

# AGENDA

## Greenwood City Council Meeting

Wednesday, August 7, 2013  
20225 Cottagewood Road, Deephaven, MN 55331



### Worksession

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

- 6:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 6:00pm 2. DISCUSS 2014 BUDGET
- 6:50pm 3. ADJOURNMENT

### Regular Meeting

*The public is invited to speak to items on the regular agenda. The public may speak regarding other items during Matters from the Floor.*

- 7:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00pm 2. CONSENT AGENDA  
*Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.*
  - A. Approve: 07-03-13 City Council Meeting Minutes
  - B. Approve: June Cash Summary Report
  - C. Approve: July Verifies, Check Register, Electronic Fund Transfers
  - D. Approve: August Payroll Register
- 7:05pm 3. MATTERS FROM THE FLOOR  
*This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to 3 minutes.*
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS
  - A. Chief Bryan Litsey: South Lake Minnetonka Police Department 2014 Budget
  - B. Planning Commission Chairman Pat Lucking: Discussion of Next Steps Regarding Proposed R-1C Single-Family Residential & Neighborhood Entertainment District
  - C. Announcement: Excelsior Library Groundbreaking, 2pm, Mon, 08-12-13
  - D. Announcement: Budget & Fees Worksession, 6pm, Wed, 09-04-13 (before council meeting)
- 8:00pm 5. PUBLIC HEARINGS
  - A. None
- 8:00pm 6. UNFINISHED BUSINESS
  - A. Discuss: Next Steps Regarding St. Alban's Bay Bridge Agreement with Excelsior
- 8:15 pm 7. NEW BUSINESS
  - A. Discuss: Traffic Control Signage
  - B. Consider: Resolution 20-13, Variance Request, Bridgewater Bank, 21500 Hwy. 7
  - C. Consider: Authorization to Send Budget Comment Opportunity Information to County
  - D. Discuss: Lake Minnetonka Regional Scenic Byway Concept
- 8:45pm 8. OTHER BUSINESS
  - A. None
- 8:45pm 9. COUNCIL REPORTS
  - A. Cook: Planning Commission
  - B. Fletcher: Lk Mka Comm Commission, Fire, Xcel Project, Lake Improvement District
  - C. Kind: Police, Administration, Mayors' Meetings, Website
  - D. Quam: Roads & Sewer, Minnetonka Community Education
  - E. Roy: Lake Minnetonka Conservation District, Lake Improvement District
- 9:00pm 10. ADJOURNMENT



# Worksession

Agenda Date: 08-07-13

*Prepared by Deb Kind*

## **Agenda Item:** Draft of 2014 Budget

**Summary:** The administrative committee (Mayor Kind and Councilman Fletcher) worked on the attached draft of the 2014 city budget. The council will have the opportunity to discuss the draft budget at the 08-07-13 worksession prior to the regular council meeting. The “preliminary” budget must be approved at the September council meeting, so the preliminary tax levy amount may be reported to the county. Once the preliminary tax levy amount has been reported to the county, it may be reduced, but it may not increase when the “final” budget and tax levy are approved at the December council meeting. Changes to the budget will be made based on the council’s worksession discussion and reviewed at the worksession prior to the regular September council meeting.

For the council's reference, related budget documents are attached.

**Council Action:** No council action may be taken during a worksession. If the council desires to take action, the regular meeting agenda may be amended.

# 2014 Greenwood DRAFT Budget

		2012 Actual	2012 Budget	2013 YTD 6/30	2013 Budget	2014 Budget	% Change	% Total Budget
<b>GENERAL FUND REVENUE</b>								
1	<b>TAXES</b>							
2	101-31010 General Property Tax	629,410	644,719	1,883	644,668	644,219	-0.07%	
3	101-31020 General Property Tax - Delinquent	7,015	0	0	0	0	#DIV/0!	
4	101-31040 Fiscal Disparities	3,849	0	47	0	0	#DIV/0!	
5	101-31800 Surcharge Revenue	71	0	32	0	0	#DIV/0!	
6	101-31910 Penalties	0	0	0	0	0	#DIV/0!	
7		<b>640,345</b>	<b>644,719</b>	<b>1,962</b>	<b>644,668</b>	<b>644,219</b>	<b>-0.07%</b>	<b>85.12%</b>
8	<b>LICENSES &amp; PERMITS</b>							
9	101-32110 Liquor & Cigarette Licenses	5,950	3,000	4,767	3,000	10,050	235.00%	
10	101-32180 Other Business Licenses / Permits (Rental, Peddler, Commercial Marina, Trash, Tree Contractors)	4,565	3,400	700	2,000	4,500	125.00%	
11	101-32210 Building Permits	38,912	16,000	17,050	16,000	30,000	87.50%	
12	101-32211 Electric Permits	1,172	1,000	3,662	1,000	2,000	100.00%	
13	101-32240 Animal Licenses	425	200	300	950	450	-52.63%	
14		<b>51,024</b>	<b>23,600</b>	<b>26,478</b>	<b>22,950</b>	<b>47,000</b>	<b>104.79%</b>	<b>6.21%</b>
15	<b>INTERGOVERNMENT REVENUE</b>							
16	101-33402 Homestead Credit (Market Value Credit)	0	0	0	0	0	#DIV/0!	
17	101-33423 Other State Grants / Aids (Recycle Grant, Etc.)	2,608	0	0	0	0	#DIV/0!	
18	101-33610 County Aid to Municipalities (CAM Road Aid)	1,377	0	0	0	0	#DIV/0!	
19	101-33630 Local Government Aid (LGA)	0	0	0	0	0	#DIV/0!	
20		<b>3,985</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>#DIV/0!</b>	<b>0.00%</b>
21	<b>PUBLIC CHARGES FOR SERVICES</b>							
22	101-34103 Zoning & Subdivisions (Variances, Conditional Use Permits, Etc.)	4,000	500	3,103	1,000	4,000	300.00%	
23	101-34207 False Alarm Fee	0	0	0	75	75	0.00%	
24	101-34304 Load Limit Fees	5,796	2,000	8,847	2,500	6,000	140.00%	
25	101-34409 Recycling Fees	19,156	18,819	9,750	19,000	19,000	0.00%	
26		<b>28,952</b>	<b>21,319</b>	<b>21,700</b>	<b>22,575</b>	<b>29,075</b>	<b>28.79%</b>	<b>3.84%</b>
27	<b>FINES, FORFEITURES &amp; PENALTIES</b>							
28	101-35101 Court Fines	7,620	4,500	4,801	4,500	6,000	33.33%	0.79%
29								
30	<b>MISC. INCOME</b>							
31	101-36102 Investment Income	3,496	6,000	1,232	3,500	2,200	-37.14%	
32	101-36225 Excelsior Blvd. Watermain Project Revenue	586	0	0	0	0	#DIV/0!	
33	101-36230 Photocopy Revenue, Donations, Refunds, Parking Permit Revenue, Workshop Revenue, Etc.	763	0	7,461	0	0	#DIV/0!	
34		<b>4,845</b>	<b>6,000</b>	<b>8,693</b>	<b>3,500</b>	<b>2,200</b>	<b>-37.14%</b>	<b>0.29%</b>
35	<b>OTHER FINANCING SOURCES</b>							
36	101-39201 Interfund Operating Transfer: From Marina Fund	12,130	12,130	0	12,500	12,500	0.00%	
37	101-39200 Administration Expense Reimbursement: 10% of Marina Revenue	2,790	2,790	0	3,086	3,346	8.43%	
38	101-39202 Administrative Expense Reimbursement: 10% of Sewer Revenue	10,866	10,866	0	10,866	10,866	0.00%	
39	101-39203 Administrative Expense Reimbursement: 10% of Stormwater Revenue	1,625	1,625	0	1,625	1,625	0.00%	
40		<b>27,411</b>	<b>27,411</b>	<b>0</b>	<b>28,077</b>	<b>28,337</b>	<b>0.93%</b>	<b>3.74%</b>
41								
42	<b>Total Revenue</b>	<b>759,337</b>	<b>727,549</b>	<b>54,941</b>	<b>726,270</b>	<b>756,831</b>	<b>4.21%</b>	

# 2014 Greenwood DRAFT Budget

		2012 Actual	2012 Budget	2013 YTD 6/30	2013 Budget	2014 Budget	% Change	% Total Budget
<b>GENERAL FUND EXPENSES</b>								
43	<b>COUNCIL &amp; PLANNING COMMISSION</b>							
44	101-41100-103 Council Salaries (Gross)	13,308	13,200	6,600	13,200	13,200	0.00%	
45	101-41100-122 FICA Contributions (6.2%)	818	818	409	818	818	0.00%	
46	101-41100-123 Medicare Contributions (1.45%)	191	191	96	191	191	0.00%	
47	101-41100-371 Training / Conference Registration	873	600	2,161	1,200	1,200	0.00%	
48	101-41100-372 Meals / Lodging	0	100	0	100	100	0.00%	
49	101-41100-433 Misc. (Dues, Subscriptions, Supplies, Etc.)	118	150	0	150	150	0.00%	
50		<b>15,308</b>	<b>15,060</b>	<b>9,266</b>	<b>15,660</b>	<b>15,660</b>	<b>0.00%</b>	<b>2.07%</b>
51	<b>ELECTIONS</b>							
52	101-41200-103 Election Salaries (Part-Time Election Judge Salaries)	1,887	1,800	0	0	1,900	#DIV/0!	
53	101-41200-214 Operational Support - Forms (Ballots, Voter Reg. Rosters)	158	300	0	0	160	#DIV/0!	
54	101-41200-319 Equipment Maintenance (County Agreement, \$187.50 x 2 Voting Machines, \$160 for Automark)	301	650	0	0	535	#DIV/0!	
55	101-41200-372 Meals / Lodging (Election Judge Meals & Snacks)	624	150	0	0	650	#DIV/0!	
56	101-41200-439 Misc. (Supplies, Postage, Public Notices, Etc.)	653	250	0	0	650	#DIV/0!	
57		<b>3,623</b>	<b>3,150</b>	<b>0</b>	<b>0</b>	<b>3,895</b>	<b>#DIV/0!</b>	<b>0.51%</b>
58	<b>ADMINISTRATION</b>							
59	101-41400-201 Office Supplies	117	0	0	150	150	0.00%	
60	101-41400-202 Duplicating (Council Packets, Code Book Pages, Etc.)	326	500	507	500	1,400	180.00%	
61	101-41400-204 Stationary, Forms, Printing	1,135	500	555	500	800	60.00%	
62	101-41400-309 Professional Services - Other (ISP, Website, Email)	213	500	415	500	450	-10.00%	
63	101-41400-310 Clerk's Contractural (Minutes \$3120, Deeptown \$34,673)	34,514	35,267	14,243	36,665	37,793	3.08%	
64	101-41400-311 Office (Rent and Equipment, \$487.45 per month)	6,515	6,600	2,715	6,500	5,849	-10.02%	
65	101-41400-313 Professional Services (Civic Accounting)	1,964	1,940	994	1,940	1,970	1.55%	
66	101-41400-321 Communications - Telephone	135	500	0	450	150	-66.67%	
67	101-41400-322 Postage	786	1,300	207	800	800	0.00%	
68	101-41400-351 Newspaper Legal Notices	1,388	1,000	687	1,000	1,000	0.00%	
69	101-41400-372 Meals / Lodging	0	0	0	0	0	#DIV/0!	
70	101-41400-411 Rentals / Office Equipment (Copier Lease Through May 2013)	3,118	2,100	2,024	903	0	-100.00%	
71	101-41400-439 Misc. (Equipment, Dog Tags, Meadville Launch Stickers \$425, Etc.)	200	300	475	300	725	141.67%	
72		<b>50,411</b>	<b>50,507</b>	<b>22,821</b>	<b>50,208</b>	<b>51,087</b>	<b>1.75%</b>	<b>6.75%</b>
73	<b>ASSESSOR</b>							
74	101-41500-309 Assessor - Contract (Hennepin Co.)	14,054	14,000	0	14,000	15,000	7.14%	
75	101-41500-439 Assessor - Other (Public Notices, Processing, Tax Rolls)	89	120	75	100	100	0.00%	
76		<b>14,143</b>	<b>14,120</b>	<b>75</b>	<b>14,100</b>	<b>15,100</b>	<b>7.09%</b>	<b>2.00%</b>
77	<b>LEGAL SERVICES</b>							
78	101-41600-304 Legal Services - General	4,324	12,000	8,073	12,000	12,000	0.00%	
79	101-41600-308 Legal Services - Prosecution	4,370	4,000	1,415	4,000	4,000	0.00%	
80		<b>8,694</b>	<b>16,000</b>	<b>9,488</b>	<b>16,000</b>	<b>16,000</b>	<b>0.00%</b>	<b>2.11%</b>

# 2014 Greenwood DRAFT Budget

		2012 Actual	2012 Budget	2013 YTD 6/30	2013 Budget	2014 Budget	% Change	% Total Budget
81	<b>AUDITING</b>							
82	101-41700-301 Auditing (2014: \$9480, 2015: \$9570)	9,300	9,300	10,717	10,130	9,480	-6.42%	
83		<b>9,300</b>	<b>9,300</b>	<b>10,717</b>	<b>10,130</b>	<b>9,480</b>	<b>-6.42%</b>	<b>1.25%</b>
84	<b>GENERAL GOVERNMENT TOTAL</b>	<b>101,479</b>	<b>108,137</b>	<b>52,367</b>	<b>106,098</b>	<b>111,222</b>	<b>4.83%</b>	<b>14.70%</b>
85								
86	<b>LAW ENFORCEMENT</b>							
87	101-42100-310 Law Enforcement - Contract (Monthly)	172,519	172,519	88,524	177,053	182,215	2.92%	
88	101-42100-311 Police Side Lease - Facilities (Quarterly)	45,468	45,469	23,648	47,294	47,294	0.00%	
89	101-42100-439 Police Safety - Other (Jail, Court Overtime, Etc.)	0	1,000	920	1,000	1,000	0.00%	
90		<b>217,987</b>	<b>218,988</b>	<b>113,092</b>	<b>225,347</b>	<b>230,509</b>	<b>2.29%</b>	<b>30.46%</b>
91	<b>FIRE</b>							
92	101-42200-309 Fire Protection - Operations (Quarterly)	66,439	66,439	32,428	64,856	69,683	7.44%	
93	101-42200-311 Fire Side Lease - Facilities (Quarterly)	60,005	60,005	29,046	58,092	61,206	5.36%	
94		<b>126,444</b>	<b>126,444</b>	<b>61,474</b>	<b>122,948</b>	<b>130,889</b>	<b>6.46%</b>	<b>17.29%</b>
95	<b>PUBLIC SAFETY TOTAL</b>	<b>344,431</b>	<b>345,432</b>	<b>174,566</b>	<b>348,295</b>	<b>361,398</b>	<b>3.76%</b>	<b>47.75%</b>
96								
97	<b>ZONING</b>							
98	101-42400-308 Zoning Administration	2,967	3,000	1,107	3,000	3,327	10.90%	
99	101-42400-309 Public Notices	863	700	958	700	850	21.43%	
100	101-42400-310 Building Inspections (69% of Building & Electrical Permits)	10,929	8,000	10,650	11,000	22,080	100.73%	
101	101-42400-438 Misc. (County Recording Fees, State Bldg. Surcharge, etc.)	114	200	0	200	200	0.00%	
102	<b>ZONING TOTAL</b>	<b>14,873</b>	<b>11,900</b>	<b>12,715</b>	<b>14,900</b>	<b>26,457</b>	<b>77.56%</b>	<b>3.50%</b>
103								
104	<b>ENGINEERING</b>							
105	101-42600-303 Engineering Fees - Misc.	1,381	1,200	791	1,000	1,400	40.00%	
106		<b>1,381</b>	<b>1,200</b>	<b>791</b>	<b>1,000</b>	<b>1,400</b>	<b>40.00%</b>	<b>0.18%</b>
107	<b>UTILITIES &amp; ROADS</b>							
108	101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric)	4,756	4,300	2,654	4,600	4,750	3.26%	
109	101-43100-409 Other - Road Repair & Maintenance (Public Works Repairs)	2,568	5,000	2,079	5,000	5,000	0.00%	
110		<b>7,324</b>	<b>9,300</b>	<b>4,733</b>	<b>9,600</b>	<b>9,750</b>	<b>1.56%</b>	<b>1.29%</b>
111	<b>MAJOR ROAD IMPROVEMENTS</b>							
112	101-43200-229 Major Road Improvements - Construction	108,714	115,000	0	110,000	110,000	0.00%	
113	101-43200-303 Major Road Improvements - Engineering	22,825	15,000	4,446	20,000	20,000	0.00%	
114		<b>131,539</b>	<b>130,000</b>	<b>4,446</b>	<b>130,000</b>	<b>130,000</b>	<b>0.00%</b>	<b>17.18%</b>

# 2014 Greenwood DRAFT Budget

		2012 Actual	2012 Budget	2013 YTD 6/30	2013 Budget	2014 Budget	% Change	% Total Budget
115	<b>PUBLIC WORKS</b>							
116	101-43900-226 Signs (2012-2018: Retroreflectivity Project)	10,906	11,000	3,342	11,000	11,000	0.00%	
117	101-43900-312 Snow Plowing	7,477	16,000	10,419	16,000	16,000	0.00%	
118	101-43900-313 Trees, Weeds, Mowing	17,320	13,000	1,527	20,000	20,000	0.00%	
119	101-43900-314 Park & Tennis Court Maintenance	973	500	0	1,000	1,000	0.00%	
120	101-43900-315 Trail Snow Plowing (LRT and Tar Paths)	1,337	1,250	4,146	2,100	2,100	0.00%	
121		<b>38,013</b>	<b>41,750</b>	<b>19,433</b>	<b>50,100</b>	<b>50,100</b>	<b>0.00%</b>	<b>6.62%</b>
122	<b>ROADS &amp; PUBLIC WORKS TOTAL</b>	<b>178,257</b>	<b>182,250</b>	<b>29,402</b>	<b>190,700</b>	<b>191,250</b>	<b>0.29%</b>	<b>25.27%</b>
123								
124	<b>MISC. EXPENSES</b>							
125	101-49000-310 Recycling Contract	19,016	18,820	8,181	18,820	19,050	1.22%	
126	101-49000-311 Spring Clean-Up Day	2,471	2,900	2,307	2,900	2,500	-13.79%	
127	101-49000-369 League of Minnesota Cities Insurance Trust / Liability & Property	2,321	3,000	0	3,000	2,500	-16.67%	
128	101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp	99	100	44	110	110	0.00%	
129	101-49000-432 Excelsior Blvd. Watermain Expenses	20,035	0	10,965	0	0	#DIV/0!	
130	101-49000-433 Misc. Expenses	95	0	95	0	0	#DIV/0!	
131	101-49000-434 Southshore Community Center	900	900	0	1,200	2,370	97.50%	
132	101-49000-435 League of Minnesota Cities	747	1,000	0	750	1,063	41.73%	
133	101-49000-436 Lake Minnetonka Conservation District	6,264	6,264	4,838	6,450	6,880	6.67%	
134	101-49000-437 July 4th Fireworks (\$1400) & Parade (\$100)	1,450	1,400	1,400	1,500	1,500	0.00%	
135	<b>MISC. TOTAL</b>	<b>53,398</b>	<b>34,384</b>	<b>27,829</b>	<b>34,730</b>	<b>35,973</b>	<b>3.58%</b>	<b>4.75%</b>
136								
137	<b>Subtotal</b>	<b>692,438</b>	<b>682,103</b>	<b>296,879</b>	<b>694,723</b>	<b>726,300</b>	<b>4.55%</b>	
138								
139	<b>CONTINGENCY &amp; FUND TRANSFERS</b>							
140	101-49000-439 Contingency (1.45%)	449	25,446	308	11,547	10,531	-8.80%	
141	101-49000-500 Transfer to Bridge Fund	20,000	20,000	0	20,000	20,000	0.00%	
142	<b>CONTINGENCY &amp; FUND TRANSFERS TOTAL</b>	<b>20,449</b>	<b>45,446</b>	<b>308</b>	<b>31,547</b>	<b>30,531</b>	<b>-3.22%</b>	<b>4.03%</b>
143								
144	<b>Total Expenses</b>	<b>712,887</b>	<b>727,549</b>	<b>297,187</b>	<b>726,270</b>	<b>756,831</b>	<b>4.21%</b>	
145								
146	<b>GENERAL FUND CASH BALANCE (Goal: 35%-50% of Total Expenses)</b>	<b>351,631</b>	<b>49.32%</b>					
147								

# 2014 Greenwood DRAFT Budget

		2012 Actual	2012 Budget	2013 YTD 6/30	2013 Budget	2014 Budget	% Change	% Total Budget	
148	<b>SEWER ENTERPRISE FUND</b> <i>This fund may be used for any city purpose. Goal: \$250,000</i>								
149	602-34401	REVENUE: Sewer Use Charges (\$70 per quarter)	104,676	108,660	53,190	108,660	108,660	0.00%	
150	602-34402	REVENUE: Late Charges & Penalties	712	0	304	0	0	#DIV/0!	
151	602-34403	REVENUE: Delinquent Sewer Payments Received	273	0	0	0	0	#DIV/0!	
152	602-34404	REVENUE: Delinquent Sewer Late Fees Received	30	0	0	0	0	#DIV/0!	
153	602-34408	REVENUE: Permit Fees	300	0	0	0	0	#DIV/0!	
154	602-38100	REVENUE: Grant Revenue	0	25,000	0	0	0	#DIV/0!	
155	602-36100	REVENUE: Special Assessments	1,601	0	0	0	0	#DIV/0!	
156	602-43200-303	EXPENSE: Engineering Sewer	7,346	4,000	5,525	4,000	7,500	87.50%	
157	602-43200-309	EXPENSE: Met Council and Excelsior	39,577	57,720	14,984	40,000	40,000	0.00%	
158	602-43200-310	EXPENSE: Public Works Sewer	3,258	2,500	2,474	3,700	3,700	0.00%	
159	602-43200-381	EXPENSE: Utility Services - Electric	2,028	2,500	1,037	2,500	2,500	0.00%	
160	602-43200-404	EXPENSE: Repair & Maintenance	2,185	7,000	0	7,000	7,000	0.00%	
161	602-43200-439	EXPENSE: Misc. (Gopher State One Call, Forms, Printing, Insurance, etc.)	730	2,000	287	2,000	2,000	0.00%	
162	602-43200-530	EXPENSE: Capital Outlay	3,243	50,000	0	50,000	0	-100.00%	
163	602-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted sewer revenue for adm. costs)	10,866	10,866	0	10,866	10,866	0.00%	
164		<b>Net Total</b>	<b>38,359</b>	<b>-2,926</b>	<b>29,187</b>	<b>-11,406</b>	<b>35,094</b>	<b>-407.68%</b>	
165		<b>SEWER ENTERPRISE FUND CASH BALANCE</b>	<b>395,855</b>						
166									
167	<b>STORMWATER SPECIAL REVENUE FUND</b> <i>This fund may be used for any city purpose.</i>								
168	502-34401	REVENUE: Stormwater Use Charges (\$12 per quarter)	15,937	16,250	8,009	16,250	16,250	0.00%	
169	502-34403	REVENUE: Delinquent Stormwater Payments Received	0	0	0	0	0	#DIV/0!	
170	502-34404	REVENUE: Delinquent Stormwater Late Fees Received	0	0	0	0	0	#DIV/0!	
171	502-43200-303	EXPENSE: Engineering Stormwater	6,665	4,000	7,150	4,000	6,700	67.50%	
172	502-43200-310	EXPENSE: Public Works Stormwater	0	500	0	500	0	-100.00%	
173	502-43200-319	EXPENSE: Equipment and Maintenance	0	500	0	500	0	-100.00%	
174	502-43200-409	EXPENSE: Street Sweeping	2,266	3,000	2,236	3,000	3,000	0.00%	
175	502-43200-439	EXPENSE: Misc. (EPA Fee, Etc.)	222	600	42	250	250	0.00%	
176	502-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted stormwater rev. for adm. costs)	1,625	1,625	0	1,625	1,625	0.00%	
177		<b>Net Total</b>	<b>5,159</b>	<b>6,025</b>	<b>-1,420</b>	<b>6,375</b>	<b>4,675</b>	<b>-26.67%</b>	
178		<b>STORMWATER SPECIAL REVENUE FUND CASH BALANCE</b>	<b>11,539</b>						
179									
180	<b>PARK SPECIAL REVENUE FUND</b> <i>This is a dedicated fund for park "acquisitions" only. Cannot be used for maintenance.</i>								
181	401-36230	REVENUE: Park Dedication Fees	0	0	0	0	0	#DIV/0!	
182	401-45000-000	EXPENSE: Park Improvements	0	0	0	0	0	#DIV/0!	
183		<b>Net Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>#DIV/0!</b>	
184		<b>PARK FUND CASH BALANCE</b>	<b>27,055</b>						
185									

# 2014 Greenwood DRAFT Budget

		2012 Actual	2012 Budget	2013 YTD 6/30	2013 Budget	2014 Budget	% Change	% Total Budget	
186	<b>MARINA ENTERPRISE FUND</b> <i>This fund may be used for any city purpose. Goal: \$55,000 for wood dock with steel posts; \$120,000 for floating dock. Current docks installed in 1997.</i>								
187	605-36201	REVENUE: Slip Fees (\$1250 x 26 boats, \$300 x 2 sailboats, \$60 x 6 canoes)	27,655	27,900	30,440	30,860	33,460	8.43%	
188	605-45100-309	EXPENSE: Professional Services (Dock In and Out)	5,124	4,000	1,500	4,000	5,150	28.75%	
189	605-45100-310	EXPENSE: Public Works	1,847	300	0	300	2,000	566.67%	
190	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License \$350, Milfoil \$5000, Insurance \$873)	2,384	6,223	5,000	6,223	6,223	0.00%	
191	605-45100-590	EXPENSE: Capital Outlay		0		0	0	#DIV/0!	
192	605-49300-720	OPERATING TRANSFER: To General Fund	12,130	12,130	0	12,500	12,500	0.00%	
193	605-49300-721	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted marina revenue for adm. costs)	2,766	2,790	0	3,086	3,346	8.43%	
194		<b>Net Total</b>	<b>6,170</b>	<b>2,457</b>	<b>23,940</b>	<b>4,751</b>	<b>4,241</b>	<b>-10.73%</b>	
195		<b>MARINA ENTERPRISE FUND CASH BALANCE</b>	<b>25,853</b>						
196									
197	<b>BRIDGE CAPITAL PROJECT FUND</b> <i>This fund was created in 2010. The funds may be used for any city purpose. Goal: \$200,000</i>								
198	403-39200	REVENUE: Transfer from General Fund	20,000	20,000	0	20,000	20,000	0.00%	
199	403-45100-303	EXPENSE: Engineering	0	0	0	2,000	2,000	0.00%	
200	403-45100-304	EXPENSE: Legal Services	1,387	0	0	2,000	2,000	0.00%	
201	403-45100-530	EXPENSE: Capital Outlay	0	0	0	0	0	#DIV/0!	
202		<b>Net Total</b>	<b>18,613</b>	<b>20,000</b>	<b>0</b>	<b>16,000</b>	<b>16,000</b>	<b>0.00%</b>	
203		<b>BRIDGE CAPITAL PROJECT FUND CASH BALANCE</b>	<b>78,613</b>						
204									
205		<b>Total Cash Balance (all funds combined)</b>	<b>890,546</b>						

# 2013 GREENWOOD PROPERTY TAX OVERVIEW

## HOW PROPERTY TAXES ARE CALCULATED

In the spring, your estimated market value (EMV) is used to calculate your property's tax capacity.

A property with an assessed EMV of:	\$750,000			
First \$500,000 is multiplied by 1%	\$500,000	x	1%	= \$5,000
Balance is multiplied by 1.25%	\$250,000	x	1.25%	= \$3,125
<b>Equals the "tax capacity" for the property:</b>				<b>\$8,125</b>

The above formula is determined by the state and the same "multipliers" are used for all residential properties. So \$8125 is the tax capacity for every \$750,000 home in MN. In the fall, the county, school district, city, etc. each determine their budgets and the amount of taxes to be collected (tax levy) the following year. The tax levy then is divided by the total tax capacity of every property in the county, city, etc. to determine each respective tax rate:

$$\frac{\text{BUDGET / TAX LEVY}}{\text{TOTAL TAX CAPACITY}} = \% \text{ TAX RATE}$$

Then county, school, city, and misc. tax rates are multiplied by your property's tax capacity to calculate your property tax:

$$\left( \begin{matrix} \% \\ \text{COUNTY} \\ \text{TAX RATE} \end{matrix} + \begin{matrix} \% \\ \text{SCHOOL} \\ \text{TAX RATE} \end{matrix} + \begin{matrix} \% \\ \text{CITY} \\ \text{TAX RATE} \end{matrix} + \begin{matrix} \% \\ \text{MISC} \\ \text{TAX RATES} \end{matrix} \right) \times \text{TC} = \$ \text{PROPERTY TAX}$$

## PROPERTY TAX FACTS

**PROPERTY VALUES AND TAX RATES OFFSET EACH OTHER.** When property values decline, tax rates increase so the total amount collected matches the budgeted amounts. Therefore, if budgeted tax levies stay the same, your taxes likely will stay the same too – even if your property value goes down.

**BUDGETS DETERMINE THE SIZE OF THE TAX LEVY "PIE."** **PROPERTY VALUES DETERMINE HOW THE PIE IS SPLIT UP.** If one property's value goes down more than others, the taxes are shifted to the other properties, so the total amount collected matches the budgets.

**CITY TAX RATES VARY.** The reason \$750,000 homes in the same county and school district pay different tax amounts is because tax rates vary for the city portion of the tax total. This is why \$750,000 homes in Minnetonka pay more taxes than \$750,000 homes in Greenwood, and \$750,000 homes in Woodland pay less. See the chart below to compare city tax rates.

**THERE IS NO SUCH THING AS A "LAKESHORE TAX."** A \$750,000 lakeshore home pays the same property tax as a \$750,000 offshore home in the same city.

[www.greenwoodmn.com](http://www.greenwoodmn.com)

## 2013 PROPERTY TAXES PAID BY \$750,000 HOMES HENNEPIN COUNTY / MTKA SCHOOL DISTRICT CITIES

	HENNEPIN COUNTY TAXES			MTKA SCHOOL DISTRICT TAXES						CITY TAXES			MISC TAXES: Hennepin Parks, Met Council, Watershed, etc.			TOTAL	
	COUNTY Tax Rate	Tax Capacity	Total COUNTY Taxes	SCHOOL Tax Rate	Tax Capacity	Subtotal SCHOOL Taxes	SCHOOL Referendum Tax Rate*	EMV	Subtotal SCHOOL Ref Taxes	Total SCHOOL Taxes	CITY Tax Rate	Tax Capacity	Total CITY Taxes	MISC Tax Rate	Tax Capacity	Total MISC Taxes	Total PROPERTY Taxes
Minnetonka	49.461%	x \$8,125	= \$4,019	24.48700%	x \$8,125	= \$1,990	0.24607%	x \$750,000	= \$1,846	\$3,835	37.213%	x \$8,125	= \$3,024	11.858%	x \$8,125	= \$963	\$11,841
Excelsior	49.461%	x \$8,125	= \$4,019	24.48700%	x \$8,125	= \$1,990	0.24607%	x \$750,000	= \$1,846	\$3,835	36.859%	x \$8,125	= \$2,995	11.858%	x \$8,125	= \$963	\$11,812
Eden Prairie	49.461%	x \$8,125	= \$4,019	24.48700%	x \$8,125	= \$1,990	0.24607%	x \$750,000	= \$1,846	\$3,835	34.617%	x \$8,125	= \$2,813	11.858%	x \$8,125	= \$963	\$11,630
Shorewood	49.461%	x \$8,125	= \$4,019	24.48700%	x \$8,125	= \$1,990	0.24607%	x \$750,000	= \$1,846	\$3,835	31.554%	x \$8,125	= \$2,564	11.858%	x \$8,125	= \$963	\$11,381
Greenwood	49.461%	x \$8,125	= \$4,019	24.48700%	x \$8,125	= \$1,990	0.24607%	x \$750,000	= \$1,846	\$3,835	20.897%	x \$8,125	= \$1,698	11.858%	x \$8,125	= \$963	\$10,515
Tonka Bay	49.461%	x \$8,125	= \$4,019	24.48700%	x \$8,125	= \$1,990	0.24607%	x \$750,000	= \$1,846	\$3,835	18.889%	x \$8,125	= \$1,535	11.858%	x \$8,125	= \$963	\$10,352
Deephaven	49.461%	x \$8,125	= \$4,019	24.48700%	x \$8,125	= \$1,990	0.24607%	x \$750,000	= \$1,846	\$3,835	18.594%	x \$8,125	= \$1,511	11.858%	x \$8,125	= \$963	\$10,328
Woodland	49.461%	x \$8,125	= \$4,019	24.48700%	x \$8,125	= \$1,990	0.24607%	x \$750,000	= \$1,846	\$3,835	10.518%	x \$8,125	= \$855	11.858%	x \$8,125	= \$963	\$9,672

\$750,000 homes in the same county and school district pay different tax amounts because CITY tax rates vary.

\* Note: Voter-approved referendum tax rates are multiplied by the property's Estimated Market Value, not "Tax Capacity."

38.2¢  
HENNEPIN  
COUNTY

36.5¢  
MINNETONKA  
SCHOOL DISTRICT

16.1¢  
CITY OF  
GREENWOOD

9.2¢ MISC

## WHERE YOUR GREENWOOD PROPERTY TAX DOLLAR GOES IN 2013

The dollar bill breakdown is based on taxes paid by a home with a \$750,000 EMV.

This overview sheet describes the basics for calculating property taxes. There are other variables such as the Homestead Market Value Exclusion and Disabled Veterans Market Value Exclusion, etc.

Source: [www.co.hennepin.mn.us](http://www.co.hennepin.mn.us), Taxing District Information, 2013 Tax Rate Cards.



## 2013 CERTIFIED LEVY PER PERSON HENNEPIN COUNTY MTKA SCHOOL DISTRICT CITIES

	2013 Final Certified Levy	2012 Population	2013 Certified Levy Per Person
Greenwood	\$644,688	698	\$924
Woodland	\$320,228	441	\$726
Tonka Bay	\$1,048,566	1499	\$700
Shorewood	\$4,763,319	7438	\$640
Minnetonka	\$31,018,800	50747	\$611
Excelsior	\$1,317,339	2235	\$589
Eden Prairie	\$32,549,320	62004	\$525
Deephaven	\$1,922,124	3690	\$521

*Certified Levy Source: [www.co.hennepin.mn.us](http://www.co.hennepin.mn.us), taxing district information*

*Population Source: [www.metrocouncil.org/metroarea/stats.htm](http://www.metrocouncil.org/metroarea/stats.htm)*

*Updated 07-29-13*

**From:** Debra Kind <dkind100@gmail.com>  
**Subject:** Southshore Center Meeting Follow-Up  
**Date:** July 24, 2013 5:09:08 PM CDT  
**To:** elliansari@gmail.com, Kristine Sundberg <KSundberg@ci.shorewood.mn.us>, Theresa Zerby <theresazerby@gmail.com>, Erik Sill <Erik.Sill@minnetonka.k12.mn.us>, Paul Skrede <PaulSkrede@mchsi.com>, Scott Zerby <SZerby@ci.shorewood.mn.us>, Julie Moore <JMoore@ci.shorewood.mn.us>

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Hello SSC Advisory Team --

It was nice to see you all at yesterday's meeting. As requested, below are the numbers that I calculated at the meeting ...

The cities' initial contributions to the Center (share of ownership):

Shorewood	\$311,000	50%
Deephaven	\$139,639	22.45%
Excelsior	\$90,812	14.6%
Greenwood	\$24,569	3.95%
Tonka Bay	\$55,980	9%

Note: The Friends also contributed \$100,000 for the initial construction of the building.

Based on the above percentages, each city's possible "share" of the Center's projected \$60,000 shortfall for 2013 and 2014 could be:

Shorewood	\$30,000
Deephaven	\$13,470
Excelsior	\$8,760
Greenwood	\$2,370
Tonka Bay	\$5,400

The Greenwood council will discuss the above number for our city at our 8/7 budget worksession.

Theresa is going to send SSSP membership numbers broken down by city and the numbers for usage by city.

Also, the more I think about it, the more I like the idea of Scott's suggestion for a new name:

SOUTH LAKE CENTER

I also like these ideas for a new name and a tagline:

THE HARBOR  
programs - meetings - events

THE COVE  
programs - meetings - events

Maybe one of these names is "the one" or maybe these ideas will inspire other ideas.

Also, I would be willing to donate my professional graphic design services to create a new logo.

Let me know what you think.

Deb

**ABDO  
EICK &  
MEYERS** LLP

*Certified Public Accountants & Consultants*

5201 Eden Avenue  
Suite 250  
Edina, MN 55436

July 19, 2013

Gus Karpas  
City of Greenwood  
20225 Cottagewood Rd  
Excelsior MN 55331-6700

Dear Gus Karpas,

Are you currently in the RFP process for auditing services, or considering a switch due to a Council request, continually rising costs or current dissatisfaction with your current auditors?

Abdo, Eick and Meyers, LLP is a firm that utilizes our People + Process to assist our city clients in solving their challenges and would enjoy the opportunity to earn your business! We have been providing accounting and audit services to over 450 government and nonprofit entities for the past 50 years.

We will work with you to customize an auditing process that best serves your city, on your schedule and at a cost you can afford.

We would enjoy learning more about your city and the opportunity to provide quality audit services for your organization. I look forward to hearing from you!

Sincerely,

ABDO, EICK & MEYERS, LLP  
*Certified Public Accountants & Consultants*



Andrew K. Berg, CPA  
Government/Nonprofit Sector Leader, Partner  
Phone: 952.715.3003  
[Andrew.Berg@aemcpas.com](mailto:Andrew.Berg@aemcpas.com)  
[www.aemcpas.com](http://www.aemcpas.com)

**People  
+ Process**  

---

**Going  
Beyond the  
Numbers**



**Agenda Item:** Consent Agenda

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

**Council Action:** Required. Possible motion ...

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

**GREENWOOD CITY COUNCIL MEETING**  
**Wednesday, July 3, 2013, 7:00 P.M.**  
**Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331**

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

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

Members Present: Mayor Kind; Councilmembers Cook, and Quam

Others Present: Attorney Kelly, City Zoning Administrator/City Clerk Karpas, and Engineer Martini (departed the meeting at 7:35 P.M.)

Members Absent: Councilmembers Fletcher and Roy

Mayor Kind asked that a discussion about the Flood Insurance Rate Map (FIRM) be added to the agenda under Item 2.A.

**Kind moved, Cook seconded, approving the agenda as amended. Motion passed 3/0.**

**2. CONSENT AGENDA**

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

- A. June 5, 2013, City Council Meeting Minutes**
- B. May 2103 Cash Summary Report**
- C. June Verifieds, Check Register, Electronic Fund Transfers**
- D. July 2013 Payroll Register**

**Motion passed 3/0.**

**3. MATTERS FROM THE FLOOR**

None.

**4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS**

- A. City Engineer Dave Martini**
  - 2013 Road Project Bids**

Engineer Martini explained that during its May 1, 2013, meeting Council directed staff to secure bids for the recommended 2013 roadway improvement projects. The projects include resurfacing the south leg of Byron Circle and bituminous patching on Lodge Lane, Lyman Court, and Woods Court. Council also asked for an alternate bid for milling and overlaying the St. Alban's Bay Bridge deck. The low bid was received from Barber Construction in the amount of \$108,875. The amount included the base bid (\$93,375) and the alternate bid (\$15,500). A bid for sealcoating Lyman Court neighborhood was also

secured. The low bid for that was received from Allied Blacktop in the amount of \$18,434. He noted that because those two amounts combined exceed what the City has budgeted for roadway improvement in 2013 he did not make a recommendation for what to do.

Mayor Kind noted the 2013 budget for road projects is \$110,000 for construction costs and \$20,000 for engineering costs.

Engineer Martini noted Council has discussed that the expenses incurred by the City for the improvements it will make in conjunction with the Metropolitan Council Environmental Services (MCES) Excelsior Boulevard forcemain project needs to be funded out of the roadway improvement budget. Mayor Kind stated it's her recollection those costs were about \$25,000.

Engineer Martini stated he and Councilmember Quam had spoken about postponing the sealcoating project. He noted that from his perspective that could be done in 2014 as part of a larger sealcoating project. Sealcoating some of the roadways the City made improvements to in the recent years would extend the life of those roadways.

Councilmember Quam stated he thought doing one large sealcoat project in 2014 makes a great deal of sense.

Mayor Kind stated even if the sealcoating project is not done in 2013 the cost for the other recommended roadway improvement projects plus the amount for Excelsior Boulevard project exceed the 2013 roadway construction budget amount. She then stated the bridge work could be postponed and an attempt could be made to get the City of Excelsior to pay for half of the bridge work being it owns half of the bridge. She noted the amount of contingency in the 2013 budget is \$11,547 and as of June 1 \$193 of it has been spent.

Councilmember Quam stated the base bid amount of \$93,375 plus the \$25,000 for the Excelsior Boulevard project exceeds the 2013 roadway construction improvement budget. The use of \$8,375 of the contingency budget would be needed to fund the improvements. He suggested Mayor Kind talk to Excelsior about sharing the cost of the bridge improvements in 2014. He noted he has concern about paying the full amount for the bridge work. Kind noted she has not discussed that with Excelsior.

Councilmember Cook asked what the downside is of going over budget. Mayor Kind responded that the reserves could be used if the project exceeds the amount in the contingency fund. Kind stated there is the \$11,547 in contingency for 2013 and the 2012 year-end level of reserves in the General Fund was 49 percent. The auditor recommends a level of 35 – 50 percent.

Cook suggested the bridge work be done in 2013 because he thought everyone living in Greenwood travels over the bridge multiple times a day. He expressed support for going over budget and doing the bridge work this year and delaying the sealcoating until 2014.

Councilmember Quam stated he agreed with Councilmember Cook's recommendation.

Councilmember Cook suggested Mayor Kind attempt to get a donation from Excelsior to help pay for the bridge work.

Mayor Kind related a public works employee suggested a low cost way of taking care of the Bridge. It would cost about \$500 for a truck to put down asphalt and use a skidder to smooth it out. She clarified that would be a band aid approach. She noted that Engineer Martini had told her he did not think she would like the results of that process. Martini explained he did not think people would be happy with the

ride over that surface and that there won't be much of a life from that. Martini noted that he prefers to do it right.

Mayor Kind stated she was in favor the Bridge being repaired correctly only if the expected life of the Bridge is ten years or more. She stated she does not want to spend \$15,500 on bridge work only to have to tear the Bridge down next year.

Councilmember Cook stated from his perspective the Bridge will not have to be rebuilt anytime in the near future. He explained that first it has to be rated lower than it is currently rated. Then it will have to be designed and built.

**Quam moved, Cook seconded, accepting the bid from Barber Construction for an amount of \$108,875 to: resurface the south leg of Byron Circle; do bituminous patching on Lodge Lane, Lyman Court, and Woods Court; and, mill and overlay the St. Alban's Bay Bridge deck. Motion passed 3/0.**

Councilmember Quam noted the City has worked with Barber Construction before and it has done very good work.

- **Hennepin County Aid to Municipalities Application**

Engineer Martini noted that this year's County Aid to Municipalities (CAM) apportionment is \$1,800.

**Quam moved, Cook seconded, directing the City Clerk and the City Engineer to complete the application for reimbursement from the Hennepin County Aid to Municipalities. Motion passed 3/0.**

- **Excelsior Boulevard Street and Watermain Improvements**

Mayor Kind noted the meeting packet contains a copy of the updated project timeline for the Excelsior Boulevard Street and Watermain Improvements that will be done as part of the Metropolitan Council Environmental Services (MCES) Excelsior Boulevard forcemain project. That project has begun and the Lilac Trees and Ash Trees in the project area have been removed. They will be replaced most likely next spring.

Kind explained the plan is for the project to be substantially complete before the assessment amount for the watermain extension portion is determined. The assessment amount should be known so an assessment roll can be ordered by September 4. A resolution authorizing a public hearing to be held on the proposed assessment will be considered during Council's October 2 meeting. The public hearing will be held during Council's November 6 meeting. Council then may adopt the assessment at the November 6 meeting, so it can be certified to the Hennepin County Auditor by November 22. She stated she thought the timeline is tight but doable.

Engineer Martini noted he attended a project meeting earlier in the day. He provided an update on the project. The pavement reclaiming will begin on July 8 and the watermain work will begin the week of July 8. During the project meeting there was a great deal of discussion about restoration related items and location of services. One of the issues on the north side of the roadway is there are a lot of private improvements located in the Minnesota Department of Transportation's (MnDOT) right-of-way (ROW). That makes locating services a challenge. People are working with property owners to get their feedback on where to locate the services. The service has to front the property it is going to serve. The contractor

will make a concerted effort to preserve private landscaping in the MnDOT ROW. Once there is a clear understanding of what has been disturbed, property owners will be involved in determining a restoration plan. The intent is to treat people fairly even though the landscaping in the public ROW is at risk. But, there will be a limit as to what MCES is going to be willing to spend on landscaping restoration. Removing the landscaping along the Highway 7 side is related to the MCES forcemain project. The existing forcemain is located very close to the edge of the roadway and in some instances under the landscaping.

Mayor Kind related that the City's arborist had told her that the ash trees would likely have been lost to emerald ash borer anyway. She noted there is a copy of the tree removal and restoration plan on the City's website [www.greenwoodmn.com](http://www.greenwoodmn.com).

Engineer Martini stated adding another forcemain line and watermain to the corridor is difficult.

Mayor Kind stated she did receive a call from a resident who has Class 5 gravel down in the ROW that is slated to be restored to grass. She explained that any time hardcover (such as Class 5) can be replaced with grass Council favors doing that. The property owner believes the property should be restored to the way it was before the project was started. She told the property owner that the City does not have money in its budget to ask for change orders to upgrade the restoration plan.

Engineer Martini stated it was his understanding that the pull-off parking areas on the north side of the roadway would be restored to the way they are. The gravel areas would be restored.

- **Flood Insurance Rate Map (FIRM)**

Mayor Kind stated that over the weekend she received several emails from a resident who is concerned about the flood insurance rate map (FIRM) and what they perceived as the City not doing anything. Any concerns about the maps have to be conveyed by July 4. Council was provided with an electronic copy and hardcopy of a draft letter authored by her conveying the City's concern about the FIRM. The letter requests more information regarding the process for correcting the FIRM for Greenwood.

In response to a question from Councilmember Quam, Engineer Martini stated the FIRM comes from the Federal Emergency Management Agency (FEMA). Mayor Kind stated the proposed letter would be sent to a project manager at a company called Atkins. Martini stated he assumes that company is a consultant for FEMA.

Councilmember Quam recommended finding out why things are changing. Engineer Martini clarified nothing is changing in Greenwood.

Engineer Martini stated a couple of property owners went to refinance their property and were told they needed flood insurance. It's clear one of the structures is not at risk for a flood. He explained unless a structure is many feet above the flood plain and that is obvious from an aerial view the City does not have enough information to show a structure is not in a flood plain.

Zoning Administrator/Clerk Karpas stated mortgage companies are using FEMA maps that are not to scale. They do not show structures. It results in property owners having to take on an added expense of proving that their structure is not located in a flood plain.

Mayor Kind stated when Council last discussed this it came to the conclusion that if the City has information that could help the property owner it will provide it. To do this the City created a new form

modeled after the City of Minnetonka's form.

Kind noted the City of Edina is spending \$35,000 on behalf of their homeowners to fix the FEMA maps.

Councilmember Cook stated he does not want to open up a can of worms, and that he believes the new form to help property owners on a case-by-case basis is a good solution.

Mayor Kind suggested publishing the availability of the City service to provide the new form for residents who request it for flood insurance purposes.

There was Council consensus not to send a letter Atkins.

Engineer Martini departed the meeting at 7:35 P.M.

**B. Night to Unite, Tuesday August 6, 2013**

Mayor Kind stated the 2013 Night to Unite event is scheduled for Tuesday, August 6. There are several gatherings going on in Greenwood. She noted that people in the community should contact South Lake Minnetonka Police Department (SLMPD) Support Services Manager Dave Hohertz if they would like SLMPD personnel to come to their neighborhood Night to Unite events. Hohertz's information can be found on the City's website and in the most recent newsletter.

**C. Council Budget Work Session, 6:00 P.M. Wednesday August 7, 2013**

Mayor Kind stated there is a budget work session scheduled for 6:00 P.M. on August 7, 2013, immediately preceding Council's regular meeting.

Kind then stated that on July 28, 2013, at 4:30 P.M. there is a free concert and ice cream social at the Old Log Theater. The John Phillips Sousa Memorial Band conducted by Scott Crosbie will be playing. It was a very big success last year.

**5. PUBLIC HEARING**

**A. None**

**6. UNFINISHED BUSINESS**

**A. Draft Uniform Animal Ordinance**

Mayor Kind stated during its June 5, 2013, meeting Council discussed a draft uniform animal ordinance for the South Lake Minnetonka Police Department (SLMPD) member cities. Council authorized her to write a letter to the SLMPD Chief Litsey explaining the Greenwood Council supports the concept of a uniform animal ordinance and is open to considering changes the other three cities may want to make. She has not heard that the other cities have proposed changes, and as far as she knows the cities of Excelsior, Shorewood, and Tonka Bay have not taken action on it. She said that Council could direct that the ordinance be formatted for a first reading during its August 7, 2013, meeting. Or, this item could be continued another month.

Quam suggested waiting on this to allow the other member cities time to propose changes. He explained he did not want to format the ordinance for a first reading and then have to make a lot of changes to it.

Cook stated that he preferred that the item not be on the Council's agenda until other cities have taken action on it.

**Quam moved, Cook seconded, continuing this item to a future date. Motion passed 3/0.**

**7. NEW BUSINESS**

**A. Tobacco License Application, Greenwood Market, 21380 Christmas Lake Road**

Mayor Kind explained the City received a tobacco license application from Akshay Patel, owner of the new Greenwood Market business located at 21380 Christmas Lake Road (formerly known as Lakeshore Market). A copy of the application is included in the meeting packet. Per City Code Section 470.00 a criminal background check must be completed. Also, per City Code Section 415.03 Subd. 2 Council must approve the license. She noted the criminal report has not come back as of this meeting. She explained Council can take action on this application this evening pending the receipt of a clean report from the South Lake Minnetonka Police Department.

Councilmember Cook asked the applicant to provide a status report on what is happening with the property.

Sadik Punjani the owner of the building, stated he redid the parking lot last year. The roof has been replaced. The entire interior is being redone. Everything inside will be brand new. He wants to run a clean store. Patel is going to manage the Market on a daily basis and Punjani will come by a couple of days a week to help out.

**Cook moved, Quam seconded, approving a 2013 tobacco license for Akshay Patel, owner of the Greenwood Market, 21380 Christmas Lake Road, pending a clean report from the South lake Minnetonka Police Department and authorizing the City Clerk to sign the tobacco license once the report is received.**

Attorney Kelly asked Mr. Patel if the business will be run under his name or a corporate name. Mr. Patel responded that the business will be operated under a company name. Kelly stated the license would be to the company and the background check is done on the principal owner and general manager. Mayor Kind stated that according to the submitted the application, Mr. Patel is the owner / partner of the company that is going to operate the store. Kelly stated that is what the City has been told but it does not have that in writing.

Mr. Punjani stated he owns the building and is investing in improvements. Patel is to pay him off for the improvements within a number of months.

Zoning Administrator/Clerk Karpas stated Mr. Punjani has always owned the building.

Councilmember Cook stated he is okay with authorizing the license but it needs to be clear who the license is being given to and what their relationship is to the business. He is unclear because he has heard owners and partners used interchangeably. He wants the application form to be filled out correctly.

In response to a question from Councilmember Quam, Mr. Patel stated he is hoping to open the Market by the end of the month.

**Without objection from the seconder, the maker amended the motion to also include pending clarification of ownership for the tobacco license application. Motion passed 3/0.**

**B. Findings of Fact for Variance Request (Impervious Surface), Conditional Use Permit Request (Grade Alteration) Chip and Katie Fisher, 5185 Greenwood Circle**

Zoning Administrator/Clerk Karpas explained that Chip and Katie Fisher, 5185 Greenwood Circle, are requesting a variance to exceed the maximum permitted impervious surface by 8.92 percent and a conditional use permit (C.U.P.) to exceed the maximum permitted grade alteration by 3 feet to construct a new driveway to access the garage at their new single-family home. The applicant also is seeking a City permit to construct retaining walls within the City right-of-way (ROW).

Karpas noted the applicant had been issued variances to construct the home late in 2012. The property drops from Greenwood Circle. He explained that at the time the variances were granted the applicants did not realize there was an issue with the grade of the driveway. During the construction it became apparent there was a grade issue. Yet, construction continued without resolving it. The applicant is seeking a certificate of occupancy but has no safe access to the garage. The applicant has worked with the City Engineer on how to resolve the issues.

Karpas stated the Planning Commission discussed this request and recommended approval of it.

In response to a question from Councilmember Quam, Zoning Administrator/Clerk Karpas explained the retaining wall is going to be a couple of feet high and there will be boulders on top of it as a pseudo guard rail. Karpas noted the drop is not that substantial.

Mayor Kind stated that according to the submitted plan, at one end the drop from the retaining wall is about 1 foot, and the highest drop is about 3 feet. She noted she likes the boulders on top of the retaining wall better than an industrial type guard rail.

Councilmember Quam asked how large the boulders will be.

Chip (Orville) Fisher, 5185 Greenwood Circle, stated the boulders would be about 3 feet in diameter and there will be landscaping next to the boulders.

Councilmember Quam stated the only concern he has is that a child may fall down from the retaining wall or boulders.

Councilmember Cook provided more insight as to what the Planning Commission discussed. He noted this was a difficult request to consider because of the multiple variances. He explained the Fishers received a lot of good will from the Commission because when they applied for variances in 2012 they ended up moving the location of the house farther back from the lake and reducing the size of the house to reduce hardcover. That is what caused the grade problem. The applicant's architect did not thoroughly review the impact of the changes. He noted he thinks the Commission made the right recommendation.

Brian Malo, 5070 Greenwood Circle, asked how close the boulder on top of the retaining wall near the roadway is to the pavement. Mayor Kind stated about three feet. Brian stated a 3 foot boulder is not a very good boulder. He does not think that is a sufficient size to stop cars which is what he thought the purpose of the boulders is on top of the retaining wall is.

Councilmember Cook stated he does not think things should be built on residential properties to stop cars. He then stated the 3-foot rock will weigh a couple hundred pounds.

Councilmember Quam asked Mr. Malo if he is concerned about a runaway car coming down the driveway. He stated there is a similar driveway situation on the property next door.

Mr. Malo stated from his viewpoint the Fisher's proposed driveway is different because it is parallel to the roadway. He then stated a driveway perpendicular to the roadway does not have the same risk. He cited the example of coming home late at night and missing the corner.

Mayor Kind stated she understands that what is being proposed is not ideal but it seems that after lots of discussion this is the best solution there is.

Attorney Kelly stated the grade from the original proposal was 17.5 percent and re-routing the driveway would bring it down to approximately 8.2 percent. He noted that he calculated the grade for the re-routed driveway. He expressed he is surprised the City Engineer thinks the grade of the re-routed driveway would only be 3 percent less. He stated 15 percent is still very steep and noted that most cities will not allow anything over 12 percent.

Councilmember Cook stated after a cursory look it appears the grade for the re-routed driveway would be 10 percent or less.

Mayor Kind stated reducing the grade is a safety improvement that should be taken into consideration.

Mayor Kind noted that there will only be one curb cut for the entrance to the driveway and that there will continue to be parking on the street.

**Cook moved, Quam seconded, Adopting RESOLUTION NO. 17-13, "A Resolution Approving the Variance for Impervious Surface and the Conditional Use Permit Application for Grade Alteration for Chip and Katie Fisher, 5185 Greenwood Circle, as presented; and, directing the City Clerk to mail a copy of the Findings to the applicant and the Minnesota Department of Natural Resources and to place an Affidavit of Mailing for each of the mailings in the property file." Motion passed 3/0.**

Mayor Kind stated Council needs to establish a fee, per the City Code, for the cost of the Public Right-of-Way Use Permit to cover attorney fees and in consideration of the intensity of use. It also needs to authorize the City Attorney to draft and execute a Cooperation and Use Agreement with Chip and Katie Fisher and authorize the Mayor and City Clerk to sign the agreement. She asked Attorney Kelly if he has thought about what to charge. Kelly stated he has advised Mr. Fisher that he would charge \$1,250 for the documentation that he believes is necessary. Kelly then stated the City could charge a nominal amount and then have the Fishers pay for the City's consultant fees.

Councilmember Cook stated he has completed three projects on property located in the City in the last 10 years. In one instance he put riprap on part of the City's shoreline because the City was not interested in doing that and he was. He noted he understands the concept of wanting to have an agreement. He stated there are improvements in the City ROW for an awful lot of properties. He asked if the City had executed a Cooperation and Use Agreement before. Attorney Kelly stated he thought on occasion the City has.

Attorney Kelly stated in this instance a private improvement will be created on public land. The intent of the Agreement is to give the City the authority to re-enter its public ROW and remove the improvement if

there is a need to. Mayor Kind noted the City technically has that authority to do that with or without an Agreement. Kelly stated the City is granting a private property owner the right to put something in the ROW, but the question is who has the liability if it has to be removed and who restores it.

Councilmember Cook suggested there be a global solution for this type of thing; not an individual solution. He stated he does not know if it should be in the form of an ordinance or a standard agreement form property owners would have to sign. It would be for whenever someone wants to do something in the City's ROW, and it would stipulate that the City has access to the ROW and any removal or repairs would be the responsibility of the property owner. The rules need to apply to everyone.

Mayor Kind noted there are a lot of property owners who have retaining walls in the City ROW that do not have a Cooperation and Use Agreement with the City.

Mayor Kind stated this evening Council could direct the City Attorney to draft a short-form agreement like Councilman Cook is suggesting and that the applicant would not have to pay for it. Councilmember Quam stated that would be fine with him.

Zoning Administrator/Clerk Karpas questioned if there is a difference between existing encroachments into the public ROW versus creating new encroachments. He stated in this instance Mr. Fisher is not only asking to build retaining walls in the ROW. He is asking to create a heated driveway in the ROW. He asked if a liability waiver should be written into the form for Mr. Fisher because of the 3-foot drop along the retaining wall near the roadway.

Mayor Kind stated City Code Section 630.05 Public Rights-of-Way / Permit 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 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 510.00 Fees – Licenses, Permits and Services Established states the fee for a Right-of-Way Encroachment Permit is a minimum of \$50, Council approval is required, and the actual fee will be determined by Council based on the proposed intensity of use.

Councilmember Cook stated from his vantage point what he has suggested fits with the City Code.

Councilmember Cook noted that he has to replace the retaining wall on City property adjacent to his property because it has failed. He asked if he is grandfathered in. He reiterated he thought encroachment into the City ROW should be addressed globally. The Code stipulates a minimum \$50 fee. He stated if applicant needs special consideration then it could be added to the short form and it appears the City Code can deal with that. He then stated he thought it would be beneficial to have the framework for a Cooperation and Use Agreement on file. It would help to have it the same for everyone.

Mayor Kind stated she favors having Attorney Kelly draft a short-form agreement. She then stated Council should set the fee for the Fishers at whatever it is going to set it at for the short-form agreement and it should be enough to cover staff time. She questioned if the \$50 minimum fee is too low.

**Cook moved, Quam seconded, authorizing the City Attorney to prepare standard short-form public right-of-way cooperation and use agreement that will be used for the Fisher request as a test case; informing the Fishers that they are not paying for the cost to draft a short form but they will have to pay any additional cost associated with their application for a Right-of-Way Encroachment**

**Permit for an amount not to exceed \$1,250; and authorizing the Mayor and City Clerk to sign the agreement. Motion passed 3/0.**

**C. Findings of Fact for Conditional Use Permit Request (impervious surface) Dr. Marc Hope, 21450 State Highway 7, and Bridgewater Bank, 21500 State Highway 7**

Zoning Administrator/Clerk Karpas stated the properties located at 21450 State Highway 7 and 21500 State Highway 7 are connected by a common driveway. They have an agreement to share parking. The applicants Dr. Marc Hope and Bridgewater Bank are proposing to reconfigure the existing parking area by removing the connecting driveway. Doing that would increase the overall number of parking stalls on the properties by four. This reconfiguration will bring the of stalls for both properties into compliance with the City's parking requirements. There would continue to be an agreement to share stalls. The applicants have applied for a conditional use permit (C.U.P.) to exceed impervious surface maximum of 30 percent. The combined impervious surface on the property would be reduced by 156 square feet. It would continue to be under the 75 percent threshold. The drainage plan has been reviewed by the City Engineer and by the Minnehaha Creek Watershed District (MCWD). The Planning Commission has reviewed the application and recommends approval.

Mayor Kind stated she thought this would be a nice improvement.

**Cook moved, Quam seconded, Adopting RESOLUTION NO. 18-13, "A Resolution Approving the Conditional Use Permit Application for Impervious Surface for Dr. Marc Hope, 21450 State Highway 7, and Bridgewater Bank, 21500 State Highway 7, as presented; and, directing the city clerk to mail a copy of the findings to the applicant and the Minnesota Department of Natural Resources and to place an Affidavit of Mailing for each of the mailings in the property file." Motion passed 3/0.**

**D. Deephaven/Greenwood 2014 – 2016 Service Contract Agreement**

Mayor Kind explained that when the Greenwood city clerk resigned in May 2010, Greenwood contracted for administrative services from the City of Deephaven. The arrangement proved to be beneficial for both Cities. The Cities entered into a 3-year contract for 2011-2013 that is set to expire on December 31, 2013. In order to ensure that an agreement is in place for 2014 budget planning, the administrative committee (Kind and Councilmember Fletcher) met in May with Deephaven City Administrator Dana Young to discuss a new 2014-2016 contract. Kind and Deephaven Mayor Paul Skrede had two follow-up meetings in June to discuss the contract. She noted that the meeting packet contains a copy of a letter from Young that summarizes the agreement being recommended to the Deephaven and Greenwood City Councils as well as a copy of the agreement and some supporting documents.

Kind highlighted the notable changes from the current agreement.

- Instead of building in flat annual increases for public works and zoning administrator salaries, the agreement states that the cost increases will be based on actual salaries.
- The monthly rental city hall meeting fees have been combined for an amount of \$425 instead of \$475 per month.
- Greenwood no longer has its own copier. Therefore, a per-copy rate of \$0.10 has been added to the agreement.

Councilmember Quam asked what the City charges the public for copies of documents. Mayor Kind responded \$0.25 and noted that state law states a municipality cannot charge more than that. Zoning Administrator/Clerk Karpas stated he rarely charges for copies.

**Quam moved, Cook seconded, approving the Deephaven-Greenwood 2014-2016 Service Contract Agreement as presented and authorizing the Mayor and City Clerk to sign the agreement. Motion passed 3/0.**

**E. Resolution Supporting the Long-Term Viability of the Lake Minnetonka Communications Commission**

Mayor Kind explained this resolution is a compromise idea for trying to address the problem of Lake Minnetonka Communications Commission (LMCC) member cities wanting to withdraw from the LMCC joint powers organization. The goal is to try to keep as many member cities as possible. The City of Medina has given notice that it is withdrawing. The Cities of Minnetrista, Orono and Victoria are also considering leaving. Victoria sent a letter to the LMCC listing its priorities for the LMCC to address. In response to that letter, representatives from Greenwood (she and Councilmember Fletcher), Minnetrista and Victoria met to discuss if there is a middle ground that will keep a core group of member cities in the LMCC to fund basic services. Based on the discussion, a resolution was drafted for the LMCC member cities to consider. A copy of the draft resolution is included in the meeting packet.

Kind noted the LMCC Board does not view the resolution as being supportive of the LMCC. It has concern that it would dismantle the LMCC. It's her and Councilmember Fletcher's concern that if cities withdraw it will force drastic changes at the LMCC. She stated she viewed the resolution as a last ditch effort to try and get as many cities as possible to stay.

Kind stated the Victoria City Council adopted the resolution during its June 24 meeting. The Minnetrista City Council adopted the resolution during its July 1 meeting. The Deephaven City Council adopted just the second half of the resolution. The second half was related to changing rules about who a city can appoint, changing voting rules, clarifying rules for leaving the joint powers organization, disbanding the LMCC Executive Committee and keeping the LMCC Board meetings at four times a year, changing the requirement for how many member cities have to approve a change to the joint powers agreement (JPA) to four-fifths (currently it takes 100 percent of them).

Kind noted the meeting packet contains a copy of the model ordinance with Greenwood's information filled in. She stated that she and Councilmember Fletcher recommend approval.

Councilmember Quam asked Mayor Kind why Greenwood needs the LMCC. Mayor Kind explained the LMCC has experience with negotiating franchise agreements. Quam asked if the City could do that. Kind indicated it could. Kind stated the LMCC has expertise in television production of council meetings, noting it could hire someone to do that. The LMCC enforces the terms of the negotiated contract with Mediacom. Once a group is established the franchise agreement is for ten years and for cities the agreement tends to get put on the back burner. A few years ago the City of Chanhassen hired the auditor the LMCC uses and the auditor determined that Chanhassen was due about \$500,000 from Mediacom. The LMCC also deals with resident complaints about Mediacom, the cable television franchise provider.

Quam then asked how many households in Greenwood have Mediacom. Mayor Kind stated that currently Greenwood has 149 cable subscribers out of 346 dwelling units (43 percent). Quam questioned how many of them watch LMCC community meetings on television. Kind noted that based on a survey done by the

LMCC city council meetings were highly watched. Kind stated she thought a lot of people also watch the meetings online at the LMCC website.

Mayor Kind displayed a graph of how much each LMCC member city's Mediacom cable television subscribers contribute through a surcharge on their Mediacom bill. She explained subscribers pay \$4.42 per month for a LMCC franchise fee. That fee is the same for all of the subscribers. The subscribers in Greenwood pay \$7,897 per month total in franchise fees. The subscribers also pay \$1.20 per month for a PEG (public, education and government) fee that must be spent on public programming. Greenwood's total franchise and PEG fees is \$10,043. The subscribers in Media pay \$8,410 in PEG fees. Subscribers in Victoria pay a total of \$78,588 in franchise and PEG fees. Victoria does not think it is getting a good value for what its subscribers are paying.

Councilmember Quam asked if Greenwood is getting a good value. Mayor Kind stated she thought it is. However, Kind then stated she thought Greenwood could hire someone to record its Council meetings for less than what the subscribers are paying to the LMCC. The recordings could be placed on the City's website for viewing, or maybe Mediacom would give Greenwood a station for people to view them on. Kind noted that she thought the smaller LMCC member cities are probably getting a good value. It's the bigger cities that think they are not. She noted that there would be attorney fees involved in negotiating a franchise agreement between Mediacom and Greenwood.

Councilmember Quam asked what the impact of the larger cities leaving the LMCC is on Greenwood. Mayor Kind stated, for example, Victoria leaving takes \$78,588 in funding for the LMCC away. If the City of Orono leaves that is a loss of approximately \$88,900 in funding. Medina leaving means a loss of approximately \$40,000 in funding. Minnetrista means a loss of approximately \$50,550 in funding. Those cities are also underserved by Mediacom. They would possibly like to use the franchise fees paid by the subscribers to build out the Mediacom infrastructure. Mayor Kind stated it would be a very pared down LMCC if Victoria, Minnetrista, and Orono leave. She related that Councilmember Fletcher who sits on the LMCC Executive Committee and was the LMCC treasurer for awhile believes basic programming could be provided with the pared down LMCC if a quarter of the LMCC member cities stay in.

Councilmember Cook asked who gets the franchise fees now. Mayor Kind explained the LMCC gets 100 percent of them from Mediacom except for the City of Mound which keeps 85 percent of the fees paid by subscribers in Mound. That is a long standing agreement Mound had and it will likely go away with the new franchise agreement. Kind stated some of the other LMCC member cities want the same deal that Mound has.

Mayor Kind noted that the proposed resolution talks about a 25 percent / 75 percent split with each member city getting 75 percent of the franchise fees. The hope is that would encourage cities to stay as a member city.

Councilmember Cook stated he interprets that to mean that the member cities would be taking 75 percent of the LMCC revenues away. Mayor Kind clarified not quite because the LMCC would keep 100 percent of the PEG fees. Cook explained that roughly the LMCC would get approximately \$2 out of the per-subscriber franchise plus PEG fees and the cities would get \$3. Cook stated that would be about a 60 percent loss in revenue for the LMCC from the member cities that stay in.

Councilmember Cook stated it sounds as if things are to a point where if one or two additional bigger cities leave all bets are off.

Mayor Kind reiterated that Minnetrista and Victoria adopted the resolution.

Quam noted that during his first four years on Council no member of the Greenwood Council attended LMCC Board meetings. Council just approved the budget because it did not cost the City anything. He stated now there are discussions about the LMCC frequently. He asked what has changed.

Mayor Kind stated the impetus is that franchise negotiations are underway. She then stated the cities that are not fully built out and whose subscribers pay a lot of franchise fees has caused them to consider leaving the LMCC to directly franchise with Mediacom and using the franchise fees for buildout.

Councilmember Quam asked what it would take to make this happen. Mayor Kind explained the top part of the resolution will take a simple majority vote of the LMCC Board during its August 20 meeting. The bottom section would require 100 percent approval.

Councilmember Cook stated that he thinks this is a dying technology. He then stated the resolution is not really one of support; it's one of support for a much pared down organization. He went on to state the reason Council is spending time on this is because the LMCC is in trouble.

Brian Malo, 5070 Greenwood Circle, asked if he as a subscriber would see his franchise fee and peg fee increased because of cities leaving the LMCC. Mayor Kind stated she did not think the franchise fees would go up but the PEG fee may go up.

Councilmember Cook stated when organizations run out of money they have to raise rates or taxes or something. He then stated he thought it should evolve to a volunteer organization if a small number of cities remain in rather than a Commission. He does not know how the LMCC revenues could be cut by approximately 60 percent and survive.

**Quam moved, Cook seconded, Adopting RESOLUTION 19-13, "A Resolution in Support of Long-Term Viability of the Lake Minnetonka Communications Commission." Motion passed 3/0.**

**F. Potential Comments Regarding the Minnehaha Creek watershed District 10-Year Capital Improvement Program**

Mayor Kind explained the Minnehaha Creek Watershed District (MCWD) is seeking comments from cities within the MCWD's jurisdiction about its 10-Year Capital Improvement Program (CIP). A copy of the email requesting input is included in the meeting packet. If Council wishes to weigh in on this topic, the memo format included in the meeting packet needs to be fleshed out. She noted that she has no desire to comment on the CIP.

Councilmember Quam stated he is not qualified to comment on any of the projects included in the CIP.

Councilmember Cook stated he does not have an inclination to comment on the CIP.

There was Council consensus not to comment on the MCWD's 10-Year CIP.

**8. OTHER BUSINESS**

**A. None**

**9. COUNCIL REPORTS**

**A. Cook: Planning Commission**

Councilmember Cook stated during its last meeting the Planning Commission reviewed and recommended the Fisher variance as well as conditional use permit for Dr. Hope and Bridgewater Bank. The Commission also discussed a variance request from Bridgewater Bank to install awnings above windows along the east and west side of the building which would encroach into the minimum required side yard setbacks. The Commission did not take action on the variance request. The applicant withdrew the request for a variance on the west side yard setback. The Commission continued the public hearing on the variance request to encroach into the east side yard setback to its next meeting to allow the applicant the opportunity to refine its plan for the east side of the building. The Commission continued its discussion of potentially creating an R-1C District that would encompass the current Old Log Theater property. He anticipated the Commission would make some recommendation to Council during its next meeting.

Zoning Administrator/Clerk Karpas noted there are two vacancies on the Planning Commission. Mayor Kind stated that is a great way to get involved and learn about what goes on at City government. She then stated there is an application form on the City's website [www.greenwoodmn.com](http://www.greenwoodmn.com).

**B. Fletcher: Lake Minnetonka Communications Commission, Excelsior Fire District, Xcel Energy Project, Lake Improvement District**

Councilmember Fletcher was not present to give a report.

**C. Kind: Police, Administration, Mayors Meetings, Website**

Mayor Kind noted she attended the emergency preparedness seminar on June 12.

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind explained she attended the SLMPD Coordinating Committee 2014 budget worksession held on June 26. There is a regular Coordinating Committee meeting scheduled for July 10.

With regard to administration, Kind stated the City's copier is going to be sent back to Marco in the very near future. The copier cost was \$3,117 in 2012. Paying Deephaven \$0.10 per page is going to be less costly and faster. She noted that Council can convert to electronic meeting packets if it would like.

With regard to a mayors' meeting, Kind stated she attended a meeting on June 6. The topic of discussion during that meeting was the Lake Minnetonka Communications Commission (LMCC).

Kind stated she attended two other meetings regarding the LMCC.

Kind then stated she received a letter from Shorewood Mayor Zerby regarding forming a Southshore Center Advisory Committee. The Committee will be comprised of one representative from each of the five cities that co-own the Southshore Community Center (SSCC), a representative from the SouthShore Senior Partners (the group that has been coordinating programs for seniors), and a representative from the former SSCC advisory group. The charge of the Committee will be to "*determine the best way to fulfill the purpose of the Center as a community gathering space for social, educational, civic, and recreational activities.*" She noted that she is willing to be the representative unless some other member of the Council wants to be the representative.

**Quam moved, Cook seconded, appointing Mayor Kind as the City's representative to the Southshore Center Advisory Committee. Motion passed 3/0.**

Kind noted that Mayor Zerby promised that the work would be done by mid-September.

Kind then noted there is a new page on the City's website [www.greenwoodmn.com](http://www.greenwoodmn.com) about the Met Council Project.

Kind stated the League of Minnesota Cities sent out a summary of 2013 laws passed by the State Legislature. She explained citizen contact information is classified as private data. Cities and counties will become exempt from the state sales tax. The formula for local government aid is different for large and small cities. But, Greenwood does not get any.

**D. Quam: Roads & Sewer, Minnetonka Community Education**

With regard to roads, Councilmember Quam stated Council discussed roadways earlier this evening. There is nothing to report on sewers. And Minnetonka Community Education did not meet.

**E. Roy: Lake Minnetonka Conservation District**

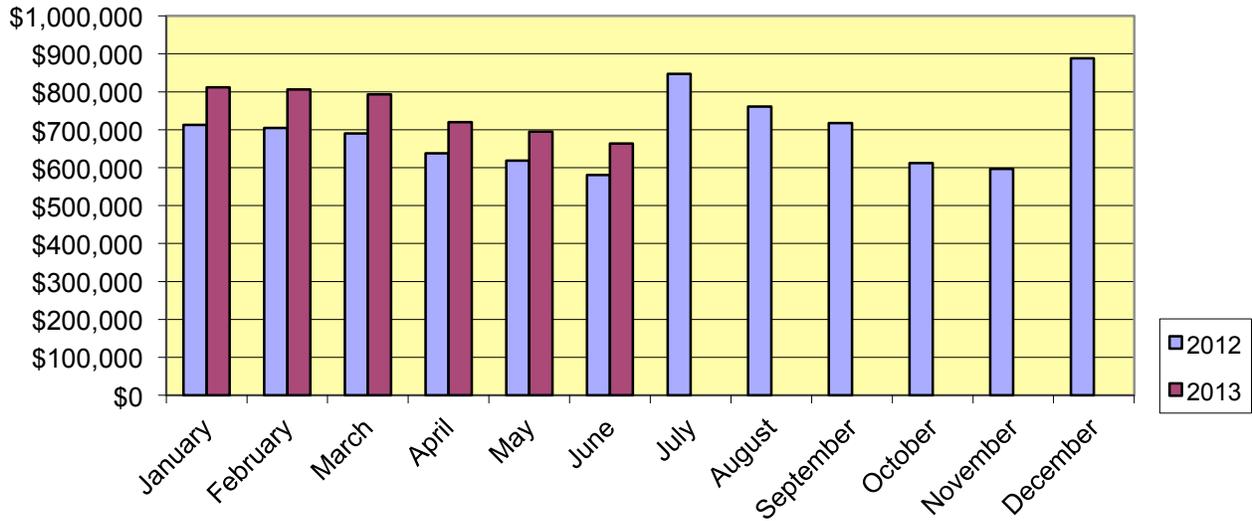
Mayor Kind stated Councilmember Roy asked her to report that the Lake Minnetonka Conservation District Board approved its 2014 budget option 1 which reflects a 3 percent increase when compared to the 2013 budget.

**10. ADJOURNMENT**

**Kind moved, Cook seconded, adjourning the City Council Regular Meeting of July 3, 2013, at 8:56 P.M. Motion passed 3/0.**

**RESPECTFULLY SUBMITTED,**  
**Christine Freeman, Recorder**

### City of Greenwood Monthly Cash Summary



Month	2012	2013	Variance with Prior Month	Variance with Prior Year
January	\$712,814	\$812,019	-\$76,100	\$99,205
February	\$704,873	\$805,692	-\$6,327	\$100,819
March	\$690,422	\$793,435	-\$12,257	\$103,013
April	\$637,990	\$720,170	-\$73,265	\$82,180
May	\$618,262	\$694,987	-\$25,183	\$76,725
June	\$580,578	\$663,171	-\$31,816	\$82,593
July	\$846,897	\$0	-\$663,171	-\$846,897
August	\$760,682	\$0	\$0	-\$760,682
September	\$717,852	\$0	\$0	-\$717,852
October	\$611,894	\$0	\$0	-\$611,894
November	\$597,127	\$0	\$0	-\$597,127
December	\$888,119	\$0	\$0	-\$888,119

Bridgewater Bank Money Market	\$397,120
Bridgewater Bank Checking	\$2,723
Beacon Bank CD	\$240,000
Beacon Bank Money Market	\$23,228
Beacon Bank Checking	\$100
	<b>\$663,171</b>

**ALLOCATION BY FUND**

General Fund	\$78,873
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$78,613
Stormwater Special Revenue Fund	\$6,038
Sewer Enterprise Fund	\$422,799
Marina Enterprise Fund	\$49,793
	<b>\$663,171</b>

Check Issue Date(s): 07/01/2013 - 07/31/2013

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
07/13	07/08/2013	10855	762	CATALYST GRAPHICS INC	101-20100	94.40
07/13	07/08/2013	10856	9	CITY OF DEEPHAVEN	101-20100	10,396.80
07/13	07/08/2013	10857	586	CIVIC SYSTEMS, LLC	101-20100	994.00
07/13	07/08/2013	10858	52	EXCELSIOR FIRE DISTRICT	101-20100	30,737.01
07/13	07/08/2013	10859	68	GOPHER STATE ONE CALL	602-20100	79.85
07/13	07/08/2013	10860	789	HENNEPIN COUNTY TREASURER	101-20100	7,742.38
07/13	07/08/2013	10861	3	KELLY LAW OFFICES	101-20100	1,783.00
07/13	07/08/2013	10862	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,497.36
07/13	07/08/2013	10863	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	26,578.00
07/13	07/08/2013	10864	136	Sun Newspapers	101-20100	71.45
07/13	07/08/2013	10865	745	Vintage Waste Systems	101-20100	1,628.25
07/13	07/08/2013	10866	145	XCEL ENERGY	602-20100	283.04
07/13	07/29/2013	10867	10	AMERICAN SOLUTIONS FOR BUSINES	101-20100	151.77
07/13	07/29/2013	10868	51	BOLTON & MENK, INC.	101-20100	8,240.00
07/13	07/29/2013	10869	781	CHRISTINE A. FREEMAN	101-20100	3,120.00
07/13	07/29/2013	10870	761	DEBRA KIND	101-20100	18.07
07/13	07/29/2013	10871	78	Hennepin County Taxpayer Svcs.	101-20100	20.00
07/13	07/29/2013	10872	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	188.03
07/13	07/29/2013	10873	145	XCEL ENERGY	101-20100	422.11

Totals: 95,045.52

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Recorder: \_\_\_\_\_

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>AMERICAN SOLUTIONS FOR BUSINES</b>					
10	AMERICAN SOLUTIONS FOR BUSI	INV01497229	ENVELOPES	07/09/2013	151.77
Total AMERICAN SOLUTIONS FOR BUSINES					151.77
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0157805	2013 DEVELOPMENT REVIEW	06/30/2013	202.50
		0157806	2013 I & I PROJECT	06/30/2013	2,244.00
		0157807	2013 STREET IMPROVEMENTS	06/30/2013	4,656.50
		0157808	2013 EXC BLVD OVERSIGHT	06/30/2013	67.50
		0157809	2013 MISC ENGINEERING	06/30/2013	574.00
			2013 MISC ENGINEERING		428.00
		0157810	2013 EXC BLVD WATERMAIN	06/30/2013	67.50
Total BOLTON & MENK, INC.					8,240.00
<b>CATALYST GRAPHICS INC</b>					
762	CATALYST GRAPHICS INC	82149	CITY NEWSLETTER	06/30/2013	94.40
Total CATALYST GRAPHICS INC					94.40
<b>CHRISTINE A. FREEMAN</b>					
781	CHRISTINE A. FREEMAN	GW_CC_20130104	COUNCIL MEETING RECORDER	01/04/2013	3,120.00
Total CHRISTINE A. FREEMAN					3,120.00
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	JUNE 2013	RENT & EQUIPMENT	06/30/2013	542.95
			Postage		67.74
			COPIES		216.90
			SEWER		806.96
			WEED/TREE/MOWING		1,011.67
			Docks/Beaches		84.18
			PARK MAINTENANCE		1,094.34
			2nd Quarter Building Permits		3,596.43
			Clerk Services		2,589.60
			ZONING		386.03
Total CITY OF DEEPHAVEN					10,396.80
<b>CIVIC SYSTEMS, LLC</b>					
586	CIVIC SYSTEMS, LLC	CVC10751	Semi-Annual Support Fee	06/21/2013	994.00
Total CIVIC SYSTEMS, LLC					994.00
<b>DEBRA KIND</b>					
761	DEBRA KIND	071913	BUSINESS CARDS	07/19/2013	18.07
Total DEBRA KIND					18.07
<b>EXCELSIOR FIRE DISTRICT</b>					
52	EXCELSIOR FIRE DISTRICT	13-011	3rd qtr operations	07/08/2013	16,213.93
			3rd qtr buildings		14,523.08
Total EXCELSIOR FIRE DISTRICT					30,737.01
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	75415	Gopher State calls	06/30/2013	79.85

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total GOPHER STATE ONE CALL				79.85
<b>Hennepin County Taxpayer Svcs.</b>					
78	Hennepin County Taxpayer Svcs.	0713-19	SPECIAL ASSMT ANNUAL FEE	07/10/2013	20.00
	Total Hennepin County Taxpayer Svcs.				20.00
<b>HENNEPIN COUNTY TREASURER</b>					
789	HENNEPIN COUNTY TREASURER	1000032008	1ST 1/2 ASSESSMENT SVCS	06/27/2013	7,742.38
	Total HENNEPIN COUNTY TREASURER				7,742.38
<b>KELLY LAW OFFICES</b>					
3	KELLY LAW OFFICES	6125	GENERAL LEGAL	06/25/2013	1,334.50
		6126	LAW ENFORCE PROSECUTION	06/25/2013	448.50
	Total KELLY LAW OFFICES				1,783.00
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERVIC	0001021222	Monthly wastewater Charge	07/02/2013	2,497.36
	Total METRO COUNCIL ENVIRO SERVICES				2,497.36
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE DE	070113	3rd quarter lease	07/01/2013	11,824.00
		071613	COURT OVERTIME	07/16/2013	188.03
		JULY 2013	2013 OPERATING BUDGET EXP	07/01/2013	14,754.00
	Total SO LAKE MINNETONKA POLICE DEPT				26,766.03
<b>Sun Newspapers</b>					
136	Sun Newspapers	1169038	Ord #219	06/20/2013	71.45
	Total Sun Newspapers				71.45
<b>Vintage Waste Systems</b>					
745	Vintage Waste Systems	062513	City Recycling Contract	06/25/2013	1,628.25
	Total Vintage Waste Systems				1,628.25
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	070313	Street Lights *	07/03/2013	422.11
		072313	SIREN	06/25/2013	4.14
			4925 MEADVILLE STREET *		9.64
			Sleepy Hollow Road *		9.63
			LIFT STATION #1		43.93
			LIFT STATION #2		46.80
			LIFT STATION #3		31.59
			LIFT STATION #4		43.78
			LIFT STATION #6		93.53
	Total XCEL ENERGY				705.15

Total Paid:	95,045.52
Total Unpaid:	<u>-</u>
Grand Total:	<u><u>95,045.52</u></u>

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
08/01/13	PC	08/01/13	8011301	COOK, WILLIAM B.	37		001-10101	184.70
08/01/13	PC	08/01/13	8011302	Fletcher, Thomas M	33		001-10101	84.70
08/01/13	PC	08/01/13	8011303	Kind, Debra J.	34		001-10101	277.05
08/01/13	PC	08/01/13	8011304	Quam, Robert	32		001-10101	184.70
08/01/13	PC	08/01/13	8011305	ROY, ROBERT J.	38		001-10101	184.70
Grand Totals:								<u>915.85</u>



**Agenda Number: 4A**

**Agenda Date: 08-07-13**

*Prepared by Deb Kind*

**Agenda Item:** South Lake Minnetonka Police Department 2014 Budget

**Summary:** The South Lake Minnetonka Police Department coordinating committee reviewed the 2014 budget at a 06-26-13 worksession and at the 07-10-13 regular meeting. The coordinating committee recommended approval of the attached "option 1" (2.9% increase) on a 3-1 vote. Tonka Bay Mayor Gerry De La Vega cast the nay vote. According to the SLMPD joint powers agreement, the budget needs to be approved by 09-01-13. The Excelsior city council approved the 2.9% budget at their 07-29-13 meeting. The Greenwood council will be the 2nd council to take action. Attached are hard copies of the proposed budget overview and allocation for each of the cities. The narrative detail for the budget is available for the council and public to view at [www.southlakepd.com](http://www.southlakepd.com) or at the SLMPD office.

In addition to the budget, there was discussion at the coordinating committee worksession and 07-10-13 meetings about the member cities absorbing the cost of policing July 4th activities, rather than invoicing that cost to the Chamber of Commerce. It was generally agreed that the July 4th celebration is deserving of special consideration compared to other events. If the July 4th policing expense is rolled into the SLMPD budget, it would give the false impression of a larger-than-usual budget increase, so Chief Litsey is recommending that the cost be invoiced directly to each city. For reference, attached is the projected cost for each of the member cities in 2014. This cost includes both the morning and evening July 4th activities. It is based on actual payroll costs, plus a 5% administrative fee as has been the practice when providing supplemental policing to a member city.

Chief Litsey will attend the 08-07-13 council meeting to answer council questions.

**Council Action:** 2014 SLMPD budget approval is required on or before 09-01-13. Council action is optional for the July 4th police invoicing concept.

Potential BUDGET motions ...

1. I move the council approves the 2014 South Lake Minnetonka Police Department operating budget as presented.
2. Other motion ???

Potential JULY 4TH motions ...

1. I move the council approves the plan to invoice the SLMPD cities for July 4th policing, with the condition that the plan be implemented only if all 4 cities approve it.
2. Do nothing or other ???

# 2014 OPERATING BUDGET



## BUDGET PROPOSAL ADOPTED AT COORDINATING COMMITTEE MEETING

Wednesday - July 10, 2013

Prepared by Chief Bryan Litsey

# SOUTH LAKE MINNETONKA POLICE DEPARTMENT

## 2014 OPERATING BUDGET

### Projected Expenses

ADOPTED AT COORDINATING COMMITTEE MEETING  
Wednesday - July 10, 2013

ITEM	CATEGORY	AMOUNT
50100	Salaries - Full-Time	\$1,238,000
50200	Salaries - General Overtime	\$37,000
50230	Salaries - Reimbursed Overtime	\$48,600
50300	Salaries - Part-Time	\$95,400
50500	Social Security & Medicare	\$29,700
50600	PERA Pensions	\$198,900
50700	Insurance Benefits	\$238,500
51000	Contracted Services	\$19,000
52100	Equipment Leases	\$35,500
52200	Repairs & Maintenance	\$48,500
52300	Utilities	\$63,000
52400	Janitorial & Cleaning	\$11,000
52500	Printing & Publishing	\$3,200
52800	Care of Persons	\$100
53000	Supplies	\$76,500
54000	Uniforms & Gear	\$14,300
54500	Training & Conferences	\$13,200
56000	Insurance	\$56,000
56100	Subscriptions & Memberships	\$3,200
57000	Special Projects	\$14,300
58000	Capital Outlay	\$72,000
59000	Undesignated Allocation	\$34,600
	<b>TOTAL PROJECTED EXPENSES</b>	<b>\$2,350,500</b>

**SOUTH LAKE MINNETONKA POLICE DEPARTMENT**  
**2014 OPERATING BUDGET**  
**Projected Revenues**

**ADOPTED AT COORDINATING COMMITTEE MEETING**  
**Wednesday - July 10, 2013**

<b>ITEM</b>	<b>CATEGORY</b>	<b>AMOUNT</b>
40110	Court Overtime	\$4,800
40120	Excelsior Park and Dock Patrol	\$21,100
42100	State Police Officer Aid	\$88,000
42200	State Training Reimbursement	\$4,500
43100	Minnetonka School District	\$7,000
43200	Administrative Requests	\$3,500
43400	Special Policing Details	\$30,500
44000	Investment Income	\$5,000
46400	Forfeitures	\$2,000
46500	Grant Reimbursements	\$31,000
46600	Other Reimbursements	\$3,000
	<b>TOTAL PROJECTED REVENUES</b>	<b>\$200,400</b>
	<b>Expenses in Excess of Revenues</b>	<b>\$2,150,100</b>

	<b>PROJECTED COST TO MEMBER CITIES</b>	<b>\$2,150,100</b>
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## SOUTH LAKE MINNETONKA POLICE DEPARTMENT 2014 OPERATING BUDGET

**ADOPTED AT COORDINATING COMMITTEE MEETING**  
Wednesday - July 10, 2013

### Contributions from Member Cities - Year 2014 Reallocation Formula (2012-2016)

MEMBER CITY	TOTAL AMOUNT	% SHARE	\$ SHARE	\$ INCREASE OVER 2013
Excelsior	\$2,150,100	28.0532%	\$603,172	\$17,085
Greenwood	\$2,150,100	8.4747%	\$182,215	\$5,162
Shorewood	\$2,150,100	48.4887%	\$1,042,556	\$29,529
Tonka Bay	\$2,150,100	14.9834%	\$322,157	\$9,124

<b>2014 Total Contributions from Member Cities</b>	<b>\$2,150,100</b>	
<b>2013 Total Contributions from Member Cities</b>	<b>\$2,089,200</b>	
<p>The funding formula used to determine each member city's percentage contribution toward the operating budget is based on an arbitration ruling in 2006. Every five years the funding formula is subject to adjustment based on the criteria set forth in this ruling. The 2012 operating budget was the first time since the ruling took effect that the funding formula was subject to adjustment. An administrators group established by the Coordinating Committee worked on the reallocation formula that was subsequently sanctioned by the member cities and incorporated into the 2012 operating budget. The reset funding formula is not subject to change again until 2017.</p>		
<b>Dollar Increase Over 2013</b>	<b>\$60,900</b>	
<b>Percentage Increase Over 2013</b>	<b>2.9%</b>	

### Contributions from Member Cities - Year 2013

MEMBER CITY	TOTAL AMOUNT	% SHARE	\$ SHARE	\$ INCREASE OVER 2012
Excelsior	\$2,089,200	28.0532%	\$586,087	\$15,008
Greenwood	\$2,089,200	8.4747%	\$177,053	\$4,534
Shorewood	\$2,089,200	48.4887%	\$1,013,027	\$25,942
Tonka Bay	\$2,089,200	14.9834%	\$313,033	\$8,016
<b>Totals</b>			<b>\$2,089,200</b>	<b>\$53,500</b>

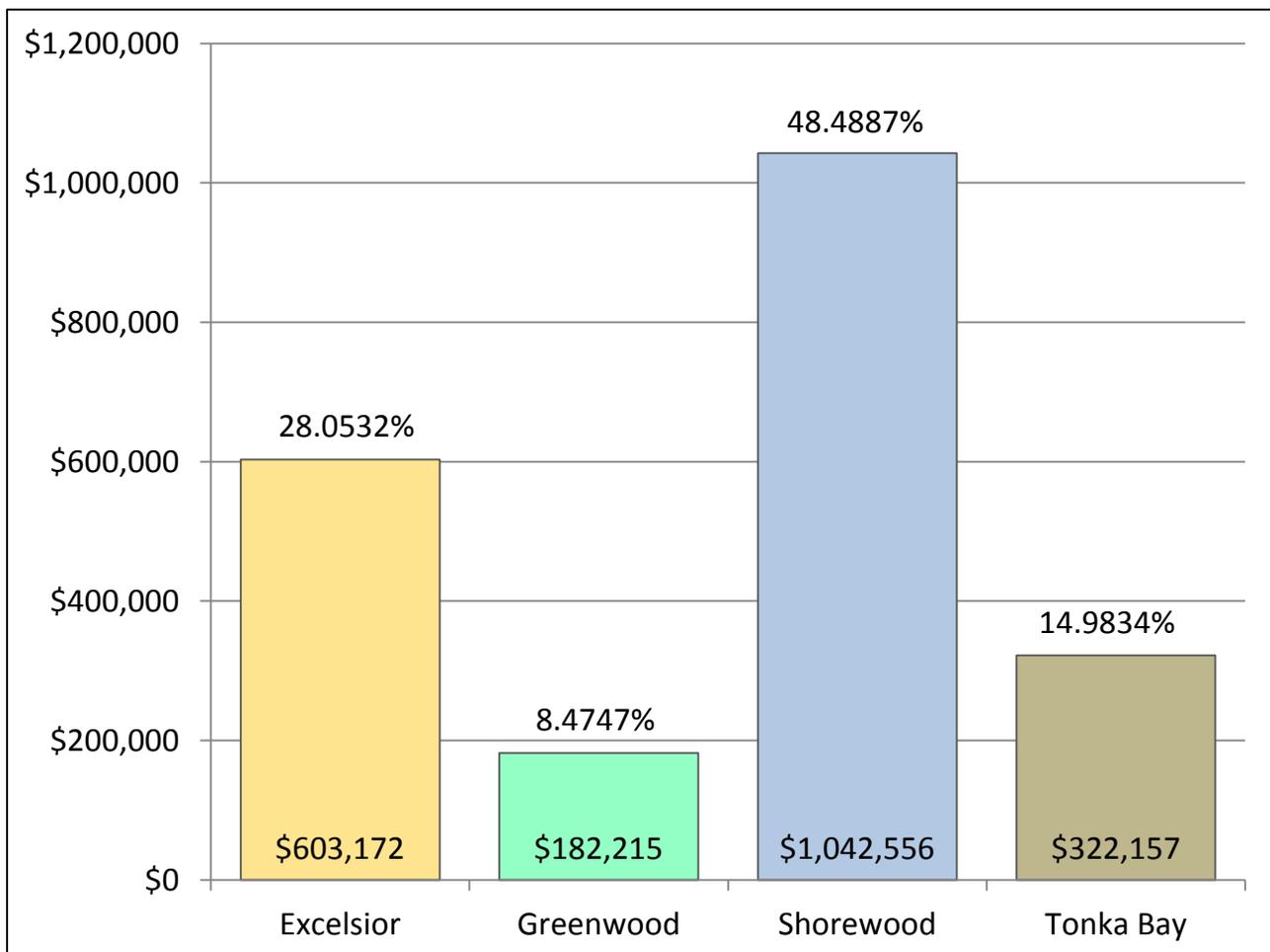
# SOUTH LAKE MINNETONKA POLICE DEPARTMENT 2014 OPERATING BUDGET

ADOPTED AT COORDINATING COMMITTEE MEETING  
Wednesday - July 10, 2013



## Proposed Contributions from Member Cities Reallocation Formula (2012-2016)

Total Amount - \$2,150,100



# SOUTH LAKE MINNETONKA POLICE DEPARTMENT

## 2014 OPERATING BUDGET

**ADOPTED AT COORDINATING COMMITTEE MEETING - JULY 10, 2013**

### 2014 Operating Budget and 2013 Operating Budget 2012 Operating Budget Information (Budget/Actual)

OPERATING BUDGET EXPENSES							
Item	Category	Proposed 2014	Budgeted 2013	Inc(Dec)	Change	Budgeted 2012	Actual 2012
50100	Salaries - Full-time	\$1,238,000	\$1,234,000	\$4,000	0.3%	\$1,204,700	\$1,172,610
50200	Salaries - General Overtime	\$37,000	\$36,000	\$1,000	2.8%	\$38,000	\$39,842
50200	Salaries - Reimbursed Overtime	\$48,600	\$41,000	\$7,600	18.5%	\$38,000	\$42,898
50300	Salaries - Part-Time	\$95,400	\$97,200	(\$1,800)	-1.9%	\$96,400	\$88,650
50500	Social Security & Medicare	\$29,700	\$29,700	\$0	0.0%	\$29,000	\$28,183
50600	PERA Pensions	\$198,900	\$186,300	\$12,600	6.8%	\$182,000	\$177,003
50700	Insurance Benefits	\$238,500	\$241,600	(\$3,100)	-1.3%	\$236,000	\$227,562
51000	Contracted Services	\$19,000	\$17,000	\$2,000	11.8%	\$17,000	\$26,325
52100	Equipment Leases	\$35,500	\$34,000	\$1,500	4.4%	\$30,000	\$28,609
52200	Repairs & Maintenance	\$48,500	\$43,700	\$4,800	11.0%	\$43,000	\$46,925
52300	Utilities	\$63,000	\$61,500	\$1,500	2.4%	\$59,200	\$52,205
52400	Janitorial & Cleaning	\$11,000	\$11,000	\$0	0.0%	\$11,000	\$10,425
52500	Printing & Publishing	\$3,200	\$3,200	\$0	0.0%	\$3,200	\$3,358
52800	Care of Persons	\$100	\$100	\$0	0.0%	\$100	\$5
53000	Supplies	\$76,500	\$76,000	\$500	0.7%	\$74,100	\$76,093
54000	Uniforms & Gear	\$14,300	\$14,000	\$300	2.1%	\$13,800	\$15,028
54500	Training & Conferences	\$13,200	\$12,900	\$300	2.3%	\$12,900	\$13,938
56000	Insurance	\$56,000	\$58,000	(\$2,000)	-3.4%	\$60,000	\$60,000
56100	Subscriptions & Memberships	\$3,200	\$3,200	\$0	0.0%	\$2,900	\$3,337
57000	Special Projects	\$14,300	\$14,000	\$300	2.1%	\$13,600	\$13,404
58000	Capital Outlay	\$72,000	\$70,000	\$2,000	2.9%	\$68,000	\$68,000
59000	Undesignated Allocation	\$34,600	\$0	\$34,600	0.0%	\$0	\$0
TOTAL PROJECTED EXPENSES		\$2,350,500	\$2,284,400	\$66,100	2.9%	\$2,232,900	\$2,194,400

OPERATING BUDGET REVENUES							
<i>(Does Not Include Contributions from Member Cities)</i>							
Item	Category	Proposed 2014	Budgeted 2013	Inc(Dec)	Change	Budgeted 2012	Actual 2012
40110	Court Overtime	\$4,800	\$4,500	\$300	6.7%	\$5,000	\$2,951
40120	Excelsior Park and Dock Patrol	\$21,100	\$20,700	\$400	1.9%	\$20,700	\$17,738
42100	State Police Officer Aid	\$88,000	\$93,000	(\$5,000)	-5.4%	\$97,000	\$86,776
42200	State Training Reimbursement	\$4,500	\$4,500	\$0	0.0%	\$4,500	\$4,650
43100	Minnetonka School District	\$7,000	\$7,000	\$0	0.0%	\$7,000	\$6,838
43200	Administrative Requests	\$3,500	\$4,000	(\$500)	-12.5%	\$4,000	\$2,994
43400	Special Policing Details	\$30,500	\$26,000	\$4,500	17.3%	\$25,000	\$30,670
44000	Investment Income	\$5,000	\$4,500	\$500	11.1%	\$4,500	\$4,518
46400	Forfeitures	\$2,000	\$1,500	\$500	33.3%	\$1,500	\$6,955
46500	Grant Reimbursements	\$31,000	\$26,500	\$4,500	17.0%	\$26,000	\$24,446
46600	Other Reimbursements	\$3,000	\$3,000	\$0	0.0%	\$2,000	\$16,153
TOTAL PROJECTED REVENUES		\$200,400	\$195,200	\$5,200	2.7%	\$197,200	\$204,689
Expenses in Excess of Revenues		\$2,150,100	\$2,089,200	\$60,900	----		
PROJECTED COST TO MEMBER CITIES		\$2,150,100	\$2,089,200	\$60,900	2.9%		

**SOUTH LAKE MINNETONKA POLICE DEPARTMENT**  
**2014 Operating Budget - Policing Fourth of July Activities**

**Coordinating Committee Meeting**

**Wednesday - July 10, 2013**

**Proposed Contributions from Member Cities - Year 2014**

**Preliminary Estimate - Subject to Change**

<b>MEMBER CITY</b>	<b>TOTAL AMOUNT</b>	<b>% SHARE</b>	<b>\$ SHARE</b>
Excelsior	\$5,000	28.0532%	\$1,403
Greenwood	\$5,000	8.4747%	\$424
Shorewood	\$5,000	48.4887%	\$2,424
Tonka Bay	\$5,000	14.9834%	\$749



Agenda Number: **4B**

Agenda Date: **08-07-13**

Prepared by *Deb Kind*

**Agenda Item:** Discuss Next Steps Regarding of Proposed R-1C Single-Family Residential & Neighborhood Entertainment District

**Summary:** The recent adoption of ordinance 216 removed "Theaters" as a conditional use within the R-1A Single-Family Residential District. The city council's rationale was that "Theaters" are not an appropriate use in the *entire* R-1A Single Family Residential District. The council also recognizes that the Old Log property has been operating a longstanding Restaurant and Event Center in addition to the Theater. Therefore, in order to give the Old Log the flexibility to make improvements, while allowing the city to keep reasonable control, the council decided that an R-1C Single-Family Residential & Neighborhood Entertainment District should be established for the Old Log area. The council directed that the draft of the R1-C district would be the same as the R-1A district with Theater Entertainment Center added as a Conditional Use – knowing that the Conditional Uses section 1150.20 (attached) of the code ensures the city has the authority to impose reasonable conditions that will preserve the character of the neighborhood if the Old Log decides to expand current structures, add new structures, or develop the property as a residential neighborhood in the future. The R-1C draft ordinance was sent to the planning commission for a public hearing and recommendation. The topic has been on the planning commission's May, June, and July agendas. To date the planning commission has not held the public hearing. The city council may hold the public hearing if the planning commission has not taken action in 60 days.

Since the initial discussions, Planning Commission Liaison / Councilman Bill Cook suggested tweaks to the definition of "Theater Entertainment Center," and also suggested that the R-1C "purpose statement" be expanded. In addition, Zoning Administrator Gus Karpas suggested that section 1150.20, subd. 2 of the Conditional Uses section of the code should include examples of conditions that are related to "operations" instead of the examples being mostly related to physical characteristics. Both Cook's and Karpas' suggestions are incorporated in the attached 3rd draft of the ordinance.

*Note: Unlike the C-2 Lake Recreation District ordinance that was created in conjunction with a developer who had a specific plan, the city has received no development plan regarding the Old Log property. Therefore it would be difficult to anticipate appropriate conditions to include in the R-1C ordinance at this time. Currently the Old Log property is in the R-1A district and is considered a "legal nonconforming use." Which means the Old Log's structures can be "maintained," but they cannot be "expanded."*

**Timeline:** If the council desires to *streamline the process*, here is a proposed timeline ...

- 08-08-13 Public hearing notice submitted to Sun-Sailor.
- 08-15-13 Public hearing notice published in Sun-Sailor (must be at least 10 days prior to the public hearing).
- 09-04-13 City council holds the public hearing.
- 09-04-13 City council considers 1st reading of the ordinance.
- 10-02-13 City council considers 2nd reading of the ordinance.
- 10-03-13 Ordinance submitted to Sun-Sailor.
- 10-10-13 Ordinance published in Sun-Sailor (goes into effect the date it is published).

If the council desires the *planning commission* to move forward with the process, here is a proposed timeline ...

- 08-08-13 Public hearing notice submitted to Sun-Sailor.
- 08-15-13 Public hearing notice published in Sun-Sailor (must be at least 10 days prior to the public hearing).
- 09-18-13 Planning commission holds the public hearing and makes a recommendation to the city council.
- 10-02-13 City council considers 1st reading of the ordinance.
- 11-06-13 City council considers 2nd reading of the ordinance.
- 11-07-13 Ordinance submitted to Sun-Sailor.
- 11-14-13 Ordinance published in Sun-Sailor (goes into effect the date it is published).

**Council Action:** None required. Potential motions ...

1. I move the council directs that the *streamlined* timeline above be implemented regarding draft 3 of the R-1C ordinance.
2. I move the council directs that the *planning commission* timeline above be implemented regarding draft 3 of the R-1C ordinance.
3. Do nothing or other motion ???

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. Ordinances go into effect once they are published in the city's official newspaper.*

# DRAFT 3

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ZONING CODE CHAPTER 11 TO ADD SECTION 1123  
R-1C SINGLE-FAMILY RESIDENTIAL & NEIGHBORHOOD ENTERTAINMENT DISTRICT, ADD RELATED  
DEFINITIONS TO CHAPTER 12, AND AMEND SECTION 1150.20 REGARDING CONDITIONAL USES**

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

SECTION 1.

Greenwood ordinance code section 1102 definition of "Theater" is amended to read as follows:

"Theater Entertainment Center means a venue for live plays and other dramatic performances that may be supported by the operation of a restaurant and event center.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 12). "

SECTION 2.

Greenwood ordinance code section 1102 is amended to add the following definition:

"Restaurant means a property with on-site licensed commercial kitchen facilities used exclusively for the delivery of sit-down food service to the general public on site. A restaurant may be licensed for on-sale of intoxicating liquor but shall not be licensed for off-sale liquor sales. A licensed kitchen facility of a restaurant may be employed for take out food service or catering services provided 1) the delivery of the service does not increase on-site parking demand or reduce available parking to the restaurant and other businesses operating on the site, and 2) the catering business does not exceed 25% of the total volume of the restaurant trade or business. Drive-up windows or drive through food service are prohibited.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 12 AND SECTION 1135.35)."

SECTION 3.

Greenwood ordinance code section 1205 is amended to add the following definitions:

"Theater Entertainment Center means a venue for live plays and other dramatic performances that may be supported by the operation of a restaurant and event center.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 11).

Restaurant means a property with on-site licensed commercial kitchen facilities used exclusively for the delivery of sit-down food service to the general public on site. A restaurant may be licensed for on-sale of intoxicating liquor but shall not be licensed for off-sale liquor sales. A licensed kitchen facility of a restaurant may be employed for take out food service or catering services provided 1) the delivery of the service does not increase on-site parking demand or reduce available parking to the restaurant and other businesses operating on the site, and 2) the catering business does not exceed 25% of the total volume of the restaurant trade or business. Drive-up windows or drive through food service are prohibited.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 11 AND SECTION 1135.35)."

SECTION 4.

Greenwood ordinance code section 1115.00 is amended to add the following zoning district:

"R-1C Single-Family Residential & Neighborhood Entertainment District"

SECTION 5.

Greenwood zoning district map in section 1115 shall be revised to designate the following properties as the R-1C district:

PID# \_\_\_\_\_

PID# \_\_\_\_\_

SECTION 6.

Greenwood ordinance code chapter 11 is amended to add the following new section 1123:

**"SECTION 1123. R-1C SINGLE FAMILY RESIDENTIAL & NEIGHBORHOOD ENTERTAINMENT DISTRICT.**

**Section 1123.00. Purpose.**

The intent of this district is to provide a zone for low-density single-family dwellings and an entertainment district that:

1. Encourages the historical operation of a privately-owned, live, onstage theater with a supporting restaurant and event center,
2. Provides the flexibility to address changing business conditions,
3. Is compatible with the residential community that surrounds and eventually may be included in the district.

**Section 1123.05. Permitted Uses.**

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1123 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

- (a) Single-family detached dwellings, excluding the leasing or renting of rooms.
- (b) Open area, parks and playgrounds owned and operated by a public agency, or by a home association for a subdivision or neighborhood.
- (c) Residential subdivisions, including streets, lighting and water service.
- (d) Uses mandated in state statutes as permitted uses.

Subd. 2. Accessory Uses.

- (a) Private garages.
- (b) Tool house, sheds and similar storage areas for domestic supplies.
- (c) Privately-owned swimming pools for the use and convenience of the resident and their guests.
- (d) Off-street parking.
- (e) Commonly accepted playground equipment and park shelter buildings.
- (f) Home occupations as regulated by section 480.
- (g) Swimming beaches.
- (h) Boat docks.
- (i) Signs as regulated in section 1140 et seq.

Subd. 3. Conditional Uses.

- (a) Public utilities, including such items as electrical distribution stations or any such similar structure located above ground.
- (b) Theater Entertainment Center.
- (c) Uses mandated in state statutes as conditional uses.

**Section 1123.10. R-1C Lot Dimensions.**

The following required lot area, width, depth, and lot coverage regulations shall be considered as minimum standards for buildings:

	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Lot Depth (Ft.)	Maximum Lot Coverage
Single Family	15,000	75	150	As permitted by shoreland management district ordinance, section 1176
Theater Entertainment Center	4 acres	600	600	

**Section 1123.15. R-1C Setbacks.**

Subject to the provisions of section 1176 et seq., the following front side and rear yard setbacks shall be considered as minimum standards for buildings:

Land Use	Front Yard** (ft.)	Lot, Interior - Side Yard (ft.)	Exterior Side Yard (ft.)	Rear Yard (ft.)
Single-Family Principal Structure	30	15	30	35
Municipal Park Equipment	50	50	50	50
Single-Family Accessory Structures	*	10	35	10
Theater Entertainment Center	50	50	50	50

\* No accessory structures shall be located in any required front yard (section 1140.10, subdivision 2).

\*\* Lots that meet the definition of "Lot, Corner" shall not be required to provide more than 2 front yard setbacks per lot. The location of the 2 front yard setbacks on lots abutting 3 or more platted right-of-ways shall be at the discretion of the zoning administrator and the remaining yard shall meet the "Lot, Interior - Side Yard" setback requirement in the chart above.

**Section 1123.20. R-1C Building Minimum Requirements.**

Subd. 1. Principal structures in the R-1C district shall:

- (a) not exceed 28 feet in building height and 42 feet in structure height,
- (b) be of a minimum width of 25 feet,
- (c) have a minimum floor space of 800 square feet,
- (d) be supported by foundation walls and frost footings of 42 inches in depth or current state building code requirements whichever is greater,
- (e) meet all current standards of city building codes and appendices,
- (f) be served with a private garage and hard-surfaced (e.g. cement or blacktop) driveway to the public street.

Subd. 2. Accessory structures in the R-1C district shall:

- (a) be limited to 1 private garage, and 1 tool house shed or similar storage building per principal structure,
- (b) not exceed 15 feet in building height,
- (c) have a maximum combined floor space of all accessory structures on the lot of 1,000 square feet and in no event shall the accessory structures of private garage, tool house shed and similar storage buildings combined exceed 60% of the total at grade, main floor square footage of the principal structure,
- (d) meet all current standards of city building codes and appendices.

**Section 1123.25. R-1C General Regulations.**

Additional requirements for the R-1C district are set forth in section 1140 et seq. of this ordinance.”

SECTION 7.

Greenwood ordinance code section 1150.20 subd. 2 is amended to read as follows:

"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~~ **include, but are not limited to:** 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, **restricting hours of operation, controlling noise**, 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 8.

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 \_\_\_\_\_, 2013.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Gus E. Karpas, City Clerk

First reading: \_\_\_\_\_, 2013  
Second reading: \_\_\_\_\_, 2013  
Publication: \_\_\_\_\_, 2013



**Agenda Number: 6A**

**Agenda Date: 08-07-13**

*Prepared by Deb Kind*

**Agenda Item:** Discuss Next Steps Regarding the St. Alban's Bay Bridge Agreement with Excelsior

**Summary:** On 04-10-12 the city councils from Excelsior and Greenwood met in a joint worksession to discuss the status of our jointly-owned St. Alban's Bay bridge. A June 2006 136-page report from the Minnesota Department of Transportation lists the bridge as "eligible" to be historic because of "aesthetics." Since the 04-10-12 meeting it has been confirmed that the Art Deco detailing of the bridge is the "aesthetics" that makes the bridge eligible to be historic. There is nothing the cities can do to make the bridge "not eligible," and all "eligible" bridges must go through the same review process as bridges that are "listed" as historic. This does not mean that the cities must rehabilitate the bridge. It just means that a few hoops need to be jumped through to prove it would be better to replace the bridge than to rehabilitate it if that is the course the cities decide to pursue. Based on preliminary numbers it appears that there would be \$200,000 in savings if the cities replace the bridge instead of rehabilitating it. At the worksession the city councils discussed the concept of having an agreement in place, so that we can pull the trigger when the time comes to seek funding to fix the bridge -- maybe 5 years from now, maybe longer. The cities agreed on the following steps:

1. Greenwood city attorney Mark Kelly would draft a mutual agreement that lays out key steps in the process, establishes a method for determining engineers for the project, includes a cost-sharing plan, includes a trigger for when it is time to implement the steps in the agreement, etc.
2. Both cities review the mutual agreement and make revisions.
3. Both cities approve the final mutual agreement.

Attached is the draft of the mutual agreement created by Mark Kelly. The Greenwood council approved the draft on 06-06-12 and forwarded it to the Excelsior city council for their consideration. The last communication between the cities was on 02-22-13 (see attached email trail).

At the 04-24-13 special meeting, the Greenwood council discussed the status of the agreement and decided to continue the discussion to later this summer. The council will discuss the next steps at the 08-07-13 council meeting.

**Council Action:** No action required. Possible motions ...

1. I move the council directs the city clerk to \_\_\_\_\_.
2. I move the council authorizes the mayor to \_\_\_\_\_.
3. Do nothing or other motion ???

On Feb 22, 2013, at 10:41 AM, Mark Gaylord wrote:

Mayor Kind,

The proposed agreement will be addressed by the Excelsior CC the second meeting in March or the first meeting of April, depending on agenda item scheduling. Would you like to discuss before?

Mark

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From: Debra Kind [mailto:dkind100@gmail.com]  
Sent: Thursday, February 21, 2013 10:33 AM  
To: Mark Gaylord  
Subject: St. Alban's Bay Bridge

Mayor Gaylord --

I just realized that you may not be up to speed regarding our shared "historic" bridge. Please review the email trail below and attached draft of a potential agreement and call me at your convenience to discuss. Thank you!

Deb

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

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From: Debra Kind <dkind100@gmail.com>  
Subject: Re: St. Alban's Bay Bridge  
Date: February 21, 2013 10:06:10 AM CST  
To: Kristi Luger <kluger@ci.excelsior.mn.us>  
Cc: Gus Karpas <guskarpas@mchsi.com>

Kristi --

I totally agree. The bridge is not on Greenwood's radar for work anytime in the near future either. But we do think it is important to have an agreement in place for when the bridge needs to be replaced -- hopefully many years from now! The attached draft of the agreement includes triggers for determining when the bridge needs to be replaced. We would like the Excelsior City Council to review the draft and send back comments. Call me if you would like to discuss further. Thanks!

Deb

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

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On Feb 21, 2013, at 9:54 AM, Kristi Luger wrote:

Hello [Deb] -

I wanted to let you know that the City Council did not elect the St. Alban's Bay Bridge as one of their priorities for 2013. At this time, we will be postponing any work on this project.

If you have any questions please feel free to contact me.

Kristi

Kristi Luger, City Manager  
City of Excelsior  
339 Third Street  
Excelsior, MN 55331  
952-653-3672  
PLEASE NOTE: City Hall is now open 7:30 am-5:30 pm, Monday-Thursday.



EXCELSIOR



## EXCELSIOR-GREENWOOD ST. ALBAN'S BAY BRIDGE CONSTRUCTION AGREEMENT

*DRAFT 06-07-12*

THIS AGREEMENT the \_\_\_\_ day of \_\_\_\_\_, 2012 is entered into by and between the CITY OF EXCELSIOR, MINNESOTA, a public corporation (hereinafter "Excelsior") and the CITY OF GREENWOOD, a public corporation (hereinafter "Greenwood"):

### RECITALS

Excelsior and Greenwood are co-equal owners of a 1941 road bridge traversing the channel between Excelsior Bay and St. Alban's Bay, Lake Minnetonka, commonly known as the St. Alban's Bay Bridge.

The cities are collectively and exclusively responsible for all bridge maintenance and for planning for rehabilitation and/or reconstruction needed in due course.

The bridge was built under the Federal Works Progress Administration and is eligible for listing on the national register of historic places by reason of its Art Deco aesthetics.

A July, 2011 inspection evaluating functionality and structural soundness gave the bridge a sufficiency rating of 51.5 on a scale of 100. When the rating falls below 50, the bridge is considered structurally deficient. However, such a sufficiency rating does not correlate with a need to post load restrictions, close the bridge, or indicate imminent failure. A more in-depth structural evaluation will soon be conducted.

Due to the bridge's possible historic status, the Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) and the State Historic Preservation Office (SHPO) now have an interest in any proposal to rehabilitate or rebuild the bridge and must participate in the planning and review of any such project.

Federal bridge funding for replacement is available when the sufficiency rating is less than 50; the funds may also be used for rehabilitation projects. Federal funds can be applied to cover 80% of construction costs with the remaining 20% of construction costs, and 100% of design and indirect costs, being the responsibility of the cities. The Metropolitan Council processes the application for federal bridge funds.

The state bridge bond fund makes money available when a bridge is functionally obsolete and the sufficiency rating is below 80. These funds can be applied to cover 100% of the "abutment to abutment costs" on eligible rehabilitation/reconstruction projects. Roadway approach construction costs, bridge removal costs, and design costs are the responsibility of the cities. State bridge bond funds can also be used for the 20% local match required for federal bridge funds. State bridge bond funds are available upon application.

The costs of bridge replacement and rehabilitation are estimated on Exhibit "A."

The bridge being eligible to be historically significant will require a study addressing the feasibility of rehabilitation versus reconstruction. Rehabilitation may be required if possible.

Excelsior and Greenwood have a common interest in bridge rehabilitation or replacement and a need to select and agree upon engineers, architects, designers, contracts, apportionment of costs, review process, and decision-making process.

Based upon the foregoing, the cities of Excelsior and Greenwood desire to set forth their agreement for the planning, design, engineering, approval, implementation, financing, contracting, supervision, and apportionment of costs for the St. Alban's Bridge project (hereinafter 'bridge project').

## **NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. Purpose. The parties adopt the Recitals above set forth as if restated hereat. The parties agree that when the sufficiency rating of the bridge reaches 50 the two parties shall begin the planning for the rehabilitation and/or reconstruction process under the terms of this agreement.

2. Term. The term of this agreement shall run from the date hereof until the rehabilitated or reconstructed St. Alban's Bay Bridge is declared complete by the consulting engineer and all costs associated therewith are paid and related informational filings are complete.

3. Relationship of the Parties. The city of Excelsior and the city of Greenwood and independent separate public corporations.

4. Lead Engineering Consultant. The first order of business under this agreement shall be the selection of a mutually agreeable civil engineering and bridge architectural firm to serve both parties as the lead engineering consultant (LEC). It is anticipated that WSB & Associates, Inc. 701 Xenia Avenue South, Suite 300, Minneapolis, Minnesota 55416, (WSB), city engineer to the city of Excelsior and Bolton & Menk, 2638 Shadow Lane, Suite 200, Chaska, Minnesota 55318, city engineer to the city of Greenwood will provide advice and consulting services to their respective cities as needed in this process. The LEC chosen shall be contracted to serve both the cities in a common fiduciary capacity without favoritism to either city. The LEC shall prepare and present a design, planning, and review process for the anticipated bridge project, and advise the cities on the process, and how best to present the project to reviewing government agencies in the light most favorable to the cities' common interest. The LEC shall exercise due diligence in project planning, engineering, design, consultant and contractor selection, and construction supervision. The LEC shall keep both cities fully informed and consult with their administrators, mayors, council members and consultants as requested from time to time. The LEC shall provide copies of all memoranda hereon to the attention of the city administrators/managers of each party with a carbon copy to the city engineer of each. The LEC shall make periodic bridge project review presentations for the benefit of the cities at special public meetings of the two city councils to be held in common; scheduling to be agreed upon. These common special meetings shall be alternately held in each city. Each city may request special additional presentations or discussion meetings with the LEC representatives from time to time at its own expense.

5. LEC Selection. The cities shall direct their city engineers, (WSB and Bolton & Menk) to consult and in combination identify and recommend three civil engineering firms with bridge architect ability for the cities' consideration. Absent common agreement, this matter shall be referred to mediation and if necessary, arbitration. The cities understand and agree that the quality and character of the LEC, and in particular their available architectural services, is critical to the selection process. The cities agree that these services must be measured by more than mere cost per hour but must consider the LEC/architect's reputation and experience, ability to manage the project and interact with the cities and other interested governmental agencies, and the quality and character of their design abilities based on past work.

6. Apportionment of LEC Engineering Costs. The LEC shall bill the city of Excelsior and the city of Greenwood by common itemized invoice at the agreed engagement professional service rate for all work related to the bridge project. Each city shall be responsible for payment of one-half of all such invoiced professional services and related costs, provided that the cost of special additional consultations or presentations by the LEC to an individual city, as requested from time to time, shall be the sole responsibility of the individual city. Each city shall pay their share of LEC fees in due course. Neither city does hereby indemnify the LEC from loss or damages associated with non-payment by the other city.

7. Additional Advisers and Consultants. Each city may, at its sole expense, engage or hire such additional advisers and consultants, including their city engineer, as it deems appropriate to aid it in reviewing and approving proposed actions of this bridge project, including design review, historic preservation, and aesthetic review, contractor selection, and any other services either city may require. Each city shall assume and pay all such costs without right or expectation of contribution from the other city.

8. Roadway Approach Construction Costs. Each city shall be responsible for all roadway approach construction costs related to the bridge project deemed necessary to permit proper grade and access to the bridge. Roadway approach construction costs includes all road engineering, surveying, contractor fees and material costs, utility improvements and disturbances, excavation, rebuilding, grading, surfacing, and re-striping. Excelsior shall be responsible for all such costs southerly of the centerline of the existing bridge. Greenwood shall be responsible for all such costs northerly of the centerline of the existing bridge. Neither party shall have a claim one against the other for roadway approach construction costs that it may incur as needed for public right of way within its political boundaries.

9. Bridge Contractor and Costs. In the event it is found necessary to rehabilitate or remove the present bridge and related improvements, the cities agree to select and engage a single contractor for the needed work and share equally the cost of the bridge rehabilitation or removal and reconstruction, including all contract fees, renovation and disposal expenses, and related costs, independent of whether or not any particular expense or cost were incurred within the political boundaries one city or the other. The selected contractor shall be instructed to bill the city of Excelsior and the city of Greenwood by common itemized invoice contract work related to the bridge project. Each city shall be responsible for payment of one-half of all such invoiced contract work and related costs. Each city shall pay their share of contractor fees and related costs in due course. Bridge rehabilitation and removal costs include all costs related to deck, pier, and abutment demolition, reconstruction or renovation, repair and improvement, but do not include roadway approach construction costs defined above.

10. Shoreline Fishing Facilities. In the event the cities agree that the shoreline fishing facilities on the south side of the channel between Excelsior Bay and St. Alban's Bay, Lake Minnetonka will be impacted or require removal or modification in the course of the bridge project, the cities agree to seek financial contribution for associated engineering, removal and remodeling cost from Lake Minnetonka Conservation District (LMCD), Minnesota Department of Natural Resources (MnDNR), Three Rivers Park District (TRPD) and other interested governmental agencies. The cities shall share equally all unreimbursed related costs including but not limited to, engineering, design, government approval processing, dredging, abutment re-engineering, and contractor government approval fees. The cities shall cooperate in all needed applications to US Army Corp of Engineers (US Army Corps), LMCD, MnDNR, TRPD, Minnehaha Creek Watershed District (MCWD), or other interested government agency without consideration as to whether or not those costs were incurred in the political jurisdiction of either party.

11. Channel Widening. In the event the cities agree that the channel between Excelsior Bay and St. Alban's Bay, Lake Minnetonka should be dredged or widened for navigation purposes, the cities agree to share equally all related costs including but not limited to, engineering, design, government approval processing, dredging, abutment re-engineering, and contractor government approval fees. The cities shall cooperate in all needed applications to US Army Corps, LMCD, MnDNR, TRPD, MCWD, or other interested government agency without consideration as to whether or not those costs were incurred in the political jurisdiction of either party.

12. Design and Engineering Costs. The parties agree to share equally all bridge design and engineering costs and architectural fees without regard to special or extraordinary expenses associated with construction issues arising within the political jurisdiction of either party. The bridge design shall be uniform in appearance and utility from end to end. However each city may request design and approval of an architectural feature unique to their approach to the bridge not included in the architect design, provided it does not adversely impact the utility and design, and provided the requesting city assumes and pays all related costs of design, engineering and construction of same.

13. Bridge Name. The cities agree the bridge when completed shall officially be named "The St. Alban's Bay Bridge."

14. Public Utilities. In the event either city desires to make improvements to its public infrastructure in the course of the bridge project involving water, sanitary sewer, or storm sewer improvements within their individual political boundaries, all associated costs shall be the sole expense of the city making such improvements. All such improvements shall be under separate contract and by contractor other than the selected bridge project contractor.

15. Application Fees. The parties agree to share equally all application fees and the cost of supporting documentation necessary in seeking historic review, design approval, federal bridge funding applications, Metropolitan Council applications, state bridge fund applications, and any other applications including communications with US Army Corps, TRPD, LMCD, MCWD, MnDNR, MnDOT, Federal Emergency Management Agency (FEMA) or other agencies.

16. Bridge Project Review Committee Established. To manage the bridge project and to provide a forum for public presentations by the LEC, the cities shall form a Bridge Project Review Committee (BPRC). Each city shall appoint two council members of their choosing to the BPRC to serve as voting members on the BPRC. They also may direct their city engineer and request other staff or members of commissions and advisory boards to attend BPRC meetings. The BPRC meetings shall be government meetings conducted in public and duly noticed individually by each city. The BPRC meetings shall be alternately held in each city on a periodic basis as needed as the BPRC may determine or the city councils may direct. Official minutes of action shall be kept. The chair of the BPRC shall rotate between the cities on a meeting-to-meeting basis. The BPRC shall adopt its own rules of order. BPRC members are expected to keep their respective city councils informed. Each city shall have authority to exercise one vote in the BPRC on all critical bridge project approvals. The individual city councils shall have the authority to direct their BPRC representatives to vote in accordance with the instruction of the city council. For the bridge project to proceed, all critical approvals must be mutually agreeable to both cities at the BPRC. Critical approval step decisions must be ratified by both city councils in a timely manner.

With the exception of mayors, city engineer, attorney, and staff, only city council members appointed to the BPRC shall have authority to address the LEC and other presenters at BPRC meetings, only upon the majority vote of the BPRC to receive public comment or accept questions, shall public input be heard. Members of the public shall have the right to observe and at the discretion of the BPRC speak. Members of the public shall pose all comments and questions to the chair and not the LEC representatives. LEC representatives shall attend BPRC meetings and use the meetings to advise the cities on the progress of the bridge project, its review, design, and approval process. All issues requiring critical approval shall be presented to the BPRC by the LEC. The LEC shall make its representatives available at city council meetings for further advice and explanation when either city is addressing the bridge project. In the event there is not mutual agreement on a critical approval step (CAS), the issue shall be referred to the individual city councils for review and consideration. Failing agreement of the city councils on the pending CAS, the issue shall be referred to the Construction Mediation Committee before being referred to binding arbitration.

17. Rebuilding / Rehabilitation Process & Critical Approval Steps. Set forth below are the critical approval steps (CAS) in the bridge rebuilding / rehabilitation process:

1) LEC Selection

- a) Need text for here
- b) Need text for here
- c) etc....

2) Bridge Condition and Public Needs Analysis

- a) Need text for here
- b) Need text for here
- c) etc....

3) Government Approval and Funding Process

- a) Need text for here
- b) Need text for here
- c) etc....

4) Contractor Selection and Construction Process

- a) Need text for here
- b) Need text for here
- c) etc....

Each CAS will require each city to be fully informed and to conduct an efficient and timely review and approval process. The CAS decision process shall be as follows:

- (i) LEC to define and present the CAS project issue to BRPC,
- (ii) City councils to individually consider, consult, and review the CAS,
- (iii) Cities to schedule a vote on the CAS to be held within 60 days of the LEC presentation of CAS to BRPC,
- (iv) Decision to proceed by unanimous consent,
- (v) BPRC vote to reconsider (if needed) held within two weeks of step (iii), provided that in the event the LEC identifies the CAS to be exclusively effecting an individual city, and all cities so agree, then the effected city shall exercise its prerogative on the CAS within sixty days. In the event of a failure of mutual agreement in any one CAS, the cities agree to refer the CAS matter to Construction Mediation, and failing agreement in mediation the parties shall use arbitration to decide the CAS as provided below.

18. Construction Mediation. In the event of a lack of agreement on a pending CAS issue relating to the bridge project, the parties agree to refer the CAS matter to construction mediation on demand of either party. Mediation shall commence within thirty days of demand. Mediation shall be conducted at a neutral non-public location. The mayor of each city and up to one additional council member shall attend and such other advisors and consultants as each city determines beneficial may also attend. Separate meeting rooms for each city are appropriate. Each City's Mayor shall have full binding settlement authority by prior resolution of the city council to exercise the city's prerogative on the pending CAS/ issue. The mediator shall be a mutually agreeable retired Judge of District Court or AIA certified architect or civil engineer trained in mediation. An informed LEC representative shall attend to answer questions and fully inform the cities and mediator. In the event an agreement is not reached, this matter shall be referred to binding arbitration.

19. Arbitration. In the event the cities cannot reach an agreement through mediation on any given CAS/issue, the cities agree to refer the pending CAS/issue to binding arbitration by an Arbitration Committee within thirty days of either city declaring Construction Mediation a failure and making a written demand upon the other for arbitration.

The Arbitration Committee shall be comprised of two civil engineers one chosen by each city, neither of whom may be affiliated with the LEC, WSB, Bolton & Menk, or other engineering firm with a past association with either city. A third arbitrator shall be chosen by the common agreement of the two chosen civil engineer arbitrators. The third arbitrator shall be an AIA certified architect. The Arbitration committee shall request written presentations from each city and may in its discretion hear oral argument. The arbitration decision shall be issued in writing. The decision of two out of the three arbitrators shall be final and binding upon the cities on the CAS/issue posed. Each city agrees to be bound by that arbitration decision and does hereby waive all right to resort to or make application to the District Court for relief.

20. Mediation and Arbitration Fees and Costs. Each city shall bear its own costs of mediation and arbitration as needed or incurred hereunder without right of contribution from the other. The cities shall share equally all fees and expenses of the mediator and Arbitration Committee.

21. Rehabilitation vs. Reconstruction Review. The cities agree that it will be necessary to determine the relative benefits of rehabilitation versus reconstruction of the bridge and to do so they must be fully informed as to the historic value of the bridge, the cost of rehabilitation, needed safety improvements, the functionality of the bridge as presently built relative to the future needs of the community and features of a modern bridge design, the necessary and reasonable accommodation of motor vehicles, bicyclists, pedestrians, fisherman, boaters, and needs of the general public, and structural impediments to rehabilitation and efficiencies gained from reconstruction. To aid the cities in determining the cost benefits associated with rehabilitation versus reconstruction and redesign, the parties agree that the LEC shall first consult with the BPRC and the respective city councils. It shall then report to the cities on the character of the existing bridge, its utility, and the potential for rehabilitation, and the distinctions to be expected in a reconstructed bridge. Within sixty days of the conclusion of that presentation and analysis process, the city councils shall vote for either rehabilitation or reconstruction or, if possible and recommended, a hybrid thereof. In the event of no agreement is reached because one city prefers rehabilitation and the other reconstruction, the bridge project may proceed by rehabilitation, with the city advocating rehabilitation bearing all additional costs associated with rehabilitation over reconstruction, (as determined by the LEC and confirmed by the city's respective consultants. The choice of rehabilitation shall not prevent roadway approach improvements and bridge area/local public improvements desired by either city as provided under paragraph 12. In the event of no agreement on how or when to proceed, the cities agree to employ mediation and arbitration as provided herein.

22. MnDOT CRU, SHPO, and US Army Corps Approvals. When tasked by the cities, the LEC shall make inquiries with the MnDOT CRU, SHPO, and US Army Corps as deemed appropriate to determine whether or not those agencies will support the cities' preference for rehabilitation and/or reconstruction and shall then advise the cities of the anticipated design review process needed to gain final approval and funding.

23. Federal Bridge Funding. The LEC shall advise and assist the cities on the process by which federal bridge funding application may be made through the offices of the Metropolitan Council. Each city shall bear one-half of all related application costs as incurred.

24. State Bridge Bond Fund. The LEC shall advise and assist the cities on the process by which state bridge bond funding application may be made through the applicable agency. Each city shall bear one-half of all related application costs as incurred.

25. Road Contractors. The cities agree that there may be cost savings to be obtained through the use of a common contractor, but reserve the right to engage a road contractor of their choice for roadway approach construction associated with the bridge project within their political boundaries. The LEC shall assist the cities in preparation of contract specifications for needed roadway approach construction improvements. The LEC shall review and comment on the tendered construction bids. The cities shall separately select and contract with the roadway approach construction contractor of their choice. In the event the cities choose to use a common contractor, the selected contractor shall be required to invoice the cities separately for their individual roadway approach construction costs.

26. Legal Costs. Each party shall bear their own legal expenses and costs associated with drafting and implementing this agreement and otherwise incurred during the term of this agreement without right of contribution from the other city.

27. Bonding and Insurance. Each party shall obtain full insurance coverage of all related aspects of the bridge project. The cities may elect to combine to issue bonds for the bridge project costs, but are not obligated hereunder to do so and not be ordered to do so by arbitration. In the event they elect to employ bonding and act independently of each other, they shall each be solely responsible for all bonding-related consultant fees and costs without right of contribution from the other city.

28. Interpretation and Effect. This Agreement sets forth the entire agreement between cities with respect to the bridge project and supersedes and revokes all prior negotiations, discussions, representations, understandings and agreements between the cities with respect to same. This Agreement may be amended only in a written instrument signed by all

parties setting forth the nature of such amendment or waiver and the specific intent to so amend or waive. This Agreement shall bind and run to the benefit of the cities and their successors and assigns. This Agreement is executed in and shall be governed by and construed in accordance with the provisions of the laws of the state of Minnesota. Headings in this Agreement are for reference only, and shall not be deemed to alter the interpretation of any provision of this Agreement.

IN WITNESS WHEREOF, the parties have entered into this agreement as of the date and year first above written.

Dated: \_\_\_\_\_

CITY OF EXCELSIOR  
A Public Corporation

\_\_\_\_\_  
By Nicholas Ruehl, Mayor

Attest: \_\_\_\_\_  
Kristi Lugar, City Manager

Dated: \_\_\_\_\_

CITY OF GREENWOOD  
A Public Corporation

\_\_\_\_\_  
By Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Gus Karpas, City Clerk



**Agenda Number: 7A**

**Agenda Date: 08-07-13**

*Prepared by Deb Kind*

**Agenda Item:** Discuss Traffic Control Signage

**Summary:** The city council approved a 5-year sign replacement project because most (if not all) of the old signs in the city were faded and out of compliance with federal retroreflectivity standards. At the same time we are replacing sign posts because most (if not all) the old posts were rusting and not vertical anymore. Mayor Kind is managing the project and authorized adding stop signs on the posts at intersections that had no traffic control in the past. The rationale being that traffic control at intersections is recommended by the Manual on Uniform Traffic Control Devices (MUTCD), it is the norm at intersections in the metro area, and it offers guidance to drivers who are unfamiliar with Greenwood.

Since installing the new stop signs, the city has received complaints (mostly regarding the stop sign at the corner of Meadville & Meadville adjacent to 5120 Meadville Street).

There is no city ordinance that requires council action for the placement of traffic control signs in the city. However, state statute gives the city the authority to place signage. And since the city council has not delegated the authority to the public works director, or city engineer, or mayor, etc., the city council should take official action regarding the location of the new stop signs. Therefore, this item has been placed on the 08-07-13 council agenda for the council's consideration.

The city engineer has reviewed the new stop signs in the field. A letter with his comments is attached. His letter includes a drawing showing is recommended changes. Also attached is a map showing the current locations of the new stop signs (exhibit A), and a map showing the locations of stop signs with the city engineer's recommended changes (exhibit B).

**Council Action:** Council action is required. Possible motions ...

1. I move the council authorizes the placement of traffic control signage as shown on exhibit B and detailed in the city engineer's drawing.
2. Other motion ???



# BOLTON & MENK, INC.

## Consulting Engineers & Surveyors

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

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

www.bolton-menk.com

July 29, 2013

City of Greenwood  
Attn: Deb Kind, Mayor  
20225 Cottagewood Road  
Deephaven, MN 55331

RE: Stop Sign Review

Dear Mayor Kind:

As requested, I have reviewed the locations of new stop signs that have been installed on various streets in Greenwood. In general, I believe it is important to state that I do not believe that stop signs should be used as a traffic calming device. In addition, I am not aware of any issues at the intersections where stop signs have been added.

Based on my review, I offer the following comments for your consideration:

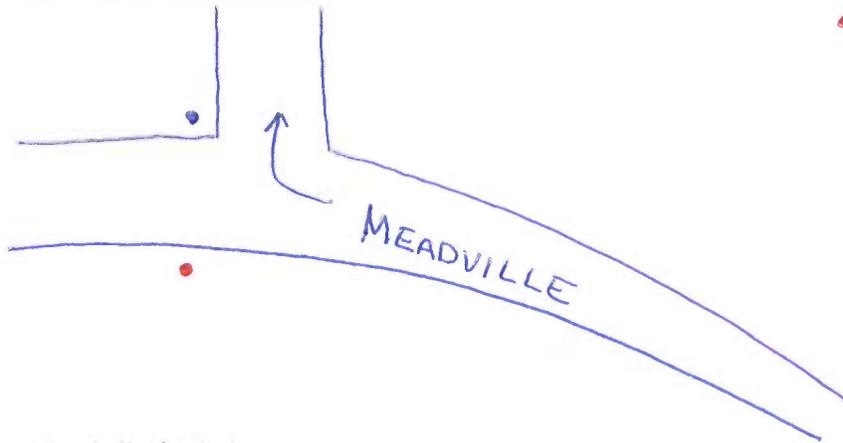
1. The stop sign that has been placed at the intersection of Meadville and the stub road to the lake should be moved to stop traffic traveling east off of the stub road onto Meadville.
2. The traffic flow from Meadville to Fairview should be considered a thru movement. With that in mind, the stop sign that has been placed at the intersection of Fairview and Meadville should be moved from Fairview to Meadville to stop traffic traveling south through the intersection.
3. The traffic flow from Fairview to Sleepy Hollow Road should be considered a thru movement. With that in mind, the stop sign should be moved to stop traffic traveling south on Fairview through the intersection.
4. The stop signs that have been placed at the intersections of Lodge Lane, Woods Court and Lyman Court seem appropriate.
5. The stop signs that have been placed at the intersections of Greenwood Circle, Kings Court and Queens Circle seem appropriate.
6. The stop signs that have been added on both legs of Covington Street seem appropriate.
7. The stop sign that has been added on the frontage road near the intersection of Meadville and Minnetonka Blvd. seems appropriate.

For your convenience, I have attached a sketch that shows the stop sign relocations that I am proposing. Please let me know if you have questions or need additional information.

Sincerely,  
BOLTON & MENK, INC.

David P. Martini, P.E.  
Principal Engineer

Meadville / Stub Road:

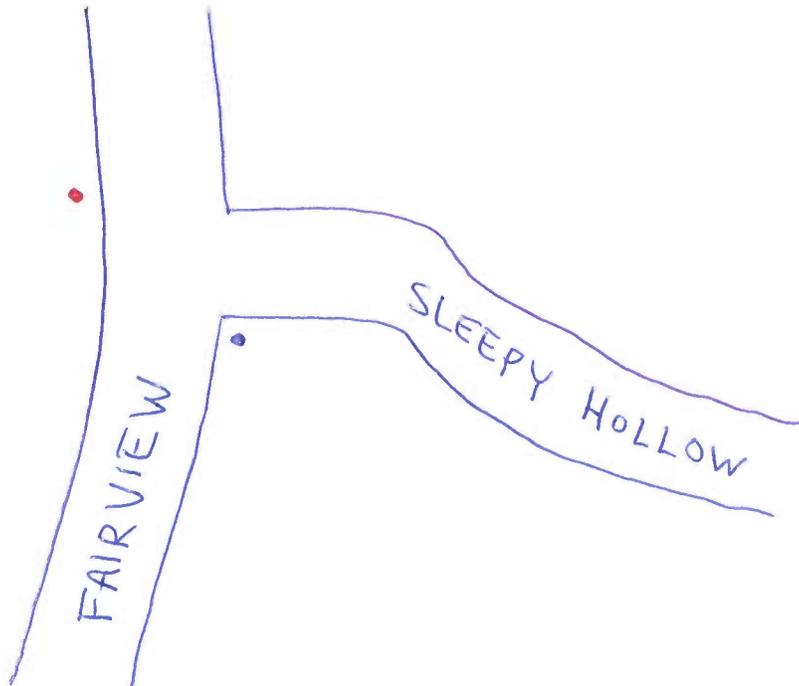


- EXISTING STOP SIGN
- PROPOSED STOP SIGN

Meadville / Fairview:



Fairview / Sleepy Hollow:



# EXHIBIT A

## Current Locations of New Stop Signs

07-30-13



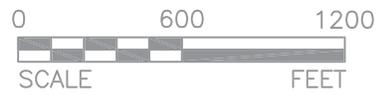
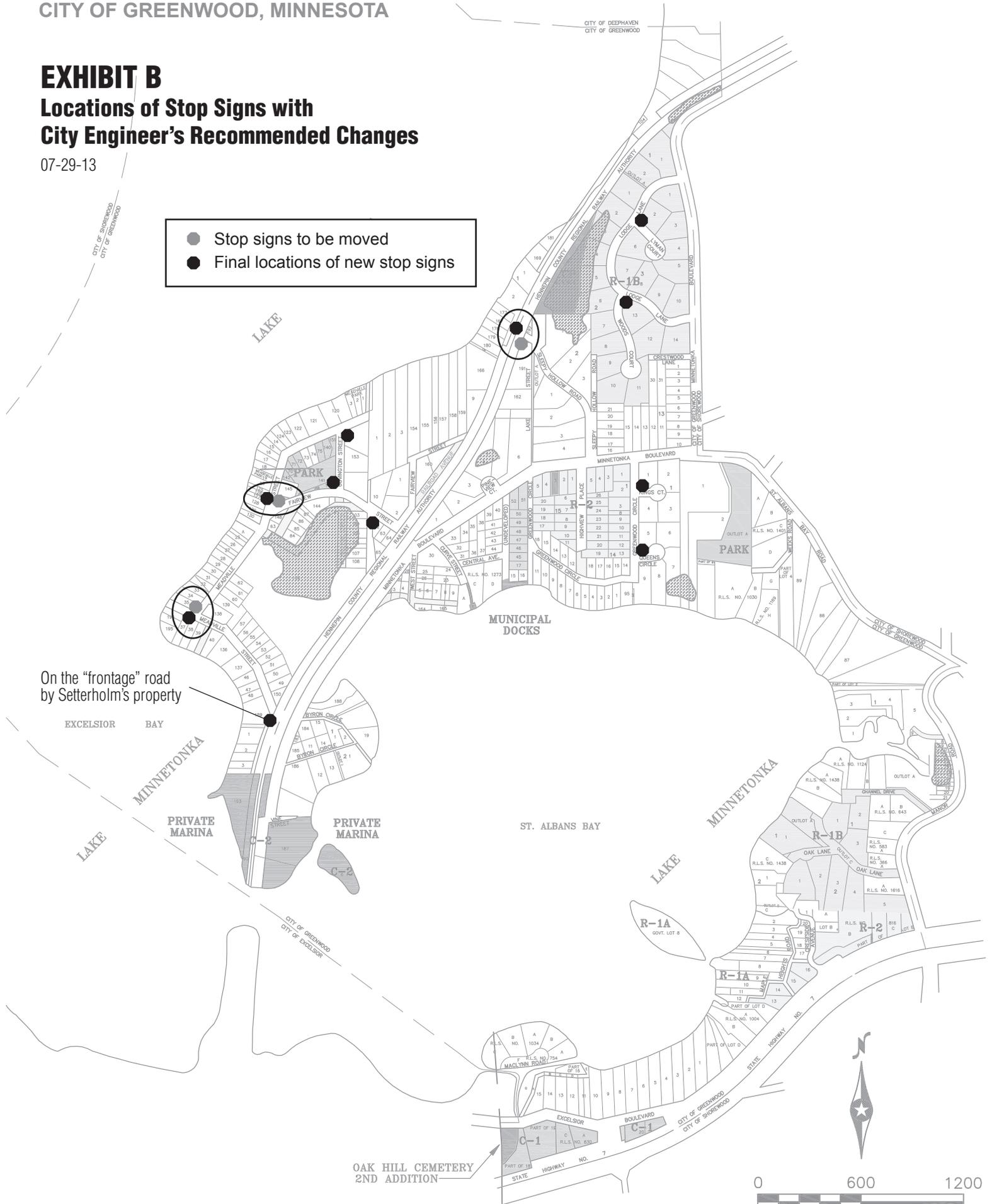
# EXHIBIT B

## Locations of Stop Signs with City Engineer's Recommended Changes

07-29-13

- Stop signs to be moved
- Final locations of new stop signs

On the "frontage" road by Setterholm's property





Agenda Number: **7B**

Agenda Date: **08-07-13**

Prepared by Gus Karpas

**Agenda Item:** Resolution 20-13, Variance Findings, Bridgewater Bank, 21500 State Highway 7

**Summary:** The planning commission considered the applicant's comments, application materials, staff report, city code conditional use permit standards, and public comments when making their recommendation and conditions. See the planning commission motion below and the FYI section of the council packet for a copy of the planning commission minutes. For the city council's reference, copies of the staff report, CUP standards, and application are attached. A resolution with findings of fact drafted by the city attorney also is attached.

**Planning Commission Action:** Motion by Commissioner Beal to recommend that the city council approve the application of Bridgewater for a variance of Greenwood Ordinance Code section 1120.15 to permit the construction of awnings within the required east side yard setback as presented. The plight of the property owner is due to the size of the non-conforming lot and placement of the lot, the proposal is a reasonable use of the property and the essential character would not be altered. Commissioner Paeper seconded the motion. Motion carried 4-0.

<b>Key Dates:</b>	05-21-13	Application complete
	06-06-16	Notice of the public hearing published in Sun-Sailor
	06-19-13	Public hearing held by the planning commission, request continued
	06-19-13	60-day extension granted by applicant
	07-17-13	Further planning commission discussion, recommendation to council
	08-07-13	City council consideration
	09-18-13	120-day deadline

**Council Action:** The applicant has granted the city a 60-day extension from the original 60-day requirement. The city council must take action by 09-18-13 unless the applicant agrees to grant further extensions. Suggested motions ...

1. I move the city council approves resolution 20-13 approving the variance application of Bridgewater Bank as presented (or with the following revisions: \_\_\_\_\_). I further move the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs the city attorney to draft "findings for **denial**," so the council may weigh options and consider both "findings for approval" and "findings for denial" at the 09-04-13 city council meeting.

*MN statute 15.99 requires a council decision within 60 days. 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

Agenda Date: 08-07-13

Prepared by Gus Karpas

## ***Agenda Item: Consider Variance Requests, Bridgewater Bank, 21500 State Highway 7***

---

**Summary:** Bridgewater Bank is requesting variances to encroach into the required east side yard setback to construct window awnings on their commercial structure at 21500 State Highway 7.

The applicant proposes to add awnings to the east side of the building to “complete” the look of the building and permit full use of the offices during the afternoon hours without having the interior blinds closed.

The proposed east side awnings would have a depth of three feet, six inches (3'-6”) and extend over the property line onto 21450 State Highway 7. The applicants have entered into an agreement with the adjacent property owner for an easement for the proposed encroachment. The Planning Commission/Council should seek the advice of the City Attorney on its ability to approve this request.

- **Section 1120:15 of the Zoning Ordinance requires a minimum east side yard setback of fifteen (15) feet. The applicant proposes an east side yard setback of zero (0) feet for the proposed awnings. The proposal requires a fifteen (15) foot variance of the east side yard setback.**

The proposed awnings add to the overall impervious surface are on the property, but the increase is included in a previously approved conditional use permit.

*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).*

City of Greenwood  
 20225 Cottagewood Road  
 Deephaven, MN 55331  
 952-474-4755  
 www.greenwoodmn.com

Variance Application

Applicant is (circle one) Owner Developer Contractor Architect Other  
 Property address for which variance is requested 21500 STATE HIGHWAY NO. 7 GREENWOOD, MN. 55331

Applicant (individual or company name): BRIDGEWATER PROPERTIES GREENWOOD, LLC.

Contact for Business: JERRY BAACK Title: SECRETARY  
 Address: 3800 AMERICAN BLVD. W. SUITE 100 City: BLOOMINGTON State: MN Zip: 55431

Wk Phone: 952-893-6868 Hm Phone: N/A

Email address: JERRY@BRIDGEWATERBANKMN.COM Fax: 952-893-6850

Present use of property: OFFICE

Property acreage: 14,061 SF = .322 ACRES

Existing Variances: Yes  No

If yes, please explain \_\_\_\_\_

Describe Request: Build New  Add On  Remodel  Replace

What is the Variance being requested for: (2) AWNINGS OVER WINDOWS FACING WEST AND 3 AWNINGS FACING EAST (OVER THE PROPERTY LINE).

Variance for:

	Required	Proposed
<input checked="" type="checkbox"/> Side Yard	<u>15</u> feet	<u>6' 8"</u> feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
Lake setback	_____ feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
Impervious Cover	_____ sq ft	_____ Sq ft
Shoreland	_____ feet	_____ feet
Massing	_____ volume	_____ volume
Other	_____ feet	_____ feet
If other, please explain		

## MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

STATE LAW: Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause a practical difficulty because of circumstances unique to the individual property under consideration, and B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Practical Difficulty" as used in connection with the granting of a variance means: 1) the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls; 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and 3) the variance, if granted, will not alter the essential character of the locality.

NOTICE: Simple inconvenience of a landowner or occupant, including self-created situations, are not considered a practical difficulty under Minnesota case law.

Economic considerations alone shall not constitute a practical difficulty if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty in establishing a practical difficulty please consider alternatives to your construction plans that may remove the need for a variance.

The Applicant must respond fully and in detail to each of the following questions and data requests or the Application may be rejected as incomplete.

Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code:

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

SEE NARRATIVE

Establishing Practical Difficulty:

1. The landowner's (Applicant's) property cannot be put to a reasonable use if used under conditions allowed by the official controls because:

SEE NARRATIVE

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

SEE NARRATIVE

3. The variance, if granted, will not alter the essential character of the locality because:

SEE NARRATIVE

Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:

SEE NARRATIVE

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.

SEE NARRATIVE

Describe the effect of the variance, if granted, on traffic congestion in the public street.

SEE NARRATIVE

Describe the effect of the variance, if granted, on the danger of fire.

SEE NARRATIVE

Describe the effect of the variance, if granted, on the danger to public safety.

SEE NARRATIVE

Describe the effect of the variance, if granted, on established property values in the surrounding area.

SEE NARRATIVE

Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare.

SEE NARRATIVE

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

LMCD # 952-745-0789

Watershed District # 952-471-0590

#### Applicant's Acknowledgement & Signature(s)

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application. The applicant certifies that the information supplied is true and correct to the best of his/her knowledge.

The undersigned also acknowledges that she/he understands that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 15 business days of application.

I am the authorized person to make this application and the fee owner has also signed this application.

Applicant's Signature: \_\_\_\_\_

Date: 5/21/2013

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Owner's Acknowledgement & Signature(s)**

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, Planning Commission Members, and City Council Members for purposes of investigation and verification of this request.

Owner's Signature: \_\_\_\_\_

Date: 5/21/2013

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Note -- Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.



MOMENTUM  
DESIGN  
GROUP

May 21, 2013

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

**RE: BRIDGEWATER BANK  
APPLICATION FOR VARIANCE and CUP**

Gus,

We are proud to submit our application for review and consideration by your legislative bodies. We are submitting two applications for adjacent properties for a single parking lot modification due to the nature of the existing property line configurations. We are also proposing new awnings to be mounted to the Bank building to allow for a more enjoyable work environment within the building. The modifications proposed on the two submittals will only add to the aesthetics and success of these businesses within your City and we are confident that they will not diminish the rights of adjacent property owners.

**DESCRIPTION OF REQUEST:**

We are requesting 1) a Major Site Plan Review, 2) a sideyard setback Variance for two (2) 2'-0" deep Awnings proposed to be mounted to the west facade of the Bank building, 3) a sideyard setback Variance to allow for three (3) 3'-6" deep awnings to be mounted to the east facade of the Bank building constructed over the property line, 4) and a Conditional Use Permit (CUP) to increase the Impervious Surface Area to a maximum of 75% for two separate parcels.

**ESTABLISHING THAT THE REQUESTED VARIANCE/CUP, IF GRANTED, WILL BE IN KEEPING WITH THE SPIRIT AND INTENT OF THE ZONING CODE:**

**WEST AWNINGS:** The west awnings will complete the look of the building while allowing for full use of the offices during the afternoon sun. The awnings will help shade the interior of the offices, and not require the interior blinds to be closed during the afternoon. The existing windows are very attractive from the exterior, but with the excessive size (they extend to 10' above the finished floor), the afternoon sun makes for a very unpleasant and hot experience on

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the interior of these offices. The front of the building currently has awnings and the proposed awnings would allow the sides of the building match the front.

**EAST AWNINGS:** The east awnings will complete the look of the building while allowing for unencumbered use of the offices during the morning sun. The awnings will help shade the interior of the offices, and not require the interior blinds to be closed during this time of the morning. The front of the building currently has awnings, and these proposed awnings would make the sides of the building match the front.

**IMPERVIOUS COVER:** Currently, two distinct parking areas exist on the two parcels. The existing parking lot located solely on the Bank parcel (Tract C) consists of 4 parking stalls, and the existing parking lot located solely on the Chiropractor parcel (Tracts A&B) consists of 17 stalls. The larger parking lot, located on the Chiropractor parcel is shared between the two parcel owners through an Amended and Restated Declaration of Easement dated October 19, 2005. The agreement between the parcel owners identifies that 17 total parking stalls shall be shared and that the Chiropractor parcel shall have rights to 5 stalls and the Bank building shall have rights to 12 stalls. The proposed re-configuration of the shared parking lot would add four (4) stalls to the total shared amount. The revised, Amended and Restated Declaration of Easement, (forthcoming), between the owner of the Bank parcel and the owner of the Chiropractor parcel states that the owner of the Chiropractor parcel shall have rights to 6 stalls and the owner of the Bank parcel shall have rights to 15 stalls. The cost of maintenance to the newly re-configured parking lot has been re-negotiated and is included in the agreement between the two parcel owners. In addition, the re-configured parking lot located solely on the Bank parcel is proposed to have a total of seven (7) parking stalls, which is an addition of three stalls to the existing conditions.

The current Greenwood Zoning Code for the existing zoning classification (C-1, Commercial District) of this lot limits the amount of impervious coverage to the total lot surface area to 30% of the entire lot area, unless a CUP is sought. A CUP allows for Impervious Surface Area to be 75% maximum of the lot area with a Stormwater Management Plan approved by the City Engineer. The existing Impervious Surface Area for the Bank parcel (Tract C) is 9,453 sf (67.23% of Tract C site area) and the existing Impervious Surface Area for the Chiropractor parcel (Tracts A&B) is 9,923 sf (67.13% of Tracts A&B site area). The combined lots total Impervious Surface Area is 67.18%.

The proposed, re-configured site plan increases parking stalls by seven (7) and reduces the Total Impervious Surface Area by 156 sf which equates to 66.72% Total Impervious Surface Area through use of more efficient parking and drive aisles. A Stormwater Management Plan along with supporting data has been submitted with this application for CUP.

**ESTABLISHING PRACTICAL DIFFICULTY:**

- 1. THE LANDOWNER'S (APPLICANT'S) PROPERTY CANNOT BE PUT TO A REASONABLE USE IF USED UNDER CONDITIONS ALLOWED BY THE OFFICIAL CONTROLS BECAUSE:**

**WEST AWNINGS:** The awnings tend to be closed during most of the day due to the excessive glare from the sun and heat gain into the offices. With the addition of the awnings, the sun can

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be controlled better, and the users of the offices will be able to have the blinds open for extended periods of time.

**EAST AWNINGS:** The awnings tend to be closed during most of the day due to the excessive glare from the sun and heat gain into the offices. With the addition of the awnings, the sun can be controlled better, and the users of the offices will be able to have the blinds open for extended periods of time.

**IMPERVIOUS COVER:** Currently, the Bank has empty offices and due to it's success within the community, would like to occupy those offices. The parking lot simply cannot accommodate the number of existing employees, proposed employees, and potential guests along with the shared parking condition of the thriving Chiropractor's office next door. On several occasions, parking has been at capacity in the lots. The Bank is trying to alleviate a potential problem by adding 7 parking stalls to the existing lots by creatively re-organizing the shared parking lots.

**2. THE PLIGHT OF THE LANDOWNER (APPLICANT) IS DUE TO CIRCUMSTANCES UNIQUE TO THE PROPERTY NOT CREATED BY THE LANDOWNER PROPERTY BECAUSE:**

**WEST AWNINGS:** The original developer of the property re-designed the building for a new use as an office building several years ago. The original use as an automotive parts store did not require sun control as most of the building was dedicated for parts storage. Sun control is a typical feature designed into most Class A Office buildings to allow for natural light and the unencumbered views to the outdoors. The existing building was placed upon the site close to the property lines during it's original construction many years ago. The new use as an office building cannot change the property lines nor the close proximity of the setbacks. The western awnings have been redesigned from the previous Variance submittal in 2006, to be shallower (2'-0" deep in lieu of 3'-6" deep), but will cover the windows more, thus still controlling the sun and heat entering the offices.

**EAST AWNINGS:** During the last re-development of the site, the property lines were re-platted to divide the Chiropractor site from the Office building site. The property lines were drawn extremely close to the Office building (nearly touching the building at the northeast corner). The ability for the Office Building to add awnings to the east of the building was hindered when the property line was established. The Owner would like to add awnings to the east side of the building in order to control the sun. They have approached the adjacent property owner (Chiropractor) and the adjacent property owner has agreed to allow for awnings to be built over the property line (see attached letter from adjacent property owner and revised Cross Access Easement agreement).

**IMPERVIOUS COVER:** The current Landowners are not increasing the amount impervious. They are adding seven (7) parking stalls and reducing the amount of impervious surface area by 156 sf. Through creative re-design of the parking lots, and elimination of a dangerous drive-thru area, the design team was able to create a separate Guest Parking area for the bank (7 total stalls), and increase the shared parking lot by 4 stalls for a total of 21 parking stalls, all while reducing the impervious surface area by 156 sf and creating a very desirable landscaped garden at the front of the Bank building.

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The current Landowners of the Bank parcel and Chiropractor parcels purchased these buildings from previous owners who re-developed these two parcels. The Amended and Restated Declaration of Easement was in place and is tied to the deeds of the parcels. The current Owners are simply trying to create more efficient infrastructure to their facilities to make the viable for future employees and clients while not congesting the local roads with unwanted street parking.

**3. THE VARIANCE/CUP, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY BECAUSE:**

**WEST AWNINGS:** The awnings will complete the appearance of the building by having matching awnings on all public sides of the building.

**EAST AWNINGS:** The awnings will complete the appearance of the building by having matching awnings on all public sides of the building.

**IMPERVIOUS COVER:** Granting the CUP would not alter the character of the locality. Granting the variance allows for additional landscaping to be placed at the front of the Bank building, which only improves the character of the locality.

**ESTABLISHING THE VARIANCE/CUP, IF GRANTED, WILL NOT ADVERSELY IMPACT THE RIGHTS OF OTHERS:**

**A. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON NEIGHBORING PROPERTIES AND ON THE NEIGHBORHOOD IN GENERAL:**

**WEST AWNINGS:** The addition of the awnings will not affect neighboring properties or the neighborhood. In general, the building will be more attractive.

**EAST AWNINGS:** The addition of the awnings will not affect neighboring properties. In general, the building will be more attractive.

**IMPERVIOUS COVER:** Currently, the Chiropractor has an agreement with a neighboring property owner to park two vehicles on a separate parcel. The granting of this CUP would allow the Chiropractor to park all employees on the site in which they work. In addition, the Bank would be able to hire more employees and fully utilize the building as originally intended.

**B. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTIES:**

**WEST AWNINGS:** The addition of the awnings will not affect the supply of light and air to neighboring properties.

**EAST AWNINGS:** The addition of the awnings will not affect the supply of light and air to neighboring properties.

**IMPERVIOUS COVER:** Granting this CUP would not impact the amount of light or air to adjacent property owners.

**C. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON TRAFFIC CONGESTION IN THE PUBLIC STREET:**

**WEST AWNINGS:** The addition of the awnings will not affect traffic in the public street.

**EAST AWNINGS:** The addition of the awnings will not affect traffic in the public street.

**MOMENTUM DESIGN GROUP, LLC.**

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**IMPERVIOUS COVER:** Granting this CUP would encourage more vehicles to the site, but would allow for proper parking for the use within the buildings. In addition, access to arterial and major highways is extremely close and would not be adversely affected by the addition of seven parking stalls.

**D. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON THE DANGER OF FIRE:**

**WEST AWNINGS:** The addition of the awnings will not create an adverse fire danger.

**EAST AWNINGS:** The addition of the awnings will not create an adverse fire danger.

**IMPERVIOUS COVER:** Granting this CUP will not impact the danger of fire to the surrounding neighbors. The Fire Department can still fight any potential fires from the same, safe distance as previously planned.

**E. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON THE DANGER TO PUBLIC SAFETY:**

**WEST AWNINGS:** The addition of the awnings will not affect the public safety.

**EAST AWNINGS:** The addition of the awnings will not affect the public safety.

**IMPERVIOUS COVER:** Granting this CUP will not impact the danger to Public Safety. The proposed parking areas have back-in turn-arounds and through traffic onto the Frontage Road. The elimination of the drive-through has increased the safety of the Public, by eliminating the potential of vehicular and pedestrian confrontation at the entry to the Bank building. All pedestrian traffic is directed to the proposed landscaped area.

**F. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON ESTABLISHED PROPERTY VALUES IN THE SURROUNDING AREA:**

**WEST AWNINGS:** The addition of the awnings will only make the building more attractive. There will be no effect on surrounding property values in the neighborhood.

**EAST AWNINGS:** The addition of the awnings will only make the building more attractive. There will be no effect on surrounding property values in the neighborhood.

**IMPERVIOUS COVER:** Granting the CUP would not reduce the property values in the surrounding area. Granting the variance allows for additional landscaping to be placed at the front of the Bank building, reduces congestion in the parking lots, and allows the Bank and Chiropractor to serve more clients within the community. When businesses thrive within their community, they re-invest in their infrastructure and appearance of their facilities, which only improves property values of the surrounding neighbors.

**G. DESCRIBE THE EFFECT OF THE VARIANCE/CUP, IF GRANTED, ON THE IMPAIRMENT OF THE PUBLIC HEALTH, SAFETY OR WELFARE:**

**WEST AWNINGS:** The addition of the awnings will not affect the public health, safety, or welfare. It will make for a more pleasant working environment.

**EAST AWNINGS:** The addition of the awnings will not affect the public health, safety, or welfare. It will make for a more pleasant working environment.

**IMPERVIOUS COVER:** Granting the CUP would not impair the Public Health, Safety, and Welfare. The proposed parking lot renovation increases the ability of guests to find safe parking stalls,

**MOMENTUM DESIGN GROUP, LLC.**

THE SECURITY BUILDING  
2395 UNIVERSITY AVENUE WEST; SUITE 206  
ST. PAUL, MINNESOTA 55114  
P: 952.583.9788  
[www.alwaysbuilding.com](http://www.alwaysbuilding.com)

MOMENTUM  
DESIGN  
GROUP



and alter the character of the locality. Granting the variance allows for additional landscaping to be placed at the front of the Bank building, which only improves the character of the locality.

We appreciate your review of this application and as always, are available to meet with you to discuss any issues that you may have concerns with. Please feel free to call to discuss any of the items for further clarification.

Sincerely,

**Momentum Design Group, LLC.**

Jeff Wrede, Architect  
Partner

**MOMENTUM DESIGN GROUP, LLC.**

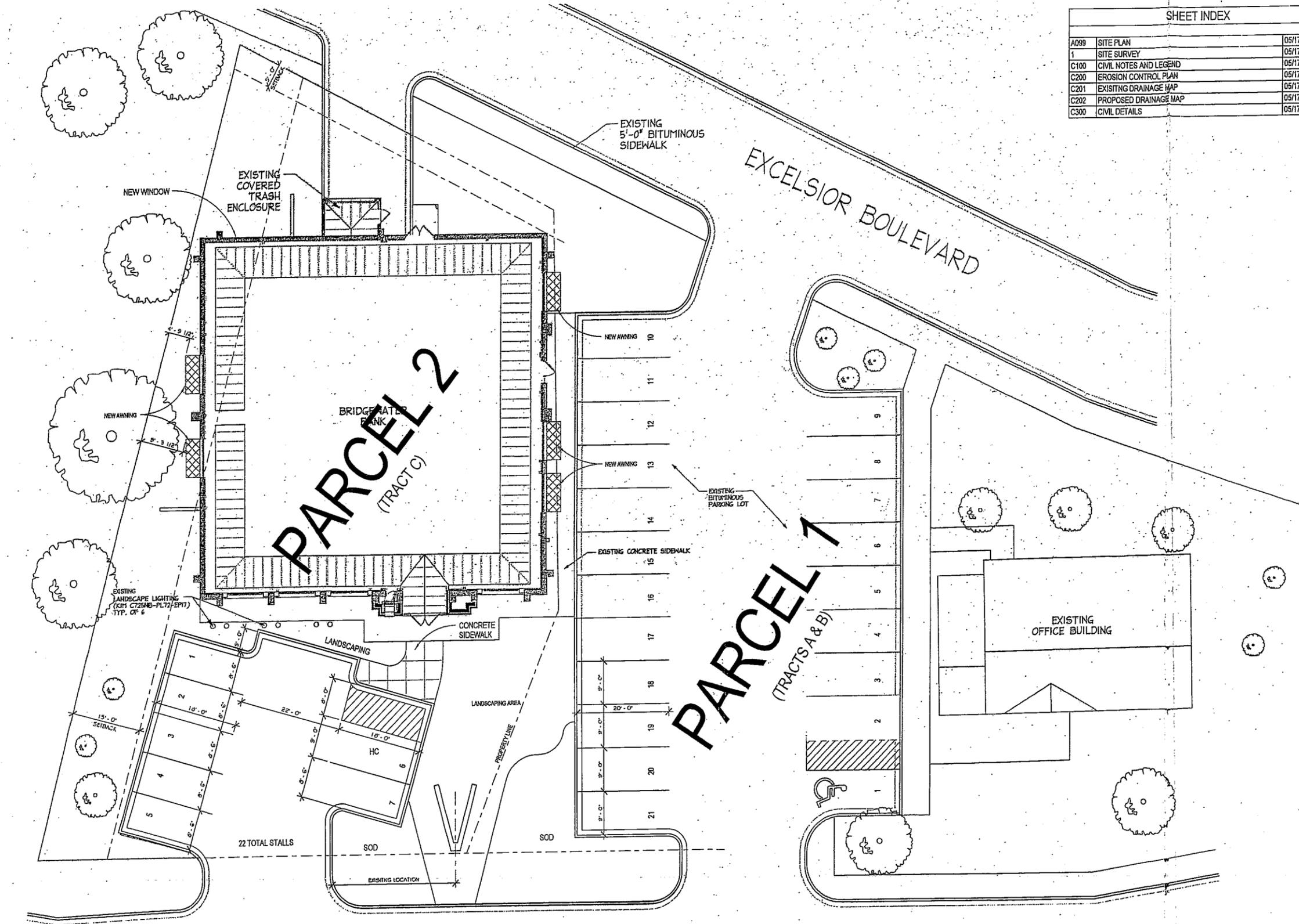
THE SECURITY BUILDING  
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SHEET INDEX		
A099	SITE PLAN	05/17/13
1	SITE SURVEY	05/17/13
C100	CIVIL NOTES AND LEGEND	05/17/13
C200	EROSION CONTROL PLAN	05/17/13
C201	EXISTING DRAINAGE MAP	05/17/13
C202	PROPOSED DRAINAGE MAP	05/17/13
C300	CIVIL DETAILS	05/17/13



**1 PROPOSED SITE PLAN**  
 SCALE 1" = 10'-0"

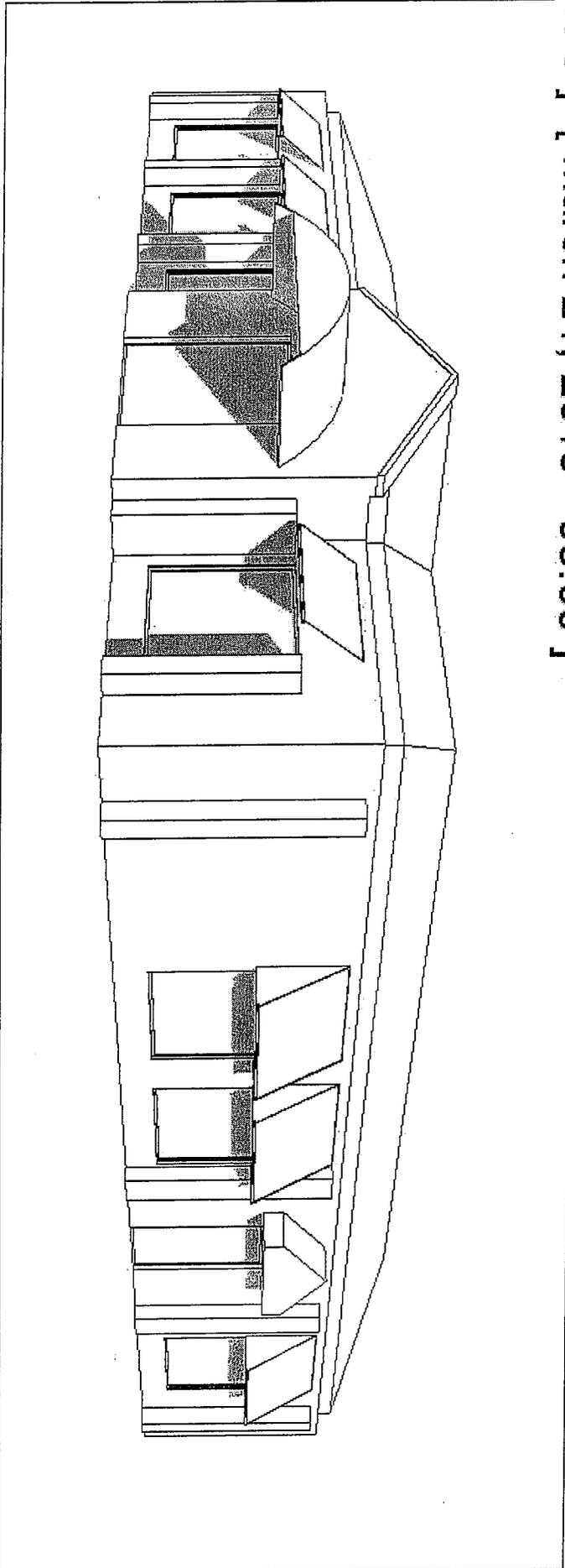
Date	06/17/13
Project Architect	TBD
Permit Submit Date	TBD
Project Number	13006

SITE PLAN

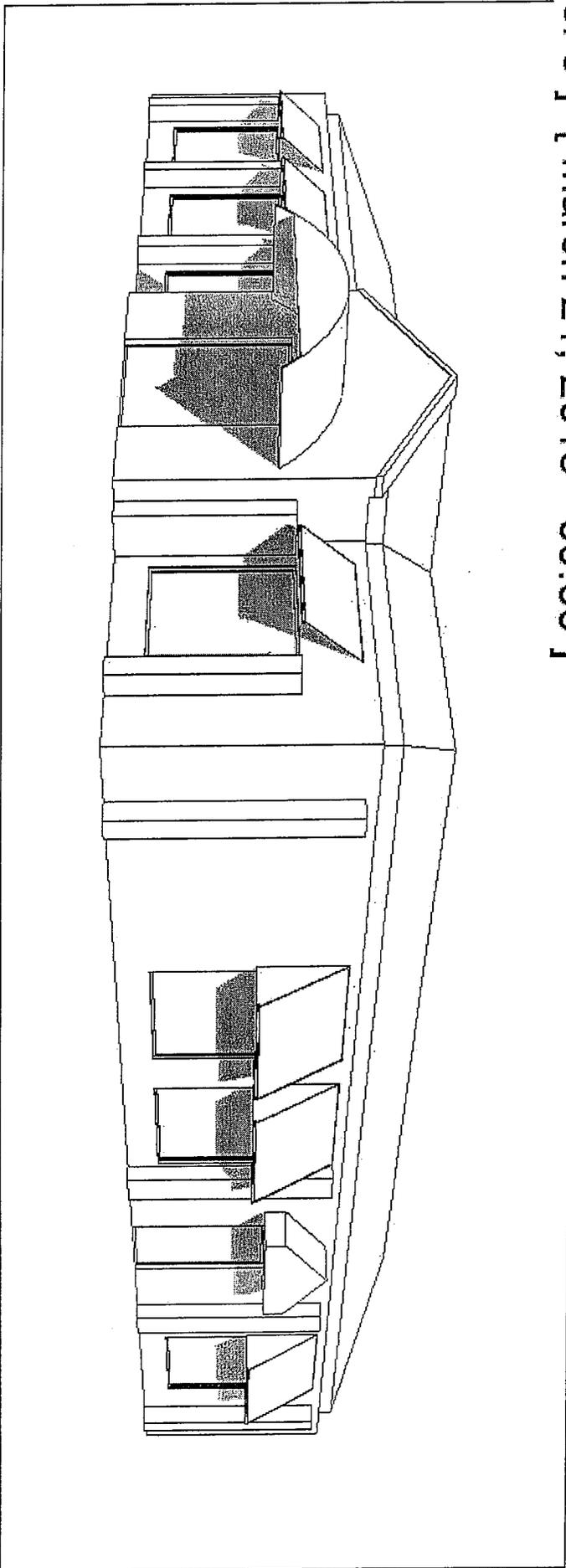
A099

SOUTHEAST PERSPECTIVE

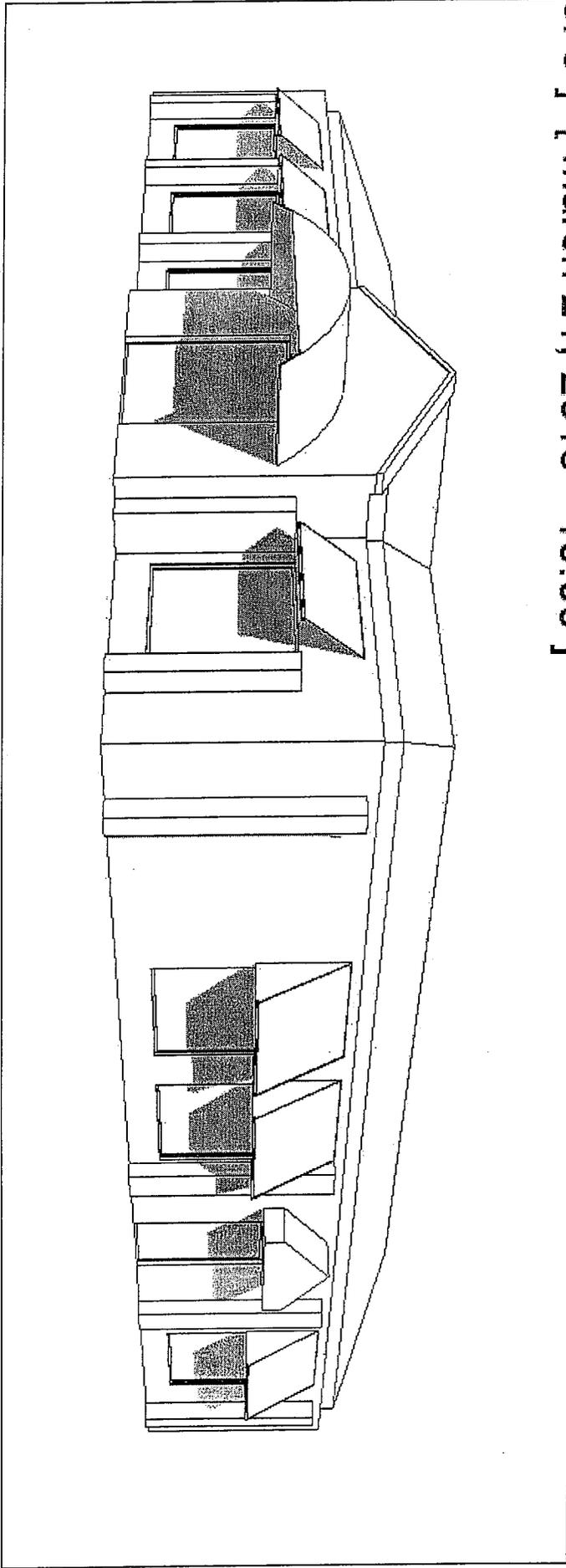
[ 1 of 5 ] [ March 21, 2013 - 08:00 ]



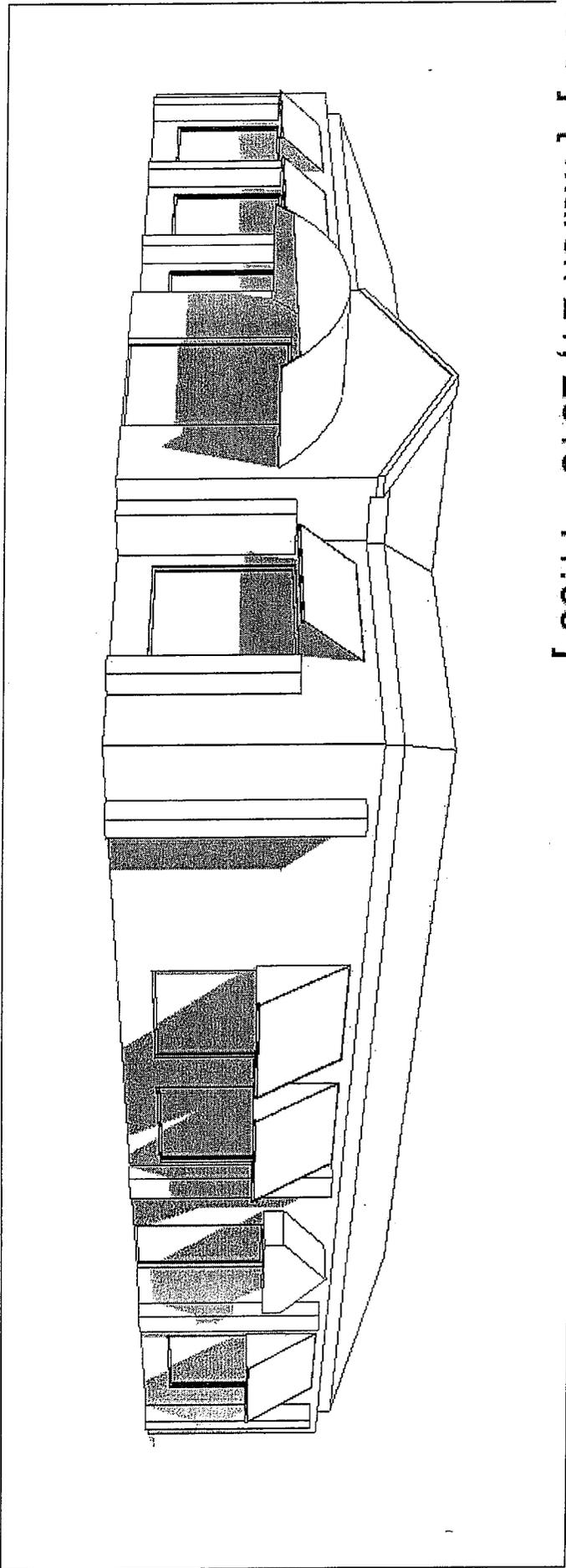
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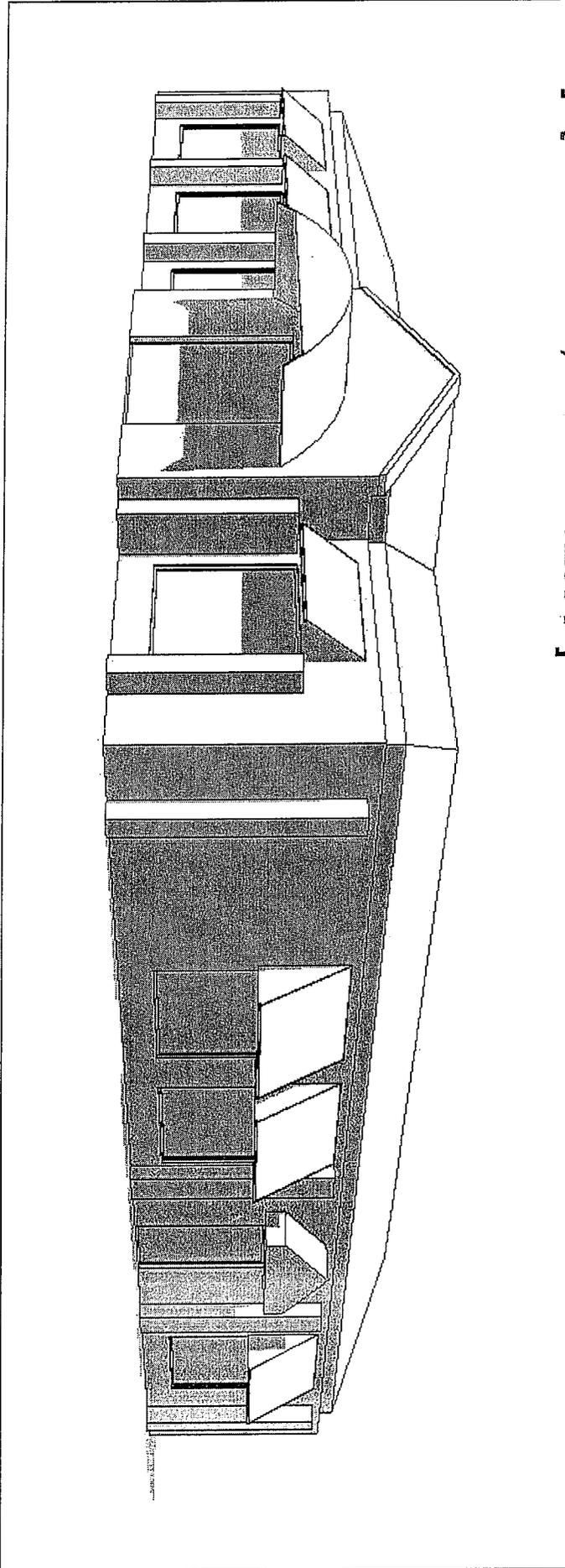
[ 3 of 5 ] [ March 21, 2013 - 10:00 ]



[ 4 of 5 ] [ March 21, 2013 - 11:00 ]

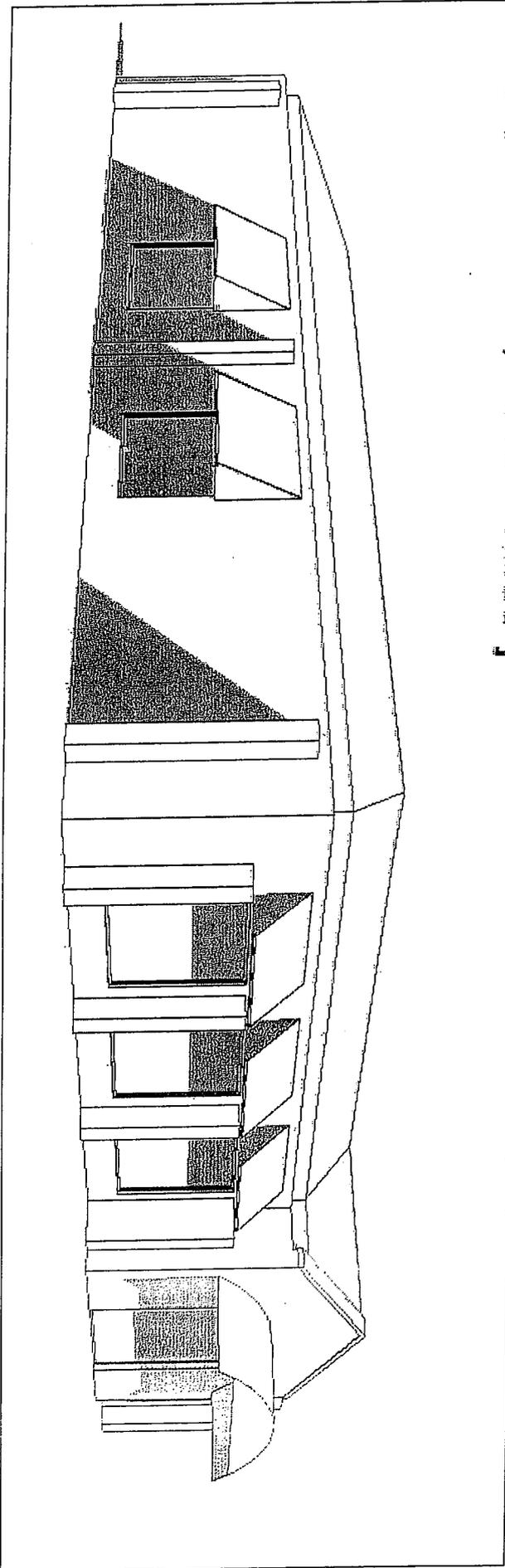


[ 5 of 5 ] [ March 21, 2013 - 12:00 ]

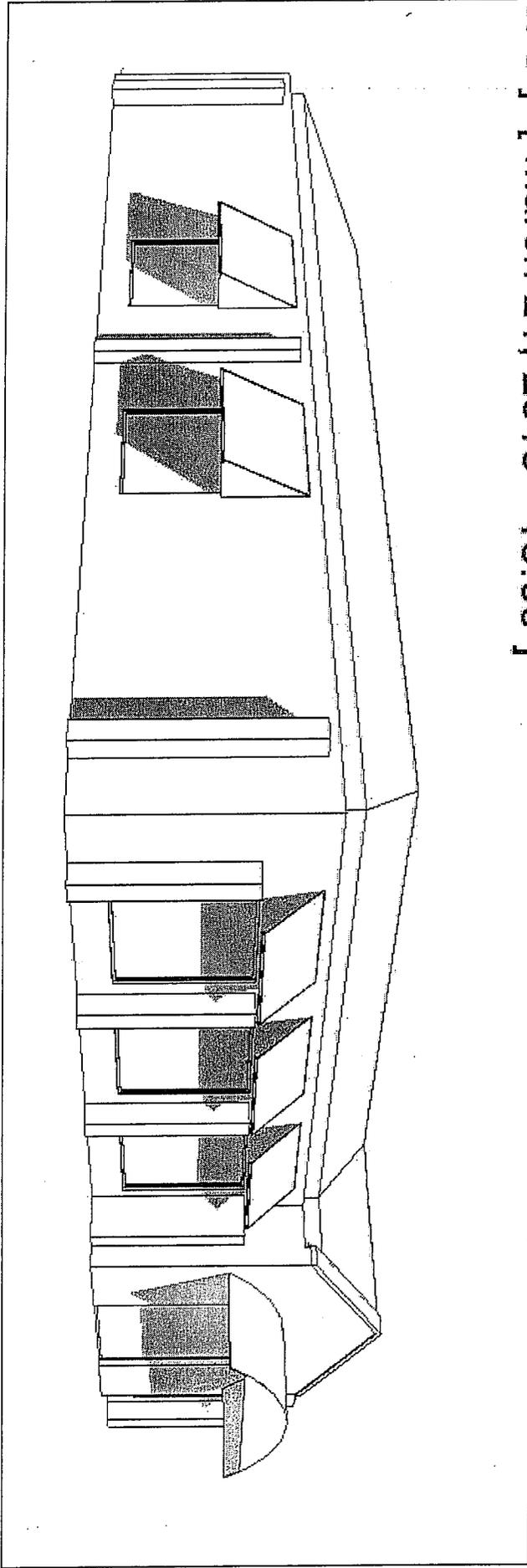


SOUTHWEST PERSPECTIVE

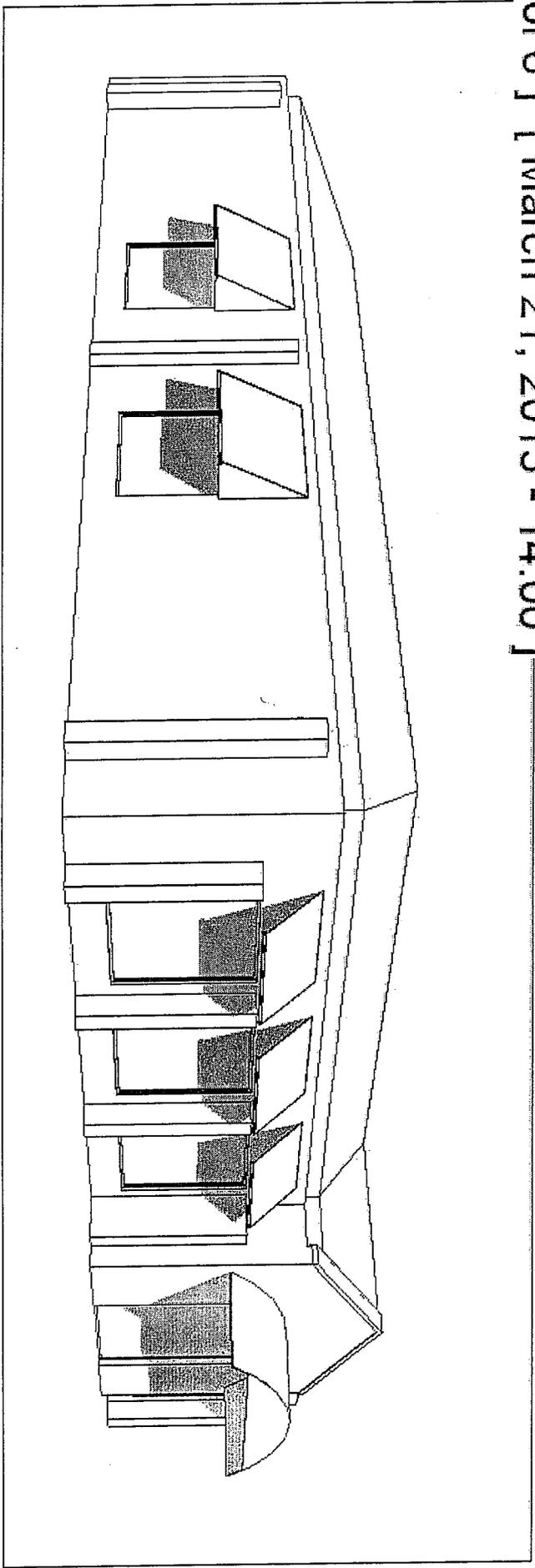
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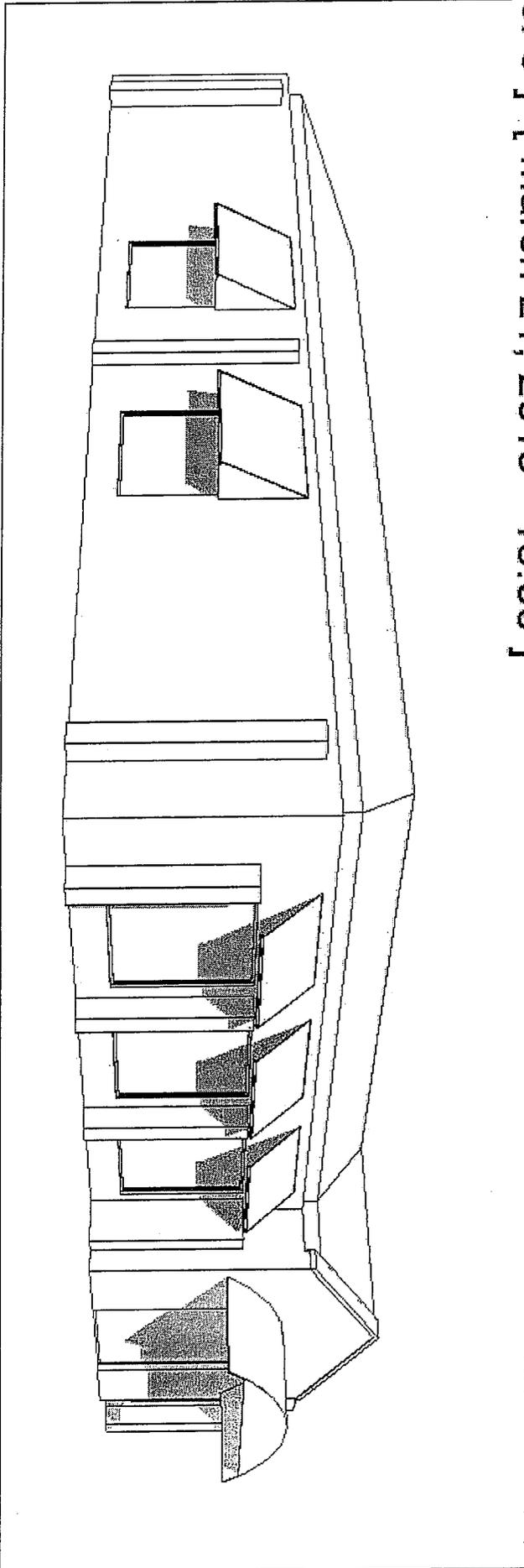
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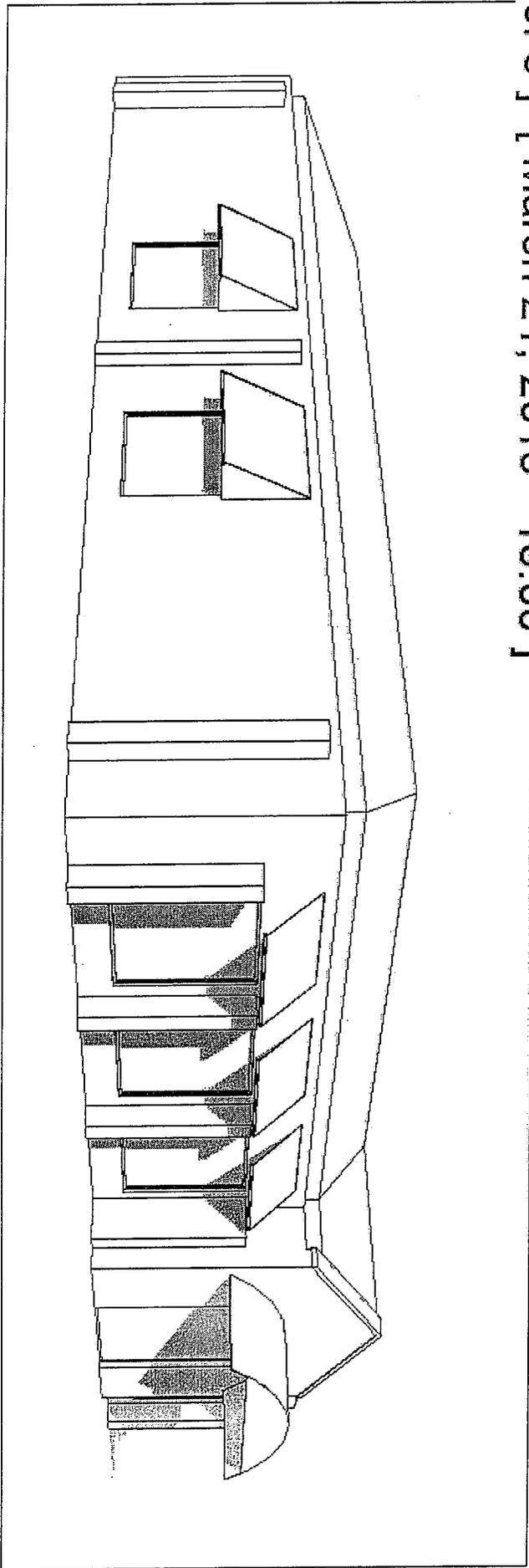
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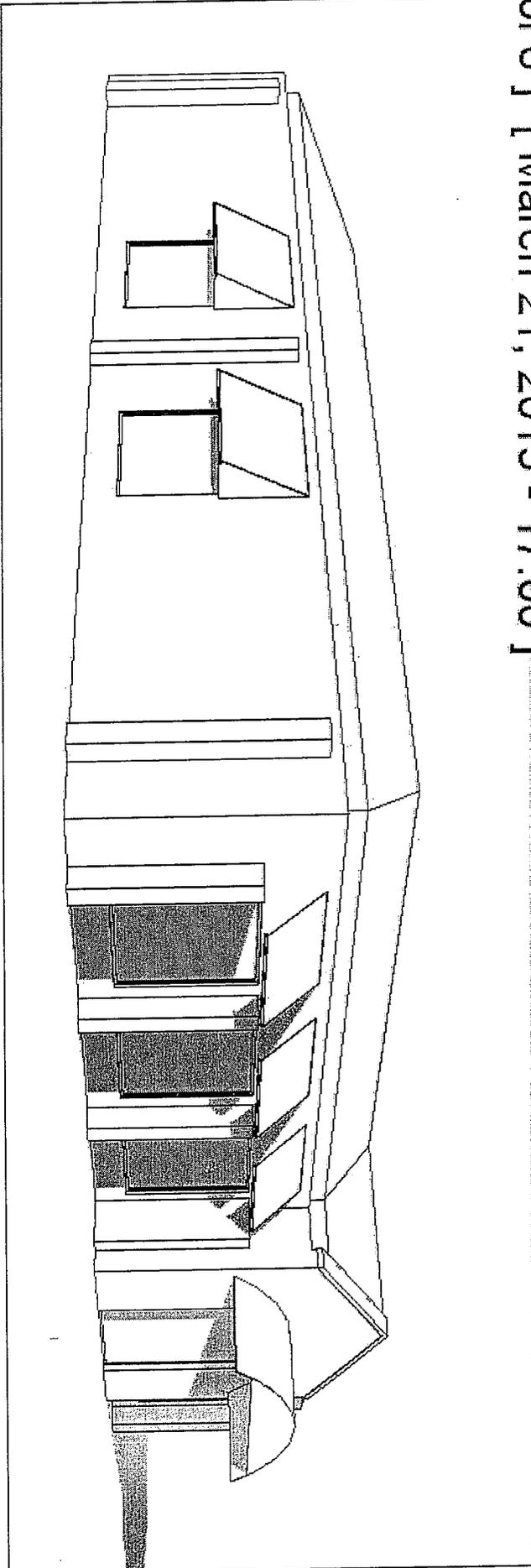
: 4 of 6 ] [ March 21, 2013 - 15:00 ]



5 of 6 ] [ March 21, 2013 - 16:00 ]



[ 6 of 6 ] [ March 21, 2013 - 17:00 ]



**RESOLUTION NO. 20-13**

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

---

**APPROVING**

**IN RE: The Application of Bridgewater Bank for variance under  
Greenwood Ordinance Code Section 1130:10 to permit  
installation of awnings encroaching on side yard set back.**

---

**WHEREAS**, Bridgewater Bank, acting on behalf of Bridgewater Properties, Greenwood, LLC, owner of 21500 State Highway 7, Greenwood, Minnesota, has made application for a variance to permit installation of awnings encroaching on the east side-yard property setback of 15 feet; and

**WHEREAS**, the Greenwood Ordinance Code, Section 1130.10, Subd. 3, requires a 15-foot side-yard setback in the C-1 commercial district; and

**WHEREAS**, the existing building upon the Applicant's property at 21500 State Highway 7, dates to 1971 and has only a 16-inch east side-yard setback necessitating not only a variance to the required side-yard setback, but also an easement agreement with the neighboring property, meeting city approval, to construct the proposed awnings; and

**WHEREAS**, Wolfie Management, LLC, owner of 21450 State Highway 7, Greenwood, Minnesota, and Bridgewater Properties, Greenwood, LLC, owner of 21500 State Highway 7, Greenwood, Minnesota, have an existing agreement to manage the parking lot shared between the bank and the chiropractic building and governed by Declaration of Easement filed of record in the Office of the Registrar of Titles, Hennepin County, as Document No. 3106800 on January 7, 1999, as amended; and

**WHEREAS**, Wolfie Management, LLC, owner of 21450 Highway 7, Greenwood, Minnesota, and Bridgewater Properties, Greenwood, LLC, owner of 21500 State Highway 7, Greenwood, Minnesota, also have an agreement to permit the proposed awnings to encroach onto the Wolfie Management, LLC, property at 21450 State Highway 7, Greenwood, Minnesota, which the Applicant represents will be submitted to the city for review as a condition of this variance should it be approved; and

**WHEREAS**, notice of Public Hearing was published, notice given to

neighboring property owners, and a Public Hearing held before the Planning Commission to consider the application; and

**WHEREAS**, public comment was taken at the Public Hearing before the Planning Commission on June 19, 2013; and

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

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

**FINDINGS OF FACT**

1. That the real property located at 21500 State Highway 7, Greenwood, Minnesota 55331 (PID No. 3511723120029) is a commercial lot located within the C-1 Commercial District.
2. The existing building upon the Applicant's property at 21500 State Highway 7, dates to 1971 and has only a 16-inch east side-yard setback.
3. The Applicant, owner of 21500 State Highway 7, Greenwood, Minnesota, has made application for a variance to permit installation of awnings on the windows on the buildings east side which if granted would encroach on the entire available east side yard of the property as built. The variance if granted would result in a zero east side-yard property setback and require a variance of 15 feet to the 15-foot side-yard setback required by Greenwood Ordinance Code, Section 1130.10, Subd. 3.
4. The Applicant advises it has reached an easement agreement with the owner of the neighboring property to construct the proposed awnings, which will be submitted to the city for review. The awning easement agreement will be similar to a previously established, and city approved, shared parking lot easement between the same properties.
5. The awnings will be three feet six inches (3ft, 6 in) in depth, twenty-six inches (26 in) of which would encroach unto the neighboring property at 21450 State Highway 7. They can only be allowed by city consent to a private easement agreement between the property owners.
6. The applicant advises that the variance, if granted, will be keeping with the spirit and intent of the zoning code because the awnings will be in keeping with the existing character of the commercial district in terms of

materials, scale, design and amenities common thereto, and the density of the improvements therein.

7. The applicant advises the addition of awnings to a commercial property such as this putting the property to a use in a manner that is a reasonable use of a commercially zoned property in this district given the use under the conditions allowed by the official controls due to the existing building being only 16 inches from the east side lot line, was built prior to current code.
8. The applicant advises that the plight of the owner is due to circumstances unique to the property and not created by the landowner because the building was built 45 years ago without regard to side-yard setbacks or knowledge of current code.
9. The applicant advises the variance, if granted, will not alter the essential character of the locale because the awnings will blend with the established appearance of the existing building and not conflict with the character of neighboring properties.
10. The applicant represents that the variances, if granted, will not affect the neighboring properties to light, air, contribute to traffic congestion or danger of fire or create a danger to public safety, and if granted, the property to be built as proposed will not adversely impact surrounding property values.
11. The Planning Commission discussed the proposed plan and recommended approval of the project as proposed for the reason that the existing building placement and lot size creates a practical difficulty in that it leaves virtually no side-yard area as required in the zoning district.

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

“Subd. 4. Practical Difficulties Standard. “Practical difficulties,” as used in connection with the granting of a variance, means:

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

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

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

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

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

- 13. Based upon the foregoing, the City Council determined that the variance to permit the addition of awnings to the east side of the Applicant’s building, if granted, would be in harmony and keeping with the spirit and intent of the Zoning Code because it will maintain the character of the neighborhood. The variance, if granted, will be consistent with the Comprehensive Plan’s guiding use for the subject property in the applicable zone because the character of the proposed use is consistent with the applicable zoning.
- 14. The property owner’s proposed manner of use of the property, although not permitted under the Zoning Code in a lot of this size without a variance, is reasonable because the awnings are appropriate for a commercial C-1 zoned property. That the plight of the landowner/applicant is due to circumstances unique to the property and not created by the landowner. The variance, if granted, will not alter the essential character of the locality. The variance, if granted, will not impair an adequate supply of light and air to adjacent property, unreasonably increase congestion on public street, increase danger of fire or endanger public health, safety, and welfare or unreasonably diminish or impair established property values in the neighborhood.
- 15. The following conditions should be imposed on any variance grant:

- A. The project must be completed according to the specifications and design requirements in the submitted plans.
- B. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.
- C. That any such variance be conditioned on submission of an access-encroachment easement in favor of Applicant from the Neighboring property owner, in form acceptable to the city attorney, and that same be filed of record with the county recorder. The access-encroachment easement must provide that the awnings must be removed in the event the easement terminates.

**CONCLUSIONS OF LAW**

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

- 1. The applicant has made an adequate demonstration of facts meeting the standards of Section 1155.10 necessary for the grant of the following variances to Sections 1130.10:
  - A. A variance to Section 1130.10 permitting an east side-yard encroachment of fifteen feet, (15') into the required east side-yard setback should be granted.

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

That the application of Bridgewater Bank, acting on behalf of Bridgewater Properties, Greenwood, LLC for variance to Greenwood Ordinance Code Sections 1130:15 are granted as follows:

- A. A variance to Section 1130.10 permitting an east side-yard encroachment of fifteen feet (15') into the required east side-yard setback should be granted on the following conditions:
  - 1. The project must be completed according to the specifications and design requirements in the submitted plans.
  - 2. A certified copy of this resolution shall be filed by the applicants

with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.

3. That any such variance be conditioned on submission of an access-encroachment easement in favor of Applicant from the Neighboring property owner, in form acceptable to the city attorney, and that same be filed of record with the county recorder. The access-encroachment easement must provide that the awnings must be removed in the event the easement terminates.

PASSED THIS \_\_\_\_ DAY OF AUGUST, 2013 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

\_\_\_\_ Ayes, \_\_\_\_ Nays

**CITY OF GREENWOOD**

ATTEST:

By \_\_\_\_\_  
Debra J. Kind, Mayor

\_\_\_\_\_  
Gus E. Karpas, Clerk/Administrator



**Agenda Number: 7C**

**Agenda Date: 08-07-13**

*Prepared by Deb Kind*

**Agenda Item:** Authorization to Send Budget Comment Opportunity Information to County

**Summary:** Every August the council is asked to determine when public comment will be taken regarding the budget and authorize the city clerk to send the date, time, place, and phone contact number to the county. This information will be published in the property tax mailing sent out by the county. The council routinely sets the date at the January council meeting at same time other key dates are set for the year. December 4, 2013 at 7pm (regular city council meeting) was the date set by the council. The council needs to authorize the clerk to send the information to the county.

**Council Action:** Required. Suggested motion ...

1. I move the council authorizes the city clerk to send the following information to Hennepin County regarding the opportunity for the public comment regarding the city's 2014 budget: 7pm, Wednesday, December 4, 2013, Deephaven Council Chambers, 20225 Cottagewood Rd, Deephaven, MN 55331, phone 952.474.6633.



**Agenda Number: 7D**

**Agenda Date: 08-07-13**

*Prepared by Deb Kind*

**Agenda Item:** Lake Minnetonka Regional Scenic Byway Concept

**Summary:** During council reports at the 06-05-13 Mayor Kind shared information regarding a potential Lake Minnetonka Regional Scenic Byway. She received letter from Wayzata Mayor Ken Willcox inviting mayors to participate in discussions regarding the potential byway. The idea would be to post signage along the byway identifying the route. Maps would be available that would list points of interest. At this time there are two sites listed as points of interest in Greenwood – the Greenwood Marina and the Old Log Theater. Mayor Wilcox's letter listed benefits of the byway:

1. An official byway makes it easier to argue for preserving natural, scenic and historical resources.
2. State and national byways increase the visibility of a road corridor, the communities connected, and the resources available.
3. Byways connect communities and promote the importance of historical sites, and the richness of natural, scenic and recreation resources.
4. Byways encourage partnering.
5. Byways boost economic development.

At the 06-05-13 meeting Councilman Fletcher stated he does not like the thought of more signs in the city, but he liked the idea of conveying that the area around Lake Minnetonka is a very open area. There was no council objection to Kind participating in the scenic byway discussions.

To date, there have been no meetings to discuss the byway.

Councilman Fletcher requested that this topic be put on the 08-07-13 council agenda for further city council discussion.

**Council Action:** None required. Suggested motion ...

1. I move the council goes on record stating that we are in favor of the Lake Minnetonka Regional Scenic Byway only if *all* of the other Lake Minnetonka cities approve the plan.
2. Do nothing or other motion ???



Agenda Number: **9A-E**

**Agenda Item:** Council Reports

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

**Council Action:** None required.



# Excelsior Fire District

*Proudly serving the Communities of:*

*Deephaven-Excelsior-Greenwood-Shorewood-Tonka Bay*

24100 Smithtown Road

Shorewood, MN. 55331

## **(3<sup>rd</sup> DRAFT) Recommended 2014 Budget Summary** **July 18, 2013**

### **Overall Proposed 2014 Budget**

- Operating Budget - \$ 871,448 (\$18,811 increase or 2.21%)
  - This includes No Required Firefighter Relief Association (Pension) contribution in 2014
  - Wage increases for Fire Chief, Fire Inspector and Administrative Specialist according to salary study.
  - Employer benefit increases including health insurance and PERA.
  - Worker's compensation increases
- Capital Equipment Fund - \$ 185,000 (\$15,000 increase or 8.82%)
  - Includes the following purchases in 2014
    - Year one lease payment for new Engine 22
    - New ATV and trailer to replace the snowmobile
    - 10,000 transfer from Unreserved Fund Balance for future firefighter equipment
- Fire Facilities Fund - \$ 548,460 (\$ 5,825 decrease or -1.05%)
- Total 2013 Budget - \$1,604,908 (\$27,986 increase or 1.77%)

### **1.77% overall increase in 2014 Budget from approved 2013 Budget**

- \$27,986 increase over 2013 Budget
- *Total 2014 Budget of \$1,604,908 reduced by the revenues identified below to reduce 2014 Municipal Contribution from \$1,604,908 to \$1,568,508, which results in a 2.32% increase from the adopted 2013 Municipal Contribution.*
  - *Interest income* \$3,100
  - *Refunds and Reimbursements* \$10,000
  - *Unreserved Fund Balance Transfer* \$23,300

### **\$23,300 transfer from Unreserved Fund Balance for Operating and CIP Expenditures**

- This maintains a 35% unreserved fund balance and exceeds the adopted policy of 20-30% unreserved fund balance.

### **2.32% overall increase in 2014 Municipal Contribution**

- 2014 Proposed Municipal Contribution – \$1,568,508
- 2013 Proposed Municipal Contribution - \$ 1,532,895
- \$35,613 or 2.32% increase in 2014 Municipal Contribution

<b>• <u>Municipal Contribution Comparisons</u></b>	<b>2013</b>	<b>2014</b>	<b><u>Difference</u></b>
Deephaven	\$ 413,885	\$ 433,492	\$ 19,637
Excelsior	\$ 156,989	\$ 166,924	\$ 9,935
Greenwood	\$ 122,948	\$ 130,888	\$ 7,940
Shorewood	\$ 608,800	\$ 603,638	\$ (5,162)
Tonka Bay	\$ 230,303	\$ 233,566	\$ 3,263
Total	\$1,532,895	\$1,568,508	\$ 35,613

• **Fund Balance Summary**

**Projected Operating Fund Balances**

	<b>2013 Budget Actual</b>	<b>2013 Projected Budget</b>	<b>2014 Budget Proposed</b>
<b>January 1 Fund Reserve</b>	<b>316,769</b>	<b>339,821</b>	<b>339,821</b>
<b><u>EFD Annual Expenditures</u></b>			
Operating Fund Expenditures	780,248	819,710	871,448
Mandatory Fire Relief Contribution	14,907	27,529	0
CEP Fund Transfer	165,000	170,000	185,000
Facilities Fund Transfer	554,567	554,285	548,460
Building Fund Transfer	0	0	0
Fire Relief Fund Transfer	27,529	0	0
<b>Total Operating Fund Expenditures</b>	<b>1,542,251</b>	<b>1,571,524</b>	<b>1,604,908</b>
<b><u>EFD Annual Revenues</u></b>			
EFD Municipal Contributions	1,516,291	1,532,895	1,568,508
Interest Income	1,592	3,000	3,100
Other Revenues	24,464	8,100	10,000
Fire Relief Fund Transfer	0	27,529	0
Facilities Fund Transfer	22,956	0	0
<b>Total Operating Fund Revenues</b>	<b>1,565,303</b>	<b>1,571,524</b>	<b>1,581,608</b>
<b>Annual Surplus (Deficit)</b>	<b>23,052</b>	<b>0</b>	<b>(23,300)</b>
<b>December 1 Fund Reserve</b>	<b>339,821</b>	<b>339,821</b>	<b>316,521</b>
<b>Fund Reserve Percentage</b>	<b>40.11%</b>	<b>39.00%</b>	<b>35.14%</b>

**Fire District Auditor recommends a Operating Fund Reserve of 20-30% of budgeted expenditures.**

**Excelsior Fire District**  
**(THIRD DRAFT) Recommended Budget 2014**  
Allocation by City using Joint Powers Agreement funding formula for 2014

\$835,048 Operating  
\$733,460 Building

	<u>Tax Capacity Payable 2013</u>		<u>Sum of all Factors Per JPA</u>	<u>Cities' Calculated Share of Cost</u>		
	<u>Dollars</u>	<u>Percent</u>		<u>Operations</u>	<u>Facilities</u>	<u>Total</u>
Deephaven	\$10,373,559	27.64%	27.64%	\$230,784	\$202,708	\$433,492
Excelsior	\$3,994,527	10.64%	10.64%	\$88,867	\$78,056	\$166,924
Greenwood	\$3,132,192	8.34%	8.34%	\$69,683	\$61,206	\$130,888
Shorewood**	\$14,445,211	38.48%	38.48%	\$321,367	\$282,271	\$603,638
Tonka Bay	\$5,589,291	14.89%	14.89%	\$124,347	\$109,219	\$233,566
	<u>\$37,534,780</u>	<u>100%</u>	<u>100.00%</u>	<u>\$835,048</u>	<u>\$733,460</u>	<u>\$1,568,508</u>

(Using 2013 Hennepin County Assessors' valuations as of March 27, 2013)  
xx -- Total 2011 Tax Capacity less reduction for The Islands served by the Mound FD.

**Quarterly Billings**

	<u>Operations</u>	<u>Buildings</u>	<u>Total</u>
Deephaven	\$ 57,695.95	\$ 50,676.94	\$ 108,372.89
Excelsior	\$ 22,216.87	\$ 19,514.07	\$ 41,730.95
Greenwood	\$ 17,420.71	\$ 15,301.39	\$ 32,722.11
Shorewood**	\$ 80,341.78	\$ 70,567.78	\$ 150,909.56
Tonka Bay	\$ 31,086.68	\$ 27,304.82	\$ 58,391.49
		\$ 392,127.00	



Agenda Number: **FYI**

**Agenda Item:** FYI Items in Council Packet

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

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



July 1, 2013

Mike Brost  
5110 Curve Street  
Greenwood, MN 55331

Dear Mike,

Per the attached letter from the City Engineer, the curbing along your property will be removed as part of the 2013 road projects. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gus Karpas".

Gus Karpas  
City Clerk/Zoning Administrator

Cc: File  
Mayor and City Councilmembers



# BOLTON & MENK, INC.®

## Consulting Engineers & Surveyors

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

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

www.bolton-menk.com

June 28, 2013

City of Greenwood  
Attn: Gus Karpas  
20225 Cottagewood Rd.  
Deephaven, MN 55331

RE: Curve Street Drainage

Dear Mr. Karpas:

As you are aware, it has been the City of Greenwood's policy to install bituminous curbing along City streets to address drainage issues brought to our attention by residents. When curbing has been installed it has been with the intent of more efficiently directing runoff along its natural drainage path and to minimize the impact of water runoff on private property.

Consistent with this policy, curbing was added to Curve Street as part of the 2012 Street Improvement Project. The intent of this work was to redirect runoff at the south end of the project to reduce the amount of sediment carried onto private properties and direct the runoff to the lake along a more direct path.

Since the curbing has been installed, it has been brought to my attention that the curbing has created some unintended consequences for one of the properties at the south end of the street. Therefore, after several discussions and reviewing the situation in the field, I concur that it is appropriate to remove the curbing north of the curve in an effort to restore the historic drainage patterns.

Please let me know if you have questions.

Sincerely,  
BOLTON & MENK, INC.

David P. Martini, P.E.  
Principal Engineer



# CITY OF ORONO

Street Address:  
2750 Kelley Parkway  
Orono, MN 55356

Mailing Address:  
P.O. Box 66  
Crystal Bay, MN 55323

Telephone (952) 249-4600  
Fax (952) 249-4616  
www.ci.orono.mn.us

TO: Roger Hackbarth, LMCC Chair  
Sally Koenecke, LMCC Executive Director

DATE: July 9, 2013

RE: Orono City Council Action

On July 8th, the Orono City Council voted unanimously to approve a direct cable franchise with Mediacom starting January 1, 2014.

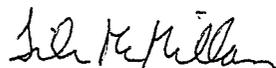
There are three main reasons Orono decided to secure its own franchise agreement.

First, Mediacom has agreed to a complete build-out of our remaining cable plant to reach areas that have never had access to cable. This also serves a secondary purpose in providing these areas access to internet broadband and telephone services that are part of the bundling package of Mediacom.

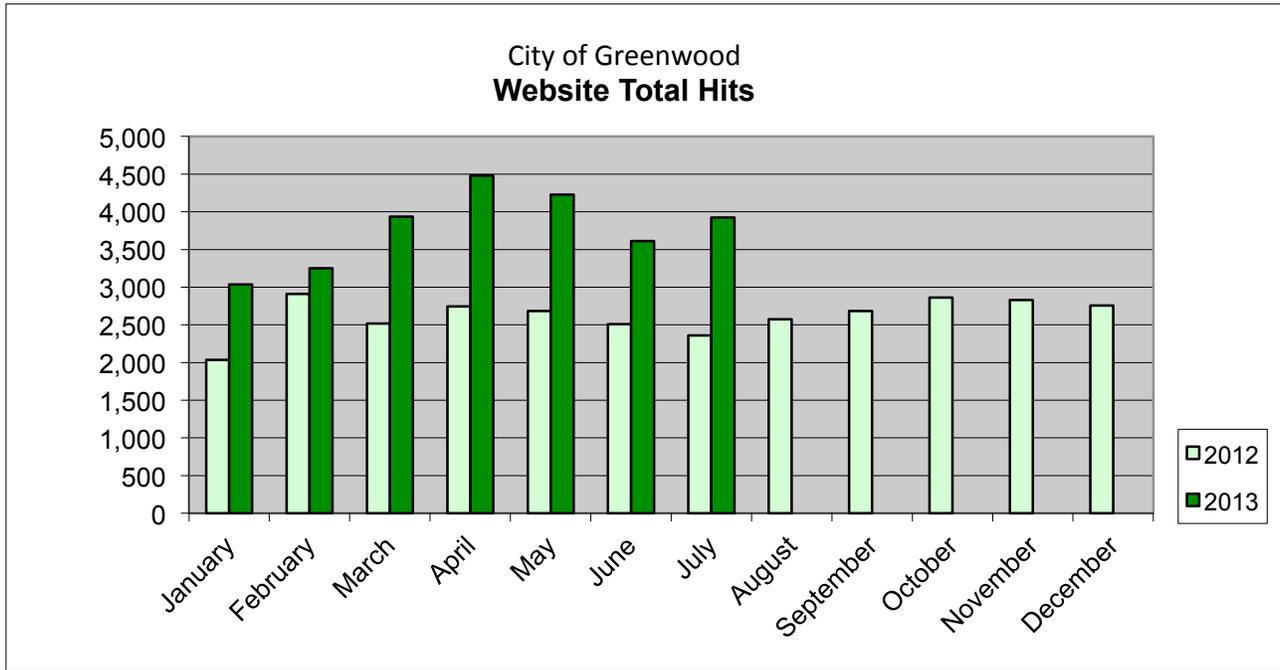
Secondly, Orono will have full control of the income received from the franchise and PEG fees. These fees will be better used in the best interest of the city, its residents and providing cost effective government programming.

Lastly the City Council believes the LMCC business model is outdated, expensive and very bureaucratic. The LMCC has not made the necessary changes to make it operate more efficiently with less expense, especially in light of the changes in technology in recent years. Instead of streamlining their business model to focus on quality government access programming (taping of council meetings, programming relevant to city events), the LMCC has hung on to the high cost of studio programming and administrative overhead.

Orono has been a significant contributor to the LMCC and our decision was not taken lightly due to its impact to the organization. Orono would be interested in supporting a reorganization of the LMCC if the member cities agree to explore changes to the LMCC's business model. There are examples of various JPA models created by other cable commissions as well as the agreement Mound has with the LMCC that Orono would be interested in exploring with the member cities. Orono sees itself as an important member of the LMCC and is committed to providing input and support towards a more progressive model of the LMCC if the member cities agree to discussing changes to the organization.

  
Lili McMillan, Mayor

cc LMCC Mayors



<b>Month</b>	<b>2012</b>	<b>2013</b>	<b>Variance with Prior Month</b>	<b>Variance with Prior Year</b>	<b>Bulk Email List</b>
January	2,034	3,038	280	1,004	134
February	2,911	3,252	214	341	136
March	2,516	3,936	684	1,420	137
April	2,746	4,478	542	1,732	138
May	2,682	4,229	-249	1,547	138
June	2,509	3,613	-616	1,104	140
July	2,361	3,924	311	1,563	140
August	2,574		-3,924	-2,574	
September	2,682		0	-2,682	
October	2,860		0	-2,860	
November	2,828		0	-2,828	
December	2,758		0	-2,758	
<b>AVERAGE</b>	<b>2,622</b>	<b>3,781</b>			

**POPULATION:** 688  
**EMAIL ADDRESSES % OF POPULATION:** 20.35%

## Site Statistics

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

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

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

<b>Begin Date</b>	6/15/2013
<b>End Date</b>	7/15/2013
<b>Report Name</b>	Page Views (Default)
<input type="button" value="Get Report"/>	

### Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	1616	41.18%
<a href="#">Agendas, Etc.</a>	274	6.98%
<a href="#">City Departments</a>	140	3.57%
<a href="#">Planning Commission</a>	113	2.88%
<a href="#">Budget &amp; Finances</a>	110	2.8%
<a href="#">Mayor &amp; City Council</a>	100	2.55%
<a href="#">What's New?</a>	99	2.52%
<a href="#">Forms &amp; Permits</a>	95	2.42%
<a href="#">Code Book</a>	94	2.4%
<a href="#">Welcome to Greenwood</a>	94	2.4%
<a href="#">Lake Minnetonka</a>	91	2.32%
<a href="#">Met Council Project</a>	80	2.04%
<a href="#">Watercraft Spaces</a>	73	1.86%
<a href="#">Search Results</a>	73	1.86%
<a href="#">Swiffers NOT Flushable</a>	66	1.68%
<a href="#">RFPs &amp; Bids</a>	64	1.63%
<a href="#">Assessments &amp; Taxes</a>	63	1.61%
<a href="#">Photo Gallery</a>	54	1.38%
<a href="#">Xcel Project</a>	48	1.22%
<a href="#">Garbage &amp; Recycling</a>	45	1.15%
<a href="#">Links</a>	42	1.07%
<a href="#">Comp Plan &amp; Maps</a>	41	1.04%
<a href="#">Events</a>	41	1.04%
<a href="#">Meetings</a>	38	0.97%
<a href="#">Old Log Events</a>	38	0.97%
<a href="#">Milfoil Project</a>	37	0.94%
<a href="#">Health &amp; Safety</a>	36	0.92%
<a href="#">Meetings on TV</a>	34	0.87%
<a href="#">Public Safety</a>	20	0.76%

### Quick Tips

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

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

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

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

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

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

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

<a href="#">Public Safety</a>	27	0.69%
<a href="#">Well Water</a>	27	0.69%
<a href="#">Animal Services</a>	25	0.64%
<a href="#">Elections</a>	24	0.61%
<a href="#">Email List</a>	22	0.56%
<a href="#">Spring Clean-Up Day</a>	22	0.56%
<a href="#">Southshore Center</a>	21	0.54%
<a href="#">Crime Alert!</a>	17	0.43%
<a href="#">Community Surveys</a>	16	0.41%
<a href="#">Planning &amp; Zoning Workshop</a>	13	0.33%
<a href="#">Unsubscribe</a>	5	0.13%
---	3	0.08%
<b>TOTAL</b>	<b>3924</b>	<b>100%</b>

## Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	498	34.23%
Agendas, Etc.	80	5.5%
City Departments	79	5.43%
Lake Minnetonka	62	4.26%
Welcome to Greenwood	60	4.12%
What's New?	59	4.05%
Mayor & City Council	53	3.64%
Met Council Project	40	2.75%
Code Book	39	2.68%
Planning Commission	35	2.41%
Watercraft Spaces	33	2.27%
Forms & Permits	33	2.27%
Photo Gallery	29	1.99%
Search Results	27	1.86%
Xcel Project	27	1.86%
Links	24	1.65%
RFPs & Bids	20	1.37%
Garbage & Recycling	20	1.37%
Old Log Events	19	1.31%
Swiffers NOT Flushable	17	1.17%
Milfoil Project	16	1.1%
Comp Plan & Maps	15	1.03%
Meetings	14	0.96%
Assessments & Taxes	13	0.89%
Public Safety	13	0.89%
Events	12	0.82%
Meetings on TV	12	0.82%
Southshore Center	11	0.76%
Budget & Finances	11	0.76%
Animal Services	10	0.69%
Health & Safety	10	0.69%
Email List	10	0.69%
Well Water	10	0.69%
Elections	9	0.62%
Spring Clean-Up Day	9	0.62%
Crime Alert!	8	0.55%
Community Surveys	8	0.55%
Unsubscribe	5	0.34%
Planning & Zoning Workshop	4	0.27%
---	1	0.07%
<b>TOTAL</b>	<b>1455</b>	<b>100%</b>

Generate Download File (.csv) for the current report: [Generate and Download](#)

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, July 17, 2013**  
**7:00 P.M.**

**1. CALL TO ORDER/ROLL CALL**

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

Members Present: Chairman Lucking and Commission members John Beal, David Paeper and Douglas Reeder (7:15)

Absent: Commissioner Kristi Conrad and Council Liaison Bill Cook

Others Present: City Attorney Kelly and Zoning Administrator Gus Karpas.

**2. APPROVE AGENDA**

No action was taken on the agenda.

**3. MINUTES – June 19, 2013**

Commissioner Paeper moved to approve the minutes of June 19, 2013 as presented. Commissioner Beal seconded the motion. Motion carried 3-0.

**4. PUBLIC HEARING**

**Bridgewater Bank, 21500 State Highway 7** - variance request to install awnings above the windows along the east side of their building which would encroach into the minimum required side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum east side yard setback of fifteen (15) feet. The applicant proposes an east side yard setback of zero (0) feet for the proposed awnings. The proposal requires a fifteen (15) foot variance of the east side yard setback.

Zoning Administrator Karpas summarized the request. He said the request has been modified to seek awnings that extended only thirty-two inches from the wall of the structure instead of forty-two inches as previously proposed.

Chairman Lucking asked about the structure's setback from the property line. Jeff Wrede, Momentum Design Group, said the structure sets back sixteen inches from the property line, so the proposed awning would extend sixteen inches onto the adjacent property.

Commissioner Beal asked if the bank has an agreement with the adjacent property owner for the encroachment. Mr. Wrede said there is not one at this time. He said originally the agreement was attached to the Conditional Use Permit previously before the Commission for the parking lot alteration, but was removed with the requests were separated. He will have a new agreement for the Council if the request receives a favorable recommendation and moves forward to the Council.

Commissioner Beal asked the City Attorney Kelly if the city has the authority to approve an encroachment onto an adjacent property. Mr. Kelly said the properties currently have a co-parking easement, which is a private agreement that the city blesses. Obviously, any agreement that permits a structure overhang would expire if the easement expires. He said the city is granting a variance to the specific setback in its ordinance and the easement is the tool that allows the applicant to exceed the setback in the city's ordinance.

Commissioner Beal stated the reason he would support the request is that it is in a commercial zone and he doesn't believe it would damage the aesthetics of the surrounding area and it wouldn't set precedence. His only concern is the easement situation.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, July 17, 2013**  
**7:00 P.M.**

Chairman Lucking said his stipulation on a motion would be the easement agreement is in place prior to the request being before the City Council. He noted the easement would follow the property and have to be filed on the title.

Zoning Coordinator Karpas said he met with the applicants and discussed the ability to include the west awnings on the application even though they were withdrawn at the last meeting. City Attorney Kelly said that even though the public hearing had been held, a new application would need to be submitted.

Zoning Coordinator Karpas asked if the city could still condition the distance the awnings could extend from the building even though its ordinance would only technically regulate the first sixteen inches. City Attorney Kelly said it could by requiring the easement agreement to stipulate the maximum encroachment onto the adjacent property match what was presented as part of the request.

Commissioners Paeper and Reeder indicated they had no issues with the request. Commissioner Beal he had no objection to the request provided the city has a legal right to approve the encroachment onto the adjacent property.

Chairman Lucking still feels the applicant is looking to do something for aesthetics and that the request doesn't solve the stated problem. Commissioner Paeper agreed, stating the request feels like an aesthetic application to him. Commissioner Beal said he's ok with the application and he can't find a precedent that would hurt the city. Lucking doesn't believe there's a clear practical difficulty.

City Attorney Kelly said the burden of proving a practical difficulty falls on the applicant. Mr. Wrede said the main issue with the property is the placement of the building in relation to the property line. No awnings can be built on the east side to block the sun that wouldn't require a variance.

Chairman Lucking discussed options available to the applicant to address the issue of sun and heat that would not require a variance and reiterated he believes the request is purely for aesthetics. Zoning Coordinator Karpas discussed the change in standards from Hardship to Practical Difficulty. He said the Hardship standard used to state that there were design alternatives available that would not require the issuance of a variance; these did not carry over to the Practical Difficulty standard. As for aesthetics, they cannot be used as the sole grounds for the issuance of a variance, but they can be part of the consideration. He said the applicants are not using aesthetics for the basis of their request; they are using the need to shade the exterior offices. A practical difficulty exists in the size of the lot and the placement of the building which would require a variance regardless of any type of structural alteration proposed.

City Attorney Kelly added the applicant has made a case that the plight of the property owner was not cause by them, that the proposed use is a reasonable use and character of the locality would not be changed.

Motion by Commissioner Beal to recommend that the city council approve the application of Bridgewater for a variance of Greenwood Ordinance Code section 1120:15 to permit the construction of awnings within the required east side yard setback as presented. The plight of the property owner is due to the size of the non-conforming lot and placement of the lot, the proposal is a reasonable use of the property and the essential character would not be altered. Commissioner Paeper seconded the motion. Motion carried 4-0.

## 5. OLD BUSINESS

**Discuss – Creation of R-1C District** – Amendment of Greenwood Zoning Ordinance Code, Chapter 11, creating an R-1C District which would encompass the current Old Log property, allowing the current permitted principal, accessory and conditional uses and reestablish the current uses of the property (Theatre, Restaurant, Event Center) as conditional uses.

Zoning Administrator presented his staff memo to the Commission. He said the adoption of Ordinance 216 removed Theaters as a conditional use within the R-1A District. By doing so, Theater uses, the most notable being the Old Log Theater, have now become a legal nonconforming use which are regulated by Section 1145 of the city code. Due to the unique and varied use of the Old Log property, the Council felt it would be appropriate to investigate the creation of a new zoning district that would address the specific uses currently employed on the property. The result was a draft ordinance creating the R-1C district which would allow all the current permitted and conditional uses in the R-1A district, but more closely defined "Theater." The proposed district would include only that property currently owned by the Old Log Theater.

The Planning Commission discussed the second draft of the R-1C ordinance at their June meeting. Staff questioned the need to create a separate zoning district that would permit a Theater Entertainment Center as a conditional use if the conditions remained the same as those in the zoning district in which the use was being transferred from. He suggested the Commission consider the creation of additional conditions such as those added to the C-2 when it was developed a number of years ago.

The Commission asked staff to provide an example of conditions for the July meeting.

Karpas said he has attached the General Regulations currently employed in the C-2 which can be modified to fit the proposed use of the subject property. He has also attached Section 1150.20 of the current Conditional Use Permit regulations which is the criteria used in consideration of a CUP application. He feels Section 1150.20(2) could be modified to address specific operational aspects of a business, rather than just the use of the property to address their impact on adjacent property. The Commission could consider one, both or a combination of these options as part of the proposed ordinance.

The Planning Commission discussed the existing use of the theater and how the current code regulated it. The existing status as a legal non-conforming structure restricts the use to as it exists right now. Reestablishing it as a conditional use under the R-1C would allow expansions of the use with the issuance of a conditional use permit. The question becomes what constitutes an expansion of use. It was felt the existing use of the theater needs to be defined so there is a starting point for the use and expansions can be based on that point.

The Commission discussed concerns with the concept of "creep" with the slow expansion of certain areas of the operation over time that start having a negative impact on the residential character of the surrounding area. City Attorney Kelly said one of the issues is enforcement and making sure the ordinance is clear on its regulations so they are enforceable.

The Commission felt it would be productive to hold a joint meeting with the City Council to clarify what the goal is for the creation of the ordinance and how they would like to see it guide the development of the property.

City Attorney Kelly suggested the Commission develop a list of changes they feel could negatively impact the neighborhood and look to draft a means to regulate those aspects of the business. He reiterated there also needs to be a clear understand of the current business operations.

Commissioner Beal said it would be easier to set criteria to regulate the use when it can be defined what it was.

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, July 17, 2013  
7:00 P.M.**

City Attorney Kelly suggested sending a Liaison to the Council to explain the steps the Commission is intending to take and suggest a joint meeting.

**LIAISON REPORT**

Council Liaison Cook was not in attendance.

**6. ADJOURN**

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 8:10 pm.

Respectively Submitted  
Gus Karpas - Zoning Administrator

**SOUTH LAKE MINNETONKA POLICE DEPARTMENT**  
**24150 Smithtown Road**  
**Shorewood, Minnesota 55331**

Bryan T. Litsey  
Chief of Police



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

**TO:** Chief Bryan Litsey  
**FROM:** Support Services Manager David Hohertz  
**DATE:** July 24, 2013  
**SUBJECT:** Uniform Animal Ordinance – Follow Up

At your request, I recently contacted the city administrators of each SLMPD community regarding the status of the uniform animal ordinance. Here are my findings:

Excelsior

City Clerk Cheri Johnson advised that the council agendas have been full lately, but the animal ordinance topic is tentatively scheduled for the July 29, 2013 council agenda.

Greenwood

City Clerk Gus Karpas advised that council members have reviewed the ordinance and have decided to wait to find out what the other cities' reactions are before taking action.

Shorewood

City Clerk Jeanne Panchyshyn advised that the ordinance issue has not yet been on the council agenda. She will do some follow up and call me back.

Tonka Bay

The ordinance was discussed at the May 28, 2013 city council meeting and was not approved. Attached is a copy of the minutes from that meeting.