

AGENDA

Greenwood City Council Meeting

Wednesday, October 2, 2013
20225 Cottagewood Road, Deephaven, MN 55331



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

- 7:00pm 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: 09-04-13 City Council Worksession Minutes
 - B. Approve: 09-04-13 City Council Meeting Minutes
 - C. Approve: August Cash Summary Report
 - D. Approve: September Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: October Payroll Register
- 7:05pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to 3 minutes.
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS
- A. Commissioner Jan Callison: Annual Hennepin County Update
 - B. Greg Keller: Annual City Prosecution Update
 - C. City Engineer Dave Martini: Update Regarding Curve Street Drainage
- 8:00pm 5. PUBLIC HEARINGS
- A. Hearing on Proposed Assessment for Excelsior Blvd Watermain
 - B. Hearing on Conduit Bond Financing for Chaska Senior Housing Project – CANCELLED
 - C. Hearing on Delinquent Sewer, Stormwater, and Recycling Charges
- 8:30pm 6. UNFINISHED BUSINESS
- A. Excelsior Blvd Watermain Project ...
Consider: Resolution 24-13, Accepting Work and Authorizing Payment
Consider: Resolution 25-13, Adopting Assessment
 - B. 2nd Reading: Ordinance 220, Establishing Municipal Water Service Regulations
Consider: Resolution 26-13, Summary of Ordinance 220 for Publication
 - C. 2nd Reading: Ordinance 221, Establishing Requirements for City Approvals, Reasonable Accommodation Regulation, and Payment of Assessment Regulation
Consider: Resolution 27-13, Summary of Ordinance 221 for Publication
- 8:45pm 7. NEW BUSINESS
- A. Consider: Resolution 28-13, Delinquent Sewer, Stormwater, and Recycling Charges
 - B. 1st Reading: Ordinance 222, Establishing R-1C Single-Family District
 - C. 1st Reading: Ordinance 223, Updating Chapter 5 Fees
 - D. Consider: Lake Minnetonka Communications Commission Member Status & 2014 Budget
 - E. Consider: 2013-14 Trail Plowing
 - F. Consider: Three Rivers Park District Permit for Winter Trail Activities
 - G. Consider: LMCIT Liability Waiver Form
 - H. Discuss: Potential Revisions to Swimming Pool Regulations, Section 330
- 9:30pm 8. OTHER BUSINESS
- A. None
- 9:30pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission
 - B. Fletcher: Lake Minnetonka Communications Commission, Fire, Xcel Project
 - C. Kind: Police, Administration, Mayors' Meetings, Website, Southshore Center Committee
 - D. Quam: Roads & Sewer, Minnetonka Community Education
 - E. Roy: Lake Minnetonka Conservation District, Lake Improvement District
- 9:45pm 10. ADJOURNMENT



Agenda Item: Consent Agenda

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

Council Action: Required. Possible motion ...

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

**Greenwood City Council
Worksession Minutes**

6:00 pm, Tuesday, September 4, 2013
Deephaven City Hall ~ 20225 Cottagewood Avenue ~ Deephaven, MN 55331

1. Call to Order/Roll Call/Approval Agenda

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

Council members present: Kind, Cook, Fletcher, Quam and Roy
Others present: City Clerk Karpas

Quam moved to approve the agenda. Second by Cook. Motion carried 5-0.

2. Discuss 2014 Budget

Mayor Kind said the worksession was an opportunity to review the changes made to the draft budget discussed last month before a resolution adopting its approval is passed at the regular meeting later this evening.

Mayor Kind confirmed that the council's intention was to maintain the contribution to the Southshore Community Center at \$1,200.

Councilmember Quam asked about the increased revenue projected for cigarette and liquor licenses. Mayor Kind said this was due to the upgraded liquor license issued to the Old Log Theater. Quam noted there was no noted income from grants or state aid. Kind said the city doesn't typically budget any amount since the city usually doesn't qualify for most funds. Councilmember Fletcher commented there are some grants the city automatically receives such as CAM and recycling grants, but they aren't included in the budget.

Councilmember Fletcher noted there has been an increase in the amount of projected building permit revenue due to recent building. Mayor Kind noted the 2013 actual will exceed the 2013 budgeted amount, but it is skewed due to a large residential project.

Councilmember Quam noted there has been no proposed change in the road budget for 2014. Mayor Kind said that was correct, but that there may be an opportunity to reduce the amount in 2015. Quam noted that may be so, but Minnetonka Boulevard may be in need of seal coating in 2015. Quam asked about the contingency fund. Kind said the amount is set with the goal being to keep the levy close to a 0% increase.

Councilmember Roy verified the city is transferring \$20,000 a year to the bridge fund and asked what the current balance of that fund was. Mayor Kind said the intent is to contribute \$20,000 to the bridge fund with a goal of attaining \$200,000 in the fund. At this time there is \$78,000 in the fund.

Mayor Kind asked if there were any changes the council would like to see before official action is taken on the preliminary budgeted.

Councilmember Fletcher discussed the projected sewer fund revenues and questioned the need for the percentage of positive margin. He feels there is an opportunity to lower the quarterly fee charged by the city for service. Mayor Kind said the fee currently charge by the city is line with neighboring cities and she would rather use the excess revenues to cover administrative costs and keep the levy down. Councilmember Quam agreed with the Mayor and said you never know when the funds may be need for any emergency repair of the system.

Mayor Kind noted the council may want to create budget line items for revenues and expenses related to the watermain project. The council agreed. Kind said she would work with staff to create the necessary numbering.

3. Fee Updates

Mayor Kind said the packet information included the existing fee schedule for the city along with those of a few surrounding cities for the council's consideration. She suggested the council review the current fees on a page-by-page basis.

After some discussion the Council agreed to slightly alter the language for required submittal information for a third launch permit for the Meadville launch. The Council also agreed to lower the canoe rack fee to \$50.00 annually, increase the fee for a Garage Sale Permit to \$100.00 and to increase the fee for a Showcase Event Permit to \$250.00.

Mayor Kind discussed the existing dock fee of \$1,150 and suggested increasing it \$1,250 to match what is included in the 2014 budget. She said the process of increasing the fee by \$100 per year was started a number of years ago with the intent of bringing the fee up to \$1,400 which was the average fee charged by neighboring communities in 2009.

Councilmember Cook noted that he would like the record to reflect he was opposed to any increase in the annual dock fee.

Mayor Kind asked if there were any other council members who objected to increasing the fee to \$1,250 as proposed in the preliminary budget. Councilmember Fletcher said he was supportive of the increase, though he could also support a smaller increase. Councilmember Roy supports an increase to \$1,250. Councilmember Quam feels the proposed increase is too much and would like to see an increase to \$1,200. The consensus of the council to set the proposed increase at \$1,250 as shown in the preliminary budget.

The council discussed the fee for improvements in the city right of way. Mayor Kind suggested a dual fee schedule with a lower fee for repairs of existing encroachments and higher fees for proposed encroachments. City Engineer Dave Martini suggested the council doesn't codify the ability for new improvements into the city right of way. He said the most recent action by the council for improvements in the right of way was a unique situation and shouldn't be something repeated often in the city. Councilmember Cook questioned what constitutes an encroachment noting everyone has a driveway and whether the fee would apply to anyone resurfacing their driveway. Cook said there are a lot of existing encroachments and any fee attached to a process to repair or upgrade them should be based on the intensity of the project. The Council agreed to remove the reference to a specific fee and indicated the fee would be determined by the council.

Mayor Kind noted the fee schedule had an omission in the Stormwater Management Utility Fee. There should be a commercial fee that is equal to three times the residential fee. She said that will be added to the ordinance.

Mayor Kind questioned the need to change the way the city charges for variances. The current fee structure charges a flat \$400 dollars plus all accrued professional fees in excess of the initial fee. She discussed an issue where it was difficult collecting those excess costs related to the review of a variance application. She noted, in this case, the variance was granted and felt it would have been even more difficult to collect the required fee if the variance was denied. She said negotiation was necessary and a fee reduction was agreed to in order to receive payment. She wondered if the city should go back to a flat variance fee. Zoning Coordinator said the city used to have a flat fee and raised it at one point to cover expenses, but it became almost unreasonable to charge someone \$700 for a deck variance so the ordinance was changed to

reflect the actual costs to the city. The council discussed fees charged by other cities and decided not to change the fee language at this time based on one issue. If it becomes a problem in the future the council will reconsider the fee.

4. Adjournment

Roy moved to adjourn. Second by Cook. Meeting adjourned at 6:59 pm.

Respectfully submitted
Gus Karpas
City Clerk

GREENWOOD CITY COUNCIL MEETING
Wednesday, September 4, 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, Fletcher, Quam and Roy

Others Present: Attorney Kelly (arrived at 7:45 P.M.), City Zoning Administrator/City Clerk Karpas, Engineer Martini (departed the meeting at 9:04 P.M.), and Deephaven Administrator Young (departed the meeting at 7:44 P.M.)

Members Absent: None

Kind moved, Fletcher seconded, approving the agenda as presented. Motion passed 5/0.

2. CONSENT AGENDA

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

- A. August 7, 2013, City Council Work Session Minutes**
- B. August 7, 2013, City Council Meeting Minutes** (This was moved to Item 8.A under Other Business.)
- C. July 2103 Cash Summary Report**
- D. August Verifieds, Check Register, Electronic Fund Transfers**
- E. September 2013 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

None.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

- A. 2014 Excelsior Fire District Budget**

Mayor Kind stated Excelsior Fire District (EFD) Chief Gerber is present to talk about the 2014 EFD Operating Budget and 2014 Capital Improvement Program (CIP). She noted that the budget information included in the meeting packet is not the budget that was recommended for approval by the EFD Board. Gerber provided the correct information this evening.

Chief Gerber highlighted the 2014 Operating Budget (the Budget) summary document dated August 19, 2013, which is what the EFD Board recommended for approval. The Budget's operating expenditures are

\$865,082; an increase of \$12,445 (or 1.46 percent) when compared to the 2013 approved operating expenditures. If the budgeted mandatory contribution to the Excelsior Firefighters Relief Association's (EFRA) fund was taken out of the 2013 approved operating expenditures the 2014 increase would be \$45,372 (or 5.54 percent). The recommended 2014 Budget does not include a mandatory contribution. The Budget reflects the use of \$6,934 in General Fund undesignated fund balance (reserves). Wage increases are factored in for the Fire Chief, Fire Inspector and Administrative Specialist according to a salary survey that was conducted. Benefit increases for health insurance and Public Employees Retirement Association (PERA) are also factored in. An increase is included for worker's compensation increases imposed by the League of Minnesota Cities in 2013.

The 2014 CIP reflects a transfer in of \$175,000; a \$5,000 increase (or 2.94 percent) when compared to 2013. The capital expenditures budgeted for in 2014 include one year's lease payment for the new Engine 22 put in service this year; the purchase of a new all-terrain vehicle (ATV) and trailer to replace the snowmobile at Station 2; and, the third year lease payment for self-contained breathing apparatus.

The payment to the Fire Facilities Fund reflects a 1.05 percent decrease when compared to 2013. The final payments will be made on the fire facilities in 2023.

The total 2014 Budget in the amount of \$1,588,542 reflects an increase of \$11,620 (or 0.74 percent) when compared to 2013. That does not mean that each EFD member city will have a 0.74 percent increase in their contribution because the funding formula is ad valorem (tax capacity) based. For Greenwood it is an approximate 6 percent increase over 2013. The total municipal increase for the member cities is 2.32 percent when compared to the adopted 2013 contribution. One member city will have a decrease in their contribution for 2014; that city had the brunt of the increase in 2013.

Chief Gerber stated he had also provided Council with the detailed Budget. He offered to entertain any questions Council may have.

Mayor Kind noted that the draft 2014 Greenwood budget discussed during the work session immediately preceding this meeting did not include the correct EFD Budget numbers. She explained the Greenwood budget for Fire Protection should be increased to \$70,517 and the budget for Fire Side Lease should be decreased to \$60,371. Greenwood will have a 6.46 percent increase in its share of the municipal contribution when compared to 2013. The preliminary budget that will be approved later on the agenda will have to be adjusted slightly.

Councilmember Quam asked Chief Gerber to comment on the status of the EFRA's fund for pension.

Chief Gerber explained an EFD firefighter becomes 60 percent vested in the EFRA per-year-of-service (PYOS) pension benefit after 10 years of service; it goes up 4 percent each year after that until they become fully vested after 20 years. Based on the current PYOS benefit a firefighter would receive approximately \$120,000 after 20 years of service. If that is broken down over 20 years and based on the number of hours they put in that is a small amount of money. A firefighter can only collect their earned pension after they have retired and they have to be at least 50 years old. If someone quits before putting in 10 years of service they will not receive any pension.

Gerber then explained the EFRA fund for pensions is funded primarily with investment income on EFRA assets which are invested with the State Board of Investments, some state aid which is based on 2 percent surcharge on homeowners' insurance, and when needed by mandatory contributions. Today the fund is approximately 112 percent funded. The fund took a big hit with the severe market downturn in 2008. A required contribution is amortized over 10 years. But, that obligation was settled much faster due to the

recovery of the fund. He stated there has been a lot of discussion about the PYOS pension benefit and how to fund the fund both short term and long term.

Fletcher moved, Quam seconded, approving the recommended final 2014 Excelsior Fire District 2014 Operating Budget and 2014 – 2034 Capital Improvement Program as presented. Motion passed 5/0.

Councilmember Fletcher noted that Chief Gerber is one of three finalists for the fire chief position at the City of St. Louis Park's Fire Department. He acknowledged that should he be offered the position people would be sad to see him go. He stated he does not think St. Louis Park could find anyone more qualified than Gerber.

Chief Gerber noted the next step in the interview process is September 16. He thanked Councilmember Fletcher for his kind comments.

Chief Gerber, on behalf of the EFD organization, thanked Council for its continued support. He stated it is the paid-on-call firefighters who live in the EFD community that make the organization work.

B. John Utley, Kennedy & Graven– Conduit Bond Financing for Chaska Senior Housing Project

Mayor Kind noted that John Utley with Kennedy & Graven is present this evening to talk to Council about proposed conduit bond financing for The Legends at Hazeltine Senior Living Community project in the City of Chaska.

Mr. Utley explained the City is being asked to participate in conduit bond revenue financing for the benefit of a senior housing facility to be constructed in Chaska. Under Minnesota law codified under Chapter 462C cities are authorized to issue revenue bonds to participate in financing these types of facilities; in this case a nonprofit sponsored facility. A lot of cities loan its ability to borrow on a tax-exempt basis to a private entity to utilize the lower borrowing costs the city is entitled to help finance a facility the State of Minnesota thinks ought to be able to take advantage of that type of arrangement. He noted his practice is principally in this area.

Each city is authorized by the federal government to issue up to \$10 million in bank-qualified bonds each year. These types of bonds are designated as a type that can be purchased by banks. There is a rule codified under Section 265 of the United States Revenue Code which prohibits double dipping. It states if you borrow money to buy tax-exempt bonds then you can't have the deduction on the interest of your borrowing at the same time you are taking the tax-exempt interest. Because of that provision, a bank is typically prohibited from buying tax-exempt bonds. Because small communities look to banks as a primary source of borrowing, the federal government has made an exception. Cities that do not issue more than \$10 million in bonds in a year can specifically designate up to \$10 million in bonds to be eligible to be purchased by banks without Section 265 applying. When the federal government agreed to the exception it included general obligation bonds as well as the type of revenue bond being talked about this evening.

Chaska had already issued or planned to issue \$5 - \$10 million in bonds. Had it also issued these bonds the combined amount would have exceeded \$10 million and therefore none of its bonds could have been designated as bank qualified. Chaska wanted its bonds to be bank qualified so this opportunity would not have worked for them.

The proposal was to take this to the City of Independence which did not intend to issue any bonds this year and have it issue the entire \$25 million in bonds. The process was fairly far along. When the bonds were ready to be sold, the market for this type of revenue bond had collapsed. As a result Independence was not successful in doing this. Chaska had spoken with five banks all of which were very interested in buying the bonds at very attractive rates. That meant there had to be bond issuers that did not exceed \$10 million in bonds for their portion of the financing because they bonds had to be bank-qualified. In order to issue bank-qualified bonds for this type of facility the issuing entity has to be either the actual city in which the facility would be located or the entity has to be within the market area of the facility financed. A market study had been done and the cities of Chanhassen, Greenwood and Shorewood were all within the area. His firm found out that Chanhassen and Greenwood had no bonding plans for the year so each had \$10 million in conduit revenue bond capacity available. Shorewood had issued some bonds this year, yet still had about \$7 million available and is willing to consider using some of its capacity; \$2 - \$5 million.

The proposal before Council is to have Greenwood issue conduit revenue bonds in the amount of \$10 million. The proceeds of that issuance would be loaned to The Legends at Hazeltine, LLC. The members of that company are Ridgeview Medical Center (RMC) and Intergenerational Living & Health Care, Inc., (ILHC). Both are nonprofit corporations. The facility would be an approximate 126-unit progressive senior living community. Approximately 36 units would be for independent living, approximately 67 would be for assisted living, and approximately 23 would be memory-care units. The facility would be located on Hazeltine Boulevard next to the manager's (Goodman Group) headquarters.

The bonds are purchased by the bank and the proceeds will be distributed to The Legends at Hazeltine. That entity would build the structure and agree to repay the bank in an amount sufficient to pay off the note. Under Minnesota Statute the only source of payment are repayment obligations of The Legends at Hazeltine. The entity also would provide some other security to the bank. If the entity failed to pay the principal and interest in a timely manner the only recourse for the bank would be is to foreclose on the mortgage or pursue The Legends at Hazeltine's other security. The bank cannot go after Greenwood. The State Statute has been in place for many years and there is no instance of any city paying anything because of a conduit transaction. There is no downside for Greenwood. It would only lose its ability to borrow bank-qualified debt this year.

The \$10 million in conduit bond financing from Greenwood when combined with \$10 million from Chanhassen and \$2 - \$5 million from Shorewood and the \$9 million in equity would cover the cost of the project.

One reason Greenwood may want to consider doing this is it is located in the market area where The Legends at Hazeltine would be located. It will be a nice facility. Another is the borrower is willing to pay Greenwood for its ability to provide conduit bond financing. Chanhassen has a policy of charging 0.75 percent of the principal amount that it would issue. The proposal is the other issuers would get the same. For Greenwood it would be \$75,000. That one-time fee would be paid at the closing which is currently scheduled for the end of October 2013.

If Greenwood is interested in doing this, the City would authorize Kennedy & Graven to publish a notice of public hearing. A public hearing has to be held for each of the transactions before it can be approved. Greenwood's public hearing would be scheduled for the October 2 Council meeting. After the public hearing the City will be asked to adopt a resolution approving the issuance of the note and the documentation covering the transaction. The Chanhassen City Council will hold its public hearing on September 9 and it will consider a resolution approving its note at that time. The Shorewood City Council will hold a public hearing also on September 9 and it will consider a preliminary resolution. The

Shorewood Council will consider a final resolution on September 23. The Chaska City Council will hold a public hearing on September 16 and consider a resolution approving the participation of the other parties.

Mayor Kind noted that in February 2012 Mr. Utley came before Council with what was to be a similar opportunity for the Wayzata Bay Senior Housing, Inc. At that time Attorney Kelly recommended the City consult Attorney Tim Keane with Malkerson Gunn Martin who specializes in municipal financing.

Mr. Utley stated the borrower will pay all of the expenses associated with the financing. Those are in addition to the \$75,000 fee.

Mayor Kind noted she invited Deephaven City Administrator Dana Young to come and share the City of Deephaven's experience with conduit financing.

Administrator Young stated that Deephaven has been involved in conduit financing since 2007. Since then it has issued five separate revenue notes – one in 2007, 2008, and 2011 and 2 in 2013. He explained once Deephaven understood the process it felt very comfortable doing so. Some of the projects were more directly related to Deephaven in terms of the market area, and some were not. Deephaven assisted Excelsior Covenant Church, the Minnetonka Youth Hockey Association, Benilde-St. Margaret's, St. Therese with its senior housing project, and Eagle Ridge Academy charter school in Eden Prairie. Providing assistance has been very been a very nice source of revenue for Deephaven. Deephaven agrees with hiring a qualified and competent attorney to help with the process. The documents for the financing are massive.

Mr. Utley stated this evening he would like Council to authorize the notification of a public hearing and schedule it for Council's October 2 meeting. Kennedy & Graven will prepare the notice because it has to be in a certain legal form. The public meeting has to be noticed 15 days in advance.

Mayor Kind recommended that the Council also authorize the hiring of Attorney Keane, if the Council decides to move forward.

Councilmember Fletcher asked if the \$10 million conduit financing gets noted in the City's annual financial report. Mr. Utley stated his experience is that these types of things are not noted the majority of the time and if they are they are buried in the report. Administrator Young stated that each year Deephaven gets an update on what remains to be paid on the issuance and that is included in its annual report.

In response to a question from Councilmember Fletcher, Mr. Utley stated if the transaction does not come to fruition the borrower will pay associated expenses incurred to date but it will not pay the fee.

In response to a question from Councilmember Cook, Mr. Utley explained each year a city gets another \$10 million in bank-qualified bond capacity. A city can issue non-bank-qualified bonds if the \$10 million has been used. The rate on non-bank-qualified bonds tends to be higher; how much higher varies. In response to another question from Cook, Mr. Utley explained conduit financing has been allowed for 60 years and during that time there have been some defaults. He is not aware of a city ever being responsible for the debt service. It is against the law for a city to pay the debt service. Cook asked what is the City's protection from getting drawn into a non-payment situation between the defaulting party and the bank? Mr. Utley explained the documentation will be replete with provisions saying Greenwood does not have liability and cannot be held responsible for any of the debt service or any losses that might be experienced by the borrower.

Councilmember Roy stated he has had many years of experience with this type conduit financing on the other side.

Fletcher moved, Roy seconded, authorizing Kennedy & Graven, Chartered to publish notification of public hearing on October 2, 2013, regarding conduit bank-qualified bond financing for The Legends at Hazeltine Senior Community Project to be done in the City of Chaska and authorizing the City Clerk to engage the services of Attorney Tim Keane with Malkerson Gunn Martin to advise Council with the cost to be paid out of the General Fund and not to exceed \$3500 with the understanding that the cost will be reimbursed to the City.

Mr. Utley stated Kennedy & Graven will ask Council to authorize the issuance of the note during the October 2, 2013, Council meeting. Greenwood would not be bound to move forward with this until Attorney Keane approved the execution of the documents by the appropriate City officials.

Councilmember Cook suggested amending the motion to include subject to Attorney Keane's review and recommendation of acceptance of the documents and Council's acceptance of Keane's recommendation.

Councilmember Fletcher asked Mr. Utley if \$3,500 is a reasonable cost for the City to incur to have counsel review the documents. Or, should Council authorize more money? Mr. Utley stated that amount is on the high end for a city attorney review.

Without objection from the maker or seconded, the motion was amended to include subject to Attorney Keane's review and recommendation of acceptance of the documents and Council's acceptance of Keane's recommendation. Motion passed 5/0.

C. City Engineer Dave Martini

1. Potential Removal of Curve Street Curb

Mayor Kind explained a new curb was installed adjacent to 5110 Curve Street (owned by Mike and Micheele Brost) as part of road reconstruction in 2012 to reduce the amount of sediment carried to downstream properties. Previously there had been a less tall curb located in front of the driveway only. The new curb is taller and it was extended on both sides of the driveway. A new "hump" also was added at the mouth of the driveway that serves both 5130 Curve Street (owned by Rich and Connie Ambrose) and 5120 Curve Street (owned by Heljo Alari).

Since the installation of the new curb and hump, the Ambroses report they are having increased problems with water in their basement. The Ambroses believe the curb section around the corner and the hump are helping so they would like that area to remain as is. But, they would like the curb north of the corner to be removed. The Brosts want to keep the curb in front of their driveway because they believe they will get water in their garage and lower level if it is removed. The Brosts also believe water coming across their driveway will freeze and become a safety issue.

Mayor Kind, Councilmember Quam and Engineer Martini met on site with the owners of both properties at different times. A level was placed at several locations on the Brosts' driveway to show that the flow would not go into their garage or home, so it was decided that the curb in front of the driveway could be removed, and a letter was sent to the Brosts (a copy of which is included in the meeting packet). When Barber Construction attempted to remove the curb on August 28, 2013, Mr. Brost stopped them from

removing the curb. Therefore, Councilman Quam requested this item be placed on this evening's meeting agenda to determine what the next steps are.

Mayor Kind noted a survey of the area was included in the meeting packet. She explained it shows a brick planter on a corner at the property line. There is a concrete curb on the north side of the asphalt that extends slightly into the City right-of-way (ROW). There is a bituminous curb that starts north of the concrete curb and comes down the east side of the Brosts' property and goes past the south property line inward a bit and there is where the hump is located. When there is a heavy rain the stormwater from the properties to the northeast flows on to Curve Street and down and then on to the Ambroses' property. The intent was to remove the curb from roughly the planter location north.

Councilmember Cook noted he went to look at the site. He stated he is troubled by a number of things. One is the City dumping water from a City street onto the residential properties. Another is the hump seems to be directing stormwater to the Ambroses' property to the south. He expressed concern that the City is merely moving the problem around to different properties. He noted he thought the City should be solving the problem or at least controlling the problem until it gets to a place where someone else can solve it. He stated from his perspective the problem warrants more analysis. He then he thought the curb protects the Brosts' property. If the curb is removed he anticipates there will be a lot of untended consequences.

Mayor Kind stated there had not been any curb along the east side of the Brosts' property before the 2012 roadway improvement work. Removing the curb would basically just restore things to the way they were.

Engineer Martini clarified to restore it to pre-2012 conditions there would have to be a couple-inch-high curb put back.

Councilmember Cook stated he is not trying to restore things to pre-2012 work. He noted that he believes there are some low cost solutions to this problem. But, he does not have any technical information to confirm that. He stated if the flow is split in a controlled way the individual property owners will have to accept less stormwater. The hump has basically routed the stormwater onto the Ambroses' property.

Councilmember Quam stated restoring things back to pre-12 conditions would not be the answer.

Engineer Martini clarified things are working exactly the way they were intended to work. One of the problems that was intended to be solved was to reduce the amount of sediment on the downstream driveways.

Connie Ambrose, 5130 Curve Street, noted the stormwater is flowing on to her property. She clarified that she and her husband have dug the trenches themselves. The hump is not doing what it was designed because the trenches were not there. She stated the hump is not big enough to do anything. All it basically does is collect sediment. They try and dig out the sediment a little so the hump serves as a little bit of a stop gap. She then stated the stormwater is flowing so fast down Curve Street and around the curve she is not sure how to stop it other than with a pond. She noted that after the July heavy rain they had stormwater leak into the west side of their basement. Now there is nothing to stop the flow. She explained that when they first purchased their property in 2008 they had a water problem on the east side. They did some landscaping to help with that.

Councilmember Cook noted that further down to the west there is a storm sewer intake that someone has built. He suggested taking the time to get some understanding of the consequences of making any more changes before doing anything.

Councilmember Fletcher stated when Greenwood Circle was redone a few years ago there was discussion about installing a swirl filter. The sediment would have been cleaned out of the filter when needed. He asked if that concept could be implemented here.

Engineer Martini stated that a swirl filter solution would be very expensive. He agreed that this situation needs some careful analysis. He noted that there is a lot of stormwater that quickly flows in that area. The water from Central Avenue flows onto Curve Street.

Councilmember Quam reiterated he is not in favor of removing the curb at this time. He stated more analysis needs to be done.

Councilmember Cook suggested Council as a whole or a subcommittee of the Council meet with the City Engineer on the side to identify a set of concepts for Council. He clarified he is not recommending designs or studies. But, the amount of water and options for controlling stormwater could be presented and discussed with Council. He stated there are probably other areas in the City that have similar stormwater issues.

Mayor Kind suggested Councilmember Quam and Councilmember Cook meet with Engineer Martini. She noted that she, Quam and Martini have met on site numerous times. When they did that the property owners tried to influence the discussion. She wanted the subcommittee to be cognizant of that. Cook suggested telling the property owners that they should not do their politicking while the technical assessment is being done. The assessment team can talk with property owners one on one at a later time.

Councilmember Fletcher stated the Minnehaha Creek Watershed District (MCWD) has helped to fund projects that reduce sediment from flowing into water bodies. He encouraged someone to contact the MCWD about that possibility.

Mrs. Brost's daughter stated even with the curb stormwater comes on to the driveway. She asked Council to take Mr. Brost's disability into consideration. Mrs. Brost noted that Metro Mobility comes to the property a couple of times a day. Mrs. Brost's son stated he could not see any erosion on the west side of the Ambroses' property. But, on the east side off of the roadway there does look like an erosion channel.

There was consensus to have a recommendation available for Council for its October meeting.

2. Excelsior Boulevard Sewer Forcemain and Watermain Project

- **Potential Changes to Excelsior Boulevard Landscaping Plan**

Councilmember Cook explained most of the members of Council attended a neighborhood meeting the Metropolitan Council Environment Services (MCES) held regarding its Excelsior Boulevard forcemain project held on August 14, 2013, at the corner of Excelsior Boulevard and Maple Heights Road. During that meeting a number of residents in attendance expressed concern about the landscaping restoration plan. At the meeting he asked the residents to contact him regarding their concerns.

One concern was about the species of the proposed landscaping. The residents want lilacs and instead of a mixture of shrubs. There was a suggestion to build a berm behind the sidewalk as high as possible before sloping down to Highway 7 instead of the plan to have the ground next to the sidewalk basically flush with it until it slopes down toward Highway 7 in order to mitigate the flow of water and debris onto the sidewalk. Also, there are a few houses along Maple Heights Road that are very close to Excelsior

Boulevard with windows exposed to Hwy 7. Past Maple Heights Road there is a long undeveloped piece of property. Cook suggested that some of the bushes proposed for there could be planted in the area where homes are close to Hwy 7.

Cook noted that he drafted a letter to MCES that he would like to have Council approve to start a discussion about the modifications he just discussed.

Councilmember Fletcher asked about the ease of maintaining the berm which will have bushes on top of it, and if the lilacs would have sufficient rain water being they will be located higher than everything else.

Councilmember Cook clarified he has not provided an alternative design. He thought it would be appropriate for Zoning Administrator / Clerk Karpas to work with MCES on that. He stated he thought lilacs are robust and do not need a great deal of water. He noted the MCES engineer had explained it is a narrow right-of-way. He agrees with that. He suggested using as much of it for the City's benefit as possible.

Engineer Martini noted that in some areas it may be tough to build a berm because of the narrow distance between the trail and the highway. Councilmember Cook stated that he has told residents that there may be places where there will not be much of a berm.

Miles Manning, 21100 Excelsior Boulevard, thanked Councilmember Cook for asking for feedback and for carrying it forward. He stated from his perspective sight, sound, and safety should be taken into consideration. He, as well as other residents who live next to Excelsior Boulevard, has some concern about the roadway being widened. It's his understanding from engineers that the wider the road the faster the speed. He noted that over the last three to four years a couple of cars have flipped over on the roadway. He questioned the need to widen the sidewalk to six feet. He stated that because there is only boulevard on one side of the roadway all of the foot traffic is on that side. He then stated the noise from on Highway 7 has never been as great as it has been lately.

Engineer Martini stated he did not think Excelsior Boulevard is being widened and the trail width was going toward the highway.

Cook moved, Quam seconded, authorizing Mayor Kind to send the draft letter to Metropolitan Council Environmental Services regarding proposed changes to the landscape plan for its Excelsior Boulevard project. Motion passed 5/0.

- **Revised Timeline to Meet County Certification Deadline**

Mayor Kind explained the Excelsior Boulevard watermain project timeline has been adjusted to meet the Hennepin County certification deadline. The City utility clerk's deadline for processing assessments is November 20, 2013. State Statute stipulates that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. Therefore, the assessment adoption needs to happen on or before October 21. Unless Council wants to have a special meeting, Council must adopt a resolution adopting the assessment during its October 2 meeting. The copy of the revised timeline included in the meeting packet meets the required dates.

- **First Reading: Ordinance 220, Establishing Municipal Water Service Regulations**

Mayor Kind explained this is the first reading of Ordinance 220 establishing municipal water service regulations. She noted that when she and Engineer Martini attended a logistics meeting with representatives from the City of Excelsior it became clear that Greenwood needed to approve an ordinance before any water connections can be made. Therefore, the first reading must be done this evening and the second reading will be on the October 2 Council meeting agenda. When it is published in the newspaper it will go into effect. The meeting packet contains a copy of a draft Ordinance 220 which has been reviewed by Attorney Kelly and approved by Excelsior.

Roy moved, Fletcher seconded, approving the first reading of Ordinance 220 establishing municipal water service regulations. Motion passed 5/0.

- **Resolution 21-13, Declaring Cost to be Assessed and Order Preparation of Assessment**

Mayor Kind explained that the next step in the revised Excelsior Boulevard watermain project timeline is to adopt Resolution 21-13 declaring the cost to be assessed for the watermain project and ordering the preparation of assessment. (A copy of the draft Resolution is included in the meeting packet.) The City has not yet received the final cost for the project, but the model resolution from the League of Minnesota Cities allows estimated numbers to be used. Engineer Martini estimated the total cost of the watermain improvements to be \$195,325; that is what is included in the Resolution. Council needs to determine the interest rate and the assessment period.

Councilmember Fletcher stated the example Mayor Kind provided of 3.25 percent over 10 years seems reasonable. Mayor Kind stated Deephaven City Administrator Young had indicated that a rate of 1 percent above prime (which is 3.25 percent) would be reasonable. Fletcher noted that the City of Edina used a rate of 3.1 percent for a similar assessment with a 10-year assessment period.

Councilmember Quam asked what the money is costing the City. Mayor Kind stated the money currently is sitting in the Sewer Fund and the City is not earning much on the current CD investments.

Miles Canning, 21100 Excelsior Boulevard, noted he is one of the property owners that will be affected by this assessment. He stated he would prefer a longer assessment period and a lower interest rate. He commented property owners already pay high property taxes.

Mayor Kind noted that if the interest rate were 3.25 percent and the assessment period were 10 years the annual assessment payment would be \$1,220.59 for a residential property.

Mr. Canning stated he has owned his property for 23 years. During that time there have been around 30 properties that have changed hands in that immediate area. He explained when the ownership of a property changes hands the balance of the assessment is paid and the City receives all of its money.

Councilmember Fletcher clarified there can be exceptions to paying the assessment off when the property changes hands. Attorney Kelly noted that is very rare.

Mayor Kind stated the reason for selecting 10 years is that the affected property owners will have to connect to municipal water within 10 years per the agreement with the City of Excelsior who owns the municipal water system. Councilmember Quam added if a property owner's well goes dry before that 10 years is up the property owner would then have to connect to the system; they cannot drill a new well.

Councilmember Quam noted that he is sympathetic to what Mr. Canning is saying. Councilmember Roy concurred. Councilmember Cook stated he would be comfortable with a 15 year assessment period. Quam said he would be fine with 15 years. Councilmember Fletcher stated the City is basically at risk the longer the assessment period is. Quam asked what the City is risking. Mayor Kind stated if the CD rates go up the City could be making more money. Quam clarified it would be a lost opportunity not a risk.

Mayor Kind noted if the assessment period were lengthened to 15 years the annual assessment payment would be \$876.79 for a residential property. If the interest rate were increased to 4.25 percent over 15 years the payment would be \$940.85.

Councilmember Fletcher asked Mr. Canning what he thought about a 15-year assessment period and an interest rate of 4.25 percent. Mr. Canning stated he did not think the City should be in the business of making money off of this financing. Mr. Canning reiterated he would like a lower rate and longer term. Mr. Canning stated when property owners hook up to municipal water the value of the property will likely increase and the City will collect more tax dollars on it.

Councilmember Quam noted he agrees the City should not be in the business of making money on financing assessments.

Fletcher suggested a compromise of 3.75 percent.

Brian Malo, 5070 Greenwood Circle, suggested the motion note that 3.75 percent is the current prime rate plus 0.5 percent.

Cook moved, Quam seconded, Adopting RESOLUTION NO. 21-13, “ A Resolution Declaring Cost to be Assessed and Order Preparation of Assessment for the Excelsior Boulevard Watermain Project subject to setting the interest rate at 3.75 percent (prime plus 0.5 percent) and the assessment period to be 15 years.”

Mayor Kind stated based on the motion the annual assessment payment for a commercial property would be \$1,362.79 and for a residential property it would be \$908.53.

Motion passed 5/0.

Mayor Kind recessed the meeting at 8:45 P.M.

Mayor Kind reconvened the meeting at 9:00 P.M.

Councilmember Roy noted that he will be paying his total assessment up front. Therefore, he had no conflict of interest during the discussion about the interest rate.

Councilmember Fletcher stated the same thing applies to him.

- **Resolution 22-13, Ordering Hearing on Proposed Assessment**

Mayor Kind highlighted the Excelsior Boulevard Watermain Assessment Roll. The interest rate is 3.75 percent and the total assessment is \$195,325 based on cost estimates. The total assessment is divided among 16 residential properties and 2 commercial properties. The individual property assessment for a residential property is \$10,280.26 and for a commercial property it is \$15,420.39 with 3.75 percent interest and a 15-year assessment period the annual assessment payment would be \$908.53 for a

residential property and \$1,362.79 for a commercial property. The total amount that would be paid for a residential property would be \$13,627.92 with \$3,347.66 of that being interest. For a commercial property the total amount that would be paid would be \$20,441.87 with \$5,021.48 of that being interest. She noted a property owner can make a partial payment before the assessment is certified to Hennepin County and if that is done their payments would have to be recalculated.

Quam moved, Cook seconded, Adopting RESOLUTION NO. 22-13, “A Resolution for Hearing on Proposed Assessment for the Excelsior Boulevard Watermain Project.” Motion passed 5/0.

Engineer Martini departed the meeting at 9:05 P.M.

D. Citizens Police Academy, Thursdays, September 12 – November 21, 2013, 7:00 P.M. – 9:30 P.M.

Mayor Kind stated the third Citizens Police Academy will be held on Thursdays from September 12 to November 21, 2013, from 7:00 P.M. to 9:30 P.M. Anyone interested in attending the Academy should go to the South Lake Minnetonka Police Department’s website www.southlakepd.com and fill out the application. There is a link to that website on the City’s website. She noted that she and Councilmembers Fletcher and Roy have attended the Academy and found it to be very worthwhile.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. None

7. NEW BUSINESS

A. Consider Request to Bury Power Lines and Upgrade Lights on Greenwood Circle

Mayor Kind explained that the City received a request from the neighbors along Greenwood Circle to bury the overhead electrical wires and install new bronze-colored Shoebox or Rectilinear lights to replace the 3 existing Cobra lights. The neighbors propose to pay all of the upfront costs for the project (\$30,000 to remove the poles and bury the lines, and \$8,000 to \$8,569 for 3 new lights). The plan is for the neighbors to submit checks to the City and have the City contract the project through Xcel Energy (Xcel). The City would continue to pay for the ongoing electricity cost for the lights. The City currently pays Xcel \$9.52 per light per month for the overhead Cobra fixtures. The monthly cost would be \$6.23 per light for the new fixtures. The new fiberglass light poles would be 30 feet tall (the same height as current poles). She noted the meeting packet contains copies of photos of the lighting options from Xcel. The packet also contains copies of the petition which is actually a series of approval emails from fifteen of the fifteen neighbors who benefit from the project. She displayed pictures of the two light options.

Kind noted that two residents from the Greenwood Circle neighborhood are present this evening. She then noted that Councilmember Cook lives on that street. She asked him if he has anything to add.

Councilmember Cook explained that each of the property owners have obligated themselves to paying a certain portion of the overall cost based on what they thought the value of doing this is to them. Therefore, the checks to the City will have different amounts. Chip Fisher has those pledged amounts.

Mayor Kind noted that the project will not proceed until the City has collected sufficient money to cover the cost of the project.

Brian Malo, 5070 Greenwood Circle, asked if this affects the neighborhood around the bottom half of Greenwood Circle. Councilmember Cook stated it did not go far enough to affect Mr. Malo.

Mayor Kind noted the residents have initiated this effort and determined the scope. She stated that if Mr. Malo was interested in continuing the project further up Greenwood Circle, he was welcome to lead the effort.

Cook moved, Fletcher seconded, approving the project to bury the overhead electrical wires and install new Shoebox or Rectilinear lights to replace the three existing Cobra lights on Greenwood Circle subject to the property owners submitting payments to the City to cover the entire upfront cost of the project, the City contracting with Xcel Energy to do the project once the necessary funds have been received, and the City continuing to pay the monthly electrical cost for the lights.

Councilmember Quam asked if the project has to be done by a certain time. Councilmember Cook responded it either has to be done before the frost goes into the ground or next spring after it leaves the ground.

Motion passed 5/0.

B. Resolution 23-13, Approving the 2014 Preliminary Tax Levy and Budget

Cook moved, Roy seconded, Adopting RESOLUTION NO. 23-13, "A Resolution Approving the Proposed Tax Levy Collectible in 2014 in the amount of \$643,875. Motion passed 5/0.

C. First Reading: Ordinance 221, Establishing Requirements for City Approvals, Reasonable Accommodation Regulation, and Payment of Assessment Regulation

Mayor Kind explained earlier in the meeting Zoning Administrator / Clerk Karpas was authorized to publish and mail to property owners the Notice of Hearing on Proposed Assessment for the Excelsior Boulevard watermain project. The Notice includes a statement which says "*The right to partially prepay the assessment according to ordinance number _____ is / is not available.*" The City does not have such an ordinance. The Notice also refers to an ordinance regarding deferments which the City does not have. Therefore, Attorney Kelly drafted an ordinance to address these two issues as well as a few other items. She noted a copy of that draft ordinance is included in the meeting packet. She explained the Notice includes a statement which states "*A person who receives a deferment under paragraph 1 above may not have an annual income that exceeds \$ _____ per year, as of January 1, 2013.*" That amount needs to be filled in by Council.

Attorney Kelly stated he has seen where the amount is around \$17,000 which is the federal poverty line. Kelly recommended an amount of \$22,000 to \$25,000.

There was Council consensus to use the amount of \$25,000.

Roy moved, Cook seconded, approving the first reading of Ordinance 221 establishing requirements for City approvals, reasonable accommodation regulations and payment of

assessment regulation subject to setting the maximum income amount for deferments at \$25,000 in Section 150.05.5. Motion passed 5/0.

D. 2013 Community Survey

Mayor Kind explained that during its August 2013 work session Council discussed the possibility of the City conducting a resident survey. The last survey was conducted in 2010. She noted the meeting packet contains a copy of a concept survey she prepared as well as copies and results of the 2009 general survey (41 percent response rate), 2009 Southshore Center Survey (44 percent response rate) and the 2010 Tonkaconnect survey (25 percent response rate). She asked Council if it wants to conduct a new survey, and if so she asked what types of questions the survey should ask.

Council went through each item on the 2013 concept survey and agreed upon the following.

- The questions/comments about speed bumps and car speeds will be removed.
- The question about property taxes will be clarified to ask about the value for city tax dollars and contextual information similar to that provided in the 2009 survey will be added.
- A general comments area will be added.
- A question about the amount of police presence will be added.
- The questions about property values will be removed.
- The question about the fee for dock slip rental at the City-owned docks will be removed.
- The questions about tennis court in Greenwood Park will be changed to ask if respondents prefer to keep the court, to replace it with an open field or natural green space, or no opinion.
- The statement related to a swimming area will be shortened to ask if the respondents support installing stairs to a swimming access.
- A statement will be added asking respondents about their perception about the quality of services provided by City staff.
- A statement will be added asking respondents about their perception about the quality of services provided by City officials (City Council and Planning Commission).

There was Council consensus to have Mayor Kind make the agreed upon changes to the survey and to have the revised survey included with the next mailing of the City newsletter which will occur the end of September.

8. OTHER BUSINESS

A. August 7, 2013, City Council Meeting Minutes

This Item was removed from the consent agenda at Councilmember Fletcher's request. He stated that EFRA is not audited by OSA, so he would like the minutes changed accordingly.

Cook moved, Quam seconded, approving the minutes of August 7, 2013, as amended in Item 9.B, page 14, Paragraph 9, Sentence 2 change "Councilmember Fletcher responded the EFRA does, noting the OSA does audit the fund." to "Councilmember Fletcher responded the EFRA does, noting the fund is audited."

Mayor Kind asked what Council thinks of having 17-page minutes of meetings. She stated in the time it takes her to proofread the minutes she could type minutes that meet the statutory requirements which is

motions made and votes cast. People could be directed to go to the Lake Minnetonka Community Commission's website to watch the video recording of the meeting.

Councilmember Quam noted at one point the minutes were cut way back.

Councilmember Cook asked if the video recordings were archived.

Mayor Kind asked Attorney Kelly how long they have to be archived. Kelly stated he was not sure but he thought around seven years if they are part of the official record.

Brian Malo, 5070 Greenwood Circle, asked if that meant he could come and get a copy of the video recording so he could view the meeting at home.

Attorney Kelly clarified the video recording the LMCC is not considered the official recording of the meeting.

Zoning Administrator/Clerk Karpas stated he has all of the disks in his office.

Mayor Kind reiterated that all that is required by state law is the motions. No other record is needed.

There was consensus to discuss this further at another council meeting.

9. COUNCIL REPORTS

A. Cook: Planning Commission

Councilmember Cook noted the August 2013 Planning Commission meeting was cancelled for lack of agenda items.

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

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Fletcher explained that during the last LMCC full Commission meeting the City of Orono, which is leaving the LMCC, proposed to lead a group to explore an option that would essentially allow Orono to stay in the LMCC based on its vision for the LMCC. Orono's vision is each city would have its own franchise agreement with the LMCC and each city would send money to the LMCC on an a la carte basis. He thought there were some LMCC member cities that are not wild about that idea but the Commission approved having the group explore the concept. The five member cities in the Southwest Suburban Cable Commission (Eden Prairie, Edina, Hopkins, Minnetonka and Richfield) each have a direct franchise. He noted that each of the five member cities are as big as the entire LMCC. He stated if there were to be a direct franchise for the LMCC member cities it could be a boiler plate that each city adopts and then the LMCC would manage it. He explained there is a special LMCC meeting on September 17 followed by a meeting on September 24. The group being led by Orono will make a recommendation at the September 17 meeting.

Mayor Kind stated that no matter what happens the LMCC's budget will be reduced drastically. The Cities of Medina and Orono are out for sure and Victoria and Minnetrista will possibly follow suit. The LMCC budget will be on Council's October agenda.

With regard to the Excelsior Fire District (EFD), Councilmember Fletcher noted that earlier in the meeting Council heard from EFD Chief Gerber about the EFD's 2014 Operating Budget.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated people are waiting to hear from the State hearing person about the recommendation.

With regard to the Lake Improvement District, Fletcher deferred to Councilmember Roy to provide an update on this topic.

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

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated there has not been a Coordinating Committee meeting since the last Council meeting.

With regard to administration, Kind stated she has nothing of significance to report.

With regard to a mayors' meeting, Kind stated there has not been any mayors' meetings.

With regard to the Southshore Center Advisory Committee, Kind stated the Committee has met a couple of times. Each member of the Committee has tasks to do. The next meeting is scheduled for September 17 at 4:00 P.M. She is a meeting with Tim Litfin, Executive Director of Minnetonka Community Education Services (MCES), to find out if MCES would be interested in doing the programming at the Southshore Community Center.

D. Quam: Roads & Sewer, Minnetonka Community Education

With regard to roads and sewer, Councilmember Quam stated he has nothing to report.

With regard to Minnetonka Community Education, Quam noted MCES did not meet.

E. Roy: Lake Minnetonka Conservation District

With regard to the Lake Minnetonka Conservation District (LMCD), Councilmember Roy stated Aaron Bean with Bean's Greenwood Marina has applied for reconfiguration of docks at the Marina. There are some issues associated with that. The LMCD Board continued this item to its next meeting to allow Mr. Bean the time to prepare another proposal.

Councilmember Fletcher stated when Mr. Bean came before Council in September 2012 to ask the Council to support his reconfiguration proposal Mr. Bean talked about addressing concerns about the current lighting. Mr. Bean had indicated he would consider replacing the lighting with downcast lighting.

Councilmember Roy stated there was no discussion about lighting. The discussion was primarily about the position of the docks. He noted he will raise the question about lighting during the next LMCD meeting.

With regard to the Lake Improvement District, Roy stated the last piece of the puzzle is the City of Excelsior. He and Councilmember Fletcher will meet with the Excelsior City Council in a work session on September 9 to talk about forming such a district. They will verify the addresses for properties located within a potential District and then begin working on a PowerPoint presentation including dates. The presentation will be used to inform residents about what is going on with regard to this item.

Mayor Kind stated Zoning Administrator / Clerk Karpas had indicated that Councilmember Roy was interested in the linear footage around St. Alban's Bay. She noted the City does not have that information. Kind suggested that the LMCD might have that information. Roy noted that he also wants to know the linear footage that is public land.

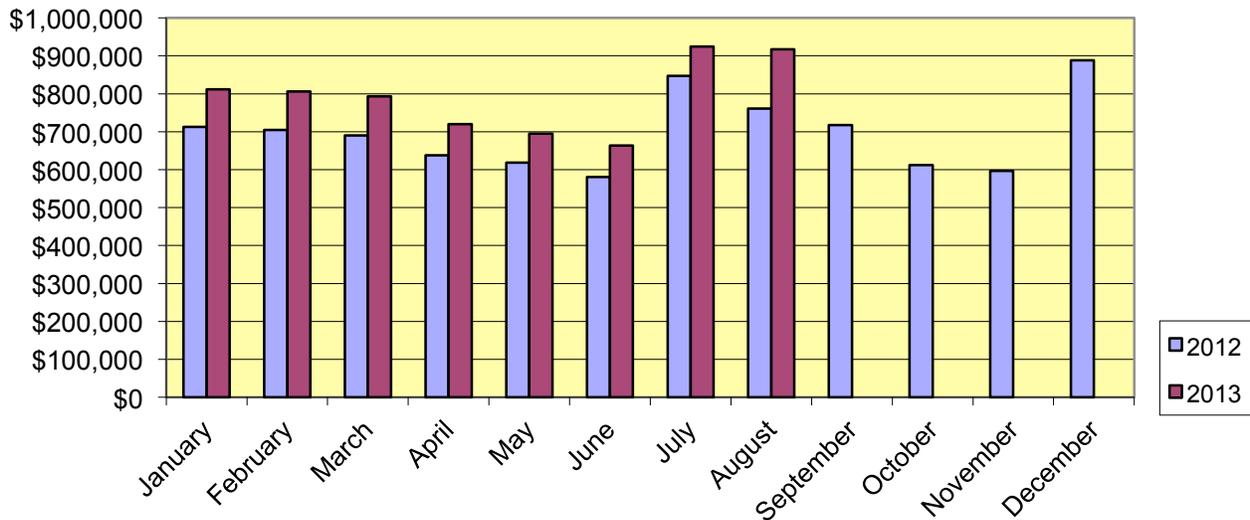
Mayor Kind noted there are properties in the City that do not front Lake Minnetonka but that are considered lakeshore properties by the assessor because they have deeded lake access. She suggested that those properties should be included in the District. Councilmember Roy agreed.

10. ADJOURNMENT

Fletcher moved, Cook seconded, adjourning the City Council Regular Meeting of September 4, 2013, at 9:57 P.M. Motion passed 5/0. The recording was cut off before the time was given but this is what I calculated it to be.

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	\$924,057	\$260,886	\$77,160
August	\$760,682	\$917,234	-\$6,823	\$156,552
September	\$717,852	\$0	-\$917,234	-\$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	\$649,641
Bridgewater Bank Checking	\$4,259
Beacon Bank CD	\$240,000
Beacon Bank Money Market	\$23,234
Beacon Bank Checking	\$100
	\$917,234

ALLOCATION BY FUND

General Fund	\$338,811
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$78,613
Stormwater Special Revenue Fund	\$8,934
Sewer Enterprise Fund	\$414,112
Marina Enterprise Fund	\$49,709
	\$917,234

Check Issue Date(s): 09/01/2013 - 09/30/2013

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
09/13	09/17/2013	10532	795	VOID - FRED & LOIS PARDUHN	101-20100	1.00 -M
09/13	09/04/2013	10889	596	BARBER CONSTRUCTION, INC.	101-20100	101,361.11
09/13	09/09/2013	10890	9	CITY OF DEEPHAVEN	101-20100	5,249.13
09/13	09/09/2013	10891	821	EXCELSIOR TITLE	602-20100	360.00
09/13	09/09/2013	10892	68	GOPHER STATE ONE CALL	602-20100	81.30
09/13	09/09/2013	10893	3	KELLY LAW OFFICES	101-20100	1,949.25
09/13	09/09/2013	10894	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,612.50
09/13	09/09/2013	10895	26	LEAGUE OF MN CITIES	101-20100	809.00
09/13	09/09/2013	10896	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,497.36
09/13	09/09/2013	10897	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	14,754.00
09/13	09/09/2013	10898	745	Vintage Waste Systems	101-20100	1,628.25
09/13	09/09/2013	10899	145	XCEL ENERGY	602-20100	243.27
09/13	09/23/2013	10900	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	180.94
09/13	09/23/2013	10901	51	BOLTON & MENK, INC.	101-20100	8,859.50
09/13	09/23/2013	10902	9	CITY OF DEEPHAVEN	602-20100	757.10
09/13	09/23/2013	10903	594	CITY OF EXCELSIOR	602-20100	1,659.54
09/13	09/23/2013	10904	822	ECM PUBLISHERS INC	101-20100	64.95
09/13	09/23/2013	10905	145	XCEL ENERGY	101-20100	424.61
Totals:						<u>142,490.81</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
ADVANTAGE SIGNS & GRAPHICS INC					
808	ADVANTAGE SIGNS & GRAPHICS I	00020468	SIGNS	09/12/2013	180.94
Total ADVANTAGE SIGNS & GRAPHICS INC					180.94
BARBER CONSTRUCTION, INC.					
596	BARBER CONSTRUCTION, INC.	082713	2013 STREET IMPROVEMENTS	08/27/2013	101,361.11
Total BARBER CONSTRUCTION, INC.					101,361.11
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0159617	2013 I & I PROJECT	08/31/2013	96.50
		0159618	2013 STREET IMPROVEMENTS	08/31/2013	8,054.50
		0159619	2013 EXC BLVD OVERSIGHT	08/31/2013	135.00
		0159620	2013 MISC ENGINEERING	08/31/2013	101.00
			2013 MISC ENGINEERING		270.00
		0159621	2013 EXC BLVD WATERMAIN	08/31/2013	202.50
Total BOLTON & MENK, INC.					8,859.50
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	090913	STAR TRIBUNE-HEARING NOTICE	09/09/2013	757.10
		SEPT 2013	RENT & EQUIPMENT	09/01/2013	542.95
			Postage		38.33
			COPIES		159.30
			SEWER		201.74
			STREETS		312.19
			WEED/TREE/MOWING		673.44
			Docks		84.18
			Clerk Services		3,237.00
Total CITY OF DEEPHAVEN					6,006.23
CITY OF EXCELSIOR					
594	CITY OF EXCELSIOR	00201222	4th qtr joint sanitary sewer use	09/16/2013	1,659.54
Total CITY OF EXCELSIOR					1,659.54
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	23689	LEGAL NOTICE	09/11/2013	64.95
Total ECM PUBLISHERS INC					64.95
EXCELSIOR TITLE					
821	EXCELSIOR TITLE	082913	EXC BLVD WTRMAIN EXPENSE	08/29/2013	360.00
Total EXCELSIOR TITLE					360.00
FRED & LOIS PARDUHN					
795	FRED & LOIS PARDUHN	030812	TREE REMOVAL ACCESS AGRMT	09/17/2013	1.00 -
Total FRED & LOIS PARDUHN					1.00 -
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	77375	Gopher State calls	08/31/2013	81.30
Total GOPHER STATE ONE CALL					81.30
KELLY LAW OFFICES					

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
3	KELLY LAW OFFICES	6153	GENERAL LEGAL	08/28/2013	1,627.25
		6154	LAW ENFORCE PROSECUTION	08/28/2013	322.00
	Total KELLY LAW OFFICES				1,949.25
LAKE MTKA CONSERVATION DISTRIC					
99	LAKE MTKA CONSERVATION DIST	082713	4th Qtr. LMCD Levy	08/27/2013	1,612.50
	Total LAKE MTKA CONSERVATION DISTRIC				1,612.50
LEAGUE OF MN CITIES					
26	LEAGUE OF MN CITIES	2013-2014	Membership Dues 2013-2014	09/01/2013	779.00
		SEPT 1 2013	MMA MEMBERSHIP DUES	09/01/2013	30.00
	Total LEAGUE OF MN CITIES				809.00
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERVIC	0001024758	Monthly wastewater Charge	09/05/2013	2,497.36
	Total METRO COUNCIL ENVIRO SERVICES				2,497.36
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE DE	SEPT 2013	OPERATING BUDGET	09/01/2013	14,754.00
	Total SO LAKE MINNETONKA POLICE DEPT				14,754.00
Vintage Waste Systems					
745	Vintage Waste Systems	082313	City Recycling Contract	08/23/2013	1,628.25
	Total Vintage Waste Systems				1,628.25
XCEL ENERGY					
145	XCEL ENERGY	082213	LIFT STATION #1	08/22/2013	36.82
			LIFT STATION #2		39.47
			LIFT STATION #3		27.84
			LIFT STATION #4		36.95
			LIFT STATION #6		78.84
			SIREN		4.04
			4925 MEADVILLE STREET *		9.64
			Sleepy Hollow Road *		9.67
		090313	Street Lights *	09/03/2013	424.61
	Total XCEL ENERGY				667.88

Total Paid:	142,491.81
Total Unpaid:	1.00 -
Grand Total:	<u>142,490.81</u>

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
10/01/13	PC	10/01/13	10011301	COOK, WILLIAM B.	37		001-10101	184.70
10/01/13	PC	10/01/13	10011302	Fletcher, Thomas M	33		001-10101	84.70
10/01/13	PC	10/01/13	10011303	Kind, Debra J.	34		001-10101	277.05
10/01/13	PC	10/01/13	10011304	Quam, Robert	32		001-10101	184.70
10/01/13	PC	10/01/13	10011305	ROY, ROBERT J.	38		001-10101	184.70
Grand Totals:								<u>915.85</u>



Agenda Number: 4A

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: Commissioner Jan Callison, Annual Hennepin County Update

Summary: Hennepin County Commissioner Jan Callison will attend the October council meeting to give the council her annual update. This also will be an opportunity for the council to ask questions.

Council Action: None required.



Agenda Number: 4B

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: City Prosecutor Greg Keller, Annual Prosecution Update

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

Council Action: None required.



Agenda Number: 4C

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: City Engineer Dave Martini, Curve Street Drainage

Summary: At the 09-04-13 meeting the council discussed a drainage issue on Curve Street that affects three properties:

- 5110 Curve Street (Mike & Micheele Brost)
- 5120 Curve Street (Heljo Alari)
- 5130 Curve Street (Rich & Connie Ambrose)

The council appointed a subcommittee (Councilman Cook, Councilman Quam, City Engineer Dave Martini) to review the situation and report back to the city council with their recommendation at the 10-02-13 council meeting.

Council Action: None required.





Agenda Number: 5A

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: Public Hearing – Proposed Assessment for Excelsior Blvd Watermain

Summary: Notices regarding this public hearing were published in the Star-Tribune on 09-16-13 and in the Sun-Sailor on 09-19-13 and 09-26-13. The notice also was mailed to the properties on the assessment roll (attached). Members of the public may address the council regarding the proposed assessment during the public hearing at the 10-02-13 council meeting.

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

1. I move the council **opens** the public hearing regarding the proposed assessment for the Excelsior Blvd watermain.
2. I move the council **closes** the public hearing regarding the proposed assessment for the Excelsior Blvd watermain.

NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR THE EXCELSIOR BLVD WATERMAIN PROJECT

Greenwood, Minnesota, September 9, 2013.

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Greenwood city council will meet at 7pm on October 2, 2013, in the city hall located at 20225 Cottagewood Road, Deephaven, MN to consider, and possibly adopt, the proposed assessment for (1) Improvement No. 1, the improvement of Excelsior Boulevard between the west line of 21380 Excelsior Boulevard and the east line of 21170 Excelsior Boulevard, Greenwood, Minnesota, and (2) Improvement 1.1, the improvement of Excelsior Boulevard between west line of 21150 Excelsior Boulevard and the west line of 21030 Excelsior Boulevard, Greenwood, Minnesota. Adoption by the council of the proposed assessment may occur at the hearing.

The amount to be specially assessed against a particular lot, piece, or parcel of land is shown on the assessment roll available for viewing at city hall and to be mailed with this notice to all affected property owners. Such assessment is proposed to be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January 2014, and will bear interest at the rate of 3.75 percent per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2014. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the city clerk. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter, pay to the city clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above, the rate of interest that will apply is 3.75% per year. According to city ordinance 221 the right to partially prepay the assessment is available.

The proposed assessment roll is on file for public inspection at the city clerk's office. The total amount of the proposed assessment is \$195,325. Written or oral objections will be considered at the meeting. No appeal to district court may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the city clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

Under Minn. Stat. §§ 435.193 to 435.195 and city ordinance 221 the council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person 65 years of age or older, one retired by virtue of a permanent and total disability, or a member of the National Guard or other reserves ordered to active military service for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in state law and city ordinance 221, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of state law and city ordinance 221, may, within 30 days of the confirmation of the assessment, apply to the city clerk for the prescribed form for such deferral of payment of this special assessment on his/her property.

An owner may appeal an assessment to district court pursuant to Minn. Stat. § 429.081 by serving notice of the appeal upon the mayor or clerk of the city within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk.

Gus E Karpas, City Clerk

**CITY OF GREENWOOD
EXCELSIOR BOULEVARD WATERMAIN ASSESSMENT ROLL**

APPROVED 09-04-13

									3.75%*		
PID	FEE OWNER	FEE OWNER ADDRESS	CITY/STATE	ZIP CODE	PROPERTY ADDRESS	LEGAL DESCRIPTION OF PROPERTY	PROPERTY TYPE	ASSESSMENT AMOUNT	Annual Payment Amount for 15 Years**	TOTAL PAID	TOTAL INTEREST PAID
35-117-23-11-0021	FLETCHER, THOMAS M. & PATRICIA	21190 EXCELSIOR BLVD	GREENWOOD, MN	55331	21190 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0022	OGILVIE, CHRISTIAN & SARAH	21170 EXCELSIOR BLVD	GREENWOOD, MN	55331	21170 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0023	RICHTER, BRADFORD & SHANNON	21150 EXCELSIOR BLVD	GREENWOOD, MN	55331	21150 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0024	MORTON, LENT	2019 UTAH AVE S	ST. LOUIS PARK, MN	55426	21080 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0037	JOHNSON, JASON & MOLLY	5600 MAPLE HEIGHTS RD	GREENWOOD, MN	55331	5600 MAPLE HEIGHTS RD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0038	QUACKENBOSS, MICHAEL & CHRISTINE	21030 EXCELSIOR BLVD	GREENWOOD, MN	55331	21030 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0058	CANNING, MILES B & PAMELA F	21100 EXCELSIOR BLVD	GREENWOOD, MN	55331	21100 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0059	LANG, JOHN W & VERONICA C	21120 EXCELSIOR BLVD	GREENWOOD, MN	55331	21120 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0003	JANOUSEK, STEVEN	21210 EXCELSIOR BLVD	GREENWOOD, MN	55331	21210 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0004	FARRAHER, MICHAEL & ANNE	21230 EXCELSIOR BLVD	GREENWOOD, MN	55331	21230 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0005	LANE, BONNIE & TIMOTHY	21250 EXCELSIOR BLVD	GREENWOOD, MN	55331	21250 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0006	ROY, JOLEEN M. & ROBERT J.	21270 EXCELSIOR BLVD	GREENWOOD, MN	55331	21270 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0007	BRANDS, WILLIAM J.	21290 EXCELSIOR BLVD	GREENWOOD, MN	55331	21290 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0008	FULL, BRANDON	21320 EXCELSIOR BLVD	GREENWOOD, MN	55331	21320 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0009	DAHLIN, GENE R. & CAROL L.	7400 ESTERO BLVD #508	FORT MEYERS, FL	33931	21350 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0016	5TH STREET VENTURES LLC	102 JONATHAN BLVD N #200	CHASKA, MN	55318	21000 STATE HWY NO 7	Abstract per Exhibit A***	COMMERCIAL	\$15,420.39	\$1,362.79	\$20,441.87	\$5,021.48
35-117-23-12-0017	MORGAN V LLC	34321 MYRTLE LA	UNION CITY, CA	94587	21380 STATE HWY NO 7	Abstract per Exhibit A***	COMMERCIAL	\$15,420.39	\$1,362.79	\$20,441.87	\$5,021.48
35-117-23-12-0035	KIM, JUNG L. & SUNNY S.	4614 WOODDALE AVE	EDINA, MN	55424	21380 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
								\$195,325.00	\$17,262.06	\$258,930.46	\$63,605.46

ASSESSMENT TOTAL: \$195,325.00

* Rate set at "prime" plus .5% as reported by the Wall Street Journal bank survey, <http://www.bankrate.com/rates/interest-rates/prime-rate.aspx>

** Annual payment determined by Office.com amortization calculator.

*** Exhibit A is available for viewing at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.



Agenda Number: 5B

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: Public Hearing – Conduit Financing for Chaska Senior Housing Project – CANCELLED

Summary: On 09-17-13 the city received the attached letter from John Utley, Kennedy & Graven, stating that the Chaska senior housing project has been delayed due to the construction bids coming in significantly higher than expected. The borrower is reviewing its financing options. There still is a possibility that the borrower may request that the city of Greenwood undertake the proposed conduit financing for project at the end of this year. But that will not be known for a few weeks. In the meantime, Mr. Utley requested that the city cancel the 10-02-13 public hearing. Since a notice regarding the public hearing was published in the Sun-Sailor on 09-12-13, members of the public may come to the 10-02-13 council meeting regarding this issue. Therefore this item has been left on the agenda to inform the public that the hearing has been cancelled and to update the council on the status of the project.

Council Action: No council action is needed.

From: "Utley, John C." <jutley@Kennedy-Graven.com>
Subject: RE: Greenwood Council Packet Deadline is 9/23
Date: September 17, 2013 4:56:12 PM CDT
To: 'Debra Kind' <dkind100@gmail.com>
Cc: Gus Karpas <guskarpas@mchsi.com>, "tim.keane@mgmllp.com" <tim.keane@mgmllp.com>, "David Mullen (dmullen@doughertymarkets.com)" <dmullen@doughertymarkets.com>, "ctheis@doughertymarkets.com" <ctheis@doughertymarkets.com>, "Utley, John C." <jutley@Kennedy-Graven.com>

Mayor Kind,

Unlike our previous transaction, I thought that this transaction was nearly certain to close since the conduit borrower, The Legends at Hazeltine, LLC, a Delaware limited liability company (the "Borrower"), had received credit approval and a term sheet from a lender (Bell State Bank & Trust). Unfortunately, there has been a substantial delay in this financing—at least into calendar year 2014.

The Borrower had obtained a bid from a general contractor (Rochon Corporation) several months ago at a contract amount that was acceptable to the Borrower. The general contractor's bid was conditioned upon commencing construction in the Summer. As you know, there was a substantial delay in the financing due to adverse market conditions and, as a result, the bid of the general contractor expired. The Borrower wasn't too concerned, however, since it intended to re-bid and expected to receive substantially similar bids. When the bids arrived, the Borrower was shocked to see that they were between \$4,000,000 and \$5,000,000 higher than the bid received just a couple of months ago. It appears that the reason for the higher bids is that (i) the subcontractors have gotten very busy lately and either declined to bid or bid at premium rates, and (ii) the costs of materials has significantly increased in the last few months. The higher general contractors' bids rendered the project infeasible.

The Borrower hasn't given up on the project. But it has decided to wait until next Spring to make a determination as to whether to proceed with the project.

Therefore, I ask that you please cancel the public hearing that was proposed to take place at the October 2 meeting of the Greenwood City Council.

The Borrower is currently reviewing its financing options. There is a possibility that the Borrower may request that the City of Greenwood undertake the proposed financing for The Legends at Hazeltine at the end of this year. If the Borrower elects to pursue that option, I will contact you within the next week or two and explain the proposal.

My thanks to you and the other members of the Council of the City of Greenwood for your time and patience to date. Please contact me at your convenience with any questions with regard to the foregoing.

John Utley
Kennedy & Graven, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402-1458
612-337-9270
Fax: 612-337-9310
Email: jutley@kennedy-graven.com

To the extent the preceding correspondence and or any attachment is a written tax advice communication, it is not intended and cannot be used for the purpose of (1) avoiding penalties that may be imposed under the Internal Revenue Code of 1986, as amended, or (2) promoting, marketing, or recommending to another party any matters addressed herein.

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CITY OF GREENWOOD, MINNESOTA

NOTICE OF A PUBLIC HEARING WITH RESPECT TO THE ISSUANCE OF A REVENUE OBLIGATION TO FINANCE A MULTIFAMILY HOUSING DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF MINNESOTA STATUTES, CHAPTER 462C, AS AMENDED; APPROVING A HOUSING PROGRAM, AND OTHER DOCUMENTS

NOTICE IS HEREBY GIVEN that the City Council of the City of Greenwood, a statutory city of the State of Minnesota (the "City"), will hold a public hearing on Wednesday, October 2, 2013, on or after 7:00 p.m. at City Hall, 20225 Cottagewood Road, Greenwood, Minnesota 55331, on a proposal to issue a revenue note of the City (the "Note") under Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), to finance a multifamily housing development to be located in the City of Chaska, Minnesota. The proceeds of the Note are proposed to be loaned by the City to The Legends at Hazeltine, LLC, a Delaware nonprofit limited liability company (the "Borrower"), the members of which are Ridgeview Medical Center, a Minnesota nonprofit corporation, and Intergenerational Living & Health Care, Inc., a Minnesota nonprofit corporation. The proceeds of the loan are proposed to be applied to finance a portion of the following: (i) the acquisition, construction and equipping of an approximately 126-unit progressive senior living community comprised of approximately 36 independent-living units, approximately 67 assisted-living units, and approximately 23 memory-care units, to be located in the City of Chaska (the "Project"); (ii) the funding of one or more reserve funds to secure the timely payment of the Note; (iii) the payment of the interest on the Note; and (iv) the payment of the costs of issuing the Note. The Project will be owned and operated by the Borrower. The Project will be located on an approximately five-acre parcel in the City of Chaska bounded on the west by Highway 41, on the south by Hazeltine Boulevard, on the north by the City of Chaska golf course, and on the east by Hazeltine Gates office building (1107 Hazeltine Boulevard).

Following the public hearing, the City Council will consider the adoption of a resolution: (i) approving a Housing Program with respect to the Project prepared in accordance with the requirements of the Housing Act, (ii) approving a Cooperation Agreement between the City, the City of Chaska, the City of Chanhassen, and the City of Shorewood pursuant to which the City of Chaska will authorize the City to issue the Note, and the cities of Chanhassen and Shorewood to issue revenue obligations to finance the Project; (iii) granting preliminary or final approval to the issuance of the Note; and (iv) approving documents related to the issuance of the Note. The Note is proposed to be issued in an aggregate principal amount not to exceed \$10,000,000. The combined original aggregate principal amount of the Note and the revenue obligations to be issued by the cities of Chanhassen and Shorewood is approximately \$25,000,000. The Note will be issued by the City and will constitute a limited obligation of the City payable solely from the revenues expressly pledged to the payment thereof, and will not constitute a general obligation of the City and will not be secured by any taxing powers of the City nor any assets or property of the City except the interests of the City in the Project that may be granted to the City in conjunction with this financing.

A copy of the Housing Program has been submitted to the Metropolitan Council as required by the terms of the Housing Act.

Anyone desiring to be heard during this public hearing will be afforded an opportunity to do so. Written comments will be considered if submitted to the attention of the City Clerk on or before the date of the public hearing.

Dated: [Date of Publication]

BY ORDER OF THE CITY OF GREENWOOD



Agenda Number: 5C

Agenda Date: 10-02-13

Prepared by Deb Kind

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

Summary: Notices regarding this public hearing were published in the Sun-Sailor on 09-12-13 and 09-19-13. A list of delinquent accounts and charges is attached. Members of the public may address the council regarding delinquent accounts during the public hearing at the 10-02-13 council meeting.

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

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

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

NOTICE IS HEREBY GIVEN that the City Council of the City of Greenwood will hold a public hearing at Deephaven City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on Wednesday, October 2, 2013 at 7:00 p.m. or as soon thereafter as practical to hear, consider and pass upon proposed assessments with respect to delinquent sewer, stormwater and recycling charges. The assessment roll is available for public inspection in the office of the City Clerk, Monday through Friday between 8:00 a.m. and 4:30 p.m.

Any assessment not paid prior to November 20, 2013 will be certified on the 2014 tax rolls and shall be payable in the same year as the taxes contained therein. Certified assessments of sewer, stormwater and recycling charges are subject to an 8.0% interest rate per annum along with a penalty of \$20.00 per delinquent item, as determined by the City Council. Amounts owed are presently due and payable and can draw interest from December 1, 2013 as determined by the City Council.

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

Gus E. Karpas
City Clerk

Published in the Sun Sailor this 12th and 19th day of September, 2013.

2013 GREENWOOD TAX CERTIFICATION

2013 GREENWOOD TAX CERTIFICATION - DELINQUENT UTILITIES							
PROPERTY OWNER	HOUSE NUMBER	STREET NAME	ZIP CODE	PID #	DELINQUENT AMOUNT DUE	ASSESSMENT PENALTY	TOTAL DUE AFTER OCTOBER 2ND
Americana Community Bank	5070	Highview Place	55331	26-117-23-42-0072	\$119.12	\$20.00	\$139.12
Brandel, Joseph	4763	Lyman Court	55331	26-117-23-13-0066	\$88.00	\$20.00	\$108.00
Brost, Micheele & Michael	5110	Curve St	55331	26-117-23-31-0018	\$228.38	\$20.00	\$248.38
Dinndorf, Michael	5475	Maple Heights Rd	55331	26-117-23-44-0009	\$324.50	\$20.00	\$344.50
Johnson, Douglas	21795	Minnetonka Blvd	55331	26-117-23-34-0026	\$443.63	\$20.00	\$463.63
Koehnen-Green, Karen	5200	Meadville St	55331	26-117-23-32-0006	\$103.00	\$20.00	\$123.00
Morgan V LLC	21380	State Highway #7	55331	35-117-23-12-0017	\$814.30	\$20.00	\$834.30
Quackenboss, Mike & Christie	21030	Excelsior Blvd	55331	35-117-23-11-0038	\$558.23	\$20.00	\$578.23
Short, Brian & Karen	20975	Channel Dr	55331	26-117-23-44-0036	\$222.02	\$20.00	\$242.02
					\$2,901.18	\$180.00	\$3,081.18



Agenda Number: 6A

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: Excelsior Blvd Watermain Project

Summary: Attached is the updated timeline for the Excelsior Blvd Watermain project. The next steps are ...

1. **Resolution 24-13, Accepting Work and Authorizing Payment.** The city of Excelsior will submit an invoice to Greenwood, so they in turn can pay the Met Council for the watermain project. The invoice is anticipated to be ready within the next couple of weeks, and they would like payment as soon as possible thereafter. Therefore it is recommended that the council approve the attached resolution with the conditions listed in the motion below.
2. **Resolution 25-13, Adopting Assessment.** In order to allow time for the utility clerk to certify the assessments, the council must adopt the assessment at the 10-02-13 council meeting or call a special meeting prior to 10-19-13.

Council Action: Council action is required. Suggested motions for the public hearing:

1. I move the council approves **Resolution 24-13, Accepting Work and Authorizing Payment** with the following instructions:
 - A. The city engineer must review and approve the invoice prior to payment.
 - B. The payment shall be paid from the sewer fund.
 - C. Journal entries shall be made to move all past and future Excelsior Blvd watermain project revenue and expenses to new line items in the sewer fund.
2. I move the council approves **Resolution 25-13, Adopting the Assessment** as presented.

Excelsior Blvd. Watermain Project Timeline

Updated 09-18-13

1	Petition received from GW Excelsior Blvd. residents	6/13/12
2	GW resolution declaring adequacy of petition and ordering preparation of feasibility report	7/5/12
3	Publish resolution declaring adequacy of petition.	4/11/13
4	GW preliminary feasibility report completed for Option 1 (see footnote)	10/3/12
5	Feasibility report reviewed by GW planning commission for compliance with comp plan	10/17/12
6	GW deadline to submit public hearing notice for Option 1 to Sun-Sailor (Thursday before publication)	12/13/12
7	GW publishes notice of hearing for Option 1 (Form 6). Per statute, the city clerk must cause notice thereof to be given by TWO publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications must be a week apart, and the hearing must be at least three days after the second publication. NOTE: Typically, cities assess all properties abutting or bordering on the improvement, but the council may wish to levy assessments against adjacent, non-abutting properties if the properties benefit from the improvement. In that event the Notice of Hearing must include the following statement: "The area proposed to be assessed for such improvement is"	12/20/12 and 12/27/12
8	GW affidavit of mailing notice to affected property owners for Option 1 . Not less than ten days before the hearing, notice of the hearing must also be mailed to the owner of each parcel within the area proposed to be assessed and must contain a statement that a reasonable estimate of the impact of the assessment will be available at the hearing, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings.	12/21/12
9	GW public hearing for Option 1 . Minutes of public hearing showing testimony and findings. NOTE: Council action is required within 6 months of the public hearing date.	1/2/13
10	Deadline for drafts of EX-GW cooperative agreement for the Option 1 watermain project (including pricing) and agreement for water service for all GW users. Draft created by GW city attorney.	2/6/13
11	GW reviews EX-GW cooperative agreements for submitting to EX.	2/6/13
12	GW considers resolution ordering improvement and preparation of plans (Forms 7, 7A, 8).	2/6/13
13	Deadline to post notice for 2/20 special meeting (72 hours notice required).	2/15/13
14	GW considers resolution approving plans. NOTE: MCES will be advertising for bids.	2/20/13
15	GW considers resolution approving cooperative agreement with MCES to include the Excelsior Blvd. watermain project, sidewalk improvements, and tree replacement plan.	2/20/13
16	MCES advertizes for bids.	3/4/13
17	EX reviews EX-GW cooperative agreements.	3/4/13
18	GW reviews EX edits of EX-GW cooperative agreements.	3/6/13
19	Petition 2 received from next 6 properties.	3/15/13
20	GW considers resolution declaring adequacy of Petition 2 and ordering preparation of feasibility report.	4/3/13
21	Publish resolution declaring adequacy of Petition 2 to start 30-day appeal clock ticking.	4/11/13
22	GW preliminary feasibility report completed for Petition 2 Area .	4/11/13
23	GW considers resolution receiving feasibility report and ordering public hearing for Petition 2 Area (after previously scheduled 6pm Local Board of Appeal meeting)	4/11/13
24	GW deadline to submit public hearing notice for Petition 2 Area to Sun-Sailor (Thursday before publication)	4/11/13
25	GW publishes notices (2 consecutive weeks) of public hearing for Petition 2 Area . See line 6 above.	4/18 & 4/25
26	GW affidavit of mailing notice to affected property owners for Petition 2 Area . See line 7 above.	4/19/13
27	GW public hearing for Petition 2 Area . See line 8 above.	5/1/13
28	GW approves water <i>expansion</i> and water <i>service</i> agreements with city of Excelsior.	5/1/13
29	GW considers resolution ordering Petition 2 Area improvement and preparation of plans.	5/1/13
30	GW signs cooperative agreement with MCES	5/2/13
31	MCES opens bids.	Done
32	GW go / no-go decision (per co-op agreement with MCES).	6/10/13
33	MCES starts construction.	6/20/13
34	City engineer advises council regarding dollar amount to be assessed.	9/4/13
35	City council approves Ordinance Establishing Water Regulations.	9/4/13
36	City council approves Ordinance Regarding Prepayment of Assessments and Deferrals.	9/4/13
37	City council approves Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment. (Forms 12, 13) at 9/4 council meeting.	9/4/13
38	City clerk and council assemble Assessment Roll during recess at 9/4 council meeting.	9/4/13
39	City council approves Resolution for Hearing on Proposed Assessment. (Form 14)	9/4/13
40	City clerk submits Notice of Hearing on Proposed Assessment (Form 15) to newspaper. Due to Sun-Sailor the Friday before publication on the following Thursday.	9/6/13
41	City clerk files mails notice to affected property owners and puts a copy of Affidavit of Mailing in project file. (Form 15A). Must give property owner at least 2 weeks notice of the public hearing (in mailboxes by 9/18/13).	9/13/13
42	Publication of Notice of Hearing on Proposed Assessment in Star-Tribune. (Form 15). Must be published at least 2 weeks prior to public hearing (9/18/13).	9/16/13
43	Publication of Notice of Hearing on Proposed Assessment in Sun-Sailor. (Form 15). Must be published at least 2 weeks prior to public hearing (9/18/13).	9/19 & 9/26
44	Public hearing held at regular city council meeting.	10/2/13
45	City council approves Resolution Adopting Assessment. (Form 16)	10/2/13
46	City council approves Resolution Accepting Work (Form 26) and authorizes payment for the project.	10/2/13
47	Notice of final assessment / invoice mailed to property owners (includes payment-in-full deadline).	10/3/13
48	Deadline for payment-in-full with no interest to utility clerk (within 30 days from Adoption of Assessment per Form 14).	11/1/13
49	City utility clerk's deadline to assemble assessment documents for filing with county.	11/20/13
50	City utility clerk's deadline to submit to county auditor.	11/27/13
51	Deadline for certification of assessment to county auditor. (Form 18, 18A)	12/2/13

**CITY OF GREENWOOD
RESOLUTION NO. 24-13**

RESOLUTION ACCEPTING WORK & AUTHORIZING PAYMENT

WHEREAS, the city of Greenwood under Land Acquisition, Design, and Construction Cooperation Agreement with the Metropolitan Council and with the cooperation and consent of the city of Excelsior has reached agreement for the installation of municipal water service along a portion of Excelsior Boulevard, (described below) per two separate citizen petitions for said improvements; and

WHEREAS, the associated requisite construction work is to be performed by the contractors of the Metropolitan Council and the work has been satisfactorily completed for (1) Improvement No. 1, the improvement of Excelsior Boulevard between the west line of 21380 Excelsior Boulevard and the east line of 21170 Excelsior Boulevard, Greenwood, Minnesota, and (2) Improvement 1.1, the improvement of Excelsior Boulevard between west line of 21150 Excelsior Boulevard and the west line of 21030 Excelsior Boulevard, Greenwood, Minnesota by Metropolitan Council contractors.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF GREENWOOD, MINNESOTA. The work completed under said agreement is hereby accepted and approved, and,

BE IT FURTHER RESOLVED, that the city clerk and mayor are hereby directed to issue a proper order for the final payment on such contract, in exchange for a receipt evidencing payment in full.

ADOPTED by the city council of Greenwood, Minnesota this ____ day of _____, 2013.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Gus E. Karpas, City Clerk

**CITY OF GREENWOOD
RESOLUTION NO. 25-13**

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for (1) Improvement No. 1, the improvement of Excelsior Boulevard between the west line of 21380 Excelsior Boulevard and the east line of 21170 Excelsior Boulevard, Greenwood, Minnesota, and (2) Improvement 1.1, the improvement of Excelsior Boulevard between west line of 21150 Excelsior Boulevard and the west line of 21030 Excelsior Boulevard, Greenwood, Minnesota by installing a watermain.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of **15** years, the first of the installments to be payable on or before the first Monday in January 2014, and shall bear interest at the rate of **3.75** percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment. To each subsequent installment, when due, shall be added interest on the unpaid balance.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the city treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he / she may, at any time thereafter, pay to the city treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

4. The clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

ADOPTED by the city council of Greenwood, Minnesota this ___ day of _____, 2013.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Gus E. Karpas, City Clerk

**CITY OF GREENWOOD
EXCELSIOR BOULEVARD WATERMAIN ASSESSMENT ROLL**

APPROVED 09-04-13

									3.75%*		
PID	FEE OWNER	FEE OWNER ADDRESS	CITY/STATE	ZIP CODE	PROPERTY ADDRESS	LEGAL DESCRIPTION OF PROPERTY	PROPERTY TYPE	ASSESSMENT AMOUNT	Annual Payment Amount for 15 Years**	TOTAL PAID	TOTAL INTEREST PAID
35-117-23-11-0021	FLETCHER, THOMAS M. & PATRICIA	21190 EXCELSIOR BLVD	GREENWOOD, MN	55331	21190 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0022	OGILVIE, CHRISTIAN & SARAH	21170 EXCELSIOR BLVD	GREENWOOD, MN	55331	21170 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0023	RICHTER, BRADFORD & SHANNON	21150 EXCELSIOR BLVD	GREENWOOD, MN	55331	21150 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0024	MORTON, LENT	2019 UTAH AVE S	ST. LOUIS PARK, MN	55426	21080 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0037	JOHNSON, JASON & MOLLY	5600 MAPLE HEIGHTS RD	GREENWOOD, MN	55331	5600 MAPLE HEIGHTS RD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0038	QUACKENBOSS, MICHAEL & CHRISTINE	21030 EXCELSIOR BLVD	GREENWOOD, MN	55331	21030 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0058	CANNING, MILES B & PAMELA F	21100 EXCELSIOR BLVD	GREENWOOD, MN	55331	21100 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-11-0059	LANG, JOHN W & VERONICA C	21120 EXCELSIOR BLVD	GREENWOOD, MN	55331	21120 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0003	JANOUSEK, STEVEN	21210 EXCELSIOR BLVD	GREENWOOD, MN	55331	21210 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0004	FARRAHER, MICHAEL & ANNE	21230 EXCELSIOR BLVD	GREENWOOD, MN	55331	21230 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0005	LANE, BONNIE & TIMOTHY	21250 EXCELSIOR BLVD	GREENWOOD, MN	55331	21250 EXCELSIOR BLVD	Torrens per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0006	ROY, JOLEEN M. & ROBERT J.	21270 EXCELSIOR BLVD	GREENWOOD, MN	55331	21270 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0007	BRANDS, WILLIAM J.	21290 EXCELSIOR BLVD	GREENWOOD, MN	55331	21290 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0008	FULL, BRANDON	21320 EXCELSIOR BLVD	GREENWOOD, MN	55331	21320 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0009	DAHLIN, GENE R. & CAROL L.	7400 ESTERO BLVD #508	FORT MEYERS, FL	33931	21350 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
35-117-23-12-0016	5TH STREET VENTURES LLC	102 JONATHAN BLVD N #200	CHASKA, MN	55318	21000 STATE HWY NO 7	Abstract per Exhibit A***	COMMERCIAL	\$15,420.39	\$1,362.79	\$20,441.87	\$5,021.48
35-117-23-12-0017	MORGAN V LLC	34321 MYRTLE LA	UNION CITY, CA	94587	21380 STATE HWY NO 7	Abstract per Exhibit A***	COMMERCIAL	\$15,420.39	\$1,362.79	\$20,441.87	\$5,021.48
35-117-23-12-0035	KIM, JUNG L. & SUNNY S.	4614 WOODDALE AVE	EDINA, MN	55424	21380 EXCELSIOR BLVD	Abstract per Exhibit A***	RESIDENTIAL	\$10,280.26	\$908.53	\$13,627.92	\$3,347.66
								\$195,325.00	\$17,262.06	\$258,930.46	\$63,605.46

ASSESSMENT TOTAL: \$195,325.00

* Rate set at "prime" plus .5% as reported by the Wall Street Journal bank survey, <http://www.bankrate.com/rates/interest-rates/prime-rate.aspx>

** Annual payment determined by Office.com amortization calculator.

*** Exhibit A is available for viewing at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.



Agenda Number: 6B

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: 2nd Reading, Ordinance 220, Establishing Municipal Water Service Regulations
Resolution 26-13, Summary of Ordinance 220 for Publication

Summary: At the 09-04-13 meeting the council approved the 1st reading of Ordinance 220, Establishing Municipal Water Service Regulations. One change has been made to the ordinance per the city clerk's recommendation. The following sentence was added to section 312.20: "In addition, the water provider may collect a Water Availability Charge on behalf of the Metropolitan Council."

This ordinance needs to be approved before any connections can take place. The ordinance goes into effect when it is published in the Sun-Sailor. If the 2nd reading is approved at the 10-02-13 council meeting, the ordinance will be sent to the Sun-Sailor the following day, so it will be published in the 10-10-13 edition of the Sun-Sailor.

Council Action: Council action is required. Suggested motions ...

1. I move the council approves the 2nd reading of ordinance 220 with the revision as presented.
2. I move the council approves resolution 26-13, summary of ordinance 220 for publication, and directs the city clerk to submit the resolution to the Sun-Sailor on 10-03-13 for publication on 10-10-13.

ORDINANCE NO. 220

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 3 TO ADD SECTION 312
ESTABLISHING MUNICIPAL WATER SERVICE REGULATIONS**

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

SECTION 1.

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

“SECTION 312. MUNICIPAL WATER SERVICE.

Section 312.00. Purpose.

In order to provide the convenience of water service, the city of Greenwood entered into agreement with the city of Excelsior (water provider) to provide water service to certain properties located within the city of Greenwood.

Section 312.05. Ownership and Installation of Water System.

Greenwood does not own any of the related pipes or water system infrastructure currently in place in Greenwood. When a water system is installed in the city, the watermain shall include stubs for each property tax parcel along the length of the improvement.

Section 312.10. Governing Code.

Properties located in Greenwood served by the water provider's system (Greenwood customers) shall be subject to the provisions of the water provider's city code as enacted or amended from time to time regarding water service, as may be regulated by underlying city-to-city governing agreements. These include, but are not limited to, provisions relating to connection fees, connection construction requirements, maintenance and repair requirements, emergency shut-offs, water service pipes, metering, water billing, and rates. Any changes that the water provider makes to their water system ordinances also shall apply to Greenwood customers of same.

Section 312.15. Connection Required Within 10 Years.

Property owners abutting the water provider's system must connect to the watermain stubs and become a paying customer of the water provider no later than 10 years after completion of the watermain installation.

Section 312.20. Service Connection Fee and Water Meters.

At the time of connection, individual property owners abutting the watermain extension shall be responsible for paying to the water provider a water connection permit fee and a water meter purchase fee. In addition, the water provider may collect a Water Availability Charge on behalf of the Metropolitan Council. No permit to connect to the water system shall be issued unless the Greenwood city clerk has certified:

- (a) That the lot or tract of land, or portion of lot or tract of land, to be served by the connection has been assessed for its share of the cost of construction of the water system; or
- (b) If no such assessment has been levied, that proceedings for levying such assessment have been commenced or will be commenced in due course in the near future; or
- (c) That a sum equal to the portion of cost of constructing the water system that would be assessable against said lot or tract has been paid to the city.

If no such certificate can be issued by the city clerk, no permit to connect to the water system shall be issued unless the applicant shall pay an availability fee, which shall be equal to the portion of the cost of construction of said water system, which would be assessable against said lot or tract to be served by such connection. Said availability fee is to be determined by the city engineer upon the same basis as assessments most recently levied against other property for the said water system. If no such assessment has been levied, the availability fee will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar connections determined on the basis of the total assessable cost of said water system to which shall be added interest from the date of assessment thereof, at the same rate therein but not to exceed 100% thereof. Any sum received by the city shall be paid into the city's general fund and the lot or tract, or portion thereof, shall be deemed to have been assessed for the improvement to the same extent as other similarly served and situated tracts. Said sum may be paid in cash or spread at interest upon an installment note for not more than 10 years.

Section 312.25. Water Rates & Billing.

By agreement with the city of Excelsior, Excelsior will bill water services rendered to Greenwood customers at the established non-resident rate provided that the non-resident base rate shall not be more than 121% of the resident base rate as established from time to time by the water provider, and the non-resident usage rates shall not be more than 107% of the resident usage rates as established from time to time by Excelsior. In the event that Excelsior finds it necessary to add a surcharge to the water service fees charged to their in-town customers, a like fee may be charged to Greenwood customers.

Section 312.30. Water Service Invoicing and Delinquent Accounts.

Greenwood customers shall be invoiced directly by the water provider for water services. In the event a Greenwood customer fails to pay invoiced water service fees and the water provider notifies Greenwood of such delinquency, Greenwood shall notice the delinquency to the respective property owner, and, if not timely paid, certify the delinquency to the respective property's real estate taxes for payment as provided by law. In the event Greenwood receives payment on a delinquent account in advance of the deadline for submission to the county for certification as a special assessment, Greenwood shall, within 30 days, pay to the water provider the monies received related to such delinquency without deduction or charge. Greenwood shall continue this process as needed to collect the full delinquency. Costs associated with the process of certification by Greenwood may be added to the certification of assessment and, on receipt, retained by Greenwood. Nothing herein shall prevent the water provider from taking other steps authorized by law (including, but not limited to, shutting off water service) to ensure payment of water service fees by Greenwood customers.

Section 312.35. Right of Entry Powers.

Authorized water provider employees shall have access at reasonable hours of the day to all buildings and premises connected to the water system as necessary for reading of meters, periodic replacement of meters, and related inspection. Water provider employees shall be properly identified and shall display the identification upon seeking admittance to the building.

Section 312.40. Private Wells.

A private well may be maintained for exterior uses such as lawn sprinkling or car washing. However, in no event shall there be a means of cross-connection between a private well and a municipal water system at any time. Greenwood property owners served by a municipal water system are prohibited from drilling a new well upon failure of an existing well.

Section 312.45. Disclaimer of Liability.

The city and the water provider shall not be liable for any deficiency or failure in the supply of water to property owners or users, whether occasioned by shutting the water off for the purpose of making repairs or connections, or from any other cause whatsoever."

SECTION 2.

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

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

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: _____, 2013
Second reading: _____, 2013
Publication: _____, 2013

RESOLUTION 26-13

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 220 BY TITLE AND SUMMARY**

WHEREAS, on _____, 2013 the city council of Greenwood, Minnesota adopted "Ordinance 220 Amending Greenwood Ordinance Code Chapter 3 to Add Section 312 Establishing Municipal Water Service Regulations."

WHEREAS, the city has prepared a summary of ordinance 220 as follows:

1. The purpose of this ordinance is to establish regulations for properties abutting the Excelsior city watermain.
2. Greenwood properties that connect to Excelsior's water system shall be subject to the provisions of Excelsior's city code regarding water service. These include, but are not limited to, provisions relating to connection fees, connection construction requirements, maintenance and repair requirements, emergency shut-offs, water service pipes, metering, water billing, and rates.
3. Property owners abutting Excelsior's watermain must connect within 10 years.
4. Greenwood property owners connected to Excelsior's watermain may maintain a private well for exterior uses such as lawn sprinkling or car washing.
5. Greenwood property owners abutting Excelsior's watermain are prohibited from drilling a new well upon failure of an existing well.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF GREENWOOD, MN:

1. The city council finds that the above title and summary of ordinance 220 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 220 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

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

___ AYES ___ NAYS

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Gus E. Karpas, City Clerk

First reading: September 4, 2013

Second reading: _____, 2013

Publication: _____, 2013



Agenda Number: 6C

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: 2nd Reading, Ordinance 221 Establishing Requirements for City Approvals, Reasonable Accommodation Regulation, and Payment of Assessment Regulation
Consider: Resolution 27-13, Summary of Ordinance 221 for Publication

Summary: At the 09-04-13 meeting the council approved the 1st reading of Ordinance 221. One change has been made to the ordinance per the city clerk's recommendation. To address the issue discussed at the 09-04-13 council meeting, the following sentence was added to section 150.05: "A property that receives a deferment under paragraph 1 above may not have an annual household income that exceeds the federal poverty level."

The ordinance goes into effect when it is published in the Sun-Sailor. If the 2nd reading is approved at the 10-02-13 council meeting, the ordinance will be sent to the Sun-Sailor the following day, so it will be published in the 10-10-13 edition of the Sun-Sailor.

Council Action: Council action is required. Suggested motions ...

1. I move the council approves the 2nd reading of ordinance 221 with the revision as presented.
2. I move the council approves resolution 27-13, summary of ordinance 221 for publication, and directs the city clerk to submit the resolution to the Sun-Sailor on 10-03-13 for publication on 10-10-13.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING CHAPTER 1, COUNCIL & ADMINISTRATION BY ADDITION OF REQUIREMENTS FOR CITY
APPROVALS, REASONABLE ACCOMMODATION REGULATION, AND PAYMENT OF ASSESSMENT REGULATION**

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

SECTION 1.

Greenwood ordinance code chapter 1 is hereby amended to add the following:

“SECTION 135. REQUIREMENTS FOR CITY APPROVALS.

135.00. Requirement for City Approvals.

A license, permit, or other city approval or authorization of any kind may be granted only to an applicant who:

1. Has complied with all relevant statutory, charter, and ordinance requirements;
2. Has paid all fees, charges, taxes, special assessments and other debts or obligations that are due from the applicant and payable to the city regarding any matter; and
3. Is in compliance with all ordinance requirements and attached conditions regarding other city approvals that have been granted to the applicant for any matter.

135.05. Waivers.

The requirements of section 135.00 (2) and (3) may be waived in the following circumstances:

1. The applicant has provided sufficient safeguards to assure payment of debts or compliance with city requirements within a reasonable time after the city approval; or
2. Enforcement of the requirements would result in a significant hardship to the applicant through no fault of his/her own or would result in an otherwise unfair situation.”

SECTION 2

Greenwood ordinance code chapter 1 is hereby amended to add the following:

“SECTION 140. REASONABLE ACCOMMODATION.

140.00. Reasonable Accommodation.

1. The city has a legitimate interest in imposing regulations to protect the public health, safety, and general welfare. However, these regulations may not be applied in a manner that denies reasonable accommodation as required by the federal Fair Housing Amendments Act of 1988. It is the policy of the city to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing, in compliance with federal law. Reasonable accommodation means granting a modification or waiver of city regulations or policies to an individual with a disability, or to a developer of housing for an individual with a disability, when necessary to eliminate barriers to housing opportunities as required by the Act. The process for making and acting upon requests for reasonable accommodation is set forth below.
2. A person may request the modification or waiver of city regulations or policies by submitting a request in writing to the city clerk or zoning administrator. No fee is required for this application. “Person” includes an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability. The application must include a detailed explanation of why the modification or waiver is reasonably necessary to make the specific housing available to the person, including verification of the disability, as well as other information required by the city clerk or zoning administrator. If the request also requires another city review or approval, then the applicant must file the request concurrently with that application.
3. The city clerk or zoning administrator, in consultation with the city attorney, has the authority to consider and act on requests for reasonable accommodation, except that requests associated with another city review or approval will be considered and decided concurrently with that application. A decision must be in writing and may include the imposition of conditions. In making a decision, the following factors must be considered:
 - a. Whether there is a qualifying disability;
 - b. Whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling, or to live in a particular neighborhood, as a person without disabilities;
 - c. Whether the request is reasonable, considering such things as the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;
 - d. Whether the request would constitute a fundamental alteration of the city's regulations, policies, or procedures;
 - e. Whether the request would impose an undue financial or administrative burden on the city; and
 - f. Any other factor that may have a bearing on the request.

4. The city clerk's or zoning administrator's written decision, including notice of the right to appeal, must be mailed to the applicant and to the owners of all properties that are immediately adjacent to the property that is the subject of the request. An aggrieved party may appeal the city clerk's or zoning administrator's decision to the city council by submitting a written request to the city clerk within 10 days after the decision was mailed to that party. The city clerk's or zoning administrator's decision is the final decision of the city, unless properly appealed. Only the aggrieved applicant and immediately adjacent property owners who received notice of the written determination have a right to appeal.
5. An approved request is granted only to an individual and does not run with the land unless the city clerk or zoning administrator determines that (a) the accommodation is physically integrated into the residential structure and cannot easily be removed or altered or (b) the accommodation is to be used by another individual with a disability.
6. The city clerk or zoning administrator may require that the applicant record a covenant agreeing to comply with conditions established in the determination, before the issuance of any permits related to an approved reasonable accommodation."

SECTION 3

Greenwood ordinance code chapter 1 is hereby amended to add the following:

"SECTION 150. PAYMENT OF ASSESSMENTS & STORMWATER CHARGES.

150.00. Partial Prepayments.

1. Special Assessments. Within 30 days after the city council adopts the resolution approving the assessment roll, the owner of property that is assessed may pay a portion of the total assessment, if payments are made in increments of not less than \$100 and the remaining unpaid balance is not less than \$100. The unpaid balance will be spread over the period of time established by the council for the payment of the special assessments.
2. Stormwater Charges. Stormwater charges may be partially prepaid at any time without restriction or penalty.

150.05. Deferment.

1. The city council may defer payment of special assessments and stormwater charges for a period not exceeding 15 years in the following instances:
 - (a) When the property affected is the homestead of the owner, and the owner is retired as a result of age;
 - (b) When the property affected is the homestead of the owner, and the owner is retired as a result of permanent and total disability, which is defined as any of the following:
 - i. The total and permanent loss of the sight of both eyes;
 - ii. The loss of both arms at the shoulder;
 - iii. The loss of both legs so close to the hips that no effective artificial members can be used;
 - iv. Complete and permanent paralysis;
 - v. Total and permanent loss of mental faculties; or
 - vi. Other injury that totally incapacitates the owner from working at an occupation that produces an income.
 - (c) When the property affected is the homestead of the owner, and the owner is a member of the National Guard or other reserves ordered to active military service for whom it would be a hardship to make the payments.
2. A property that receives a deferment under paragraph 1 above may not have an annual household income that exceeds the federal poverty level.
3. Deferments will be granted upon the owner's certification of the required qualifications on the city-provided form. The certification may be made at any time following the adoption of the assessment or storm sewer charge and must be renewed annually by the owner during the term of the deferment, no later than September 30 of each year.
4. Deferred assessments and charges will accrue simple interest during the deferment period at the rate established for the payment of assessments when the assessment or storm sewer charge was adopted.
5. A one time 5-year hardship extension beyond the initial 15 years will be granted upon compliance with all of the following:
 - a. The owner must continue to comply with the requirements of paragraphs 1 and 2 above;
 - b. The owner's minimum age must be 80. If an eligible person becomes deceased and the decedent's spouse does not meet the age requirement, this requirement will be waived in order to avoid a hardship for the surviving spouse;
 - c. The owner must provide copies of his / her / their federal income tax forms for 3 years immediately preceding the hardship request;
 - d. The owner must furnish a statement of all current assets and the nature of their liquidity, showing that other financial resources are not available for payment of the special assessments;

- e. The bond account established for each special assessment levy in question must be sufficient to discharge all city obligations incurred from the sale of the bonds;
 - f. The years allowed for spreading the unpaid amounts at the end of the 5-year extension may not be fewer than 10 if the property cannot be further divided, or fewer than five if the property is further divisible;
 - g. The special assessment balance at the end of a 5-year extension may not be greater than 50% of the market value of the property as estimated to the end of the 5-year extension. Further, the special assessment balance at the end of a 5-year extension may not result in annual installments of more than \$10,000 based on the remaining years allowed for re-spreading the unpaid amount; and
 - h. The hardship extension must be renewed on an annual basis, no later than September 30 of each year, but may not be renewable for more than a total of 5 years.
6. Upon failure to receive renewal certification, or upon the expiration of the 15-year deferment, the clerk must either:
- a. Promptly certify to the county auditor the amount of the deferred assessment and accrued interest, to be extended on the proper tax rolls and to be collected over the time remaining of the 30-year period after the original assessment; or
 - b. Promptly certify to the city treasurer the amount of the deferred storm sewer charges to be placed on the utility bills for the affected property and to be collected over the time period allowed for the payment of the charges when originally adopted.”

SECTION 4

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

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

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: September 4, 2013
Second reading: _____, 2013
Publication: _____, 2013

RESOLUTION 27-13

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 221 BY TITLE AND SUMMARY**

WHEREAS, on _____, 2013 the city council of Greenwood, Minnesota adopted "Ordinance 221 Amending Greenwood Ordinance Code Amending Chapter 1, Council & Administration by Addition of Requirements for City Approvals, Reasonable Accommodation Regulation, and Payment of Assessment Regulation."

WHEREAS, the city has prepared a summary of ordinance 221 as follows:

1. The purpose of this ordinance is to establish requirements for city approvals, reasonable accommodation regulation, and payment of assessment regulation.
2. The ordinance establishes reasonable accommodation as required by the federal Fair Housing Amendments Act of 1988.
3. The ordinance establishes regulations for partial prepayments of assessments and stormwater charges.
4. The ordinance establishes regulations for deferment of payment of assessments and stormwater charges for:
 - a. Property owners who are retired as a result of age;
 - b. Property owners who are retired as a result of permanent and total disability:
 - i. The total and permanent loss of the sight of both eyes;
 - ii. The loss of both arms at the shoulder;
 - iii. The loss of both legs so close to the hips that no effective artificial members can be used;
 - iv. Complete and permanent paralysis;
 - v. Total and permanent loss of mental faculties; or
 - vi. Other injury that totally incapacitates the owner from working at an occupation that produces an income.
 - c. Property owners who are members of the National Guard or other reserves ordered to active military service for whom it would be a hardship to make the payments.
5. The ordinance establishes that a property that receives a deferment may not have an annual household income that exceeds the federal poverty level.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF GREENWOOD, MN:

1. The city council finds that the above title and summary of ordinance 221 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 221 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

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

___ AYES ___ NAYS

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Gus E. Karpas, City Clerk

First reading: September 4, 2013

Second reading: _____, 2013

Publication: _____, 2013



Agenda Number: 7A

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: Resolution 28-13, Delinquent Sewer, Stormwater, and Recycling Charges

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

Council Action: Required. Suggested motions ...

1. I move the council approves resolution 28-13 and the assessment roll for delinquent sewer, stormwater, and recycling charges.
2. Other motion ???

**CITY OF GREENWOOD
RESOLUTION NO. 28-13**

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

WHEREAS, the city council of the city of Greenwood has caused a notice to be published fixing the time and place of the council meeting to pass upon the proposed assessment roll for delinquent sewer, stormwater, and recycling charges, more specifically described in the "Notice of Public Hearing" published September 12, 2013 and September 19, 2013 in the Sun-Sailor publication; and

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

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

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

1. That the assessment roll, as prepared by the city clerk, is hereby approved, and the assessments therein contained are hereby determined to be the special assessments for the services herein included.
2. That said assessments are found to be properly assessed upon the properties so served.
3. That each of such unpaid assessments shall bear interest at the rate of 8% per annum accruing on the full amount from December 1, 2013, together with a service charge on each assessment.
4. That each of such unpaid assessment shall bear the penalty of \$20, per ordinance sections 475.30, 520.15, and 525.15.
5. Prior to certification of the assessment to the county auditor, the owner of any lot, piece or parcel of land assessed hereby may at any time pay the whole of such assessment inclusive of the penalties, to the city treasurer, prior to November 15, 2013.
6. That the city utility clerk is hereby directed to certify such assessment to the county auditor for collection and remittance to the city treasurer in the same manner as assessments for local improvements.

ADOPTED by the city council of Greenwood, Minnesota this ___ day of _____, 2013.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

2013 GREENWOOD TAX CERTIFICATION

2013 GREENWOOD TAX CERTIFICATION - DELINQUENT UTILITIES							
PROPERTY OWNER	HOUSE NUMBER	STREET NAME	ZIP CODE	PID #	DELINQUENT AMOUNT DUE	ASSESSMENT PENALTY	TOTAL DUE AFTER OCTOBER 2ND
Americana Community Bank	5070	Highview Place	55331	26-117-23-42-0072	\$119.12	\$20.00	\$139.12
Brandel, Joseph	4763	Lyman Court	55331	26-117-23-13-0066	\$88.00	\$20.00	\$108.00
Brost, Micheele & Michael	5110	Curve St	55331	26-117-23-31-0018	\$228.38	\$20.00	\$248.38
Dinndorf, Michael	5475	Maple Heights Rd	55331	26-117-23-44-0009	\$324.50	\$20.00	\$344.50
Johnson, Douglas	21795	Minnetonka Blvd	55331	26-117-23-34-0026	\$443.63	\$20.00	\$463.63
Koehnen-Green, Karen	5200	Meadville St	55331	26-117-23-32-0006	\$103.00	\$20.00	\$123.00
Morgan V LLC	21380	State Highway #7	55331	35-117-23-12-0017	\$814.30	\$20.00	\$834.30
Quackenboss, Mike & Christie	21030	Excelsior Blvd	55331	35-117-23-11-0038	\$558.23	\$20.00	\$578.23
Short, Brian & Karen	20975	Channel Dr	55331	26-117-23-44-0036	\$222.02	\$20.00	\$242.02
					\$2,901.18	\$180.00	\$3,081.18



Agenda Number: **7B**

Agenda Date: **10-02-13**

Prepared by *Deb Kind*

Agenda Item: 1st Reading Ordinance 222 R-1C Single-Family Residential District

Summary: When reviewing the R-1A Single-Family Residential District for adoption of ordinance 216 related to home occupations, the city council decided it was not appropriate to list "Theater" as a conditional use in the entire R-1A, so the council removed Theater from the list of conditional uses when ordinance 216 was approved. By doing so the Old Log became a "legal nonconforming use" -- which means the Old Log's structures can be maintained, but they cannot be expanded. With the new "legal nonconforming" status, the property owner cannot even seek a variance because the variance process states that the "use" must be listed in the zoning district. Since it never was the city council's intention to keep a "legal nonconforming" status for the Old Log, the council directed that an R-1C district be established for the Old Log with the same rules for the property that were in place when it was purchased. That is, allowing single-family homes with the same rules as the R-1A district, and allowing "Theaters" as a conditional use in the district -- knowing that the conditional uses section 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 or add new structures in the future. A copy of the conditional uses standards and conditions is attached for the council's reference. The council also directed that the definition of "Theater" be updated -- the old definition included "motion pictures." A draft of the R-1C ordinance was sent to the planning commission for a public hearing and their recommendation. Based on public comment, input from the property owner, and planning commission discussion, the planning commission recommended changes to the ordinance. The marked up copy and clean copy with the planning commissions recommended changes of the ordinance are attached. A copy of the planning commission minutes is included in the FYI section of the council packet.

Planning Commission Action: Motion by Commissioner Paeper to recommend the city council approve Ordinance 222, as amended, Amending Greenwood Zoning Code Chapter 11 to add Section 1123, R-1C Single-Family Residential District, add Related Definitions to Chapter 12, and Amend Section 1150.20 Regarding Conditional Uses. Reeder seconded the motion. Motion carried 4-0.

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 (the ordinance goes into effect the date it is published).

Council Action: None required. Potential motions ...

1. I move the city council approves the 1st reading of ordinance 222 as amended by the planning commission.
2. 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.

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.

ORDINANCE NO. 222

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ZONING CODE CHAPTER 11 TO ADD SECTION 1123
R-1C SINGLE-FAMILY RESIDENTIAL 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 with Attached Restaurant" means a venue for live plays and other dramatic performances that may be supported by a restaurant and may be licensed for on-sale of intoxicating liquor but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.

(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.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 12)."

SECTION 3.

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

"Theater with Attached Restaurant" means a venue for live plays and other dramatic performances that may be supported by a restaurant and may be licensed for on-sale of intoxicating liquor but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.

(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.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 11)."

SECTION 4.

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

"R-1C Single-Family Residential"

SECTION 5.

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

PID# [2611723310028](#)

PID# [2611723310036](#)

SECTION 6.

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

"SECTION 1123. R-1C SINGLE FAMILY RESIDENTIAL DISTRICT.

Section 1123.00. Purpose.

The intent of this district is to provide a zone for low-density single-family dwellings and a theater with attached restaurant that:

1. Encourages the historical operation of a privately-owned, live, onstage theater with a supporting restaurant,
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.

PC Changes 9/22/13 10:03 AM

Deleted: & NEIGHBORHOOD ENTERTAINMENT

PC Changes 9/22/13 10:03 AM

Deleted: Entertainment Center

PC Changes 9/22/13 10:03 AM

Deleted: the operation of

PC Changes 9/22/13 10:03 AM

Deleted: event center

PC Changes 9/22/13 10:03 AM

Deleted: 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.

PC Changes 9/22/13 10:03 AM

Deleted: AND SECTION 1135.35

PC Changes 9/22/13 10:03 AM

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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 with attached restaurant.
- (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 <u>with Attached Restaurant</u>	4 acres	600	600	

PC Changes 9/22/13 10:03 AM

Deleted: Entertainment Center

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 <u>with Attached Restaurant</u>	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.

PC Changes 9/22/13 10:03 AM

Deleted: Entertainment Center

PC Changes 9/22/13 10:03 AM

Deleted: Entertainment Center

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 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

ORDINANCE NO. 222

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ZONING CODE CHAPTER 11 TO ADD SECTION 1123
R-1C SINGLE-FAMILY RESIDENTIAL 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 with Attached Restaurant" means a venue for live plays and other dramatic performances that may be supported by a restaurant and may be licensed for on-sale of intoxicating liquor but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.

(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.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 12)."

SECTION 3.

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

"Theater with Attached Restaurant" means a venue for live plays and other dramatic performances that may be supported by a restaurant and may be licensed for on-sale of intoxicating liquor but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.

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SECTION 4.

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

"R-1C Single-Family Residential"

SECTION 5.

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

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SECTION 6.

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

"SECTION 1123. R-1C SINGLE FAMILY RESIDENTIAL DISTRICT.

Section 1123.00. Purpose.

The intent of this district is to provide a zone for low-density single-family dwellings and a theater with attached restaurant that:

1. Encourages the historical operation of a privately-owned, live, onstage theater with a supporting restaurant,
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 with attached restaurant.
- (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 with Attached Restaurant	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 with Attached Restaurant	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 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

REFERENCE: CONDITIONAL USE PERMIT STANDARDS & CONDITIONS

GREENWOOD ORDINANCE CODE, CHAPTER 11

The following subdivisions are from:

Conditional Use Permits. Section 1150.20. Determination.

Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:

- (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
- (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
- (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- (d) The use will be harmonious with the objectives of the comp plan.
- (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- (k) The use will not depreciate surrounding property values.

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



Agenda Number: 7C

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: 1st Reading, Ordinance 223, Updating Chapter 5 Fees

Summary: Each fall the council reviews fees for potential updates. The council discussed the fees to be changed at the 09-04-13 worksession. Since the worksession a couple issues have been raised ...

1. City Clerk Karpas recommended changing the fees for Showcase Events and Garage Sales to include the cost for the public hearing notice to be published and mailed, and the cost for attorney time to draft the resolution. The attached ordinance has been amended accordingly.
2. City Attorney Kelly recommended raising the fees for Variances, Conditional Use Permit Requests, Zoning Code Amendments to be all-inclusive in order to avoid spending further staff time on invoicing and nitpicking of consultant fees.

Timetable:

10-02-13	1st reading of ordinance changing fees
11-06-13	2nd reading of ordinance changing fees
11-14-13	Ordinance published in Sun-Sailor (goes into effect on this date)

The above timetable will allow the fees to be in effect for 2014. The council may make revisions at the 1st and 2nd readings of the ordinance.

Council Action: Optional. Potential motions ...

1. I move the council approves the 1st reading of ordinance 223 amending code chapter 5 as presented.
2. I move the council approves the 1st reading of ordinance 223 amending code chapter 5 with the following changes _____.
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. The planning commission must hold a public hearing and make a recommendation to the city council regarding any changes to the zoning code chapter 11.

ORDINANCE NO. 223

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 5 FEES AND RELATED SECTION 11**

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

SECTION 1.

The Greenwood ordinance code section 510 fee schedule is amended to revise and add the following fees:

Boat Launch Permit <u>Sticker</u> (for Meadville fire lane): Resident	425.40 <u>425.45</u>	FREE First 2 Stickers are Free, <u>Additional Stickers \$10 Each</u>	Annual. Maximum of 2 free permits per address. Must show 2 free stickers per address. Additional stickers require proof of residency and provide vehicle information / license plate number.
Boat Launch Permit <u>Sticker</u> (for Meadville fire lane): Non-Resident	425.40 <u>425.45</u>	\$50	Annual per vehicle. Must provide vehicle information / license plate number.
Docks: Municipal St. Alban's Bay Dock Permit	425.30 (5)	\$1150 <u>\$1250</u>	Per slip, per season
Docks: Municipal Canoe / Kayak Permit	425.30 (5)	\$60 <u>\$50</u>	Per space, per season
Garage Sale Permit (more than 1 in 12-month period)	450.25	\$50 <u>\$150</u> per event, plus cost of mailing and publishing notification, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Right-Of-Way Encroachment Permit	630.05	Minimum \$50 Council approval required. Actual Fee will be determined by the city council. based on the proposed intensity of use.	
Showcase Event Permit	450.25	\$50 <u>\$250</u> per event, plus cost of mailing and publishing notification, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Stormwater Management Utility Fee: <u>Residential</u>	525.00	\$12	Quarterly
Stormwater Management Utility Fee: <u>Commercial</u>	525.10(3)	3 x Current Residential Rate	Quarterly
Zoning: Code Amendment Application Fee	1160.05	\$900 <u>\$400</u> plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	
Zoning: Conditional Use Permit Application Fee	1150.15	\$700 <u>\$400</u> plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	
Zoning: Misc. Administrative Review Fee	Chapter 11	\$500 <u>\$200</u> plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	
Zoning: Preliminary Plat Application Fee	600.10	\$900 <u>\$500</u> plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	
Zoning: Variance Application Fee	1155.25	\$700 <u>\$400</u> plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	
<u>Zoning: Variance Extension</u>		1st 1-Year Extension: \$50 (approved by zoning administrator) Subsequent 1-Year Extensions: \$350 (approved by city council)	

SECTION 2.

The Greenwood ordinance code section 1155.10 subd. 9 is amended to read as follows:

"Subd. 9. Lifespan of Variances Granted. Variances permitting the erection or alteration of a building shall be valid for a period of 1 year from the date of final approval unless a building permit for such erection or alteration is issued and construction is actually begun within said period. Failure to obtain an approved, final inspection (in the case of remodeling) or an occupancy permit (in the case of new construction) within 1 year from the date a building permit for such construction and/or alteration has been issued, shall cause the variance relied upon to become null and void. The structure shall then become a nonconforming structure. A 1-year variance extension may be granted by the city zoning administrator, and subsequent 1-year variance extensions may be granted by the city council. Requests for variance extensions must be made in writing and must be accompanied by payment of the fee established by the city council and set forth in chapter 5 of this code book."

SECTION 3

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

Enacted by the city council of the city of Greenwood, Minnesota this ___ day of _____, 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: 7D

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: Lake Minnetonka Communications Commission Member Status & 2014 Budget

Summary: At the 09-17-13 special Lake Minnetonka Communications Commission (LMCC) meeting, a subcommittee chaired by Orono reported on a concept for all LMCC cities to direct franchise and pay for services from the LMCC ala carte. Because the current Joint Powers Agreement (JPA) requires 100% agreement of the LMCC cities for any changes to the JPA to be implemented, it was quickly determined that Orono's concept would not be approved.

Following Orono's report, Deephaven representatives presented these points:

- There is value in working with other cities via the LMCC to share costs, provide services, and negotiate / manage our relationship with Mediacom.
- The present structure is broken and needs to be fixed. Recommended changes:
 - Change JPA to include a withdrawal notice of no longer than 2 years.
 - Allow JPA amendments based on a super majority.
 - Outsource administration to a member city.
 - Allow work with outside cities and other organizations.
 - Weighted votes by subscribers not by households.
 - Have board membership reflect state statute.
 - Subcommittees can be formed or removed at the will of the full board.
- If these things are done, the LMCC can survive with the remaining cities.
- Suggested approving \$400,000 budget that can be amended when it is known which cities are in or out.

There was general support for Deephaven's points and discussion focused on the necessity to make 2 key amendments to the JPA that had a chance of being supported by 100% of the city councils:

1. Requiring a 2/3 majority to make amendments to the JPA (currently 100% approval is required).
2. Allowing withdrawal by giving notice before October 1 of any given year to go into effect on December 31 of the following year (currently notification letters must be submitted by 10-15-13 to be effective on 12-31-13 or else cities are "stuck" for the 10-year duration of the next franchise agreement).

A second special LMCC meeting was held on 09-24-13 to discuss the potential JPA amendments and budget. The amended JPA and budget documents were not available by the council packet deadline, so hard copies will be presented at the 10-02-13 council meeting.

Because it is unknown whether or not 100% of the LMCC cities will approve the JPA amendments, several cities are going to send the LMCC a letter with their notification of withdrawal, knowing that the withdrawal letter can be rescinded if the amendments are approved by 100% of the cities. Greenwood's LMCC representatives (Mayor Kind and Councilman Fletcher) recommend that Greenwood follows this course of action and send a letter with our notification of withdrawal. Attached is a draft of the letter for the council's consideration.

Fletcher will report on the LMCC budget at the 10/2 council meeting.

Council Action: Optional. Potential motions ...

1. I move the council approves the attached letter to the LMCC giving withdrawal notice by October 15 to be effective on December 31, 2013, with the understanding that the letter may be rescinded for any reason before December 31, 2013.
2. Budget motion to be determined ...
3. Do nothing or other motion ???



DRAFT

October __, 2013
Lake Minnetonka Communications Commission
Attn: Tom Fletcher, Secretary
tfletcher@aexcom.com

RE: Greenwood Notice of Withdrawal from the Lake Minnetonka Communications Commission

Dear Mr. Fletcher,

As directed by the Greenwood city council and pursuant to Article X, Section 1, of the Joint and Cooperative Agreement (JPA) of the Lake Minnetonka Communications Commission (LMCC), the city of Greenwood hereby gives formal notice of withdrawal from the LMCC effective on December 31, 2013.

Article X, Section 1, of the JPA provides that a member of the LMCC:

may withdraw from the Commission prior to the effective date of a franchise ordinance by filing a written notice with the Secretary by October 15 of any year giving notice of withdrawal effective as of the end of that calendar year; and membership shall continue until the effective date of withdrawal.

Based on the 09-10-13 letter from LMCC attorney Bob Vose to Orono Mayor Lili McMillan, Greenwood understands the LMCC's position is that the effective date of withdrawal is December 31, 2013 for all notices received by October 15, 2013, and that all notices may be rescinded prior to December 31, 2013.

Greenwood believes there is value in working with other cities via the LMCC to share costs, provide services, and negotiate / manage our relationship with Mediacom. However, we believe the present structure is broken, and the LMCC cannot survive unless changes are made. Therefore we likely would rescind our notice of withdrawal if the following key amendments to the JPA are approved by the LMCC cities:

1. Requiring a 2/3 majority to make amendments to the JPA.
2. Allowing withdrawal by giving notice before October 1 of any given year to go into effect on December 31 of the following year.

The city of Greenwood remains hopeful that a group of LMCC cities will come together to ensure the organization is positioned for the future.

Sincerely,

Debra J Kind
Mayor, City of Greenwood

cc: Sally Koenecke, LMCC Executive Director, sally@lmcc-tv.org for distribution to all LMCC board members



Agenda Number: 7E

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: 2013-14 Trail Plowing

Summary: Last snow season the city contracted with Cornerstone Industries to provide snowplowing services for the city trails. Cornerstone is interested in providing services again for the 2013-14 season (see attached proposal). Deephaven Public Works also is interested in providing trail plowing services for Greenwood.

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

Public Works	2013 Rates	2014 Rates
Labor Cost per Hour	\$33.37	\$34.96
Vehicle Cost per Hour	\$50.81	\$52.33

Council Action: None required. Suggested motions ...

1. I move the council authorizes the city clerk to contract with _____ for 2013-14 trail plowing services.
2. Do nothing or other motion ???



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

2013-2014 Snow-Blowing and Plowing Proposal
for
City of Greenwood, MN

Winter Services

Snow-blowing or plowing of all sidewalks/trails for the city of Greenwood. Work will be completed as soon as possible after city street plowing is completed.

- 1) *Snow-blowing/plowing services for accumulations of 2" to 4" for all trails and sidewalks.* \$175.00

- 2) *Snow-blowing/plowing services for snowfalls of 4.1" to 8" for all trails and sidewalks.* \$210.00

- 3) *Snow-blowing/plowing services for snowfalls of 8.1" to 12" for all trails and sidewalks.* \$280.00

Other Winter Services

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

Summer Services

- 1) *Mowing, trimming and lite tree-work can be performed for the City upon request or on a set schedule. Work can be performed for an hourly rate for the first service (with no commitment) and for other miscellaneous projects throughout the Summer. Once we map out the areas needing to be mowed and define the frequency, I can give a flat rate for each service if desired.* \$68/hour

Customer Acceptance (and title) _____

Date _____

Cornerstone Industries Inc, Tim Lovett

Date 9/19/13



Agenda Number: 7F

Agenda Date: 10-02-13

Prepared by Deb Kind

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

Summary: This is a routine annual request from the Three Rivers Park District regarding winter use of the trail. In past years the city has requested authorization for use of the trail for cross-country skiing and walking. By renewing the permit the city is agreeing to maintain the trail between 11-15-13 and 03-31-14. The agreement states the city will hold harmless the park district from any liability related to winter use of the trail. The agreement also requires the submittal of a certificate of insurance valid through 03-31-14.

Council Action: Required. Potential motions ...

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

THREE RIVERS PARK DISTRICT
REGIONAL TRAIL SYSTEM
2013-2014 WINTER USE PERMIT

Name of City Greenwood City Hall Phone (952) 358-9938

Contact Person Gus Karpas Phone (952) 358-9938

Contact Person Email Address guskarpas@mchsi.com

Maintenance Contact Person Gus Karpas Phone (952) 358-9938

Maintenance Contact Person Email Address guskarpas@mchsi.com

Regional Trail From Deephaven to Excelsior
Authorized 2013-2014 Winter Activities Cross Country Skiing and Walking

Regional Trail From _____ to _____
Authorized 2013-2014 Winter Activities _____

Regional Trail From _____ to _____
Authorized 2013-2014 Winter Activities _____

Regional Trail From _____ to _____
Authorized 2013-2014 Winter Activities _____

Regional Trail From _____ to _____
Authorized 2013-2014 Winter Activities _____

Regional Trail From _____ to _____
Authorized 2013-2014 Winter Activities _____

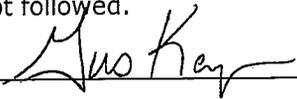
Authorization is hereby requested from the Park District Board of Commissioners to use portions of the Regional Trail Corridor for winter use activities from November 15, 2013 through March 31, 2014, as determined by each municipality within guidelines set forth herein on District Regional Trails located within individual City boundaries.

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

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

Each City is required to submit its annual permit requests, including proposed rules and regulations, by October 15, 2013, after which the Park District may take up to 45 business days to process. Each permit request must be submitted as a result of formal City Council action, with accompanying verification, agreeing to the terms and conditions outlined by the Park District's Winter Use Permit.

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

Signed: 

Date: October 3, 2013

Title: City Clerk



Agenda Number: 7G

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: LMCIT Liability Waiver

Summary: Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits. The options available to the city are included on the attached document. Historically the council has chosen NOT TO WAIVE the monetary limits on monetary limits, based on the recommendation of the city attorney.

Council Action: Required by 10-12-13. Potential motions ...

1. I move the council directs the city clerk to do the following:
 - a. Sign the League of Minnesota Cities Liability Coverage Waiver Form with a check in the box indicating that the city does not waive the monetary limits on municipal tort liability established by Minnesota Statute 466.04.
 - b. Send the completed form to the city's insurance representative Carl Bennetsen, so he can forward it to the League of Minnesota Cities Insurance Trust underwriter.
2. Another motion ???

SECTION I: LIABILITY COVERAGE WAIVER FORM

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

- If the city does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000. on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.
- If the city waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,500,000. on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000., regardless of the number of claimants.
- If the city waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

City of ~~Greenwood~~ accepts liability coverage limits of \$ 500,000 / ~~1,500,000~~ from the League of Minnesota Cities Insurance Trust (LMCIT).

Check one:

- The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
- The city **WAIVES** the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council meeting _____

Signature _____ Position City Clerk _____

Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044



Agenda Number: 7H

Agenda Date: 10-02-13

Prepared by Deb Kind

Agenda Item: Potential Revisions to Swimming Pool Regulations

Summary: The city received a request from a property owner who would like the city to consider removing the requirement for having fences around swimming pools, in lieu of having an electric security cover instead. The swimming pool regulations are in chapter 3 of the code book (not the zoning code chapter 11), so the property owner cannot request a variance. After reviewing the city's swimming pool regulations (attached), it appears that many of the rules may be outdated. Therefore it may be prudent to direct the city clerk to research current ordinances of neighboring cities and from the League of MN Cities, and make a recommendation to the city council.

Council Action: None required. Potential motions ...

1. I move the council directs the city clerk to research swimming pool ordinances and draft an ordinance for the council's review at the 11-06-13 city council meeting.
2. Do nothing or other motion ???

Section 320.60. Violations.

Any violation of this ordinance shall be a misdemeanor.

SECTION 330. SWIMMING POOLS.**Section 330.00. Definitions.**

See "swimming pool terms" in chapter 12 for most of the definitions that are specific to this section.

Section 330.02. Approval by Community Health Board and Building Inspector, Construction Permit.

Before work is commenced on the construction of a swimming pool, or any alteration, addition, remodeling or other improvement to a swimming pool, three sets of identical plans and specifications and pertinent explanatory data shall be submitted to the community health board for approval relative to design, operation and maintenance insofar as health and safety features are concerned in accordance with the standards prescribed by this ordinance, and a permit shall be obtained from the building inspector. Approval by the community health board shall not pertain to design for structural stability. The building inspector shall not issue a permit for a swimming pool until the plans and specifications therefor have been endorsed and approved by the community health board. A permit also shall be obtained for any repair to a swimming pool.

Section 330.04. Plans to be Submitted.

Plans, specifications and pertinent explanatory data required to be submitted with an application for a permit to construct a swimming pool or any alteration, addition, remodeling or other improvement to a swimming pool shall comply with the provisions of this ordinance and include the following plans and information as well as such other data as may be reasonably requested by the community health board and building inspector.

- (a) Plans shall show, but not be limited to showing, the general layout of the entire building lot on which the pool is to be located, distances of the pool from the lot lines, water supply systems, buried sewers and sewage disposal systems, utilities (electric, gas, telephone, etc.) or other sources of contamination within 50 feet of the pool and be drawn to a scale of not smaller than 1/4 inch = 1 foot, thus indicating all dimensions, including the effective length, depth, and width of the pool deck and similar items.
- (b) Cross-sectional views of the pool.
- (c) A cross section of scum gutters and/or skimmers.
- (d) Pipe diagrams showing material and size of all pipes, inlets, outlets, make-up water lines, vacuum lines, waste and discharge lines, circulation and other piping.
- (e) The pool equipment layout, showing filters, their location, pumps, chlorinators, chemical feeds, flow meter gauges, sight glass, strainers, hair and lint interceptors, if one is proposed, the dimensions of the filter room, its location, floor drain, sumps and other pertinent information.
- (f) The liquid capacity of the pool.
- (g) The kind, number and size of filters, including the square footage of the filter area in each unit.
- (h) Rated capacity of the filter in gallons per minute.
- (i) A description of chemical feeds for soda ash and alum, if used.
- (j) The type, kind and description of chlorinator to be installed.
- (k) The type and range of testing equipment, including chlorine.
- (l) Source of water supply.

Section 330.06. Construction in Accordance with Approved Plans; Deviations.

All swimming pools, appurtenances, water supply and drainage system and other features shall be constructed in conformity with the approved plans. If any deviations from such plans are desired, a supplementary plan covering that portion of the work involved shall be filed for approval and shall conform to the provisions of this ordinance.

Section 330.08. Permit Fees.

The fee for a permit for the construction of a swimming pool shall be the same as the fee for construction of a building.

Section 330.10. Construction.

The design and construction, as well as all equipment and materials, shall comply with the following requirements:

- (a) Structural Design. The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected. When vertical walls are other than masonry, they shall be placed on an approved designed reinforced concrete footing and all sidewall braces shall be anchored in concrete footings. All non-masonry constructed walls shall be certified by a Minnesota registered engineer that they will withstand the forces of back filled earth and natural earth pressures when the pool is empty.
- (b) Wall Design. To a depth up to 3 feet from the water level, the wall shall be vertical. No right angle projection shall be permitted with exception of steps at shallow end.
- (c) Floor Slopes. The slope of the floor on the shallow side of the transition point shall not exceed 1 foot vertical to 10 feet horizontal. The transition point between shallow and deep water shall occur in a water depth of at least 5 feet, provided that this may be 4-1/2 feet if a safety line is erected at this point. The maximum slope where water is five 5 feet or more in depth shall not exceed 1 foot vertically in each 3 feet horizontally, provided that the floor slope from the point of maximum depth to the deep end wall may be 1 foot vertically in each 1 foot horizontally.
- (d) Overflow and Surface Drainage. The pool and surrounding area shall be constructed and arranged in such a manner that no splash or overflow water shall return to the pool. No surface or roof drainage shall be permitted to enter the pool.
- (e) Finish and Cove. Pool floor and walls shall have a cleanable, white or similar light-colored and impermeable surface. The pool floor shall be skid resistant. There shall be a minimum cove or rounded corner of 1 inch radius or more of the pool floor and wall, or other such interior construction. Where the water depth is less than 5 feet, the maximum radius of such cove shall be 12 inches.
- (f) Handholds. Handholds shall be provided and consist of a bull-nosed coping not over 2-1/2 inches thick for the outer 2 inches or an equivalent approved handhold. The handhold shall not be more than 9 inches above the normal water line and shall extend around the entire periphery of the pool.
- (g) Pool Deck. Unobstructed deck areas not less than 48 inches wide shall be provided to extend entirely around the pool. The deck area shall be constructed of impervious material, and the surface shall be such as to be smooth and easily cleaned and of non-slip construction. The deck shall have a pitch of at least 1/4 inch to the foot, designed so as to prevent back drainage into the pool. If deck drains are provided, drain pipe lines shall be at least 2 inches in diameter; drain openings shall have an open area of at least 4 times the cross-sectional area of the drain pipe. The deck drain system shall have indirect connection to the sanitary sewer. The deck drains shall not be connected to the recirculation system piping.
- (h) Steps or Ladders. Two or more means of egress in the form of steps or ladders shall be provided for all private residential swimming pools. At least one such means of egress shall be located on a side of the pool at the deep end and one at the shallow end of the pool. Treads of steps and ladders shall be constructed of non-slip material and shall be at least 3 inches wide for their full length. Ladders and step holes shall have a handrail on both sides. Steps shall be located only at the shallow end of a pool.
- (i) Diving Area. Minimum depths and area shall be as follows:

Boards	Maximum Distance Above Water	Minimum Water Depth Five Feet From Tip of Diving Board	Distance of Deep Point from Diving Wall	Distance From Deep Point to Transition Point	Minimum Diving Board Overhang	Minimum Distance From Side Wall to Center of Board
Deck Level	18"	8'	10'	10'	2½'	7'
Intermediate	30"	8'	11'	11'	2½'	7½'
1 Meter	39.37"	8½'	12'	12'	3'	8'

At least 13 feet of free and unobstructed headroom shall be provided above diving boards. One depth marking shall be provided in the deck or the wall of the pool above the high water line indicating the greatest depth in feet. Diving structures shall be securely anchored.

The minimum depth for all pools hereafter constructed shall be 8 feet.

Section 330.12. Filter Characteristics.

- (a) Filters in General. Every pool shall be equipped with a re-circulating system capable of filtering the entire contents of the pool in 12 hours or less.
- 1) Filters shall be capable of maintaining the clarity of the water to permit the ready identification, through an 8-foot depth of water, of a disc 2 inches in diameter, which is divided into 4 quadrants in alternate colors of red and white.
 - 2) Filter capacity shall be such that it need not be cleaned more frequently than once every 4 days under proper conditions of water and operation.
 - 3) All pressure filters shall be equipped with influent and effluent pressure gauges to determine the pressure differential and frequency of cleaning. All other filters shall be equipped with at least one pressure-vacuum or compound gauge, as applicable, which shall be positioned in such a way as to determine the differential across the filter and the need of cleaning.
 - 4) All pressure filter systems shall be equipped with an air release at the high point in the system.
 - 5) Operating instructions shall be posted on every filter system. All valves shall be properly designed, indicating their purpose.
 - 6) Where dissimilar metals are used in the construction of the filter, which may set up galvanic currents, then suitable provision shall be made to resist electrolytic corrosion.
 - 7) Filters shall be so designed and installed that they can be readily disassembled and the filter elements removed.
- (b) Pressure Filters. Pressure filter systems utilizing sand or other equally effective filter media acceptable to the Community Health Board shall be designed and installed to operate at a rate not to exceed 3 gallons per minute, per square foot of filter area and to backwash at a minimum rate of 12 gallons per minute per square foot of surface water.
- 1) Filter tanks shall be fabricated to meet the Minnesota statutes for pressure vessels, with the exception that standard type dished and flanged heads may be used. Tanks shall be built for a minimum of 50 pounds working pressure and tested at 150 PSI. The filter underdrain shall have an effective distribution of at least 25% of the cross section area of the tank. Tanks shall not be placed underground.
 - 2) Filter tanks shall be supported in a manner to prevent tipping or settling.
- (c) Filter Media Specifications for Sand Filters.
- 1) The principal filter medium shall be, as a minimum, a hard, uniformly graded silica material with effective particle sizes between 0.45 and 0.55 millimeters in diameter, with uniformity coefficient of 1.75. There shall be no limestone, clay or deleterious matter present.
 - 2) The principal filter medium shall be no less than 20 inches in depth with a freeboard of no less than 12 inches.
 - 3) There shall be no less than 4 grades of rock, which shall be clean, non-crushed, rounded, non-porous, non-calcareous material.
 - 4) The total depth of the rock supporting bed shall be no less than 16 inches and each grade shall be 2 inches or greater in depth. Each layer of rock shall be leveled to prevent intermixing of adjacent grades.
 - 5) The top layer shall vary in size between 1/8 inch and 1/4 inch. The next layer shall vary in size between 1/4 inch and 1/2 inch. The next layer shall vary in size between 1/2 inch and 3/4 inch. The bottom layer shall vary in size between 1 inch and 1-1/2 inches.
 - 6) Other filter media and related filter and backwash rates may be used subject to approval by the health officer.
 - 7) Patented underdrain systems may be used provided that they give results which are equal to or better than that above.
- (d) Diatomite Type Filters.
- 1) Diatomite type filters shall be designed for operation under pressure or vacuum. The design capacity shall not exceed 2 gpm per square foot of effective filter area.
 - 2) The determination of the filter area shall be made on a basis of a true and effective supported septum surface. In the case of fabric septums, the area computation will be made on the basis of measurements of the septum support in a reasonably constant plane. Area allowance shall not be granted for folds in the septum fabric or deviations in the septum surface that could easily bridge.
 - 3) The tank containing the filter elements shall be constructed of steel, plastic or other suitable material, which will satisfactorily provide resistance to corrosion, with or without coating. Pressure filters shall be designed for a working pressure equal to the shut-off head of the pump, with a safety factor of 4. Vacuum filters shall be designed to withstand the pressure developed by the weight of the water contained therein and closed

vacuum filters shall, in addition, be designed to withstand the crushing pressure developed under a vacuum of 25 inches of mercury, both with a safety factor of 3.5. In either type filter where the tank is fabricated from material that is corroded by water, then a suitable corrosion resistant coating shall be applied to retard such attack.

- 4) The filter elements shall be fabricated of corrosion-resistant materials throughout. They shall be designed to be adequately resistant to a differential pressure between influent and effluent of not less than the maximum pressure, which can be developed by the circulating pump and shall be of adequate strength to resist any additional stresses developed during the cleaning operation. The filter septum, upon which the filter-aid cake is deposited, shall be provided with openings, the minimum dimensions of which shall be not greater than 0.005 inches.
 - 5) Provisions shall be made to introduce filter aid into the filter in such a way as to evenly pre-coat the filter septum before the filter is placed in operation. The amount of filter aid shall be selected to provide at least the same protection to the filter septum as would be provided by the use of 0.1 lbs. of filter aid per square foot of filter area per 24 hours. Use of additional equipment to provide body feed to the filter influent is optional. Where provided, such equipment shall have the capacity to continuously and uniformly feed at a rate of not less than 0.1 lbs. of filter aid per square foot of filter area per 24 hours.
 - 6) The filter piping shall be designed that during the pre-coating operation, the effluent from the filter shall be re-circulated or run to waste and shall not be fed into the pool until free of filter aid. An exception to this requirement may be made if the filter septum is of such construction that no perceptible quantity of filter aid is introduced into the pool when the effluent discharges therein.
- (e) **Cartridge Type Filters.** Cartridge type filters are those where the cartridge itself is the filter aid. Cartridge filters may be either pressure or vacuum type and are subject to the same general piping and tank specifications as diatomite-type filters. Replacement cartridges are divided into two types: depth and area. General specifications, however, are the same for both. Cartridge filters shall not require the addition of any flocculating agents such as ammonium alum, aluminum sulfate or potassium alum. They shall be subject to the same requirements listed under subsection (a) of this section for all types of filters. All types of cartridges shall have sufficient structural strength to resist rupturing, channeling, collapsing, or bursting at a maximum pressure differential of 50 psi. Cartridge shells shall be so designed as to prevent any bypassing of unfiltered water. If provision is made for backwashing, it shall be so arranged as to not permit any backwash water to enter the re-circulating system. No residue shall be permitted to remain in the filter housing that could be picked up in the next filtering cycle. Cartridge elements shall be of either of the following types:
- 1) Depth type cartridges, where the porosity varies from the inlet to the discharge surface. They shall have sufficient depth to provide adequate dirt-holding capacity and be designed for a flow of no more than 1 gallon per minute per 5 cubic inches of volume with a pressure drop not to exceed 2 psi across clean cartridges and not to pass any particular matter larger than 25 microns.
 - 2) Area or surface type cartridges, which rely on the surface area for their dirt-holding capacity and follow the same flow per square foot of area as diatomite filters, namely: 3 gallons per minute per square foot of filter area for vacuum filters.
- (f) **Additional Standards for Cartridge Type Filters.**
- 1) Filters shall be capable of filtering the entire contents of the pool in 12 hours or less.
 - 2) Filter capacity shall be such that it need not be cleaned more frequently than once every 4 days under proper conditions of water and operation.
 - 3) All filters shall be designed so as to permit easy removing of the cartridges.

Section 330.14. Recirculation Pumps.

- (a) The re-circulating pump shall have sufficient capacity to provide the rated flows of the filter system, without exceeding the head loss at which the pump will deliver such flows. The pump motor shall not be operated at an overload that exceeds the service factor.
- (b) The pool pump shall be equipped on the inlet side with an approved type hair and lint interceptor. The basket of the interceptor shall be non-corrosive and have an open screen surface at least 4 times the cross sectional area of the inlet pipe.
- (c) When the filtering and pumping equipment is installed above ground at a level below the overflow level of the pool as may be dictated by the contour of the plot on which the pool is constructed, a valve shall be installed on the main suction line located in an accessible place outside of the walls of the pool.

Section 330.16. Pool Piping.

The pool piping shall be sized to permit the rated flows for filtering and cleaning without exceeding the maximum head at which the pump will provide such flows. In general, the water velocity in the pool piping should not exceed more than 10 feet per second. Where velocity is to exceed 10 feet per second, summary calculations shall be provided to show that rated flows are possible with the pump and piping provided. The re-circulating piping and fittings shall meet the following requirements:

- (a) Where vacuum fittings are provided, they shall be located in accessible positions below the water line.
- (b) Pool recirculation piping, passing through the pool structure, shall be copper, brass, or approved equal tubing with a minimum wall of thickness of type "L."
- (c) Pool piping systems shall be constructed of materials prescribed in the city building code.
- (d) Installation of the pool piping, except for the pool water supply line must be done by the pool contractor subject to inspection prior to covering the system.

Section 330.18. Re-Circulating Skimming Devices.

Re-circulating skimming devices shall be provided to skim the surface of the pool, with 1 unit installed to serve each pool, and such additional units as may be required, to provide a minimum of 1 for each 600 square feet of pool water surface or fraction thereof. The location of re-circulating skimmers and the pool inlets shall be carefully determined so that the pool inlets assist the skimming action to adequately remove the surface film on the pool water surface. When pools are irregularly or specially shaped, skimming devices shall be located in each offset.

- (a) The re-circulating skimmers shall be of sufficient total capacity to be able to remove 40% to 60% of the content of the pool; the main outlets at the bottom of the pool also are to be of sufficient capacity to remove 40% to 60%. The skimming action shall be as uniform as practicable, with good circulation toward the skimmers and without "dead spots" on the pool water surface. Where skimmer-filter combination units are to be installed, the influent shall be regulated in such a manner as to consist of 40% to 60% passing through the skimmer section of the device and 40% to 60% of the flow from the main drain.
- (b) It shall be possible to regulate the rate of flow through the skimming device. Each device shall be individually valved and capable of being discharged to waste.
- (c) The floating weir in the re-circulating skimmer shall be self-adjusting to variations in pool water level over a range of at least 3 inches.
- (d) A device shall be incorporated therein to prevent airlock in the suction line.
- (e) An easily removable and cleanable basket or screen shall be provided to trap large solids.
- (f) Skimming devices shall be built into the pool wall.

Section 330.20. Inlets.

Inlets shall be located so as to produce as far as possible uniform circulation of water throughout the pool without the existence of dead spots.

- (a) A minimum of 2 inlets shall be required for pools, with an additional inlet for each additional 40 lineal feet or fraction thereof of pool periphery over 120 lineal feet. Where automatic skimmers and skimmer-filter units are used, inlets shall be installed so as to direct the flow of water in a horizontal plane to the skimming device inlet. The minimum discharge depth of pool inlets shall be 10 inches below the pool operating level. When irregular shapes are incorporated into pools, additional inlets shall be installed in each offset.
- (b) Suitable facilities for adding make-up water as needed shall be provided. There shall be no physical connection between the water supply line and the pool system. If the make-up water is added directly to the pool, the fill spout shall be at least 6 inches above the upper rim of the pool. If the make-up water line discharges to a surge or balancing tank, the point of discharge shall be at least 6 inches above the rim of the tank. If a hose connection from a sill cock or other plumbing fixture is to be used for supplying make-up water, then an approved vacuum breaker shall be installed between the sill cock or control valve at the fixture and the hose connection. Any sill cock used for this service shall be located above ground level. No over-the-rim fill spout will be accepted unless located under a diving board or installed in a manner approved by the health officer so as to remove any hazard.
- (c) The systems supplying re-circulated water and make-up water to the pool shall be constructed in conformance with the city building code.

Section 330.22. Main Outlets.

- (a) The main outlets, for purposes of recirculation and emptying the pool, shall be so located as to provide at least 1 outlet at the deepest point in the pool if the pool width does not exceed 20 feet. If the pool width is more than 20 feet, multiple outlets shall be provided and spaced not more than 20 feet apart, nor more than 10 feet from walls. All main outlets shall be equipped with gratings having an area of openings not less than 4 times the cross-sectional area of the outlet pipe. The gratings shall be of such design so that they cannot be readily removable by bathers and will not injure bathers' fingers.
- (b) Pools shall be equipped with facilities for completely emptying the pool and other drainage by gravity if elevations permit, and the discharge of the pool water to the sanitary sewer, or other suitable disposal unit acceptable to the community health board, shall be at the rate not exceeding 250 gallons per minute. No direct connection shall be made to the sewer. The outlet from the pool recirculation systems shall terminate at least 6 inches above the receptacle connected to the sewer. The drainage system shall be constructed in conformance with the provisions of the city building code and under the supervision of a licensed plumber. Water drained from the pool shall not be discharged to the sanitary sewer system during periods of rain or storms.

Section 330.24. Heaters.

Gas-fired swimming pool heaters and swimming pool boilers shall bear the American Gas Association seal of approval. Oil burning equipment shall bear the Underwriters Laboratory seal of approval.

Section 330.26. Water Supply.

Water supplies serving all swimming pools shall be of a safe sanitary quality or otherwise acceptable to the Community Health Board. The installation of the pool water supply piping and connection to the source of supply shall be under the supervision of a licensed plumber.

Section 330.28. Tests.

All pool piping and the installation and construction of the pool piping system shall be in accordance with the approved plans. The entire pool piping system shall be tested with an air test of 50 PSI and proved tight before covering or concealing.

Section 330.30. Chemical Treatment and Pool Water Quality.

Gaseous chlorinating systems shall not be used as a disinfecting method for residential swimming pools. Residential swimming pools shall meet the following standards:

- (a) Free Chlorine. The free chlorine content shall be maintained between 0.5 and 1.0 part per million. (High-free residual chlorine may be used.)
- (b) Alkalinity. The pH level shall be maintained at between 7.1 and 7.8. (A higher pH is permitted if high-free residual chlorination is used.)
- (c) Bacteriological Quality. A sample of swimming pool water shall be considered satisfactory when the total bacterial count at 35 centigrade does not exceed 200 colonies per milliliter and no organisms of the E. Coli group are present in a 10 milliliter portion or 100 milliliter portion as determined by the membrane filter method. If more than 1 sample out of 7 collected on different dates is unsatisfactory, the bacterial quality of the pool water will be considered unsatisfactory. Procedures and interpretation relating to bacteriological quality shall be done in accordance with Minnesota statutes.

Section 330.32. Indicator Kit.

An indicator kit capable of measuring free chlorine residuals in swimming pool water ranging from 0.10 to 1.0 part per million shall be provided. An indicator kit capable of measuring the degree of alkalinity (pH) of the pool water ranging from 6.8 to 8.0 shall also be provided. (If high-free residual chlorination is used, kits capable of measuring higher values shall be provided.)

Section 330.34. Safety Rope and Anchors.

A safety rope and anchors shall be provided at the water line when the designed pool operating water level is 4-1/2 feet or less.

Section 330.36. Electrical Requirements.

- (a) All electrical installations provided for, installed and used in conjunction with residential swimming pools shall conform with the city code.
- (b) No current-carrying electrical conductors shall cross residential swimming pools, either overhead or underground or within 15 feet of such pools, except as necessary for pool lighting or pool accessories.
- (c) All metal fences, enclosures, or railings near or adjacent to residential swimming pools, which might become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

Section 330.38. Operation and Maintenance.

No residential swimming pool shall be used, kept, maintained or operated in the city, if such use, keeping, maintaining or operating shall be the occasion of any nuisance or shall be dangerous to life or detrimental to health.

Section 330.40. Inspection.

The community health board shall have authority to inspect any residential swimming pool at any reasonable time during construction and thereafter to determine whether or not the provisions of this ordinance regarding health, sanitation, operation and safety applicable thereto are being complied with. The building inspector shall have authority to enter upon any premises as it may be deemed necessary to inspect work done and installations made under permits issued by the building department.

Section 330.42. Lights.

No lights shall be installed to illuminate any swimming pool without having first received special permission therefor from the city council, which will grant such permission only for the following conditions:

- (a) The lights are shaded to reflect away from adjoining premises.
- (b) The lights are not a nuisance to adjoining premises or the neighborhood.
- (c) The lights are to be used only for emergency purposes.
- (d) The lights are to be of a low wattage.

Section 330.44. Location.

No portion of a swimming pool or appurtenances thereto shall be located at a distance less than 15 feet from any side or rear property line, nor in front of the building line.

Section 330.46. Fences.

All swimming pools shall be completely enclosed by a non-climbing type fence. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be at least 4 feet in height, 6 feet in height in the case of above-ground pools, and shall be constructed of a minimum number 11 gauge woven wire mesh corrosion-resistant material, or other materials approved by the building inspector. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. Fences surrounding above-ground pools shall be kept locked. All fence posts shall be decay or corrosion-resistant and shall be set in concrete bases, or other suitable protection. The openings between the bottom of the fence and the ground or other surface shall not be more than 4 inches.

Section 330.48. Safety Precautions.

- (a) A skilled swimmer shall be present at all times that residential swimming pools are in use.
- (b) Every residential swimming pool shall be equipped with 1 or more throwing ring buoys not more than 15 inches in diameter and having 60 feet of 3/16 inch Manila line attached, and one or more light but strong poles with blunted ends and not less than 12 feet in length for making reach assist or rescues.
- (c) Diving board height above the pool water level shall be in accordance with section 330.10, subsection (i). The community health board may authorize greater diving board heights when it is shown that such increased height will provide an equally safe diving board height to maximum pool depth ratio.

Section 330.50. Other Design and Equipment.

Any swimming pool, the design and equipment of which incorporates features other than those set forth herein, shall be subject to review and approval by the health officer in accordance with acceptable standards and in conformance with current public health and safety practices.

Section 330.52. Above-Ground Swimming Pools.

Above-ground swimming pools are prohibited except as a conditional use on specific application to the city council for a conditional use permit. If a permit is granted, the above-ground pool shall comply with all requirements stated herein.

Section 330.54. Penalties.

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and subject to the process outlined in chapter 12 of this code book.

SECTION 335. TENNIS COURTS.

Section 335.00. Lights.

No lights shall be installed to illuminate any tennis court without having first received special permission therefor from the city council, which will grant such permission only for the following conditions:

- (a) The lights are shaded to reflect away from adjoining premises.
- (b) The lights are not a nuisance to adjoining premises or the neighborhood.
- (c) The lights are to be of a low wattage.

SECTION 340. CABLE TELEVISION.

Section 340.00. Location of Cable.

All persons, partnerships, or companies contracting to provide cable television services within the city shall in installing all necessary cable or signal service conform the placement of such cable or signal service to the in-place telephone transmission lines whether they be buried or otherwise.

SECTION 345. CONDOMINIUMS.

Section 345.00. Findings.

The city council finds as follows:

1. There has developed in the Twin Cities metropolitan area a trend toward conversion of multiple occupancy dwellings to condominiums.
2. The costs of purchasing a unit, in many cases, is far greater than paying the monthly rental fee for the unit and it is often extremely difficult for the tenant to qualify for or get his or her finances in order quickly enough to determine whether purchasing a unit is economically feasible.
3. This situation can lead to the displacement or eviction of tenants, many of them elderly who have lived in their rental units for years with the intention of making their unit their permanent residence.
4. When they settle into their rental unit, in many cases, no representation was made to them that the former building ownership system might change, thus requiring a radically different financial outlay than originally anticipated.
5. Even the task of finding comparable rental housing elsewhere on short notice, and moving into it, will place a great burden on these tenants.
6. There exists in the city a significant shortage of rental dwellings as shown by the Greenwood comprehensive plan.
7. A need exists for legislation to afford individuals or families who desire to rent living accommodations relief from a situation that is detrimental to their welfare and to the welfare of the city as a whole.
8. A need also exists for legislation to protect the members of the community of Greenwood from potentially



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.

Southshore Center (SSC) / Minnetonka Community Education Services (MCES) Meeting

September 20, 2013

Participants from MCES:

Tim Litfin, MCES, Executive Director
Amanda Cambronne, MCES, Staff Member
Meg Low, MCES, Staff Member

Participants from the SSC Advisory Committee:

Bill Joynes, Shorewood City Administrator
Deb Kind, Greenwood Mayor
Scott Zerby, Shorewood Mayor
Theresa Zerby, Southshore Senior Partners (SSSP)

Discussion:

1. The group discussed the plan for Erik Sill and his Minnetonka High School Vantage students to develop business plan options to see if a partnership between MCES and the SSC cities* is viable.
2. The group discussed SSSP's ongoing interest in the SSC ...
 - a. SSSP volunteers are interested in continuing to staff the SSC desk during daytime hours, but they would like someone (MCES?) to be in charge of scheduling the volunteers.
 - b. SSSP currently has approximately 200 members who pay \$\$ to belong to the SSSP. SSSP membership allows them to attend some programs for free and others at a discounted rate. SSSP members are interested in continuing to come to programs at the SSC, but they would like someone (MCES?) to do the scheduling of the programs and they understand that the payment model may change.
 - c. SSSP currently has a phone blast system that a SSSP volunteer will continue to coordinate.
3. The amount of potential revenue from rentals and programs was discussed. Concern was expressed that there will not be enough revenue to offset operating expenses given the limited number rooms at the SSC. It was agreed that these parameters will need to be studied by the Vantage students. Bill is going to send the current rental pricing and the SSC floorplan to Tim (and everyone else too).
4. Tim currently is one of the mentors for the Vantage students. It was agreed that Tim's connection to the group will add value to the business planning process.
5. The next step is to wait for the business plan results from the Vantage students (10 to 12 weeks).
6. In the meantime, Shorewood and MCES are going to look into MCES doing some programming for the SSC.

* Current SSC cities are Deephaven, Excelsior, Greenwood, Shorewood, and Tonka Bay



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.

Invoice



Date	September 9, 2013
Name	City of Excelsior
City, State, Zip	37 Lake Street W, Excelsior, MN 55331
Description	The below amount is one half of the total cost (\$15,410) to resurface the St. Alban's Bay bridge per the attached pay request from Barber Construction. The city of Greenwood paid Barber Construction, therefore the below amount is due to Greenwood.
TOTAL DUE	\$7,705

Please make check payable to:

City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331

If you have questions, please contact: City Clerk Gus Karpas 952.358.9938, guskarpas@mchsi.com

Thank you!

FOR OFFICE USE ONLY:

Received By	
Date Received	
Check Number	

CONTRACTOR'S PAY REQUEST NO. 1
2013 STREET IMPROVEMENTS
CITY OF GREENWOOD
BMI PROJECT NO. C13.106046

CONTRACTOR
OWNER
ENGINEER

TOTAL ORIGINAL CONTRACT AMOUNT.....	\$108,875.00
TOTAL, COMPLETED WORK TO DATE.....	\$ 106,695.90
TOTAL, STORED MATERIALS TO DATE.....	\$ -
DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED.....	\$ -
TOTAL, COMPLETED WORK & STORED MATERIALS.....	\$ 106,695.90
RETAINED PERCENTAGE (5%)	\$ 5,334.80
TOTAL AMOUNT OF OTHER DEDUCTIONS.....	\$ -
NET AMOUNT DUE TO CONTRACTOR TO DATE.....	\$ 101,361.11
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$ -
PAY CONTRACTOR AS ESTIMATE NO. 1	\$ 101,361.11

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

Contractor: BARBER CONSTRUCTION
4350 MAIN STREET
ST. BONIFACIUS, MN 55375

By _____
Name Title
Date _____

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

By David P. Martini, CITY ENGINEER
DAVID MARTINI, P.E.

Date 8/27/13

APPROVED FOR PAYMENT:
Owner: CITY OF GREENWOOD

By _____
Name Title Date

PARTIAL PAY ESTIMATE NO. 1

CITY OF GREENWOOD
 2013 STREET IMPROVEMENTS
 BMI PROJECT NO. C13.106046

WORK COMPLETED THROUGH AUGUST 27, 2013

ITEM NO.	BID ITEM	UNIT PRICE	ESTIMATED		QUANTITY PREVIOUS ESTIMATE	QUANTITY COMPLETED TO DATE	
			BID QUANTITY	BID AMOUNT			
1	MOBILIZATION	\$5,000.00	1	LS \$ 5,000.00	LS \$ -	1	LS \$ 5,000.00
2	TRAFFIC CONTROL	\$4,000.00	1	LS \$ 4,000.00	LS \$ -	1	LS \$ 4,000.00
3	SAW CUT BITUMINOUS PAVEMENT	\$10.00	470	LF \$ 4,700.00	LF \$ -	786.5	LF \$ 7,865.00
4	REMOVE BITUMINOUS PAVEMENT	\$4.00	2,800	SY \$ 11,200.00	SY \$ -	2476	SY \$ 9,904.00
5	STREET BASE/SUBGRADE EXCAVATION (EV)	\$2.00	78	CY \$ 156.00	CY \$ -	15	CY \$ 30.00
6	SUBGRADE PREPARATION	\$1.00	2,800	SY \$ 2,800.00	SY \$ -	2476	SY \$ 2,476.00
7	GEOTEXTILE FABRIC	\$0.10	150	SY \$ 15.00	SY \$ -		SY \$ -
8	FURNISH AND PLACE CLASS 5 AGGREGATE BASE (100% CRUSHED LIMESTONE)	\$15.00	300	TONS \$ 4,500.00	TONS \$ -	260.98	TONS \$ 3,914.70
9	BITUMINOUS BASE COURSE, TYPE LV3, PAVER PLACED	\$85.00	230	TONS \$ 19,550.00	TONS \$ -	193.82	TONS \$ 16,474.70
10	1-1/2" BITUMINOUS WEAR COURSE, TYPE LV4, PAVER PLACED	\$7.10	1,700	SY \$ 12,070.00	SY \$ -	2345	SY \$ 16,649.50
11	BITUMINOUS BASE COURSE, TYPE LV3, MANUAL PLACED	\$85.00	160	TONS \$ 13,600.00	TONS \$ -	206.66	TONS \$ 17,566.10
12	1-1/2" BITUMINOUS WEAR COURSE, TYPE LV4, MANUAL PLACED	\$7.10	1,100	SY \$ 7,810.00	SY \$ -	169	SY \$ 1,199.90
13	TOPSOIL BORROW (LV)	\$12.00	27	CY \$ 324.00	CY \$ -	3	CY \$ 36.00
14	SEEDING WITH 270 RT SEED MIX AND TYPE 5 HYDROMULCH (3884)	\$2.00	400	SY \$ 800.00	SY \$ -	200	SY \$ 400.00
15	ADJUST STORM MANHOLE CASTING AND REPLACE ADJUSTING RINGS	\$350.00	2	EACH \$ 700.00	EACH \$ -	1	EACH \$ 350.00
16	ADJUST SANITARY MANHOLE CASTING, REPLACE ADJUSTING RINGS AND INSTALL EXTERNAL CHIMNEY SEAL	\$500.00	12	EACH \$ 6,000.00	EACH \$ -	8	EACH \$ 4,000.00
17	SILT FENCE, ORANGE PREASSEMBLED	\$1.00	30	LF \$ 30.00	LF \$ -		LF \$ -
18	BITUMINOUS BERM CURB	\$3.00	40	LF \$ 120.00	LF \$ -		LF \$ -
				\$ 93,375.00	\$ -		\$ 89,665.90
ALTERNATE BID - BRIDGE MILL AND OVERLAY							
A1	TRAFFIC CONTROL	\$ 2,000.00	1	LS \$ 2,000.00	LS \$ -	1	LS \$ 2,000.00
A2	REMOVE BITUMINOUS PAVEMENT BY MILLING	\$ 12.00	450	SY \$ 5,400.00	SY \$ -	447	SY \$ 5,364.00
A3	3" BITUMINOUS WEAR COURSE FOR BRIDGE OVERLAY, TYPE LV4	\$ 18.00	450	SY \$ 8,100.00	SY \$ -	447	SY \$ 8,046.00
				\$ 15,500.00	\$ -		\$ 15,410.00
EXTRA WORK							
	MILLING FOR PATCHING	\$ 10.00	142	LF \$ 1,420.00	LF \$ -	142	LF \$ 1,420.00
				\$ 1,420.00	\$ -		\$ 1,420.00
TOTAL AMOUNT INCLUDING EXTRA WORK:				\$ 110,295.00	\$ -		\$ 106,695.90



September 12, 2013

Dear Property Owner:

Work on Excelsior Boulevard is continuing to progress and it is anticipated that water service will be available to your property around the end of September. Although you are not required to hook up to the city's water system at this time, we would like to provide you with the following information related to city water:

1. The watermain adjacent to your property will be owned and operated by the city of Excelsior.
2. Prior to connection, a permit is required from the city of Excelsior along with the purchase of a water meter. In addition, the City of Excelsior will collect the Water Availability Charge (WAC) required at the time of connection permit application. If you would like copies or information, such as costs, fees, or submittal requirements on permits, please contact the city offices of Excelsior at (952) 474-5233 or cityhall@ci.excelsior.mn.us.
3. Property owners are responsible for constructing a water service line from the water service stub located near the edge of the street to your home / business. The water service and installation must comply with Excelsior's water ordinances and Minnesota Plumbing Code.
4. Excelsior Public Works will conduct inspections and turn the water on and off as needed.
5. The city of Excelsior will invoice property owners for water usage at the established non-resident rates.
6. All properties are required to hook up to city water by October 2, 2023, or upon failure of the existing private well, whichever comes first.
7. Existing wells may be maintained for lawn irrigation and other outside purposes, but all well connections must be separated from the municipal water system in compliance with all applicable codes and regulations including the Minnesota Plumbing Code.
8. Drilling of new wells upon failure of existing private wells, or an improvement to an existing private well will not be permitted.
9. Per Excelsior city code, the property owner is responsible for repairs from the house / business all the way to the watermain. If a repair requires the street to be disturbed, a permit from the city of Greenwood will be required in addition to any permit and/or inspections required by the city of Excelsior.

Questions regarding city water service can be directed to one of the following individuals:

Dave Martini
Greenwood City Engineer
(952) 448-8838
davidma@bolton-menk.com

Dave Wisdorf
City of Excelsior Public Works
(952) 653-3676
dwisdorf@ci.excelsior.mn.us

Site Statistics

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

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

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

Begin Date	8/15/2013
End Date	9/15/2013
Report Name	Page Views (Default)
<input type="button" value="Get Report"/>	

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	1467	43.21%
Agendas, Etc.	310	9.13%
Planning Commission	121	3.56%
City Departments	114	3.36%
Budget & Finances	102	3%
Assessments & Taxes	81	2.39%
Mayor & City Council	80	2.36%
Forms & Permits	65	1.91%
Photo Gallery	60	1.77%
Code Book	56	1.65%
Swiffers NOT Flushable	53	1.56%
RFPs & Bids	53	1.56%
Welcome to Greenwood	52	1.53%
Crime Update	50	1.47%
Met Council Project	48	1.41%
Meetings	44	1.3%
Garbage & Recycling	43	1.27%
Comp Plan & Maps	42	1.24%
Links	41	1.21%
Old Log Events	39	1.15%
Lake Minnetonka	39	1.15%
Watercraft Spaces	35	1.03%
Milfoil Project	33	0.97%
Search Results	33	0.97%
What's New?	30	0.88%
Well Water	29	0.85%
Email List	29	0.85%
Community Surveys	28	0.82%
Elections	27	0.8%

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.

Elections	27	0.8%
Animal Services	27	0.8%
Public Safety	26	0.77%
Xcel Project	25	0.74%
Spring Clean-Up Day	25	0.74%
Meetings on TV	23	0.68%
Southshore Center	22	0.65%
Health & Safety	21	0.62%
Events	13	0.38%
Planning & Zoning Workshop	4	0.12%
Unsubscribe	3	0.09%
---	2	0.06%
TOTAL	3395	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	484	32.81%
Agendas, Etc.	92	6.24%
City Departments	77	5.22%
Mayor & City Council	49	3.32%
Welcome to Greenwood	43	2.92%
Planning Commission	41	2.78%
Swiffers NOT Flushable	41	2.78%
Links	37	2.51%
Photo Gallery	36	2.44%
Code Book	33	2.24%
Crime Update	32	2.17%
Comp Plan & Maps	31	2.1%
Forms & Permits	31	2.1%
Garbage & Recycling	28	1.9%
Lake Minnetonka	28	1.9%
Meetings	28	1.9%
Assessments & Taxes	27	1.83%
Old Log Events	26	1.76%
Met Council Project	22	1.49%
What's New?	21	1.42%
Watercraft Spaces	20	1.36%
Budget & Finances	18	1.22%
Elections	18	1.22%
Well Water	18	1.22%
Email List	17	1.15%
Xcel Project	17	1.15%
RFPs & Bids	17	1.15%
Spring Clean-Up Day	16	1.08%
Animal Services	16	1.08%
Public Safety	16	1.08%
Milfoil Project	16	1.08%
Meetings on TV	16	1.08%
Community Surveys	13	0.88%
Events	12	0.81%
Southshore Center	11	0.75%
Search Results	11	0.75%
Health & Safety	8	0.54%
Planning & Zoning Workshop	4	0.27%
---	2	0.14%
Unsubscribe	2	0.14%
TOTAL	1475	100%

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

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 Kristi Conrad, David Paeper and Douglas Reeder

Absent: Commissioner John Beal

Others Present: Council Liaison Bill Cook, City Attorney Kelly and Zoning Administrator Gus Karpas.

2. APPROVE AGENDA

No action was taken on the agenda.

3. MINUTES – July 17, 2013

Commissioner Paeper moved to approve the minutes of July 17, 2013 as presented. Commissioner Reeder seconded the motion. Motion carried 3-0-1. Commissioner Conrad abstained.

4. PUBLIC HEARING

Ordinance 222 – 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

Chairman Lucking presented the ordinance. He gave a brief history of what led to the proposed ordinance. He said the proposed ordinance benefits the city in that potential changes to the property would not impact the entire R-1A district.

Commissioner Conrad said the Council is asking the Commission to create an ordinance with nearly the same language as the R-1A district, though the Planning Commission has always sought to expand the language and add some documentation of what currently exists and begin regulations from that point.

Chairman Lucking said his idea has always been to define what the current use of the Old Log Theater is and reasonable regulate that use, not restrict that use. He said the theater's current ordinance status is restrictive since it's a non-conforming use.

Chairman Lucking opened the public hearing.

Mark Setterholm, 5250 Meadville Street, said the use of the theater has already been defined by Don Stolz. It's a theater with live performances. Any other use or outside event was secondary to that use.

Julie Ekelund, 5135 Meadville Street, said her main concern with the proposed ordinance was the creation of an "Entertainment District" and what that could entail. She

GREENWOOD PLANNING COMMISSION
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7:00 P.M.

discussed a recent situation where loud music was coming from the Old Log Theater at a later hour than usual. She learned the city was considering a new ordinance to rezone and regulate the property.

Ms. Ekelund said the ordinance introduces the concept of an Entertainment District into the neighborhood which, she believes, is the first step to making the neighborhood a destination more so than the Old Log has already made it. She said the ordinance would allow for a full scale restaurant with a bar, which is already available in close proximity with Maynard's and Bayside. She doesn't believe this added activity at the Old Log enhances the quality of life or the value of the property in the neighborhood.

The addition of a more intensified service use in the neighborhood requires more deliveries, creates more trash and creates greater volumes of traffic and noise. Ms. Ekelund is also concerned about the possibility of people wandering through the neighborhood or finding intoxicated people in their yards.

She questioned the need to create an Entertainment District and asked how it would benefit the residents in the neighborhood.

Bob Newman, 5230 Meadville Street, said he was puzzled why there would be an amendment to the ordinance when one was not requested. He said it is typically the job of a property/business owner to adjust to the ordinance requirements. He doesn't want to see an ordinance that is more liberal than what currently exists. He said altering the use to something similar to Maynard's would impact property values and could impact the cost of police service, which affects all residents.

Greg Frankenfield, owner of the Old Log Theater, said he supported the proposed ordinance amendment. He has no applications before the city and no intentions at this time to submit any requests. He said the theater was removed as a conditional use while he was in the process of purchasing it, creating a situation where he can't legally do anything with it. He would like it to be re-established as some type of use in the ordinance. He discussed the loud music Ms. Ekelund described commenting it was from a wedding that was scheduled prior to him purchasing the property and that two more remain that he will honor that were booked by Mr. Stolz. He said they will do their best to police the property and make sure there is a minimal impact on the adjacent properties.

Keith Stuessi, 5000 Meadville Street, asked what other type of uses Mr. Frankenfield envisioned for the theater. Mr. Frankenfield said he has considered holding corporate events that would be held during the day. Mr. Stuessi asked about the restaurant and if there would be take out service. Mr. Frankenfield said there would not be any take out. He explained the restaurant opened in 1981 and his intent is to expand it to include a fine dining component within the existing restaurant. He said it would have a maximum capacity of fifty customers and would not be directly linked to the theater, though you could order a meal and then go to a show afterward. Mr. Stuessi asked about parking. Mr. Frankenfield said there were no events that would intentionally exceed the parking capacity and in the cases where there would be overflow, they could have valet parking and put cars elsewhere on the grassy areas of the property. He explained recent on-street parking during events were due to some parking lot improvements which were temporarily impacting the number of parking spaces.

GREENWOOD PLANNING COMMISSION
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7:00 P.M.

Ms. Ekelund said she loves the Old Log and she has no concerns about the current use or those being discussed by Mr. Frankenfield, but the city has to consider the use in terms of what future owners could do. Chairman Lucking said the purpose of the ordinance is to create a degree of protection for the citizens in limiting potential development in the R-1A.

Zoning Coordinator Karpas said the proposed ordinance does not weaken the current language, in fact, it's the same language. What the ordinance does is give the city protection from someone else, as far-fetched as it sounds, acquiring enough land within the R-1A district and applying for a CUP to operate a theater. At the same time, it also creates a district, which in the event the theater no longer exists, permits the city to consider other low density housing types that may be appropriate for that property but not the rest of the R-1A. He said the definition of theater has also been amended to address the fact the existing definition was too broad and could include any number of uses the city may not want.

Kathlyn Heidel, 5085 Meadville Street, discussed the wetlands on the properties and how extensive the flooding was whenever there was a significant rainfall. She spoke of the uniqueness of Greenwood and the need to protect sensitive areas such as the Old Log property.

Mr. Newman said the neighborhood wants to maintain its friendly relationship with the Old Log. He doesn't have an issue with restaurant use and was even excited to see the overflow parking the other night. He does not want to see excess noise as a regular occurrence. He said changes can be made to the ordinance without loosening the existing standards and they should be written to protect the citizens.

Council Liaison Cook explained his thoughts noting it was his belief that the Council did not want to have a CUP for a theater in the R-1A district and wanted to draft an ordinance that would put in protection for the residential district and the theater. He said the interaction between the Old Log and the neighborhood is very unique and issues such as odor and noise are very important to discuss.

Hearing no further comments, the hearing was closed.

Chairman Lucking discussed a definition he proposed for "Theater Entertainment Center" which more closely represents how the Old Log has operated in the past. He said calling the Old Log a restaurant is a stretch in his mind. City Attorney Kelly suggested renaming the definition to "Dinner Theater."

Commissioner Conrad expressed concern that the Commission may not have a lot of time for revision of the ordinance since the Council is expecting something to be passed on to them.

City Attorney Kelly said a good starting point may be to define what we have today, in terms of a restaurant and once the use crosses that threshold, a conditional use permit would need to be issued.

The Commission discussed the creation of conditions and how they could be applied. City Attorney said conditions that are rationally related to the permit can be applied to a request. He said that's why there's a benefit to think about what the existing use is and

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7:00 P.M.

what it may become. He said if your conditions are too general, you run the risk of adopting conditions that aren't related to the permit. Zoning Coordinator Karpas asked if the phrase "including, but not limited to" provided any protection. Mr. Kelly said it could, but it could also create a pathway to a challenge.

Ms. Ekelund commented about the development of the St. Alban Villas and Marina and how the contractor visited neighbors to discuss the plans. She said it was a comfortable feeling to know what is going on, even if you're not necessarily in favor of it. She said there is fear and people don't like change, especially when they don't know what is going on.

Council Liaison Cook said he has some ideas, but he will hold his changes until the ordinance gets to the Council level. He believes the Council is not looking for a set of detailed requirements, rather a framework to work with for the next CUP and a definition of when the next CUP is required. He thinks any conditions should maintain compatibility with the residential character of the neighborhood.

Commissioner Conrad asked if Mr. Frankenfield was comfortable with removing the definition of restaurant and replacing it with "Dinner Theater." Chairman Lucking noted if a definition is not created at this time, if Mr. Frankenfield wants to run a restaurant, he would need to be issued a CUP.

Mr. Frankenfield said he bought a theater with a restaurant attached to it. He said it's not a dinner theater which is commonly defined as eating while watching the show. He said defining it in that manner also creates an issue with his worker's union. He reiterated he doesn't have any applications before the city and based on his current status under the ordinance, he can't apply for anything. He said there will be changes, but they will all be within the ordinance requirements, regardless of what the changes are. He said he's not even sure he knows enough about what he's going to do to allow the city to craft conditions. He said the business as it was operating was failing and he knows he has to do something different.

City Attorney Kelly said the city is trying to provide some guidance by defining what exists and what expansions would be permitted and those that would require a CUP. Chairman Lucking said the intent is also to design something that is good for everyone so you can succeed as a business and the neighborhood cannot feel it's been negatively impacted. He said the city has learned more about Mr. Frankenfield's perspective tonight than any other time which has given the Commission some idea of how to draft some language to pass on to the Council.

The Commission discussed specific language changes removing the term "Theater Entertainment Center" and replacing it with "Theater with Attached Restaurant" and creating an amended definition for the term. The Commission altered the definition for "Restaurant" and made minor changes throughout the ordinance to reflect the changes in terminology made in the definitions.

The changes were read out loud to those residents in attendance.

Ms. Ekelund said food service has always been associated with shows and is still concerned that her property is next to something that could turn into a business like Maynard's. She believes even the amended language leaves the door open for

expansion of the use and can make the site a destination for something other than a theater.

Mr. Stuessi commented that people are trying to define and create an ordinance based on what has happened on the property in the past. He said there have been a large number of events on the property over the years with minimal impact. He would hate to create regulations that would unduly restrict the use of the property based on what we perceive could happen on the site.

Motion by Commissioner Paeper to recommend the City Council approve Ordinance 222, as amended, Amending Greenwood Zoning Code Chapter 11 to add Section 1123, R-1C Single-Family Residential District, add Related Definitions to Chapter 12, and Amend Section 1150.20 Regarding Conditional Uses. Reeder seconded the motion. Motion carried 4-0.

5. OLD BUSINESS

None

6. LIAISON REPORT

Council Liaison Cook had no report.

7. ADJOURN

Motion by Commissioner Reeder to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 9:10 pm.

Respectively Submitted
Gus Karpas - Zoning Administrator



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

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

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

www.bolton-menk.com

September 19, 2013

Robert Byers, P.E.
Hennepin County Public Works
1600 Prairie Drive
Medina, MN 55340-5421

RE: 2013 Hennepin County Aid to Municipalities Reimbursement Request
City of Greenwood

Dear Mr. Byers:

On behalf of the City of Greenwood, I would like to request reimbursement of the City's CAM apportionment in the amount of \$1,800. The request form is attached along with a project location map and Pay Request No. 1.

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

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer

PROPOSED CAM IMPROVEMENT PROJECTS

REQUEST FOR COUNTY APPROVAL

Municipality GREENWOOD

Name of Road, Street, or Avenue MINNETONKA BLVD., BYRON CIR., LODGE LANE,
WOODS CT., LYMAN CT.

Location* : From SEE LOCATION MAP To _____

Type of Improvement / Project Scope RESURFACING, REHABILITATION

*Attach Project Location Map

Estimated Cost \$ 108,875

<p><input checked="" type="checkbox"/> This project is on a currently designated County Aid route.</p> <p><input type="checkbox"/> This project is not on a currently designated County Aid route but the city would like the route to be added to the County Aid system (provide information at right).</p>	<p>Proposed Route Changes & Justification:</p>
--	--

SIGNATURE: David P. Mat...

Date: 9/19/13

CITY OFFICIAL: CONSULTANT CITY ENGINEER
Title

Phone: (952) 448-8838

<p>Request Approved: Robert H Byers, P.E.: _____ Senior Professional Engineer</p>	<p>Date: _____</p>
<p>Remarks: _____</p>	
<p><input type="checkbox"/> Project consists of eligible items</p> <p><input type="checkbox"/> CAM funds are available</p> <p><input type="checkbox"/> Project is on CAM system</p> <p><input type="checkbox"/> Verified Project Completion (photo taken)</p>	

CITY OF GREENWOOD, MINNESOTA

CONSTRUCTION PLANS FOR

2013 STREET IMPROVEMENTS

BYRON CIRCLE, ST. ALBANS BAY BRIDGE, LODGE LANE, LYMAN COURT & WOODS COURT
JUNE 2013

DATE	PLAN REVISIONS	SHEET NUMBER	APPROVED BY

SHEET INDEX

SHEET NO.	TITLE
1	TITLE SHEET
2	CONSTRUCTION DETAILS
3	ST. ALBANS BAY BRIDGE & BYRON CIRCLE PHOTO PLAN
4	LODGE LANE, LYMAN CT & WOODS CT PHOTO PLAN



AS OF THE
CITY OF GREENWOOD
HENNING COUNTY, MN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Kenneth A. Duffy
KENNETH A. DUFFY
P.E.
LIC. NO. 11068 DATE: JUNE 7, 2013

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1000 W. WASHINGTON ST. SUITE 100
MINNETONKA, MN 55369
BAMTER, VAN ROOSTER, VAN AMELIA, SPENNER, JR.

PROJECT NO.	CITY OF GREENWOOD
DRAWING NO.	2013 STREET IMPROVEMENTS
SHEET NO.	1
TOTAL SHEETS	4
TITLE SHEET	

CONTRACTOR'S PAY REQUEST NO. 1
2013 STREET IMPROVEMENTS
CITY OF GREENWOOD
BMI PROJECT NO. C13.106046

CONTRACTOR
OWNER
ENGINEER

TOTAL ORIGINAL CONTRACT AMOUNT.....	\$108,875.00
TOTAL, COMPLETED WORK TO DATE	\$ 106,695.90
TOTAL, STORED MATERIALS TO DATE	\$ -
DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED	\$ -
TOTAL, COMPLETED WORK & STORED MATERIALS	\$ 106,695.90
RETAINED PERCENTAGE (5%)	\$ 5,334.80
TOTAL AMOUNT OF OTHER DEDUCTIONS	\$ -
NET AMOUNT DUE TO CONTRACTOR TO DATE	\$ 101,361.11
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$ -
PAY CONTRACTOR AS ESTIMATE NO. 1	\$ 101,361.11

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

Contractor: BARBER CONSTRUCTION
4350 MAIN STREET
ST. BONIFACIUS, MN 55375

By

Gerald J. Barber, president
Name Title

Date

8-28-2013

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

By *David P. Martini* CITY ENGINEER
DAVID MARTINI, P.E.

Date 8/27/13

APPROVED FOR PAYMENT:
Owner: CITY OF GREENWOOD

By *David J. ...* Mayor 9/4/13
Name Title Date

PARTIAL PAY ESTIMATE NO. 1

CITY OF GREENWOOD
2013 STREET IMPROVEMENTS
SMI PROJECT NO. C13.106046

WORK COMPLETED THROUGH AUGUST 27, 2013

ITEM NO.	BID ITEM	UNIT PRICE	ESTIMATED		BID AMOUNT	QUANTITY PREVIOUS ESTIMATE		QUANTITY COMPLETED TO DATE		
			BID QUANTITY							
1	MOBILIZATION	\$5,000.00	1	LS	\$ 5,000.00		LS	1	LS	\$ 5,000.00
2	TRAFFIC CONTROL	\$4,000.00	1	LS	\$ 4,000.00		LS	1	LS	\$ 4,000.00
3	SAW CUT BITUMINOUS PAVEMENT	\$10.00	470	LF	\$ 4,700.00		LF	786.5	LF	\$ 7,865.00
4	REMOVE BITUMINOUS PAVEMENT	\$4.00	2,800	SY	\$ 11,200.00		SY	2,476	SY	\$ 9,904.00
5	STREET BASE/SUBGRADE EXCAVATION (EV)	\$2.00	78	CY	\$ 156.00		CY	15	CY	\$ 30.00
6	SUBGRADE PREPARATION	\$1.00	2,800	SY	\$ 2,800.00		SY	2,476	SY	\$ 2,476.00
7	GEOTEXTILE FABRIC	\$0.10	150	SY	\$ 15.00		SY		SY	\$ -
8	FURNISH AND PLACE CLASS 5 AGGREGATE BASE (100% CRUSHED LIMESTONE)	\$15.00	300	TONS	\$ 4,500.00		TONS	260.98	TONS	\$ 3,914.70
9	BITUMINOUS BASE COURSE, TYPE LV3, PAVEMENT PLACED	\$85.00	230	TONS	\$ 19,550.00		TONS	193.82	TONS	\$ 16,474.70
10	1-1/2" BITUMINOUS WEAR COURSE, TYPE LV4, PAVEMENT PLACED	\$7.10	1,700	SY	\$ 12,070.00		SY	2,345	SY	\$ 16,649.50
11	BITUMINOUS BASE COURSE, TYPE LV3, MANUAL PLACED	\$85.00	160	TONS	\$ 13,600.00		TONS	205.66	TONS	\$ 17,566.10
12	1-1/2" BITUMINOUS WEAR COURSE, TYPE LV4, MANUAL PLACED	\$7.10	1,100	SY	\$ 7,810.00		SY	169	SY	\$ 1,199.90
13	TOPSOIL BORROW (LV)	\$12.00	27	CY	\$ 324.00		CY	3	CY	\$ 36.00
14	SEEDING WITH 270 RT SEED MIX AND TYPE 5 HYDROMULCH (3884)	\$2.00	400	SY	\$ 800.00		SY	200	SY	\$ 400.00
15	ADJUST STORM MANHOLE CASTING AND REPLACE ADJUSTING RINGS	\$350.00	2	EACH	\$ 700.00		EACH	1	EACH	\$ 350.00
16	ADJUST SANITARY MANHOLE CASTING, REPLACE ADJUSTING RINGS AND INSTALL EXTERNAL CHIMNEY SEAL	\$500.00	12	EACH	\$ 6,000.00		EACH	8	EACH	\$ 4,000.00
17	SILT FENCE, ORANGE PREASSEMBLED	\$1.00	30	LF	\$ 30.00		LF		LF	\$ -
18	BITUMINOUS BERM CURB	\$3.00	40	LF	\$ 120.00		LF		LF	\$ -
					\$ 93,375.00					\$ 89,865.90
ALTERNATE BID - BRIDGE MILL AND OVERLAY										
A1	TRAFFIC CONTROL	\$ 2,000.00	1	LS	\$ 2,000.00		LS	1	LS	\$ 2,000.00
A2	REMOVE BITUMINOUS PAVEMENT BY MILLING	\$ 12.00	450	SY	\$ 5,400.00		SY	447	SY	\$ 5,364.00
A3	3" BITUMINOUS WEAR COURSE FOR BRIDGE OVERLAY, TYPE LV4	\$ 18.00	450	SY	\$ 8,100.00		SY	447	SY	\$ 8,046.00
	EXTRA WORK				\$ 15,500.00					\$ 15,410.00
	MILLING FOR PATCHING	\$ 10.00	142	LF	\$ 1,420.00		LF	142	LF	\$ 1,420.00
					\$ 1,420.00					\$ 1,420.00
					\$ 110,295.00					\$ 106,695.90
TOTAL AMOUNT INCLUDING EXTRA WORK:										