

AGENDA

Greenwood City Council Meeting

Tuesday, December 6, 2011
20225 Cottagewood Road, Deephaven, MN 55331



*The public is invited to address the council regarding any agenda item.
If your topic is not on the agenda, you may speak during Matters from the Floor.*

- 7:00 PM 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00 PM 2. CONSENT AGENDA
Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.
A. Recommendation: Approve 11-01-11 City Council Minutes
B. Recommendation: Approve October Cash Summary Report
C. Recommendation: Approve November Verifieds, Check Register, Electronic Fund Transfers
D. Recommendation: Approve December Payroll Register
- 7:05 PM 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to three minutes.
- 7:10 PM 4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS
A. Presentation: Don Stolz and Jon Monson, Concept for Old Log Theater Property
B. Announcement: Planning Commission Term Expirations (Brian Malo A-1, John Beal A-2, Dave Paeper A-3, Douglas Reader Alt-1)
- 7:30 PM 5. PUBLIC HEARINGS
A. None
- 7:30 PM 6. UNFINISHED BUSINESS
A. 2nd Reading: Ordinance 198, Amending Code Section 1135.05, C-2 Lake Recreation District (moving restaurant to list of conditional permitted uses, moving office to list of principal uses)
B. 1st Reading: Ordinance 199, Amending Code Section 1102, Definitions (adding illustrations and clarifying the definitions for yards)
- 7:35 PM 7. NEW BUSINESS
A. Consider: Request for Right-of-Way Encroachment Permit, 21580 Fairview Street
B. Consider: Variance Request, Bill and Tish Cook, 5195 Greenwood Circle
C. Consider: Resolution 23-11, Approving Final Levy for Taxes Payable in 2012
D. Consider: Resolution 24-11, Approving Final 2012 Budget
E. Consider: 2012 Licenses (liquor, tobacco, trash haulers, commercial marinas)
F. 1st Reading: Ordinance 203, Amending Code Section 910, Prohibited Activities Affecting Health and/or Property (changing language to allow for the civil citation process)
G. 1st Reading: Ordinance 204, Licensing of Commercial Tree Contractors
H. 1st Reading: Ordinance 205, Licensing of Gas Fitters
I. 1st Reading: Ordinance 206, Licensing of Plumbers
J. Consider: Resolution 26-11 Establishing Fund Balance Policy in Accordance with GASB 54
K. Consider: Year-End Fund Transfers
L. Consider: Resolution 25-11, Setting Dates for 2012
M. Discuss: Excess Water Flow at 20840 Channel Drive
- 9:15 PM 8. OTHER BUSINESS
A. None
- 9:15 PM 9. COUNCIL REPORTS
A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Excelsior Blvd. Water Project, Xcel LRT Project
B. Kind: Police, Administration, MS4 Update, Historic St. Alban's Bay Bridge, School District Lunch
C. Page: Lake Minnetonka Conservation District
D. Quam: Roads & Sewer, Minnetonka Community Education
E. Rose: Excelsior Fire District
- 9:30 PM 10. ADJOURNMENT

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



Agenda Number: **2A-D**

Agenda Date: 12-06-11

Agenda Item: Consent Agenda

Summary: The consent agenda includes the most recent council minutes, cash summary report, verifieds report, electronic fund transfers, and check registers. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

Council Action: Required. Suggested motion ...

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

GREENWOOD CITY COUNCIL MEETING
Tuesday, November 1, 2011, 7:00 P.M.
Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

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

Mayor Kind called the meeting to order at 7:01 P.M.

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

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

Members Absent: None

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

2. CONSENT AGENDA

Councilman Fletcher requested that item C be removed from the Consent Agenda for further discussion. Mayor Kind stated that the item would be moved to 8AA on the agenda.

Quam moved, Fletcher seconded, approving the items A, B, and D on the Consent Agenda.

- A. October 4, 2011, City Council Meeting Minutes**
- B. September 2011 Cash Summary Report**
- C. October 2011 Verifields and Check Register** (This was moved to Item 8AA under Other Business.)
- D. November 2011 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

A. Meadville Drainage Easement Update

Zoning Administrator/Clerk Karpas stated he had not heard from Jim Hurd about whether or not he would be willing to grant an easement to the City for the construction and future maintenance of a four-foot wide concrete swale on his property. Mr. Hurd did get the information the City Engineer submitted to Council during Council's October 4, 2011, meeting about another solution for the drainage problem on Meadville Street near Mr. Hurd's and Bob Newman's properties. He noted Mr. Hurd was present this evening and he suggested Mr. Hurd be given the opportunity to address Council.

Jim Hurd, 5220 Meadville Street, stated he thought the most recent proposal would work and he would be willing to grant the City an easement. He noted the solution proposed by the City Engineer was originally proposed by him. He asked if the City will be responsible for cleaning out the proposed concrete swale. He stated in his humble opinion he thought the proposed solution is a good idea.

Councilmember Page stated the City would be responsible for maintaining the easement if this moves forward. Councilmember Fletcher stated that depends on how the easement is written. Attorney Kelly stated if the City gets the easement the City is obligated to maintain it.

Mayor Kind suggested waiting to make a decision on whether or not to make these drainage improvements until Council prioritizes roadway improvement projects next spring.

Councilmember Fletcher asked if there is enough benefit to the property owners for them to contribute toward the improvements. Mr. Hurd stated part of the easement would need to be on Mr. Newman's property. He then stated he has contributed enough by maintaining the current drainage ditch for 15 years.

Councilmember Page asked what the width of the easement needs to be. Mayor Kind recalled that the City Engineer stated that the swale needed to be a four feet wide.

Bob Newman, 5230 Meadville Street, stated he would be willing to grant an easement also if the City is willing to make the drainage improvements. Making the improvements would help the City and the area around that portion of Meadville Street. He asked if the concrete swale has to be four feet wide. From his vantage point a narrower swale would work as well. Councilmember Quam explained the City Engineer had previously said it needs to be a minimum of four feet wide. Mr. Newman explained that when he and Mr. Hurd watch it drain now the water flow is never more than a foot wide. Mayor Kind stated it is her understanding that it needed to be four foot wide to get the equipment in there. Councilmember Fletcher stated that it is possible the concrete swale can be less than four feet wide but the work area may need to be four feet wide.

Mr. Newman noted the entire length of the easement would be partially on his property and partially on Mr. Hurd's property.

Councilmember Quam agreed with waiting to make a decision on whether or not to make these improvements until next spring when Council prioritizes the 2012 roadway improvement projects. He noted the cost of \$49,000 to make the improvements is a lot of money. He recommended that Bolton & Menk be present for that discussion.

Mayor Kind asked how long the easement legal process takes. Attorney Kelly explained the easement would have to be drafted and circulated to the property owners for comment and then come before Council for consideration. Councilmember Page stated it would take 60 days at a minimum.

Page moved, Rose seconded, continuing this item to an early spring of 2012 Council meeting. Motion passed 5/0.

5. PUBLIC HEARING

A. None.

6. UNFINISHED BUSINESS

A. Second Reading: Ordinance 200 an Ordinance Amending Code Section 510, Fees

Mayor Kind explained this is the second reading of Ordinance 200 amending the Ordinance Code Section 500 regarding fees. Each fall Council reviews and updates the fee schedule. Council discussed the fees to be changed during its September 6, 2011, work session and Council approved the first reading of the ordinance during its October 4, 2011, meeting. She noted the meeting packet contains a copy of the ordinance amendment. She explained if Council approves the second reading of the ordinance amendment the Ordinance will be published in the Sun-Sailor before the new fees go into effect.

Quam moved, Fletcher seconded, Approving Ordinance No. 200, “An Ordinance Amending the Greenwood Ordinance Code Section 500 Regarding Fees.”

Councilmember Page noted he has previously expressed that he does not think the City should be increasing the space permit fee (dock fee). He explained that at least six residents who rent dock slips from the City have expressed to him their displeasure with raising that fee. They have also indicated they don't like the way the funds in that fund are being used. They think the funds should remain in the fund. He stated he doesn't support increasing the fee at all for 2012.

Mayor Kind noted the recommendation is to increase that fee \$150 over the 2011 amount. Councilmember Quam stated he thought a \$150 increase is too harsh and he recommended reducing the increase to \$100. Councilmember Fletcher stated he could support that.

Without objection of the seconder, the maker amended the motion to include changing the Docks, Municipal Watercraft Space Permit Fee to \$1,050. Motion passed 4/1 with Page dissenting.

B. Second Reading: Ordinance 197 an Ordinance Amending Code Section 900.65, Unlawful Parking and Storage of Vehicles

Mayor Kind stated this is the second reading of Ordinance 197 amending the Ordinance Code Section 900.65 regarding unlawful parking and storage of vehicles. No changes were made to the ordinance amendment during the first reading of the Ordinance on September 6, 2011. She noted the meeting packet contains a copy of the ordinance amendment. She explained if Council approves the second reading of the ordinance amendment the Ordinance will be published in the Sun-Sailor before the new fees go into effect. A copy of the draft amended Ordinance is included in the meeting packet.

Councilmember Fletcher explained that during the September 6th meeting he asked if Council would entertain restricting vehicles to be parked at least ten feet from the interior side yard line. He stated he thought Zoning Administrator/Clerk Karpas indicated it would not be enforceable. Fletcher noted that later on the agenda Council will be discussing amending the City Ordinance to require residents to place lumber at least five feet from the property line. He asked what the difference is between these. Mayor Kind clarified Karpas had indicated it would be an enforcement nightmare. Fletcher asked if Karpas would be consistent on his position regarding the placement of lumber piles to be discussed later on the agenda. Karpas said his position is the same regarding lumber piles.

Page moved, Quam seconded, Approving Ordinance No. 197, “An Ordinance Amending the Greenwood Ordinance Code Section 900.65, Regarding Parking and Storage of Vehicles.” Motion passed 5/0.

7. NEW BUSINESS

A. Extension of Variance for Robert Schmitt Property (License Center)

Mayor Kind stated on December 2, 2008, Council adopted Resolution No. 23-08, a resolution approving a variance and conditional use request to develop a commercial parcel of property owned by Robert Schmitt, Jr. at 21550 State Highway 7. Variances expire one year after approval. The reason for expiration dates is to prevent a property owner from claiming that a variance approved decades ago is still valid. Council approved variance extensions for Mr. Schmitt's property in 2009 and 2010. The current extension expires on December 2, 2011. Mr. Schmitt has submitted a letter seeking another extension to expire on December 2, 2012.

Fletcher moved, Page seconded, granting a twelve month extension to expire on December 2, 2012, of Resolution No. 23-08 a Conditional Use Permit and Variance for Robert C. Smith Jr. for the real property located at 21550 State Highway 7, Greenwood, Minnesota (PID No. 35-117-23-12-0016). Motion passed 5/0.

Councilmember Fletcher asked Mr. Schmitt if he still plans to develop the property like he originally intended in 2008. Mr. Smith responded he is. Mayor Kind explained it has to be the plan that was approved.

B. Next Steps Regarding Police Exploration

Mayor Kind explained that during budget work sessions Council discussed the increasing costs of our police services. Based on the preliminary discussion, Council has expressed interest in exploring the concept of leaving the joint powers agreement (JPA) with the Cities of Excelsior, Shorewood, and Tonka Bay and contracting for services from the Hennepin County Sheriff. While the main motivation for the exploration is financial, it is important to note that the Council places a high priority on public safety. So an important part of the exploration will be to ensure that any potential arrangement that the City might enter into will provide the safety standards that the City's residents and businesses expect.

Kind then explained if Council decides to leave the JPA, a decision must be made by the JPA deadline of May 1, 2012 and the new contract would not go into effect until January 1, 2014. Whether the City stays or leaves the JPA, the City is obligated to pay its portion of the police building bond (approximately \$45,000 per year) through 2023.

Kind noted that she and Councilmember Fletcher met with Hennepin County Sheriff Rich Stanek and Chief Deputy Mike Carlson on October 6, 2011. The meeting took place at the Sheriff's Office Brooklyn Park location. She stated the meeting packet contains a copy of the report from that meeting.

Kind highlighted the report. The highlights are as follows.

- 911 emergency response times would be the same as they are now – 24 hours a day, 7 days a week.
- If the City contracts for proactive patrol time, the City would have a deputy physically in the City for a set amount of time per day or per week. Council would decide what that amount is. The proactive patrol would be at random times and would not be continuous. Therefore, a deputy would be in the area to provide 911 response and mutual aid for more hours than the contract amount.
- The Sheriff's Office operates Hennepin County's 911 dispatch center for Sheriff deputies and many cities and organizations in the county including the South Lake Minnetonka Police Department (SLMPD) and the Deephaven Police Department. The dispatch center

tracks patrol vehicles with GPS and knows where the closest officers are located. Therefore, it can dispatch the closest officer to the scene. The City would need to rely on mutual aid at times.

- Proactive patrol includes all of the typical police duties (speed enforcement, load limit checks, etc). The City could also request targeted enforcement.
- Emergency management would be included.
- Animal complaints would be included.
- Booking fees for arrests would be included.
- Jail time for arrests in Greenwood would not be charged to the City. They currently are. That cost is currently \$90 per day.
- Deputies would work with the City Prosecutor for misdemeanors. Felonies would be handled by the Hennepin County Attorney (no change from what is done now).
- A deputy would give reports at Council meetings whenever Council wants.
- Participation at National Night Out and the City's Fourth of July Parade would be included.
- Depending on the final customized policing plan the cost may be less than \$60 per hour of proactive patrol.

Kind explained if Council desires to move forward with the exploration, Sheriff Stanek has asked that Council take official action to authorize City representatives to work with his staff to develop a proposed policing plan. The suggested motion specifies two members of the Council work with the Sheriff's Office on that. She noted proceeding with the development of a plan does not commit Council to an agreement with the Sheriff.

Kind noted that she and Councilmember Fletcher thought it was important to invite SLMPD Chief Bryan Litsey to come before Council as well to discuss the benefits of staying with the SLMPD. They recommended that the meeting format for Litsey be the same as the one followed for the Sheriff's Office (regular Council meeting or work session).

Councilmember Quam expressed it would take a lot of convincing for him to support such a major change. He stated he did not think any member of the Council is qualified to evaluate a service the City may or may not get. He thought it prudent to get a consultant involved should Council choose to move forward with this. The consultant would have to ensure that the City would not lose any public safety services. He expressed he has a lot of concern about the community, noting the City is part of a larger community. He stated if the City were to change policing service providers that would have a major effect on the other member cities. He reiterated it will take a lot of convincing for him to support such a change.

Councilmember Page stated his thoughts are similar to Councilmember Quam's. He then stated he does not think this is worth pursuing any further. He explained that he has been stopped by eight people since the last Council meeting who strongly encouraged Council to stay with the SLMPD. They could not understand why Council was spending any time on this. He stated he is not in favor of moving forward with any further analysis or preparing any plan. He recommended staying as a member of the SLMPD JPA and staying with the other member cities.

Councilmember Rose stated he likes the idea that the people from the Sheriff's Office would make regulate updates to Council. He commented that in the past he has asked SLMPD Chief Litsey about specific situations and has been told to talk to Mayor Kind about it. He stated he thought the City would get the same coverage from the Sheriff's Office because all 911 calls are dispatched from the Hennepin County dispatch center. Other agencies provide mutual aid in the City currently and the SLMPD provides it for other agencies as well. He expressed he thought the cost savings would be significant. He stated he

supports taking the next step of preparing a policing plan. He then stated the way he interprets the report from the meeting with Sheriff Stanek the City would get more proactive coverage than it does from the SLMPD.

Councilmember Fletcher explained that he has been attending the police academy the SLMPD is hosting. A couple of weeks ago the weekly session was held at the Hennepin County 911 dispatch center. The participants were able to talk to people staffing the center. In the center there was a map that displays where all the patrol cars in the County are at any point in time. The map indicated that the Sheriff's deputies that would cover the City are based out of the Brooklyn Center location. When he was on an academy ride along with SLMPD Sergeant Guyer who said he will call a neighboring agency in the Lake Minnetonka area to cover for him if he has to go downtown Minneapolis to take someone to the Hennepin County jail.

In response to a comment from Councilmember Rose, Councilmember Fletcher explained a dispatcher told him it would be very unprofessional for a public safety person not to respond to a real emergency if they were dispatched to do that.

Councilmember Fletcher explained that according to the County dispatcher, the County is divided into north and south. The area around Lake Minnetonka is in the south and it's more difficult to navigate the area because of how it's laid out. It's easier for local police officers because they know the area than it is for deputies. He then explained one of the academy sessions involved going to the SLMPD firing range. When he was there he mentioned to Chief Litsey that the Sheriff's Office would provide regular updates at Council meetings. Litsey explained he is amenable to sending a representative to provide updates as well.

Councilmember Page expressed concern about deputies not being around all of the time or coming from the Brooklyn Center area. He stated if Council chooses to leave the SLMPD JPA it seems to him the SLMPD would continue to respond a lot through mutual aid; that doesn't seem right to him. That's like saying provide the services but the City won't pay. He then stated there isn't a lot of crime in the City. The City doesn't need a constant police presence to deal with the crime in the City. He went on to state that when there is a need to call the police today the SLMPD is close and its officers come quickly. He likes that. He recommends the City remain a member of the SLMPD JPA.

Councilmember Quam stated if the City left the JPA it would still have to pay its share of the public safety facility bonding until it's paid off in 2023. Mayor Kind stated the City would remain part owner of the facility.

Mayor Kind summarized what she thought the Councilmembers wanted to do with regard to developing a policing plan with the Sheriff's Office as the next step in the exploration. She thought Councilmember Quam supported doing that. Quam clarified he is on the fence. She understands Councilmember Page to want to go no further and Councilmember Rose to continue with the next step. She asked Councilmember Fletcher what he wants to do. Fletcher responded from his vantage point it's sometimes better to assess where you may want to go. Fletcher explained that it will take a lot of convincing for him to think that changing to the Sheriff's Office for policing services makes sense. He noted he will be open to what's found out.

Councilmember Rose stated if the City were to save a lot of money yet still get the same services by going with the Sheriff's Office he asked why Council wouldn't want to pursue this further. At a minimum maybe by doing that the SLMPD will find a way to reduce its costs. It appears some Councilmembers just don't want to consider change.

Mayor Kind stated a case could be made that if there is a deputy in the City four hours a day, albeit not continuous, they would actually be in the area more than that and they could also provide mutual aid. She then stated the City would be providing its fair share of mutual aid through the Sheriff's deputies. She noted she is concerned about current policing costs and interested in the potential savings that could be achieved. She stated if she could be assured the level of service would be at least the same as the current level she would entertain going with the Sheriff's office. She recommended taking the next step in the process.

Councilmember Rose suggested both Sheriff Stanek and Chief Litsey be invited to make their case. Councilmember Fletcher stated there is nothing wrong with doing that.

Councilmember Fletcher expressed concern that the closet deputy could be located in Brooklyn Center. Mayor Kind stated that if Greenwood contracts for proactive patrol that is not where the deputies will be. Fletcher explained his concern is about when they are not scheduled to be in the area; the other 20 hours a day. Kind stated a deputy would be in the City for five minutes and then leave, and then back again for five minutes and then leave and so forth. They will be in the area much more than four hours.

Fletcher stated on an unrelated note the dispatch center is supposed to have a staffing level of 51 dispatchers. Due to budget cuts it's currently staffed with 38. He clarified he thought it was still well staffed. He stated there are limits for the Sheriff's Office. He then stated he is not opposed to moving forward if that is what the council wanted to do. He did want to make sure his concerns were understood.

Councilmember Quam asked if travel time is included in the time counted as being spent providing proactive patrol services. Mayor Kind stated she understood that the hours of proactive patrol would be for the actual hours spent in the city, but that was the type of question the council could specifically ask the Sheriff.

Councilmember Fletcher stated there are many things that need to be worked out when looking at the overall numbers for the Sheriff's Office.

Mayor Kind reviewed what the cost per capita is for SLMPD policing services is for the four SLMPD member cities. They are: Excelsior – \$261; Greenwood – \$251; Shorewood – \$135; and, Tonka Bay – \$207. She stated the other three cities are the City's partners in the South Lake area and she believes there is a big discrepancy between the top and the bottom. She asked why the City is subsidizing the City of Shorewood. She explained she can understand helping out Excelsior because the City enjoys Excelsior's downtown amenity.

Councilmember Fletcher noted the JPA funding formula has been arbitrated.

Mayor Kind stated the arbitration ruling is what got this whole thing going in the first place. She noted that SLMPD Chief Litsey runs a very efficient organization. The funding formula issue is not in his control. She explained if the per capita cost was calculated based on the number of residents in the total SLMPD community, the cost is \$175. She noted that for the City of Deephaven, which has its own department, the cost is \$209. She stated hats off to Chief Litsey on controlling his costs, noting the SLMPD overall costs are not what her issue is about; it has to do with the funding formula.

Councilmember Fletcher stated he thought the SLMPD officers are a very impressive group and they are very motivated.

Mayor Kind suggested assigning two members of the Council to work with the Sheriff's Office if Council wants to move forward with the next step.

Mayor Kind invited members of the public to address the Council.

Bob Newman, 5230 Meadville Street, stated he is before Council as a citizen concerned about safety and as a former Mayor of the City who was deeply involved in the arbitration of the SLMPD funding formula controversy during his first year as Mayor. He explained that during that process the City of Excelsior expressed concern about their distribution of the funding formula as did the other cities. Excelsior requested a bid for providing policing services from the Sheriff's Office. After much discussion, Excelsior decided it wasn't productive for Excelsior, and that the long-standing JPA was the best solution for all the member cities. A commitment was made and contracts were signed.

Mr. Newman noted that it was not a straight-line quantitative decision. He explained if Council tries to simply solve this by a quantitative analysis Council will go down the wrong alley. There is much, much more involved than strictly numbers. He stated Greenwood is not large enough to have its own police department and fund it effectively. That is similar to many other small communities. That is why there are lots of JPAs in the State. The SLMPD is highly competitive with other departments in the Lake Minnetonka area on size and cost.

Mr. Newman then stated there is more than just saving money on policing services by change providers. He explained he heard earlier in the meeting that the SLMPD patrol officer calls one of the surrounding cities police officers for backup coverage while they have to transport a person downtown. That's at least one hour of time. He noted that doesn't happen very often but it does. He explained if the proactive coverage from the Sheriff's Office is 3 – 4 hours in and out of the City during the day there would go one hour of that time to transport a person. He stated that there will be 20 – 21 hours a day that a deputy will not be in the City and the City will rely on mutual aid. He stated if Council chooses to go with the Sheriff's Office and if there is a need in the City for police services and mutual aid, he asked what will happen if the SLMPD patrol officer is busy with an issue in the SLMPD coverage area. He then stated if the City relies on mutual aid from other agencies over an extended period of time that will wear thin fast.

Mr. Newman put out a hypothetical situation. Council decides to go with the Sheriff's Office for providing policing services. Council decides after some time that it's not working out as it had hoped and it decides it wants to again become a member of the SLMPD JPA. The members of the JPA may decide that it doesn't want the City to come back or if it does the cost to the City could be much higher because it will be done on a fee basis. He stated this is more than a money saving issue. He noted the member cities went through a lot during the year when the funding formula was being disputed. There were numerous meetings between the cities. A mediator was involved. And then it went to arbitration.

Mr. Newman stated that Shorewood pays for one half of the SLMPD operational costs. The funding formula is based on population, tax capacity and crime rate. The joint powers organization works with all four cities involved. If one city pulls out it strains the entire community.

Mayor Kind stated from her vantage point the arbitration decision for the funding formula was arbitrary. She explained the arbitrated formula is not based on population, tax capacity and initial complaint reports (ICRs) as stated by Mr. Newman. She pointed out that Shorewood's population average is 61 percent. Shorewood's tax capacity average is 56 percent. Shorewood's ICR average is 49 percent. Yet, Shorewood's part of the formula is only 48 percent. She reiterated that Greenwood's per capita cost is \$251 and Shorewood's is \$135.

John Gray, 5170 Meadville Street, commented that he has also been attended the police academy. He stated when he was on a ride along he was amazed at the number of people the patrol officer knew in the early morning hours (before 4:00 A.M.). The officer knew cleaning people by name and knew the cars those people drove. The officer was familiar with the people who go to McDonalds at that time of that morning. Those things are important. He noted that he has heard that two or three cities have stopped getting their policing services from the Sheriff's Office. Mayor Kind asked Mr. Gray to let her know which cities they were.

Mr. Gray expressed concern that if the City went with the Sheriff's Office the City would be out of the drug enforcement program and he thought that is part of the community. He stated mutual aid will be a challenge if the change is made. He thought the SLMPD's involvement with the Minnetonka School District is important. He then stated he thought there was a lot of SLMPD coverage in the City; the City gets its fair share. He recommended the City stay a member of the SLMPD JPA.

Keith Stuessi, 5000 Meadville Street, stated his name is on the original JPA. The framework in which it was practiced is somewhat different than today which from his vantage point is unfortunate for the City. He then stated after listening to every one and exchanging emails with Mayor Kind and others he doesn't want to make a change just to save 1 percent on his property taxes, which is what the impact would be for him. He commented he knows many of the SLMPD officers and he believes they do a good job.

Mr. Stuessi noted that the Greenwood pays more property taxes per resident than any other city in the State. That goes back to the JPA, to ad valorem that another mayor and council agreed to regrettably many years ago. He stated he didn't think that would be solved by chipping away at it one piece at a time. He then stated he did not think the City would gain much by leaving the SLMPD JPA and going to any other police department. He clarified that he did not think it would be unreasonable to look at it and ask some tough questions. He thought that would bring up other issues about the manor in which the City's residents are taxed versus other residents in this community. Not just for police, but for fire and other brick and mortar services. Maybe things can't be changed right now. But learning more now could better prepare people for future negotiations.

Councilmember Quam stated it's prudent to find out what the experience has been for other cities that either are or had been contracting with the Sheriff's Office for policing services. Mayor Kind stated she has spoken with those that currently contract with the Sheriff's Office and all are pleased, noting many don't contract for many hours a day.

Mayor Kind explained the City of Medicine Lake contracts with the Sheriff's Office for four hours a week. She noted Medicine Lake is located much closer to the Sheriff's Office Brooklyn Center location. The person she spoke with feels as if there is a deputy in the city all of the time and that they get excellent 911 response.

Councilmember Fletcher stated he had been at an event where the Mayor of Medicine Lake was also in attendance. He related that she indicated her pleasure with the service Medicine Lake received from the Sheriff's Office. He explained Medicine Lake is like a peninsula. The road comes in, there is a turn, and then the road goes out. Other than at the entrance into the city there is no commercial area. That Mayor also indicated that there was probably more deputy presence because the city is located close to the City of New Hope and there is the New Hope tower and deputies are going up and down the road anyway. The Mayor told him the Plymouth Police Department complains about providing mutual aid to Medicine Lake but it does provide it when the Sheriff's Office is not available.

Mayor Kind asked the other Councilmembers if they want to proceed with developing a policing plan with the Sheriff's Office. She noted she is aware of two dates when Sheriff Stanek is available if Council wants to move forward. She stated she supports developing a policing plan.

Page moved, Quam seconded, to drop the exploration with the Sheriff to provide policing for the city. Motion passed 3/2 with Kind and Rose dissenting.

C. First Reading: Ordinance 198 an Ordinance Amending Code Section 1135.05, C-2 Lake Recreation District

Mayor Kind stated this is the first reading of Ordinance 198 amending the Ordinance Code Section 1135.05 regarding permitted uses. She explained the proposed amendment would remove "restaurant" from a permitted use status in the C-2 District and place it as a conditional use. It would also remove "general offices" from being a conditional use and place it as a permitted use. Restaurant use tends to have a greater impact than an office use. The amendment would require a more comprehensive look at restaurants as a conditional use. She stated a copy of the draft Ordinance is included in the meeting packet. She noted the public hearing notice for the amendment was published in the Sun-Sailor on October 6, 2011. The Planning Commission held a public hearing on the proposed amendment during its October 19, 2011, meeting and it recommended approval of the amendment on a 5/0 vote.

Quam moved, Rose seconded, adopting the first reading of Ordinance 198 amending the Greenwood Ordinance Code Section 1365.05 regarding permitted and conditional uses in the C-2 District.

Councilmember Fletcher stated Ordinance Code Section 800.50 Granting of License states "After investigation and hearing, the council shall either grant or refuse the application at its discretion." He asked if that gives Council wide latitude with regard to what it can do with liquor licenses. Attorney Kelly explained Council has to have cause stated to deny the application. Fletcher asked if having restaurants be a conditional use gives more control over liquor-related items. Kelly stated the City already has an ordinance that specifies what the conditions are. Council may want to consider adding conditions for the C-2 District if Council thinks there are other things that should be considered. Kelly then stated it's an exercise of judicial and legislative consideration.

Motion passed 5/0.

D. First Reading: Ordinance 199 an Ordinance Amending Code Section 1102, Definitions

Mayor Kind stated this is the first reading of Ordinance 199 amending the Ordinance Code Section 1102 regarding redefining the definition of yards. She explained the City has received complaints regarding violations of Ordinance Code Section 900.65 Unlawful Parking and Storage (3)(b). That Section states "*Vehicles that are parked or stored outside in the front yard areas must be on a paved parking surface or driveway area.*" Council directed the Planning Commission to consider amending the definition of "yards" included in Section 1102 and also to consider including illustrations showing the intent of the definitions. She noted a copy of the current definitions as well as a copy of the proposed amendment which includes illustrations is included in the meeting packet. The public hearing notice for the amendment was published in the Sun-Sailor on October 6, 2011. She noted the Planning Commission held a public hearing on the proposed amendment during its October 19, 2011, meeting and it recommended approval of the amendment on a 5/0 vote.

Kind explained when she read the definition of front yard again she realized the term is used for setbacks in the Zoning Code for the zoning districts. The old and the proposed definitions say the front yard is the area between the edge of the public right-of-way open and actually used for travel and the nearest building. To her it means she could add on to her house on the street side because she has a large area between her property line and the paved street. If the setback is measured from the street that is totally different than if it's from the property line.

Kind suggested changing the proposed definition of front yard. The proposed definition reads, "*Yard (Front) means an open, unoccupied space extending across the full width of the lot and lying between the edge of the public right-of-way open and actually used for travel and the nearest building line of the principal structure. Corner lots must have two front yards.*" Her proposed definition reads, "*Yard (Front) means an open, unoccupied space extending across the full width of the lot and lying between the property line that is parallel to the public right-of-way and the nearest building line of the principal structure. Corner lots must have two front yards.*"

Councilmember Page commented this topic of yard definitions is very difficult for him.

Councilmember Fletcher recommended continuing this item to the December 6, 2011, Council meeting to give Council a chance to think about Mayor Kind's proposed changes.

Mayor Kind also suggested changing the proposed definition of rear yard. She explained the proposed definition of rear yard includes "*ordinary high water mark of the lake.*" The old definition does not include that language. Kind stated if there is an ordinary high water mark (OHW) it would be a lakeside yard not a rear yard. OHW doesn't belong in the definition of rear yard. It may make sense to add language stating that non-lakeshore lots must have at least one rear yard so the owner of a corner lot can't claim they have two side yards on their property.

Kind suggested changing the proposed definition of rear yard. The proposed definition of rear yard reads, "*Yard (Rear) means an open, unoccupied space between the rear property line or ordinary high water mark of the lake and the nearest building line of the principal structure, for the full width of the lot.*" Her proposed definition reads, "*Yard (Rear) means an open, unoccupied space between the rear property line and the nearest building line of the principal structure, for the full width of the lot. Non-lakeshore lots must have at least one rear yard usually located on the side the opposite of the front door of the structure. The zoning administrator shall determine the location of the rear yard on lots that front on 2 streets or more.*"

Kind suggested Council think about her proposed changes to the definitions before the next Council meeting.

Councilmember Fletcher asked the Zoning Administrator and Attorney Kelly to include their recommendations on these definitions for the next meeting.

Councilmember Rose suggested the definitions be left as they are.

Quam moved, Fletcher seconded, continuing the item of definitions of yards to the December 6, 2011, Council meeting and directing Staff to prepare a report on the front yard and rear yard definitions for Council for that meeting. Motion passed 4/1 with Rose dissenting.

E. Options Related to the Selling of Drug Paraphernalia

Mayor Kind explained that during its October 4, 2011, meeting Council expressed interest in the possibility of prohibiting the sale of drug paraphernalia within City limits. The meeting packet includes a copy of a memorandum authored by Attorney Kelly, which suggests that liquor and/or tobacco licenses could prohibit the sale of drug paraphernalia. Another option would be the outright prohibition of the possession or sale of drug paraphernalia. The meeting packet also includes a copy of a draft Ordinance. The definition in the ordinance mirrors the definition found in State Statutes § 152.01.

Councilmember Quam asked why it should be tied to liquor licenses. It should either be allowed or not allowed. Councilmember Rose noted that the business that sells it also sells liquor. Councilmember Page stated he thought the intent was if a business that has a liquor license also sells drug paraphernalia then the City could discontinue its liquor license.

Zoning Administrator/Clerk Karpas explained he drafted the Ordinance and he intentionally chose not to tie it to liquor or tobacco licenses because a business that doesn't sell either could still sell drug paraphernalia. The draft ordinance adds a definition of drug paraphernalia to City Code Section 1205 Definitions. The definition is a State Statutes definition. The Ordinance also amends City Code Section 900.10. Public Nuisances Affecting Morals and Decency to include drug paraphernalia on the list of public nuisances.

Attorney Kelly explained that State Statutes defines drug paraphernalia. It is a petty misdemeanor most often issued in conjunction with a charge of possession of marijuana or a pipe. Drug paraphernalia is not a primary reason patrol officers stop vehicles. It's an incidental charge. He then explained it is his understanding this matter came up because a liquor licensee is offering this type of thing for sale and public safety personnel thought that is attracting the wrong type of people into the community. He stated this is in the eye of the beholder. The question is what constitutes drug paraphernalia. He noted the meeting packet includes a copy of the City of Minneapolis' ordinance regarding the definition of drug paraphernalia and it goes beyond what State Statutes includes. He explained the South Lake Minnetonka Police Department (SLMPD) has the statutory authority to enforce the laws of the State of Minnesota. It doesn't need Council to adopt the State Statutes into the City Code.

Mayor Kind asked Attorney Kelly if Council can direct Zoning Administrator/Clerk Karpas to inform the business owner that they can no longer sell the drug paraphernalia per State Statutes. Kelly explained the City Clerk has no legal authority to do that. It's up to the SLMPD officers to decide if what the business owner is selling violates State law for which they can issue citations. It appears the officers consider the stuff in the store serves no particular value or purpose other than in the use of drugs yet they did not issue a citation when they were there. They apparently feel it is too amorphous for them to act as is. Council could decide to include something similar to Minneapolis' ordinance in the City Code. The City could then tell the business owner it has a liquor license and if the City receives a report from the SLMPD that you are selling what appears to be drug paraphernalia the City could have an inquiry and suspend or revoke their license. He commented that would be politics. He explained the City could go to a suspension hearing and start to conduct it, but there would be some expense associated with that and there would have to be due process conducted. He noted the City has only one liquor license and there isn't likely much revenue coming in from it.

Councilmember Fletcher asked if it makes sense to approach the business owner and tell them if they get rid of what is believed to be drug paraphernalia the City will drop the matter.

Councilmember Rose stated many stores located in Minneapolis have merchandise included on the list of prohibited drug paraphernalia found in their City's code. He asked if that type of merchandise is illegal or

not illegal. He indicated he could support saying selling that merchandise is illegal in the City provided the State agrees with it being illegal to sell it.

Attorney Kelly explained the reason the State law is enforced incidental to an arrest is, for example, the pipe has residue in it. The merchandise in the store doesn't have residue in it. Minneapolis has allowed head shops to stay in business. He stated the City can tell the business owner it doesn't have to authorize the sale of 3.2 beer in the City, and it can ask the owner if it wants to continue to do so or not.

Councilmember Page explained he went into the store a couple of times. During his second visit he saw there were two items that he considers drug paraphernalia. In a glass cabinet close to the register there were approximately 50 of what he clearly considers "pot pipes." Councilmember Quam asked if a person could smoke tobacco in them. Page stated he thought the pipes could be used for that, but he questioned who would do that. Page explained on a shelf there were what he considers to be water pipes and those pipes are associated with a variety of types of tobacco. He did not consider the water pipes to be drug paraphernalia. He noted he met with the wife of the owner and she explained to him how the different devices were used as well as their cultural significance. He explained in his view on a cabinet there were fishing sinkers which he considers roach clips. He noted he told them this issue was on the radar and that the public safety personnel were concerned about it. He explained to them this topic was on an upcoming City Council meeting agenda. He told them the City doesn't want to have anyone in the business of selling drug paraphernalia. He suggested they get rid of the pot pipes. The owner was not receptive to doing that. The owner reminded him that he started to sell the merchandise in question when the City refused to allow him to sell hot sandwiches. The owner noted that he doesn't sell adult magazines; he chooses what he's going to sell for adult items. The owner noted that in Amsterdam people are always walking around with those pipes. The owner intends to continue to sell the merchandise in the store.

Mayor Kind stated that with freedom comes the sale of things Council may not like.

Councilmember Fletcher related a member of the Southwest Drug Task Force had asked him if he wants people to come to the community to purchase that type of merchandise.

Mayor Kind responded of course not, but philosophically it's a core value of hers that with freedom comes things she doesn't like.

Councilmember Quam asked if there is a problem that needs to be addressed regarding the sale of the merchandise in that store. He stated he hasn't heard of any.

Councilmember Page explained with the exception of the 50 what he calls pot pipes in the store everything else in the store is basically a non-issue. He stated from his vantage point it is not a pervasive item they are selling in the store. Between his first and second visit to the store in the last ten days it didn't appear as if a lot of that merchandise had been sold. He then stated he is not overly excited or overly worried about the sale of that merchandise. He noted he would not like to see an expanded amount of merchandise. He stated this is not worth Council spending any more effort on an ordinance. He commented that Councilmembers and residents can convey their displeasure by not buying anything in the store. He also commented the owner doesn't sell a lot of 3.2 beer so tying it to a liquor license means nothing. To make an impact it would have to be tied to tobacco licensing.

Councilmember Quam stated there is a State law regarding this. Therefore, there is no need to spend any more time on a City Ordinance. He then stated the SLMPD is charged with enforcing laws so if the SLMPD thinks it's a problem they should enforce the laws.

Quam moved, Page seconded, moving to stop consideration of adopting an ordinance regarding to the sale and possession of drug paraphernalia. Motion passed 3/2 with Fletcher and Page dissenting.

It was noted the State law is sufficient.

F. Clarify the Definition of Shore Impact Zone

Mayor Kind explained there has been some question about what the Shore Impact Zone really is. The current definitions can be interpreted to mean a line that is 50 percent of the distance between the lakeshore and the building, with the minimum building setback being 50 feet. It can also be interpreted to mean the minimum Shore Impact Zone is 50 feet. Staff recommends the definition be clarified for enforcement purposes.

Minnesota State Definition 6120.2500 Subd. 14c. states, "*Shore Impact Zone means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.*" The current Greenwood Code Definition states, "*Shore Impact Zone means the land located between the ordinary high water level for Lake Minnetonka and a line parallel to it, setback 50 percent of the building setback line that is a minimum of 50 feet from the ordinary high water level.*" The proposed Greenwood Code Definition states, "*Shore Impact Zone means the land located between the ordinary high water level of Lake Minnetonka and a line parallel to it at a setback of 25 feet from the ordinary high water level of Lake Minnetonka.*"

Zoning Administrator/Clerk Karpas stated he thought the intent of the State definition is to have the impact zone be 50 percent of the required building setback regardless of what city you are in. The City just happens to have a 50-foot setback. The proposed definition will clarify things. A person with a building further back on their lot will not be penalized under the new definition.

Mayor Kind noted the definition is located in the Zoning Chapter 11 of the Code Book. Therefore, a public hearing and a review by the Planning Commission is required.

Councilmember Rose asked if any of the Planning Commissioners live on Lake Minnetonka. Mayor Kind responded at least two of them have lakefront property.

Page moved, Quam seconded, directing the Planning Commission to hold a public hearing and make a recommendation on the proposed revision to the definition of Shore Impact Zone. Motion passed 5/0.

G. Restricting the Location of Storage Piles of Lumber, Machinery, Garbage Cans and so forth

Mayor Kind stated there has been a question as to why the City restricts the placement of brush piles to rear or side yards, but has no restriction on the location of storage piles of lumber, machinery, or garbage cans. She explained there are two applicable sections of the Code. The first is Section 900.65 (2) Unlawful Parking and Storage which states, "*A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.*" Section 910.60 Prohibited Activities Affecting Health and/or Property Subd. 1 states, "*The following are hereby declared to be nuisances affecting health and/or property:*" and Subd. 1(f) states "*Brush piles, compost piles, and other piles of yard wastes or clippings unless they are located*

in side or rear yards at least 5 feet from the property line. No brush piles, compost piles, or other piles of yard wastes or clippings are allowed in front yards.”

Kind reviewed the amended language proposed for Code Section 900.65 (2) Unlawful Parking and Storage which is, *“A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, garbage cans, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless the items are located in side or rear yards at least 5 feet from the property line and are screened by a fence or landscaping.”*

Councilmember Quam stated he assumed the reason for the two sections of the current Code is to protect neighbors from having to see eyesores. He then stated he thought that sometimes side yards are more intrusive than front yards. He does not think the City should control every little nit.

Zoning Administrator/Clerk Karpas stated from his perspective people own property and they should have a right to use it. Although things stored on a property may not be pleasing to the eye it's still their property. He noted that residents pay a lot of taxes on the property they own. He stated it's getting to the point where the City is trying to micromanage things. If the City is saying a resident can't have a storage pile in their front yard and their house is back 100 feet from the lake that basically says a person can't use 100 feet of their property for storage. He asked what the definition for machinery includes. With this ordinance the City is getting involved with peoples' private property when they are not hurting anyone. He noted that although he disagrees with the proposed ordinance he will enforce it if Council moves forward with it.

Mayor Kind stated there are properties in the City where scrap lumber is in the front yard. Councilmember Page stated that generally that is temporary and he isn't concerned about that. Councilmember Fletcher asked if that has been a source of complaint to which Kind responded it has. Councilmember Rose asked if there have been lots of complaints or just from one person. Mayor Kind indicated that there has been a complaint from one person.

Page moved, Quam seconded, to take no action on this.

Councilmember Fletcher noted there are two parts to this discussion.

Mayor Kind stated that on a related topic, Council may also wish to amend Section 910.60 Subd. 2 to allow for the civil citation process. She reviewed the proposed amendment which states, *“When there exists on private property a condition that is in violation of section 910.60, a notice to remove the offensive matter shall be served by the city council or its agent upon the owner, agent or occupant. Such notice may be served personally or may be served by mail. In all cases where such owner is not in the city or cannot be found therein, then notice shall be sent to the last known address. Such notice shall describe the matter to be removed and require the removal thereof within 10 days, including Saturdays, Sundays and holidays. If at the end of said 10 days following service of such notice, the offensive matter has not been removed the city shall cause removal and disposition of same by petition to the district court. All costs incurred by the city, including court costs and reasonable attorney fees, for the removal and disposition of all offensive matter shall be assessed, levied and collected as a special assessment payable in the manner provided by law for the levy and collection of other special assessments. offender shall be subject to the process outlined in chapter 12 of this Code Book.”* (The strikethrough is deleted and the underscore is added).

In response to a question from Councilmember Page, Attorney Kelly stated he supports removing anything that suggests the City may have to go through a complicated district court process.

The maker and seconder withdrew their motion.

Page moved, Fletcher seconded, directing Staff to draft an ordinance amendment to Section 910.60 Subd. 2 that will allow for the civil citation process outlined in Chapter 12 of the City Code to be implemented for prohibited activities affecting health and/or property. Motion passed 4/1 with Rose dissenting.

Councilmember Rose dissented because he does not want to take any action on this.

Mayor Kind recessed the meeting at 8:43 P.M.

Mayor Kind reconvened the meeting at 8:48 P.M.

H. Trail Plowing, Mowing, and Tree Trimming Options

Mayor Kind explained that in the past Council has expressed a desire to possibly hire another company for trail snow plowing, mowing and tree trimming services rather than contracting from Deephaven Public Works Department for these services. The meeting packet contains a proposal from Cornerstone Industries (this company provides services to the City of Woodland). Woodland has been very satisfied with the services provided by Cornerstone and it highly recommends them. The report for this item also includes Deephaven's rates for providing such services. She noted that it is difficult to compare hourly rates because some people work faster than others. She stated that basically Cornerstone and Deephaven will do the job for the same price. The question really is if Council wants the work to be done quicker. If the Council chooses to go with Deephaven the trails will be plowed after the City streets are plowed. She noted that Cornerstone is willing to do the first trail plowing or mowing on an hourly basis to determine the actual cost and then charge the City a flat rate.

Councilmember Page asked Zoning Administrator/Clerk Karpas what the Deephaven Public Works Department would think about the City switching to a private contractor to plow the trails. Karpas stated the head of the Department wouldn't be bothered by it but that he did point out that if the trails were plowed before the streets are plowed the street plowing could leave piles of snow where the streets and the trails intersect. Mayor Kind stated that means parts of the trails may have to be done twice.

Councilmember Rose stated the City has had a relationship with Deephaven for years and he doesn't want to jeopardize that for a couple of dollars an hour. Mayor Kind related the head of the Deephaven Public Works Department told her the Department is somewhat short staffed during snowplowing events and therefore wouldn't mind if the City contracts with someone else. Councilmember Quam noted it's not about cost; it's about timeliness.

There was Council consensus that they wanted the trails plowed more quickly.

Councilmember Fletcher stated the report shows the City currently pays between \$40 and \$80 to have its trails plowed by Deephaven. To him that seems really cheap. Mayor Kind explained the head of the Deephaven Public Works Department told her he is not really sure what the actual costs are.

Page moved, Quam seconded, directing Staff to hire Cornerstone Industries to plow the trails in Greenwood after the first snowfall of the season to determine the cost and continue with the service if the cost is less than or equal to the amount charged by the Deephaven Public Works Department for similar service. And, to contact the Deephaven Public Works Department to let them know that

it should not plow the trails after the first snowfall and that it may be possible that it will not be plowing the trails at all this winter. Motion passed 4/1 with Rose dissenting.

Councilmember Rose stated the City has had the Deephaven Public Works Department plow the trails forever and now it will not. It's similar to other things discussed earlier in the meeting. He then stated he can't believe Council decided to do this.

I. Bank CD Options

Mayor Kind explained that in recent months the interest rates on the City's savings accounts has decreased. If Council desires to increase the rate the City earns Council could consider putting money in certificates of deposit (CD). She noted the meeting packet contained information about the rates for Bridgewater Bank and Beacon Bank on October 26, 2011. She explained the best rate is 1.13% at Beacon Bank for a 13-month CD. It is a special rate for clients with checking accounts with a minimum deposit of \$10,000. She explained that she and Councilmember Fletcher review the financial statements quarterly and she reviews the accounts payable twice each month. They are asking for Council authorization to make this move to increase the interest earnings.

Councilmember Page asked what the penalty would be for breaking the 13-month CD. Councilmember Quam stated he thought there would be a penalty in addition to the interest earnings if it were broken.

Councilmember Fletcher explained the City would purchase smaller sized CDs every so many months so they would mature at different times. He recommended the motion specify that. Councilmember Quam explained that is called a ladder strategy.

Fletcher moved, Quam seconded, directing the City Treasurer to open a 13-month certificate of deposit (CD) at Beacon Bank using \$60,000 in funds from the Bridgewater Bank savings account, and authorizing the Administrative Committee to open other CDs with a maximum initial maturity of 15 months with a combined maximum total CD balance of \$300,000 with Beacon Bank and Bridgewater Bank.

Councilmember Quam stated he thought the \$300,000 maximum was too high.

Without objection from the maker, the seconder amended the motion was amended to have a \$250,000 combined maximum total CD balance. Motion passed 5/0.

8. OTHER BUSINESS

AA. October 2011 Verifieds and Check Register

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

Councilmember Fletcher explained that during its June 7, 2011, meeting Council authorized spending up to \$2,000 for a survey and analysis of the drainage issue near Meadville Street. Council subsequently asked the City Engineer to come back with what it would cost to identify alternatives for addressing the problem because the original \$120,000 cost estimate to make the improvements was too high. The engineering firm's invoice amount for the Meadville Street Drainage Study is \$3,903. He asked Council what it wanted to do.

Councilmember Quam stated the firm understands it has to be more careful in the future.

Mayor Kind stated she spoke with the City Engineer (who is employed by Bolton and Menk) about the cost overage. She then stated Martini thought he was supposed to come back with a second plan for addressing the drainage problem not just the cost to prepare an alternative plan. There was some misunderstanding of what was asked for. She related that Martini wants Council to pay what it thinks is appropriate. She stated she told him she didn't mind paying for the work that was done, but that she doesn't like the amount the City has spent on the project to date.

Councilmember Quam stated Engineer Martini had to do a plan to come up with an estimate for a second solution to the drainage problem. He then stated Council needs to be more specific about what it is authorizing and asking for in the future.

Councilmember Page stated he did not think it would be fair to stick to the \$2,000 maximum. Councilmember Fletcher agreed with that.

Quam moved, Fletcher seconded, approving the October 2011 verifieds, checks register and electronic fund transfers. Motion passed 5/0.

A. Resolution No. 20-11, Policy for "No Parking" Signs

Mayor Kind explained that during its October 4, 2011 meeting Council discussed a no-parking sign policy. Council continued the discussion to this meeting to allow time to create a map showing the locations of current signs. The meeting packet contains a map showing where no parking signs are located. There are 75 of them in the City. She noted that during the October meeting the City Engineer indicated the use of no parking signs is up to Council.

Councilmember Quam stated he is not qualified to decide where no-parking signs should be placed, noting he has expressed this sentiment before.

Fletcher moved not to do anything with regard to no parking signs at this time.

Councilmember Page asked whether the City has to bring no-parking signs into compliance with the federal retroreflectivity signs. He asked what the deadline for replacement is.

Mayor Kind explained the federal mandate requires all regulatory, warning, and guide signs to be compliant with the standards by January 22, 2015. The City's sign assessment and management plan calls for one-third of them to be replaced in 2012, one-third in 2013, and the final one-third in 2014. By January 22, 2018, street name and all other signs must be in compliance. No-parking signs fall into the 2018 deadline category.

Councilmember Page stated there is time before a decision needs to be made about replacing no-parking signs.

Page seconded the motion. Motion passed 3/2 with Kind and Rose dissenting.

Mayor Kind stated she would prefer to take down the no-parking signs that the City has no intention of replacing.

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Excelsior Boulevard Street and Water Project, Xcel Energy LRT Project

With regard to the Planning Commission, Councilmember Fletcher stated he has nothing additional to report.

With regard to the Lake Minnetonka Communications Commission (LMCC), Fletcher stated the LMCC plans to have agenda parsing in place around the beginning of 2012. He noted the LMCC will need meeting agendas before meetings.

With regard to the Xcel Energy LRT Project, Fletcher stated there is a meeting scheduled for November 4, 2011, with representatives from the Cities of Deephaven, Excelsior, Greenwood, and Minnetonka, the Three Rivers Park District, the Hennepin County Regional Rail Authority (HCRRA) and Xcel Energy to talk about tree removal that will occur as part of Xcel Energy's power line project.

Councilmember Quam thanked Councilmember Fletcher for his efforts on the Xcel Energy LRT Project.

B. Kind: Police, Speed Trailer, Administration

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated there is a SLMPD Coordinating Committee meeting scheduled for November 29, 2011, at 5:30 P.M.

With regard to the speed trailer, Kind explained the trailer was deployed on Minnetonka Boulevard on September 30th. She distributed a report of statistics captured by the trailer. The average speed traveled was 31.2 miles per hour (mph); the speed limit is 30 mph. A few drivers drove over 51 mph between 1:00 P.M. and 7:00 P.M. with most of the speeding occurring around 6:00 P.M. Most drivers complied with the speed limit.

Councilmember Quam noted the trailer display was "on." He stated the next time it's deployed in the City he would like the display to be "off" at the beginning and end of the deployment period.

Councilmember Fletcher asked if the City can continue to ask for the speed trailer to be located in the City. Mayor Kind responded it can. She asked where Council wants it deployed next. There was a suggestion to have it placed on Meadville Street. Kind noted it has already been placed there in 2011. Fletcher suggested St. Albans Bay Road or Manor Road. Councilmember Quam stated he would like it to be located on Sleepy Hollow Road if the SLMPD can figure out how to capture statistics with the display off.

Mayor Kind stated she and Councilmember Fletcher attended the fall sales ratio study meeting with the assessors on October 27th. The study indicates the offshore property sale amounts decreased about 4 percent in 2011. The sale amounts of properties that front Lake Minnetonka remained relatively flat. The sale amounts of condominiums increased about 3 percent.

Councilmember Fletcher explained the 2011 omnibus tax act established a new property tax program called the homestead market value exclusion (HMVE) and repealed the existing market value homestead credit (MVHC). The repealed MVHC gave homesteads valued below a certain amount tax relief through a state-paid credit. The HMVE provides a tax reduction to all homesteads valued below a certain amount by shifting a portion of the tax burden to higher value properties. Therefore property taxes for residential properties located in the City may go up even if a value of the property may have gone down. Because of

this change Hennepin County will collect fewer taxes from cities with lower value properties and more from cities with higher value properties like Greenwood.

Councilmember Quam noted that the change was made by the State Legislature.

Mayor Kind explained that the City docks will be stored on shore in the right-of-way this year because Bean's Marina is doing a maintenance project this winter and it needs the area where the floating docks are normally stored. The company who removes the docks put them in on shore for no extra charge.

Kind stated the City received written confirmation that the former city clerk did qualify for unemployment compensation and the City has to pay for that. The amount the City owed has been paid.

C. Page: Lake Minnetonka Conservation District

Councilmember Page reported on Lake Minnetonka Conservation District (LMCD) activities. He stated the LMCD Aquatic Invasive Species (AIS) Task Force met on October 21st. The meeting was well attended by the Task Force members including representatives of the fishing lobby, the commercial marina lobby, the LMCD, the Minnehaha Creek Watershed District (MCWD), the Three Rivers Park District, the Minnesota Department of Natural Resources (DNR), the Army Corps of Engineers (the Corps), Hennepin County, the Lake Minnetonka Association (LMA), and the bay captains. The discussion was twofold.

The first topic was assessing the efficacy of the herbicide treatment of Eurasian Watermilfoil as it overlays the Lake Minnetonka (the Lake) Vegetation Management Plan (the Plan). The treatment did not meet the plan for the treatment of the three bays in year 1 – 3 and the 5 bays in year 4, while noting the Corps did not have some of the data available that it indicated would be available. The Plan also called for the treatment of curly leaf pondweed, but it was later determined that it was not an issue in the Lake. The treatment program will continue through next year, which is the final year of the treatment program.

Page then stated it's his interpretation that the agencies will not support extending the treatment program past year five. The Corps has stated it is likely that it will not monitor any treatments after year five. It's been doing that at no cost. The efficacy of the treatment was considered not to be of sufficient value when compared to the cost of doing the treatment. Three Rivers Park District doesn't think it's worth it to contribute funds toward the cost of chemically treating smaller lakes. Instead it bought a harvester because it thought that is a more cost effective treatment method. The DNR has not committed to committing funds for any treatment beyond year 5. The LMA would prefer to increase the herbicide treatment of the Lake, but it has accepted the impact of milfoil in the Lake will be mitigated through a combination of harvesting and herbicides.

With regard to the LMCD purchasing a new harvester, Page explained the DNR, MCWD and Hennepin County chose not to weigh in on the discussion. There was no consensus among the Task Force members as to whether or not the broken harvester should be replaced. The LMA doesn't support purchasing another one. More information is needed from some of the agencies. There was discussion about contracting the harvesting program out. There is only one company that has the size of equipment to do the job. For insurance reasons a decision should be made within 60 days. The LMCD will be reimbursed approximately \$32,000 by the League of Minnesota Cities Insurance Trust (LMCIT) if the LMCD does not replace the harvester and approximately \$65,000 if it does replace it. He stated he thought three harvesters are needed.

Mayor Kind stated she supports getting the full amount from the LMCIT.

Councilmember Fletcher stated if the insurance reimbursement helps replace the harvester it may make sense to purchase one now, noting the current two harvesters are old.

Councilmember Page stated tandem harvesting creates less fragments than individual harvesting.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated there is nothing to report on roads and sewer. He then stated the Minnetonka Community Education Board has been talking about innovation.

Quam noted that he heard from the City of Excelsior that the rating of the St. Albans Bay bridge is higher than 50. The bridge is on the state's historic list.

E. Rose: Excelsior Fire District

Councilmember Rose stated there has not been an Excelsior Fire District (EFD) Board Meeting since the last Council meeting. There is a work session scheduled for November 2nd and a regular Board meeting scheduled for November 16th.

C. ADJOURNMENT

Page moved, Rose seconded, Adjourning the City Council Regular Meeting of November 1, 2011, at 9:36 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
12/01/11	PC	12/01/11	12011101	Debra J. Kind	34	277.05
12/01/11	PC	12/01/11	12011102	Fletcher, Thomas M	33	84.70
12/01/11	PC	12/01/11	12011103	H. Kelsey Page	35	184.70
12/01/11	PC	12/01/11	12011104	Quam, Robert	32	184.70
12/01/11	PC	12/01/11	12011105	William Rose	36	184.70
Grand Totals:						<u>915.85</u>

Check Issue Date(s): 11/01/2011 - 11/30/2011

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
11/11	11/08/2011	10439	9	CITY OF DEEPHAVEN	101-20100	6,779.39
11/11	11/08/2011	10440	581	EMERY'S TREE SERVICE, INC.	101-20100	472.01
11/11	11/08/2011	10441	790	GMH ASPHALT CORPORATION	101-20100	8,940.11
11/11	11/08/2011	10442	68	GOPHER STATE ONE CALL	602-20100	55.40
11/11	11/08/2011	10443	700	INFRASTRUCTURE TECHNOLOGIES	602-20100	40,430.10
11/11	11/08/2011	10444	3	KELLY LAW OFFICES	101-20100	1,069.50
11/11	11/08/2011	10445	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,626.75
11/11	11/08/2011	10446	105	METROPOLITAN COUNCIL ENV SERV	602-20100	2,336.37
11/11	11/08/2011	10447	701	Popp Telecom	101-20100	41.88
11/11	11/08/2011	10448	38	SOUTH LAKE MINNETONKA POLICE	101-20100	13,223.00
11/11	11/08/2011	10449	793	SULLIVAN'S UTILITY SERVICE INC	602-20100	185.00
11/11	11/08/2011	10450	136	Sun Newspapers	101-20100	54.34
11/11	11/08/2011	10451	745	Vintage Waste Systems	101-20100	1,568.40
11/11	11/08/2011	10452	145	XCEL	101-20100	419.20
11/11	11/22/2011	10453	51	BOLTON & MENK, INC.	602-20100	1,708.50
11/11	11/22/2011	10454	700	INFRASTRUCTURE TECHNOLOGIES	602-20100	3,677.79
11/11	11/22/2011	10455	126	LEAGUE OF MN CITIES INS TRUST	101-20100	4,170.00
11/11	11/22/2011	10456	255	LMC INSURANCE TRUST	101-20100	9.00
11/11	11/22/2011	10457	742	Marco, Inc.	101-20100	294.89
11/11	11/22/2011	10458	734	MIDWEST TRENCHLESS TECH INC	602-20100	600.00
11/11	11/22/2011	10459	136	Sun Newspapers	101-20100	203.06
Totals:						<u>87,864.69</u>

Dated: _____

Mayor: _____

City Council: _____

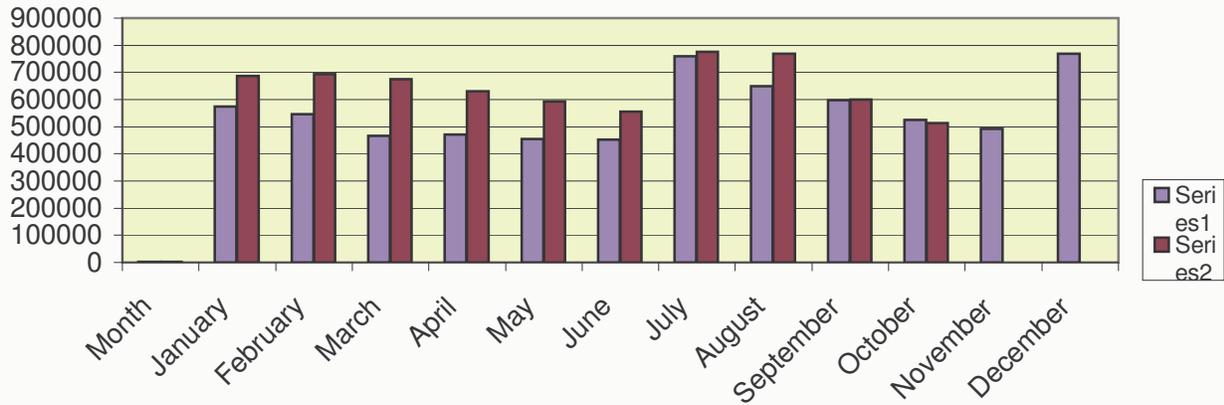
City Recorder: _____

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
3	KELLY LAW OFFICES							
	102711	GENERAL LEGAL	10/27/2011	690.00	.00	690.00	10444	11/08/2011
	5925	LAW ENFORCE PROSECUTION	10/27/2011	379.50	.00	379.50	10444	11/08/2011
Total 3				1,069.50	.00	1,069.50		
9	CITY OF DEEPHAVEN							
	OCT 2011	Stormwater Coalition Membership Renewal	10/31/2011	6,779.39	.00	6,779.39	10439	11/08/2011
Total 9				6,779.39	.00	6,779.39		
38	SOUTH LAKE MINNETONKA POLICE							
	110111	OPERATING BUDGET EXPENSE	11/01/2011	13,223.00	.00	13,223.00	10448	11/08/2011
Total 38				13,223.00	.00	13,223.00		
51	BOLTON & MENK, INC.							
	0143145	2011 STREET IMPROVEMENT	10/31/2011	840.50	.00	840.50	10453	11/22/2011
	0143146	2011 MISC ENGINEERING FEES	10/31/2011	90.00	.00	90.00	10453	11/22/2011
	0143147	2011 SANITARY SWR REHAB	10/31/2011	778.00	.00	778.00	10453	11/22/2011
Total 51				1,708.50	.00	1,708.50		
68	GOPHER STATE ONE CALL							
	20373	Gopher State calls	11/01/2011	55.40	.00	55.40	10442	11/08/2011
Total 68				55.40	.00	55.40		
99	LAKE MTKA CONSERVATION DISTRICT							
	110111	4th Qtr. LMCD Levy	11/01/2011	1,626.75	.00	1,626.75	10445	11/08/2011
Total 99				1,626.75	.00	1,626.75		
105	METROPOLITAN COUNCIL ENV SERV							
	0000974078	Monthly wastewater Charge	11/02/2011	2,336.37	.00	2,336.37	10446	11/08/2011
Total 105				2,336.37	.00	2,336.37		
126	LEAGUE OF MN CITIES INS TRUST							
	38457	Municipality Insurance	11/10/2011	4,170.00	.00	4,170.00	10455	11/22/2011
Total 126				4,170.00	.00	4,170.00		
136	Sun Newspapers							
	1077929	Legal Notices	11/03/2011	54.34	.00	54.34	10450	11/08/2011
	1079051	Ord #197	11/10/2011	65.78	.00	65.78	10459	11/22/2011
	1079052	Ord. #200	11/10/2011	137.28	.00	137.28	10459	11/22/2011
Total 136				257.40	.00	257.40		

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
145	XCEL							
	102511	Sleepy Hollow Road *	10/25/2011	419.20	.00	419.20	10452	11/08/2011
Total 145				419.20	.00	419.20		
255	LMC INSURANCE TRUST							
	21537	Work Comp. - Final Audit	11/15/2011	9.00	.00	9.00	10456	11/22/2011
Total 255				9.00	.00	9.00		
581	EMERY'S TREE SERVICE, INC.							
	13895	TREE MNTNCE-ST ALBANS BAY RD	10/31/2011	472.01	.00	472.01	10440	11/08/2011
Total 581				472.01	.00	472.01		
700	INFRASTRUCTURE TECHNOLOGIES							
	102611	2011 SWR REHAB PROJECT	10/26/2011	40,430.10	.00	40,430.10	10443	11/08/2011
	112211	2011 SWR REHAB PROJECT	11/22/2011	3,677.79	.00	3,677.79	10454	11/22/2011
Total 700				44,107.89	.00	44,107.89		
701	Popp Telecom							
	991980726	Local, Long dist. & DSL	10/31/2011	41.88	.00	41.88	10447	11/08/2011
Total 701				41.88	.00	41.88		
734	MIDWEST TRENCHLESS TECH INC							
	5780	SANITARY SWR INVESTIGATION	11/17/2011	250.00	.00	250.00	10458	11/22/2011
	5781	STORM SWR TELEVISIONING	11/17/2011	350.00	.00	350.00	10458	11/22/2011
Total 734				600.00	.00	600.00		
742	Marco, Inc.							
	190617852	Copier lease	11/13/2011	294.89	.00	294.89	10457	11/22/2011
Total 742				294.89	.00	294.89		
745	Vintage Waste Systems							
	102511	City Recycling Contract	10/25/2011	1,568.40	.00	1,568.40	10451	11/08/2011
Total 745				1,568.40	.00	1,568.40		
790	GMH ASPHALT CORPORATION							
	102611	2011 STREET IMPROVEMENTS	10/26/2011	8,940.11	.00	8,940.11	10441	11/08/2011
Total 790				8,940.11	.00	8,940.11		
793	SULLIVAN'S UTILITY SERVICE INC							
	724290	VAC CLEAN LIFT (WEEKS RD)	10/24/2011	185.00	.00	185.00	10449	11/08/2011

<u>Vendor No</u>	<u>Invoice No</u>	<u>Description</u>	<u>Inv Date</u>	<u>Invoice Amt</u>	<u>Disc Amt</u>	<u>Check Amt</u>	<u>Check No</u>	<u>Chk Date</u>
				<u>185.00</u>	<u>.00</u>	<u>185.00</u>		
		Total 793						
		Grand Totals:		<u>87,864.69</u>	<u>.00</u>	<u>87,864.69</u>		

City of Greenwood Monthly Cash Summary



Month	2010	2011	Variance with Prior Month	Variance with Prior Year
January	\$573,056	\$686,781	-\$80,855	\$113,725
February	\$545,897	\$693,859	\$7,078	\$147,962
March	\$466,631	\$675,719	-\$18,140	\$209,088
April	\$472,069	\$629,569	-\$46,150	\$157,500
May	\$454,955	\$593,928	-\$35,641	\$138,973
June	\$453,487	\$555,064	-\$38,864	\$101,577
July	\$759,701	\$776,650	\$221,586	\$16,949
August	\$648,560	\$768,223	-\$8,427	\$119,663
September	\$597,536	\$599,139	-\$169,084	\$1,603
October	\$523,980	\$512,188	-\$86,951	-\$11,792
November	\$491,216	\$0	-\$512,188	-\$491,216
December	\$767,636	\$0	\$0	-\$767,636

Bridgewater Bank Money Market	\$304,631
Bridgewater Bank Checking	\$4,687
Beacon Bank Money Market	\$202,770
Beacon Bank Checking	\$100
<hr/>	
	\$512,188

ALLOCATION BY FUND

General Fund	\$109,300
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$39,970
Stormwater Special Revenue Fund	\$4,714
Sewer Enterprise Fund	\$379,753
Marina Enterprise Fund	\$38,347
<hr/>	
	\$512,188



Agenda Number: **4A**

Agenda Date: 12-06-11

Agenda Item: Presentation: Don Stolz and Jon Monson, Concept for Old Log Theater Property

Summary: On November 14, Mayor Kind, City Zoning Administrator Karpas, and City Attorney Kelly met with Old Log Owner Don Stolz and Landschutte Owner Jon Monson. The discussion centered around a concept Mr. Stolz and Mr. Monson are considering for the 11-acre Old Log property. The concept would require rezoning of the property, which requires a public hearing and recommendation by the planning commission. The November 14 group decided that Mr. Stolz and Mr. Monson should present their idea to the council to determine next steps.

The December 6 presentation from Mr. Stolz and Mr. Monson will not be a formal application, however the council could consider directing the planning commission to place a general review and discussion of the concept on their upcoming agenda together with a discussion of the city rezoning the area. The planning commission would then report back to the council on the concept.

If, after hearing back from the planning commission, the city council decides to move forward with rezoning, the next step would be for the planning commission to work on the details of rezoning and prepare an ordinance. The planning commission would receive comment from the Old Log and members of the public prior to forwarding their recommendation to the city council.

Council Action: None required. Suggested motion ...

1. I move the council directs the planning commission to place a general review and discussion of the Old Log proposal on their December agenda together with a discussion of the city rezoning the area and report back to the council on the concept at the January council meeting.
2. I move the council continues the discussion regarding the Old Log Theater to the January council meeting.
3. Do nothing.



Agenda Number: **4B**

Agenda Date: 12-06-11

Agenda Item: Announcement: Planning Commission Term Expirations

Summary: The planning commission holds public hearings and makes recommendations to the city council regarding zoning issues including variances and conditional use permits. The planning commission is comprised of 5 voting members and 2 alternate members. Each March 3 to 4 of planning commissioner terms expire. In 2012 the following terms will expire: Brian Malo A-1, John Beal A-2, Dave Paeper A-3, Douglas Reader Alt-1. The city of Greenwood does not limit the number of terms a planning commissioner may serve. Staff will notify the commissioners whose terms expire to let them know that they will need to reapply if they would like to be considered for reappointment. Anyone who is interested in serving on the planning commission can stop by city hall to get an application or download the form from the city website at www.greenwoodmn.com. The upcoming city newsletter also will include an article seeking planning commission applications. Planning commission applicants will be invited to the March council meeting where the council will have the opportunity to ask the applicants questions, review the applications, and make the final appointments.

Council Action: None required.



Agenda Number: **6A**

Agenda Date: 12-06-11

Agenda Item: 2nd Reading: Ordinance 198, Amending Code Section 1135.05, C-2 Lake Recreation District.

Summary: The city council directed the planning commission to consider amending section 1135.05 of the zoning ordinance regarding C-2 permitted uses. The proposed amendment removes "restaurant" from a permitted use status in the C-2 district and place it as a conditional use. In addition, the amendment removes "general offices" from being a conditional use and place it as a permitted use.

Since the restaurant use has been discontinued in the C-2 district staff recommends that this is a good time to revise the ordinance to require a more comprehensive look at restaurants as a conditional use since restaurant uses tend to have a larger impact than that of an office use.

The city council approved the 1st reading of the ordinance at the November council meeting. No changes have been made to the ordinance since the 1st reading.

Planning Commission Action: The public hearing notice was published in the Sun-Sailor on October 6. The planning commission held the public hearing and reviewed the draft ordinance on October 19. The planning commission approved the following motion on a 5 to 0 vote: To recommend the city council adopt ordinance 198, amending section 1135.05 of the zoning ordinance regarding permitted and conditional uses in the C-2 district.

Council Action: Optional. Suggested motions ...

1. I move the council approves the 2nd reading of ordinance 198, to allow general office uses as a permitted use in the C-2 district and to allow restaurants as a conditional use in the C-2 district.
2. I move the council approves the 2nd reading of ordinance 198, to allow general office uses as a permitted use in the C-2 district and to allow restaurants as a conditional use in the C-2 district, with the following revision(s): ____.
3. Do nothing.

ORDINANCE NO. 198

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1135.05
REGARDING PERMITTED AND CONDITIONAL USES IN THE C-2 DISTRICT**

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

SECTION 1.

Greenwood ordinance code section 1135.05, subd. 1 is amended to read as follows:

"Subd. 1. Principal Uses:

- A. Marinas (as defined at section 1135.35, subdivision 4); and
- B. General Offices."

SECTION 2.

Greenwood ordinance code section 1135.05, subd. 3 is amended to read as follows:

"Subd. 3. Conditional Principal Uses:

- A. Retail uses that are marina or water related;
- B. Multi-family residential uses (including the platting of condominiums within multi-family buildings with a minimum of not less than 1,500 square feet per residential unit subject to performance standards set forth at section 1135.00 et seq. and section 1140.00 et seq.);
- C. Restaurants (as defined at section 1135.35, subdivision 5); and
- D. Multiple permitted principal or conditional principal uses, other than multi-family, on a single tax parcel."

SECTION 3.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **6B**

Agenda Date: 12-06-11

Agenda Item: 2nd Reading: Ordinance199, Definitions of Yards.

Summary: The city council directed the planning commission to consider amending the definition of “Yard (front)” included in Section 1102 of the city code and to discuss the inclusion of a diagram showing the intent of the definition.

The council discussed the proposed ordinance to amend the definitions of yards at its November meeting. At that time a couple of issues were raised including the measurement of the front yard from the “edge of the public right of way open and actually used for travel,” since the way the ordinance is enforced is that the measurement is taken from the front property line, and the inclusion of “ordinary high water level” in the definition of rear setback since the ordinance would consider any property abutting the lake as having a lake yard, rather than a rear yard.

The city attorney has reviewed these issues. His memo is attached. Staff has attached a lined version of the ordinance as presented to the council at the November meeting and a clean version incorporating the city attorney’s proposed language changes.

Planning Commission Action: A public hearing notice was published in the Sun-Sailor on October 6 and the planning commission held the public hearing and reviewed the draft ordinance on October 19. The planning commission approved the following motion on a 5 to 0 vote: To recommend the city council adopt ordinance 199, amending Section 1102 of the zoning ordinance, redefining definitions of yards and suggested that multiple illustrations be inserted into the ordinance to show varying lot dimensions.

Council Action: Optional. Suggested motions ...

1. I move the council approves the 2nd reading of ordinance 199, amending section 1102 of the zoning ordinance regarding yard definitions and including illustrations as presented in the 12-06-11 council packet.
2. Do nothing.

ORDINANCE NO. 199

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1102 REDEFINING DEFINITIONS OF YARDS**

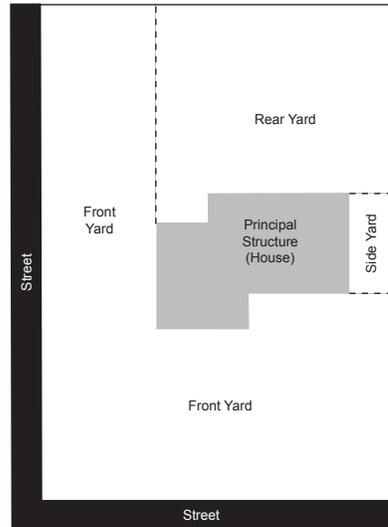
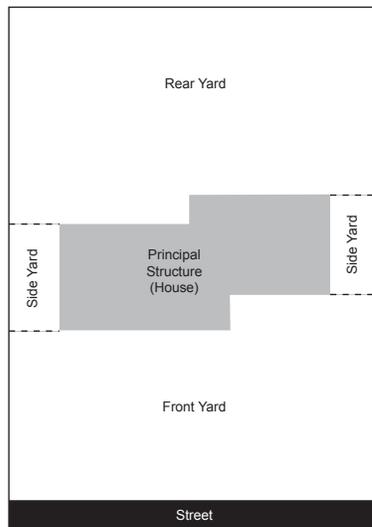
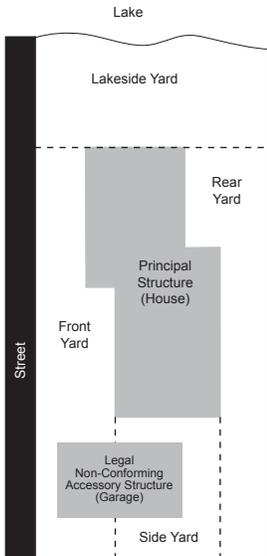
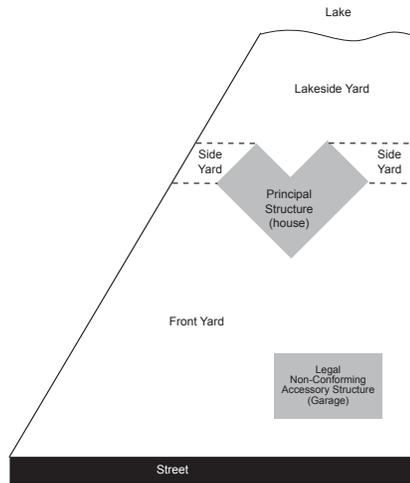
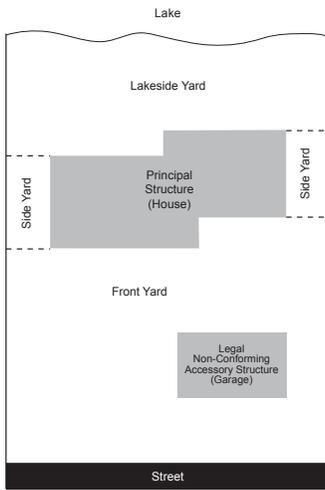
THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code section 1102, definitions of “Yard, Yard (Front), Yard (Lakeside), Yard (Rear), Yard (Side)” are amended to read as follows:

“Yard means an open space on the same lot with a building, lying between the principal structure and the lot line otherwise unobstructed or unoccupied from the ground to the sky, except for fences, permitted accessory structures, or trees and shrubs.

The following illustrations show examples of yard locations:



Yard (Front) means an open, unoccupied space, extending across the full width of the lot and lying between the edge of the public right-of-way open and actually used for travel and the nearest building line of the principal structure. The front property line, not the street pavement, shall be used for measuring the front yard setback. Corner lots must have two front yards.

Yard (Lakeside) means an open, unoccupied space extending the full width of the lot and lying between the ordinary high water mark of the lake and the nearest building line of the principal structure. In no event shall the lakeside yard be interpreted to coincide with definition of front yard contained herein.

Yard (Rear) means an open, unoccupied space between the rear property line and the nearest building line of the principal structure, for the full width of the lot. The rear yard typically is located opposite that of the front yard. The zoning administrator shall determine the location of the rear yard for lots that front on two or more streets.

Yard (Side) means an open, unoccupied space between the side property line of the lot and the nearest building line of the principal structure.”

SECTION 2.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

ORDINANCE NO. 199

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1102 REDEFINING DEFINITIONS OF YARDS**

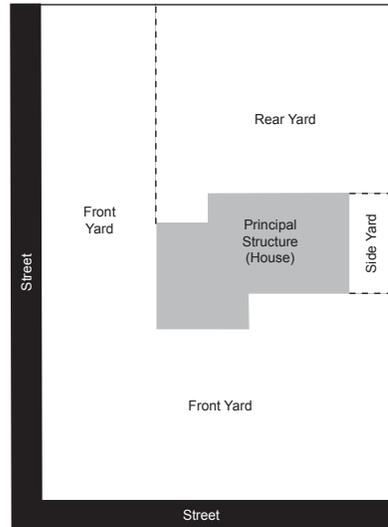
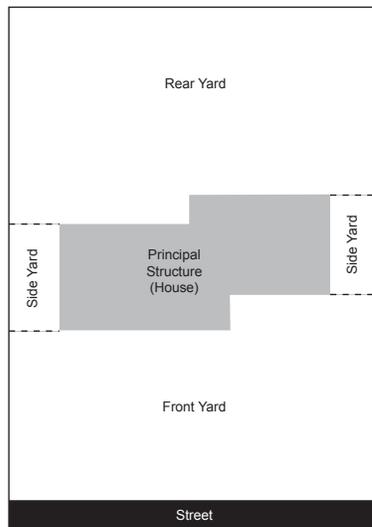
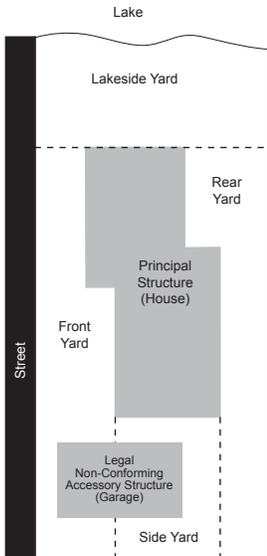
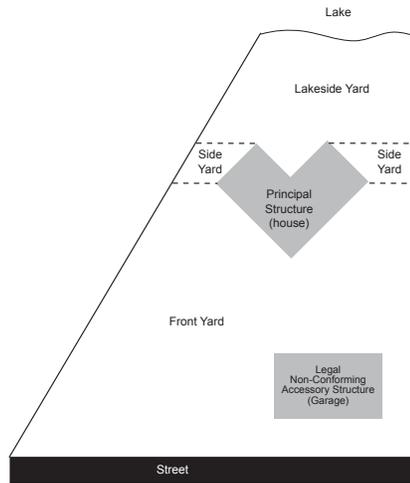
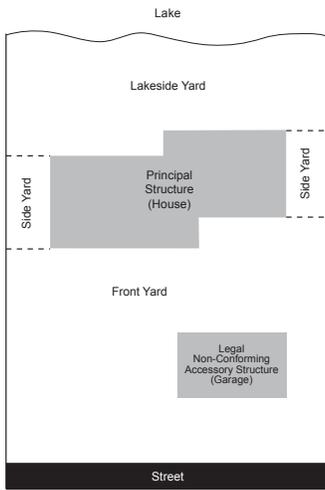
THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code section 1102, definitions of “Yard, Yard (Front), Yard (Lakeside), Yard (Rear), Yard (Side)” are amended to read as follows:

“Yard means an open space on the same lot with a building, lying between the principal structure and the lot line otherwise unobstructed or unoccupied from the ground to the sky, except for fences, permitted accessory structures, or trees and shrubs.

The following illustrations show examples of yard locations:



Yard (Front) means an open, unoccupied space, extending across the full width of the lot and lying between the edge of the public right-of-way open and actually used for travel and the nearest building line of the principal structure. The front property line, not the street pavement, shall be used for measuring the front yard setback. Corner lots must have two front yards.

Yard (Lakeside) means an open, unoccupied space extending the full width of the lot and lying between the ordinary high water mark of the lake and the nearest building line of the principal structure. In no event shall the lakeside yard be interpreted to coincide with definition of front yard contained herein.

Yard (Rear) means an open, unoccupied space between the rear property line ~~or ordinary high water mark of the lake~~ and the nearest building line of the principal structure, for the full width of the lot. The rear yard typically is located opposite that of the front yard. The zoning administrator shall determine the location of the rear yard for lots that front on two or more streets.

Yard (Side) means an open, unoccupied space between the side property line of the lot and the nearest building line of the principal structure.”

SECTION 2.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

KELLY LAW OFFICES

Established 1948

351 SECOND STREET
EXCELSIOR, MINNESOTA 55331

MARK W. KELLY
WILLIAM F. KELLY (1922-1995)

(952) 474-5977
FAX 474-9575

MEMORANDUM

TO: Greenwood Mayor and City Council Members

FROM: Mark W. Kelly, Greenwood City Attorney

DATE: November 7, 2011

RE: Proposed Ordinance 199 Amending Code Section 1102 - Adding Illustrations and Clarifying Definition of Yards

The draft Ordinance, circulated under the November 1, 2011, Agenda Item 7D, reflects the ordinance text as discussed and approved by the Planning Commission.

In Council discussion it was suggested that the definition of front yard and rear yard be revised.

Front Yard Definition

The Greenwood Code definition reads:

“Yard (front) means a yard extending across the front of the lot between the side yard lines and lying between the edge of the public right-of-way, open and actually used for travel in the nearest line of the building.”

To that, the planning commission added “unoccupied space” * and deleted language about the side yard lines.

A question has been raised whether the use of the phrase “*edge of the public right-of-way open and actually used for travel*” is appropriate, if that phrase could support a code interpretation to measure the front yard setback from the edge of the blacktop and not the lot line.

*In the course of reviewing this matter, the Planning Commission members observed that all four yard definitions, front, lakeside, rear and side should use the phrase “unoccupied space” in the definition of yard. The draft Ordinance reflects that recommendation.

The phrase “*edge of the public right-of-way open and actually used for travel*” has been used in codes to avoid the suggestion that there is an undefined use area between the public right-of-way and the lot line of the adjacent lot that is neither road nor front yard. The gap between lot line and pavement is typically public right-of-way which has not been improved for travel; this is sometimes referred to as the boulevard. In an old city, such as Greenwood, without curb and gutter or sidewalks, the actual paved right-of-way often does not match precisely the platted right-of-way.

The Zoning code defines setback to read:

Setback means the shortest horizontal distance between *the lot line*, or ordinary high water mark as applicable, and the foundation wall of the building or the allowable building line as defined by the general yard regulations of this ordinance. (emphasis added)

Comment:

Given that code definition, I believe the city can defensibly continue (as we have) to measure front yards from the property line accordingly.

Rear Yard Definition

It has been observed that to the proposed definition of rear yard has been added “ordinary high water mark of the lake” and that rear yards and lakeside yards are distinct. Under the code, lakeside yards never coincide with the definition of front yard, and where a rear yard abuts the lake, it also meets the definition of “yard (lakeside).”

Comment:

It is at the discretion of the council, and not a legal question, whether to include the phrase “ordinary high water mark” in the definition of rear yard as it has been correctly observed that the definition of lakeside yard would otherwise control where the lot abuts a lake.

Rear Yard Location

A question is raised whether it may be beneficial to identify where the rear yard is located on any given lot relative to a front yard.

Comment:

At the discretion of the council, the definition of “yard (rear)” might state that a rear yard is typically located opposite that of the front yard.

Rear yard

A question is raised whether the Zoning Code definition section should address the location of rear yards when a property has two front yards. It is suggested that the Administrator be empowered to determine the location of the rear yards on lots that front two streets.

Comment:

This suggestion is reasonable. I recommend that such clarifying language be included retained in a revised definition of yard (rear).

For additional clarification, to sections 1120.15, 1122.15 and 1125.15 might be added an additional asterisk as follows:

“***Rear yards typically are found opposite a front yard and the City Administrator shall determine the location of the rear yard for lots that front two or more streets.”



Agenda Item: Consider: Request for Right-of-Way Encroachment Permit, 21580 Fairview Street

Summary: The city received a complaint about a boat being stored in the public right of way next to 21580 Fairview Street. Upon investigation it was determined that the boat is located in the public right-of-way (ROW). Section 630 states, "The right to use publicly owned right-of-ways within the city for any private use or purpose other than the primary purpose of public travel, whether such use constitutes substantial or incidental use, may be acquired only through permit." The property owner has no such permit. Therefore, staff sent a letter on November 8, 2011 to notify the property owner that the boat must be removed or that they need to apply to the city council for a permit. A question regarding the paving of the ROW also has come up. The property currently is for sale. Realtor Woody Love will attend the council meeting to seek the ROW Encroachment Permit on behalf of the property owner.

In addition to section 630 (attached) below are other code book references for the council's reference:

Section 1140.60, Subd. 2(A) states, "Within all zoning districts, exposed ground areas surrounding a principal or accessory use including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental landscaping material. All landscaped areas shall be kept neat, clean and uncluttered."

Section 1140.46, Subd. 1 states, "All driveways within the city shall be treated or paved with oil, bituminous blacktop or Portland cement, in such a manner as to eliminate areas of open sand, gravel or dirt." Note: There is no limitation regarding the width of driveways in the city's code book, but a key aspect of the city's shoreland management ordinance (section 1176) is to limit the amount of hardcover in the city.

Section 510 specifies the minimum ROW Encroachment Permit fee is \$50, and that the actual fee will be determined by the council based on the intensity of the use.

Council Action: Required. Suggested motions ...

1. I move the council approves a Right-Of-Way Encroachment Permit for 21580 Fairview Street and sets the fee at \$___ for the storage of a boat for one year. This approval is contingent upon the property owner agreeing in writing to (a) waive any right to recover from the city for damage occurring to the property located within the right-of-way which may result from the performance of the city or its agents of its public duties required by law; and (b) acknowledge the city's right to revoke the permit as may be required by the public interest. This approval is based on the finding that the use is incidental and not inconsistent with safe and efficient public use.

Possible addition to motion: I further move that the council directs staff to inform any future owner of the property that they will need to apply for a permit if they wish to store a boat in the right-of-way, and/or keep the paved area in excess of a typical driveway width at the street edge.

2. I move the council denies the Right-Of-Way Encroachment Permit request for 21580 Fairview Street and directs the property owner to remove the boat located in the public right-of-way. This denial is based on the finding that the use is not incidental and is inconsistent with safe and efficient public use.
3. I move the council denies the Right-Of-Way Encroachment Permit request for 21580 Fairview Street and directs the property owner to remove the boat and paved area in excess of ___ feet perpendicular to the street edge located in the public right-of-way. This denial is based on the finding that the use is not incidental and is inconsistent with safe and efficient public use.

Note: Most cities (including Greenwood) enforce ordinances based on complaints rather than proactively looking for violations. The existence of other similar violations in the city does not relieve the property owner of the responsibility to bring their property into compliance with the ordinance once a complaint has been investigated, verified, and a notice has been sent.



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

November 8, 2011

Homeowner
21580 Fairview Street
Greenwood, MN 55331

Dear Homeowner,

You have a boat stored on a paved area located within the public right-of-way. Section 630.05 of the city code requires that you obtain a permit for the private use of a public right-of-way. I have attached a copy of the ordinance for your review.

An application must be submitted in writing and describe the specific use, including the nature and extent of the requested use of the right-of-way. The City Council will then review the written request and render a decision based on whether the proposed use is incidental and not inconsistent with safe and efficient public use. If the permit is approved, the council will set the fee based on the intensity of use (minimum of \$50).

In addition, no permit will be issued until the applicant has agreed in writing to waive any right to recover from the city for damage occurring to the property located within the right-of-way which may result from the performance of the city or its agents of its public duties required by law (i.e. damage due to snow plowing).

The permit is non-transferrable, so a new permit must be obtained by the new homeowner if the property is sold.

Please remove the boat currently parked in the right-of-way or make an application for a right-of-way permit within the next ten days, November 18th. Failure to do so will require staff to issue an Administrative Citation to remove the boat.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Gus Karpas". The signature is written in a cursive, slightly slanted style.

Gus Karpas
Zoning Coordinator

Cc: File

From: Love, Woody [mailto:WLove@CBBURNET.COM]
Sent: Wednesday, November 30, 2011 10:51 AM
To: guskarpas@mchsi.com
Subject: Re: 21580 Fairview St.

Gus,

I am writing on behalf of my client, The Estate of Susan Morris. Following your notice, we examined a survey and see that the boat pad is in the right of way. We are requesting permission, with a \$50 fee, to use the city right of way.

Respectfully,

Woody Love
Sales Manager
Coldwell Banker Burnet Minnetonka
952-470-2552

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Hennepin County Property Locator

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- Parcel
- City
- County
- Print
- Overview
- Legend
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- map size
- map size



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Available Map Features:
Click on a check box below to turn on or off map features.

- Map Features:**
- [Property id #](#)
 - [House #](#)
 - [Municipal Names](#)
 - [Water Names](#)
 - [Park Names](#)
 - [Street Names](#)
 - [Twp-Rng-Sec-QQ #](#)
 - [Street Dimensions](#)
 - [Twp-Rng-Sec-QQ Grid](#)
 - [Lot Dimensions](#)
 - [Street Centerline](#)
 - [Surveyed Parcels](#)
 - [Water](#)
 - [Park](#)
 - [2009 Aerial Photos](#)

*** Features may not be available at certain map scales.**

About the application

Parcels updated on: 11/3/2011

Welcome to Hennepin County's Property Locator. To begin using the application either search by (PID, Address, Additon or Twp-Rng-Sec) using the "Quick Search" commands or simply navigate to the desired location using the "Map Tools". For more detailed information click on the Help Button!

Although extensive effort has been made to produce error free and complete data, all geographic information has limitations due to the scale, resolution, date and interpretation of the original source materials. You should consult available data documentation (metadata) for these particular data to determine their limitations and the precision to which they depict distance, direction, location or other geographic characteristics. These data may be subject to periodic change without prior notification.



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SECTION 630. PUBLIC RIGHT-OF-WAYS.

Section 630.00. Purpose.

The public welfare requires that the public right-of-ways within the city, including highways, roads, streets and alleys, be reserved for public purposes. Public use of the full width of the right-of-ways is necessary to public safety and the proper and efficient maintenance of the right-of-ways. However, it is recognized that limited private use or encroachment onto the right-of-ways is not necessarily inconsistent with public use. It is the purpose of this ordinance to provide for lawful incidental private use of publicly owned right-of-ways not inconsistent with public use.

Section 630.05. Permit.

The right to use publicly owned right-of-ways within the city for any private use or purpose other than the primary purpose of public travel, whether such use constitutes substantial or incidental use, may be acquired only through permit granted pursuant to this ordinance. Any private property located within or encroaching upon publicly owned right-of-ways, which has not been authorized in accordance with this ordinance, shall be unlawful and subject to removal. The permit fee shall be determined by the city council and set forth in chapter 5 of this code book.

Section 630.10. Application.

Any person may apply to the city council for a permit to keep or maintain private property within a publicly owned right-of-way. The application shall be in writing and must describe with specificity the private property and right-of-way involved, and the nature and extent of the requested encroachment. The city council may grant the permit if it is determined that the use applied for is incidental and not inconsistent with safe and efficient public use. However, no permit will be issued until the applicant has agreed in writing to waive any right to recover from the city for damage occurring to the property located within the right-of-way which may result from the performance of the city or its agents of its public duties required by law.

Section 630.15. Revocation.

The city reserves the right to revoke any permit granted under this ordinance as may be required by the public interest.



Agenda Item: Variance Request, Bill and Tish Cook, 5195 Greenwood Circle

Summary: The applicants are requesting a variance for a lakeside deck, which would encroach into the minimum east and west side yard setbacks and exceed the maximum permitted impervious surface area.

The applicants are seeking approval for a lakeside deck. A slightly larger lakeside deck was approved by the city in 1999 when the Cooks originally constructed the home. The deck never was constructed. The proposed deck would be shortened by approximately 3 feet lakeward.

Section 1120:10 of the zoning ordinance outlines the required side yard setbacks. The applicants are seeking a variance to encroach 21 feet, 6 inches into the required 30-foot exterior side yard setback and a variance to encroach 2 feet, 3 inches into the required 15-foot east side yard setback.

Section 1174.04(3)(a) of the shoreland ordinance permits a maximum impervious surface area of 30%. The applicants propose an impervious surface area of 32%. The applicants seek a variance to exceed the maximum permitted impervious surface area by 2%.

Section 1145.00(i) regarding legal nonconforming uses states that in evaluating all variances the zoning authority shall require the property owner to address, when appropriate, reducing impervious surfaces and increasing setbacks. The previous home had a impervious surface area of 45% and setbacks of 37 feet on the lakeside yard, 2.5 feet on the exterior side yard, and 8 feet on the east side yard. Even with the addition of the proposed new deck the applicants will have decreased the surface area by 12% and decreased the encroachments by 16 feet on the lakeside yard, and 5 feet on west side yard compared to the previous home. The exterior side yard remained the same. Also, the proposed new deck is smaller than the deck variance approved by the city in 1999.

Section 1155 regarding variance standards, the application, and staff report are attached for the council's reference.

Planning Commission Action: *Motion by Commissioner Beal to recommend the city council approve the variance requests to encroach 21 feet, 6 inches into the required 30-foot exterior side yard setback, to encroach 2 feet, 3 inches into the required 15-foot east side yard setback, and to exceed the maximum permitted impervious surface area by 2% for the proposed deck as presented for 5195 Greenwood Circle. A practical difficulty exists in the location of the existing structure and the dimensions of the lot. It was noted the request is in keeping with the spirit and intent of the ordinance and would not negatively impact the character of the neighborhood. Malo seconded the motion. Motion carried 4-0-1. Commissioner Cook abstained.*

Council Action: Required by December 31, 2011. Suggested motions ...

1. I move the council approves (or denies) the variance requests by Bill and Tish Cook, 5195 Greenwood Circle, to construct a lakeside deck that encroaches 21 feet, 6 inches into the required exterior side yard setback, encroaches 2 feet, 3 inches into the east side yard setback, and exceeds the maximum permitted impervious surface area by 2% as presented and based on the following findings (must be in writing if denial) ...
2. I move the council directs staff to immediately draft written notice to Bill and Tish Cook stating the council needs to extend the 60-day time limit to (date) for the following reason(s) ...

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).

STAFF REPORT

Gus Karpas, Zoning Coordinator

Greenwood City Council, Tuesday December 6, 2011 @ 7:00 p.m.

APPLICANT INFORMATION

Property Owner(s): Bill and Tish Cook
Property Address: 5195 Greenwood Circle
P.I.D. #: 26-117-23 42 0041
Zoning District: R-1A, Single Family Residential
Shoreland District: Yes
Wetlands: No

REQUEST

The applicant is proposing to construct a lakeside deck which would encroach into the required west exterior and east side yard setbacks and exceed the maximum permitted impervious surface area. The proposed deck was approved as part of a 1999 variance issued for the redevelopment of the property but never built.

CITY CODE REQUIREMENTS

	Required	Existing House	Proposed Deck
Front Yard Setback	30'	10'	74'
Side Yard Setback			
East:	15'	13'	12'-9"
West*:	30'	6'	8'-6"
Lake Yard Setback	50'	71'	55'
Permitted Structure Volume	38,396 c.f.	Unknown	N/A
Lot Area	15,000 s.f.	7,724 s.f.	7,724 s.f.
Building Height	28'	Unknown	N/A
Structure Height	42'	Unknown	N/A
Impervious Surface	30%	30%	32%

* The west side yard is an exterior side yard and requires a minimum setback of 30 feet.

1. The applicant is requesting a variance from Section 1120.10; minimum required west exterior side yard setback.
 - The minimum required exterior side yard setback is thirty (30) feet.

- The applicant proposes an exterior side yard setback of eight feet, six inches (8'-6").
 - The applicant is requesting a variance of twenty-one feet, six inches (21'-6") of the required exterior side yard setback.
2. The applicant is requesting a variance from Section 1120.10; minimum required east side yard setback.
 - The minimum required east side yard setback is fifteen (15) feet.
 - The applicant proposes an east side yard setback of twelve feet, nine inches (12'-9").
 - The applicant is requesting a variance of two feet, three inches (2'-3") of the required east side yard setback.
 3. The applicant is requesting a variance from Section 1176:04(3); maximum permitted impervious surface area.
 - The maximum permitted impervious surface area is 30%.
 - The applicant proposes an impervious surface area of 32%.
 - The applicant is requesting a variance to exceed the maximum permitted impervious surface area by 2%.
 4. The applicant's survey indicates that they would be in compliance with the required front and lake yard setbacks.

REQUEST SUMMARY

The applicants are seeking to construct a lakeside deck onto an existing non-conforming structure. The existing structure is non-conforming in that it encroaches into twenty (20) feet into the required thirty (30) foot front yard setback, encroaches two (2) feet into the required fifteen (15) foot east side yard setback and encroaches twenty-four (24) feet into the required thirty (30) foot exterior side yard setback.

The property was issued a variance for the construction of a new home including a 26'X15' lakeside deck. Though the house was constructed, the deck was not and the variance approval for the deck has expired.

The applicants propose to construct a slightly smaller deck than what was originally approved in the same area. The proposed deck would encroach twenty-one feet, six inches (21'-6") into the required thirty (30) foot exterior side yard setback, encroach two feet, three inches (2'-3") into the required fifteen (15) foot east side yard setback and exceed the maximum permitted impervious surface area by 2%. A portion of the deck would be constructed over a portion of the existing structure.

The applicant has indicated that a practical difficulty exists in the size of the lot and placement of the home prohibits the ability to comply with the required setbacks and the maximum permitted impervious surface area.

STRUCTURE SETBACKS

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty (30) feet. The survey submitted by the applicants indicates the proposed deck would be set back seventy-four (74) feet from the front property line. As presented, the proposed front yard setback complies with the city's ordinance.

Section 1120:15 of the Zoning Ordinance requires a minimum east side yard setback of fifteen (15) feet. The survey submitted by the applicants indicates the proposed deck would be set back twelve feet, nine inches (12'-9") from the east property line. ***As presented, the applicants require a variance of two feet, three inches of the required east side yard setback.***

The proposed encroachment is greater than the existing encroachment by three inches due to the angle of the home in relation to the lot line.

Section 1120:15 of the Zoning Ordinance requires a minimum exterior west side yard setback of thirty (30) feet. The survey submitted by the applicants indicates the proposed deck would be set back eight feet, six inches (8'-6") feet from the west property line. ***As presented, the applicants require a variance of twenty-one feet, six inches of the required exterior west side yard setback.***

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty (50) feet from the Ordinary High Water Level (OHWL). The survey submitted by the applicants indicates the proposed deck would be set back fifty-five (55) feet from the OHWL. As presented, the proposed lake yard setback complies with the city's ordinance.

The previously approved deck would have had a setback of fifty-three (53) feet from the lake. The applicant altered the dimensions of the deck to increase the setback from the lake.

IMPERVIOUS SURFACE AREA

1176:04(3) permits a maximum impervious surface area of thirty percent in the Shoreland District. The survey submitted by the applicants indicates the proposed impervious surface area on the property is 32%. ***As presented, the applicants require a variance to exceed the maximum permitted impervious surface area by 2%.***

The impervious surface currently complies with the ordinance requirements. The approved variance permitted an impervious surface area of 33%. The reduction of the deck area decreased the impervious surface area below what was originally approved.

LOT AREA

Section 1120:10 requires a minimum lot area of 15,000 square feet in the R1-A Residential District. The survey submitted by the applicants indicates a lot area of 1,724 square feet. The applicants have a lot area less than have of the minimum lot area required by the city's ordinance.

BUILDING/STRUCTURE HEIGHT

Section 1120:20 of the Zoning Ordinance permits a maximum building height of twenty-eight (28) feet for a principal structure. Building height is defined as the vertical distance measured between the building perimeter grade and the roof line of a building or structure. **Section 1140:15(3)** of the Zoning Ordinance permits a maximum principal structure height of forty-two (42) feet. Structure height includes the sum total of building height and the vertical height above the roof line of all structure.

The proposed deck will be at grade.

TREE REMOVAL

The survey submitted by the applicant indicates that no trees would be removed as part of the project.

ACCESSORY STRUCTURES

Section 1120:20(2) limits accessory structures to one private garage and one tool house shed or similar storage building per principal structure. Section 1120:20(3) permits a maximum combined accessory structure area of 1,000 square feet or 60% percent of the total at grade, main floor square footage of the principal structure, whichever is less. In this case the applicant is permitted maximum accessory structure area of 1,000 square feet. There are no accessory structures existing or proposed for the property.

MASSING

Section 1140:18(3) establishes the maximum permitted above grade building volume in residential zones based on lot size. The proposed deck will not add to the above grade building volume.

PLANNING COMMISSION RECOMMENDATION

Motion by Commissioner Beal to recommend the City Council approve the variance requests to encroach twenty-one feet, six inches into the required thirty foot exterior side yard setback, to encroach two feet, nine inches into the required fifteen foot east side yard setback and to exceed the maximum permitted impervious surface area by two percent for the proposed deck as presented for 5195 Greenwood Circle. A practical difficulty exists in the location of the existing structure and the dimensions of the lot. It was noted the request is in keeping with the spirit and intent of the ordinance and would not negatively impact the character of the neighborhood. Malo seconded the motion. Motion carried 4-0-1. Commissioner Cook abstained.

CITY COUNCIL ACTION REQUIRED

City Council Action Required: State Statute 15.99 requires a decision by the governing body within 60 days, unless the applicant is notified in writing the initial 60 days that the time period for a decision is extended. The City Council must approve, modify or deny the request by **December 17, 2011**.

DATE: 4-28-99

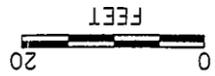
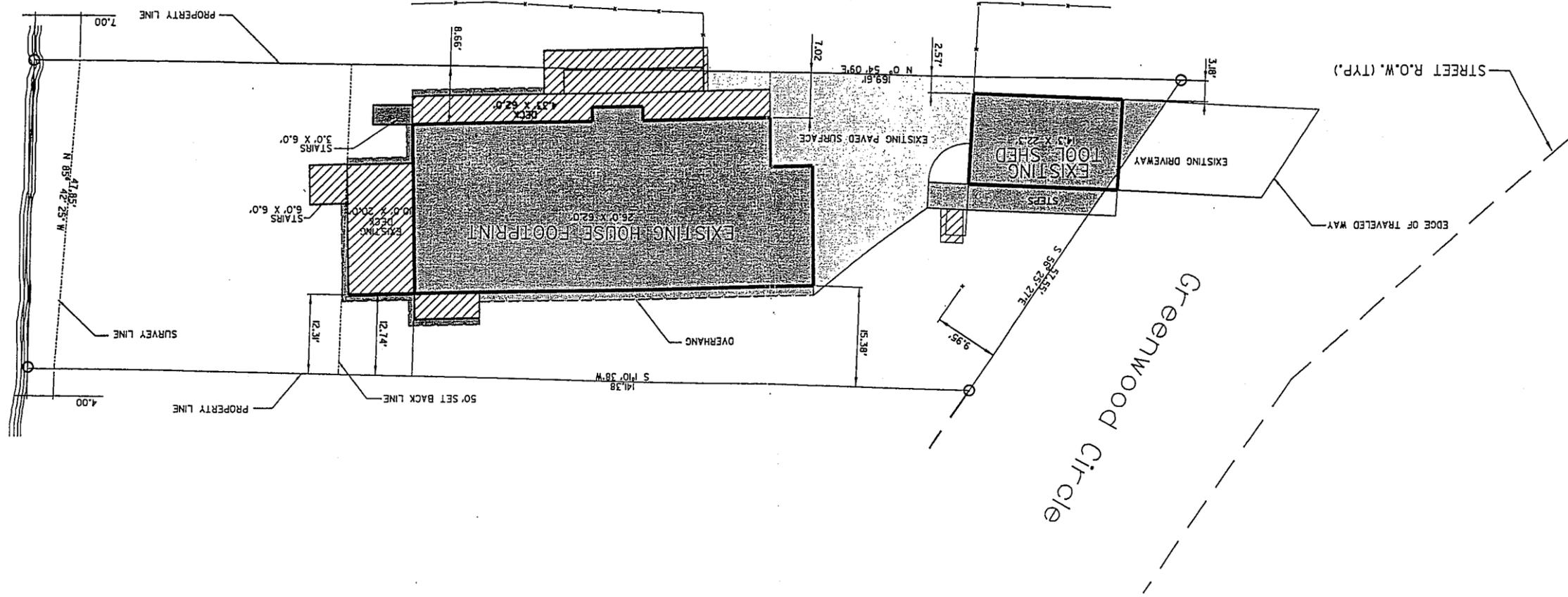
EXISTING IMPERVIOUS AREAS
5195 GREENWOOD CIRCLE

TOTAL LOT AREA 7724 SQUARE FEET
TOTAL EXISTING IMPERVIOUS AREA 3488.3 SQUARE FEET
PERCENT OF IMPERVIOUS AREA 45.0 PER CENT

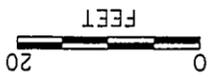
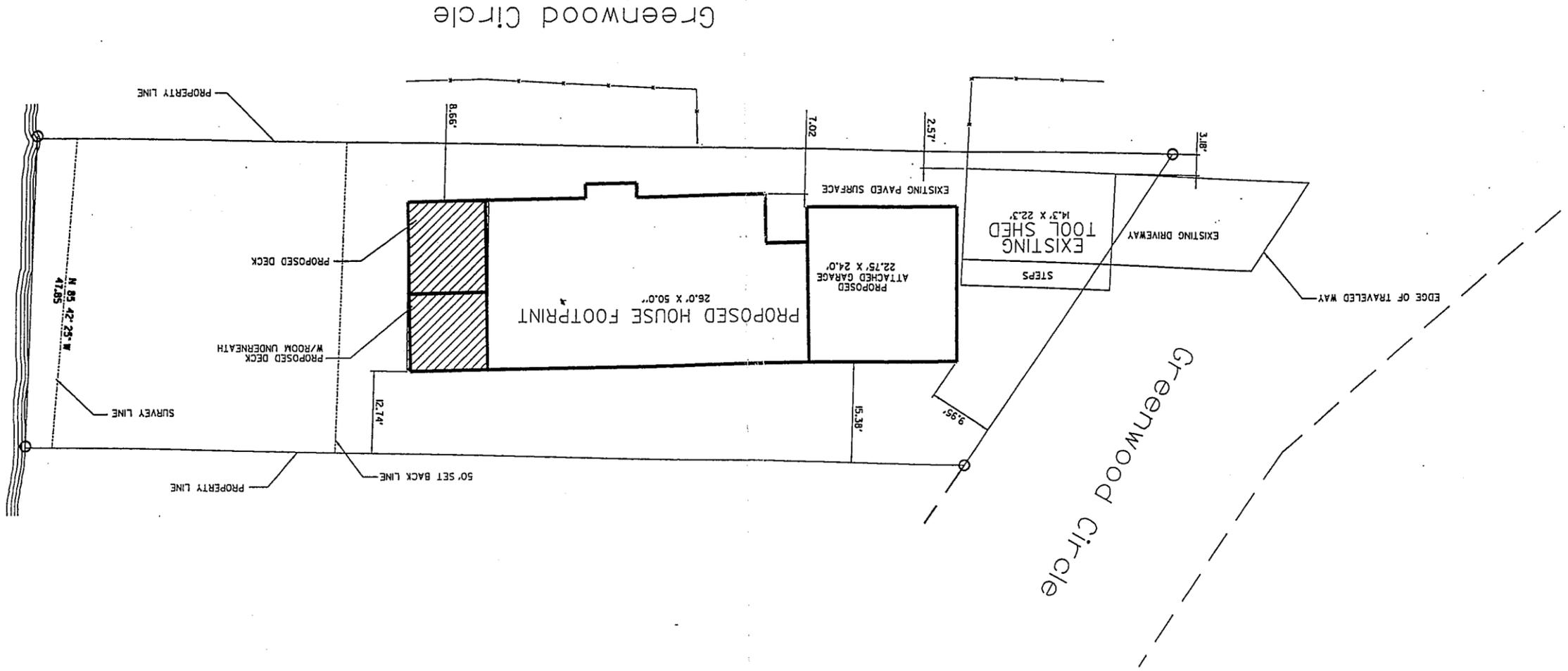
EXISTING IMPERVIOUS CALCULATIONS

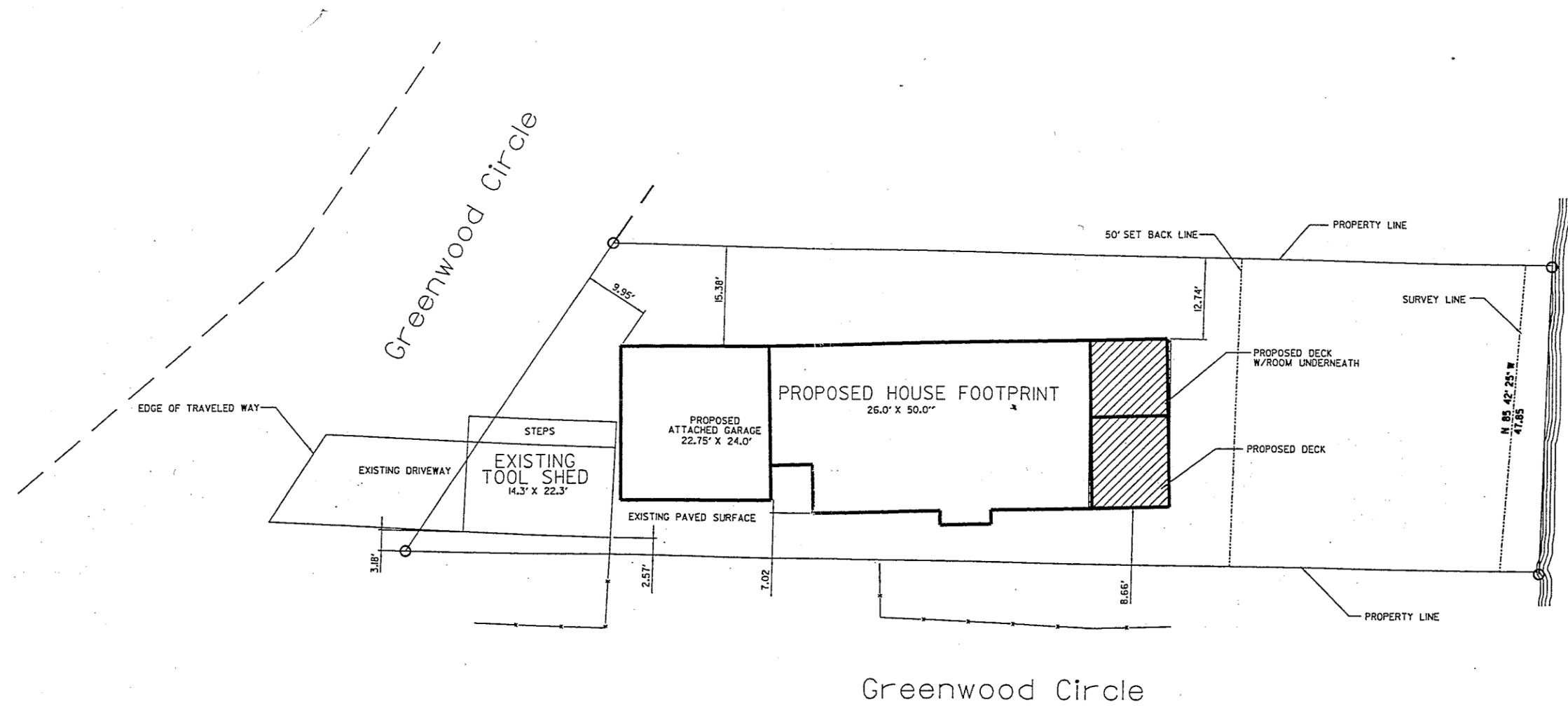
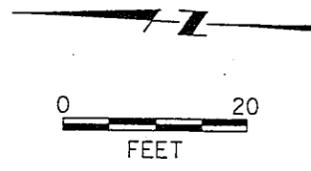
DESCRIPTION	SQUARE FOOTAGE
HOUSE	1,670.7
TOOLSHED	397.6
DECKS	684.0
DRIVEWAYS	736.6
TOTAL	3488.3

Lake Minnetonka El. 929.4



PROPOSED SITE PLAN
5195 GREENWOOD CIRCLE





DATE: 4-28-99

WILLIAM B. AND LATICIA A. COOK

PROPOSED SITE PLAN
5195 GREENWOOD CIRCLE

- (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- (k) The use will not depreciate surrounding property values.

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

Section 1150.25. Uses and Buildings.

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

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

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

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

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

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

SECTION 1155. VARIANCES.

Section 1155.00. Board of Appeals and Adjustments.

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

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
2. To hear requests for variances from the requirements of any official control including restrictions placed on nonconformities as governed by Minnesota statutes chapter 462 as amended.

(REVISED OCT. 2011 ORD. 196)

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

1. The mayor shall serve as the chair of the board of appeals and adjustments and the mayor pro tem shall serve as the vice chair of the board.
2. The board may adopt, from time to time, rules for the transaction of its business and proceedings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by parties.
3. The board shall provide a record of its proceedings that shall include minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.

4. Meetings and proceedings of the board of appeals and adjustments shall be held as agenda items of the city council and upon such notice to the public and interested parties as the law requires and otherwise in conformance with Minnesota statute section 15.99, as amended.

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

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

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

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

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

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

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

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

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

1. The city clerk shall advise the aggrieved-person appellant within 10 days of submission of subdivision 4 appeal filings, any omission or deficiency in the appeal application and supporting documents. Appeals with complete documentation shall be placed upon the agenda of the first planning commission meeting occurring at least 30 days from the date of the submission of all required appeal materials.
2. The planning commission shall hold a public hearing and shall, at the close of the public hearing consider the appeal, the testimony of the applicant, all exhibits, public comments, city staff and consultant reports, and other evidence, shall then record its advice on the granting of the aggrieved person-appellant's appeal by motion to either:
 - (a) Recommend approval of the appeal together with comments and suggested conditions, if any; or
 - (b) Recommend denial of the appeal together with comments and suggested conditions, if any.

Subd. 6. Board of Appeals and Adjustments Review.

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

Subd. 7. Public Notice.

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

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

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

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

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

Subd. 2. Ordinance Provisions to Which Variances May Be Granted. The board of appeals and adjustments may consider variances to the following types of regulations under the zoning code, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations and no others:

- (a) To vary the applicable lot area, lot width, lot depth and minimum lot area per dwelling unit requirement provided that minimum lot area per dwelling unit requirements for multiple dwellings shall not be varied so as to permit more than one dwelling unit in addition to the number that would be permitted by the strict application of the minimum lot area requirements.
- (b) To vary the applicable bulk regulations, including maximum height, lot coverage, lot/floor area ratio, and minimum yard requirements.
- (c) To vary the off-street parking and off-street loading requirements.
- (d) To vary the regulations relating to restoration of damaged or destroyed nonconforming structures.
- (e) To interpret zoning district boundaries on official zoning maps and otherwise make interpretations of the zoning ordinance, shoreland management district ordinance, wetland ordinance and other related zoning regulations.

- (f) To permit the extension of a zoning district where the boundary line thereof divides a lot of record and as of the time of the passage of the zoning ordinance, however, in no event shall extension of district boundaries exceed 100 feet.

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

Subd. 4. 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.

Subd. 7. Conditions. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board may impose conditions in the granting of variances. A condition must be directly related to a must bear a rough proportionality to the impact created by the variance. Violation of such conditions and/or safeguards shall be a violation of the zoning code and subject to the enforcement provisions thereof.

Subd. 8. Required Vote. No variance shall be granted by the board except upon an affirmative 3/5 vote of the entire board of appeals and adjustments (city council).

Subd. 9. Lifespan of Variances Granted. Variances permitting the erection or alteration of a building shall be valid for a period of 1 year from the date of final approval unless a building permit for such erection or alteration is issued and construction is actually begun within said period. Failure to obtain an approved, final inspection (in the case of remodeling) or an occupancy permit (in the case of new construction) within 1 year from the date a building permit for such construction and/or alteration has been issued, shall cause the variance relied upon to become null and void. The structure shall then become a nonconforming structure.

(REVISED OCT. 2011 ORD 196)

Section 1155.15. Variance Application Procedure.

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

- (a) A completed application form; together with acknowledgment of the applicant's obligation to pay costs incurred by the city pursuant to section 1155.25;
- (b) The fee as established by the city council and set forth in chapter 5 of this code book. This fee shall not be refundable;
- (c) Detailed written and graphic materials explaining and illustrating the proposed change, development or use;
- (d) Applicant's reasons why a variance under the applicable ordinance is justified;
- (e) Hard surface calculations for both before and after construction;
- (f) A survey prepared by a registered land surveyor illustrating all improvements existing and proposed, setbacks and hardcover; and
- (g) A mailing list of property owners located within 350 feet of the subject property obtained from and certified by Hennepin County, Minnesota. The application shall include verification that there are no delinquent property taxes, special assessments, interest or city utility fees due and owing upon the subject parcel.

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

Subd. 3. Planning Commission Review of Variance Requests.

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

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

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

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

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



Agenda Number: **7C&D**

Agenda Date: 12-06-11

Agenda Item: Res 23-11 Approving Final Levy for Taxes Payable in 2012 and Res 24-11 Approving Final 2012 Budget

Summary: Attached is a copy of the final budget, which includes the tax levy amount of \$644,719 highlighted in green at the top of page 1. This is the amount that is included on the attached resolution 23-11 for approving the final tax levy for taxes payable in 2012. Also attached is resolution 24-11 to approve the 2012 general fund budget amount of \$727,549.

The tax levy and budget are the result of council discussions at worksessions and council meetings in August and September. The preliminary tax levy of \$644,719 was approved at the September council meeting. Once the preliminary tax levy has been set, it cannot be increased. Since the preliminary budget was approved, some budget line items have changed slightly (highlighted in red on the attached document) due to the council reduction of the marina slip fee from what was included on the preliminary budget, and new information regarding insurance. A corresponding increase was made to the interfund operating transfer from the marina fund to the general fund, so the total marina fund transfer remains at \$14,920. Therefore the tax levy and total general fund amounts have not changed since the preliminary levy was approved.

Council Action: Required. Suggested motions ...

1. I move the council adopts resolution 23-11 approving the 2011 tax levy in the amount of \$644,719 to be collected in 2012.
2. I move the council adopts resolution 24-11 approving the 2012 general fund budget in the amount of \$727,549

2012 Greenwood FINAL Budget

		2010 Actual	2010 Budget	2011 YTD (June)	2011 Budget	2012 Budget	% Change	% Op. Budget	% Total Budget
GENERAL FUND REVENUE									
1	TAXES			(7/7/11)					
2	101-31010 General Property Tax	651,021	666,252	309,955	645,417	644,719	-0.11%		
3	101-31020 General Property Tax - Delinquent	27,778	1,000	4,239	0	0	#DIV/0!		
4	101-31040 Fiscal Disparities	5,044	2,200	2,506	0	0	#DIV/0!		
5	101-31800 Surcharge Revenue	225	25	25	0	0	#DIV/0!		
6	101-31910 Penalties	9	50	0	0	0	#DIV/0!		
7		684,077	669,527	316,725	645,417	644,719	-0.11%		88.62%
8	LICENSES & PERMITS								
9	101-32110 3.2 Beer, Liquor, Cigarette License	2,950	3,250	50	3,250	3,000	-7.69%		
10	101-32180 Other Business Licenses / Permits (Rental, Peddler, Commercial Marina, Trash)	6,266	3,355	1,000	3,400	3,400	0.00%		
11	101-32210 Building Permits	11,319	12,000	15,822	12,000	16,000	33.33%		
12	101-32211 Electric Permit	0	1,200	970	1,200	1,000	-16.67%		
13	101-32240 Animal License	775	100	725	200	200	0.00%		
14		21,310	19,905	18,566	20,050	23,600	17.71%		3.24%
15	INTERGOVERNMENT REVENUE								
16	101-33402 Homestead Credit (Market Value Credit)	0	0	0	0	0	#DIV/0!		
17	101-33423 Other State Grants / Aids (Recycle Grant)	0	0	0	0	0	#DIV/0!		
18	101-33610 Hennepin County Road Aid (CAM)	0	0	0	0	0	#DIV/0!		
19	101-33630 Local Government Aid (LGA)	2,671	0	0	0	0	#DIV/0!		
20		2,671	0	0	0	0	#DIV/0!		0.00%
21	PUBLIC CHARGES FOR SERVICES								
22	101-34103 Zoning & Subdivisions (Variances)	400	2,500	0	1,500	500	-66.67%		
23	101-34207 False Alarm Fee	375	50	0	200	0	-100.00%		
24	101-34304 Load Limit Fees	550	1,000	379	2,000	2,000	0.00%		
25	101-34409 Recycling Fees	19,470	18,810	9,720	18,819	18,819	0.00%		
26		20,795	22,360	10,098	22,519	21,319	-5.33%		2.93%
27	FINES, FORFEITURES & PENALTIES								
28	101-35101 Court Fines	5,644	5,000	3,055	4,500	4,500	0.00%		0.62%
29									
30	MISC. INCOME								
31	101-36102 Investment Income	5,507	5,000	2,933	5,000	6,000	20.00%		
32	101-36230 Misc. Income (Copies, Donations, Refunds, Etc.)	7,069	25	8	0	0	#DIV/0!		
33	101-39201 Interfund Operating Transfer: From Marina Fund	15,000	15,000	0	15,000	12,130	-19.13%		
34	101-3920_?? Administration Expense Reimbursement: 10% of Marina Revenue	0	0	0	0	2,790	#DIV/0!		
35	101-39202 Administrative Expense Reimbursement: 10% of Sewer Revenue	0	0	0	10,650	10,866	2.03%		
36	101-39203 Administrative Expense Reimbursement: 10% of Stormwater Revenue	0	0	0	1,650	1,625	-1.52%		
37		27,576	20,025	2,941	32,300	33,411	3.44%		4.59%
38									
Total Revenue		762,073	736,817	351,385	724,786	727,549	0.38%		

2012 Greenwood FINAL Budget

		2010 Actual	2010 Budget	2011 YTD (June)	2011 Budget	2012 Budget	% Change	% Op. Budget	% Total Budget
GENERAL FUND EXPENSES									
41	COUNCIL								
42	101-41100-103 Council Salaries (Gross)	13,200	13,200	6,600	13,200	13,200	0.00%		
43	101-41100-122 FICA Contributions (6.2%)	831	818	409	818	818	0.00%		
44	101-41100-123 Medicare Contributions (1.45%)	194	191	96	191	191	0.00%		
45	101-41100-371 Training / Conference Registration (League of Minnesota Cities Training)	135	600	0	600	600	0.00%		
46	101-41100-372 Meals / Lodging	0	50	0	100	100	0.00%		
47	101-41100-433 Misc. (Dues, Subscriptions, Supplies, Etc.)	65	150	38	150	150	0.00%		
48		14,425	15,010	7,143	15,060	15,060	0.00%	2.21%	
49	ELECTIONS								
50	101-41200-103 Election Salaries (Part-Time Election Judge Salaries)	1,795	1,500	0	0	1,800	#DIV/0!		
51	101-41200-214 Operational Support - Forms (Ballots, Voter Reg. Rosters)	0	300	0	0	300	#DIV/0!		
52	101-41200-219 Election Operations / Support (Deephaven)	74	350	0	0	0	#DIV/0!		
53	101-41200-319 Equipment Maintenance (ES&S Maintenance Agreement / Programming)	629	400	0	200	650	225.00%		
54	101-41200-372 Meals / Lodging (Election Judge Snacks)	149	75	0	0	150	#DIV/0!		
55	101-41200-439 Misc. (Supplies, Postage, Etc.)	235	325	0	50	250	400.00%		
56		2,883	2,950	0	250	3,150	1160.00%	0.46%	
57	ADMINISTRATION								
58	101-41400-101 City Administrator Salary	27,078	57,681	0	0	0	#DIV/0!		
59	101-41400-121 PERA Contributions (7%)	1,718	4,038	63	0	0	#DIV/0!		
60	101-41400-122 FICA Contributions (6.2%)	1,679	3,576	0	0	0	#DIV/0!		
61	101-41400-123 Medicare Contributions (1.45%)	393	836	0	0	0	#DIV/0!		
62	101-41400-139 City Administrator Insurance (Unemployment Insurance Reimbursement)	579	1,423	2,884	0	0	#DIV/0!		
63	101-41400-201 Office Supplies	699	600	0	600	0	-100.00%		
64	101-41400-202 Duplicating	229	400	487	200	500	150.00%		
65	101-41400-204 Stationary, Forms, Printing	614	525	136	525	500	-4.76%		
66	101-41400-309 Professional Services - Other (ISP, Website, Email)	4,192	3,500	65	1,000	500	-50.00%		
67	101-41400-310 Clerk's Contractual (\$2,400 Minutes, \$32,867 Deephaven Admin Services)	14,647	3,250	12,818	34,141	35,267	3.30%		
68	101-41400-311 Office (Rent and Equipment)	10,352	11,580	2,777	6,800	6,600	-2.94%		
69	101-41400-313 Professional Services (Civic Accounting)	2,877	4,100	1,940	1,920	1,940	1.04%		
70	101-41400-321 Communications - Telephone	1,348	1,500	199	700	500	-28.57%		
71	101-41400-322 Postage	2,144	1,400	503	1,400	1,300	-7.14%		
72	101-41400-351 Newspaper Legal Notices	1,738	2,500	350	2,000	1,000	-50.00%		
73	101-41400-372 Meals / Lodging	0	50	0	0	0	#DIV/0!		
74	101-41400-411 Rentals / Office Equipment (Copier Lease Through May 2013)	2,626	2,280	1,023	2,335	2,100	-10.06%		
75	101-41400-439 Misc. (Equipment, Dog Tags, Etc.)	289	1,300	136	400	300	-25.00%		
76		73,199	100,539	23,380	52,021	50,507	-2.91%	7.40%	

2012 Greenwood FINAL Budget

		2010 Actual	2010 Budget	2011 YTD (June)	2011 Budget	2012 Budget	% Change	% Op. Budget	% Total Budget
77	ASSESSOR								
78	101-41500-309 Assessor - Contract (Hennepin Co.)	13,861	14,000	0	14,000	14,000	0.00%		
79	101-41500-439 Assessor - Other (Hennepin Co. Notices, Processing, Tax Rolls)	3	125	57	100	120	20.00%		
80		13,864	14,125	57	14,100	14,120	0.14%	2.07%	
81	LEGAL SERVICES								
82	101-41600-304 Legal Services - General	11,672	20,000	5,112	15,000	12,000	-20.00%		
83	101-41600-308 Legal Services - Prosecution	3,232	6,000	2,415	4,000	4,000	0.00%		
84		14,904	26,000	7,526	19,000	16,000	-15.79%	2.35%	
85	AUDITING								
86	101-41700-301 Auditing (\$9100 in 2011, \$9300 in 2012)	8,900	8,900	9,100	9,100	9,300	2.20%		
87		8,900	8,900	9,100	9,100	9,300	2.20%	1.36%	
88	GENERAL GOVERNMENT TOTAL	128,173	167,524	47,206	109,531	108,137	-1.27%	15.85%	14.86%
90	LAW ENFORCEMENT								
91	101-42100-310 Law Enforcement - Contract (Monthly)	151,356	151,352	79,338	158,672	172,519	8.73%		
92	101-42100-311 Police Side Lease - Facilities (Quarterly)	47,900	47,901	23,632	47,263	45,469	-3.80%		
93	101-42100-439 Police Safety - Other (Jail, Etc.)	675	1,000	437	1,000	1,000	0.00%		
94		199,931	200,253	103,407	206,935	218,988	5.82%	32.10%	
95	FIRE								
96	101-42200-309 Fire Protection - Operations (Quarterly)	63,990	63,990	34,246	68,492	66,439	-3.00%		
97	101-42200-311 Fire Side Lease - Facilities (Quarterly)	58,520	58,520	29,647	59,239	60,005	1.29%		
98		122,510	122,510	63,892	127,731	126,444	-1.01%	18.54%	
99	PUBLIC SAFETY TOTAL	322,441	322,763	167,300	334,666	345,432	3.22%	50.64%	47.48%
100	ZONING								
101	101-42400-308 Zoning Administration	1,637	4,000	1,549	4,000	3,000	-25.00%		
102	101-42400-309 Public Notices	86	0	257	1,500	700	-53.33%		
103	101-42400-310 Building Inspections	8,383	6,500	3,340	6,500	8,000	23.08%		
104	101-42400-438 Misc. (County Recording Fees, State Bldg. Surcharge, etc.)	0	200	171	0	200	#DIV/0!		
105	ZONING TOTAL	10,105	10,700	5,317	12,000	11,900	-0.83%	1.74%	1.64%
106	ENGINEERING								
107	101-42600-303 Engineering Fees - Misc.	2,323	5,000	570	3,500	1,200	-65.71%		
108		2,323	5,000	570	3,500	1,200	-65.71%	0.18%	
109	UTILITIES & ROADS								
110	101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric)	4,218	3,600	2,098	4,000	4,300	7.50%		
111	101-43100-409 Other - Road Repair & Maintenance 2010 Road Imp, 2011 Public Works Repairs)	4,995	0	1,977	5,000	5,000	0.00%		
112		9,214	3,600	4,075	9,000	9,300	3.33%	1.36%	

2012 Greenwood FINAL Budget

		2010 Actual	2010 Budget	2011 YTD (June)	2011 Budget	2012 Budget	% Change	% Op. Budget	% Total Budget
	MAJOR ROAD IMPROVEMENTS								
113	101-43200-229 Major Road Improvements - Construction	121,943	100,500	0	115,000	115,000	0.00%		
114	101-43200-303 Major Road Improvements - Engineering	14,713	0	6,320	15,000	15,000	0.00%		
115		136,656	100,500	6,320	130,000	130,000	0.00%	19.06%	
116	PUBLIC WORKS								
117	101-43900-226 Signs (2012-2018: Retroreflectivity Project)	3,631	2,000	366	5,000	11,000	120.00%		
118	101-43900-310 Streets - Sweeping (Stormwater Fund in 2012)	5,472	5,000	0	4,000	0	-100.00%		
119	101-43900-312 Snow Plowing	16,307	13,000	12,470	15,000	16,000	6.67%		
120	101-43900-313 Trees, Weeds, Mowing	12,001	13,000	7,806	13,000	13,000	0.00%		
121	101-43900-314 Park & Tennis Court Maintenance	0	200	947	200	500	150.00%		
122	101-43900-315 LRT Trail and Mtka. Blvd. Path Snow Plowing	625	1,000	1,846	800	1,250	56.25%		
123	101-43900-439 Misc.	3,481	2,000	0	0	0	#DIV/0!		
124		41,517	36,200	23,436	38,000	41,750	9.87%	6.12%	
125	ROADS & PUBLIC WORKS TOTAL	189,710	145,300	34,401	180,500	182,250	0.97%	26.72%	25.05%
126	MISC. EXPENSES								
127	101-49000-310 Recycling Contract	20,389	18,819	9,410	18,819	18,820	0.01%		
128	101-49000-311 Spring Clean-Up Day	2,108	4,000	2,860	2,500	2,900	16.00%		
129	101-49000-369 League of Minnesota Cities Insurance Trust / Liability (2010 Includes Work Comp)	1,755	7,500	2,887	7,600	3,000	-60.53%		
130	101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp	0	0	95	110	100	-9.09%		
131	101-49000-433 Misc.	0	100	0	0	0	#DIV/0!		
132	101-49000-434 Southshore Center	1,200	0	0	1,200	900	-25.00%		
133	101-49000-435 League of Minnesota Cities	826	0	0	997	1,000	0.30%		
134	101-49000-436 Lake Minnetonka Conservation District	6,344	6,344	3,254	6,507	6,264	-3.73%		
135	101-49000-437 July 4th Fireworks (2010 Budget Includes Southshore Center and LMC)	1,200	3,180	1,345	1,300	1,400	7.69%		
136	MISC. TOTAL	33,822	39,943	19,851	39,033	34,384	-11.91%	5.04%	4.73%
137	Total Operating Budget	684,252	686,230	274,075	675,730	682,103	0.94%		
138	CONTINGENCY & FUND TRANSFERS								
139	101-49000-439 Contingency (2011: 4.3% of Operating Budget, 2012: 3.7% of Operating Budget)	590	20,587	5,266	29,056	25,446	-12.43%		
140	101-49000-440 Reserve Replenishment	37,231	10,000	0	0	0	#DIV/0!		
141	101-49000-500 Transfer to Bridge Fund	40,000	20,000	0	20,000	20,000	0.00%		
142	CONTINGENCY & FUND TRANSFERS TOTAL	77,821	50,587	5,266	49,056	45,446	-7.36%		6.25%
143	Total Expenses	762,073	736,817	279,341	724,786	727,549	0.38%		
144	GENERAL FUND CASH BALANCE (State Guidelines: 35%-50% of Operating Budget)	298,537	252,058	298,537	252,058	298,537		43.77%	

2012 Greenwood FINAL Budget

		2010 Actual	2010 Budget	2011 YTD (June)	2011 Budget	2012 Budget	% Change	% Op. Budget	% Total Budget
SEWER ENTERPRISE FUND <i>This fund can be used for any city purpose. Goal: \$250,000</i>									
145	602-34401	REVENUE: Sewer Use Charges	114,197	114,000	54,331	106,500	108,660	2.03%	
146	602-34402	REVENUE: Late Charges & Penalties	3,004		348	2,000	0	-100.00%	
147	602-34403	REVENUE: Delinquent Sewer Payments Received	577		0	0	0	#DIV/0!	
148	602-34404	REVENUE: Delinquent Sewer Late Fees Received	40		0	0	0	#DIV/0!	
149	602-34408	REVENUE: Permit Fees	50		100	0	0	#DIV/0!	
150	602-36100	REVENUE: Special Assessments	2,278		1,904	0	0	#DIV/0!	
151	602-43200-303	EXPENSE: Engineering Sewer	2,449		3,437	2,700	4,000	48.15%	
152	602-43200-309	EXPENSE: Met Council and Excelsior	49,511		14,000	52,000	57,720	11.00%	
153	602-43200-310	EXPENSE: Public Works Sewer	8,066		1,137	5,000	2,500	-50.00%	
154	602-43200-319	EXPENSE: Equipment Maintenance (2011 these items go to 602-43200-404)	299		0	0	0	#DIV/0!	
155	602-43200-381	EXPENSE: Utility Services - Electric	2,477		973	1,700	2,500	47.06%	
156	602-43200-404	EXPENSE: Repair & Maintenance	14,553		3,442	7,000	7,000	0.00%	
157	602-43200-439	EXPENSE: Misc. (Gopher State One Call, Forms, Printing, Insurance \$456, etc.)	6,649		1,024	500	2,000	300.00%	
158	602-43200-530	EXPENSE: Capital Outlay (2011 I/I Project, 2012 I/I Project)	0		0	50,000	50,000	0.00%	
159	602-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of Sewer Revenue to Offset Adm. Costs)	0		0	10,650	10,866	2.03%	
160		Net Total	36,141		32,670	-21,050	-27,926	32.67%	
161		SEWER ENTERPRISE FUND CASH BALANCE	392,038		424,708	401,273	373,347		
STORMWATER SPECIAL REVENUE FUND <i>This fund can be used for any city purpose.</i>									
162	502-34401	REVENUE: Stormwater Use Charges	16,407		8,117	16,500	16,250	-1.52%	
163	502-34403	REVENUE: Delinquent Stormwater Payments Received	0		0	0	0	#DIV/0!	
164	502-34404	REVENUE: Delinquent Stormwater Late Fees Received	0		0	0	0	#DIV/0!	
165	502-43200-303	EXPENSE: Engineering Stormwater	3,886		3,275	4,000	4,000	0.00%	
166	502-43200-310	EXPENSE: Public Works Stormwater	630		470	500	500	0.00%	
167	502-43200-319	EXPENSE: Equipment and Maintenance	1,060		0	1,500	500	-66.67%	
168	502-43200-409	EXPENSE: Street Sweeping	0		2,350	4,000	3,000	-25.00%	
169	502-43200-439	EXPENSE: Misc. (EPA Fee, Etc.)	557		37	2,000	600	-70.00%	
170	502-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of Stormwater Rev. to Offset Adm. Costs)	0		0	1,650	1,625	-1.52%	
171		Net Total	10,274		1,985	2,850	6,025	111.40%	
172		STORMWATER SPECIAL REVENUE FUND CASH BALANCE	9,272		11,257	17,907	23,932		
PARK SPECIAL REVENUE FUND <i>This is a dedicated fund for park "improvements" only. Cannot be used for maintenance.</i>									
173	401-36230	REVENUE: Park Dedication Fees			0	0	0	#DIV/0!	
174	401-45000-000	EXPENSE: Park Improvements			0	5,000	5,000	0.00%	
175		Net Total			0	-5,000	-5,000	0.00%	
176		PARK FUND CASH BALANCE	27,055		27,055	22,055	22,055		

2012 Greenwood FINAL Budget

		2010 Actual	2010 Budget	2011 YTD (June)	2011 Budget	2012 Budget	% Change	% Op. Budget	% Total Budget
MARINA ENTERPRISE FUND <i>This fund can be used for any city purpose. Goal: \$55,000 for Tonka Dock; \$120,000 for Floating Dock</i>									
175	605-36201	REVENUE: Boat User Fees (\$1050 for 26 slips, \$300 for 2 sailboat slips)	22,700	22,700	25,300	25,300	27,900	10.28%	
176	605-45100-309	EXPENSE: Professional Services (Dock In and Out)	3,809		1,500	4,600	4,000	-13.04%	
177	605-45100-310	EXPENSE: Public Works	527		157	300	300	0.00%	
178	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License \$350, Milfoil \$5000, Insurance \$873)	865		343	350	6,223	1678.00%	
179	605-45100-590	EXPENSE: Capital Outlay	0		0	0	0	#DIV/0!	
180	605-49300-721	ADMINISTRATIVE EXPENSE: To General Fund (10% of Marina Revenue to Offset Adm. Costs)	0		0	0	2,790	#DIV/0!	
181	605-49300-720	OPERATING TRANSFER: To General Fund	15,000	15,000	0	15,000	12,130	-19.13%	
182		Net Total	3,891		23,300	5,050	5,247	3.90%	
183		MARINA ENTERPRISE FUND CASH BALANCE	16,703		40,003	21,753	27,000		
BRIDGE CAPITAL PROJECT FUND <i>This fund was created in 2010. The funds can be used for any city purpose. Goal: \$200,000</i>									
184	403-39200	REVENUE: Transfer from General Fund	40,000	20,000	0	20,000	20,000	0.00%	
185	403-45100-303	EXPENSE: Engineering	0	0	30	0	0	#DIV/0!	
186	403-45100-530	EXPENSE: Capital Outlay	0	0	0	0	0	#DIV/0!	
187		Net Total	40,000	20,000	-30	20,000	20,000	0.00%	
188		BRIDGE CAPITAL PROJECT FUND CASH BALANCE	40,000		39,970	40,000	79,970		
189		Total Fund Cash Balances	783,605		775,765	824,841	6.33%		

**CITY OF GREENWOOD
RESOLUTION NO. 23-11**

A RESOLUTION APPROVING THE 2011 TAX LEVY, COLLECTIBLE IN 2012

BE IT RESOLVED by the city council of the city of Greenwood that the following sum of money be levied for the current year, collectible in 2012, upon taxable property in the city of Greenwood, Minnesota for general fund activities:

TOTAL LEVY: \$644,719

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk

**CITY OF GREENWOOD
RESOLUTION NO. 24-11**

A RESOLUTION APPROVING THE 2012 CITY BUDGET

WHEREAS, the city council of the city of Greenwood has reviewed the 2012 city budget and determined that the proposed expenditures and revenues adequately address the needs of the city and the residents it serves,

WHEREAS, the public had the opportunity to comment on the 2012 city budget at the December 6, 2011 city council meeting.

NOW, THEREFORE BE IT RESOLVED by the city council of the city of Greenwood, that the 2012 general fund budget in the amount of **\$727,549** is hereby approved.

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest:

Gus E. Karpas, City Clerk



Agenda Number: **7E**

Agenda Date: 12-06-11

Agenda Item: Consider: 2012 Licenses

Summary: 12/31/11 is the deadline for applications and fees for 2012 licenses that require council approval. Since the city has not received all of the applications and fees at this time, staff recommends that the council approves the licenses listed below contingent upon the city receiving applications and fees by the deadline. This is the same procedure that has been followed in the past. The city expects to receive applications and fees for the following licenses:

Liquor	Old Log Theater
Trash	Allied Waste, Aspen Waste, Blackowiack Disposal, Randy's Sanitation, Vintage Waste, Waste Management, Waste Technology,
Tobacco	Christmas Lake Gas
Commercial Marina	Bean's Greenwood Marina, Excelsior Bay Harbor, Kreslin's Marina

Council Action: Required. Suggested motion ...

1. I move the council approves 2012 licenses for the entities listed on the 12-06-11 agenda memo (above), contingent upon the city receiving applications and fees by 12-31-11.



Agenda Item: 1st Reading: Ordinance 203, Amending Code Section 910, Prohibited Activities Affecting Health and/or Property

Summary: The council discussed the need to amend section 910.60(2) to make it consistent with the civil citation process for the enforcement of code violations as they pertain to prohibited activities affecting health and/or property.

Below is current code language, lined version of proposed amendment and final version of proposed language:

Current Language:

Subd. 2. Remedy. When there exists on private property a condition that is in violation of section 910.60, a notice to remove the offensive matter shall be served by the city council or its agent upon the owner, agent or occupant. Such notice may be served personally or may be served by mail. In all cases where such owner is not in the city or cannot be found therein, then notice shall be sent to the last known address. Such notice shall describe the matter to be removed and require the removal thereof within 10 days, including Saturdays, Sundays and holidays. If at the end of said 10 days following service of such notice, the offensive matter has not been removed the city shall cause removal and disposition of same by petition to the district court. All costs incurred by the city, including court costs and reasonable attorney fees, for the removal and disposition of all offensive matter shall be assessed, levied and collected as a special assessment payable in the manner provided by law for the levy and collection of other special assessments.

Line Version of Amendment:

Subd. 2. Remedy. When there exists on private property a condition that is in violation of section 910.60, a notice to remove the offensive matter shall be served by the city council or its agent upon the owner, agent or occupant. Such notice may be served personally or may be served by mail. In all cases where such owner is not in the city or cannot be found therein, then notice shall be sent to the last known address. Such notice shall describe the matter to be removed and require the removal thereof within 10 days, including Saturdays, Sundays and holidays. If at the end of said 10 days following service of such notice, the offensive matter has not been removed the city shall cause removal and disposition of same by petition to the district court. All costs incurred by the city, including court costs and reasonable attorney fees, for the removal and disposition of all offensive matter shall be assessed, levied and collected as a special assessment payable in the manner provided by law for the levy and collection of other special assessments the offender shall be subject to the process outlined in chapter 12 of this code book.

Final Version of Proposed Language:

Subd. 2. Remedy. When there exists on private property a condition that is in violation of section 910.60, a notice to remove the offensive matter shall be served by the city council or its agent upon the owner, agent or occupant. Such notice may be served personally or may be served by mail. In all cases where such owner is not in the city or cannot be found therein, then notice shall be sent to the last known address. Such notice shall describe the matter to be removed and require the removal thereof within 10 days, including Saturdays, Sundays and holidays. If at the end of said 10 days following service of such notice, the offensive matter has not been removed the offender shall be subject to the process outlined in chapter 12 of this code book.

Council Action: None required. Suggested motions ...

1. I move the council approves ordinance 203 amending section 910.60, subd. 2 that allows for the civil citation process outlined in chapter 12 to be implemented for code violations of prohibited activities affecting health and/or property.
2. Do nothing.

ORDINANCE NO. 203

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 910 PERMITTING THE CIVIL CITATION PROCESS FOR
VIOLATIONS OF PROHIBITED ACTIVITIES AFFECTING HEALTH AND/OR PROPERTY**

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

SECTION 1.

Greenwood ordinance code section 910.60 subd. 2 is amended to include the Civil Citation process for violations of prohibited activities affecting health and/or property to read as follows:

“Subd. 2. Remedy. When there exists on private property a condition that is in violation of section 910.60, a notice to remove the offensive matter shall be served by the city council or its agent upon the owner, agent or occupant. Such notice may be served personally or may be served by mail. In all cases where such owner is not in the city or cannot be found therein, then notice shall be sent to the last known address. Such notice shall describe the matter to be removed and require the removal thereof within 10 days, including Saturdays, Sundays and holidays. If at the end of said 10 days following service of such notice, the offensive matter has not been removed the offender shall be subject to the process outlined in chapter 12 of this code book.”

SECTION 2.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **7G**

Agenda Date: 12-06-11

Agenda Item: 1st Reading: Ordinance 204, Licensing of Commercial Tree Contractors

Summary: The city of Greenwood currently requires a permit process for the removal of trees within the city, but does not have a requirement that commercial contractors be licensed and insured. In recent years there have been uninsured tree contractors offering services in the area. There have been instances when these uninsured tree contractors skip town after dropping a tree that damages the homeowner's or a neighbor's property. The cities of Woodland and Deephaven have adopted ordinances that require outside contractors to be licensed.

Attached is a proposed ordinance 204, which amends chapter 4 of the code by requiring commercial tree contractors to provide proof of insurance when they apply for an annual license, amends chapter 5 by establishing an annual fee of \$50, and amends chapter 11 by requiring the annual license in the city's tree ordinance. Note: There is nothing in the proposed ordinance that prohibits a homeowner or their friends from trimming trees on their own property.

Council Action: None required. Suggested motions ...

1. I move the council approves the first reading of ordinance 204 amending chapters 4, 5 and 11 of the city code to require the licensing of commercial tree contractors within the city.
2. Do nothing.

ORDINANCE NO. 204

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 4 AND SECTION 1140.80 REQUIRING THE LICENSING
OF TREE CONTRACTORS WORKING IN THE CITY**

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

SECTION 1.

Greenwood ordinance code chapter 4 is amended to add the following new section:

“SECTION 435. TREE CONTRACTORS.

Section 435.00. Tree Contractor License Required.

No person may conduct or offer commercial (service for hire) tree trimming or removal services in the city without first obtaining a tree contractor license. The license shall be issued on an annual basis and licensees must pay the fee and provide proof of insurance in the amounts set forth in chapter 5 of this code book. (THIS PARAGRAPH ALSO INCLUDED IN SECTION 114.80, SUBD. 16)”

SECTION 2.

Section 510.00 is amended to add the following new license fee:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
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.

”

SECTION 3.

Section 1140.80 is amended to add the following new subdivision:

“Subd. 16. Tree Contractor License Required. No person may conduct or offer commercial (service for hire) tree trimming or removal services in the city without first obtaining a tree contractor license. The license shall be issued on an annual basis and licensees must pay the fee and provide proof of insurance in the amounts set forth in chapter 5 of this code book. (THIS PARAGRAPH ALSO INCLUDED IN SECTION 435.00)”

SECTION 5.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **7H&I**

Agenda Date: 12-06-11

Agenda Item: 1st Reading: Ordinance 205 Licensing of Gas Fitters, Ordinance 206 Licensing of Plumbers

Summary: The state requires that gas fitters and plumbers be licensed and insured. However, in recent years there have been instances when uninsured contractors skip town after doing work that damages a homeowner's property. As an added protection to residents the cities of Woodland and Deephaven have adopted ordinances that require gas fitters and plumbers to get a city license to prove that they are licensed by the state and are insured. Staff recommends that Greenwood adopt similar ordinances.

Attached are the proposed ordinances for the council's consideration. Note: There is nothing in the proposed plumbing ordinance that prohibits a homeowner or their friends from doing minor plumbing work at their own property.

Council Action: None required. Suggested motions ...

1. I move the council approves the first reading of ordinance 205 amending chapters 4 and 5 of the city code to require the licensing of gas fitters within the city.
2. I move the council approves the first reading of ordinance 206 amending chapters 4 and 5 of the city code to require the licensing of commercial plumbers within the city.
3. Do nothing.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTERS 4 & 5 REGARDING THE LICENSING OF GAS FITTERS**

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

SECTION 1.

Greenwood ordinance code chapter 4 is amended to add the following new section:

“SECTION 436. GAS FITTERS.

Section 436.00. Gas Fitter License Required.

No person, firm or corporation may engage in the business of installing, altering, repairing, testing or extending any fuel tanks, power plants, gas or oil piping, or gas or oil appliance items, or connections in the city without first obtaining a gas fitter license and paying the fee set forth in chapter 5.

Section 436.05. Classes of Licenses.

There are two classes of gas fitter licenses:

- (a) Class A. The holder of a Class A license may perform “Hayes Orsatt” safety tests on gas and oil burners and may, after first obtaining the proper permit, install, alter, repair, test or extend fuel tanks, power plants, gas or oil burners, gas or oil piping and gas or oil appliance items and connections, including clothes dryers, gas ranges, gas water heaters and barbecue grills.
- (b) Class B. The holder of a Class B license may only install, alter or repair only gas or oil appliance items and connections, such as clothes dryers, gas ranges, gas water heaters and barbecue grills.

Section 436.10. Issuance.

Licenses will be issued according to the following requirements:

- (a) State License. No license shall be issued until the applicant has delivered to the city proof they are licensed by the state.
- (b) Bond, Insurance. No license will be issued until the applicant has delivered to the city proof of bond and insurance as set forth in chapter 5. Insurance must be kept in force during the term of the license and must provide for notification to the city 10 days before termination or cancellation. Any license issued under this section will automatically be revoked upon notification of termination or cancellation of the insurance and will remain revoked until the required insurance is provided.

Section 436.15. Duration.

The license will be issued for a calendar year or the remaining portion thereof and will be renewable annually on or before January 1 of each year.

Section 436.20. Revocation.

The license may be revoked or refused renewal by the council for cause. Any work done in violation of state law or section 436, or refusal on the part of a licensee to correct any defective work, may be cause for revocation of or refusal to grant or renew a license. Any revocation or suspension of or refusal to grant or renew a license may be appealed to the council for a hearing on the matter conducted according to section 400.35.

Section 436.25. Transfer.

No person, firm or corporation licensed under section 436 may allow any other person, firm or corporation other than a bona fide employee to use the license.

Section 436.30. Gas Work Permits.

Prior to beginning a gas-related project, every gas fitter must apply to the city for a gas work permit and pay the permit fees required by the [state building code](#).

Section 436.35. Inspections.

Upon completion of any gas fitter work, the gas fitter must notify the building inspector that the work for which a permit was issued is ready for inspection and testing. The building inspector also must be notified before any portion of the work is connected within the building and will be given reasonable time and opportunity to inspect the work before the building operations progress to a point where the work can no longer be examined and inspected. No work may be covered until it has been inspected. No newly-constructed building may be occupied until the inspector has made a final inspection, has approved the installation, and has issued a certificate of occupancy."

SECTION 2.

Greenwood ordinance code section 510.00 is amended to add the following:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Gas Fitters License	436.00	Class A \$45 Class B \$40	Annual. Additional requirements: (a) Copy of the bond given to the state for the issuance of a master plumber's license. (b) Proof of liability insurance with minimum coverage \$100,000 per person, \$500,000 per incident, \$100,000 property damage.

”

SECTION 3.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Gus E. Karpas, City Clerk

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 4 & 5 REGARDING THE LICENSING OF PLUMBERS**

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

SECTION 1.

Greenwood ordinance code chapter 4 is amended to add the following new section:

“SECTION 437. PLUMBERS.

Section 437.00. Plumber License Required.

No person may conduct or offer commercial (service for hire) plumbing services in the city without first obtaining a city plumber license and paying the fee set forth in chapter 5. Commercial plumbing services include, but are not limited to constructing, extending, altering, or repairing any plumbing work or drainage system with the sewer or water supply system.

Section 437.05. Issuance.

Licenses will be issued according to the following requirements:

- (a) State License. No license shall be issued until the applicant has delivered to the city proof they are licensed by the state.
- (b) Bond, Insurance. No license will be issued until the applicant has delivered to the city proof of bond and insurance as set forth in chapter 5. Insurance must be kept in force during the term of the license and must provide for notification to the city 10 days before termination or cancellation. Any license issued under this section will automatically be revoked upon notification of termination or cancellation of the insurance and will remain revoked until the required insurance is provided.

Section 437.10. Duration.

The license will be issued for a calendar year or the remaining portion thereof and will be renewable annually on or before January 1 of each year.

Section 436.15. Revocation.

The license may be revoked or refused renewal by the council for cause. Any work done in violation of state law or section 436, or refusal on the part of a licensee to correct any defective work, may be cause for revocation of or refusal to grant or renew a license. Any revocation or suspension of or refusal to grant or renew a license may be appealed to the council for a hearing on the matter conducted according to section 400.35.

Section 436.20. Transfer.

No person, firm or corporation licensed under section 437 may allow any other person, firm or corporation other than a bona fide employee to use the license.

Section 437.25. Plumbing Work Permits.

Prior to beginning a plumbing-related project, every gas fitter must apply to the city for a plumbing work permit and pay the permit fees required by the [state building code](#).

Section 437.50. Inspections.

Upon completion of any plumbing work, the plumber must notify the building inspector that the work for which a permit was issued is ready for inspection and testing. The building inspector also must be notified before any portion of the work is connected within the building and will be given reasonable time and opportunity to inspect the work before the building operations progress to a point where the work can no longer be examined and inspected. No work may be covered until it has been inspected. No newly-constructed building may be occupied until the inspector has made a final inspection, has approved the installation, and has issued a certificate of occupancy."

SECTION 2.

Section 510.00 is amended to add the following new license fee:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Plumber License	437.00	\$40	Annual. Additional requirements: (a) Copy of the bond given to the state for the issuance of a master plumber's license. (b) Proof of liability insurance with minimum coverage \$100,000 per person, \$500,000 per incident, \$100,000 property damage.

”

SECTION 3.

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

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Gus E. Karpas, City Clerk



Agenda Item: Resolution 26-11 Establishing Fund Balance Policy in Accordance with GASB 54

Summary: The Governmental Accounting Standards Board (GASB) released Statement 54 "Fund Balance Reporting and Governmental Fund Type Definitions" on March 11, 2009, which is effective for fiscal year ending December 31, 2011. The GASB 54 statement is intended to improve the usefulness of the amount reported in fund balances by providing more structured classification. The GASB 54 statement applies to fund balances reported in the General Fund, Stormwater Special Revenue Fund, Park Special Revenue Fund, and the Bridge Capital Project Fund. The GASB 54 statement does not apply to the Sewer Enterprise Fund or the Marina Enterprise Fund.

GASB 54 requires fund balances to be reported in the classifications listed below:

- **Non-Spendable Fund Balance** includes amounts not in spendable form (e.g. inventory, or amounts required to be maintained intact legally or contractually).
- **Restricted Fund Balance** includes amounts constrained for a specific purpose by external parties.
- **Committed Fund Balance** includes amounts constrained for a specific purpose by a government using its highest level of decision-making authority (e.g. major maintenance, capital project).
- **Assigned Fund Balance** includes general fund amounts constrained for a specific purpose by a governing board or by an official that has been delegated authority to assign amounts.
- **Unassigned Fund Balance** is the residual classification for the general fund.

In addition, governments are required to disclose more information in the notes to financial statements about amounts reported in fund balance as follows:

- Description of authority and actions that lead to committed or assigned fund balance.
- Government's policy regarding order in which restricted, committed, assigned, and unassigned amounts are spent.
- Description of formally adopted minimum fund balance policies.
- The purpose of each major special revenue fund.
- Encumbrances, if significant.

This memo and the attached resolution have been reviewed and approved by the city's auditor.

Council Action: Required by December 31, 2011. Suggested motion ...

1. I move that the council approves resolution 26-11 establishing fund balance policies and committing fund balances in accordance with GASB 54 requirements.
2. I move the council approves resolution 26-11 establishing fund balance policies and committing fund balances in accordance with GASB 54 requirements with the following revisions _____.

**CITY OF GREENWOOD
RESOLUTION NO. 26-11**

A RESOLUTION ESTABLISHING FUND BALANCE POLICIES AS REQUIRED BY GASB 54

WHEREAS, the Governmental Accounting Standards Board ("GASB") has adopted Statement 54 ("GASB 54"), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010, and

WHEREAS, the city of Greenwood elects to implement GASB 54 requirements, and to apply such requirements to its financial statements beginning with the current January 1, 2011 to December 31, 2011 fiscal year; and

NOW THEREFORE BE IT RESOLVED THAT the city of Greenwood hereby adopts the following policy:

FUND BALANCE POLICY

Fund balances measure the net financial resources available to finance expenditures of future periods.

The city's fund balances will be maintained to provide the city with sufficient working capital and a margin of safety to address emergencies without borrowing. The fund balances may only be appropriated by approval of the city council.

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, assigned fund balance, and lastly, unassigned fund balance.

NOW THEREFORE BE IT RESOLVED that the Greenwood city council makes the following classifications and descriptions of purpose for its January 1, 2011 fund balances:

- General Fund: The entire fund balance is unassigned to have sufficient working capital and a margin of safety to address emergencies without borrowing.
- Stormwater Special Revenue Fund: The entire fund balance is committed to stormwater-related expenditures.
- Park Special Revenue Fund: The entire fund balance is restricted to park improvements per state law.
- Bridge Capital Project Fund: The entire fund balance is committed to St. Alban's Bay Bridge expenditures.

AND BE IT RESOLVED that the Greenwood city council makes the following fund policy financial goals:

- General Fund: Maintain 35% to 50% of the total General Operating Fund expenditures.
- Stormwater Special Revenue Fund: Build up to a balance of \$50,000 for future stormwater projects.
- Park Special Revenue Fund: Use this fund for park projects as needed.
- Bridge Capital Project Fund: Build up to a balance of \$200,000 for future bridge replacement and associated costs.

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **7K**

Agenda Date: 12-06-11

Agenda Item: Consider Year-End Fund Transfers

Summary: Each year the council approves year-end fund transfers. The following fund transfers were included in the 2011 budget:

- \$10,650 from 602-43200-720 Sewer Fund Transfer to 101-39202 General Fund Administrative Expense Reimbursement
- \$1,650 from 502-43200-720 Stormwater Fund Transfer to 101-39203 General Fund Administrative Expense Reimbursement
- \$20,000 from 101-49000-500 General Fund Bridge Transfer to 403-39200 Bridge Fund
- \$15,000 from 605-49300-720 Marina Fund Operating Transfer to 101-39201 General Fund Interfund Operating Transfer

Attached are year-to-date reports for the council's reference. The council also may wish to refer to the cash summary report included with the consent agenda. Based on these reports, it is the administrative committee's recommendation that the council authorize the fund transfers as planned by the 2011 budget.

Council Action: Required. Suggested motions ...

1. I move the council approves the 2011 budgeted fund transfers as listed above.
2. I move the council approves the 2011 budgeted fund transfers as listed above with the following changes _____.

CITY OF GREENWOOD
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

BRIDGE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>OTHER FINANCING SOURCES</u>					
403-39200 INTERFUND OPERATING TRANSFER	.00	.00	20,000.00	(20,000.00)	.00
TOTAL OTHER FINANCING SOURCES	.00	.00	20,000.00	(20,000.00)	.00
TOTAL FUND REVENUE	.00	.00	20,000.00	(20,000.00)	.00

CITY OF GREENWOOD
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

BRIDGE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>BRIDGE FUND EXPENSES</u>					
403-45100-303 ENGINEERING	.00	30.00	.00	(30.00)	.00
403-45100-530 CAPITAL OUTLAY	.00	.00	.00	.00	.00
TOTAL BRIDGE FUND EXPENSES	.00	30.00	.00	(30.00)	.00
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TOTAL FUND EXPENDITURES	.00	30.00	.00	(30.00)	.00
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NET REVENUES OVER EXPENDITURES	.00	(30.00)	20,000.00	(19,970.00)	(.15)

CITY OF GREENWOOD
REVENUES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>TAXES</u>					
101-31010 GENERAL PROPERTY TAX	.00	309,955.55	645,417.00	(335,461.45)	48.02
101-31020 GENERAL PROPERTY TAX-DELINQ	.00	4,239.36	.00	4,239.36	.00
101-31040 FISCAL DISPARITIES	.00	2,506.50	.00	2,506.50	.00
101-31800 SURCHARGE REVENUE	2.39	45.28	.00	45.28	.00
101-31910 PENALTIES	.00	.00	.00	.00	.00
TOTAL TAXES	2.39	316,746.69	645,417.00	(328,670.31)	49.08
<u>LICENSES & PERMITS</u>					
101-32110 3.2 BEER/LIQ/CIGARETTE LICENSE	.00	50.00	3,250.00	(3,200.00)	1.54
101-32180 OTHER BUSINESS LICENSE/PERMITS	250.00	1,250.00	3,400.00	(2,150.00)	36.76
101-32210 BUILDING PERMITS	2,128.21	29,546.69	12,000.00	17,546.69	246.22
101-32211 ELECTRICAL PERMITS	421.25	1,676.46	1,200.00	476.46	139.71
101-32215 MANAGEMENT REVIEW-BLDG	.00	.00	.00	.00	.00
101-32240 ANIMAL LICENSE	.00	800.00	200.00	600.00	400.00
TOTAL LICENSES & PERMITS	2,799.46	33,323.15	20,050.00	13,273.15	166.20
<u>INTERGOVERNMENTAL AID</u>					
101-33402 HOMESTEAD CREDIT	.00	.00	.00	.00	.00
101-33423 OTHER STATE GRANTS/AID	.00	2,645.00	.00	2,645.00	.00
101-33610 HENNEPIN COUNTY ROAD AID	.00	.00	.00	.00	.00
101-33630 LOCAL GOVERNMENT AID (LGA)	.00	.00	.00	.00	.00
TOTAL INTERGOVERNMENTAL AID	.00	2,645.00	.00	2,645.00	.00
<u>PUBLIC CHARGES FOR SERVICE</u>					
101-34103 ZONING/SUBDIVISIONS/VARIANCES	400.00	800.00	1,500.00	(700.00)	53.33
101-34207 FALSE ALARM FEES	.00	.00	200.00	(200.00)	.00
101-34304 LOAD LIMIT FEES	88.35	2,588.10	2,000.00	588.10	129.40
101-34409 RECYCLING FEES	3,637.79	18,225.62	18,819.00	(593.38)	96.85
TOTAL PUBLIC CHARGES FOR SERVICE	4,126.14	21,613.72	22,519.00	(905.28)	95.98
<u>FINES & FORFEITURES</u>					
101-35101 COURT FINES	1,502.60	4,888.40	4,500.00	388.40	108.63
TOTAL FINES & FORFEITURES	1,502.60	4,888.40	4,500.00	388.40	108.63

CITY OF GREENWOOD
REVENUES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>MISCELLANEOUS INCOME</u>					
101-36100 SPECIAL ASSESSMTS (RECYCLING)	.00	.00	.00	.00	.00
101-36102 INVESTMENT INCOME	301.29	4,641.81	5,000.00	(358.19)	92.84
101-36230 MISCELLANEOUS INCOME	.00	8.00	.00	8.00	.00
TOTAL MISCELLANEOUS INCOME	301.29	4,649.81	5,000.00	(350.19)	93.00
<u>OTHER FINANCING SOURCES</u>					
101-39200 INTERFUND OPER TRANS-MARINA	.00	.00	15,000.00	(15,000.00)	.00
101-39201 ADMN EXP REIMBURSE FROM MARINA	.00	.00	.00	.00	.00
101-39202 ADMN EXP REIMBURSE FROM SEWER	.00	.00	10,650.00	(10,650.00)	.00
101-39203 ADMN EXP REIMBURSE FROM ST WTR	.00	.00	1,650.00	(1,650.00)	.00
TOTAL OTHER FINANCING SOURCES	.00	.00	27,300.00	(27,300.00)	.00
TOTAL FUND REVENUE	8,731.88	383,866.77	724,786.00	(340,919.23)	52.96

CITY OF GREENWOOD
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>COUNCIL</u>					
101-41100-103 COUNCIL SALARIES	1,100.00	11,000.00	13,200.00	2,200.00	83.33
101-41100-122 FICA CONTRIBUTIONS	68.20	682.00	818.00	136.00	83.37
101-41100-123 MEDICARE CONTRIBUTIONS	15.95	159.50	191.00	31.50	83.51
101-41100-371 TRNG/CONF REGISTRATION (LMC)	.00	.00	600.00	600.00	.00
101-41100-372 MEALS/LODGING	.00	.00	100.00	100.00	.00
101-41100-433 MISC - DUES/SUBSCRIPT/SUPPLIES	66.22	124.67	150.00	25.33	83.11
TOTAL COUNCIL	1,250.37	11,966.17	15,059.00	3,092.83	79.46
<u>ELECTIONS</u>					
101-41200-103 ELECTION SALARIES	.00	.00	.00	.00	.00
101-41200-214 OPERATIONAL SUPPORT-FORMS	.00	.47	.00	(.47)	.00
101-41200-219 ELECTION OPERATIONS/SUPPORT	.00	.00	.00	.00	.00
101-41200-319 EQUIPMENT MAINTENANCE	.00	.00	200.00	200.00	.00
101-41200-372 MEALS/LODGING	.00	.00	.00	.00	.00
101-41200-439 MISC - SUPPLIES/POSTAGE/ETC	.00	.00	50.00	50.00	.00
TOTAL ELECTIONS	.00	.47	250.00	249.53	.19
<u>ADMINISTRATION</u>					
101-41400-101 CITY ADMINISTRATOR SALARY	.00	.00	.00	.00	.00
101-41400-121 PERA CONTRIBUTIONS	.00	62.93	.00	(62.93)	.00
101-41400-122 FICA CONTRIBUTIONS	.00	.00	.00	.00	.00
101-41400-123 MEDICARE CONTRIBUTIONS	.00	.00	.00	.00	.00
101-41400-139 CITY ADMINISTRATOR INSURANCE	7,872.00	10,756.00	.00	(10,756.00)	.00
101-41400-201 OFFICE SUPPLIES	.00	.00	600.00	600.00	.00
101-41400-202 DUPLICATING	1.50	505.36	200.00	(305.36)	252.68
101-41400-204 STATIONARY/FORMS/PRINTING	44.41	224.67	525.00	300.33	42.79
101-41400-309 PROFESSIONAL SVCS - OTHER	.00	65.00	1,000.00	935.00	6.50
101-41400-310 CLERK'S CONTRACTURAL	3,052.00	25,095.60	34,141.00	9,045.40	73.51
101-41400-311 OFFICE - RENT/EQUIPMENT	542.95	4,948.38	6,800.00	1,851.62	72.77
101-41400-313 PROFESSIONAL SERVICES (CIVIC)	.00	1,940.00	1,920.00	(20.00)	101.04
101-41400-321 COMMUNICATIONS - TELEPHONE	41.83	366.12	700.00	333.88	52.30
101-41400-322 POSTAGE	37.82	677.11	1,400.00	722.89	48.37
101-41400-351 NEWSPAPER LEGAL NOTICES	77.22	595.92	2,000.00	1,404.08	29.80
101-41400-372 MEALS/LODGING	.00	.00	.00	.00	.00
101-41400-411 RENTALS/OFFICE EQUIP (COPIER)	212.15	1,871.27	2,335.00	463.73	80.14
101-41400-439 MISCELLANEOUS	20.00	216.44	400.00	183.56	54.11
TOTAL ADMINISTRATION	11,901.88	47,324.80	52,021.00	4,696.20	90.97

CITY OF GREENWOOD
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>ASSESSOR</u>					
101-41500-309		6,891.06	14,000.00	7,108.94	49.22
101-41500-439		56.62	100.00	43.38	56.62
TOTAL ASSESSOR	.00	6,947.68	14,100.00	7,152.32	49.27
<u>LEGAL SERVICES</u>					
101-41600-304	575.00	7,262.25	15,000.00	7,737.75	48.42
101-41600-308	552.00	3,702.50	4,000.00	297.50	92.56
TOTAL LEGAL SERVICES	1,127.00	10,964.75	19,000.00	8,035.25	57.71
<u>AUDITING</u>					
101-41700-301	.00	9,100.00	9,100.00	.00	100.00
TOTAL AUDITING	.00	9,100.00	9,100.00	.00	100.00
<u>LAW ENFORCEMENT</u>					
101-42100-310	13,223.00	132,230.00	158,672.00	26,442.00	83.34
101-42100-311	11,816.00	47,264.00	47,263.00	(1.00)	100.00
101-42100-439	75.00	1,110.53	1,000.00	(110.53)	111.05
TOTAL LAW ENFORCEMENT	25,114.00	180,604.53	206,935.00	26,330.47	87.28
<u>FIRE</u>					
101-42200-309	17,122.95	68,491.79	68,492.00	.21	100.00
101-42200-311	14,823.30	59,293.20	59,239.00	(54.20)	100.09
TOTAL FIRE	31,946.25	127,784.99	127,731.00	(53.99)	100.04
<u>ZONING</u>					
101-42400-308	211.56	2,386.82	4,000.00	1,613.18	59.67
101-42400-309	220.22	477.62	1,500.00	1,022.38	31.84
101-42400-310	9,383.53	21,534.95	6,500.00	(15,034.95)	331.31
101-42400-438	509.47	680.31	.00	(680.31)	.00
TOTAL ZONING	10,324.78	25,079.70	12,000.00	(13,079.70)	209.00

CITY OF GREENWOOD
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>ENGINEERING</u>					
101-42600-303 ENGINEERING FEES	90.00	780.00	3,500.00	2,720.00	22.29
TOTAL ENGINEERING	90.00	780.00	3,500.00	2,720.00	22.29
<u>CONTRACT UTILITY AND ROADS</u>					
101-43100-381 S&R-UTILITY SVS-ELECTRIC	419.02	4,161.56	4,000.00	(161.56)	104.04
101-43100-409 OTHER-ROAD REPAIR & MNTNCE	.00	11,976.27	5,000.00	(6,976.27)	239.53
TOTAL CONTRACT UTILITY AND ROADS	419.02	16,137.83	9,000.00	(7,137.83)	179.31
<u>ROAD IMPROVEMENT</u>					
101-43200-229 MAJOR ROAD IMPROVE-CONSTRUCT	.00	93,527.73	115,000.00	21,472.27	81.33
101-43200-303 MAJOR ROAD IMPROVE:ENGINEERING	3,522.50	21,740.66	15,000.00	(6,740.66)	144.94
TOTAL ROAD IMPROVEMENT	3,522.50	115,268.39	130,000.00	14,731.61	88.67
<u>PUBLIC WORKS</u>					
101-43900-226 SIGNS	2,810.01	6,373.28	5,000.00	(1,373.28)	127.47
101-43900-310 STREETS - SWEEPING	.00	.00	4,000.00	4,000.00	.00
101-43900-312 SNOW PLOWING	.00	12,470.24	15,000.00	2,529.76	83.13
101-43900-313 TREES/WEEDS/MOWING	1,568.80	18,670.90	13,000.00	(5,670.90)	143.62
101-43900-314 TENNIS COURT MAINTENANCE	78.44	1,613.62	200.00	(1,413.62)	806.81
101-43900-315 TRAIL/BIKE PATH-MNTNCE	.00	1,846.42	800.00	(1,046.42)	230.80
101-43900-439 MISCELLANEOUS	.00	2,323.00	.00	(2,323.00)	.00
TOTAL PUBLIC WORKS	4,457.25	43,297.46	38,000.00	(5,297.46)	113.94

CITY OF GREENWOOD
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>MISCELLANEOUS EXPENSES</u>					
101-49000-310 RECYCLING CONTRACT	1,568.40	14,115.60	18,819.00	4,703.40	75.01
101-49000-311 SPRING CLEAN-UP DAY	.00	2,859.61	2,500.00	(359.61)	114.38
101-49000-369 LMCIT - LIABILITY	.00	1,618.00	7,600.00	5,982.00	21.29
101-49000-370 LMCIT - WORKERS COMP	.00	95.00	110.00	15.00	86.36
101-49000-433 MISCELLANEOUS	.00	.00	.00	.00	.00
101-49000-434 SOUTHSHORE CENTER	.00	900.00	1,200.00	300.00	75.00
101-49000-435 LEAGUE OF MN CITIES	.00	722.00	997.00	275.00	72.42
101-49000-436 LMCD	.00	4,880.25	6,507.00	1,626.75	75.00
101-49000-437 JULY 4TH FIREWORKS	.00	1,401.06	1,300.00	(101.06)	107.77
101-49000-439 CONTINGENCY	.00	5,266.05	29,056.00	23,789.95	18.12
101-49000-440 RESERVE REPLENISHMENT	.00	.00	.00	.00	.00
101-49000-500 TRANSFER TO BRIDGE FUND	.00	.00	20,000.00	20,000.00	.00
101-49000-720 OPERATING TRANSFER	.00	.00	.00	.00	.00
TOTAL MISCELLANEOUS EXPENSES	<u>1,568.40</u>	<u>31,857.57</u>	<u>88,089.00</u>	<u>56,231.43</u>	<u>36.17</u>
TOTAL FUND EXPENDITURES	<u>91,721.45</u>	<u>627,114.34</u>	<u>724,785.00</u>	<u>97,670.66</u>	<u>86.52</u>
NET REVENUES OVER EXPENDITURES	<u>(82,989.57)</u>	<u>(243,247.57)</u>	<u>1.00</u>	<u>(438,589.89)</u>	<u>(24,324,757.00)</u>

CITY OF GREENWOOD
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

MARINA FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>MISCELLANEOUS REVENUE</u>						
605-36201	BOAT USER FEES	.00	25,300.00	25,300.00	.00	100.00
	TOTAL MISCELLANEOUS REVENUE	.00	25,300.00	25,300.00	.00	100.00
<u>OTHER FINANCING SOURCES</u>						
605-39200	INTERFUND OPERATING TRANS	.00	.00	.00	.00	.00
	TOTAL OTHER FINANCING SOURCES	.00	.00	.00	.00	.00
	TOTAL FUND REVENUE	.00	25,300.00	25,300.00	.00	100.00

CITY OF GREENWOOD
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

MARINA FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>MARINA FUND EXPENSES</u>					
605-45100-309 PROF SERVICES - DOCKS IN/OUT	1,500.00	3,000.00	4,600.00	1,600.00	65.22
605-45100-310 PUBLIC WORKS	78.44	313.76	300.00	(13.76)	104.59
605-45100-433 MISC-DUES & SUBSCRIPTIONS	.00	.00	.00	.00	.00
605-45100-439 MISC: LMCD MULTI DOCK LIC, INS	342.50	685.50	350.00	(335.50)	195.86
605-45100-590 CAPITAL OUTLAY	.00	.00	.00	.00	.00
TOTAL MARINA FUND EXPENSES	<u>1,920.94</u>	<u>3,999.26</u>	<u>5,250.00</u>	<u>1,250.74</u>	<u>76.18</u>
<u>TRANSFERS</u>					
605-49300-720 OPERATING TRANSFERS	.00	.00	15,000.00	15,000.00	.00
TOTAL TRANSFERS	<u>.00</u>	<u>.00</u>	<u>15,000.00</u>	<u>15,000.00</u>	<u>.00</u>
TOTAL FUND EXPENDITURES	<u>1,920.94</u>	<u>3,999.26</u>	<u>20,250.00</u>	<u>16,250.74</u>	<u>19.75</u>
NET REVENUES OVER EXPENDITURES	<u>(1,920.94)</u>	<u>21,300.74</u>	<u>5,050.00</u>	<u>(16,250.74)</u>	<u>421.80</u>

CITY OF GREENWOOD
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

PARK IMPROVEMENT FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>PARK FUND</u>						
401-36230	PARK DEDICATION FEES	.00	.00	.00	.00	.00
TOTAL PARK FUND		.00	.00	.00	.00	.00
TOTAL FUND REVENUE		.00	.00	.00	.00	.00

CITY OF GREENWOOD
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

PARK IMPROVEMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>PARK IMPROVEMENT EXPENSES</u>					
401-45100-100 PARK EXPENSES	.00	.00	5,000.00	5,000.00	.00
TOTAL PARK IMPROVEMENT EXPENSES	.00	.00	5,000.00	5,000.00	.00
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TOTAL FUND EXPENDITURES	.00	.00	5,000.00	5,000.00	.00
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NET REVENUES OVER EXPENDITURES	.00	.00	(5,000.00)	(5,000.00)	.00

CITY OF GREENWOOD
REVENUES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>TAXES</u>					
602-31800 SUR-CHARGE REVENUE	.00	(.81)	.00	(.81)	.00
TOTAL TAXES	.00	(.81)	.00	(.81)	.00
<u>PUBLIC CHARGES FOR SERVICE</u>					
602-34401 SEWER USE CHARGES	19,694.60	100,191.72	106,500.00	(6,308.28)	94.08
602-34402 LATE CHARGES & PENALTIES	37.51	574.22	2,000.00	(1,425.78)	28.71
602-34403 DELINQUENT SEWER USE CHARGES	863.51	863.51	.00	863.51	.00
602-34404 DELINQUENT SEWER PENALTY FEES	80.00	80.00	.00	80.00	.00
602-34408 PERMIT FEES	.00	200.00	.00	200.00	.00
TOTAL PUBLIC CHARGES FOR SERVICE	20,675.62	101,909.45	108,500.00	(6,590.55)	93.93
<u>SPECIAL ASSESSMENTS</u>					
602-36100 SPECIAL ASSESSMENTS	.00	(1,018.55)	.00	(1,018.55)	.00
TOTAL SPECIAL ASSESSMENTS	.00	(1,018.55)	.00	(1,018.55)	.00
TOTAL FUND REVENUE	20,675.62	100,890.09	108,500.00	(7,609.91)	92.99

CITY OF GREENWOOD
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>SEWER FUND EXPENSES</u>					
602-43200-303	ENGINEERING-SEWER	1,885.00	11,320.50	2,700.00 (8,620.50)	419.28
602-43200-309	MET COUNCIL & EXCELSIOR	6,861.63	30,188.08	52,000.00 21,811.92	58.05
602-43200-310	SEWER - PUBLIC WORKS	572.78	2,588.58	5,000.00 2,411.42	51.77
602-43200-319	EQUIPMENT MAINTENANCE	.00	.00	.00 .00	.00
602-43200-381	UTILITY SERVICES - ELECTRIC	345.43	2,176.06	1,700.00 (476.06)	128.00
602-43200-404	R & M - MACHINERY & EQUIPMENT	(49,491.31)	5,178.77	7,000.00 1,821.23	73.98
602-43200-439	MISCELLANEOUS	52.30	1,300.79	500.00 (800.79)	260.16
602-43200-530	CAPITAL OUTLAY	56,513.31	56,513.31	50,000.00 (6,513.31)	113.03
602-43200-720	ADMN EXPENSE: TO GENERAL FUND	.00	.00	10,650.00 10,650.00	.00
<hr/>					
	TOTAL SEWER FUND EXPENSES	16,739.14	109,266.09	129,550.00 20,283.91	84.34
<hr/>					
	TOTAL FUND EXPENDITURES	16,739.14	109,266.09	129,550.00 20,283.91	84.34
<hr/>					
	NET REVENUES OVER EXPENDITURES	3,936.48	(8,376.00)	(21,050.00) (27,893.82)	(39.79)

CITY OF GREENWOOD
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

STORMWATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>PUBLIC CHARGES FOR SERVICE</u>					
502-34401	STORMWATER USE CHARGES	3,028.63	15,191.15	16,500.00 (1,308.85)	92.07
502-34403	DELINQUENT STM WATER CHARGES	.00	.00	.00 .00	.00
502-34404	DELINQ STM WATER LATE FEES	.00	.00	.00 .00	.00
TOTAL PUBLIC CHARGES FOR SERVICE		3,028.63	15,191.15	16,500.00 (1,308.85)	92.07
TOTAL FUND REVENUE		3,028.63	15,191.15	16,500.00 (1,308.85)	92.07

CITY OF GREENWOOD
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 10 MONTHS ENDING OCTOBER 31, 2011

STORM WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>STORMWATER FUND EXPENSES</u>					
502-43200-303 ENGINEERING-STORMWATER	3,933.00	12,811.50	4,000.00	(8,811.50)	320.29
502-43200-310 STORMWATER-PUBLIC WORKS	.00	470.17	500.00	29.83	94.03
502-43200-319 EQUIPMENT & MAINTENANCE	.00	.00	1,500.00	1,500.00	.00
502-43200-409 STREET SWEEPING	.00	2,350.00	4,000.00	1,650.00	58.75
502-43200-439 MISCELLANEOUS (EPA FEES, ETC)	.00	37.18	2,000.00	1,962.82	1.86
502-43200-720 ADMN EXPENSE: TO GENERAL FUND	.00	.00	1,650.00	1,650.00	.00
TOTAL STORMWATER FUND EXPENSES	<u>3,933.00</u>	<u>15,668.85</u>	<u>13,650.00</u>	<u>(2,018.85)</u>	<u>114.79</u>
TOTAL FUND EXPENDITURES	<u>3,933.00</u>	<u>15,668.85</u>	<u>13,650.00</u>	<u>(2,018.85)</u>	<u>114.79</u>
NET REVENUES OVER EXPENDITURES	<u>(904.37)</u>	<u>(477.70)</u>	<u>2,850.00</u>	<u>710.00</u>	<u>(16.76)</u>



Agenda Number: **7L**

Agenda Date: 12-06-11

Agenda Item: Resolution 25-11, Setting Dates for 2012

Summary: If the council desires to stay with first Tuesdays for council meetings, 4 of the meetings for the upcoming year would need to be changed to Thursdays due to Party Caucuses, Night to Unite, Election Day, and New Year's Day. Plus, if there is an election primary, it is likely to be on the first Tuesday in September. Since these conflicts occur every election year, it might be prudent for the council to consider changing the regular council meeting day to first Thursdays. The council chambers are available on first Thursdays. Having a consistent meeting date would be clearer to the public vs. saying our meetings are on the first Tuesday of the month except for, except for, except for, except for ...

Attached are two resolutions for the council's consideration:

1. Resolution 25-11 Option 1: Keep council meetings on first Tuesdays, and change 4 meeting days to Thursdays.
2. Resolution 25-11 Option 2: Change the council meeting day to first Thursdays.

The attached resolutions also set dates for other meetings. These dates follow the same pattern as in the past and are the same on both resolutions.

Council Action: Required. Suggested motions ...

1. I move the council approves resolution 25-11, option 1 to keep council meetings on first Tuesdays, change 4 meeting days to Thursdays, and set other key dates for 2012.
2. I move the council approves resolution 25-11, option 2 to change council meetings to first Thursdays and set other key dates for 2012.

Resolution 25-11 (OPTION 1)
City of Greenwood Dates for 2012

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following dates for planning commission meetings, city council meetings, and variance / conditional use permit / subdivision applications:

Application Date	Publish Date Sun Sailor	Planning Commission Public Hearing	Council Meeting
Tuesdays	Thursdays	7 PM, 3rd Wednesdays	7 PM, 1st Tuesdays
November 15, 2011	December 8, 2011	December 21, 2011	January 3, 2012
December 20, 2011	January 5, 2012	January 18, 2012	Thurs, Feb. 9, 2012
January 17, 2012	February 2, 2012	February 15, 2012	March 6, 2012
February 14, 2012	March 1, 2012	March 21, 2012	April 3, 2012
March 20, 2012	April 5, 2012	April 18, 2012	May 1, 2012
April 17, 2012	May 3, 2012	May 16, 2012	June 5, 2012
May 15, 2012	June 7, 2012	June 20, 2012	July 3, 2012
June 19, 2012	July 5, 2012	July 18, 2012	Thurs, Aug. 9, 2012
July 17, 2012	August 2, 2012	August 22, 2012	September 4, 2012
August 11, 2012	September 6, 2012	September 19, 2012	October 2, 2012
September 18, 2012	October 4, 2012	October 17, 2012	Thurs, Nov. 8, 2012
October 16, 2012	November 1, 2012	November 21, 2012	December 4, 2012
November 20, 2012	December 6, 2012	December 19, 2012	Thurs, Jan. 3, 2013

*Planning commission and city council meetings are held in the Deephaven council chambers, 20225 Cottagewood Road, Deephaven, MN 55331.
Meetings may be changed due to lack of quorums.*

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following additional dates:

	Date	Time	Notes
Pre-Board Worksession with Assessors	April 3, 2012	6:00 PM	1st Tues. in Apr, before council meeting
Local Board of Appeal & Equalization Meeting	April 12, 2012	6:00 PM	2nd Thurs. in Apr.
Subsequent Local Board of Appeal & Equalization Meeting	April 26, 2012	6:00 PM	Last Thurs. in Apr.
Spring Clean-Up Day	May 5, 2012	8:00 AM	1st Sat. in May
City Council & Planning Commission Joint Worksession	May 16, 2012	8:00 PM	2nd Wed. in May, following PC meeting
Budget Worksession	August 9, 2012	6:00 PM	1st Tues. in Aug, before council meeting
Budget Worksession	September 4, 2012	6:00 PM	1st Tues. in Sept, before council meeting
Fall Sales Ratio Meeting with Assessors	October 25, 2012	4:00 PM	Last Thurs. in Oct.
Election Canvassing Meeting	November 12, 2012	6:00 PM	Monday following election
Budget Public Comment Opportunity	December 4, 2012	7:00 PM	Dec. council meeting

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

Resolution 25-11 (OPTION 2)
City of Greenwood Dates for 2012

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following dates for planning commission meetings, city council meetings, and variance / conditional use permit / subdivision applications:

Application Date	Publish Date Sun Sailor	Planning Commission Public Hearing	Council Meeting
Tuesdays	Thursdays	7 PM, 3rd Wednesdays	7 PM, 1st Thursdays
November 15, 2011	December 8, 2011	December 21, 2011	January 5, 2012
December 20, 2011	January 5, 2012	January 18, 2012	February 2, 2012
January 17, 2012	February 2, 2012	February 15, 2012	March 1, 2012
February 14, 2012	March 1, 2012	March 21, 2012	April 5, 2012
March 20, 2012	April 5, 2012	April 18, 2012	May 3, 2012
April 17, 2012	May 3, 2012	May 16, 2012	June 5, 2012
May 15, 2012	June 7, 2012	June 20, 2012	July 5, 2012
June 19, 2012	July 5, 2012	July 18, 2012	August 2, 2012
July 17, 2012	August 2, 2012	August 22, 2012	September 6, 2012
August 11, 2012	September 6, 2012	September 19, 2012	October 4, 2012
September 18, 2012	October 4, 2012	October 17, 2012	November 1, 2012
October 16, 2012	November 1, 2012	November 21, 2012	December 6, 2012
November 20, 2012	December 6, 2012	December 19, 2012	January 3, 2013

Planning commission and city council meetings are held in the Deephaven council chambers, 20225 Cottagewood Road, Deephaven, MN 55331. Meetings may be changed due to lack of quorums.

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following additional dates:

	Date	Time	Notes
Pre-Board Worksession with Assessors	April 5, 2012	6:00 PM	1st Thurs. in Apr, before council meeting
Local Board of Appeal & Equalization Meeting	April 12, 2012	6:00 PM	2nd Thurs. in Apr.
Subsequent Local Board of Appeal & Equalization Meeting	April 26, 2012	6:00 PM	Last Thurs. in Apr.
Spring Clean-Up Day	May 5, 2012	8:00 AM	1st Sat. in May
City Council & Planning Commission Joint Worksession	May 16, 2012	8:00 PM	2nd Wed. in May, following PC meeting
Budget Worksession	August 2, 2012	6:00 PM	1st Thurs. in Aug, before council meeting
Budget Worksession	September 6, 2012	6:00 PM	1st Thurs. in Sept, before council meeting
Fall Sales Ratio Meeting with Assessors	October 25, 2012	4:00 PM	Last Thurs. in Oct.
Election Canvassing Meeting	November 12, 2012	6:00 PM	Monday following election
Budget Public Comment Opportunity	December 6, 2012	7:00 PM	Dec. council meeting

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Item: Discuss: Excess Water Flow at 20840 Channel Drive

Summary: This past summer sewer workers noticed water rushing in the manhole near 20840 Channel Drive. While the city engineer was in the area doing televising for a neighboring city, he televised the Channel Drive system and determined that 20840 Channel Drive has an internal plumbing issue whereby clean water not requiring treatment is being discharged into the sanitary sewer system at a rate between 3 and 5 gallons per minute. A family currently is renting the home and has allowed city staff to gain entry to the home. City staff was not able to determine an obvious plumbing leak from a faucet or toilet. Nevertheless, the city engineer stands by the determination that the problem is coming from an internal plumbing issue at the home. A bank in Florida currently is paying the utility bills for the property. Staff has notified the bank of the situation, but given the recent history of bank responses to issues such as this, it may be prudent that the council take official action to bring the situation into compliance with city ordinances.

Below are applicable sections of the code for the council's reference:

Section 310.30. Use of Sewers. Subd. 4. Prohibited Discharges Into Sanitary Sewer System and Natural Outlets.

- (a) No person shall discharge or cause to be discharged any substance not requiring treatment or any substance not acceptable for discharge, as determined by the city, Metropolitan Council, or the Minnesota Pollution Control Agency, into the sanitary sewer system. Only sanitary sewage from approved plumbing fixtures may be discharged into the sanitary sewer system.
- (d) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer unless such person has obtained a permit from the Metropolitan Council specifically authorizing the discharge of such water or waste and unless the conditions, if any, set forth in the permit have been and are complied with by such person: (10)(iv) Materials that exert or cause unusual volume of flow or concentration of waters or wastes constituting "slugs" as defined herein.

Section 1205. Definitions. Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation.

Section 310.70. Remedies. Subd. 1. Each person who connects with a public sewer located in the city shall be deemed to have agreed to and shall indemnify and hold harmless the city with respect to all costs, damages and expenses, including penalties and special charges assessed by the sewage treatment authority against the city resulting, directly or indirectly, from a violation of a provision(s) of section 310.30, subdivisions 1 through 4, inclusive, hereof, and shall be deemed to have agreed that all such costs, damages and expenses may be charged as an addition to the regular charge for the sewage services provided for the property from which the waters or wastes violating these provisions were discharged.

Subd. 2. Notwithstanding any other provisions hereof, the city shall have the right to institute an action to seek injunctive relief from a continuing violation of the provisions of section 310.30, subdivision 1 through 4, inclusive, hereof and/or shall have the right to institute an action for all costs, damages and expenses resulting, directly or indirectly, from a violation of these provisions.

The cost for televising the system was \$250. Per the attached spreadsheet, the average between the low and high daily cost estimate is \$10.38 per day to treat the excess flow. The city engineer documented the excess flow on November 17, 2011. Since the potential charges to the property's utility bill are based on an interpretation of the code, the city attorney is recommending that the council approves the additional charges.

Council Action: Recommended. Suggested motions ...

1. I move the council approves charging 20840 Channel Drive for all costs associated with excess water flow into the sanitary sewer system, including but not limited to the \$250 cost to televise the system and the \$10.38 daily cost to treat the excess flow of clean water beginning on November 17, 2011 (the date the excess flow was documented).
2. I move the council approves the city absorbing the costs associated with identifying and treating the excess water flow coming from 20840 Channel Drive.
3. Do nothing.



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

Bank of America
7255 Baymeadows Way
Jacksonville, FL 32256

Re: 20840 Channel Drive, Greenwood, Minnesota

To Whom It May Concern:

While doing routine maintenance on the City's sanitary sewer system, the City of Greenwood discovered that the sewer service line at 20840 Channel Drive was flowing constantly with what appeared to be clean water at a rate of 3 to 5 gallons per minute (129,600 to 216,000 gallons per month).

Upon further investigation, it has been determined that the origin of the running water is an internal plumbing issue at the property. Because the City and ultimately its residents are charged for sanitary sewer treatment based on the amount of flow it generates, the City works diligently to eliminate inflow and infiltration into the system.

Since it has been determined that additional flow is coming from the property that you own, you are required to make the repairs necessary to eliminate the excess inflow into the City's sanitary sewer system. ~~Please take the steps necessary to correct the~~ problem, including obtaining building permits as necessary. Once the repairs are completed, please contact the City for a follow up inspection.

In the event that the repairs are not completed by December 9, 2011, the City will be forced to take all steps necessary to bring your property into compliance. This includes, but is not necessarily limited to, charging a fee for the excess flows.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Gus Karpas". The signature is stylized and includes a checkmark at the end.

Gus Karpas
City Clerk

For billing questions, please call 651-602-1189

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
------	-----	------------	-------------	----------	-----	----------	------------

1		WWS	Waste Water Services Def Rev	1.00	EA	2,336.37	2,336.37
---	--	-----	------------------------------	------	----	----------	----------

This monthly charge is based on an annual flow of 13.84 million gallons of wastewater flow for GREENWOOD as a percentage of the overall metropolitan system flow during July 1, 2009 to June 30, 2010.

This percentage is multiplied by the approved total municipal wastewater charge of \$172.78 million and then divided into 12 equal monthly installments.

THIS IS YOUR WASTEWATER SERVICE BILL FOR THE MONTH OF DECEMBER 2011.

ANY UNPAID BALANCE OVER 30 DAYS FROM DATE OF INVOICE WILL BE SUBJECT TO A FINANCE CHARGE AT THE RATE OF 1.5% PER MONTH (18% PER YEAR)

SUBTOTAL:

2,336.37

TOTAL AMOUNT DUE :

\$ 2,336.37



Business Unit:MC-ES Invoice: 0000974078

original

ons, please call 651-602-1189

Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
------------	-------------	----------	-----	----------	------------

1

		1.00		3,113.87	3,113.87
--	--	------	--	----------	----------

This monthly charge is based on an annual flow of 21.30 million gallons of wastewater flow for Greenwood as a percentage of the overall metropolitan system flow during July 1, 2007 to June 30, 2008.

This percentage is multiplied by the approved total municipal wastewater charge of \$161.32 million and then divided into 12 equal monthly installments.

THIS IS YOUR WASTEWATER SERVICE BILL FOR THE MONTH OF JANUARY 2009.

ANY UNPAID BALANCE OVER 30 DAYS FROM DATE OF INVOICE WILL BE SUBJECT TO A FINANCE CHARGE AT THE RATE OF 1.5% PER MONTH (18% PER YEAR)

SUBTOTAL:

#105 602-43200-309

3,113.87

TOTAL AMOUNT DUE :

\$ 3,113.87

STANDARD

Original

Description	Quantity	UOM	Unit Amt	Net Amount
-------------	----------	-----	----------	------------

	1.00		3,007.42	3,007.42
--	------	--	----------	----------

This monthly charge is based on an annual flow of 18.22 million gallons of wastewater flow for GREENWOOD as a percentage of the overall metropolitan system flow during July 1, 2008 to June 30, 2009.

This percentage is multiplied by the approved total municipal wastewater charge of \$167.41 million and then divided into 12 equal monthly installments.

THIS IS YOUR WASTEWATER SERVICE BILL FOR THE MONTH OF ~~JANUARY~~ 2010.

ANY UNPAID BALANCE OVER 30 DAYS FROM DATE OF INVOICE WILL BE SUBJECT TO A FINANCE CHARGE AT THE RATE OF 1.5% PER MONTH (18% PER YEAR)

SUBTOTAL:				3,007.42
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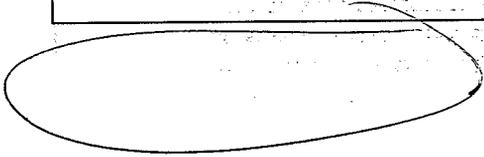
TOTAL AMOUNT DUE :			\$	3,007.42
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#105

#602-43200-309

STANDARD

Original



MIDWEST TRENCHLESS TECHNOLOGIES INC.,
DBA SWEDLUND SERVICES
25648 - 200TH STREET
BELLE PLAINE, MN 56011

Invoice

Date	Invoice #
11/17/2011	5780

952-873-3292

Bill To
City of Greenwood 20225 Cottagewood Rd. Deephaven, MN 55331 952-474-6633

Terms			
Due on receipt			

Description	UNIT	QTY.	Unit Price	Amount
Municipal Televising house lateral in Greenwood <i>SANITARY JOBER LATERAL INVESTIGATION 16 Nov 11 20840 CHAUVEL DRIVE.</i>			250.00	250.00
Thank you for your business.	Total		\$250.00	



Agenda Number: **9A-E**

Agenda Date: 12-06-11

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 Date: 12-06-11

Agenda Item: FYI Items in Council Packet

Summary: The attached items are included in the council packet For Information Only.

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



November 3, 2011

NCI-BIB
Northern Capital Insurance Group
PO Box 9396
Minneapolis, MN 55440-9396

Covered Party: City of Greenwood

Effective Date: 10/12/2011

RENEWAL PREMIUM SUMMARY

Common Coverages

Coverage	Deductible	Premium
• Property	\$2,500.	\$1,194.
• Mobile Property		Not Covered.
• Municipal Liability	2,500.	2,455.
• Automobile Liability	2,500.	61.
• UM/UIM \$200,000 all covered autos		Not Covered.
• Basic Economic Loss Benefits (PIP) all covered autos		Not Covered.
• Automobile Physical Damage	2,500.	Included.
• Crime	2,500.	Included.
• Petrofund	NA	Included.
• Open Meeting Law	NA	Included.

Optional Coverages

Coverage	Deductible	Premium
• Bond	2,500.	122.
• Equipment Breakdown		Not Covered.
• Excess Liability Limit:	\$ NA	Not Covered.
• Liquor Liability Limit:	\$ NA	Not Covered.
• Fireworks		Not Covered.
• No Fault Sewer Back Up Limit:	\$ 40,000 2,500.	338.
• Airport Liability		Not Covered.
TOTAL		\$ 4,170.

DO NOT PAY UNTIL YOU RECEIVE INVOICES

TORT LIMIT \$500,000. /\$1,500,000.

Comments:

Coverage	Optional Coverage Quotes	Deductible	Premium
• No Optional Coverage Quotes Requested		NA	NA

Optional coverage(s) are not bound unless the covered party has requested that coverage be bound and LMCIT has sent a written confirmation. Optional coverage quotes are valid for 30 days after the date of this letter.

Sincerely,

Alija Peterson

Underwriter

ks

Premsumsc(11/10)

LMCIT PREMIUM BREAKDOWN

DATE: 11/03/2011

Coverage Period: 10/12/2011 -
10/12/2012

TO: _____

CITY OF: GREENWOOD, CITY OF

<u>COVERAGE</u>	<u>AVERAGE RATE</u>	<u>AMOUNT OF COVERAGE</u>	<u>PREMIUM</u>
PROPERTY (Per \$100 Coverage)*	<u>.29820</u>	\$ <u>400,350</u>	\$ <u>1,194</u>
MOBILE PROPERTY(Per \$100 Coverage):			
MUNICIPAL LIABILITY		<u>SEE ATTACHED</u>	\$ <u>2,793</u>
AUTO LIABILITY & PHYSICAL DAMAGE		<u>*SEE ATTACHED</u>	\$ <u>61</u>
CRIME-INSIDE/OUT/FORGERY	<u> </u>	\$ <u>250,000</u>	\$ <u> </u>
BONDS	<u> </u>	\$ <u>50,000</u>	\$ <u>122</u>

*These AVERAGE RATES are to be used
for ESTIMATES of PREMIUM ALLOCATION ONLY

TOTAL PREMIUM: \$ 4,170

11/20

PREPARED BY: _____

SCHEDULE of VEHICLES - GREENWOOD, CITY OF

COVENANT Number: CMC 33841

COVENANT Period: 10/12/2011 TO 10/12/2012

<u>VEH#</u>	<u>YR</u>	<u>TRADE NM</u>	<u>MODEL</u>	<u>- ID -</u>	<u>LIAB</u>	<u>PHYD</u>
<u>HNO</u>				<u>HIRED/NONOWNED</u>	\$ 61	\$
				TOTAL VEHICLES	\$ 61	\$
				TOTAL AUTO PRM	\$ 61	

MUNICIPAL LIABILITY - GREENWOOD, CITY OF

COVENANT Number: CMC 33841

COVENANT Period: 10/12/2011 To 10/12/2012

<u>--HAZARD--</u>		<u>PREMIUM BASIS</u>	<u>ADVANCED PREMIUM</u>
OP EXPENDITURES/TERR 2/POP 0-2500	\$	298,292	\$ 1,215
MILES-STREETS-PER MILE -		10	\$ 132
INDEPENDENT CONTRACTORS-PER \$100	\$	467,875	\$ 114
NO-FAULT SEWER BACKUP \$40,000		1	\$ 338
E&O OTHER 5 YEAR PRIOR ACTS 250M TO 1000M EXP	\$	770,058	\$ 994
SEWER BACK UP-EQUAL TO >\$1000	\$	1	\$
 TOTAL LIABILITY			 \$ 2,793

MUNICIPAL PROPERTY - GREENWOOD, CITY OF

COVENANT Number: CMC 33841
 COVENANT Period: 10/12/2011 TO 10/12/2012

<u>LOC</u>	<u>BLD</u>	<u>COV</u>	<u>DESCRIPTION</u>	<u>COVERAGE</u>	<u>PREMIUM</u>
001	001	BLD	21953 MTKA BLVD SEWER LIFT STATION	50,565	23
002	001	BLD	5105 MEADVILLE STREET SEWER LIFT STATION	50,565	22
003	001	BLD	21610 FAIRVIEW STREET SEWER LIFT STATION	50,565	22
004	001	BLD	5165 WEEKS ROAD SEWER LIFT STATION	63,208	29
005	001	BLD	21630 MTKA BLVD SEWER LIFT STATION	50,565	22
006	001	PIO	GREENWOOD CIRCLE LAKE	96,911	829
007	001	PIO	5015 MEADVILLE STREET PARK	25,625	220
008	001	CNT	20225 COTTAGEWOOD RD OFFICE	12,346	27

TOTAL PROPERTY

1,194

MOBILE PROPERTY

- GREENWOOD, CITY OF

LOC BLD COV DESCRIPTION

COVERAGE

TOTAL MOBILE PROPERTY

From: "Gus Karpas" <guskarpas@mchsi.com>
Subject: FW: Greenwood renewal quote eff 10/12/2011(revised with Options)
Date: November 4, 2011 1:52:28 PM CDT
To: "Debra Kind" <dkind100@gmail.com>
▶ 1 Attachment, 84.3 KB

FYI

From: cbennetsen@comcast.net [mailto:cbennetsen@comcast.net]
Sent: Friday, November 04, 2011 11:39 AM
To: Gus Karpas
Cc: Ron Youngdahl
Subject: Fwd: Greenwood renewal quote eff 10/12/2011(revised with Options)

Carl Bennetsen
Northern Capital Insurance
Tel: 952-996-8864
carlbennetsen@northerncapital-mn.com

From: cbennetsen@comcast.net
To: "Gus Karpas" <GusKarpas@mchsi.com>
Cc: "Ron Youngdahl" <rly@ronyoungdahl.com>
Sent: Friday, November 4, 2011 10:18:10 AM
Subject: Fwd: Greenwood renewal quote eff 10/12/2011

Hi Gus,

The LMCIT Property/Casualty coverage RENEWAL PREMIUM SUMMARY is attached. You will probably receive the LMCIT premium invoice before we even have a chance to meet, so I wanted you to see this.

I also have quotes for the following Optional Coverages:

- Equipment Breakdown (5 sewer lift stations) - Additional Premium \$400
- Excess Liability Limit \$1,000,000 - Additional Premium \$900

Thought it best that the City Council make a decision on these two coverages, like they did last year.

Please contact me if you have any questions.

Carl Bennetsen
Northern Capital Insurance
Tel: 952-996-8864
carlbennetsen@northerncapital-mn.com



[0914_001.pdf \(84.3 KB\)](#)

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, OCTOBER 19, 2011
7:00 P.M.**

1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Pat Lucking and Commission members Kristi Conrad, Bill Cook, David Paeper and Douglas Reeder

Absent: Commissioners John Beal and Brian Malo

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

2. APPROVE AGENDA

Commissioner Cook moved to accept the agenda for tonight's meeting. Commissioner Paeper seconded the motion. Motion carried 5-0.

3. MINUTES OF August 17, 2011.

Commissioner Paeper moved to approve the minutes of August 17, 2011. Commissioner Cook seconded the motion. 4-0-1. Commissioner Conrad abstained since she was not in attendance at the August meeting.

4. LIAISON REPORT

Council Liaison Fletcher informed the Commission that the Council appointed Kristi Conrad as an alternate member of the Planning Commission, that the preliminary tax levy shows no increase, that discussions have begun with the Hennepin County Sheriff's Department to provide police services to the city, that the LMCC has voted against the much discussed fiber optic project, that a MCWD harvester capsized and that the Council passed a resolution supporting the efforts of the MCWD to control aquatic invasive species.

Fletcher said the Council approved the Ostrander variance request on a 4-1 vote and approved the proposed ordinance amendments as it pertains to variances with some small modifications. He said the Council discussed the removal of some unnecessary signage and increasing fee for a city dock increased to \$1,100 and that the Council will be looking at ways to regulate the sale of drug paraphernalia within the city at their next meeting.

5. PUBLIC HEARINGS

Ordinance 198 – Public Hearing for Ordinance 198, Amendment of Section 1135.05 of the Zoning Ordinance Regarding Permitted and Conditional Uses in the C-2 District.

Chairman Lucking summarized the proposed ordinance amendment and opened the public hearing. Hearing no public comment the hearing was closed.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, OCTOBER 19, 2011
7:00 P.M.

Chairman Lucking asked about how specific the definition of marina was in the ordinance and if it included marina related retails sales and repairs and whether those items should be specifically worded in the ordinance as a permitted use. City Attorney Kelly didn't see a reason not to allow the uses as a permitted use noting the uses taken together would constitute a multiple use business which requires a Conditional Use Permit.

Kelly said the issue before the Commission is whether to swap general office uses as a conditional use with restaurant uses as a permitted use.

Chairman Lucking sought the opinion of the Commission whether the specific uses associated with a marina should be separated and mentioned separately in the ordinance. The Commission was supportive of leaving the ordinance as written.

City Attorney Kelly suggested a format change in the ordinance format prior to its presentation to the Council.

Motion by Commissioner Paeper to recommend the City Council adopt ordinance 198, amending Section 1135.05 of the Zoning Ordinance Regarding Permitted and Conditional Uses in the C-2 District. Cook seconded the motion. Motion carried 5-0.

Ordinance 199 – Public Hearing for Ordinance 199, Amendment of Section 1102 of the Zoning Ordinance, Redefining Definitions of Yards.

Chairman Lucking summarized the proposed ordinance amendment and opened the public hearing. Hearing no public comment, the hearing was closed.

City Attorney Kelly presented an amended ordinance, explaining it the changes did not change content of the language, but added clarity to the amendment.

Commissioner Conrad asked about alternating use of the terms yard and unoccupied open space and asked one or the other should be used consistently throughout the definitions. City Attorney Kelly agreed. Conrad asked what facilitated the need for a change in the definitions. City Attorney Kelly said the issue initially came to light while enforcing a boat parking issue. Council Liaison added that the definition of yards could easily be interpreted differently.

The Commission discussed the addition of an illustration in the ordinance. Council Liaison Fletcher said was highly recommended by the League of Minnesota Cities. Zoning Coordinator Karpas said one would be included. Commissioner Conrad suggested that more than one illustration be included since not all lots are square or rectangular in the city.

Commissioner Paeper asked about the use of the term building line versus principal structure. City Attorney Kelly said the building line is defined in the ordinance while principal structure is not.

Motion by Commissioner Cook to recommend the City Council adopt ordinance 199, amending Section 1102 of the Zoning Ordinance, Redefining Definitions of Yards, as amended and noting the suggestion that multiple illustrations be inserted into the

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, OCTOBER 19, 2011
7:00 P.M.**

ordinance to show varying lot dimensions. Paeper seconded the motion. Motion carried 5-0.

6. OTHER BUSINESS

7. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Cook seconded the motion. The meeting was adjourned at 7:50 p.m.

Respectively Submitted

Gus Karpas
City Clerk/Zoning Administrator



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

Bank of America
7255 Baymeadows Way
Jacksonville, FL 32256

Re: 20840 Channel Drive, Greenwood, Minnesota

To Whom It May Concern:

While doing routine maintenance on the City's sanitary sewer system, the City of Greenwood discovered that the sewer service line at 20840 Channel Drive was flowing constantly with what appeared to be clean water at a rate of 3 to 5 gallons per minute (129,600 to 216,000 gallons per month).

Upon further investigation, it has been determined that the origin of the running water is an internal plumbing issue at the property. Because the City and ultimately its residents are charged for sanitary sewer treatment based on the amount of flow it generates, the City works diligently to eliminate inflow and infiltration into the system.

Since it has been determined that additional flow is coming from the property that you own, you are required to make the repairs necessary to eliminate the excess inflow into the City's sanitary sewer system. ~~Please take the steps necessary to correct the~~ problem, including obtaining building permits as necessary. Once the repairs are completed, please contact the City for a follow up inspection.

In the event that the repairs are not completed by December 9, 2011, the City will be forced to take all steps necessary to bring your property into compliance. This includes, but is not necessarily limited to, charging a fee for the excess flows.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Gus Karpas". The signature is stylized and includes a checkmark at the end.

Gus Karpas
City Clerk



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November 22, 2011

Mr. Joe Mulcahy, Grant Coordinator
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805

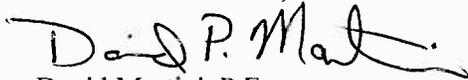
RE: Inflow/Infiltration Grant Program
City of Greenwood

Dear Mr. Mulcahy:

The City of Greenwood's 2011 Sanitary Sewer Rehabilitation Project has been completed with final eligible construction costs of \$67,380.76. Therefore, the City is requesting payment of grant funds in the amount of \$33,690.38. The Cost Verification Form along with the final pay request for the project is attached for your review.

Thank you in advanced for your consideration of this request. Please let me know if you have any questions or need additional information.

Sincerely,
BOLTON & MENK, INC.


David Martini, P.E.
Consultant City Engineer

cc: Joe Mulcahy, Grant Coordinator

Municipal Inflow and Infiltration Cost Verification Form

Complete this form and its attachments to assure MCES that the community has spent the municipal I & I grant funds on applicable projects, approved by MCES. To receive payment, send the completed form to:

Mail: Joe Mulcahy, Grant Manager,
390 N. Robert Street
St. Paul, MN 55101

Fax: Attn: Joe Mulcahy, Grant Manager
(651) 602-1130

Community: CITY OF GREENWOOD

Calendar Year(s) in which Work was performed: 2011

Was the work pre-approved by MCES? Yes No

a) Public Facility Work: Attach a detailed breakdown of actual expenditures for the municipal system I/I program. Include only amounts actually paid during the calendar year. MCES may request additional documentation to verify expenditures. Include the percent of each projects costs that are related to I/I mitigation:

Summary of Costs: _____

_____ Pipe Replacement, Rehabilitation, or Lining:	= \$ <u>14,074.46</u>
_____ Man Hole Sealing	= \$ <u>24,498.80</u>
_____ Man Hole Lids/Castings	= \$ <u>28,807.50</u>
_____ Cross Connection Elimination	= \$ _____
_____ Flood Mitigation	= \$ _____

Describe Other Work: _____

Total claimed for 2011 (calendar years): \$ 67,380.76

City or Township Official/Title:
David P. Mantz, CONSULTANT CITY ENGINEER

Date Signed: 11/17/11 Phone #: (952) 448-8838

Amount Eligible: \$ 33,690.38

MCES USE ONLY

Form: Municipal_II_Verificationform Last update: 8/1/10

CONTRACTOR'S PAY REQUEST NO. 3 - FINAL
2011 SANITARY SEWER REHABILITATION
CITY OF GREENWOOD
BMI PROJECT NO. C13.103379

CONTRACTOR
OWNER
ENGINEER

TOTAL ORIGINAL CONTRACT AMOUNT.....	\$96,242.76
APPROVED CHANGE ORDER NO.	
TOTAL, CURRENT CONTRACT AMOUNT	\$96,242.76
TOTAL, COMPLETED WORK TO DATE.....	\$ 67,380.76
TOTAL, STORED MATERIALS TO DATE.....	\$ -
DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED.....	\$ -
TOTAL, COMPLETED WORK & STORED MATERIALS.....	\$ 67,380.76
RETAINED PERCENTAGE (0%)	\$ -
TOTAL AMOUNT OF OTHER DEDUCTIONS.....	\$ -
NET AMOUNT DUE TO CONTRACTOR TO DATE.....	\$ 67,380.76
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$ 63,702.97
PAY CONTRACTOR AS ESTIMATE NO. 3 - FINAL	\$ 3,677.79

Certificate for Final Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the amount for the Final Estimate, that the provisions of M. S. 290.92 have been complied with and that all claims against me by reason of the Contract have been paid or satisfactorily secured.

Contractor: INFRA TECH
21040 COMMERCE BOULEVARD
ROGERS, MN 55374

By [Signature] President
Name Title

Date 11/21/11

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:
BOLTON & MENK, INC., ENGINEERS, 2638 SHADOW LN, SUITE 200, CHASKA MN 55318

By [Signature] CITY ENGINEER
DAVID MARTINI, P.E.

Date NOVEMBER 17, 2011

APPROVED FOR PAYMENT:
Owner: CITY OF GREENWOOD

By [Signature] clerk 11/22
Name Title Date

PARTIAL PAY ESTIMATE NO. 3 - FINAL

CITY OF GREENWOOD
 2011 SANITARY SEWER REHABILITATION
 BMI PROJECT NO. C13-103379

WORK COMPLETED THROUGH NOVEMBER 17, 2011

ITEM NO.	BID ITEM	UNIT PRICE	ESTIMATED		BID AMOUNT	QUANTITY PREVIOUS ESTIMATE		QUANTITY COMPLETED TO DATE
			BID QUANTITY					
1	MOBILIZATION	\$ 3,000.00	1	LS	\$ 3,000.00	1	LS	\$ 3,000.00
2	SEWER CLEANING AND TELEVISION, INCL. ROOTS AND MIN. DEPOSITS	\$ 2.12	3,098	LF	\$ 6,567.76	3,098	LF	\$ 6,567.76
3	CHEMICAL GROUT SEALING OF JOINT OR CRACK	\$ 625.00	12	EACH	\$ 7,500.00	15	EACH	\$ 9,375.00
4	LATERAL SERVICE CONNECTIN SEALING AND RE-EST. OF FLOW	\$ 720.00	7	EACH	\$ 5,040.00		EACH	\$ -
5	SHORT-SECTION LINER UP TO 4' LENGTH	\$ 1,740.00	9	EACH	\$ 15,660.00	2	EACH	\$ 3,480.00
6	ADDITIONAL LENGTH SHORT-SECTION LINER OVER 4'	\$ 120.00	24	LF	\$ 2,880.00		LF	\$ -
7	CUT OFF PROTRUDING TAP	\$ 900.00	1	EACH	\$ 900.00	1	EACH	\$ 900.00
8	SEAL MANHOLE JOINT	\$ 800.00	11	EACH	\$ 8,800.00	6	EACH	\$ 4,800.00
9	SEAL PIPE CONNECTIONS TO MANHOLE	\$ 500.00	14	EACH	\$ 7,000.00	10	EACH	\$ 5,000.00
10	PLACE CONCRETE LINER IN MANHOLE	\$ 220.00	31	LF	\$ 6,820.00	11.4	LF	\$ 2,508.00
11	REPAIR / RECONSTRUCT MANHOLE BOTTOM AND INVERT	\$ 650.00	7	EACH	\$ 4,550.00	6	EACH	\$ 3,900.00
12	RECONSTRUCT MANHOLE ADJ. RINGS AND INSTALL EXT. CHIMNEY SEAL	\$ 1,575.00	16	EACH	\$ 25,200.00	16	EACH	\$ 25,200.00
13	RECONSTRUCT MANHOLE ADJ. RINGS AND INSTALL INTERNAL CHIMNEY SEAL	\$ 1,575.00	1	EACH	\$ 1,575.00	1	EACH	\$ 1,575.00
14	REPLACE MANHOLE COVER WITH WATERTIGHT COVER	\$ 150.00	5	EACH	\$ 750.00	5	EACH	\$ 750.00
TOTAL AMOUNT INCLUDING CHANGE ORDERS:					\$ 96,242.76			\$ 67,055.76
								\$ 67,380.76



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November 22, 2011

Mr. Jason Willet, MCES Finance Director
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805

RE: Inflow/Infiltration Grant Program
City of Greenwood

Dear Mr. Willett:

In 2011 the City of Greenwood accepted a grant from MCES to assist with the cost of sanitary sewer improvements aimed at reducing inflow and infiltration. The amount of the grant is \$48,384, which was based on estimated eligible project costs of \$96,768.

The 2011 project has now been completed with final eligible construction costs of \$67,380.76. Since, this project did not use all of the grant money awarded to the City; the City would like to request that the remaining \$14,693.62 of grant funds be allocated to the City's 2012 Sanitary Sewer Improvement Project, which will include eligible work.

Thank you in advanced for your consideration of this request. Please let me know if you have any questions or need additional information.

Sincerely,
BOLTON & MENK, INC

David Martini, P.E.
Consultant City Engineer

cc: Joe Mulcahy, Grant Coordinator

From: "Willett, Jason" <jason.willett@metc.state.mn.us>
Subject: RE: Greenwood I&I Grant
Date: November 23, 2011 4:05:36 PM CST
To: 'David Martini' <davidma@bolton-menk.com>
Cc: Gus Karpas <guskarpas@mchsi.com>, Debra Kind <dkind100@gmail.com>, "Mulcahy, Joe" <joe.mulcahy@metc.state.mn.us>, 'Patricia Nauman' <patricia@metrocitiesmn.org>, "Moore, William" <William.Moore@metc.state.mn.us>

Thanks very much for all the city's work to reduce I/I in our metro sewer system. It is saving us all money; see link to a newsletter:

<http://www.metrocouncil.org/newsletter/water2011/llupdateJune17.htm>

Our senior management today discussed the city request to use the unused portion of the grant award on additional (2012) I/I work. While we hope the city will do as much preventative I/I work as can be afforded in 2012 and beyond, the request seems problematic to us.

The stated intent at the beginning of the program was that such unused award amounts (and we expect more) would go into a pool for a 2nd round of competition. We think that all cities should be on equal footing for the next round and this may include some cities that did not compete in the last round but might do so in the future. Moreover, we hope the legislature approves some additional bonding money for an additional round as well. I believe that Patricia Nauman at Metro Cities is working on that; you may want to contact her to see if you can help.

Once we get a clear picture of what's available and the need we will make plans for a next round, but this is not likely before the legislative session ends and more of the work gets done. Please watch our web site for additional information and feel free to contact me or Joe Mulcahy about this matter at any time.

Jason Willett
MCES Finance Director
651.602.1196

From: David Martini [mailto:davidma@bolton-menk.com]
Sent: Tuesday, November 22, 2011 3:44 PM
To: Willett, Jason
Cc: Gus Karpas; Debra Kind
Subject: Greenwood I&I Grant

Jason,

The City of Greenwood has sent an I & I grant payment request to Joe Mulcahy. The City's 2011 project did not use all of the grant funds allocated to the City. Therefore please find the attached letter requesting that the remaining grant funds be allocated to the City's 2012 project, which will include eligible costs.

Please let me know if you have questions or need additional information.

David P. Martini, P.E.
Bolton & Menk, Inc.
P: (952) 448-8838 ext. 2458
M: (612) 756-4315
email: davidma@bolton-menk.com



CONNECTING & INNOVATING
SINCE 1913

Date: November 23, 2011
To: LMCIT Members and Agents
From: Pete Tritz, LMCIT Administrator
RE: **2011-12 Coverage Changes, Rates, and Dividends**

The League of Minnesota Cities Insurance Trust (LMCIT) Board has approved rates and several coverage changes for the 2011-12 underwriting year. In addition, members of the property/casualty program will share in a \$12 million dividend this year; workers' compensation members will share in a \$6 million dividend. Following is a summary.

Property/Casualty Premium Rates, Effective November 15, 2011

- Property rates will increase 3 percent.
- All other coverages remain the same as 2010.

Workers' Compensation Premium Rates, Effective January 1, 2011

- Overall premium rates will increase 2 percent.
- Rates for volunteer firefighters will increase an additional 2 percent. These rates are based on population served, rather than payroll, and therefore lag all other class rates essentially by the amount of annual wage inflation. This slight increase will allow volunteer firefighter rates to stay in line with other job classes.
- Volunteer accident coverage rates will decrease 13 percent.

Dividends

- Property/casualty members will share in a \$12 million dividend. The dividend will be distributed during mid-December 2011 to those who are property/casualty members as of December 1, 2011.
- Workers' compensation members will share in a \$6 million dividend. The dividend will be distributed during mid-April 2012 to those who are workers' compensation members as of April 1, 2012.

Coverage Changes

There are a number of changes in LMCIT's liability, property, and other coverages for the 2011-12 underwriting year. Changes will be effective for property/casualty coverage written or renewed on or after November 15, 2011. Please see page four for more information.

Premium Rates

The rate changes taking place this year don't mean members' actual premiums will necessarily increase or decrease by these exact amounts. Actual premiums are also affected by changes in city expenditures, property values, payrolls, other exposure measures, and experience rating.

Property/Casualty

Members with renewals on or after November 15, 2011 will see a 3 percent property rate increase.

Property and liability losses are the biggest pieces of LMCIT's expense picture, and play a large role in determining total premium costs paid by member cities.

When LMCIT sets premium rates, the average experience over the past several years is used to project how much loss to expect in the future. The increase in property rates for the coming year reflects the higher loss experience in the 2010 and 2011 underwriting years. In addition, lower market interest rates mean we're generating less interest revenue from investments. That revenue now has to come instead from premiums.

For the coming year, a somewhat smaller contingency margin was built into the rates than in the past few years. In effect, it means that we're relying a little more on the accumulated fund balance, and a little less on the premium revenues, for the funds we'd draw on if losses in the coming year should turn out to be more than projected.

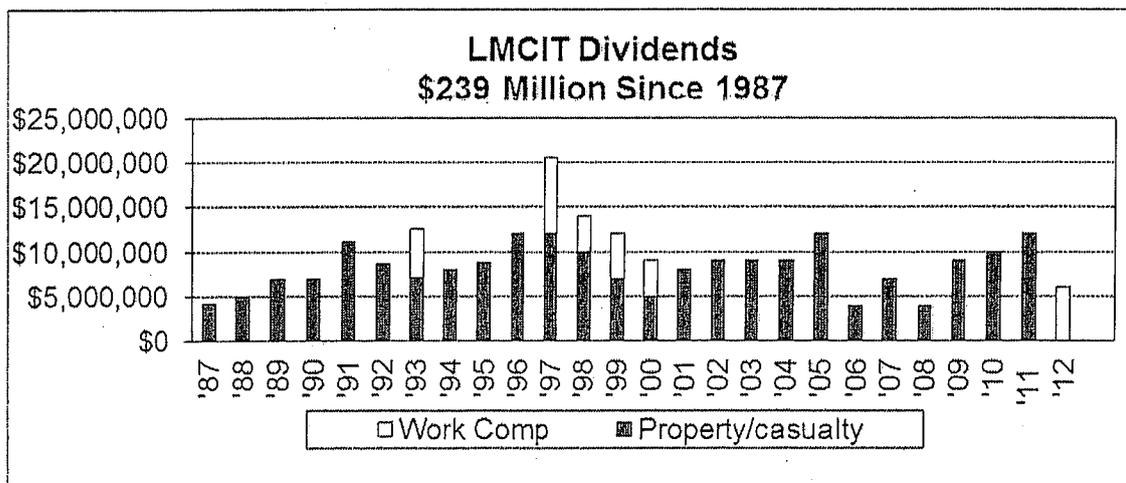
Workers' Compensation

Members with renewals on or after January 1, 2012 will see a 2 percent rate increase.

The 2 percent rate increase for 2012 is basically driven by two main factors: First, medical costs continue to rise much faster than wages or general inflation. Medical costs now make up 60 percent of LMCIT's total workers' compensation loss costs, and are increasing at a rate of about 9 percent per year. The second factor is declining investment income. Investment income provides about 20 percent of the workers' compensation program's revenue. Lower market interest rates have affected LMCIT's investment income, and the result is that those dollars now have to be made up from premiums.

Dividends

Members of the property/casualty program will share in a \$12 million dividend this year, bringing the total amount of returned property/casualty dividends since 1987 to \$206 million. Members of the workers' compensation program will share in a \$6 million dividend. The total amount of returned workers' compensation dividends since 1987 is \$33 million.



Property/Casualty

The \$12 million property/casualty dividend will be distributed during mid-December 2011 to those who are property/casualty members as of December 1, 2011.

The dividend formula will be the same as that used during the past several years. According to the formula, a city's share is proportionate to the difference between the city's total earned premiums and total incurred losses for all years the city has been a member, with large individual losses capped for purposes of the formula. This approach recognizes cities that have been long-time members and that have been most successful in avoiding and controlling losses.

LMCIT experienced a significant run of large property losses from both storms and fires during the second half of 2010 and the first half of 2011. Specifically, total property losses during that time were about \$18 million, with 12 events accounting for approximately \$13.4 million of that total. Because of this string of expensive property claims, we had initially anticipated that any dividend from the property/casualty program this year would likely be much smaller than in recent years, and we began communicating that message to cities early this summer. But as we worked through the analyses and actuarial estimates, it became clear that some positive trends and developments on liability and other coverages would more than offset those very high property loss costs.

Much of that good liability experience was in two areas: Land use litigation and employment liability. In both cases, it's a combination of better-than-expected results on claims from earlier years, and fewer-than-expected new claims during the past year.

- **Land use litigation** accounted for 21 percent of liability loss costs during 2007-2010. Typically, LMCIT receives about 65 to 70 claims each year. The number of claims was slightly down in 2009 (58 claims) and down even more in 2010 (46 claims). Incurred costs are similarly down for those years, though still over \$2 million annually. The claim counts and costs for the first six months of 2011 also look encouraging, though it's far too early to determine whether land use costs and claims are decreasing permanently or if it's just an anomaly.
- **Employment liability** (11 percent) and **sewer backup liability** (also 11 percent) are also major pieces of LMCIT's liability loss costs during 2007-2010. Employment liability costs remained stable during 2007-2009, but have shown a decline for 2010 and 2011. Sewer costs have remained stable in recent years, with some exceptions due to specific events.
- **Police liability** accounted for 26 percent of all liability costs during 2007-2010. Much of the claim costs are due to a relatively small number of expensive claims, and therefore can fluctuate greatly from year to year.

These good experiences with liability losses, as well some reinsurance restructuring, helped offset the extraordinary property losses, thus creating the opportunity for LMCIT to return a \$12 million dividend.

Workers' Compensation

The \$6 million workers' compensation dividend will be distributed during mid-April 2012 to those who are workers' compensation members as of April 1, 2012.

Unlike the property/casualty program, the workers' compensation program has only occasionally returned dividends, most recently in 2000. Workers' compensation losses tend to be less volatile year to year than property or liability losses. Because of this, the "cushion" or contingency margin built into the workers' compensation rates is substantially smaller, which in turn means a dividend is less likely. However, loss costs for the 2006-2009 period turned out to be less than projected and, as a result, the Board determined that we could return a \$6 million dividend and still maintain an appropriate fund balance.

Coverage Changes

The LMCIT Board has approved a number of changes in LMCIT's liability, property, and other coverages for the 2011-12 underwriting year. Changes will be effective for property/casualty coverage written or renewed on or after November 15, 2011.

Property Coverage Changes

Data security breach mitigation coverage

Coverage has been expanded so that if a member has or believes it has had a data security breach releasing secure or confidential data, LMCIT will pay for the costs to respond to the breach, including legal and information technology consulting, providing notice to affected persons, credit monitoring and identity theft services, and similar things. A covered breach could range from a stolen laptop containing confidential information to the unauthorized use of paper records retrieved from a dumpster. This coverage provides response costs even if a liability claim has not been filed. There is a \$250,000 annual aggregate limit for this coverage.

Utility power plant engines

The definition of replacement cost for electric generators at electric generating facilities was amended to exclude costs necessary to comply with the U.S. Environmental Protection Agency's (EPA) National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines, if the equipment did not comply with the standards prior to the loss.

Liability Coverage Changes

Data security breaches

A definition for data security breach claims was written into the liability coverage that mirrors the property coverage definition for these losses. An annual aggregate limit of \$2 million was added for these types of claims.

Independent contractor exclusion

LMCIT's coverage does not extend to independent contractors (except for city ambulance service medical directors). The existing language has been clarified in response to occasional questions LMCIT gets regarding this.

Municipal Bankruptcy

An exclusion was added to the LMCIT liability coverage for claims which arise from or relate to a city bankruptcy. The goal of this change was to avoid a situation where a bankrupt city's creditors would attempt to use the city's LMCIT liability coverage as an additional asset in the bankruptcy. As explained more fully below, however, coverage has been created for individual officials in these situations.

Securities litigation

Litigation relating to city debt obligations, including bonds, notes, financing certificates, lease-purchase agreements, or other similar debt instruments or financial obligations, is now within the scope of the existing coverage for Land Use and Special Risk Litigation. Damages and defense costs under Land Use and Special Risk Litigation coverage are covered on a sliding percentage basis, subject to a \$1 million annual aggregate limit.

Land Use and Special Risk Litigation Coverage

Coverage D under the liability coverage document, previously known as "Land Use, Development, Franchise or Enterprise Operations Litigations", has been renamed "Land Use and Special Risk Litigation."

In addition to the name change and the securities litigation change noted above, a few additional technical changes were made.

- An exclusion existing in the Coverage A (Municipal Liability Coverage), for litigation by LMCIT or the city against any other covered party, was incorporated into Coverage D.
- Coverage D specifically covers claims that involve a challenge to the constitutionality of a city ordinance, even if that challenge is in the context of an enforcement action brought by the city. A clarification was made to make it clear that coverage also applies to non-constitutional challenges to the city's interpretation of its ordinance or its authority to adopt the ordinance. A related clarification expressly excludes coverage for criminal prosecutions brought by the city.

Other Coverage Changes

Defense Cost Reimbursement Coverage Changes (Formerly called Open Meeting Law Defense Cost Coverage)

This coverage, previously known as "Open Meeting Law Defense Cost Coverage," has been renamed "Defense Cost Reimbursement Coverage." Coverage was expanded to provide defense cost reimbursement to city officials for lawsuits against city officials that arise from the actual, pending, or threatened bankruptcy of the city. A \$250,000 annual aggregate limit was also added.

Sewer Backup Liability Incentive Program Changes

For coverages renewing November 15, 2010 – November 14, 2011, a mandatory minimum deductible was applied to all liability claims for sanitary sewer backups unless the city met specified standards for its sewer operations. As a reminder, that amount has increased to \$2,500 for coverages renewing November 15, 2011 and after. To avoid the higher mandatory minimum deductible, cities must meet the criteria spelled out on the sewer incentive questionnaire, which can be found in the Loss Control area of the Risk Management section of the League website at www.lmc.org.

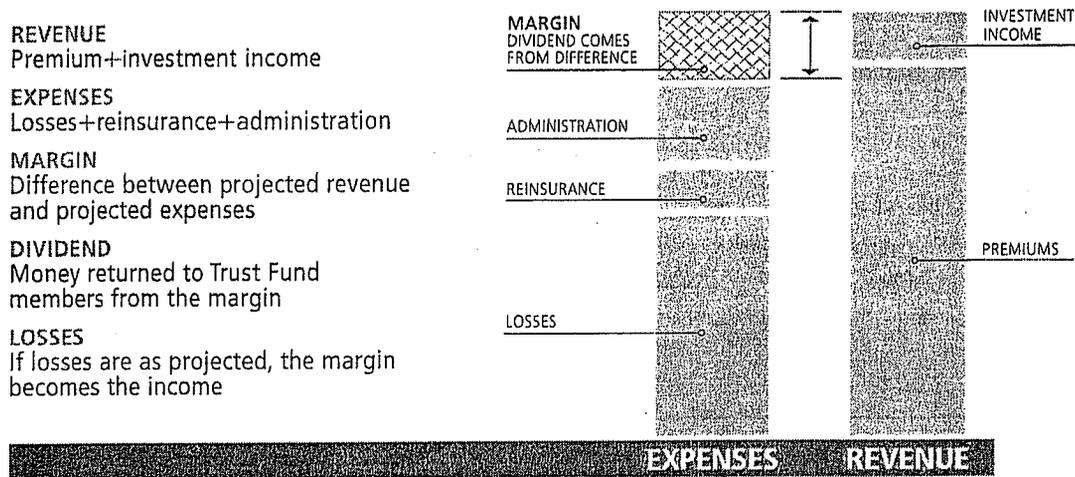
If you have questions or comments, feel free to contact the LMCIT underwriting department at 651-281-1200 or 800-925-1122.

Frequently Asked Questions about Your LMCIT Rates and Dividends

We had an unusually large number of very expensive property losses during the year and total property losses were well above what was anticipated. In light of those very property losses, how is the Trust able to return a \$12 million dollar Property/Casualty dividend?

Part of the answer is reinsurance. In 2010 and 2011, several claims over \$1 million dollars were reimbursed to us by our reinsurers. Those reimbursements totaled over \$4 million.

The other major factor is what's been happening with liability loss costs. Put simply, we had an extraordinarily good *liability* loss year, and that largely offset the exceptionally expensive *property* loss year. The good liability loss experience was a combination of having an exceptionally small number of new claims during the year, and claims from prior years turning out to cost less than we'd earlier estimated. Land use litigation and employment liability claims accounted for much of that better-than-expected liability experience. While there are probably many factors involved in that good experience, member cities' loss control efforts certainly played a role. In other words, when cities collectively work to reduce claims and control losses where they can, all of the members benefit from the savings.



Why are we increasing premium rates at the same time both the Property/Casualty and Workers' Compensation programs are returning dividends?

In setting premium rates, the starting point is to project the cost of claims we expect to incur in the *coming* year. Those projections are largely based on the actual loss experience we've seen in previous years and the trends we expect to see in the future. The property rate increase reflects the higher property losses we've seen in the past couple years, which affect our projections of future losses. The workers' compensation rate increase is largely due to the ongoing increase in medical costs. We're also projecting lower future investment income because market interest rates have dropped sharply, and that's an important factor in both cases too.

The dividend on the other hand reflects what's happened in past years. LMCIT premium rates are designed with a contingency margin, which is additional funding to cover costs in case losses should turn out to be greater than projected. If losses turn out to be at or less than what we projected when we set the rates, that additional funding becomes available to either be returned to members as a dividend or added to LMCIT's fund balance the Board determines that that's necessary.

Rather than continually returning dividends, why doesn't the Trust just reduce premium rates up front?

In setting rates for the coming year, the LMCIT Board did actually move in that direction. On both programs, the rates for the coming year incorporate a somewhat smaller contingency margin than in recent

years. That helps keep premiums lower than they'd otherwise need to be. It also means we're relying somewhat more on the existing fund balance and somewhat less on premiums to provide the needed contingency funding in case losses should turn out to be more than projected.

But at the same time, we think the practice of incorporating a solid contingency margin into the premium rates continues to make sense. By doing so (and then returning the extra funds afterwards if it turns out that they're not needed), we're able to keep the premium rates much more stable from year to year. In other words, it helps us keep premium rate changes in the range of a few percent up or down each year, rather than the much larger year-to-year premium rate changes we'd see if rates were set much lower with a much smaller contingency margin.

At the end of the day, of course, the net cost to member cities is the same either way. The net cost is the sum of the expenses plus whatever the losses turn out to be.

How is the dividend determined?

The basic principle is that the funds LMCIT holds belong to the member cities, and that any funds that LMCIT doesn't need should be returned to the members. The decision on whether and how much of a dividend may be possible is essentially an evaluation of whether the programs' fund balances are currently at appropriate levels. If the fund balances are more than the Board concludes are needed, those excess funds are returned to members as a dividend.

The fund balance is meant to provide funding for several kinds of risks: the risk that new losses turn out to be more than the premium were designed to fund; the risk that old losses turn out to be more expensive than estimated; the risk of a reinsurer default; the risk involved in expanding coverage in new risk areas where we don't have good data to accurately quantify that risk; and so on. Over the past few years, the Trust Board has devoted a lot of attention to the question of how much fund balance the LMCIT programs should maintain, and to developing specific target ranges for the two programs' fund balance based on what's needed to address those risks.

In practice, in making the decisions on dividends, the Board looks at a couple specific questions: how much if any net income the program has generated for the fiscal year, and where the resulting fund balance is compared to the target ranges.

There hasn't been a workers' compensation dividend since 2000. Why are we receiving a dividend this year?

Several things are involved. Because workers' compensation losses tend to be more predictable and less volatile from year to year, the contingency margin we build into the workers' compensation rates is proportionately smaller compared to the property/casualty rates. As a result, the workers' compensation program doesn't regularly generate significant amounts of unneeded funds, and workers' compensation dividends therefore tend to be smaller and less regular.

One factor involved in making a workers' compensation dividend possible this year was the better-than-expected loss experience during the 2006 through 2009 coverage years. The good experience in those years had the effect of increasing the workers' compensation program's fund balance significantly.

Another factor is that as noted above the Trust Board has now developed and adopted more specific target ranges for the program's fund balance. The income that resulted from the good loss experience in several years built the workers' compensation program's fund balance to a point where it's higher than what the target range indicates is needed. Based on that analysis, the Trust Board determined that \$6 million should be returned to the members.

> News+Events > Features > Water - June 2011

Cities effectively tackling clear water inflow to sanitary sewers

Wetter spring shows that infiltration is likely still a problem

The Metropolitan Council has good news in the fight against excessive inflow and infiltration (I/I) of clear water into the regional wastewater collection and treatment system.

A majority of communities that were identified in 2007 as contributing excessive I/I to the wastewater system have either completed work or have work under way to reduce I/I. Ongoing monitoring of wastewater flows during peak rain events shows, in many cases, that inflow peaks are not as high as they once were, according to Kyle Colvin, I/I program manager for the Metropolitan Council's Environmental Services division (MCES).

That means that efforts to reduce inflow appear to be working. Large wastewater capacity expenditures have been, at the very least, postponed. Major spills and overflows have been avoided in recent years. And some clear water has been retained for Minnesota groundwater because it hasn't flowed into sewers.

However, the last 10 months have been much wetter than the previous several years, leading to higher groundwater tables. Overall annual flows to the region's wastewater treatment plants have increased by about 10%, Colvin said, which likely means that *infiltration* of groundwater into aging and cracked sewer pipes is still a problem.

And that means when the Council's ongoing surcharge program takes effect in 2013, some communities may return to the list or, for the first time, join the list of communities contributing excess I/I into the system. That determination will begin based on wastewater flows from January 2012 through June 2012.

If cities haven't already, they may want to budget for additional I/I mitigation efforts in 2012, said Jason Willett, MCES finance director. Any work they do in 2012 can be used as a credit against potential surcharges in 2013, he said.



Roof drain connections to the sanitary sewer system, like this one pictured here, are illegal. Cities have been making good progress in eliminating these sources of inflow into the regional wastewater system. (Photo courtesy Hadlyme Environmental Engineers LLC.)

Local fixes will save hundreds of millions of dollars

Inflow is when clear water enters the wastewater system through rain leaders, sump pumps or foundation drains that are connected to the sewer lines (illegal in Minnesota since 1968). Infiltration is when groundwater seeps into cracked or broken wastewater pipes.

Inflow is the biggest problem because during major rain events it quickly consumes pipe capacity needed for future growth. And, in more extreme rain events, inflow can cause sewer backups into homes and businesses. Infiltration, while it takes up pipe capacity, is a steadier, less variable contributor to the problem.

The cost to fix I/I at the local source was originally estimated at about \$150 million, compared with nearly one *billion* dollars that would be needed to add collection and treatment capacity to handle excessive I/I. Both cost estimates have likely gone up, Willett said, but it's still clearly better – both financially and environmentally – to eliminate I/I at the source.

So far, communities have collectively spent an estimated \$50 million to reduce I/I.

In 2006, following a customer task force recommendation, the Metropolitan Council launched the program to reduce I/I. Measured flow peaks quickly identified 47 communities in the region that released excess I/I into the system. Communities were required to commence projects that would eliminate their excess I/I contribution, or face a surcharge on their municipal wastewater bills. The Council, with Metro Cities, also developed a grant program to help communities with the cost of fixing sources of I/I.

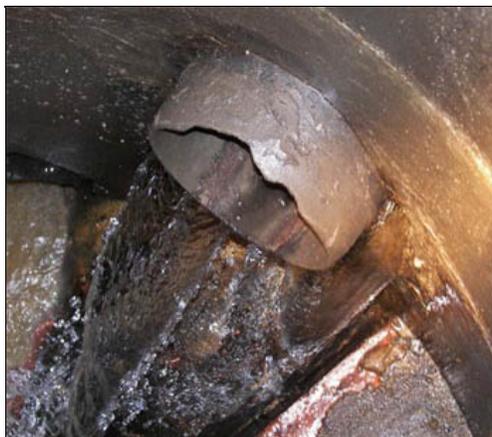
Of the original 47 communities, 20 are still working to complete the work to which they committed. Of those 20, 5 have been granted extended deadlines beyond 2012 because of the burdensome cost of the repairs in relation to

their total wastewater bills (more than 25%). Another 9 are still in the process of submitting work expense reports for 2010, but at least half of these have likely finished their work, Colvin said.

Council eliminates demand charge

Overall the program has been so successful that last year, the Council decided to all but eliminate a proposed demand charge that would have taken effect in 2013 had a community not made any progress in reducing its I/I contribution. The goal of the demand charge was to generate the funds necessary to add capacity to the system to handle the excessive I/I.

Instead, the Council has implemented an ongoing surcharge program so that communities can continue their I/I reduction efforts. A **Demand Charge Task Force**, which included community representatives, recommended the changes to the original program in August 2010 after a year of study. The new, ongoing program will begin in 2013, based on six months of flow data in 2012. The ongoing surcharge will be conceptually the same but has adjustments that should make it a little easier for cities, Willett said. See details in the [Demand Charge Task Force Final Report \(pdf\)](#).



Groundwater infiltrates into a manhole through cracks around a sanitary sewer pipe outlet. Excessive infiltration is likely still an issue for some communities. (Photo courtesy Town of Auburn, MA.)

Greenwood		MNCIS - Court						
VIBES - Violations		Fines	Prosecution Costs	State Patrol Not Guilty Fines	State Patrol Not Guilty Forfeited Bail	Total MNCIS	Total Payment	
2011	VIBES Revenue							
January	889.00	17.60	150.00			167.60	1,056.60	
February	537.20	380.00				380.00	917.20	
March	68.00	80.00	50.00			130.00	198.00	
April	24.00	110.00				110.00	134.00	
May	64.00	584.00	100.00			684.00	748.00	
June	53.60					-	53.60	
July	277.60					-	277.60	
August	103.00	240.00				240.00	343.00	
September	139.60	520.00	500.00			1,020.00	1,159.60	
October	250.88	480.00				480.00	730.88	
November						-	-	
December						-	-	
	2,406.88	2,411.60	800.00	-	-	3,211.60	5,618.48	

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 AT0801500
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MUNICIPALITY NAME : GREENWOOD 070

<u>CITATION NUMBER</u>	<u>REGISTER NUMBER</u>	<u>OFF DATE</u>	<u>ST ORD NUMBER</u>	<u>LICENSE NUMBER</u>	<u>OFF NBR</u>	<u>DISP CODE</u>	<u>PYMT DATE</u>	<u>REVENUE</u>	<u>FEES TAXED</u>	
3080383536	788	08/28/2008	169.79(2)	TPZ777	4	11	10/11/2011	162.88	0.00	
3080383536	788	08/28/2008	171.24(2)	TPZ777	4	11	10/11/2011	64.00	0.00	
3110015108	102	10/08/2011	169.79.1	947EKM	S2	11	10/28/2011	24.00	0.00	
MUNICIPAL TOTALS								3	250.88	0.00