel Dr</i>	<i>55331</i>	<i>26-117-23-44-0036</i>	<i>\$218.34</i>	<i>\$20.00</i>	<i>\$238.34</i>
<i>Americana Community Bank</i>	<i>5070</i>	<i>Highview Place</i>	<i>55331</i>	<i>26-117-23-42-0072</i>	<i>\$443.63</i>	<i>\$20.00</i>	<i>\$463.63</i>
					<i>\$2,114.82</i>	<i>\$180.00</i>	<i>\$2,294.82</i>



Agenda Item: Discuss: Sewer Discharge Certification Report and Next Steps

Summary: At the 08-01-12 council meeting the council approved the implementation of a “sewer pump program” and directed the city clerk to mail the letter and certification form to all property owners in the city. The attached letter and form were mailed on 08-08-12 and property owners were given 08-22-12 as the deadline for returning the form. A few residents complained that the deadline was too short and the council consensus was that the city would not be “strict” about the date that the forms were returned.

Attached is a list of Greenwood properties showing the following:

- 348 Total number mailed
- 253 Forms were sent back to the city (72.7%)
- 231 Certified they had no connection
- 95 Did not respond. 3 of these were because the mailing was not deliverable to the property. 5 of these were forms that were not filled out completely and it was impossible to tell which property they were for.
- 17 Requested an inspection to help them complete the form.
- 5 Stated that they had a connection. Of these, 4 said that they would remove the connection within 90 days and agreed to an inspection. 1 said that he has a “grey water” sump pump connection that is required by the Met Council (see attachments).

The council needs to determine next steps ...

1. What should be done about the 95 people who did not respond? Should the council direct that the penalty (\$300 residential, \$750 commercial) be added to their utility bills? If so, should a letter and certification form be enclosed with the bill stating that the penalty will be forgiven (or reduced by ___%) if they return the certification form with their utility payment? Should the council give the utility clerk discretion to waive the fee for someone who claims to have returned the form and completes a new form? Note: There were 5 people who sent in forms that were not fully completed and were not legible.
2. What should be done about properties in transition? Should we give the utility clerk discretion to waive the fee for a new homeowner who completes a certification form?
3. What should be done about the 3 properties where the mailing was not deliverable?
4. Should the council select a contractor to schedule inspections for the 17 properties that requested help completing the form and the 4 properties that said they would remove a connection within 90 days (11-20-12)? Bolton & Menk would charge \$25 per inspection, and Kieran Hannigan (Greenwood resident) would charge \$30 per hour. Jack MacKinnon (Chaska inspector) was contacted, but did not provide cost information in time for the council packet deadline.
5. What should be done about the property that has a “grey water” sump pump connection?

Council Action: Required. Potential motions ...

1. I move the city council authorizes the following regarding the city’s “sewer pump program” ...
 - a. That the “Surcharge Fee for Discharge into Sewer” (\$300 residential, \$750 commercial) be added to the next utility bill for the 92 properties that did not return the sewer certification form.
 - b. That a letter and certification form be enclosed with the 92 utility bills stating that the penalty will be reduced by ___% if they return the completed certification form with their utility payment.
 - c. That the utility billing clerk determines the correct addresses for the 3 undeliverable properties and resends the original letter and certification form with updated dates to those properties.
 - d. That the utility billing clerk be given discretion to waive the surcharge fee for new homeowners who return the completed certification form with their utility bill.
 - e. That the utility billing clerk be given discretion to waive the surcharge fee for someone who claims to have returned the certification form and returns a newly-completed certification form with their utility bill.
 - f. That _____ be hired as the contractor at \$____ per _____ to perform the following services:
 - i. Schedule and inspect the 17 properties that requested help completing the certification form.
 - ii. Schedule and inspect the 4 properties that said they would remove a connection by 11-20-12.
 - iii. Schedule and inspect all future requests from the city clerk.
 - iv. Provide written documentation of all inspection results to the city clerk.
 - g. That the city engineer inspect the property that has a “grey water” sump pump connection to determine if it is a legal connection and provide a written report for the city council and property file.
2. Other motion ???



Date: August 8, 2012
To: Greenwood Property Owners
From: Gus Karpas, City Clerk
Re: Sanitary Sewer Discharge

PUBLIC INFORMATION STATEMENT: *Why am I receiving this letter?*

As mandated by the Met Council, the city is required to reduce the amount of "inflow" (clean water being discharged into the sanitary sewer system) through roof drains, foundation drains, and sump pumps that are connected to the sewer lines (illegal in MN since 1968 and also prohibited by city code section 310.30, subd. 5). Please go to www.greenwoodmn.com or stop by city hall to view the complete ordinance.

The benefits of reducing the amount of clean water discharged into the sanitary sewer system include:

- Saves city taxpayers money by reducing the amount of money spent on water treatment and avoiding potential Met Council surcharges to the city.
- Saves the region money by reducing the size of the Met Council infrastructure required. The cost to fix flow problems at the local source is estimated to cost \$150 million, compared with nearly one billion dollars that would be needed to add collection and treatment capacity to handle excessive flow.
- Reduces the chance of sewer backups into homes and businesses.

To effectuate the above public policy, the city is required to eliminate all roof drains, foundation drains, or sump pumps that are connected to the sanitary system and verify compliance with that code requirement.

NOTICE TO ALL PROPERTY OWNERS: ACTION REQUIRED

**FAILURE TO ACT WILL CAUSE FINANCIAL PENALTIES TO BE INCURRED AND MAY RESULT IN PROSECUTION
PROPERTY OWNER SANITARY SEWER DISCHARGE CERTIFICATION REQUIRED**

NOTICE IS HEREBY GIVEN TO ALL REAL PROPERTY OWNERS IN THE CITY OF GREENWOOD, MN:

To ensure compliance with state law and city code, all **real property owners** must **fully** complete and return the attached form to city hall by **August 22, 2012** (14 days from the date of this letter). Completed forms may be delivered in person, by email to administrator@greenwoodmn.com, or use the enclosed pre-addressed stamped envelope. **Any property owner that does not return the enclosed form by August 22, 2012 will incur a surcharge fee (\$300 residential, \$750 commercial) on their quarterly sewer utility bill** per Greenwood code section 310.30, subd. 5.

A property owner may request assistance in completing the certification form or a physical inspection of their property to determine whether roof drains, foundation drains, or sump pumps feed into the sanitary sewer system. Such assistance or inspection will be provided at no cost to the property owner.

In the event you (the real property owner) determines that you have roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer system, you have 90 days from the date of this notice to remove all such connections without penalty.

PLEASE BE ADVISED, that if you (the real property owner) certify that your property has no roof drains, foundation drains, or sump pumps connected to the sanitary sewer system and it subsequently is discovered that the property is not in compliance with the code or otherwise has unlawful discharges, the property owner shall be back-charged to the date of the completed certification form on file, a surcharge fee, double that listed above, shall be assessed, and prosecution for violation of the code may follow.

If compliance is not achieved based on Met Council flow reports, the city may find it necessary to implement a mandatory inspection program. There is a great common benefit to the entire city if we solve our inflow problems without mandatory inspections. Thank you for your help!

Sanitary Sewer Discharge Certification Form

An electronic copy of this form is available for downloading at www.greenwoodmn.com



Names of property owners	
Phone and/or email	
Property address	
City, State, Zip	Greenwood, MN 55331
Property PID Number*	

* See Hennepin County Property Tax statement for Property Identification (PID) number

Please select one of the following two options:

1. NO EXISTING CONNECTIONS

I/we, the above named, owners of the above named real property commonly certify that I/we **do not have** any roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer.

ADVISORY NOTE: Sump pumps cannot be connected to drains inside the building structure.

2. EXISTING CONNECTIONS (must also initial both lines below)

I/we, the above named, owners of the above named real property commonly certify that I/we **do have** roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer.

____ I/we agree to voluntarily disconnect all roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer system within 90 days of the "date received" at the bottom of this certification form.

____ I/we agree that a city agent/inspector may conduct a physical inspection of our real property to verify code compliance and that there are no improper sanitary sewer system connections on or after 120 days from the "date received" at the bottom of this certification form.

ADVISORY NOTE: Sump pumps cannot be connected to drains inside the building structure.

~~~~~  
**REQUEST FOR CITY ASSISTANCE**

I/we request assistance, at no charge, in completing this certification form.

I/we are not sure whether our roof drains, foundation drains, or sump pumps feed into the sanitary sewer system. I/we hereby request the city inspect my/our property, at the city's sole expense, to determine if there are any such connections to the sanitary sewer system.

ADVISORY NOTE: If on inspection an improper sanitary sewer connection is found, you will have 90 days from the inspection date to remove the connection and there will be no surcharge during the 90-day grace period.

~~~~~  
VERIFICATION

The undersigned hereby acknowledge the following: I/we are the property owner(s) above-described property and are the sole fee title owner(s) of the above described property. I/we understand that by signing this certification form, we certify that all information is true and correct to the best of my/our knowledge, and acknowledge that if a property owner certifies that their property is in compliance, and it subsequently is discovered that the property is not in compliance, the UNDERSIGNED as real property owners will be charged a surcharge fee equal to double the surcharge imposed for non-compliance with this certification process back-dated to the "date received" at the bottom of this certification form and that criminal prosecution for violation of city code may follow.

Signature of property owner (required)	Date:
Signature of additional property owner (if any)	Date:
Signature of additional property owner (if any)	Date:

For Office Use Only	Date Received:	Received By:
----------------------------	----------------	--------------

City of Greenwood - Resident Database						
House #	Street Name	No Connection	Connection	Requested Inspection	Did Not Return Form	Mail Undeliverable
21750	Byron Circle	1				
21800	Byron Circle	1				
21820	Byron Circle				1	
21825	Byron Circle	1				
21830	Byron Circle	1				
21840	Byron Circle			1		
21845	Byron Circle			1		
21860	Byron Circle	1				
21885	Byron Circle	1				
21890	Byron Circle				1	
21892	Byron Circle	1				
21895	Byron Circle	1				
21925	Byron Circle	1				
20840	Channel Drive			1		
20845	Channel Drive			1		
20885	Channel Drive	1				
20890	Channel Drive	1				
20895	Channel Drive				1	
20896	Channel Drive	1				
20965	Channel Drive	1				
20975	Channel Drive				1	
20985	Channel Drive	1				
5025	Covington Street				1	
5060	Covington Street	1				
5070	Covington Street	1				
5090	Covington Street	1				
5095	Covington Street				1	
5100	Covington Street	1				
5505	Crestside Ave	1				
5525	Crestside Ave	1				
5100	Curve Street				1	
5110	Curve Street				1	
5115	Curve Street	1				
5120	Curve Street	1				
5130	Curve Street	1				
5140	Curve Street	1				
5145	Curve Street	1				
5155	Curve Street				1	
20860	Excelsior Blvd	1				
20880	Excelsior Blvd	1				
20900	Excelsior Blvd				1	
21020	Excelsior Blvd	1				
21030	Excelsior Blvd				1	
21080	Excelsior Blvd				1	
21100	Excelsior Blvd	1				
21120	Excelsior Blvd	1				
21150	Excelsior Blvd				1	
21170	Excelsior Blvd			1		
21190	Excelsior Blvd	1				
21210	Excelsior Blvd			1		
21230	Excelsior Blvd	1				
21250	Excelsior Blvd	1				
21270	Excelsior Blvd	1				
21290	Excelsior Blvd			1		
21320	Excelsior Blvd			1		
21350	Excelsior Blvd	1				
21380	Excelsior Blvd	1				
21420	Excelsior Blvd	1				

House #	Street Name	No Connection	Connection	Requested Inspection	Did Not Return Form	Mail Undeliverable
21450	Excelsior Blvd	1				
21470	Excelsior Blvd	1				
21500	Excelsior Blvd	1				
21550	Excelsior Blvd		1			
21490	Fairview Street	1				
21500	Fairview Street				1	
21510	Fairview Street	1				
21520	Fairview Street	1				
21560	Fairview Street				1	
21580	Fairview Street				1	
21600	Fairview Street				1	
21600	Fairview Street	1				
21620	Fairview Street				1	
21630	Fairview Street	1				
21650	Fairview Street		1			
21670	Fairview Street				1	
21690	Fairview Street	1				
21700	Fairview Street	1				
21710	Fairview Street		1			
21720	Fairview Street	1				
21760	Fairview Street	1				
21770	Fairview Street	1				
21775	Fairview Street				1	
21780	Fairview Street	1				
21880	Fairview Street	1				
21885	Fairview Street	1				
21895	Fairview Street	1				
21915	Fairview Street	1				
5030	Greenwood Circle			1		
5040	Greenwood Circle	1				
5050	Greenwood Circle				1	1
5060	Greenwood Circle	1				
5070	Greenwood Circle	1				
5085	Greenwood Circle	1				
5090	Greenwood Circle				1	
5100	Greenwood Circle				1	
5105	Greenwood Circle				1	
5115	Greenwood Circle	1				
5125	Greenwood Circle	1				
5130	Greenwood Circle	1				
5135	Greenwood Circle	1				
5140	Greenwood Circle	1				
5145	Greenwood Circle				1	
5155	Greenwood Circle	1				
5160	Greenwood Circle				1	
5165	Greenwood Circle	1				
5170	Greenwood Circle	1				
5175	Greenwood Circle	1				
5180	Greenwood Circle	1				
5185	Greenwood Circle				1	
5190	Greenwood Circle	1				
5195	Greenwood Circle	1				
5200	Greenwood Circle				1	
5205	Greenwood Circle	1				
5040	Highview Place	1				
5050	Highview Place	1				
5055	Highview Place			1		
5070	Highview Place				1	
5075	Highview Place	1				
5085	Highview Place				1	1

House #	Street Name	No Connection	Connection	Requested Inspection	Did Not Return Form	Mail Undeliverable
5095	Highview Place	1				
5040	Kings Court	1				
5045	Kings Court	1				
5050	Kings Court	1				
5055	Kings Court	1				
4636	Linwood Circle	1				
4640	Linwood Circle	1				
4660	Linwood Circle	1				
4680	Linwood Circle	1				
4690	Linwood Circle				1	
4700	Linwood Circle	1				
4720	Lodge Lane				1	
4725	Lodge Lane	1				
4740	Lodge Lane	1				
4760	Lodge Lane				1	
4780	Lodge Lane	1				
4800	Lodge Lane				1	
4820	Lodge Lane				1	
4825	Lodge Lane	1				
4840	Lodge Lane	1				
4855	Lodge Lane	1				
4860	Lodge Lane	1				
4880	Lodge Lane	1				
4895	Lodge Lane	1				
4900	Lodge Lane	1				
4920	Lodge Lane			1		
4925	Lodge Lane	1				
4763	Lyman Court				1	
4777	Lyman Court				1	
4758	Lyman Court	1				
4757	Lyman Court	1				
4755	Lyman Court	1				
6	Mac Lynn Road	1				
8	Mac Lynn Road	1				
10	Mac Lynn Road	1				
12	Mac Lynn Road	1				
14	Mac Lynn Road	1				
5100	Manor Road	1				
5110	Manor Road	1				
5230	Manor Road				1	
5270	Manor Road				1	
5290	Manor Road				1	
5330	Manor Road	1				
5350	Manor Road	1				
5370	Manor Road				1	
5410	Manor Road	1				
5470	Manor Road	1				
5490	Manor Road				1	
5435	Maple Heights Rd				1	
5470	Maple Heights Rd	1				
5475	Maple Heights Rd				1	
5480	Maple Heights Rd	1				
5490	Maple Heights Rd	1				
5500	Maple Heights Rd	1				
5510	Maple Heights Rd				1	
5520	Maple Heights Rd	1				
5525	Maple Heights Rd				1	
5530	Maple Heights Rd	1				
5535	Maple Heights Rd				1	
5540	Maple Heights Rd	1				

House #	Street Name	No Connection	Connection	Requested Inspection	Did Not Return Form	Mail Undeliverable
5545	Maple Heights Rd				1	
5550	Maple Heights Rd				1	
5560	Maple Heights Rd				1	
5560	Maple Heights Rd				1	
5580	Maple Heights Rd				1	
5590	Maple Heights Rd				1	
5600	Maple Heights Rd				1	
4900	Meadville Street				1	
4905	Meadville Street				1	
4926	Meadville Street	1				
4930	Meadville Street	1				
4940	Meadville Street				1	
4950	Meadville Street	1				
4960	Meadville Street	1				
4970	Meadville Street	1				
4980	Meadville Street				1	
4990	Meadville Street	1				
5000	Meadville Street	1				
5015	Meadville Street				1	
5025	Meadville Street	1				
5030	Meadville Street	1				
5040	Meadville Street	1				
5050	Meadville Street	1				
5060	Meadville Street	1				
5080	Meadville Street	1				
5085	Meadville Street	1				
5090	Meadville Street	1				
5095	Meadville Street				1	
5100	Meadville Street	1				
5110	Meadville Street	1				
5115	Meadville Street	1				
5120	Meadville Street	1				
5130	Meadville Street	1				
5135	Meadville Street	1				
5140	Meadville Street	1				
5150	Meadville Street	1				
5165	Meadville Street				1	
5170	Meadville Street	1				
5180	Meadville Street	1				
5185	Meadville Street				1	
5190	Meadville Street				1	
5200	Meadville Street				1	
5210	Meadville Street	1				
5220	Meadville Street	1				
5230	Meadville Street	1				
5250	Meadville Street				1	
5260	Meadville Street	1				
5270	Meadville Street	1				
5280	Meadville Street	1				
5290	Meadville Street	1				
21170	Minnetonka Blvd.				1	
21200	Minnetonka Blvd.	1				
21220	Minnetonka Blvd.	1				
21240	Minnetonka Blvd.			1		
21260	Minnetonka Blvd.	1				
21280	Minnetonka Blvd.			1		
21310	Minnetonka Blvd.	1				
21355	Minnetonka Blvd.	1				
21380	Minnetonka Blvd.	1				
21385	Minnetonka Blvd.				1	

House #	Street Name	No Connection	Connection	Requested Inspection	Did Not Return Form	Mail Undeliverable
5110	St. Albans Bay Rd	1				
5114	St. Albans Bay Rd	1				
5120	St. Albans Bay Rd				1	
5140	St. Albans Bay Rd	1				
5180	St. Albans Bay Rd	1				
5190	St. Albans Bay Rd	1				
5192	St. Albans Bay Rd				1	
5196	St. Albans Bay Rd				1	1
20860	St. Albans Green				1	
20870	St. Albans Green				1	
20880	St. Albans Green	1				
20890	St. Albans Green	1				
20900	St. Albans Green	1				
4900	Sleepy Hollow Rd				1	
4925	Sleepy Hollow Rd	1				
4930	Sleepy Hollow Rd	1				
4935	Sleepy Hollow Rd	1				
4945	Sleepy Hollow Rd	1				
4950	Sleepy Hollow Rd	1				
4960	Sleepy Hollow Rd				1	
4965	Sleepy Hollow Rd				1	
4970	Sleepy Hollow Rd			1		
4975	Sleepy Hollow Rd				1	
4980	Sleepy Hollow Rd	1				
4990	Sleepy Hollow Rd				1	
21000	State Hwy # 7			1		
21380	State Hwy # 7				1	
21450	State Hwy # 7	1				
21500	State Hwy # 7	1				
21550	State Hwy # 7	1				
5105	Weeks Road	1				
5110	Weeks Road	1				
5115	Weeks Road	1				
5120	Weeks Road	1				
5125	Weeks Road	1				
5135	Weeks Road				1	
5145	Weeks Road	1				
5155	Weeks Road	1				
5165	Weeks Road				1	
5105	West Street	1				
5110	West Street	1				
5115	West Street	1				
5120	West Street	1				
5125	West Street	1				
5135	West Street	1				
4870	Woods Court	1				
4890	Woods Court				1	
4910	Woods Court				1	
4920	Woods Court				1	
4925	Woods Court	1				
	TOTALS	231	5	17	95	3
	Total Mailed	348				
	Total Returned	253				
	% Returned	72.70%				



Sanitary Sewer Discharge Certification Form

An electronic copy of this form is available for downloading at www.greenwoodmn.com

Names of property owners	THOMAS L. WARNER
Phone and/or email	952-474-5658
Property address	21710 FAIRVIEW ST
City, State, Zip	Greenwood, MN 55331
Property PID Number*	

* See Hennepin County Property Tax statement for Property Identification (PID) number

Please select one of the following two options:

1. NO EXISTING CONNECTIONS

I/we, the above named, owners of the above named real property commonly certify that I/we do not have any roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer.

ADVISORY NOTE: Sump pumps cannot be connected to drains inside the building structure.

2. EXISTING CONNECTIONS (must also initial both lines below)

I/we, the above named, owners of the above named real property commonly certify that I/we do have roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer.

I/we agree to voluntarily disconnect all roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer system within 90 days of the "date received" at the bottom of this certification form.

I/we agree that a city agent/inspector may conduct a physical inspection of our real property to verify code compliance and that there are no improper sanitary sewer system connections on or after 120 days from the "date received" at the bottom of this certification form.

ADVISORY NOTE: Sump pumps cannot be connected to drains inside the building structure.

See attached

REQUEST FOR CITY ASSISTANCE

I/we request assistance, at no charge, in completing this certification form.

I/we are not sure whether our roof drains, foundation drains, or sump pumps feed into the sanitary sewer system. I/we hereby request the city inspect my/our property, at the city's sole expense, to determine if there are any such connections to the sanitary sewer system.

ADVISORY NOTE: If on inspection an improper sanitary sewer connection is found, you will have 90 days from the inspection date to remove the connection and there will be no surcharge during the 90-day grace period.

VERIFICATION

The undersigned hereby acknowledge the following: I/we are the property owner(s) above-described property and are the sole fee title owner(s) of the above described property. I/we understand that by signing this certification form, we certify that all information is true and correct to the best of my/our knowledge, and acknowledge that if a property owner certifies that their property is in compliance, and it subsequently is discovered that the property is not in compliance, the UNDERSIGNED as real property owners will be charged a surcharge fee equal to double the surcharge imposed for non-compliance with this certification process back-dated to the "date received" at the bottom of this certification form and that criminal prosecution for violation of city code may follow.

Signature of property owner (required)	<i>Thomas L. Warner</i>	Date: <i>8-15-12</i>
Signature of additional property owner (if any)		Date:
Signature of additional property owner (if any)		Date:

For Office Use Only	Date Received: <i>8/15/12</i>	Received By: <i>[Signature]</i>
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Call Kyle Colvin w/ ?'s (651) 602-1151

Memo from

TOM WARNER

2-16-06

Roberta -

I've been told by Kyle Colwin, the Principal Staff Engineer for the MCES (651-602-1151) its illegal to discharge "grey water" onto bare ground. *

Our sump pump does not have groundwater, or "clear water", entering it and is considered a "grey water" sump pump which needs to be discharged into the sanitary sewer.

The "Certification" doesn't cover this exactly so I had it checked by a plumber today. He concurred that it is legally & properly hooked up.

If anyone needs to check it out to verify it, please feel free to call me for an inspection.

Regards,

Tom Warner

* This alleviates my concerns we discussed regarding pollutants being discharged & running into the lake.

Greenwood Voluntary Sump Pump Certification

Sump Pumps - check one:

- This property does not have a sump pump.
- The sump pump on this property **is** currently connected to the sewer system.
It will be disconnected by 6/30/06
- The sump pump on this property is currently connected to the sewer system. "
It will **not** be disconnected by 6/30/06. *It is a "grey water sump pump only,"
& is properly connected to the sewer system.*
- The sump pump on this property is not connected to the sewer system.

Rain gutters and downspouts - check one:

- This property does not have rain gutters or downspouts.
- The rain gutters and downspouts on this property **are** currently connected to the sewer system. They will be disconnected by 6/30/06.
- The rain gutters and downspouts on this property are currently connected to the sewer system. They will **not** be disconnected by 6/30/06.
- The rain gutters and downspouts on this property are not connected to the sewer system.

Foundation drain systems - check one:

- This property does not have a foundation drain system.
- The foundation drain system of this property is currently connected to the sewer system. It **will** be disconnected by 6/30/06.
- The foundation drain system of this property is currently connected to the sewer system. It will **not** be disconnected by 6/30/05.
- The foundation drain system of this property is not connected to the sewer system.

I certify that the above statements are all true to the best of my knowledge. I acknowledge that the City of Greenwood has approved an ordinance that will levy fines of \$300 per quarter for residential and \$750 per quarter for commercial for any violations of the sump pump ordinance. The ordinance requires that no sump pumps, rain gutters/downspouts and/or foundation drain systems may be connected to the sanitary sewer system after 6/30/06.

Property Owner: THOMAS L. WARWER

Address: 21710 FAIRVIEW ST
Excelsior, MN 55331

Signature: Thomas L. Warwer

Phone: 952-474-5658

Date: 3-15-06

*"Grey Water" sump pumps
must be connected to the
sewer system as per state law.*



Agenda Item: Consider: Cornerstone Path Snowplowing Proposal

Summary: Last snow season the city contracted with Cornerstone Industries to provide snowplowing services for the city paths. Cornerstone is interested in providing services again for the 2012-13 season. Their proposal is attached.

For the council's reference, below are Deephaven's hourly rates for Public Works:

Services	2009 Historical Rates	2010 Historical Rates	Annual % Increase 2011-2013	2011 Rates	2012 Rates	2013 Rates
Public Works						
Labor Cost per Hour	\$29.65	\$30.54	3.00%	\$31.46	\$32.40	\$33.37
Vehicle Cost per Hour	\$43.44	\$45.17	4.00%	\$46.98	\$48.86	\$50.81
TOTALS	\$73.09	\$75.71		\$78.44	\$81.26	\$84.18

Council Action: None required. Suggested motions ...

1. I move the council authorizes staff to sign the 2012-13 Snow-Blowing and Plowing contract with Cornerstone Industries.
2. Do nothing or other motion ???



Cornerstone Industries, Inc. PO Box 374 Excelsior, Mn 55331 (612) 226-8344 csilandscaping@yahoo.com

2012-2013 Snow-Blowing and Plowing Proposal
for
City of Greenwood, MN

Winter Services

Snow-blowing or plowing of all sidewalks/trails for the city of Greenwood to be performed using Bobcat S250 with 74" blower or comparable, or one ton pick-up truck with 9ft v plow. Work will usually be performed within 4 hrs after snowfall stops, but as soon as possible after city street plowing is completed.

- | | |
|--|-----------------|
| 1) Snow-blowing/plowing services for snowfalls of <u>1" to 4"</u> for all trails and sidewalks. | <u>\$175.00</u> |
| 2) Snow-blowing/plowing services for snowfalls of <u>4.1" to 8"</u> for all trails and sidewalks. | <u>\$210.00</u> |
| 3) Snow-blowing/plowing services for snowfalls of <u>8.1" to 12"</u> for all trails and sidewalks. | <u>\$280.00</u> |

Other Winter Services

Snow blowing and bobcat clean-out of edges and pile re-location may be necessary from time to time and will be charged at \$85.00 per hour. The city will be contacted for verbal authorization before any extra work is completed.

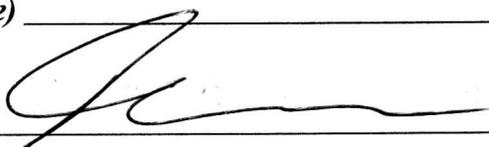
Summer Services

- 1) Mowing, trimming and lite tree-work can be performed for the City upon request or on a set schedule. Work can be performed for an hourly rate for the first service (with no commitment) and for other miscellaneous projects throughout the Summer. Once we map out the areas needing to be mowed and define the frequency, I can give a flat rate for each service if desired.

\$68/hour

Customer Acceptance (and title) _____

Date _____

Cornerstone Industries Inc,  _____

Date 8-27-12



Agenda Number: **7F**

Agenda Date: 10-03-12

Agenda Item: Consider: Three Rivers Park District Permit for Winter Trail Activities

Summary: This is a routine annual request from the Three Rivers Park District regarding winter use of the trail. In past years the city has requested authorization for use of the trail for cross-country skiing and walking. By renewing the permit the city is agreeing to maintain the trail between 11-15-13 and 03-31-13. The agreement lists Tim Lovett from Cornerstone Industries as the contact person. The agreement states the city will hold harmless the park district from any liability related to winter use of the trail. The agreement also requires the submittal of a certificate of insurance valid through 03-31-13.

The permit was supposed to be submitted by 09-07-12. It was inadvertently left off of the 09-05-12 council agenda, so the council needs to take action at the 10-03-12 council meeting. Three Rivers has been notified of the delay.

Council Action: Required. Potential motions ...

1. I move the council directs staff to do the following:
 - a. Complete the Three Rivers Park District Regional Trail System 2011-2012 Winter Use Permit form indicating the city's desire to use the trail for cross-country skiing and walking.
 - b. Mail the following to the park district:
 - i. Completed permit form.
 - ii. Certificate of insurance.
 - iii. Copy of the city council minutes showing the council action.
 - c. Inform Cornerstone Industries of their responsibilities for trail maintenance.
2. Other motion ???

THREE RIVERS PARK DISTRICT
REGIONAL TRAIL SYSTEM
2012-2013 WINTER USE PERMIT

Name of City <u>Greenwood</u>	City Hall Phone <u>(952) 358-9938</u>
Contact Person <u>Gus Karpas</u>	Phone <u>(952) 358-9938</u>
Contact Person Email Address <u>guskarpas@mchsi.com</u>	
Maintenance Contact Person <u>Tim Lovett</u>	Phone <u>(612) 226-8344</u>
Maintenance Contact Person Email Address <u>guskarpas@mchsi.com (City Clerk)</u>	
Regional Trail From <u>Deephaven</u>	to <u>Excelsior</u>
Authorized 2012-2013 Winter Activities <u>Cross Country Skiing and Walking</u>	
Regional Trail From _____	to _____
Authorized 2012-2012 Winter Activities _____	
Regional Trail From _____	to _____
Authorized 2012-2013 Winter Activities _____	
Regional Trail From _____	to _____
Authorized 2012-2013 Winter Activities _____	
Regional Trail From _____	to _____
Authorized 2012-2013 Winter Activities _____	

Authorization is hereby requested from the Park District Board of Commissioners to use portions of the Regional Trail Corridor for winter use activities between November 15, 2012 and March 31, 2013, as determined by each municipality within guidelines set forth herein on District Regional Trails located within individual City boundaries.

It is understood and agreed that approval from the Park District Board of Commissioners is contingent upon the following conditions:

1. The City agrees to defend, indemnify, and hold harmless the Park District, its officials, officers, agents, volunteers, and employees from any liability, claims, causes of action, judgments, damages, losses, costs or expenses, including reasonable attorney's fees, resulting directly or indirectly from any act or omission of the City, its respective contractors, anyone directly or indirectly employed by the City, and/or anyone for whose acts and/or omissions they may be liable for related to the winter use of the Regional Trail Corridor. Nothing in this Agreement constitutes a waiver by the City of any statutory or common law defenses, immunities, or limits on liability. The City cannot be required to pay on behalf of itself and Three Rivers Park District, any amounts in excess

of the limits on liability established in Minnesota Statutes Chapter 466. If City maintains general liability insurance at the time this permit is issued, City shall provide the Park District with a Certificate of Insurance, naming Three Rivers Park District as an additional named insured.

2. The City agrees to schedule regular trash pick-up that is appropriate to the level of use expected on the permitted section(s) of trail so as not to create conditions where trash containers are overflowing or offensively odorous.
3. The City also agrees to maintain the trail, including, but not limited to, any plowing, sweeping, sanding, packing, and sign replacement, between November 15, 2012 - March 31, 2013. For ice control on aggregate trails, Cities agree to use **buff colored**, 3/8" clear limestone chips from Edward Kramer and Sons, Burnsville, MN. Edward Kramer and Sons is the only aggregate pit that supplies the buff colored limestone that has been specified for use on these trails. Paved trails can be treated with a Corrosion Inhibited/Treated Rock Salt;

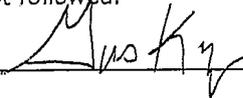
(Specifications: A mixture of Regular Road Salt, Type I, Grade I, ASTM-D-632 - Modified per Mn/DOT Specification, blended with a Mn/DOT approved magnesium chloride-based product for anti-icing or deicing use or an approved blend of Regular Road Salt and a magnesium chloride-based product. The magnesium chloride-based product will also contain an agricultural processing residue or an alternative Mn/DOT approved agent that will depress the effective working temperature and decrease corrosiveness of the overall compound as well as prevent leaching of the treating solution)

or other chemical treatments approved by the Park District. The City further agrees to immediately address all safety issues on or adjacent to trails.

4. The City will provide signage at locations approved by the Park District, notifying the public of authorized winter activities within its city limits; activities may include, but are not limited to, hiking, biking, cross-country skiing, snowshoeing, or walking. Winter use signs must be installed by the City at designated locations prior to November 15, 2012 and removed by the City no later than April 15, 2013. These signs are totally the responsibility of each municipality.
5. Snowmobiling is not allowed on Park District regional trails. Permitted use for snowmobiles will be limited to direct crossings only. The Hennepin County Regional Railroad Authority (HCRRA) does not allow snowmobiling or other motorized use within its corridors. The Lake Minnetonka LRT Regional Trail, Minnesota River Bluffs LRT Regional Trail, Cedar Lake LRT Regional Trail, and the Dakota Rail Regional Trail are located on HCRRA corridor property and permission for a snowmobile crossing of an HCRRA corridor must be obtained from the HCRRA prior to requesting permission from the Park District for a snowmobile crossing of the regional trail within the corridor. If a snowmobile crossing is permitted, cities must take steps to keep snowmobiles from damaging paved trails, bridges and other property.
6. The City agrees to enforce rules and regulations established by the municipality as part of its request for a Winter Use Permit.
7. The City agrees to repair all trail surface damage that occurs as a result of winter trail activities and/or maintenance, including, but not limited to, bituminous/concrete repair, bridge deck repair, grading or adding aggregate pursuant to guidelines established by the Park District. The City shall contact the Park District prior to the start of any surface repairs, for review of proposed repair plans and authorization to proceed.
8. The City agrees that winter trail use will be available to all persons, regardless of residence.

Each City is required to submit its annual permit requests, including proposed rules and regulations, by September 14, 2012, after which the Park District may take up to 45 business days to process. Each permit request must be submitted as a result of formal City Council action, with accompanying verification, agreeing to the terms and conditions outlined by the Park District's Winter Use Permit.

The Park District reserves the right to terminate a permit at any time, if the conditions set forth herein are not followed.

Signed: 

Date: October 4, 2012

Title: City Clerk



Agenda Number: **7G**

Agenda Date: 10-03-12

Agenda Item: Resolution 25-12, Supporting Deephaven Youth Sports Program Grant Application

Summary: The city of Deephaven is looking for support for their application for a Hennepin Youth Sports Grant to install additional platform tennis courts and an adjacent warming hut. Deephaven's current platform tennis court is one of the few public courts in the area. Platform tennis is a growing sport that primarily is played in the winter. Greenwood residents use the current court. Attached is a copy of a proposed resolution supporting Deephaven's grant application.

Council Action: Optional. Potential motions ...

1. I move the council approves resolution 25-12 supporting Deephaven's youth sports program grant application and directs the city clerk to send a copy of the signed resolution to the Deephaven city administrator.
2. Do nothing.

**CITY OF GREENWOOD
RESOLUTION NO. 25-12**

**A RESOLUTION SUPPORTING THE CITY OF DEEPHAVEN'S
HENNEPIN YOUTH SPORTS PROGRAM GRANT APPLICATION**

WHEREAS, The city of Deephaven owns and operates a platform tennis court; and

WHEREAS, the current platform tennis court is in high demand; and

WHEREAS, platform tennis is a growing winter sport; and

WHEREAS, the city of Deephaven is located near the city of Greenwood; and

WHEREAS, the city of Deephaven encourages residents and non-residents to freely enjoy park amenities.

NOW, THEREFORE, BE IT RESOLVED, that the city of Greenwood supports the city of Deephaven's application to the Hennepin Youth Sports Program to assist with funds for additional platform tennis courts and a warming hut.

ADOPTED by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2012.

There were ___ AYES and ___ NAYS as follows:

Greenwood City Council	YEAS	NAYS	ABSTAIN	ABSENT
Mayor Debra Kind				
Councilman Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **9A-E**

Agenda Item: Council Reports

Summary: This is an opportunity for each council member to present updates and get input regarding various council assignments and projects. Related documents may be attached to this cover sheet.

Council Action: None required.



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

Summary: The attached items are included in the council packet for your information (FYI) only. FYI items typically include planning commission minutes, ViBES (Violations Bureau Electronic System) report of traffic citations processed by Hennepin County District Court, monthly report of activity on the Greenwood website, and other items of interest to the council.

Council Action: No council action is needed for FYI items.



Wenck Associates, Inc.
1800 Pioneer Creek Center
P.O. Box 249
Maple Plain, MN 55359-0249

(800) 472-2232
(763) 479-4200
Fax (763) 479-4242
wenckmp@wenck.com
www.wenck.com

TECHNICAL MEMORANDUM

TO: Chris Zadak, MPCA TMDL Project Manager

CC: Becky Houdek, Minnehaha Creek Watershed District Planner

FROM: Wenck Associates, Inc.
Rebecca Kluckhohn, P.E., Project Manager
Diane Spector, Interim Project Manager
Megan Beyer, P.E.

DATE: September 4, 2012

SUBJECT: Minnehaha Creek Watershed District Upper Watershed TMDL

At the Minnehaha Creek Upper Watershed TMDL stakeholder meeting on May 8, 2012, MCWD staff and Wenck presented information on how the lakes were modeled, and the preliminary overall load reductions. There was also discussion regarding various methods of allocating the load to the MS4s in the watershed. Stakeholders were most interested in learning the specific wasteload reductions proposed for each community or agency and how they compared to the load reductions already assigned in the MCWD Comprehensive Water Resources Management Plan.

Since the May meeting, the MPCA, in consultation with MCWD and EPA, has determined that individual allocations are most appropriate for this project given the high level of data available to set allocations. However, it will be acceptable for stakeholders to jointly install and fund some BMPs and to share the pollutant reduction credits among the participating MS4s, and the MCWD intends to continue to construct BMPs and will share the load reduction credits with the appropriate MS4s.

At the May meeting's conclusion, it was agreed that the next step was to select some representative lakes and to allocate the wasteload based on a few different methods of apportionment. This memo presents some allocation options for six representative lakes, with some background explaining the methodology for each. Finally, the reductions resulting from those allocations are compared to the LGU load reductions required by the District's Comprehensive Management Plan. This information is presented for stakeholders' review and comment.

Allocation Options

Three methods to allocate wasteload presented here are ones that have been used in other metro area projects. Individual Wasteload Allocations (WLA) would be regulated by the MPCA through the general MS4 NPDES stormwater permit, so the method of allocation must be consistent with the “Guidance on What Discharges Should be Included in the TMDL Wasteload Allocation for MS4 Stormwater,” prepared by the MPCA in November 2011.

The first method is based simply on area. Load reductions would be allocated proportionately based on the area of land under the MS4s jurisdiction in each lakeshed. The second method is based on land use and the percent impervious surface in the MS4 permitted area. The third method is to average the results of the first two methods (referred to as the “combination method”).

For each method, we first subdivided each lakeshed by MS4 jurisdiction. Then for each MS4 we determined what areas under their jurisdiction that discharge runoff were regulated under the NPDES permit and thus would be Wasteload, and which areas were not regulated, where the discharge would be Load. Finally, for the second method we determined the percent impervious of the land areas that are discharging as Wasteload. Attachment One describes each of these steps in more detail.

Sample calculations were completed to present allocation method options for the WLA for each MS4 discharging to the lakes listed below. These were selected to illustrate a mix of different land use types and levels of development.

- Long Lake
- Gleason Lake
- Jennings Bay
- West Arm
- Forest Lake
- Tanager Lake

Attachment Two shows the individual Wasteload Allocations and resulting reductions by MS4 for each of these lakes for each of these methodologies. For some lakes where the land use is fairly similar throughout the lakeshed, there is little difference between the methods. However, where there is a mix of more densely impervious areas and more undeveloped area, such as in the Long Lake or Jennings Bay lakesheds, there can be a significant difference between the methods. The combination method is an average of the two, and tends to “even out” the disparities in non-homogeneous subwatersheds.

Comparison to the Comprehensive Plan LGU Load Reductions

As city stakeholders are aware, the MCWD 2007 Comprehensive Water Resources Management Plan assigned TP load reductions to each of the cities and townships (LGUs) in the watershed. These load reductions were part of the Phosphorus Load Reduction Plan developed for each of the major lakes in the watershed. These load reductions were based on across-the-board percentage

reductions from developed land uses as modeled in the District's Hydrologic, Hydraulic, and Pollutant Loading Study (HHPLS).

When comparing the potential individual Wasteload Allocations and resulting reductions in the TMDL, it is important to note three things. First, the Comprehensive Plan used the lake water quality goals established in the HHPLS report as the end point, and in some cases those goals were different from the state water quality standard. For example, Long Lake is a deep lake and thus the TMDL is required to meet a total phosphorus (TP) concentration goal of 40 µg/L. However, the HHPLS and the Comprehensive Plan used an "interim goal" of 50 µg/L TP as the end point. So for those lakes that had interim goals in the Plan, the total load reduction in the TMDL will be greater than the load reduction in the Plan.

Also, the LGU load reductions in the Comprehensive Plan were only part of the nutrient load reduction plans for each lake. The lake plans assumed that in addition to the LGU TP reductions, the District would be undertaking load-reducing projects as well as achieving reductions through more stringent development regulations. In the Plan the LGU reductions were only a part of the necessary load reductions, but in the TMDL the MS4s would be assigned the full amount of the reduction. Another difference between the two is that the Comprehensive Plan did not assign load reductions to Mn/DOT or the counties; under the TMDL those jurisdictions would be allocated Wasteloads with resulting load reductions.

Another difference is that in the Comprehensive Plan, Phosphorus Load Reduction Plans were not developed for each individual lake. For example, in the Long Lake subwatershed, all of the area upstream of Long Lake (with the exception of landlocked catchments) was reflected in the LGU load reduction assigned to Long Lake. However, in the TMDL, those upstream areas directly tributary to Holy Name Lake, Dickey's Lake, and School Lake will be pulled out of that Long Lake load reduction and shown separately.

Finally, the time period used for the Comprehensive Plan is different from the TMDL. The Plan used 2000 land use and 1997 to 2003 water quality data while the TMDL is using 2010 land use and 2005 to 2011 water quality data. Development and land use may have changed between 2000 and 2010. The models are calibrated to in-lake water quality, so changes in water quality between those two periods may also influence the model results.

Attachment Three shows the Comprehensive Plan LGU load reductions for the six lakes compared to the reductions resulting from the combination Wasteload allocation method, the average of area and imperviousness. There are significant differences between the LGU and TMDL reductions, most of which can be explained by the limitations noted above.

Implementation Considerations

Each MS4 will be responsible for implementing load-reducing BMPs and some have already undertaken projects or actions. This TMDL uses actual volume and water quality data to establish

water and nutrient budgets for each lake, so the load reductions from some of the older projects should already be reflected in the actual monitoring data.

For the purposes of this TMDL, the MPCA in consultation with the District and Wenck has determined that the baseline year for implementation will be the mid-range year of the data years used for the lake response modeling. The rationale for this is that projects undertaken recently may take a few years to influence water quality. For the majority of the lakes, the “calibration” years are 2005 to 2011. Such is the case for the lakes chosen for presentation of sample load allocation calculations. Therefore, the baseline year for these lakes will be 2008. Any load-reducing BMP implemented since 2008 will be eligible to “count” toward the load reductions. If a BMP was implemented during or just prior to the baseline year, the MPCA has stated that it is open to presentation of evidence by the MS4 permit holder to demonstrate that it should be considered as a credit.

Stakeholder Input

This information is presented for stakeholder review and comment on the WLA calculation methods. An additional stakeholder meeting will be held in the first half of October 2012 to review all the allocations and to start discussing the Implementation Plan.

Attachment 1: Detailed Description of Allocation Methods

Attachment 2: Potential Wasteload Allocations for Six Lakes

Attachment 3: Potential Wasteload Allocations Compared to Comprehensive Plan Allocations

Attachment One: Detailed Description of Allocation Methods

This attachment provides a more detailed description of the steps taken to compute the potential Wasteload Allocations for the MCWD Upper Watershed Lakes TMDL.

Determination of MS4 Boundaries. The first step in the process was division of each lake watershed by MS4 permit holder. All areas within each watershed were potentially under the jurisdiction of an MS4 permit holder and subject to a potential WLA with the exception of approximately 166 acres located in Watertown Township in the Halsted's Bay subwatershed. City and township MS4 permit boundaries were established by the MPCA. Mn/DOT and Carver County provided information regarding the roadways under their jurisdiction. For Hennepin County, a 66 foot buffer from the centerline of any county road was used to represent the MS4 permit boundary.

MCWD is also included as an MS4 permit holder. A ditch inventory performed in 2003 was used to determine the MCWD MS4 permitted area. For MCWD jurisdictional ditches, the MS4 permitted area was determined by applying a buffer of 1 rod (16.5 feet) on either side of each ditch centerline. The ditches include only the existing (as observed on aerial photos) open channel segments of the ditch plans. Land under fee title of MCWD in each lake subwatershed was also considered part of the MS4 permitted area. Permit areas for Mn/DOT, Hennepin County, Carver County, and MCWD were incorporated into the same file as the city and township MS4 data to calculate permitted areas for each MS4 permit holder within each lake sub-watershed.

Partitioning Between WLA and LA. The next step was to determine which MS4 discharges to include in the WLA and which to include in the Load Allocation (LA). It is important to note that the 2010 Census Defined Urban Area was the dividing factor for the majority of the MS4 permitted areas. The decision making process is detailed as follows:

1. All area inside the defined urban area was considered part of the WLA (with an exception detailed in item number 3 below).
2. For Mn/DOT, MCWD, and County MS4 permitted areas, the area outside of the defined urban area was included in the LA (regardless of landuse).
3. At MPCA's direction, ditches under MCWD's jurisdiction which follow a natural water course were excluded from the WLA as they are potentially waters of the state and could be assessed for impairment. To determine which conveyances under MCWD jurisdiction fall into that category, we reviewed topographic maps of the watershed dating from 1901 to 1909. All of MCWD's ditches in this area follow a natural water course with the exception of several conveyances which drain to Gleason Lake. Ditches following a natural water course were included in the LA regardless of the defined urban area.
4. For all other MS4 permitted areas, the area outside of the defined urban area was included in the WLA with the exception of areas with an agriculture land use designation, which were examined on a case by case basis for inclusion in the WLA. If the area was determined to likely drain to a regulated conveyance prior to reaching the lake, it was included in the WLA. If the area in question was discharging directly to the lake, and not through a regulated conveyance, it was included in the LA. These determinations were based on a map review of the lake sub-watershed (topographic maps, land use maps, and aerial photos indicated flow

direction). The lake subwatersheds listed below contain some agricultural areas from which discharge will be included in the LA:

- Holy Name
- Wolsfeld
- Mooney
- Turbid
- School
- Tamarack

5. Areas with Open Water as the designated land use were excluded from the WLA/LA partitioning and calculations.

WLA Allocation Methods.

The percent impervious surface was calculated using the data from the 2003 Hydraulic, Hydrologic, and Pollutant Load Study (HHPLS) modeling performed in 2003 using the Pload method, which uses land use to estimate the volume of runoff and mass of pollutant loading. The PLoad modeling used Minnesota Land Cover Classification System (MLCCS) land use/land cover data for each sub-watershed and applied an estimated percent impervious surface to each land use. For the TMDL WLA calculations, we updated land use to 2010 Met Council land use data, and merged it with the most recent MLCCS land use data. The percent impervious surface from the HHPLS PLoad modeling was then applied to the 2010 Met Council land use data based on the associated MLCCS land use.

For example, the 2010 land use of a particular area might be Single Family Residential. However, the MLCCS might identify sub-areas within that Single Family Residential as 11-25% impervious cover or 26-50% impervious cover, or a large vacant lot as grassland with sparse trees. Each of the MLCCS classifications has an assumed percent impervious. We calculated a composite percent impervious surface for each 2010 Met Council land use category based on the imperviousness of the MLCCS subareas by area within that land use category. Results of the sample calculations by each method described above are presented on the following pages.

Attachment Two: Potential Wasteload Allocations for Six Lakes

[See attached slides]

Attachment 3: Potential Wasteload Allocations Using the Combination Allocation Method and Resulting Load Reductions Compared to Comprehensive Plan Load Reductions

Forest Lake	TMDL Goal = 40 ug/L					Plan Goal = N/A				
	METHOD: LANDUSE & % IMPERVIOUS AVERAGED	MS4 Existing Watershed Load	MS4 Allowable Watershed Load	MOS	TMDL Watershed Load	Required Reduction	Ultimate Development Watershed Load	Watershed Load at Goal	Required Reduction	LGU Reduction
Orono City MS4		41			61					21
Hennepin County		3			5					0
Minnetrista City MS4		35			51					7
Total	195	79	9	88	117	N/A	N/A	N/A		28

Note: All loads are in pounds/year

Note: Forest Lake was not explicitly modeled in the Plan, but load reductions were assigned to receiving water "Lake Minnetonka"

Gleason Lake	TMDL Goal = 60 ug/L					Plan Interim Goal = 80 ug/L				
	METHOD: LANDUSE & % IMPERVIOUS AVERAGED	MS4 Existing Watershed Load	MS4 Allowable Watershed Load	MOS	TMDL Watershed Load	Required Reduction	Ultimate Development Watershed Load	Watershed Load at Goal	Required Reduction	LGU Reduction
Hennepin County		2			5					0
MNDOT		3			6					0
Plymouth City MS4		98			194					110
Minnetonka City MS4		1			2					0
Wayzata City MS4		5			9					5
MCWD		<1			<1					0
Total	325	109	21	130	216	879	461	418		115

Note: All loads are in pounds/year

Long Lake	TMDL Goal = 40 ug/L					Plan Interim Goal = 50 ug/L			
METHOD: LANDUSE & % IMPERVIOUS AVERAGED	MS4 Existing Watershed Load	MS4 Allowable Watershed Load	MOS	TMDL Watershed Load	Required Reduction	Ultimate Development Watershed Load	Watershed Load at Goal	Required Reduction	LGU Reduction
Orono City		90			173				35
Hennepin County		5			9				0
Plymouth City		<1			<1				0
Long Lake City		16			49				23
Medina City		101			194				60
Mn/DOT		4			8				0
Total	661	227	38	265	433	1065	719	346	118

Note: All loads are in pounds/year

Jennings Bay	TMDL Goal = 40 ug/L					Plan Interim Goal = 70 ug/L			
METHOD: LANDUSE & % IMPERVIOUS AVERAGED	MS4 Existing Watershed Load	MS4 Allowable Watershed Load	MOS	TMDL Watershed Load	Required Reduction	Ultimate Development Watershed Load	Watershed Load at Goal	Required Reduction	LGU Reduction
Medina City MS4		142			373				0
Orono City MS4		93			244				8
Hennepin County		2			6				0
Minnetrissa City MS4		141			370				31
Mound City MS4		9			23				0
Independence City MS4		192			503				76
Maple Plain City MS4		19			49				3
Total	2,165	598	51	649	1,567	3,674	1,461	2,213	118

Note: All loads are in pounds/year

Note: Most of the watershed reduction was proposed from a series of District projects identified in the Painter Creek Feasibility Study. Plan loads and reductions (except LGU reduction) are from the Painter Creek Study. LGU reductions are for the drainage area downstream of Lake Katrina.

West Arm	TMDL Goal = 40 ug/L					Plan Goal = N/A			
METHOD: LANDUSE & % IMPERVIOUS AVERAGED	MS4 Existing Watershed Load	MS4 Allowable Watershed Load	MOS	TMDL Watershed Load	Required Reduction	Ultimate Development Watershed Load	Watershed Load at Goal	Required Reduction	LGU Reduction
Orono City MS4		2			44				8
Hennepin County		1			14				0
Minnetrista City MS4		<1			<1				0
Mound City MS4		3			52				2
Spring Park City MS4		2			29				3
Total	147	7	96	103	140	N/A	N/A	N/A	13

Note: All loads are in pounds/year

Note: West Arm was not explicitly modeled in the plan, but load reductions were assigned to receiving water "Lake Minnetonka"

Note: The 3 pound load reduction for Spring Park was erroneously assigned to Minnetonka Beach in the Plan.

Tanager	TMDL Goal = 40 ug/L					Plan Interim Goal = 70 ug/L			
METHOD: LANDUSE & % IMPERVIOUS AVERAGED	MS4 Existing Watershed Load	MS4 Allowable Watershed Load	MOS	TMDL Watershed Load	Required Reduction	Ultimate Development Watershed Load	Watershed Load at Goal	Required Reduction	LGU Reduction
Orono City MS4		52			87				31
Hennepin County		2			3				0
Mn/DOT		2			3				0
Long Lake City MS4		9			16				7
Total	174	65	22	87	109	367	216	151	38

Note: All loads are in pounds/year



LMCC

LAKE MINNETONKA COMMUNICATIONS COMMISSION

4071 SUNSET DRIVE ■ BOX 385 ■ SPRING PARK, MN 55384-0385 ■ 952.471.7125 ■ FAX 952.471.9151 ■ lmcc@lmcc-tv.org

September 6, 2012

DEEPHAVEN

EXCELSIOR

Dear City Members of the LMCC:

GREENWOOD

INDEPENDENCE

LONG LAKE

LORETTO

MAPLE PLAIN

MEDINA

MINNETONKA
BEACH

MINNETRISTA

ORONO

ST. BONIFACIUS

SHOREWOOD

SPRING PARK

TONKA BAY

VICTORIA

WOODLAND

The LMCC has had increased operating expenditures in 2012 with the addition of agenda parsing. We added a part time position to facilitate the parsing so that citizens could view a particular part of a meeting without having to scan the entire meeting to find an agenda item. The LMCC has had a positive response to this added service. However, this contributed to a planned \$32,135 deficit before interest payments on our buildings contract for deed which was paid off.

The LMCC Board agreed with staff that we needed to continue to update our technology and increase our capital budget in 2013 from 2012 with just over half of the budget being for new cameras and equipment for government meeting coverage.

The LMCC Budget Committee and Board also felt that it was critical to balance the LMCC budget for 2013. Accordingly at the LMCC August Full Commission Meeting the commission approved an increase of the PEG fee to subscribers from \$.85 cents to \$1.20 per month to support these community programming needs. This is reflected in the 2013 LMCC Budget.

The Commission also approached Mound to increase their PEG fee as they have an agreement with the LMCC for their residents to use the studio. This agreement was created in 2000 due to the Mound Studio closing. Mound has agreed to increase their PEG fee from \$.84 cents to \$1.21 via an amendment to the usage agreement. This will go into effect on 1/1/2013. We anticipate further discussions with Mound to work towards inclusion as members in the future.

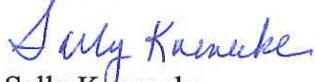
The net effect of the above items is an 8.1% increase in the LMCC's budgeted revenues from \$644,237 in 2012 to \$696,413 in 2013 and a 1.1% increase in the LMCC's budgeted expenditures from \$688,442 in 2012 to \$696,176 in 2013.

The LMCC is also undertaking franchise renewal and has retained consultants to help ascertain future communication needs of the 17 member cities. In order to negotiate the most advantageous franchise for the cities the commission has continued to allocate dollars to this process for consultants and legal costs.

If you have questions regarding these increases please call me or Budget Committee Chair Tom Fletcher at 952-224-5550 for further information.

Thank you for your continued support.

Sincerely,



Sally Koenecke
Executive Director
Lake Minnetonka Communications Commission



September 7, 2012

Board of Directors
Lake Minnetonka Conservation District
23505 Smithtown Road, Suite 120
Shorewood, MN 55331

Board Members,

On behalf of the Greenwood city council, I am writing to let you know we support the proposed plan for the reconstruction and reconfiguration of the docks at Bean's Greenwood Marina. Bean's is a valued business in our city and we want to encourage all of our businesses to maintain and improve their properties.

Aaron Bean presented his plan to the Greenwood city council at our September 5 meeting. The plan includes the installation of new docks and new low-mounted lighting. The city council believes the proposed plan will improve the aesthetics of the site and improve the light impact on neighboring properties as well as those who view the marina from the water and shore beyond. The Greenwood city council encourages you to approve the proposed plan.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Debra J. Kind". The signature is written in a cursive style with a large, prominent "D" and "K".

Debra J. Kind
Mayor, City of Greenwood

From: "Greg " <gnybeck@lmcd.org>
Subject: RE: Greenwood Support for Bean's Proposal
Date: September 7, 2012 4:39:01 PM CDT
To: "Debra Kind" <dkind100@gmail.com>
Cc: "Kelsey Page" <kpage@lmcd.org>

Mayor Kind:

I've received your attached letter, dated 9/7/12, which communicates support from the City of Greenwood on a Bean's Greenwood proposal in the future to the Lake Minnetonka Conservation District (LMCD). I also viewed the September 5th Greenwood City Council Meeting on line. Let me provide you some background on the status of this project with the LMCD.

At this time, no application has been submitted to the LMCD by Bean's Greenwood to reconfigure the existing dock. However, Aaron Bean has met with LMCD Administrative Technician Judd Harper on numerous occasions to discuss the application process with the LMCD. Although significant progress has been made, I believe that further progress is needed to ensure that the application complies with LMCD Code Section 2.015 (outlines the process to reconfigure non-conforming dock structures). I believe that Mr. Bean hopes to have an public hearing scheduled for the October 24th Regular LMCD Board Meeting. The requirements of the LMCD to provide for this have been communicated to Mr. Bean and we will wait and see if he complies with them. When he does, we will schedule a public hearing in accordance with the LMCD Code and copy the City of Greenwood on the application. Please understand that the final application might need to be further amended after working with Judd Harper on this. FYI, this will also require a lighting plan in accordance with the LMCD Code.

At this time, I recommend holding off on forwarding this letter until a complete application has been received from Bean's Greenwood Marina. Please feel free to contact me if I can be of further assistance.

Regards,

Greg Nybeck
LMCD Executive Director
(952) 745-0789

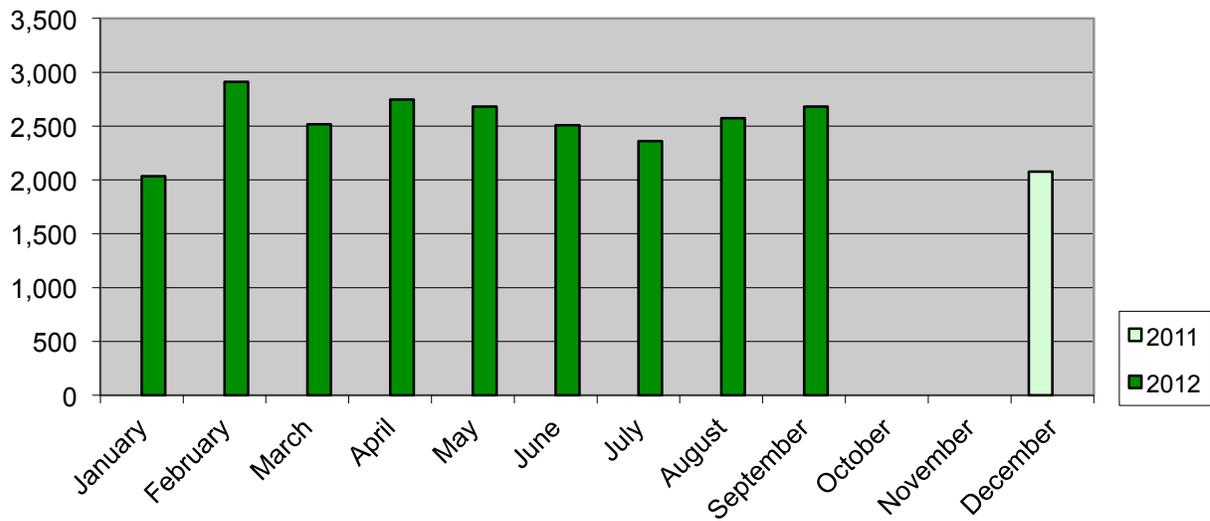
From: Debra Kind [mailto:dkind100@gmail.com]
Sent: Friday, September 07, 2012 2:35 PM
To: gnybeck@lmcd.org
Cc: Gus Karpas; Aaron Bean
Subject: Greenwood Support for Bean's Proposal

Greg --

Please distribute the attached letter to the LMCD Board, and please confirm that you received this email. Thanks!

DEBRA J. KIND
Mayor, City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
www.greenwoodmn.com
Main: 952.474.6633
Direct:
612.718.6753

**City of Greenwood
Website Total Hits**



Month	2011	2012	Variance with Prior Month	Variance with Prior Year
January	0	2,034	-43	2,034
February	0	2,911	877	2,911
March	0	2,516	-395	2,516
April	0	2,746	230	2,746
May	0	2,682	-64	2,682
June	0	2,509	-173	2,509
July	0	2,361	-148	2,361
August	0	2,574	213	2,574
September	0	2,682	108	2,682
October	0	0	-2,682	0
November	0	0	0	0
December	2,077	0	0	-2,077

AVERAGE

2,537

Site Statistics

Use this reporting tool to see your site statistics for your public site for this month or the previous month. Statistics for the Administration (or "admin") side of your site are not included in this report. Additionally, visits you make to your own site while administering it are not included in these statistics. All data collected before the previous month has been purged from our system and is not available for use; therefore, we recommend printing this report each month for your records.

The first report - Page Views by Section - shows total page views for each section. The second report - Unique Visitors by Section - shows the total page views for each section without the return visitors (showing only views from unique IP addresses). For example, if you browse to a page today, and then browse to that same page tomorrow, your viewing of that page would only be counted once in the unique (second) report.

Each report lists sections in page view order (highest number of page views first) and only lists sections that have had traffic within the reporting period. It does not list those sections without traffic.

Begin Date	8/15/2012
End Date	9/15/2012
Report Name	Page Views (Default)
<input type="button" value="Get Report"/>	

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	1133	42.24%
Agendas, Packets & Minutes	209	7.79%
City Departments	121	4.51%
Mayor & City Council	101	3.77%
Planning Commission	93	3.47%
Welcome to Greenwood	88	3.28%
Code Book	65	2.42%
What's New?	64	2.39%
Forms & Permits	62	2.31%
Budget & Finances	59	2.2%
Comprehensive Plan & Maps	57	2.13%
Search Results	51	1.9%
RFPs & Bids	47	1.75%
Elections	38	1.42%
Photo Gallery	37	1.38%
Assessments & Taxes	36	1.34%
Lake Minnetonka	35	1.3%
Meetings	34	1.27%
Garbage & Recycling	34	1.27%
Watercraft Facilities	28	1.04%
Animal Services	25	0.93%
Meetings on TV	25	0.93%
Events	23	0.86%
Milfoil Project	21	0.78%
Links	20	0.75%
Well Water	20	0.75%
Email List	19	0.71%
Old Log Community Events	19	0.71%
Health & Safety	18	0.67%

Quick Tips

The reports offered in your Site Statistics tool only track activity on the public side of your site.

In each report, a section named "Default" and a section named "Home" may appear.

A page view gets attributed to "Default" when a visitor to your site types your URL into his or her Web browser. In most cases, the "Default" section is your Home Page.

A page view gets attributed to "Home" each time a visitor clicks the "Home" button on your Web site.

In the Page View (Default) report, only sections with Web traffic are reported and they are listed in page view order.

In the Page View by Section report, sections are listed in the order they appear in the navigation menu and are reported regardless of their traffic level.

In the Referrers report, it is important to remember that your own site acts like a referrer. So, don't be surprised if you see your own Web address(es) listed -- this tracks the number of times people went from one part of your site to another.

Health & Safety	16	0.6%
Spring Clean-Up Day	16	0.6%
Crime Alert!	16	0.6%
Swiffers NOT Flushable	15	0.56%
Xcel Project	15	0.56%
Community Surveys	14	0.52%
Emergency Preparedness	13	0.48%
Southshore Center	10	0.37%
Unsubscribe	1	0.04%
TOTAL	2682	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	434	31.2%
Agendas, Packets & Minutes	99	7.12%
City Departments	80	5.75%
Mayor & City Council	72	5.18%
Welcome to Greenwood	68	4.89%
Planning Commission	54	3.88%
What's New?	49	3.52%
Forms & Permits	37	2.66%
Code Book	30	2.16%
Elections	29	2.08%
Photo Gallery	28	2.01%
Lake Minnetonka	27	1.94%
Meetings	26	1.87%
Comprehensive Plan & Maps	24	1.73%
Assessments & Taxes	23	1.65%
Animal Services	23	1.65%
Search Results	20	1.44%
Garbage & Recycling	20	1.44%
Meetings on TV	19	1.37%
Links	19	1.37%
Budget & Finances	18	1.29%
Watercraft Facilities	17	1.22%
Old Log Community Events	16	1.15%
Well Water	16	1.15%
Events	16	1.15%
RFPs & Bids	16	1.15%
Email List	15	1.08%
Xcel Project	12	0.86%
Community Surveys	12	0.86%
Health & Safety	12	0.86%
Swiffers NOT Flushable	12	0.86%
Spring Clean-Up Day	11	0.79%
Milfoil Project	11	0.79%
Emergency Preparedness	10	0.72%
Crime Alert!	9	0.65%
Southshore Center	6	0.43%
Unsubscribe	1	0.07%
TOTAL	1391	100%

Generate Download File (.csv) for the current report:

Done



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MEMORANDUM

Date: September 25, 2012
To: David Martini, Dan Faulkner, Sheila Krohse, Kreg Schmidt
From: Bob Bean
Subject: Upper Minnehaha Creek Watershed TMDL Study Update

Minnehaha Creek Watershed District (MCWD), in conjunction with the Minnesota Pollution Control Agency (MPCA), is continuing to develop the Total Maximum Daily Load (TMDL) Study for the Upper Minnehaha Creek Watershed to address 20 different lakes and bays that are impaired for nutrients, specifically phosphorus, and Painter Creek, which is impaired for E. coli bacteria. To recap the progress to date, the Project Kick-Off Meetings were held on March 7th and 8th to provide Cities and the public with general information regarding the process, schedule, and expected impacts. A Stakeholder meeting was held on May 8th to review preliminary modeling results and expected load reductions needed for each of the lakes in the study. I attended both the Kick-Off and Stakeholder meetings on behalf of BMI and our clients.

At the May Stakeholder meeting, we discussed potential methods for distributing the wasteload allocations among the contributing MS4s, and it was agreed that MCWD would select representative lakes and calculate the individual MS4 allocations based on a few different methods. The calculations have since been completed, and the results were distributed on September 5th for review and comment, with comments due September 26th. Three methods to allocate wasteloads were chosen for presentation. The first method was based simply on the contributing drainage area of each MS4 as a percent of the total area. The second method was based on land use and the percent impervious surface using 2010 Met Council land use data and the Minnesota Land Cover Classification System (MLCCS). The third method averaged results from the first two methods and is referred to as the “Combination Method”.

MCWD and the MPCA will use the Combination Method by default if no strong objections are indicated in review comments. After reviewing the data, I concur that the Combination Method is the most fair and equitable way to allocate the wasteloads, and therefore, we do not need to submit any comments regarding the allocation method.

The next Stakeholder meeting will be held in early October to review all the allocations and start discussing the draft TMDL Report and upcoming TMDL Implementation Plan. Following is the tentative schedule regarding completion of the report.

- Fall 2012 – Periodic Stakeholder meetings and updates, dates TBD
- Winter 2012-2013 – Distribution of draft TMDL Report for informal review and comment
- Spring-Summer 2013 – Distribution of final TMDL Report for formal review and comment

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As can be seen, we will have opportunities in the future to review the TMDL report in its entirety and provide comments. I will continue to monitor this process and provide updates when available. Also, additional information regarding the general TMDL Study process and Upper Minnehaha Creek Watershed TMDL Study are available on MCWD's website at the following location:

<http://www.minnehahacreek.org/projects/studies/total-maximum-daily-load-tmdl-studies>.

Please distribute this memo to your client cities as you deem necessary. If you have any questions or comments, please contact me to discuss.