

AGENDA

Greenwood City Council Meeting

Wednesday, June 4, 2014
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.
Agenda times are approximate.*

- 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: 05-07-14 City Council Meeting Minutes
 - B. Approve: April Cash Summary Report
 - C. Approve: May Verifields, Check Register, Electronic Fund Transfers
 - D. Approve: June Payroll Register
 - E. 2nd Reading: Ordinance 229, Amending 1179 Shoreland Management District Ordinance Relating to Impervious Surfaces in Residential Districts
 - F. 2nd Reading: Ordinance 232, Amending Section 1140.40 Regarding Signs in Residential Areas
- 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. Reports: City Engineer Dave Martini
 - I. Discuss: Road Project Bids & County Aid to Municipalities Application
 - II. Discuss: Green Woods on the Lake Drainage Pond Issue
 - III. Discuss: Potential Removal of Minnetonka Blvd Barrier Posts
 - IV. Discuss: New St. Alban's Bay Bridge Rating (41)
 - B. Announcement: July 4th Parade, Meet at Greenwood Park (Meadville & Fairview) at 9:45am
- 7:45pm 5. PUBLIC HEARINGS
- A. Public Hearing: Ordinance 233 Amending Sections 1150 and 1155 Determination Relating to Planning Commission Role
- 7:50pm 6. UNFINISHED BUSINESS
- A. Consider: Proposal for Day Dock Along LRT (by Green Woods on the Lake)
- 8:10pm 7. NEW BUSINESS
- A. 1st Reading: Ordinance 234 Repealing Fire Code Section 315 Appendix D
 - B. Consider: Res 14-14, Variance Findings, Steve & Heather Pint, 5140 St. Alban's Bay Road
 - C. 1st Reading: Ordinance 233 Amending Sections 1150 and 1155 Determination Relating to Planning Commission Role
 - D. Consider: Assessor Contract
 - E. Consider: Excelsior Park & Dock Patrol Proposal
 - F. Consider: Potential Special Event Ordinance
 - G. Consider: Election Resolutions
 - I. Resolution 12-14 Appointing Election Judges and Absentee Ballot Board
 - II. Resolution 13-14 Absentee Ballot Counting Location
 - H. Discuss: Potential 4-Year Term for Mayor
 - I. Discuss: Lake Minnetonka Scenic Byway
- 9:30pm 8. OTHER BUSINESS
- A. None
- 9:30pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission
 - B. Fletcher: Lake Minnetonka Communications Commission, Fire
 - C. Kind: Police, Administration, Mayors' Meetings, Website, Southshore Center Committee
 - D. Quam: Roads & Sewer, Minnetonka Community Education, St. Alban's Bay Bridge
 - E. Roy: Lake Minnetonka Conservation District, Lake Improvement District
- 9:45pm 10. ADJOURNMENT

MINUTES

Greenwood City Council Meeting

Wednesday, May 7, 2014

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

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

Members Present: Mayor Kind; Councilmembers Bill Cook, Tom Fletcher, Bob Quam, and Rob Roy

Others Present: City Zoning Administrator / City Clerk Gus Karpas, City Attorney Mark Kelly,

City Engineer Dave Martini

Members Absent: None

Motion by Kind to approve the agenda. Second by Cook. Motion passed 5-0.

2. CONSENT AGENDA

- A. Approve: 04-02-14 City Council Worksession Minutes
- B. Approve: 04-02-14 City Council Meeting Minutes
- C. Approve: 04-10-14 Local Board of Appeal & Equalization Minutes
- D. Approve: 04-24-14 Local Board of Appeal & Equalization Reconvene Minutes
- E. Approve: March Cash Summary Report
- F. Approve: April Verifields, Check Register, Electronic Fund Transfers
- G. Approve: May Payroll Register
- H. Approve: Public Access Procedures

Motion by Kind to approve the consent agenda items as presented. Second by Quam. Motion passed 5-0.

3. MATTERS FROM THE FLOOR

- A. None

4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

- A. Meet: Planning Commission Applicant Lake Bechtell

Council action was taken later on agenda (7A).

- B. Presentation: Quarterly Police Update

No council action taken.

- C. Presentation: City Engineer Dave Martini

- I. Road Project Recommendations

Motion by Fletcher to direct the city engineer to secure bids for street rehabilitation projects on Fairview Avenue and Covington Street South, crack sealing and sealcoating on Sleepy Hollow Rd, Weeks Rd, Highview Place, Linwood Circle, Lyman Court, and Woods Court, and center line painting on Minnetonka Blvd and the corner on Meadville. In addition, authorize the city treasurer to create a Road Improvement Fund within the General Fund to start saving money for improvements to Minnetonka Blvd in the future. Second by Cook. Motion passed 5-0.

- II. Discuss: Removal of Minnetonka Blvd Barrier Posts (to improve road drainage)

Motion by Fletcher to continue the discussion to the June council meeting. Second by Cook. Motion passed 5-0.

- D. Announcement: City Council / Planning Commission Joint Worksession, Jake O'Connor's Wednesday 5/21, Approximately 8pm (following the planning commission meeting)

No council action taken. It was noted that the worksession likely will start earlier than 8pm due to a light planning commission agenda.

5. PUBLIC HEARINGS

- A. Ordinance 232, Amending Section 1140.40 Regarding Signs in Residential Areas

Motion by Cook to open the public hearing. Second by Quam. Motion passed 5-0.

No one spoke during the public hearing opportunity.

Motion by Cook to close the public hearing. Second by Fletcher. Motion passed 5-0.

6. UNFINISHED BUSINESS

- A. 2nd Reading: Ordinance 230 (chapter 2) and Ordinance 231 (chapter 11), Permitting Temporary Suspension of the Planning Commission in Exigent Circumstances

Motion by Roy to approve the 2nd reading of ordinances 230 and 231 with the change to add an Alternate 3 seat to the ordinance. Second by Kind. Motion passed 4-1 with Cook voting nay.

7. NEW BUSINESS

- A. Consider: Res 10-14, Update of 2014 Appointments & Assignments

Motion by Fletcher to approve resolution 10-14, update of 2014 appointment and assignments with the following revisions: Add an alternate 3 planning commission seat and appoint Bill Cook to this position. List the alternate 2 planning commission seat as vacant. Second by Cook. Motion passed 5-0.

- B. Consider: Res 11-14, Findings of Fact for Conditional Use Permit Request, Excelsior Entertainment, LLC (Old Log), 5185 Meadville Street

Motion by Cook to approve resolution 11-14, findings of fact approving the conditional use permit request from Excelsior Entertainment, LLC (Old Log), 5185 Meadville Street with the following revisions: Fill in the setback blanks to say 2 feet, add language about screening the refuse area in the appropriate places, remove specifics regarding type of screening. Second by Roy. Motion passed 5-0.

- C. Consider: Proposal for Limited-Use Dock by Greenwoods on the Lake

Motion by Roy to continue the discussion to the June council meeting pending the city attorney's opinion regarding jurisdiction. Second by Cook. Motion passed 5-0.

- D. 1st Reading: Ordinance 229, Amending 1179 Shoreland Management District Ordinance Relating to Impervious Surfaces in Residential Districts

Motion by Quam to approve the 1st reading of ordinance 229, amending 1179 shoreland management district ordinance relating to impervious surfaces in residential districts. Second by Cook. Motion passed 5-0.

- E. 1st Reading: Ordinance 232, Amending Section 1140.40 Regarding Signs in Residential Areas

Motion by Cook to approve the 1st reading of ordinance 232, amending section 1140.40 regarding signs in residential areas. Second by Quam. Motion passed 5-0.

- F. Discuss: Assessor Contract

Motion by Roy to authorize the city clerk to advertise a Request for Proposals to provide assessor services for the city. Second by Cook. Motion passed 5-0.

G. Consider: Lake Minnetonka Communications Commission Franchise Renewal Agreement

Motion by Quam to authorize the city's Lake Minnetonka Communications representatives to vote in favor of approving the franchise renewal agreement. Second by Cook. Motion passed 5-0.

H. Consider: Amendment to South Lake Minnetonka Police Department Joint Powers Agreement (to allow majority vote for budgets)

No council action taken since the Excelsior city council rejected the JPA amendment and unanimous approval from all 4 South Lake Minnetonka Police Department cities is required for JPA amendments.

I. Consider: Contribution to 2014 Lake Minnetonka July 4th Celebration

Motion by Fletcher to authorize the city treasurer to disburse a check in the amount of \$1000 to the Excelsior / Lake Minnetonka Chamber of Commerce for the 2014 July 4th Celebration Fund and include a note saying that the city also will be supporting the event by paying a portion of the cost for extra policing directly to the South Lake Minnetonka Police Department. Second by Quam. Motion passed 5-0.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Cook: Planning Commission

B. Fletcher: Lake Minnetonka Communications Commission, Fire

C. Kind: Police, Administration, Mayors' Meetings, Website, Southshore Center Committee

Motion by Cook to authorize the city clerk to sign the agreement with Electric Pump to provide lift station inspection services in 2014 for \$1000. Second by Roy. Motion passed 5-0.

Motion by Fletcher to authorize the city clerk to coordinate payment of the Weeks Rd street light electric bill with Xcel Energy. Second by Roy. Motion passed 5-0.

Council consensus agreed to set Greenwood Clean-Up Day for the 3rd Saturday in May 2015. This date will officially be approved when all other dates are approved at the January council meeting.

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

E. Roy: Lake Minnetonka Conservation District, Lake Improvement District

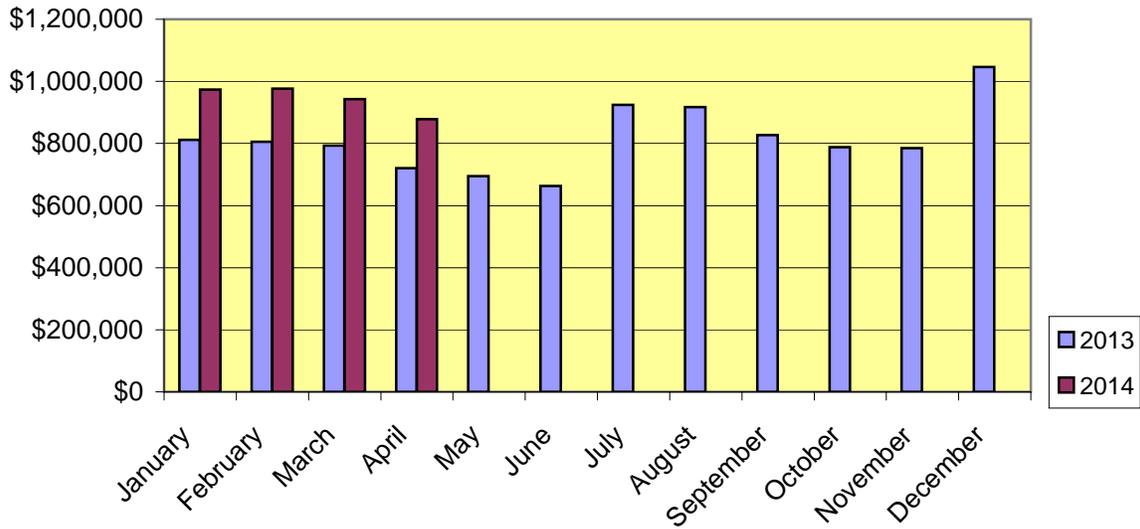
No council action was taken regarding A, B, D, E council reports.

10. ADJOURNMENT

Motion by Quam to adjourn the meeting at 9:43pm. Second by Fletcher. Motion passed 5-0.

This document is intended to meet statutory requirements for city council meeting minutes. A video recording was made of the meeting, which provides a verbatim account of what transpired. The video recording is available for viewing on LMCC TV channel 8 for 1 month, at www.lmcc-tv.org for 1 year, and on DVD at the city office (permanent archive).

City of Greenwood Monthly Cash Summary



Month	2013	2014	Variance with Prior Month	Variance with Prior Year
January	\$812,019	\$973,698	-\$72,277	\$161,679
February	\$805,692	\$976,134	\$2,436	\$170,442
March	\$793,435	\$942,468	-\$33,666	\$149,033
April	\$720,170	\$878,040	-\$64,428	\$157,870
May	\$694,987		-\$878,040	-\$694,987
June	\$663,171		\$0	-\$663,171
July	\$924,057		\$0	-\$924,057
August	\$917,234		\$0	-\$917,234
September	\$826,755		\$0	-\$826,755
October	\$788,426		\$0	-\$788,426
November	\$784,533		\$0	-\$784,533
December	\$1,045,975		\$0	-\$1,045,975

Bridgewater Bank Money Market	\$607,027
Bridgewater Bank Checking	\$3,584
Beacon Bank CD	\$244,074
Beacon Bank Money Market	\$18,255
Beacon Bank Checking	\$5,100
	<u>\$878,040</u>

ALLOCATION BY FUND

General Fund	\$219,156
Special Project Fund	\$36,900
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$98,583
Stormwater Fund	\$16,322
Sewer Enterprise Fund	\$423,021
Marina Enterprise Fund	\$57,003
	<u>\$878,040</u>

Check Issue Date(s): 05/01/2014 - 05/31/2014

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
05/14	05/06/2014	11032	760	BEACON BANK	001-20100	200,000.00
05/14	05/05/2014	12251	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	46.25
05/14	05/05/2014	12252	757	CliftonLarsonAllen, LLP	101-20100	1,450.00
05/14	05/05/2014	12253		Void Check	101-20100	.00 V
05/14	05/05/2014	12254	3	KELLY LAW OFFICES	602-20100	1,644.50
05/14	05/05/2014	12255	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	15,184.58
05/14	05/05/2014	12256	745	Vintage Waste Systems	101-20100	1,628.25
05/14	05/05/2014	12257	145	XCEL ENERGY	602-20100	222.72
05/14	05/05/2014	12258	822	ECM PUBLISHERS INC	101-20100	85.12
05/14	05/13/2014	12259	700	INFRASTRUCTURE TECHNOLOGIES	602-20100	2,115.65
05/14	05/19/2014	12260	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	437.10
05/14	05/19/2014	12261	10	AMERICAN SOLUTIONS FOR BUSINES	101-20100	142.28
05/14	05/19/2014	12262	51	BOLTON & MENK, INC.	502-20100	1,016.00
05/14	05/19/2014	12263	9	CITY OF DEEPHAVEN	101-20100	5,835.76
05/14	05/19/2014	12264	315	DOCK & LIFT INC.	605-20100	1,500.00
05/14	05/19/2014	12265	822	ECM PUBLISHERS INC	101-20100	53.20
05/14	05/19/2014	12266	818	EXC/LAKE MTKA CHAMBER COMMERC	101-20100	1,000.00
05/14	05/19/2014	12267	68	GOPHER STATE ONE CALL	602-20100	42.15
05/14	05/19/2014	12268	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,318.22
05/14	05/19/2014	12269	745	Vintage Waste Systems	101-20100	2,253.14
05/14	05/19/2014	12270	145	XCEL ENERGY	101-20100	374.96
Totals:						<u>237,349.88</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
3		KELLY LAW OFFICES						
	6232	GENERAL LEGAL	04/29/2014	1,127.00	.00	1,127.00	12254	05/05/2014
	6233	LAW ENFORCE PROSECUTION	04/29/2014	517.50	.00	517.50	12254	05/05/2014
Total 3				1,644.50	.00	1,644.50		
9		CITY OF DEEPHAVEN						
	MAY 1 2014	Postage	05/01/2014	5,835.76	.00	5,835.76	12263	05/19/2014
Total 9				5,835.76	.00	5,835.76		
10		AMERICAN SOLUTIONS FOR BUSINES						
	NV01775631	LASER CHECKS	05/05/2014	142.28	.00	142.28	12261	05/19/2014
Total 10				142.28	.00	142.28		
38		SO LAKE MINNETONKA POLICE DEPT						
	MAY 2014	2014 OPERATING BUDGET EXP	05/01/2014	15,184.58	.00	15,184.58	12255	05/05/2014
Total 38				15,184.58	.00	15,184.58		
51		BOLTON & MENK, INC.						
	0165948	2013 I & I PROJECT	04/30/2014	392.00	.00	392.00	12262	05/19/2014
	0165949	2013 MS4 SWPPP	04/30/2014	44.00	.00	44.00	12262	05/19/2014
	0165950	2014 STREET IMPROVEMENTS	04/30/2014	580.00	.00	580.00	12262	05/19/2014
Total 51				1,016.00	.00	1,016.00		
68		GOPHER STATE ONE CALL						
	103971	Gopher State calls	04/30/2014	42.15	.00	42.15	12267	05/19/2014
Total 68				42.15	.00	42.15		
105		METRO COUNCIL ENVIRO SERVICES						
	0001033425	Monthly wastewater Charge	05/06/2014	2,318.22	.00	2,318.22	12268	05/19/2014
Total 105				2,318.22	.00	2,318.22		
145		XCEL ENERGY						
	042414	LIFT STATION #6	04/24/2014	222.72	.00	222.72	12257	05/05/2014
	050514	Street Lights *	05/05/2014	374.96	.00	374.96	12270	05/19/2014
Total 145				597.68	.00	597.68		
315		DOCK & LIFT INC.						
	24545	INSTALL FLOATING DOCK	05/08/2014	1,500.00	.00	1,500.00	12264	05/19/2014
Total 315				1,500.00	.00	1,500.00		
700		INFRASTRUCTURE TECHNOLOGIES						

051314	2013 SWR REHAB PROJECT	05/13/2014	2,115.65	.00	2,115.65	12259	05/13/2014
Total 700			2,115.65	.00	2,115.65		
745 Vintage Waste Systems							
042514	City Recycling Contract	04/25/2014	1,628.25	.00	1,628.25	12256	05/05/2014
50714	2012 CITY CLEANUP	05/07/2014	2,253.14	.00	2,253.14	12269	05/19/2014
Total 745			3,881.39	.00	3,881.39		
757 CliftonLarsonAllen, LLP							
838726	2013 AUDIT	04/30/2014	1,450.00	.00	1,450.00	12252	05/05/2014
Total 757			1,450.00	.00	1,450.00		
760 BEACON BANK							
050614	DEPOSIT TO BEACON CKG ACCT	05/06/2014	200,000.00	.00	200,000.00	11032	05/06/2014
Total 760			200,000.00	.00	200,000.00		
808 ADVANTAGE SIGNS & GRAPHICS INC							
00022045	SIGNS	05/02/2014	46.25	.00	46.25	12251	05/05/2014
00022160	SIGNS	05/09/2014	437.10	.00	437.10	12260	05/19/2014
Total 808			483.35	.00	483.35		
818 EXC/LAKE MTKA CHAMBER COMMERCIAL							
051114	JULY 4TH CONTRIBUTION	05/11/2014	1,000.00	.00	1,000.00	12266	05/19/2014
Total 818			1,000.00	.00	1,000.00		
822 ECM PUBLISHERS INC							
093107	LEGAL NOTICE	04/17/2014	42.56	.00	42.56	12258	05/05/2014
100140	LEGAL NOTICE	05/08/2014	53.20	.00	53.20	12265	05/19/2014
93107	LEGAL NOTICE	04/17/2014	42.56	.00	42.56	12258	05/05/2014
Total 822			138.32	.00	138.32		
Grand Totals:			237,349.88	.00	237,349.88		

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
06/01/14	PC	06/01/14	6011401	COOK, WILLIAM B.	37		001-10101	184.70
06/01/14	PC	06/01/14	6011402	Fletcher, Thomas M	33		001-10101	84.70
06/01/14	PC	06/01/14	6011403	Kind, Debra J.	34		001-10101	277.05
06/01/14	PC	06/01/14	6011404	Quam, Robert	32		001-10101	184.70
06/01/14	PC	06/01/14	6011405	ROY, ROBERT J.	38		001-10101	184.70
Grand Totals:								<u>915.85</u>

ORDINANCE NO. 229

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1176 SHORELAND MANAGEMENT DISTRICT RELATING
TO IMPERVIOUS SURFACES IN RESIDENTIAL DISTRICTS**

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

SECTION 1.

Greenwood ordinance code section 1176.07.05 subd. 4(1) is amended to read as follows:

1. Variance applicants with total impervious surface coverage in excess of 30% shall have the burden of proof to establish that the excess is a *legal* nonconforming use by showing evidence that the excess was in existence prior to the adoption of the Shoreland Management Ordinance (December 1992), or by showing the excess was approved by the city. If no such evidence exists, the city council may require the property owner to reduce impervious surfaces as a condition of variance approval.

SECTION 2.

Greenwood ordinance code section 1176.07.05 subd. 4(2) is amended to read as follows:

2. Nonconforming landscape related impervious surfaces cannot be exchanged for an increase in structural related impervious surfaces to obtain a variance from impervious surface requirements. Variance applicants shall provide a certified survey showing separate calculations for structural related impervious surfaces and landscaping related impervious surfaces.
 - Structural-related impervious surfaces include buildings, decks, staircases, etc.
 - Landscape-related impervious surfaces include sidewalks, retaining walls, steps plastic landscaping sheets, patios, etc.,

SECTION 3.

Greenwood ordinance code section 1176.07.05 subd. 4(3) is created to read as follows:

3. Driveways may be exchanged for structural impervious surface. Future driveway expansion must comply with the provisions set forth in subdivision 1 of this section.

SECTION 4.

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 ____, 2014.

__ AYES, __ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: _____, 2014
Second reading: _____, 2014
Publication: _____, 2014

ORDINANCE NO. 232

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1140.40 REGARDING SIGNS IN RESIDENTIAL AREAS
THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:**

SECTION 1.

Greenwood ordinance code section 1140.40 subd 5 (r) is amended to read as follows:

"Subd. 5. Prohibited Signs. Unless a sign is specifically permitted under this section, or a temporary sign permit has been issued for the sign under this section, or a conditional use permit has been issued for the sign under the city's zoning ordinance, the sign is prohibited. By way of example and not by way of limitation, the following signs are specifically prohibited:

- (a) Billboards.
- (b) Flashing signs, searchlights, flags, or whirling devices.
- (c) Animated signs.
- (d) Signs that emit sound, odor or visible matter.
- (e) Signs attached to or trailered by a vehicle parked primarily for use as a sign for any period of time.
- (f) Balcony signs and signs mounted or supported on a balcony.
- (g) Any sign that obstructs any part of a doorway, stairway or fire escape.
- (h) Signs within the public right-of-way, public property or public easement.
- (i) Any sign projecting above the roofline of the structure to which it is affixed.
- (j) Signs that project beyond the property line of the property upon which the sign is located.
- (k) Signs that have a structural member or other portion closer than 10 feet to a side lot line.
- (l) Signs intended to be for the purpose of business advertising in any residentially zoned areas, including window signs.
- (m) Any sign which by reason of its location, color, or intensity, creates a hazard to the safe and efficient movement of vehicles or pedestrian traffic, including any sign which might be construed as a traffic control or which otherwise resembles any official marker erected by a governmental body or agency.
- (n) Window signs that obstruct the window to the point where the interior of the building cannot be observed by police or other security personnel.
- (o) Wall signs having a sign surface area exceeding 15% of the area of the wall surface (including doors and windows) to which it is affixed.
- (p) Signs constructed so that the message or communication is not flat against the sign structure.
- (q) Off-premise commercial signs whether located in a commercially or residentially zoned property.
- (r) On-premise sign located within residential districts, **permitted conditional use businesses excepted**, identifying or advertising an establishment, person, activity, goods, products or services located on the premises where the sign is installed.
- (s) Changeable copy signs – electronic, multi-vision signs, portable signs, rotating signs, shimmering signs, stringers or suspended signs.
- (t) Content classified as obscene as defined by Minnesota statutes chapter 617.
- (u) Abandoned signs as defined by section 1140.40.03(1).
- (v) Dynamic display signs.
- (w) Electronic graphic display signs.
- (x) Video display signs."

SECTION 2.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2014.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: _____, 2014
Second reading: _____, 2014
Publication: _____, 2014



Agenda Number: 041

Agenda Date: 06-04-14

Prepared by Deb Kind

Agenda Item: Discuss 2014 Road Project Bids & County Aid to Municipalities Application

Summary: 2014 Road Project Bids – Based on council direction, bids have been secured for 2014 road projects. The city engineer will present the results of the bids at the 06-04-14 council meeting. Note: The budget for 2014 road projects is \$110,000 for construction costs and \$20,000 for engineering costs.

County Aid to Municipalities Application – In 1957 the county established a County Aid to Municipalities program to provide financial assistance for roadways and bridges to cities with populations under 5,000. Typically the funding is between \$1,000 and \$3,000 per year. The city must submit a project approval form to receive the funds.

Council Action: No action required. Potential motions ...

1. I move the council approves the \$_____ bid from _____ (company) to be paid from the general fund for the following 2014 road projects: _____.
2. I move the council directs the city clerk to work with the city engineer to complete the project approval form to receive CAM funds for the city's 2014 road projects.



Agenda Number: 0411

Agenda Date: 06-04-14

Prepared by Deb Kind

Agenda Item: Discuss Green Woods on the Lake Drainage Pond Issue

Summary: The city engineer will give a verbal report at the 06-04-14 council meeting.

Council Action: ???



Agenda Number: **04III**

Agenda Date: **06-04-14**

Prepared by Deb Kind

Agenda Item: Discuss Potential Removal of Minnetonka Blvd Barrier Posts

Summary: In 2011, a truck mowed down the barrier posts along Minnetonka Blvd and landed upside down on the walking path side of the posts (see attached photos). As a result, the council considered removing all of the barrier posts. Attached is city engineer Dave Martini's opinion from 2011. Also attached is a copy of South Lake Minnetonka Police Department Chief Litsey's comments from 2011. In the end, the council majority decided to keep the posts because the posts provide a visual barrier and deter cars from parking on the grass / path.

In the spring of 2014, the public works department noted that the barrier posts are causing sand and dirt to build up a small berm, which in turn is causing large areas of ponding water on Minnetonka Blvd after snowmelt and rain events. Public works director John Menzel also noted that the cost to weed whip around the posts is \$2880 each year, and he estimates that the one-time cost to remove the barrier posts to be \$2250.

This topic was on the 5/7 council agenda for discussion. At the 5/7 meeting Councilman Fletcher noted that the tar path is redundant with the LRT path and suggested the council consider merging the paths further to the north to improve pedestrian safety, remove the tar path along Minnetonka Blvd, and re-grade the area to improve road drainage, which will improve road safety as well. Due to a full agenda, the council continued discussion of the topic to the 6/4 council meeting.

Council Action: None required. Potential motions ...

1. I move the council directs the city engineer to draft a plan and an estimated cost to merge the tar path with the LRT path further to the north, and the cost to restore the area along the current tar path for the council to consider at the 07-09-14 council meeting.
2. Do nothing or other motion ???





From: "Bryan Litsey" <blitsey@southlakepd.com>
Date: July 8, 2011 4:45:19 PM CDT
To: "Debra Kind" <dkind100@gmail.com>
Subject: RE: 6/27 Greenwood Accident

Friday – July 8, 2011

Mayor Deb Kind
City of Greenwood

Deb,

Attached is the information you requested. I would certainly seek restitution for the city property that was damaged.

In my opinion, the poles are an ineffective barrier for protecting pedestrians on the walkway. If this is the intent, then a barrier designed to meet this expectation should be installed.

Have a great weekend!

Bryan

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

Proudly Serving Excelsior, Greenwood, Shorewood and Tonka Bay

From: "David Martini" <davidma@bolton-menk.com>
Subject: **Minnetonka Blvd. Barrier**
Date: July 25, 2011 11:38:32 AM CDT
To: "Debra Kind" <dkind100@gmail.com>

Deb,

As requested, I have looked at the posts that are intended to act as a barrier between Minnetonka Boulevard and the trail that runs along it. In my opinion, this is not an effective barrier for the following reasons:

1. Based on pictures I have reviewed from a recent accident, it does not appear that the ground is providing adequate support for the posts. Because of this, a vehicle is able to knock the posts over and drive through the barrier. Although this is bad for protecting the trail, it does make for a less severe crash from the vehicles standpoint. The alternative is hitting the posts and coming to an abrupt stop, which is potentially a very dangerous situation for the driver and passengers.
2. Because the barrier can be driven through (at least under certain conditions), trail users are not protected as they may believe.

Ultimately, an effective and safe barrier should keep an errant vehicle from reaching the trail but should at the same time absorb the energy from the crash and direct the vehicle back in the direction of travel. Typically this is done with a continuous guardrail.

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

Thanks.

David P. Martini, P.E.

Bolton & Menk, Inc.

P: (952) 448-8838, Ext. 2458

F: (952) 448-8805

email: davidma@bolton-menk.com

www.bolton-menk.com



Agenda Number: **4IV**

Agenda Date: **06-04-14**

Prepared by Deb Kind

Agenda Item: Discuss New St. Alban's Bay Bridge Rating (41)

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

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

Attached is the draft of the mutual agreement created by Mark Kelly. The Greenwood council approved the draft on 06-06-12 and forwarded it to the Excelsior city council for their consideration. The Excelsior city council never took action on the agreement.

The council discussed the bridge status at the 08-07-13 city council meeting and the consensus was to put the bridge topic on a the city council meeting agenda every 6 months to keep it on the radar. There was nothing new to report when the topic was on the 02-05-14 council agenda.

On 05-13-14, the city engineer received an email (attached) from the county stating the bridge has a new rating of 41, which makes it "structurally deficient and eligible for replacement funds under state guidelines." Copies of the report for the St. Alban's Bay bridge and the LRT bridge are attached. The council will discuss next steps at the 06-04-14 city council meeting.

Council Action: No action required. Potential motions ...

1. I move the council authorizes _____ from the city of Greenwood to contact _____ from the city Excelsior to discuss next steps regarding the St. Alban's Bay bridge.
2. Do nothing or other motion ???

From: David Martini davidma@bolton-menk.com 
Subject: FW: Saint Albans Bay Bridge (Bridge No. 90608)
Date: May 13, 2014 at 12:06 PM
To: Deb Kind (dkind100@gmail.com) dkind100@gmail.com, Bob Quam (quamco@aol.com) quamco@aol.com, Gus Karpas guskarpas@mchsi.com

FYI – Let me know if you have questions. I know this process well.

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

From: James D Archer [mailto:James.Archer@hennepin.us]
Sent: Tuesday, May 13, 2014 11:57 AM
To: David Martini
Cc: James Grube
Subject: Saint Albans Bay Bridge (Bridge No. 90608)

Dave-

I have been asked to provide information on the St. Albans bay bridge in Greenwood. Specifically, how the City may go about funding the project.

Currently the bridge has a sufficiency rating of 41.0 making it structurally deficient and eligible for replacement funds under state aid guidelines.

This does not appear to be a MSA route. Without getting into the various funding options, this would be very similar (essentially identical) to the Vine Hill road bridge we worked on in Deephaven, currently under construction.

Of note, it is adjacent the SW LRT Bridge 27A27 and thusly I would assume coordination efforts with HCRRA (I have asked Joe Gladke who he suggest we work with). Also the Bridge is over water connected to Lake Minnetonka and thusly appropriate coordination efforts in design should be made with associated agencies not to forget the water patrol for staging and maintenance of boat traffic.

Should you or the City, have any further questions, I am available to answer them. I assume you still have my contact information.

Thank you Dave,
Jim

Disclaimer: Information in this message or an attachment may be government data and thereby subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, may be subject to attorney-client or work product privilege, may be confidential, privileged, proprietary, or otherwise protected, and the unauthorized review, copying, retransmission, or other use or disclosure of the information is strictly prohibited. If you are not the intended

Mn/DOT Structure Inventory Report

Bridge ID: 27A27 SW REG LRT TRAIL over CHANNEL

Date: 05/13/2014

+ GENERAL +	+ ROADWAY +	+ INSPECTION +
Agency Br. No.	Bridge Match ID (TIS) 1	Deficient Status N/A
District METRO Maint. Area	Roadway O/U Key 1-ON	Sufficiency Rating N/A
County 27 - HENNEPIN	Route Sys/Nbr MUN	Last Inspection Date 07-16-2013
City EXCELSIOR	Roadway Name or Description	Inspection Frequency 24
Township	Roadway Function N/A	Inspector Name HENNEPIN
Desc. Loc. AT ST ALBANS BAY	Roadway Type	Structure A-OPEN
Sect., Twp., Range 35 - 117NN - 23W	Control Section (TH Only)	+ NBI CONDITION RATINGS +
Latitude 44d 54m 20.24s	Ref. Point (TH Only)	Deck 8
Longitude 93d 33m 32.52s	Date Opened to Traffic	Superstructure 7
Custodian LOCAL PARK	Detour Length 99 mi.	Substructure 7
Owner LOCAL PARK	Lanes	Channel 8
Inspection By HENNEPIN COUNTY	ADT (YEAR) 1 (2009)	Culvert N
BMU Agreement	HCA DT	+ NBI APPRAISAL RATINGS +
Year Built 1996	Functional Class. URBAN LOCAL	Structure Evaluation N
Year Fed Rehab	+ RDWY DIMENSIONS +	Deck Geometry N
Year Remodeled	If Divided NB-EB SB-WB	Underclearances N
Temp	Roadway Width	Waterway Adequacy 9
Plan Avail. CENTRAL	Vertical Clearance	Approach Alignment N
+ STRUCTURE +	Max. Vert. Clear.	+ SAFETY FEATURES +
Service On PED-BICYCLE	Horizontal Clear.	Bridge Railing N-NOT REQUIRED
Service Under STREAM	Lateral Clr. - Lt/Rt	GR Transition N-NOT REQUIRED
Main Span Type STEEL LOW TRUSS	Appr. Surface Width	Appr. Guardrail N-NOT REQUIRED
Main Span Detail	Roadway Width	GR Termini N-NOT REQUIRED
Appr. Span Type	Median Width	+ IN DEPTH INSP. +
Appr. Span Detail	+ MISC. BRIDGE DATA +	Frac. Critical
Skew	Structure Flared NO	Underwater
Culvert Type	Parallel Structure NONE	Pinned Asbly.
Barrel Length	Field Conn. ID	Spec. Feat.
Number of Spans	Cantilever ID	+ WATERWAY +
MAIN: 1 APPR: 0 TOTAL: 1	Foundations	Drainage Area
Main Span Length 105.0 ft	Abut. CONC - FTG PILE	Waterway Opening 1200 sq ft
Structure Length 110.5 ft	Pier	Navigation Control NO PRMT REQD
Deck Width 12.0 ft	Historic Status NOT ELIGIBLE	Pier Protection NOT APPL
Deck Material TIMBER	On - Off System OFF	Nav. Vert./Horz. Clr.
Wear Surf Type N/A	+ PAINT +	Nav. Vert. Lift Bridge Clear.
Wear Surf Install Year	Year Painted Pct. Unsound	MN Scour Code I-LOW RISK
Wear Course/Fill Depth	Painted Area	Scour Evaluation Year 1997
Deck Membrane NONE	Primer Type	+ CAPACITY RATINGS +
Deck Protect. N/A	Finish Type	Design Load PED
Deck Install Year	+ BRIDGE SIGNS +	Operating Rating PED
Structure Area 1,326 sq ft	Posted Load NOT REQUIRED	Inventory Rating PED
Roadway Area 1,324 sq ft	Traffic NOT REQUIRED	Posting
Sidewalk Width - L/R	Horizontal NOT REQUIRED	Rating Date
Curb Height - L/R	Vertical NOT APPLICABLE	Mn/DOT Permit Codes
Rail Codes - L/R NN NN		A: N B: N C: N

Mn/DOT Structure Inventory Report

Bridge ID: 90608 56C(MTONKA BLV) over ST ALBANS BAY

Date: 05/13/2014

+ GENERAL +	+ ROADWAY +	+ INSPECTION +
Agency Br. No. 21	Bridge Match ID (TIS) 1	Deficient Status S.D.
District METRO Maint. Area	Roadway O/U Key 1-ON	Sufficiency Rating 41.0
County 27 - HENNEPIN	Route Sys/Nbr MUN 56	Last Inspection Date 07-16-2013
City EXCELSIOR	Roadway Name or Description	Inspection Frequency 12
Township	MINNETONKA BLVD MUN 560	Inspector Name HENNEPIN
Desc. Loc. 0.5 MI N OF JCT TH 7	Roadway Function MAINLINE	Structure P-LOAD POSTED
Sect., Twp., Range 35 - 117NN - 23W	Roadway Type 2 WAY TRAF	+ NBI CONDITION RATINGS +
Latitude 44d 54m 20.37s	Control Section (TH Only)	Deck 10 % UNSOUND 4
Longitude 93d 33m 32.50s	Ref. Point (TH Only)	Superstructure 5
Custodian CITY	Date Opened to Traffic 01-01-1941	Substructure 5
Owner CITY	Detour Length 2 mi.	Channel 7
Inspection By HENNEPIN COUNTY	Lanes 2 Lanes ON Bridge	Culvert N
BMU Agreement	ADT (YEAR) 4,400 (1993)	+ NBI APPRAISAL RATINGS +
Year Built 1941	HCADT	Structure Evaluation 4
Year Fed Rehab	Functional Class. URB COLL	Deck Geometry 3
Year Remodeled	+ RDWY DIMENSIONS +	Underclearances N
Temp	If Divided NB-EB SB-WB	Waterway Adequacy 8
Plan Avail. COUNTY	Roadway Width 27.0 ft	Approach Alignment 7
+ STRUCTURE +	Vertical Clearance	+ SAFETY FEATURES +
Service On HWY;PED	Max. Vert. Clear.	Bridge Railing 0-SUBSTANDARD
Service Under STREAM	Horizontal Clear. 26.9 ft	GR Transition 0-SUBSTANDARD
Main Span Type CONC DECK GIRD	Lateral Clr. - Lt/Rt	Appr. Guardrail 0-SUBSTANDARD
Main Span Detail	Appr. Surface Width 31.0 ft	GR Termini 0-SUBSTANDARD
Appr. Span Type	Roadway Width 27.0 ft	+ IN DEPTH INSP. +
Appr. Span Detail	Median Width	Frac. Critical
Skew	+ MISC. BRIDGE DATA +	Underwater Y 60 mo 06/2012
Culvert Type	Structure Flared NO	Pinned Asbly.
Barrel Length	Parallel Structure NONE	Spec. Feat.
Number of Spans	Field Conn. ID	+ WATERWAY +
MAIN: 3 APPR: 0 TOTAL: 3	Cantilever ID	Drainage Area
Main Span Length 36.0 ft	Foundations	Waterway Opening 990 sq ft
Structure Length 108.0 ft	Abut. CONC - FTG PILE	Navigation Control NO PRMT REQD
Deck Width 34.8 ft	Pier CONC - FTG PILE	Pier Protection
Deck Material C-I-P CONCRETE	Historic Status ELIGIBLE	Nav. Vert./Horz. Clr.
Wear Surf Type BITUMINOUS	On - Off System OFF	Nav. Vert. Lift Bridge Clear.
Wear Surf Install Year	+ PAINT +	MN Scour Code I-LOW RISK
Wear Course/Fill Depth 0.25 ft	Year Painted Pct. Unsound 10 %	Scour Evaluation Year 1991
Deck Membrane NONE	Painted Area	+ CAPACITY RATINGS +
Deck Protect. N/A	Primer Type	Design Load UNKN
Deck Install Year	Finish Type	Operating Rating HS 15.80
Structure Area 3,758 sq ft	+ BRIDGE SIGNS +	Inventory Rating HS 9.40
Roadway Area 2,917 sq ft	Posted Load VEHICLE & SEMI	Posting VEH: 22 SEMI: 40 DBL: 38
Sidewalk Width - L/R 4.5 ft 0.7 ft	Traffic NOT REQUIRED	Rating Date 05-14-2012
Curb Height - L/R 0.75 ft 0.75 ft	Horizontal OBJECT MARKERS	Mn/DOT Permit Codes
Rail Codes - L/R 35 35	Vertical NOT APPLICABLE	A: N B: N C: N



EXCELSIOR



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

DRAFT 06-07-12

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

RECITALS

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1) LEC Selection

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

2) Bridge Condition and Public Needs Analysis

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

3) Government Approval and Funding Process

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

4) Contractor Selection and Construction Process

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated: _____

CITY OF EXCELSIOR
A Public Corporation

By Nicholas Ruehl, Mayor

Attest: _____
Kristi Lugar, City Manager

Dated: _____

CITY OF GREENWOOD
A Public Corporation

By Debra J. Kind, Mayor

Attest: _____
Gus Karpas, City Clerk



Agenda Number: **5A**

Agenda Date: **06-04-14**

Prepared by *Gus Karpas & Deb Kind*

Agenda Item: Public Hearing, Ordinance 233 Amending Sections 1150 and 1155 Determination Relating to Planning Commission Role

Summary: State statute requires that cities take official action on all applications for conditional use permits and variances within 60 days, even if this action is to extend the required action by an additional 60 days as permitted by state statute. Absent a quorum by the planning commission, official action cannot be taken within the required time limit, which by state statute constitutes an approval of the request. Therefore, the city attorney drafted the attached ordinance 233 amendment to the conditional use and variance sections of the code. The proposed amendment would permit the city council to take action on the request without a recommendation by the planning commission to ensure compliance with state statute.

The planning commission discussed the ordinance at their 05-21-14 meeting and recommended approval. They also recommended that ordinance 233 be in place of these related ordinances:

Ordinance 230 amending chapter 2 to allow the city council to temporarily suspend the planning commission in the absence of a quorum and appoint the city council liaison as a 3rd alternate voting member of the planning commission.

Ordinance 231 amending chapter 11 so that all references to "planning commission" refer to the "city council" in the event that the planning commission is temporarily suspended due to a lack of a quorum.

The 2nd readings of ordinances 230 and 231 were approved at the 05-07-14 city council meeting. The council may choose to repeal these ordinances on a future agenda or leave as is.

Timeline: To streamline the process for approving the new ordinance 233, the council set the below timeline.

~~05-14-14~~ ~~Public hearing notice to Sun-Sailor.~~

~~05-21-14~~ ~~Planning commission discusses the ordinance and makes a recommendation to the city council.~~

~~05-22-14~~ ~~Public hearing notice published in Sun-Sailor (must be at least 10 days prior to the public hearing).~~

06-04-14 City council holds public hearing and considers 1st reading of the ordinance 233.

07-02-14 City council considers 2nd reading of the ordinance 233.

07-03-14 Ordinance 233 submitted to Sun-Sailor.

07-17-14 Ordinance 233 published in Sun-Sailor (the ordinance goes into effect the date it is published).

Council Action: Council action is needed to open and close the public hearing. Suggested motions for the public hearing:

1. I move the council **opens** the public hearing.
2. I move the council **closes** the public hearing.

The council will take action regarding a 1st reading of ordinance 233 later on the agenda (7B).

ORDINANCE NO. 233

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING SECTIONS 1150.20, 1155.05 AND 1155.15 DETERMINATION, RELATING TO PLANNING
COMMISSION ROLE**

SECTION 1.

Greenwood Ordinance Code Section 1150.20 Determination Subdivision 2 is hereby renumbered to "Section 1150.20, Subdivision 3."

SECTION 2.

Greenwood Ordinance Code Section 1150.20, Determination, is hereby amended by the addition of the following subdivision:

"Subd. 2. If no recommendation is transmitted by the planning commission within 45 days after referral of the application for conditional use to the commission, the council may take action without further awaiting such recommendation."

SECTION 3.

Greenwood Ordinance Code Section 1155.05 Appeals from Alleged Error in Administration of Zoning Ordinance, Subdivision 5 Processing of Appeals; Planning Commission is hereby amended to add the following paragraph:

"3. If no recommendation is transmitted by the planning commission within 45 days after referral of the application for variance to the commission, the council may take action without further awaiting such recommendation."

SECTION 4.

Greenwood Ordinance Code Section 1155.15 Variance Application Procedure, Subdivision 3 Planning Commission Review of Variance Request is hereby amended to add the following paragraph:

"3. If no recommendation is transmitted by the planning commission within 45 days after referral of the application for variance to the commission, the council may take action without further awaiting such recommendation."

SECTION 5.

This ordinance shall take effect on publication in accordance with law.

Enacted by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2014.

___ AYES, ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: _____
Second reading: _____
Published: _____



Agenda Number: 6A

Agenda Date: 06-04-14

Prepared by Deb Kind

Agenda Item: Proposal for Day Dock Along LRT (by Green Woods on the Lake)

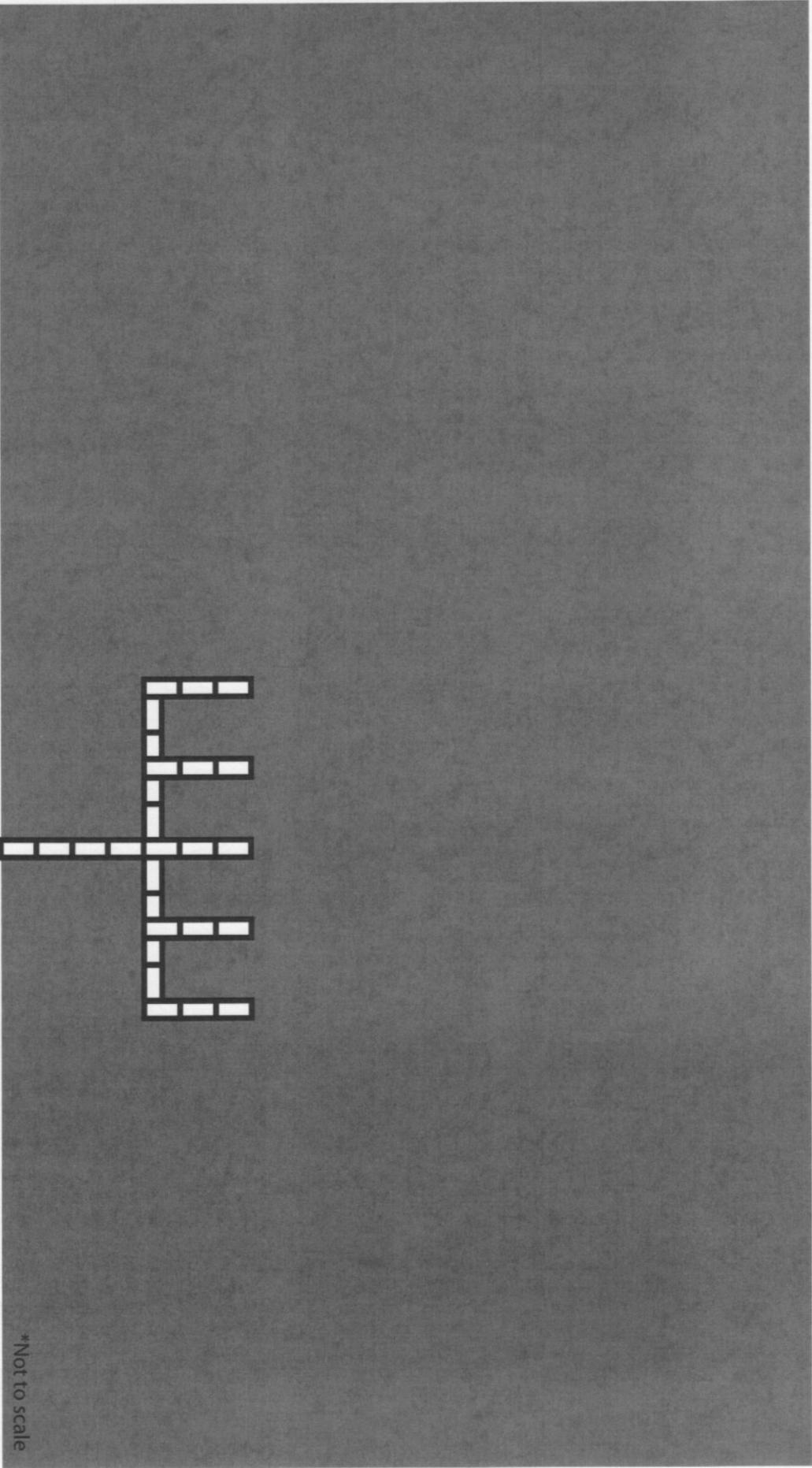
Summary: At the 05-07-14 city council meeting residents from the Green Woods on the Lake neighborhood presented the attached proposal for a day dock to be located across from the neighborhood trail (north of the LRT overlook). Also attached is an aerial photo of the area. At the 05-07-14 meeting the city council discussed whether or not the city has jurisdiction for the proposed location and directed the city attorney to research the city's authority. The city attorney will present his findings at the 06-04-14 city council meeting.

Council Action: None required.

Greenwoods on the Lake: Dock Proposal

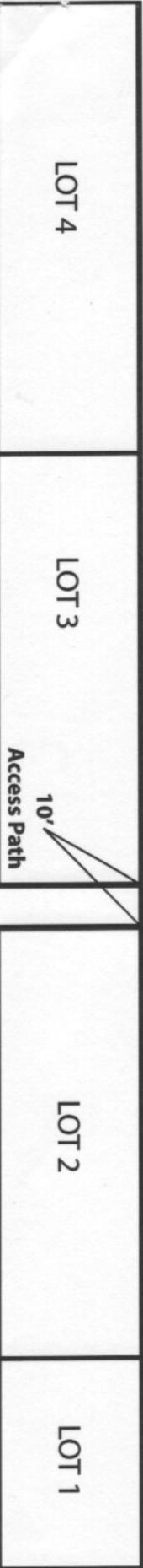
The Greenwoods on the Lake Association, Inc., propose the following:

1. The Association requests permission to construct a day dock, with secure access for Association members, across the path from our 10 foot wide access path, between lots 2 and 3, (See attached diagram.). Historically, dock access was granted to a property owner adjacent to the path, example the YWCA. Said dock will be a temporary structure; the construction, maintenance, storage, and liability insurance would be the responsibility of The Greenwoods on the Lake Association.
2. This dock will conform to Lake Minnetonka Conservation Department requirements.
3. Location: The dock will be placed across from the existing easement between lots 2 and 3 (See diagram.)
4. Security: The Association will install and maintain a security gate.
5. Storage: The dock will be stored offside, at the expense of The Association.
6. Proposed dock usage policy: loading and unloading with no overnight docking.



*Not to scale

Public Path





Parcel ID: 26-117-23-12-0019	A-T-B: Torrens	Map Scale: 1" ≈ 200 ft.	
Owner Name: Green Woods Association Inc	Market Total: \$0	Print Date: 5/7/2014	
Parcel Address: 19 Address Unassigned Greenwood, MN 00000	Tax Total: \$0.00 (Payable: 2014)	This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.	
Property Type: Common Area	Sale Price:		
Homestead: Non-Homestead	Sale Date:		
Parcel Area: 0.04 acres 1,715 sq ft	Sale Code:	COPYRIGHT © HENNEPIN COUNTY 2014	



Agenda Number: 7A

Agenda Date: 06-04-14

Prepared by Deb Kind

Agenda Item: 1st Reading of Ordinance ___ Repealing Fire Code Appendix D, Fire Access Roads

Summary: Greenwood code section 315 adopts Appendix D of the MN Fire Code. The Excelsior Fire Department is interpreting this Appendix to apply to residential properties and is requiring a fire access road or the installation of a sprinkling system for a new home being built at 5140 St. Alban's Bay Rd. This ruling would apply to many sites in Greenwood in the future. Attached is the city attorney's memo regarding this issue. If the city council desires to repeal the adoption of Appendix D, a draft ordinance is attached. The city council discussed this issue at the 04-02-14 meeting where Chief Gerber shared his perspective. Chief Gerber also has been invited to the 06-04-14 council meeting. Since then the planning commission discussed the issue at their 05-21-14 meeting, and the city council and planning commission discussed the issue further at the joint worksession later that evening. The consensus was to put the ordinance on the June agenda for a possible 1st reading. If the city council desires to streamline the process, below is a proposed timetable ...

Proposed Timeline:

- 06-04-14 City council considers the 1st reading.
- 06-11-14 City council considers the 2nd reading at a special meeting.
- 06-12-14 Ordinances submitted to Sun-Sailor (if approved).
- 06-19-14 Ordinances 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 #___ as presented.
2. I move the city council approves the 1st reading of ordinance #___ with the following revisions: _____.
3. I move the city council set a special meeting date for June 11, 2014 to consider the 2nd reading for ordinance #___.
4. Other motion ???

KELLY LAW OFFICES

Established 1948

351 SECOND STREET
EXCELSIOR, MINNESOTA 55331

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

(952) 474-5977
FAX 474-9575

MEMORANDUM

TO: Mayor Kind and Greenwood City Council Members

FROM: Mark W. Kelly

DATE: March 20, 2014

RE: Fire Access Roads

In the course of working on the building permit at 5140 St. Alban's Bay Road, it has come to the attention of the City that Excelsior Fire District is advising the owner/applicant that they must first construct a fire apparatus access road. The Excelsior Fire Marshall advises that based on the site survey, this residential home is 150 feet or greater from the public street/road to the rear of the home and is required to install a fire apparatus road (Minnesota State Fire Code, Appendix D). The Fire Marshall says the requirement can be waived if a NFPA 13 D residential sprinkler system is installed.

The Excelsior Fire Marshall advises that the reason for this demand follows on the City of Greenwood having earlier adopted Appendix D, Fire Apparatus Access Roads of the State Fire Code and "*Excelsior Fire District applies Appendix D to all structures including residential homes.*"

It should be observed that Appendix D, Section D107 appears to apply these requirements to residential developments of 30 or more homes only. No mention is made therein to single home construction projects.

According to the Fire Marshall, the access road must be at least 20 feet in width to the point the distance from the end of the 20-foot width access road/driveway to the rear of the house is 150 feet or less. Access road/driveways that are more than 150 feet in length also require a *turnaround*. Turnaround specifications are described at D103. A copy of Appendix D is attached.

Access road grade must be no more than 12%, and be maintained and plowed within a reasonable time after measurable snow fall.

Clearance must be maintained at 13 feet above the driveway at all times. These requirements continue as long as the structure exists. If the property is sold, new owners must be made aware of the access road/driveway requirement.

The home owner/contractors are being required to notify the Fire District which of the two options they choose, whether to sprinkle or to build the road.

Comment:

Presently, state Fire Code does not mandate fire sprinkling systems for individual residential houses or rebuilds.

While the City, at the request of the Fire District, adopted Appendix D, it is believed that City officials did not then understand that the Fire District would interpret the code to require new homes to build access roads or be sprinkled.

The property at 5140 St. Alban's Bay Road is on a steep slope between St. Alban's Bay Road and St. Alban's Bay. The grade appears to be greater than the 12% permitted maximum under Appendix D.

This property is not served by municipal water. There may be water pressure problems if sprinkling is to be elected.

An access road 20 feet in width and a turnaround add considerable impervious surface not heretofore typical of homes in Greenwood and, if these become a standard requirement, will likely give rise to need for hardcover variances. Typical hardcover may grow to more than 50%.

A turnaround for the fire access road are essentially a standard street cul de sac. Many properties in Greenwood are not wide enough to accommodate such a turnaround.

There is reason to believe that the added cost associated with fire access road and sprinkling are significant.

Attachments: Section 315 of the Fire Code and Appendix D.

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 312 ADDED BY ORDINANCE 220, OCTOBER 2013)

SECTION 315. FIRE CODE.**Section 315.00. Adoption of the Amended Minnesota State Fire Code.**

The city hereby adopts by reference, for the purpose of regulating and governing the safeguarding of life and property from fire and explosions hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city and providing for the issuance of permits for hazardous uses or operations, the Minnesota State Fire Code as amended, which shall specifically include the following:

1. Appendix A – Board of Appeals
2. Appendix B – Fire Flow Requirements for Buildings
3. Appendix D – Fire Apparatus Access roads

Section 315.05. Enforcement.

The city hereby authorizes the Excelsior Fire District to enforce those terms of the Minnesota State Fire Code as adopted in this article within the city.

SECTION 320. RENTAL PROPERTIES.**Section 320.00. Purpose.**

The city of Greenwood has determined that rental property registration, licensing, and minimum regulations governing the conditions and maintenance of rental properties, buildings, and structures are necessary to provide standards for the supply of utilities and facilities and other physical things and conditions essential to ensure that rental structures are safe, sanitary and fit for human occupation and use; and where necessary, to empower the city to condemn rental buildings and structures which are unfit for human occupancy and use and to demolish.

Section 320.05. Adoption of Rental Property Maintenance Code.**Subd. 1. General Requirements.**

- (a) The requirements of this article apply to all buildings, structures and property within the city.
- (b) All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with city and state codes must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation.
- (d) Specific requirements of other sections of this code, including, but not limited to, zoning, fire and nuisances, shall supersede the general requirements of this article.
- (e) In cases where a conflict may occur between requirements of this article or other codes, the requirement providing the greatest degree of life safety, property maintenance and general welfare to the city shall govern.

Subd. 2. Code Adopted. The most current edition of the International Property Maintenance Code (hereinafter "IPM code") as published by the International Code Council is adopted as the property maintenance code of the city, for the control of buildings and structures as provided in this section; and each and all of the regulations, provisions,

Appendix D - Fire Apparatus Access Roads

SECTION D101 GENERAL

D101.1 Scope.

Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

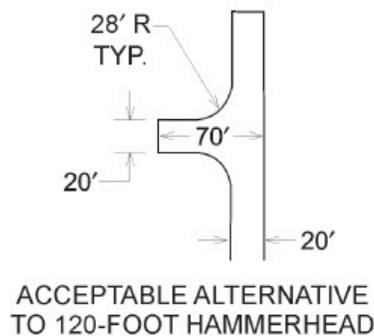
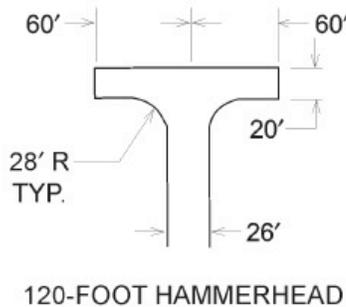
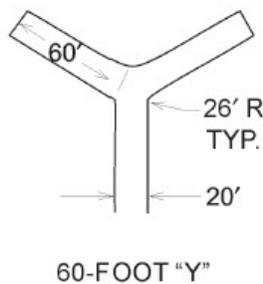
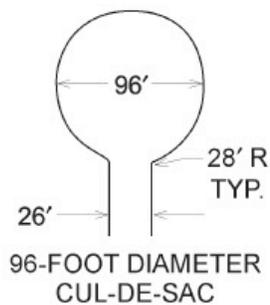
D102.1 Access and loading.

Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).



For SI: 1 foot = 304.8 mm.

FIGURE D103.1 DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

D103.2 Grade.

Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

D103.3 Turning radius.

The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

TABLE D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

D103.5 Fire apparatus access road gates.

Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one *person*.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be *approved* by the *fire code official*.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they

are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.

7. Locking device specifications shall be submitted for approval by the *fire code official*.

8. Electric gate operators, where provided, shall be *listed* in accordance with UL 325.

9. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

D103.6 Signs.

Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

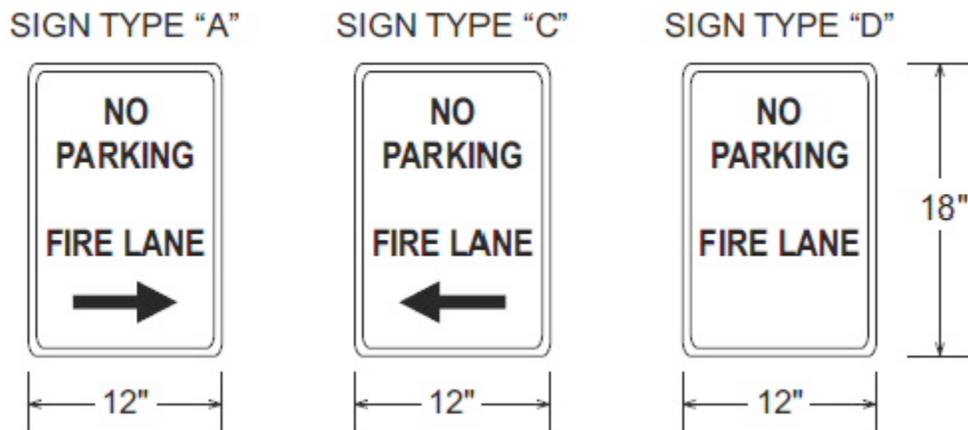


FIGURE D103.6 FIRE LANE SIGNS

D103.6.1 Roads 20 to 26 feet in width.

Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

D103.6.2 Roads more than 26 feet in width.

Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height.

Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area.

Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m²) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520 m²) that have a single *approved* fire apparatus access road when all buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.3 Remoteness.

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required.

Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width.

Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building.

At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the *fire code official*.

D105.4 Obstructions.

Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the *fire code official*.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units.

Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with [Section 903.3.1.1](#) or [903.3.1.2](#).

D106.2 Projects having more than 200 dwelling units.

Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are

equipped with an *approved automatic sprinkler system*.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with [Section 903.3.1.1](#), [903.3.1.2](#) or [903.3.1.3](#) of the *International Fire Code*, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D108 REFERENCED STANDARDS

AST M	F 2200—05	Standard Specification for Automated Vehicular Gate Construction	D103.5
ICC	IFC—12	International Fire Code	D101.5, D107.1
UL	325—02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through February 2006	D103.5

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 3
TO REPEAL APPENDIX D FROM THE CITY'S FIRE CODE**

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

SECTION 1.

Greenwood ordinance code chapter 3, section 315.00 is amended to repeal (3) Appendix D:

"Section 315.00. Adoption of the Amended Minnesota State Fire Code.

The city hereby adopts by reference, for the purpose of regulating and governing the safeguarding of life and property from fire and explosions hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city and providing for the issuance of permits for hazardous uses or operations, the Minnesota State Fire Code as amended, which shall specifically include the following:

1. Appendix A – Board of Appeals
2. Appendix B – Fire Flow Requirements for Buildings
3. ~~Appendix D – Fire Apparatus Access roads"~~

SECTION 2.

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

Enacted by the city council of Greenwood, Minnesota this ____ day of _____, 2014.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: _____, 2014
Second reading: _____, 2014
Publication: _____, 2014



Agenda Number: **7B**

Agenda Date: **06-04-14**

Prepared by *Gus Karpas*

Agenda Item: Steve and Heather Pint, 5140 St. Alban's Bay Road, Resolution 14-14, Variance Findings

Summary: Steve and Heather Pint are requesting to construct a new single family home which would exceed the maximum permitted impervious surface.

The applicants submitted an application for a building permit in February which was in compliance with the zoning provisions for the issuance of the building permit, but as part of the building permit review of new single family homes, the Excelsior Fire District (EFD) also must approve the plans. It was discovered that the location of the farthest point of the home, one hundred and fifty feet from the public right-of-way, required the installation of a fire suppression (sprinkler) system or the construction of a "fire access" road.

Given the home had already been designed, the City Council discussed the options for dealing with this situation including removing that portion of the Joint Powers Agreement (Appendix D, State Fire Code) which contained language regarding the above-mentioned requirements. The contractor felt, and the Council agreed, it was better for the property owners to work with the EFD to find a solution and apply for a variance if necessary.

I have attached a memo from EFD Fire Inspector Kellie Murphy-Ringate outlining the agreement between the EFD and the applicant on fire access.

Note: This agreement in no way requires the city to approve the variance request without the demonstration of a practical difficulty on behalf of the applicant.

Section 1176.04(3)(3) permits a maximum impervious surface area of 30%. The applicants are proposing an impervious surface area of 33.2% and are seeking a variance to exceed the maximum permitted impervious surface area by 3.2%.

Planning Commission Action: Motion by Commissioner Lucking to recommend that the city council approve the application for a variance of Section 1176.04(3)(3) to exceed the maximum permitted impervious surface area of 30% by 3.2%. *The motion is based on the following findings:* (a) the proposal maintains the spirit and intent of the zoning ordinance by maintaining the low density nature of the R-1A single-family district; (b) the proposal is consistent with the Comprehensive Plan in that it seeks to maintain the character of the city through the maintenance of the existing housing stock; (c) the proposed manner of use is reasonable since it seeks to construct a new single family home; (d) the plight of the homeowner is due to the lot dimensions and the location of the the proposed home which requires a fire access road lot; and (e) the proposal maintains the essential character of the neighborhood. Commissioner Reeder seconded the motion. Motion carried 4-1. Commissioner Paeper voted nay.

Key Dates:

04-16-14	Application complete
05-08-14	Notice of the public hearing published in Sun-Sailor
05-21-14	Public hearing held by the planning commission
06-04-14	City council consideration
06-15-14	60-day deadline

Council Action: The city council must take action by 06-15-14. Suggested motions ...

1. I move the city council approves resolution 14-14 **approving** the variance application of Steve and Heather Pint as presented (or with the following revisions: _____). I further move the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for the mailing in the property file.
2. I move the city council directs the city attorney to draft "findings for **denial**" for the council's consideration at the 07-02-14 city council meeting. I further move the council directs the city clerk to provide written notice to the applicant to extend the 60-day time limit by 30 days, so the council may consider findings **approving and denying** the request.

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

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

Variance Application

Applicant is (circle one) Owner Developer Contractor Architect Other _____

Property address for which variance is requested 5140 ST. ALBANS BAY RD.

Applicant (individual or company name): LANDSCHUTE

Contact for Business: JON MONSON Title: PRESIDENT

Address: 202 WATER ST. #202 City: EXCELSIOR State: MN Zip: 55331

Wk Phone: 952-470-7416 Hm Phone: _____

Email address: info@landschute.com Fax: 952-401-7609

Present use of property: RESIDENTIAL

Property acreage: .79

Existing Variances: Yes _____ No X

If yes, please explain _____

Describe Request: Build New X Add On _____ Remodel _____ Replace _____

What is the Variance being requested for: REQUESTING AN IMPERVIOUS COVER VARIANCE

TO SATISFY FIRE DISTRICT DEMAND FOR A FIRE ACCESS ROAD

Variance for:

	Required	Proposed
Side Yard	_____ feet	_____ feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
Lake setback	_____ feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
<u>X</u> Impervious Cover	<u>10,109</u> sq ft	<u>11,420</u> Sq ft
Shoreland	_____ feet	_____ feet
Massing	_____ volume	_____ volume
Other	_____ feet	_____ feet
If other, please explain		

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

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

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

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

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

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

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

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

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

THE NEW HOME IS IN COMPLIANCE WITH ALL ZONING ORDINANCES BUT FOR THE FIRE DISTRICT REQUIRING A FIRE APPARATUS ACCESS ROAD.

Establishing Practical Difficulty:

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

THE FIRE DISTRICT IS REQUIRING A 14' WIDE FIRE APPARATUS ACCESS ROAD.

HAD THIS ENCUMBRANCE NOT BEEN PUT IN PLACE, NO VARIANCE WOULD BE NEEDED.

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

BECAUSE OF THE DEPTH OF THE LOT, THE FIRE DISTRICT IS REQUIRING A FIRE APPARATUS ACCESS ROAD.

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

THE PROPOSED STRUCTURE IS IN COMPLIANCE AND THE WIDTH OF THE DRIVEWAY HAS LITTLE TO NO EFFECT ON THE ENJOYMENT OF THE SURROUNDING COMMUNITY.

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

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

MINIMAL VISUAL EFFECT. WILL HAVE A POSITIVE EFFECT ON SAFETY AS IT RELATES TO FIRE.

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

NONE

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

WILL REDUCE IT BY ALLOWING FIRE CREWS TO PULL OFF THE STREET IN THE EVENT OF FIRE.

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

WOULD GIVE FIRE DISTRICT GREATER ACCESS, THERE BY REDUCING THE POTENTIAL FOR DAMAGE FROM FIRE.

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

WILL IMPROVE PUBLIC SAFETY BY ALLOWING EASIER ACCESS TO FIRE CREWS.

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

NONE

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

WILL NOT IMPAIR. WILL IMPROVE PUBLIC SAFETY RELATED TO FIRE.

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

____ LMCD # 952-745-0789

____ Watershed District # 952-471-0590

Applicant's Acknowledgement & Signature(s)

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

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

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

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

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

Applicant's Signature:  Date: 4/10/14

Signature: _____ Date: _____

Owner's Acknowledgement & Signature(s)

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

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

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

EVARD

5045
2
1
3
5050
6
5165
7
5170
8
75

4940

4950

4956
OUTLOT A

4960
A

4970
B

R.L.S. NO. 1401
5120

5110
D

5105

PART OF 91

5145

5115
G

PART OF LOT 4

89

5110

R.L.S. NO. 1030

B

R.L.S. NO. 1169
H
5135

5120

88

5140

5180

5190

87

5196

PART OF LOT 2

20880
3

20870
4

20860
5

20890
2

20900
1

20865

20965
A

R.L.S. NO. 1124

20975
A
R.L.S. NO. 1438

20896
B

20890

OUTLOT A

20985
B

CHANNEL DRIVE

20960

20895
2

20885
A

20845
B

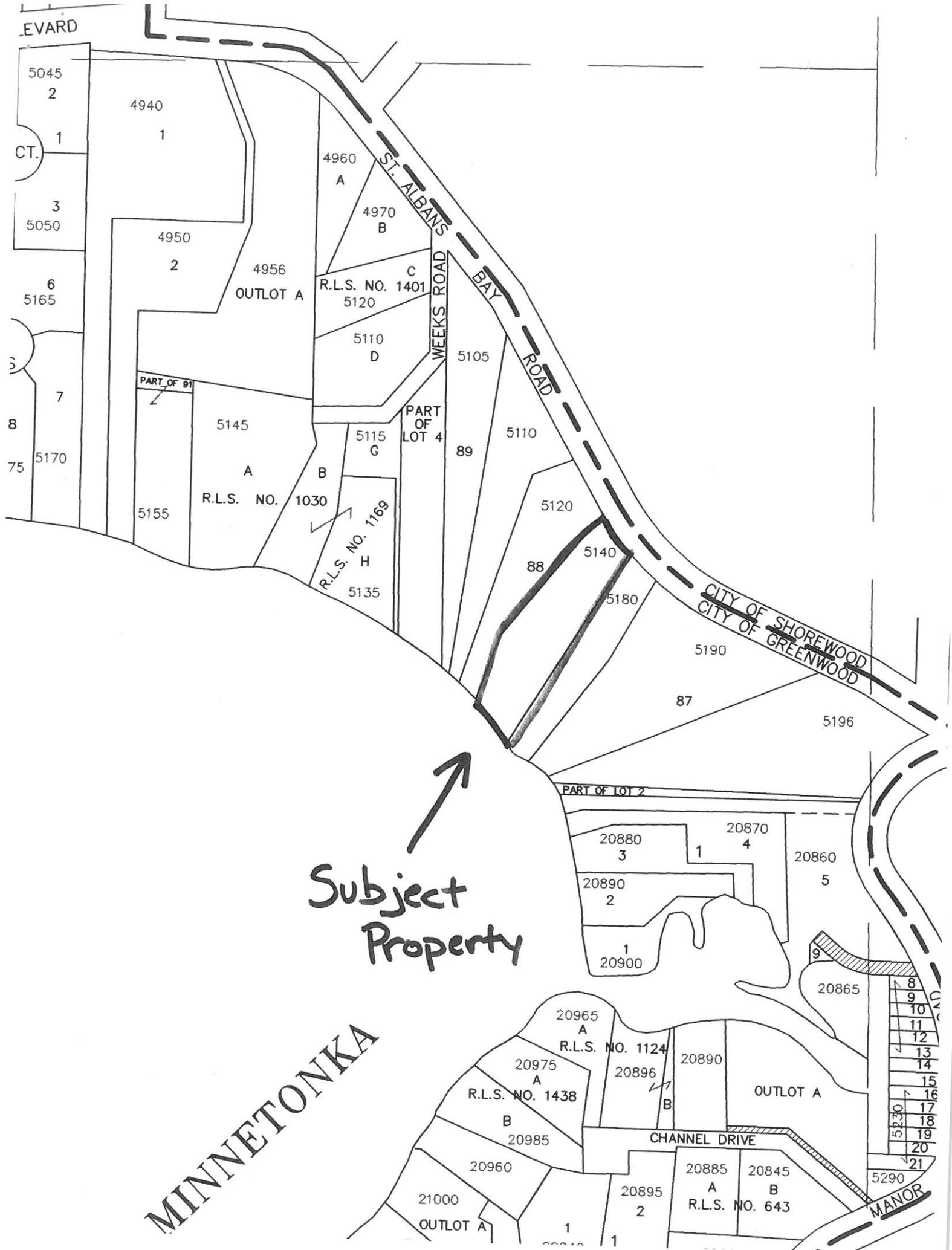
R.L.S. NO. 643

21000
OUTLOT A

MANOR

MINNETONKA

Subject Property





Excelsior Fire District

In partnership with the Communities of:
Deephaven-Excelsior-Greenwood-Shorewood-Tonka Bay
24100 Smithtown Road
Shorewood, MN. 55331

✉ kmurphyringate@excelsiorfire.org

☎ 952-960-1692

April 24, 2014

Steve & Heather Pint
5140 St. Albans Bay Road
Greenwood, MN 55331

Dear Mr. and Ms. Pint,

As you are aware, a fire apparatus/driveway is required for your home at 5140 St. Albans Bay Road in Greenwood. While reviewing the survey submitted to the City of Greenwood the back of the home is at least 150 feet from St. Albans Bay Road and requires an access road/driveway.

In a meeting on April 15, 2014 with Mr. Pint, Mr. Monson, Owner of Landschute Architects and Builders, Scott Gerber, Fire Chief of the Excelsior Fire District, and Kellie Murphy-Ringate, Fire Inspector for the Excelsior Fire District the decision was made to install an access road/driveway.

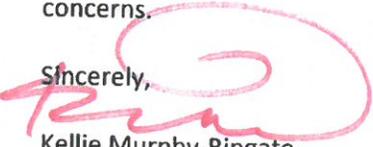
Due to several hardships identified on the property (a power pole, significant trees, property lines, and topography) the Excelsior Fire District will make an exception and reduce the 20 foot wide requirement for the access road to a 14 foot access road. The access road will be constructed as shown on the survey provided to the Excelsior Fire District at the April 15, 2014 meeting. The access road/driveway will be constructed relatively straight and will be moved to the west side of the power pole. Additional access road/driveway requirements are as follows:

- The length of the access road/driveway does not require a turnaround.
- The access road/driveway must be built to meet residential driveway standards.
- Grade must be no more than 10%.
- The access road/driveway must be maintained on the property for as long as the home exists. Repairs must be made in timely manner. The access road/driveway must be plowed the entire length and width of the access road/driveway within a reasonable amount of time after a measurable snow fall.
- Clearance must be maintained up to 13 feet above the driveway at all times.
- These requirements exist as long as the structures are on the property.
- In the event the property is sold the new owners must be made aware of the access road/driveway requirements.

The final construction of the access road/driveway will need to be inspected by the Excelsior Fire District before occupancy. Final approval indicating that the construction of the access road/driveway meets all of the requirements as noted above will be given by the Excelsior Fire District.

Please feel free to contact me at the number or email noted above with any further question or concerns.

Sincerely,


Kellie Murphy-Ringate
EFD Fire Inspector

LEGAL DESCRIPTION:
 That part of Lot 88, Auditor's Subdivision No. 141, Hennepin County, Minnesota, described as follows: Commencing at a point in the Northeastly line of Lot 5, Endsley's Minnetonka Addition, distant 630 feet Southeastly, measured along said Northeastly line from the most Northerly corner of Lot 5; thence Northwestly along the Northeastly line of said Lot 5 a distance of 200.25 feet; thence Southwestly making an angle to the left 87 degrees 35 minutes a distance of 73.7 feet; thence Southerly making an angle to the left of 47 degrees 04 minutes, a distance of 396.5 feet; thence Southeastly 105 feet to a point 369 feet Southwestly from the point of beginning; thence Northeastly 369 feet to beginning, including all that tract of land lying between the Southwestly line of the above described land and lakeshore, which lies Southeastly of a line described as commencing at a point in the Northeastly line of said Lot 5 distant 630 feet Southeastly, measured along said Northeastly line, from the most Northerly corner of Lot 5; thence Northwestly along the Northeastly line of said Lot 5 a distance of 90 feet to the point of beginning of the line to be described; thence deflecting to the left 114 degrees 34 minutes from the prolongation of the last described line for a distance of 297.87 feet; thence deflecting to the left 20 degrees, 07 minutes and 20 seconds from the prolongation of the last described line to the intersection with the shoreline of Albans Bay, Lake Minnetonka, and said line there terminating;

The Gregory Group, Inc.
 d.b.a.
LOT SURVEYS COMPANY
 Established in 1963
LAND SURVEYORS
 REGISTERED UNDER THE LAWS OF THE STATE OF MINNESOTA
 7601 Park Avenue
 Minneapolis, Minnesota 55428
 Tel. No. 840.3903
 Fax No. 840.3522

Surveyors Certificate

Proposed Site Plan Survey For:

THE LANDSCHUTE GROUP

Property located in Section
 26, Township 117, Range 23,
 Hennepin County, Minnesota

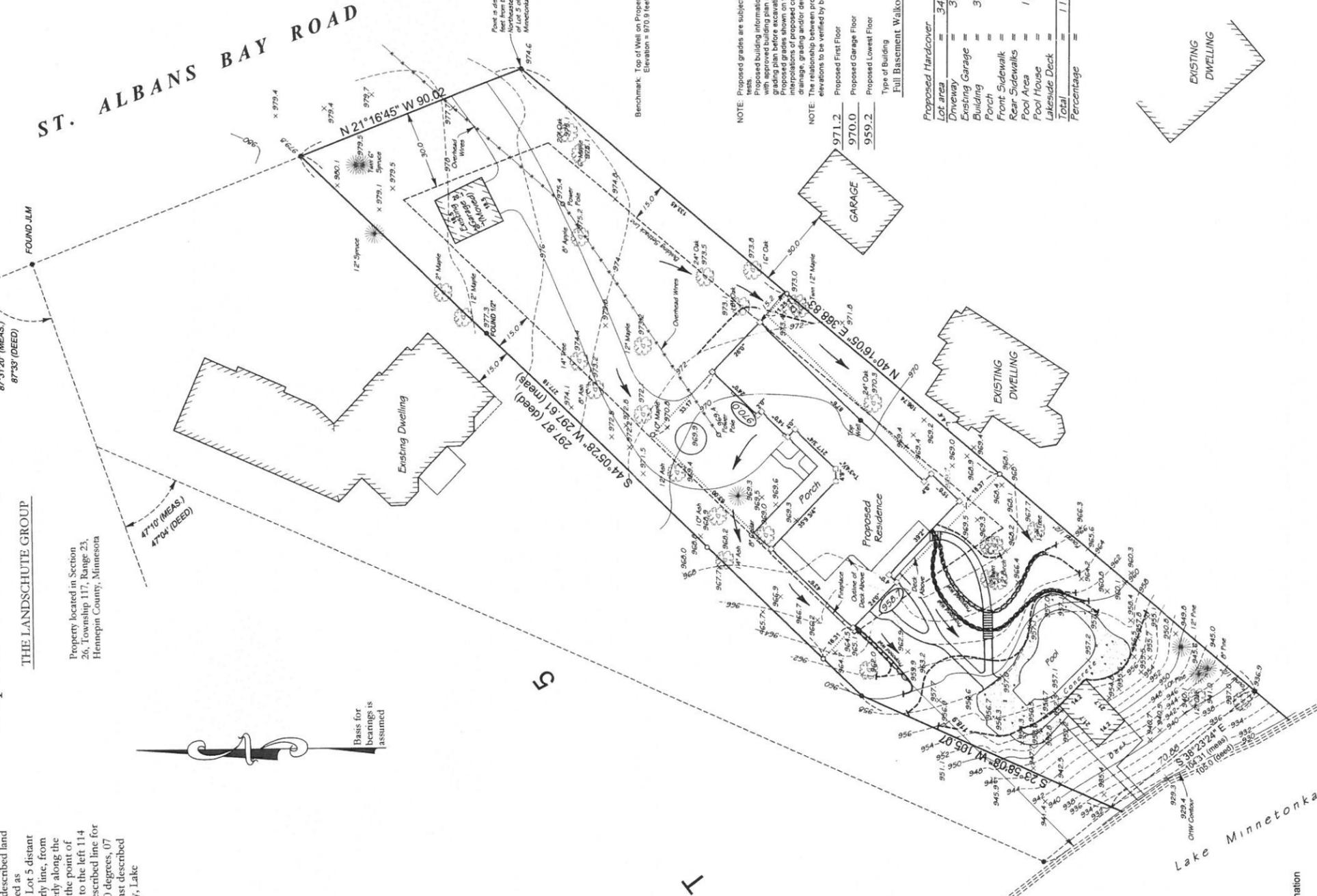
INVOICE NO. R2258
 F.B. NO. 1073-16
 SCALE: 1" = 30'

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- x000.0 Denotes Existing Elevation
- .0 Denotes Proposed Elevation
- Denotes Surface Drainage

ST. ALBANS BAY ROAD



Basis for bearings is assumed

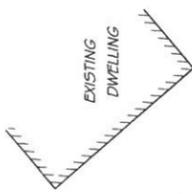


Benchmark: Top of Nail in Property
 Elevation = 870.9 feet

NOTE: Proposed grades are subject to results of soil test. Proposed building information must be checked with approved building plan and development or grading plan before excavation and construction. Proposed grades shown on this survey are interpretations of proposed contours from the elevations of proposed contours from the elevations to be verified by builder.

Proposed First Floor	971.2
Proposed Garage Floor	970.0
Proposed Lowest Floor	959.2
Type of Building	
Full Basement Walkout	

Proposed Hardcover	
Lot Area	= 34,391 sq ft ±
Driveway	= 3,784 sq ft ±
Existing Garage	= 366 sq ft ±
Building	= 3,959 sq ft ±
Porch	= 411 sq ft ±
Front Sidewalk	= 65 sq ft ±
Rear Sidewalks	= 555 sq ft ±
Pool Area	= 1,686 sq ft ±
Pool House	= 307 sq ft ±
Lakeside Deck	= 287 sq ft ±
Total	= 11,420 sq ft ±
Percentage	= 33.2%



The only easements shown are from plats of record or information provided by client.

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed land Surveyor under the laws of the State of Minnesota.

Surveyed by us this 17th day of January 2014.

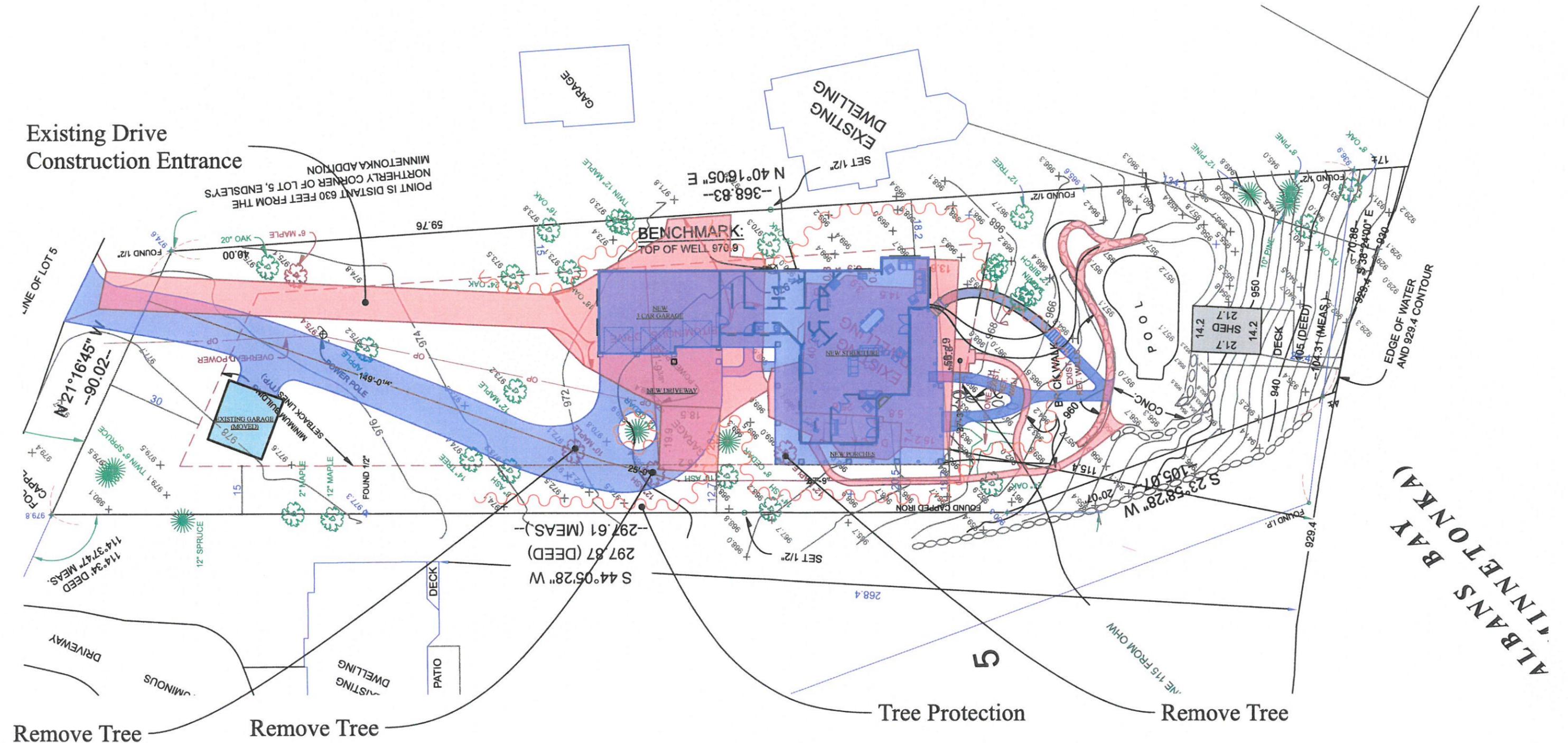
Rev 2-14-14 removed driveway easement	Drawn By J. Munsan
4-16-14 new driveway & hardcover	File Name
	as141rv02258 site plan rev 0wg

Signed
 Gregory P. Frasz, Minn. Reg. No. 24992

- New Construction
- Existing Construction
- Demolish

6" Black Dirt w/ Sod

Approx. 900 Cubic Yards Disturbed



TREE PROTECTION & REMOVAL PLAN
1"=30'-0"

PROJECT	
Pint Residence 5140 Saint Albans Bay Road Greenwood MN 55331	
Drawing Date	Revision Date
2/11/14	4/16/14

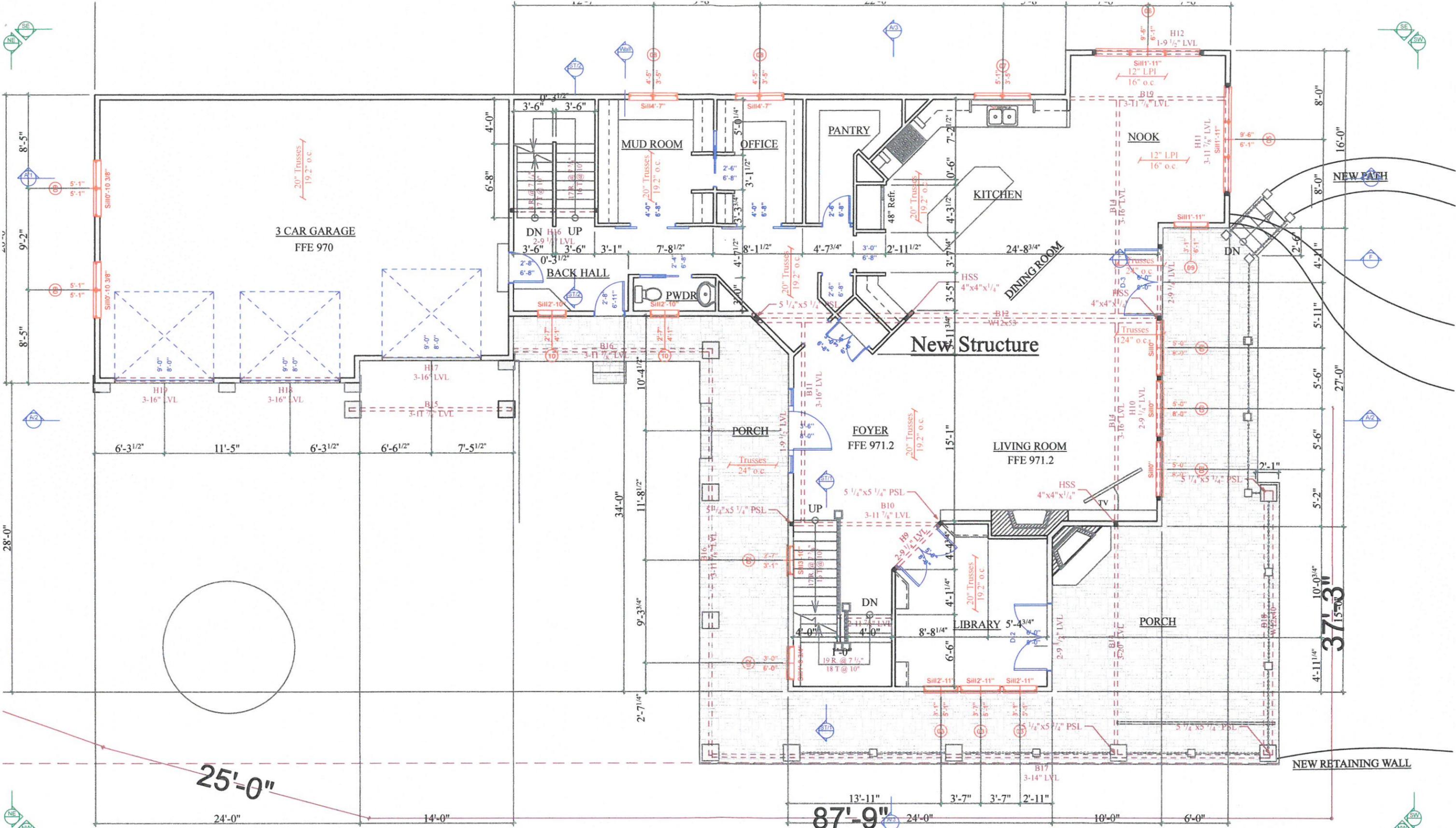
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architects and builders of fine properties

202 Water Street #202
Excelsior, MN 55331
(952) 470-7416



○ MAIN LEVEL PLAN
1/8"=1'-0"

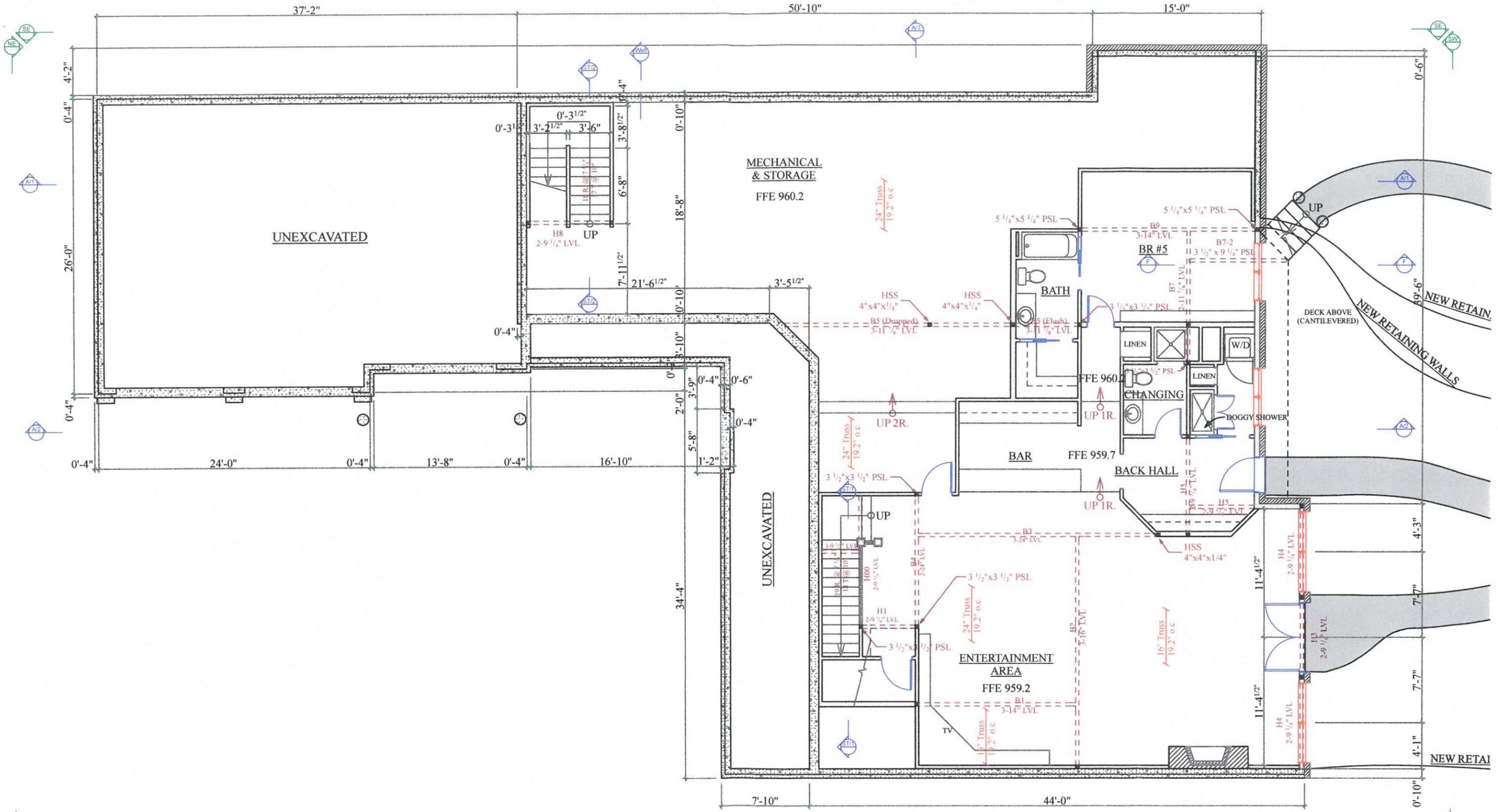
UPPER LEVEL	2,878 SF
MAIN LEVEL	2,200 SF
LOWER LEVEL	1,624 SF
TOTAL	6,702 SF

PROJECT	
Pint Residence 5140 Saint Albans Bay Road Greenwood MN 55331	
Drawing Date	Revision Date
2/11/14	4/16/14

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	LOWER LEVEL PLAN	
	UPPER LEVEL	2,878 SF
	MAIN LEVEL	2,200 SF
	LOWER LEVEL	1,624 SF
	TOTAL	6,542 SF

1/8"=1'-0"

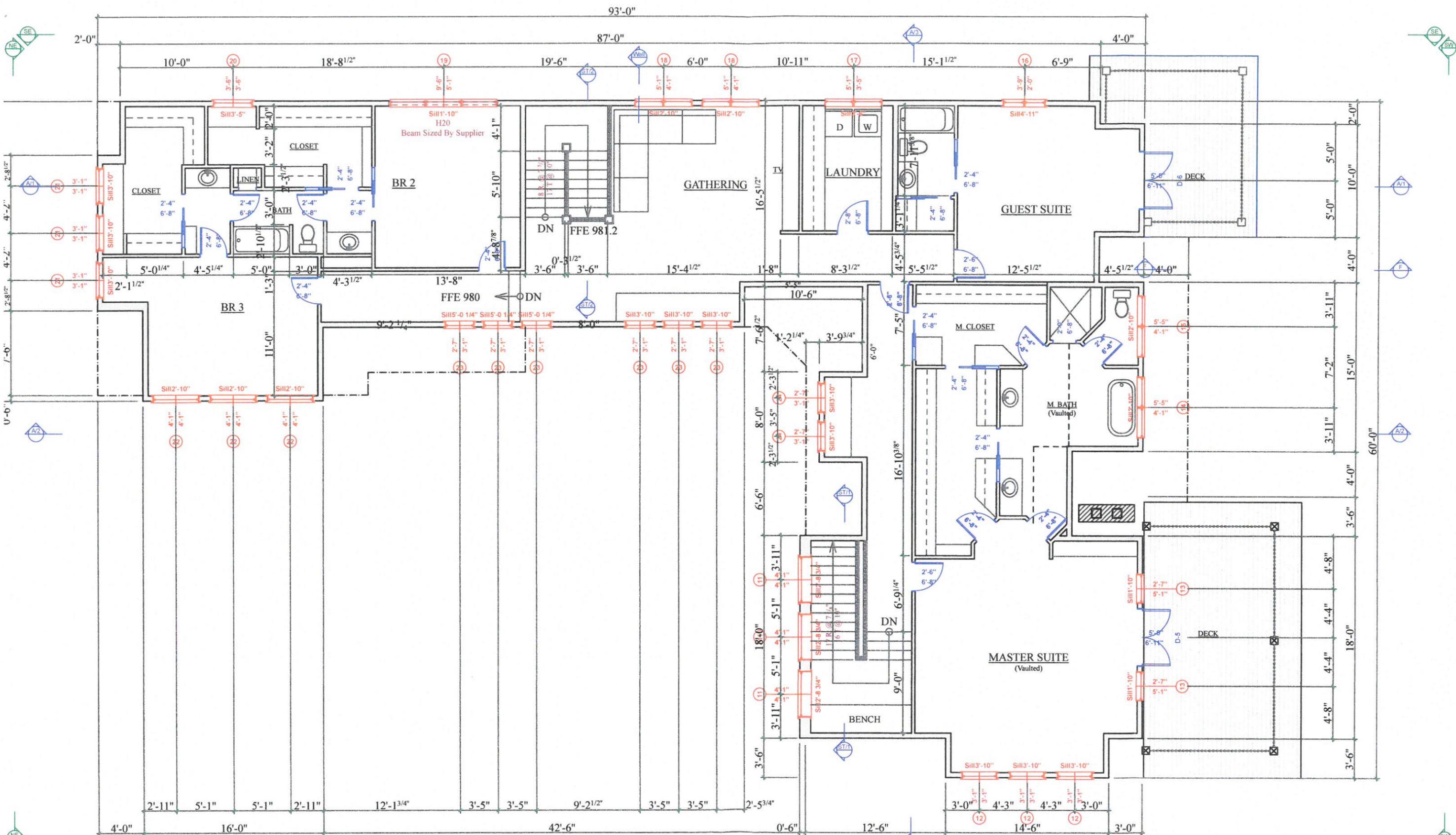
PROJECT	
Pint Residence 5140 Saint Albans Bay Road Greenwood MN 55331	
Drawing Date	Revision Date
2/11/14	4/16/14

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Excelsior, MN 55331
(952) 470-7416




SECOND LEVEL PLAN
 1/8"=1'-0"

UPPER LEVEL	2,878 SF
MAIN LEVEL	2,200 SF
LOWER LEVEL	1,624 SF
TOTAL	6,542 SF

PROJECT	
Pint Residence	
5140 Saint Albans Bay Road	
Greenwood MN 55331	
Drawing Date	Revision Date
2/11/14	4/16/14

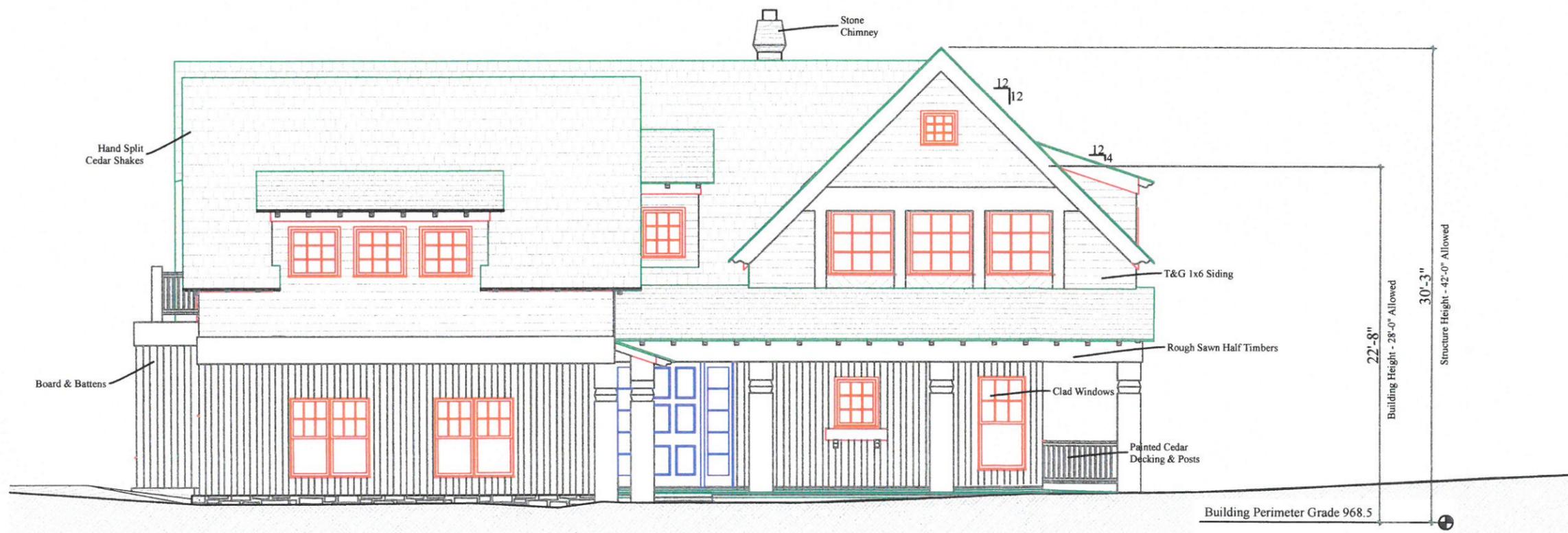
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WINDOW SCHEDULE			DIMENSIONS			WINDOW						Oct 15, 2013	
ID	QTY	LOCATION	PRODUCT #	R.O. WIDTH	R.O. HEIGHT	JAMB	TYPE	MATERIAL	FINISH	GLAZING	SURFACE	HEADERS	REMARKS
01	2	FOYER	ITDH2648	2'-3"	4'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	TEMP	6.25		
02	2	STAIRS		2'-7"	2'-7"	6/9/16	CASEMENT	CLAD	PAINT	TEMP	4.84		
03	1	LIBRARY	ITDH3060 2W	5'-1"	5'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	18.72		
04	1	LIVING ROOM	ITDH3860 3W	9'-6"	5'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	TEMP	34.99		
05	1	NOOK	ITDH3860 3W	9'-6"	5'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	34.99		
06	1	NOOK	ITDH3860 3W	9'-6"	5'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	34.99		
07	1	KITCHEN	ITDH3040	2'-7"	3'-5"	6/9/16	DOUBLE HUNG	CLAD	PAINT	TEMP	6.00		
08	1	MUD ROOM	ITDH2640 2W	4'-5"	3'-5"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	10.26		
09	2	GARAGE	ITDH3040 2W	5'-1"	3'-5"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	11.81		
10	2	GARAGE ENTRY	ITDH3048	2'-7"	4'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	10.53		
11	3	STAIRS		4'-1"	4'-1"	6/9/16	CASEMENT	CLAD	PAINT	TEMP	12.09		
12	3	MASTER BEDROOM		3'-1"	3'-1"	6/9/16	CASEMENT	CLAD	PAINT	DBL	6.89		
13	2	MASTER BEDROOM	ITDH3060	2'-7"	5'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	TEMP	8.93		
14	1	MASTER BATH	ITDH3260 2W	5'-5"	5'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	TEMP	18.72		
15	1	MASTER BATH	ITDH3260 2W	5'-5"	5'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	18.72		
16	1	GUEST SUITE		3'-9"	2'-0"	6/9/16	AWNING	CLAD	PAINT	DBL	5.44		
17	1	LAUNDRY	ITDH3040 2W	5'-1"	3'-5"	6/9/16	DOUBLE HUNG	CLAD	PAINT	TEMP	11.81		
18	2	GATHERING	ITDH3048 2W	5'-1"	4'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	14.11		
19	1	BEDROOM 2	ITDH3860 3W	9'-6"	5'-1"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	34.99		
20	1	BR 2 CLOSET		4'-1"	4'-1"	6/9/16	CASEMENT	CLAD	PAINT	DBL	12.09		
21	3	BR 3 & CLOSET		3'-1"	3'-1"	6/9/16	CASEMENT	CLAD	PAINT	DBL	6.89		
22	3	BEDROOM 3		4'-1"	4'-1"	6/9/16	CASEMENT	CLAD	PAINT	DBL	12.09		
23	6	GATHERING		2'-7"	3'-1"	6/9/16	CASEMENT	CLAD	PAINT	DBL	5.77		
24	2	UPPER LEVEL HALLWAY		2'-7"	3'-1"	6/9/16	CASEMENT	CLAD	PAINT	DBL	5.77		
25	2	STAIRS & MASTER SUITE		2'-1"	2'-1"	6/9/16	CASEMENT	CLAD	PAINT	DBL	4.32		
26	1	BEDROOM 3		2'-1"	2'-1"	6/9/16	CASEMENT	CLAD	PAINT	DBL	4.32		
B1	2	ENTERTAINMENT AREA	ITDH3064 3W	7'-6"	5'-5"	6/9/16	DOUBLE HUNG	CLAD	PAINT	TEMP	18.72		
B2	2	BEDROOM 5	ITDH3064 2W	5'-1"	5'-5"	6/9/16	DOUBLE HUNG	CLAD	PAINT	DBL	18.72		
D-2	1	LIBRARY	IIFD5080 XXL	5'-0"	8'-0"		INSWING FRENCH DOOR	CLAD	PAINT	TEMP			
D-3	1	LIVING ROOM	IIFD6080 XXL	6'-0"	8'-0"		INSWING FRENCH DOOR	CLAD	PAINT	TEMP			
D-4	1	NOOK	IIFD6080 XXL	6'-0"	8'-0"		INSWING FRENCH DOOR	CLAD	PAINT	TEMP			
D-5	1	MASTER BEDROOM	IIFD 5068 XXL	5'-0"	6'-11"		INSWING FRENCH DOOR	CLAD	PAINT	TEMP			
D-6	1	GUEST SUITE	IIFD 5068 XXL	5'-0"	6'-11"		INSWING FRENCH DOOR	CLAD	PAINT	TEMP			
D-7	1	ENTERTAINMENT AREA	IIFD6080 XXL	6'-0"	8'-0"		INSWING FRENCH DOOR	CLAD	PAINT	TEMP			

○ WINDOW SCHEDULE
1/8"=1'-0"



○ NE ELEVATION (FRONT)
1/8"=1'-0"

P R O J E C T

Pint Residence
5140 Saint Albans Bay Road
Greenwood MN 55331

Drawing Date: 2/11/14 Revision Date: 4/16/14

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architects and builders of fine properties

202 Water Street #202
Excelsior, MN 55331
(952) 470-7416



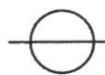
○ NW ELEVATION (SIDE)
1/8"=1'-0"

P R O J E C T	
Pint Residence 5140 Saint Albans Bay Road Greenwood MN 55331	
<u>Drawing Date</u>	<u>Revision Date</u>
2/11/14	4/16/14

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SOUTHWEST ELEVATION (REAR)

1/8"=1'-0"

P R O J E C T

Pint Residence
 5140 Saint Albans Bay Road
 Greenwood MN 55331

Drawing Date

2/11/14

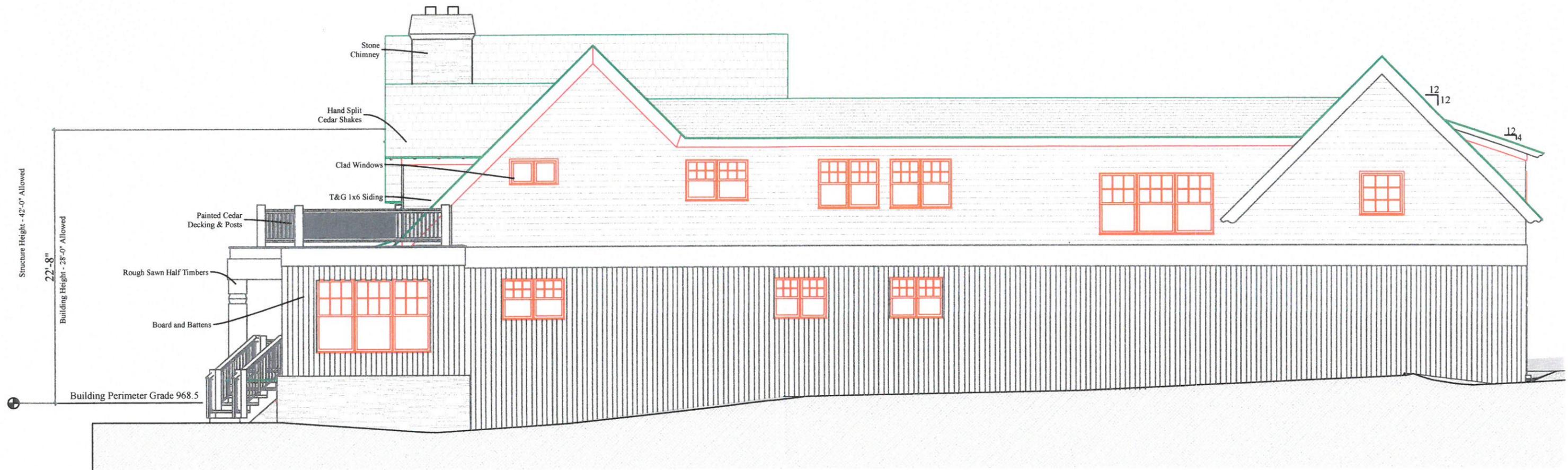
Revision Date

4/16/14

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SE ELEVATION (SIDE)
 1/8"=1'-0"

P R O J E C T	
Pint Residence	
5140 Saint Albans Bay Road	
Greenwood MN 55331	
<u>Drawing Date</u>	<u>Revision Date</u>
2/11/14	4/16/14

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 Excelsior, MN 55331
 (952) 470-7416

RESOLUTION NO. 14-14

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

IN RE: The Application of Steve and Heather Pint, 5140 St. Alban's Bay Road, Greenwood, Minnesota for a variance to exceed the maximum permitted impervious surface area by 3.2%.

WHEREAS, Steve and Heather Pint are owners of real property at 5140 St. Alban's Bay Road, Greenwood, Minnesota 55331 (PID No. 27-117-23-41-0004); and

WHEREAS, the applicants in the course of processing the plans for approval of a new home at the property was advised by the Excelsior Fire District of its demand for installation of a fire apparatus access road; and

WHEREAS, applicant represents with the exception of the requirements of the fire apparatus access road, the proposed new home is otherwise in compliance with the zoning ordinances and hardcover; and

WHEREAS, notice of public hearing was published, notice given to neighboring property owners, and a public hearing held before the Planning Commission on May 21, 2014; and

WHEREAS, public comment was taken at the public hearing and the Planning Commission considered the matter and recommended approval of a variance to permit the project to move forward.

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

FINDINGS OF FACT

1. That the applicant's property is located at 5140 St. Alban's Bay Road, Greenwood, Minnesota 55331 within the R-1A Single Family Residential District.
2. The property was host to a pre-existing home which has now been removed with intent to have a new home constructed thereat.
3. The property is 0.79 acres in size; maximum permitted impervious surface is 10,109 square feet; applicants are requesting a variance to allow 11,420 square feet of hardcover.

4. Applicants state the reason for the request is as needed to satisfy Excelsior Fire District demand for creation of fire access road on the property.
5. Applicants represent that the variance, if granted, will be in keeping with the spirit and intent of the zoning code because the new home is in compliance with all zoning ordinances but for the Fire District Fire apparatus access road.
6. Applicants assert that the practical difficulty in the present instance is that the applicants' property cannot be put to reasonable use if used under the conditions allowed by the official control because the Excelsior Fire District is requiring a 14-foot wide access road and without that demand no variance would be required for the applicants' planned use.
7. Applicants represent the plight of the applicant is due to circumstances unique to the property and not created by the land owner because of the depth of the lot and the relative distance of the house from the public road (150 feet) triggered demand for a fire apparatus access road.
8. Applicants represent that the variance, if granted, will not alter the essential character of the locality because the proposed structure is in compliance with the code and the width of the driveway has little or no effect on the essential character of the surrounding area.
9. Applicants represent that the variance, if granted, will have little or no effect on neighboring properties, or the neighborhood, as there is minimal visual effect and will have a positive effect on the safety as it relates to Fire Code.
10. Applicants represent that the variance requested will have no impact on supply of light and air to adjacent properties, nor impact on traffic congestion, nor give rise to danger of fire. As regards public safety, applicants note that the demand for the fire access road is a direct response to fire safety requirements and if granted, the variance will improve public safety.
11. Applicants represent the grant of the variance will have no effect on neighboring property values nor impair public health, safety, and welfare.
12. Greenwood Ordinance Code Section 1176.04.3.3 allows a maximum permitted hard cover of 30%. The applicants seek maximum permitted hard cover in the present instance of 33.2%. The proposed driveway is 3,784 square feet; 11% of the 34,381 square foot lot. The applicant represents that the fire apparatus access road requires an additional 1100 square feet of hard cover.
13. The Planning Commission questioned whether that was in fact true and whether or not hardcover might not be reduced on the existing lot so as to remain code compliant. The Applicant advised they had reduced hardcover as much as reasonably possible.
14. The Planning Commission also expressed concern whether or not the grant of a variance to meet a code requirement, even one new to the city's experience, is not problematic as

it would grant variances to meet code without a demonstration that code cannot, in fact, be met without a variance.

15. Other Planning Commission members expressed the opinion that Fire Access Code Requirement was ill-considered while others considered that the lot was of adequate size not to need the grant of a variance in excess of 30% hardcover.
16. The applicants argued that the Fire Access Code demand was an undue burden on the property owner and otherwise unreasonable. The Fire Access Code had required that the applicants abandon a planned curve driveway so as to reduce hardcover to a minimum.
17. The Planning Commission recognizing these facts recommended approval of the application or alternatively that the City Council deny the variance, but move to repeal Appendix D of the International Fire Code, that section which dictates the size and dimensions of fire access roads. Motion passed 4 to 1.
18. Section 1155.10, Subd. 4, 5 & 6 provide:

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

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

Economic considerations alone shall not constitute practical difficulties.

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

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

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

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

19. Based upon the foregoing, the City Council finds the variance request to increase the maximum permitted hardcover from 30% to 33.2%, if granted, would:

- (1) Be in harmony and keeping with the spirit and intent of the Zoning Code because it will maintain the character of the neighborhood; and
 - (2) Will be consistent with the Comprehensive Plan's guiding use for the subject property in the applicable zone.
20. The City Council further finds (1) that the property owners/applicants proposed manner of use of the property – home development with a fire apparatus access road – is reasonable because the lot size and shape and distance of the planned house from the public road – built adjacent an existing (grandfathered) pool - is reasonable because the additional 1100 square feet in hardcover is a direct product of the fire access road, a requirement of the Fire Code, and the dimensions and shape of the lot; (2) that the plight of the applicants is due to circumstances unique to the property – that being the size and shape of the property and existing improvements (pool) thereon – and was not created by applicants; and (3) the variance, if granted, will not alter the essential character of the locality - it will not impair the supply of light, air, or create congestion on the public street or endanger public health, safety, or welfare.
21. That the following conditions should be imposed on any such variance grant:
- (a) The project must be generally completed in accordance with the specification and design of the plan submitted;
 - (b) That the total permitted hardcover on the lot shall be kept to 11,420 square feet and no more and shall be verified by survey prior to final inspection;
 - (c) A certified copy of this Resolution shall be filed by the applicants with the Hennepin County Recorder and proof of filing provided to the Clerk of the City before any permits shall be issued.

CONCLUSIONS OF LAW

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

- 1. That the applicants have made an adequate demonstration of facts meeting the standards of Section 1155:10; and, subject to conditions on paragraph 21 of the findings of fact **should** be granted.

NOW, THEREFORE, be it resolved by the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments.

- 1. That the application of Steve and Heather Pint for a variance of 3.2% to the maximum permitted impervious hardcover of 30% is **granted** subject to the following conditions:
 - (a) The project must be generally completed in accordance with the specification and design of the plan submitted;
 - (b) That the total permitted hardcover on the lot shall be kept to 11,420 square feet and no more and shall be verified by survey prior to final inspection;
 - (c) A certified copy of this Resolution shall be filed by the applicants with the

Hennepin County Recorder and proof of filing provided to the Clerk of the City before any permits shall be issued.

PASSED THIS _____ DAY OF JUNE, 2014 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

_____ Ayes, _____ Nays

CITY OF GREENWOOD

ATTEST:

By _____
Debra J. Kind, Mayor

Gus Karpas, City Clerk/Administrator

1\RESOLU. PintApproving



Agenda Number: **7C**

Agenda Date: **06-04-14**

Prepared by Gus Karpas & Deb Kind

Agenda Item: 1st Reading: Ordinance 233 Amending Sections 1150 and 1155 Determination Relating to Planning Commission Role

Summary: This agenda item is related to the public hearing held earlier on the agenda. At this time the council will consider the 1st reading of ordinance 233. See agenda section 5A for the summary memo and copy of the ordinance.

Timeline:

- ~~05-14-14 Public hearing notice to Sun-Sailor.~~
- ~~05-21-14 Planning commission discusses the ordinance and makes a recommendation to the city council.~~
- ~~05-22-14 Public hearing notice published in Sun-Sailor (must be at least 10 days prior to the public hearing).~~
- 06-04-14 City council holds public hearing and considers 1st reading of the ordinance 233.
- 07-02-14 City council considers 2nd reading of the ordinance 233.
- 07-03-14 Ordinance 233 submitted to Sun-Sailor.
- 07-17-14 Ordinance 233 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 231 as presented.
2. I move the city council approves the 1st reading of ordinance 231 with the following revisions: _____.
3. 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 review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.



Agenda Number: 7D

Agenda Date: 06-04-14

Prepared by Deb Kind

Agenda Item: Consider Assessor Contract

Summary: The current agreement with Hennepin County to provide assessor services for the city expires on 07-31-14. At the 05-07-14 city council meeting, the council authorized the city clerk to advertise a Request for Proposals (RFPs) to provide assessor services for the city from 08-01-14 through 07-31-16. A copy of the RFP is attached. The RFP was emailed to the members of the Minnesota Association of Assessing Officers, including the incoming president of the MAAO / St. Boni assessor Dan Whitman. Proposals were due by 5pm on 05-28-14. The city received no proposals by the deadline and received the attached email from Dan Whitman declining the opportunity at this time. If the city cannot find an independent assessor, the county automatically provides assessor services. For the council's reference, the 04-15-14 letter from the county assessor Jim Atchison is attached.

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

1. I move the city council authorizes the mayor to contact county assessor Jim Atchison regarding the drafting of a new 2-year contract with Hennepin County for consideration on the 07-09-14 city council agenda.
2. Other motion ???



Hennepin County Assessor Department

A-2103 Government Center
300 South Sixth Street
Minneapolis, Minnesota 55487-0213

www.co.hennepin.mn.us

April 15, 2014

Debra J Kind
Mayor, City of Greenwood
20225 Cottagewood Rd
Deephaven, MN 55331

Dear Mayor Kind:

Re: Assessment Agreement A101050

Assessment Agreement A101050 between the County of Hennepin and the City of Greenwood expires July 31, 2014. This contract provided for assessment services through the 2014 assessment. Please communicate to your Council that in order for Hennepin County to continue to serve as your City Assessor, a new contract must be executed.

Please indicate your intentions at your earliest convenience to aid us in staff and workload assignments for the 2015 assessment and I will have the County Attorney's Office draft a new contract for your review in the next couple of weeks.

We truly appreciate our professional relationship with the City of Greenwood and I look forward to continuing to perform assessment services. If you or the Council have any questions concerning the assessment contract, feel free to contact me at (612) 348-4567.

Sincerely,

A handwritten signature in black ink that reads 'James R. Atchison'. The signature is written in a cursive style with a long, sweeping underline.

James R. Atchison
Hennepin County Assessor

REQUEST FOR PROPOSALS
FOR
ASSESSING SERVICES

Proposal Deadline: May 28, 2014, 5pm

The city of Greenwood, Minnesota (located in the Lake Minnetonka area, Hennepin County) is seeking proposals for contract services to provide assessment services for approximately 350 parcels. The City expects to select an assessor who will serve the City for a 2-year period with an option to continue.

Duties include:

- (1) Providing fair, accurate, and equitable property tax assessments according to state and county guidelines.
- (2) Developing policies and methodology used to determine estimated market value and assign its proper classification.
- (3) Analyzing, listing, valuing, classifying, and monitoring assessments on assigned properties.
- (4) Compliance with Hennepin County's CAMA system.

Special Requirements: Must be a Certified Minnesota Assessor and a Accredited Minnesota Assessor (AMA).

Please email a proposal and copies of professional certifications by 5pm, May 28, 2014 to Greenwood City Clerk Gus Karpas at guskarpas@mchsi.com.

Begin forwarded message:

From: "Dan & Terry Whitman" <whit@yourstarnet.net>

Subject: Re: Checking In re: Greenwood RFP

Date: May 23, 2014 at 1:05:55 PM CDT

To: "Debra Kind" <dkind100@gmail.com>

Good afternoon Deb,

I did get the email and I have not been trying to avoid you but I have been away from my office and home for 8 of the past 10 days, and there lies the problem. I am not going to be able to take on your jurisdiction this year as my schedule simply doesn't allow me to do any more and my staff are not equipped to handle a jurisdiction such as yours. I'm sorry I was not able to be of more help but if the opportunity arises again in a couple years it may well be a different outcome at that time. Thanks much for the kind words and considerations.

Dan Whitman

On Thu, 22 May 2014 09:30:26 -0500

Debra Kind <dkind100@gmail.com> wrote:

Dan —

This is a quick note to check in to make sure you received the below email. Do you think you will be submitting a proposal?

Deb

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

Begin forwarded message:

From: Debra Kind <dkind100@gmail.com>

Subject: Greenwood RFP

Date: May 10, 2014 at 10:28:00 PM CDT

To: Dan Whitman <whit@yourstarnet.net>

Cc: Gus Karpas <guskarpas@mchsi.com>

Dan —

Attached is the official Request for Proposals document from the city. I hope you decide to submit a proposal. Thank you so much for your consideration.

Deb

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



Agenda Number: **7E**

Agenda Date: 06-04-14

Agenda Item: Excelsior Park & Dock Police Patrol Proposal

Summary: This is an annual request from the South Lake Minnetonka Police Department and the city of Excelsior to approve the proposal for summer park and dock patrol. See the attached memo from Chief Litsey.

City Council Action: Required. Potential motions ...

1. I move the city council approves the plan for the South Lake Minnetonka Police Department to provide Park and Dock Patrol Services for the City of Excelsior in 2014 as mutually agreed upon by both parties.
2. Other motion ???

May 21, 2014 – Wednesday

Dana Young, Deephaven City Administrator Representing Greenwood
Bill Joynes, Shorewood City Administrator
Joe Kohlmann, Tonka Bay City Administrator

I have confirmed through the City of Excelsior that their council passed the attached SLMPD proposal for providing park and dock patrol services in 2014. This took place at their council meeting on Monday, May 19, 2014. Also attached is the related document included in the packet for the Coordinating Committee meeting held on May 14, 2014. This contains the following suggested motion for your respective city councils to consider when they next convene.

Motion to approve the South Lake Minnetonka Police Department providing Park and Dock Patrol Services for the City of Excelsior in 2014 as mutually agreed upon by both parties. Please let me know by e-mail once your council takes action on this matter and whether or not it was approved. During this interim period, the SLMPD will begin service as planned on Memorial Day Weekend per the understanding reached at the last Coordinating Committee meeting. The SLMPD looks forward to continuing this partnership arrangement with the City of Excelsior for another season.

Chief Bryan Litsey
South Lake Minnetonka Police Department
24150 Smithtown Road
Shorewood, Minnesota 55331
(952) 474-3261 General Number
(952) 960-1601 Direct Number
(952) 292-7103 Mobile Number

Proudly Serving Excelsior, Greenwood, Shorewood and Tonka Bay



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

BRYAN LITSEY
Chief of Police

24150 Smithtown Road
Shorewood, Minnesota 55331

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

MEMORANDUM

TO: Coordinating Committee Members

FROM: Bryan Litsey, Chief of Police

DATE: May 8, 2014 - Thursday

RE: Excelsior Park and Dock Patrol Program - 2014 Summer Season

Representatives from the South Lake Minnetonka Police Department (SLMPD) and the City of Excelsior met on both May 5 and 6, 2014 to discuss park and dock patrol services for the 2014 summer season. The attached report recapping last year's park and dock patrol program was helpful in determining if any changes were desired for this year. None were proposed and so the level of service will be similar to last year. This is with the caveat that some adjustments may need to be made due to staffing and scheduling considerations.

Also discussed was having a more firm timetable for the preseason approval process that needs to take place each year. Ideally, this should occur well in advance of the normal start date of Memorial Day Weekend in order to give the SLMPD enough time to gear-up for the program; adjust to desired changes by the SLMPD and/or City of Excelsior; and allow each member city council to sign off on the program in accordance with the Joint Powers Agreement (JPA). There was a disconnect this year that delayed this from happening. To avoid a recurrence, the City of Excelsior will be responsible in the future for letting the SLMPD know in January of each year if it would like the SLMPD to provide park and dock patrol services for another season. If so, the City of Excelsior will arrange a meeting with the SLMPD no later than March to discuss the scope of the services and other considerations. The SLMPD will then put together a proposal based on that discussion, which will first go to the Excelsior City Council for approval. It will then be forwarded to the other member city councils for their approval as required in the JPA for any supplemental services requested by a member city that are separately staffed and funded through the SLMPD. The JPA also states that such supplemental services cannot be unreasonably withheld by another member city.

Due to the compressed time line this year, approval from the member city councils may have to take place after the fact if the SLMPD adheres to the normal start date of Memorial Day Weekend. This will presumably not be a problem, since no substantial changes to the program are being proposed. It is also not the first time that one or more member city

Memorandum to Coordinating Committee
Excelsior Park and Dock Patrol Program - 2014 Summer Season
Page 2 of 2

councils approved the program after the fact due to extenuating circumstances. The protocol now in place should prevent this from happening in the future.

The SLMPD is currently in the process of putting together a formal proposal for providing the City of Excelsior with park and dock patrol services this season. Once this is finalized and acted upon by the Excelsior City Council, it will be forwarded to the other member city councils for consideration. The following suggested motion satisfies this requirement in the JPA.

Suggested Motion:

Motion to approve the South Lake Minnetonka Police Department providing Park and Dock Patrol Services for the City of Excelsior in 2014 as mutually agreed upon by both parties.

It would be much appreciated if the city manager/administrator in each member city would let me know once their respective city council takes action on this matter.

The SLMPD looks forward to providing this supplemental service once again for the City of Excelsior. This longstanding partnership is a testament to how working together to address a specific public safety need can enhance the quality of life in a community. This is often referred to as the livability factor of a community and the SLMPD is proud to play a prominent role in furthering this effort in all the communities we serve.

South Lake Minnetonka Police Department



Seasonal Park and Dock Patrol Services

City of Excelsior

Prepared by Support Services Manager David Hohertz

April 2014



PROGRAM OVERVIEW

The South Lake Minnetonka Police Department (SLMPD) has a long history of providing park and dock patrol services for the City of Excelsior since the early 1980's. This seasonal program historically begins on Memorial Day weekend and ends on Labor Day.

The primary focus of the program is to provide for the safe and orderly use of the Commons Park and Port of Excelsior as well as the security of the adjacent residential neighborhoods and business district.

Personnel working this seasonal part-time employment are either classified as a park service officer or a park police officer. The job classification of park service officer is a civilian position with duties and responsibilities that do not require state licensure as a peace officer. The job classification of park police officer requires state licensure as a peace officer and thus is a more highly skilled position with additional duties and responsibilities including enforcing state statutes and local ordinances pertaining to criminal, traffic and nuisance violations. Park service officers patrol the Commons Park, the Port of Excelsior and adjacent roadways. Park police officers patrol the areas mentioned above, but have an expanded patrol area which includes the central business district and adjoining residential neighborhoods.

2013 SEASON SUMMARY

During the 2013 season park patrol personnel issued 449 citations. Of those, 257 were issued for expired parking meters, 95 for other parking violations and 97 for expired vehicle registrations. Licensed park police officers made 73 traffic stops. Officers responded to 7 medical emergencies as well as incidents such as thefts, damage to property, lost or found property and vehicle lockouts. See attached statistical data.

The program came in under budget by \$3,287 due to careful allocation of personnel and resources; this includes shortening or eliminating shifts when park and dock usage is minimal due to poor weather conditions.

PRE-SEASON ORIENTATION AND TRAINING

All of the individuals working this seasonal part-time employment are or have been affiliated with the SLMPD. They are familiar with department operations and have gone through extensive background checks. Each spring, both new and returning officers attend a pre-season orientation meeting as well as department-approved training on use of force and the safe operation of the all-terrain vehicle (ATV) and the mountain bikes.

Spring Training

Bike Patrol and ATV Certification/Refresher and Use of Force Training



PATROL METHODS

Officers patrol many areas within the park on foot, bike or ATV so as to better interact with park users and to access remote areas not easily reached by squad car. They also spend some of their patrol time in a squad car to maintain high visibility as a deterrent to inappropriate behavior. Park police officers generally spend more time in the squad car than park service officers as they have the additional responsibility of traffic enforcement as well as an expanded patrol area.



PARK AND DOCK PATROL STAFF



David Hohertz
Park Police Officer



Mark Erickson
Park Police Officer



Andrew Nightingale
Park Service Officer



Dan Smith
Park Service Officer

David Hohertz has served seasonally as a licensed park police officer since the summer of 1984 and also serves as the liaison between the SLMPD and the City of Excelsior and area residents, business owners and visitors to the area. He serves in a full-time capacity as the SLMPD's Support Services Manager and Emergency Management Coordinator.

Mark Erickson retired from the SLMPD at the rank of Sergeant after serving for 29 years. He returned to the SLMPD in 2009 to work seasonally as a licensed park police officer.

Andrew Nightingale has served as a park service officer since the summer of 2010. Andrew serves year round as a member of the community service officer team as well as on the volunteer reserve unit. He is currently a student at North Hennepin Community College pursuing his law enforcement degree and works full-time in retail security.

Dan Smith will be starting his second season as a park service officer. He is also a member of the community service officer team, working both in the front office and on the road. He is a law enforcement student at North Hennepin Community College pursuing his law enforcement degree and works part-time in retail security.



Cole Peterson



Jason Pierce and **Cole Peterson** worked as park service officers for the 2013 park and dock patrol season. Neither will be returning this year as they have both been offered and accepted full-time police officer positions. Jason Pierce has been hired by the Saint Paul Police Department and graduated from their training academy on March 27, 2014. Cole Peterson has been hired by the Minneapolis Police Department and will begin their training program in May. Although we would like to have them back this summer, our congratulations go out to them as they begin their careers as police officers.



Jason Pierce



South Lake Minnetonka Police Department

Support Services Division - Park and Dock Patrol Services



Statistical Data – 2013 Season



Prepared by Support Services Manager David Hohertz

Incident	Number
Accident - Property Damage	1
Alarm - Commercial	1
Alarm - Residential	1
Animal Complaint - DOA Cat	1
Animal Complaint - Found Cat	1
Assault	1
Assist Other Agency - Water Patrol	1
Burglary	1
Check Burn	1
Damage to Property	1
Disorderly Conduct - Arrest	2
Disturbance	1
Domestic	1
Drunk Problem	6
DWI	3
Expired Meter - Citation	257
Expired Meter - Written Warning	1
Expired Registration - Citation	97
Expired Registration - Written Warning	19
Extra Patrol Request	1
Fight	1
Fireworks - Verbal Warning	1
Found Property - Back Pack	1
Found Property - Returned	1
Found Property - Wallet	1
Handicapped Parking - Citation	5
Lost Property - Jewelry	1
Lost Property - Purse	1
Medical - Fall	2
Medical - Pain	2
Medical - Seizure	2
Medical - Unconscious	1
Missing Child	1
Narcotics Complaint	1
Noise Disturbance	1
Parked Blocking Driveway - Citation	1
Parked Where Prohibited - Citation	10

South Lake Minnetonka Police Department

Support Services Division - Park and Dock Patrol Services

Statistical Data – 2013 Season

Prepared by Support Services Manager David Hohertz

Parked Where Prohibited - Written Warning	5
Parked Wrong Direction - Citation	1
Parking - Other - Citation	34
Parking - Other - Written Warning	4
Parking - Overtime - Citation	23
Parking - Overtime - Written Warning	5
Parking by Permit Only - Citation	20
Parking by Permit Only - Written Warning	2
Parking Complaint - 15-Minute Zone	1
Port of Excelsior - Permit Parking Only - Verbal Warning	1
Possible DK Driver	1
Public Assist	1
Shots Heard	1
Spot Check - Third Street Pump House	2
Suspicious Act	1
Traffic Stop - Citation	4
Traffic Stop - Equipment Repair	34
Traffic Stop - Equipment Repair - Citation	1
Traffic Stop - Verbal Warning	19
Traffic Stop - Written Warning	15
Unwanted Person	1
Vehicle Lockout	5
Warrant Arrest	1
Welfare Check	4
TOTAL EVENTS - 617	



Excelsior Park and Dock Patrol Program

Proposed Services - 2014 Summer Season

Prepared by Chief Bryan Litsey

OVERVIEW

The focus of this proposal is on providing for the safe and orderly use of the Commons Park and Port of Excelsior as well as the security of the adjacent residential neighborhoods and business district. It is not profit driven as would typically be the case when such supplemental services are outsourced. The financial interest of the South Lake Minnetonka Police Department (SLMPD) is to recoup the direct expenses associated with providing these additional services specific to one member city. Taken into account is that the City of Excelsior is already contributing to the infrastructure of the SLMPD and that this increased presence during the busier summer months complements the overall delivery of services among all four member cities.

The approach taken for providing park and dock patrol services will essentially be the same as last year with virtually no change in the allocation and number of hours between job classifications. The tentative schedule will span between Memorial Day and Labor Day weekends, unless extended through mutual agreement. Staffing will be more heavily weighted on weekday evenings and weekends. The schedule is subject to change due to the availability of personnel, weather conditions and park usage. These adjustments have historically kept costs below the budgeted amount with last season being no exception.

The personnel working this seasonal part-time employment will either be classified as a park police officer or a park service officer. The job classification of park police officer requires state licensure as a peace officer and thus is a more highly skilled position with additional duties and responsibilities. The job classification of park service officer is a civilian position with duties and responsibilities that do not require state licensure as a peace officer. The most current job descriptions for both classifications are included with this proposal. **See Appendix A.**

SEASONAL PART-TIME POSITIONS

Park Police Officer

Park police officers are sworn personnel with duties and responsibilities that require licensure as a police officer. Individuals working this seasonal part-time employment typically have a past or current affiliation with the SLMPD. Their patrol district includes the central business and residential areas bordered by the following streets: Lake Street, West Lake Street, Third Street and Morse Avenue. The focus within this district is on traffic and parking enforcement along with other nuisance complaints such as excessive noise. Compensation for the job classification of park police officer follows the same self-adjusting hourly rate previously established by the SLMPD Coordinating Committee for fully-licensed police officers employed on a part-time basis. This

**Excelsior Park and Dock Patrol Program
Proposed Services - 2014 Summer Season
Page 2 of 3**

hourly rate is based on the salary in the current labor agreement for an entry-level police officer. This is not only fair, but avoids a potential union issue. Benefits provided for this seasonal position are limited to uniforms and gear along with the training required to maintain their status as a licensed police officer.

Park Service Officer

Park service officers are civilian personnel with duties and responsibilities that do not require licensure as a police officer. Individuals working this seasonal part-time employment are normally already affiliated with the SLMPD as reserve officers and/or part-time community service officers. Park service officers are cross-trained so they can patrol the park, dock or both. Compensation for the job classification of park service officer is determined through an annual review process, which supports a modest increase in 2014. Benefits provided for this seasonal position are limited to uniforms and gear along with the required amount of training.

OTHER CONSIDERATIONS

SLMPD Coordinator/Community Liaison

An essential element of this proposal is having a person designated at the SLMPD to coordinate the daily operations of this seasonal program and to serve as a liaison with community members. David Hohertz will once again be performing this seasonal role along with his many other duties and responsibilities as support services manager for the SLMPD. He has maintained his licensure as a police officer and once again will be working as a park police officer.

Field Supervision

One of the many benefits of having the SLMPD oversee park and dock patrol services is the direct supervision in the field. The on-duty patrol sergeant, or in his/her absence the senior on-duty patrol officer, will monitor the seasonal part-time personnel working on any given day. Such an arrangement is important not only for the effective delivery of these services, but from a risk management perspective as well. Governmental agencies are increasingly becoming the target of litigation when it comes to claims of negligent supervision of personnel, especially when it concerns law enforcement functions. The SLMPD assumes this supervisory role when providing park and dock patrol services for the City of Excelsior.

Training

Most, if not all, of the individuals that will be working this seasonal part-time employment are already affiliated with the SLMPD. This means they are familiar with SLMPD operations and have

**Excelsior Park and Dock Patrol Program
Proposed Services - 2014 Summer Season
Page 3 of 3**

received training commensurate with their job classification of either park police officer or park service officer. They are allowed to carry certain self-defense equipment if properly trained and authorized by the SLMPD. Any training deficiencies will be addressed by the SLMPD. Prior to the start of the season, a meeting is held with all the personnel working this detail to make sure everyone has a clear understanding of their duties and responsibilities.

Cost to Excelsior

All-inclusive hourly rates have been established for the job classifications of park police officer and park service officer. These reflect actual payroll costs plus a five percent administration fee. **See Appendix B.** The five percent administration fee is intended to recapture the overhead costs associated with the SLMPD administrating and supervising these additional services along with providing vehicles and equipment (radios, cellular phones, etc.). Uniforms, gear, training and certification costs are an additional expense for the City of Excelsior. These expenses will be less for returning personnel and more for new personnel.

The attached spreadsheets show both the 2014 hourly rates for the aforementioned job classifications as well as the projected overall cost for the season based on the tentative work schedule. The SLMPD will work within a mutually agreed upon budget for providing these seasonal park and dock patrol services and will not exceed this amount by more than five percent without prior approval from the City of Excelsior. This is with the understanding, however, that the SLMPD has the discretion within this financial limitation to allocate personnel and resources as deemed necessary to achieve the desired results. It should be noted that the sponsor of a special event requiring expanded park patrol coverage is responsible for the additional cost.

CONCLUSION

A considerable amount of time and effort has gone into preparing this proposal so that it represents an excellent overall value for the City of Excelsior. The SLMPD is committed to working with representatives from the City of Excelsior along with affected residents, business owners and the general public in finding the right balance between the expense of providing these services and providing for the orderly use of the park, municipal docks and surrounding areas.



APPENDIX A

Job Descriptions

Park Police Officer

Park Service Officer

DEPARTMENT MANUAL

SOUTH LAKE MINNETONKA POLICE DEPARTMENT GENERAL ORDER	ISSUE DATE	EFFECTIVE DATE	NUMBER
	03/30/07	03/30/07	118
JOB DESCRIPTION for PARK POLICE OFFICER		DISTRIBUTION	RESCINDS
		ALL PERSONNEL	118 - (Dated 04/27/06)

REQUIREMENTS

- (1) Must be licensed or eligible to be licensed as a police officer through the Minnesota Board of Peace Officer Standards and Training.
- (2) Must meet selection standards as mandated by the Minnesota Board of Peace Officer Standards and Training.
- (3) Have CPR and first aid training with First Responder or Emergency Medical Technician certification preferred.
- (4) Participate in a selection process as deemed necessary by the Chief of Police. Preference will be given to personnel currently affiliated with the South Lake Minnetonka Police Department who meet the eligibility requirements with a history of exemplary performance.

NATURE OF DUTIES

Park Police Officer is a seasonal part-time position in the City of Excelsior that requires state licenser as a police officer. It is not a union position given the temporary nature of the assignment and the job classification. The normal duration of this seasonal position is between Memorial Day Weekend and Labor Day Weekend, but may be extended longer depending on the need. Work performed is in accordance with department policies and procedures. The primary service area includes the Excelsior Commons Park and adjacent roadways along with the central business district and adjoining neighborhoods. This primary service area is bordered by the following roads: Lake Street, West Lake Street, Third Street and Morse Avenue. Duties are carried out in a manner consistent with community oriented policing and include general patrol, maintenance of order, prevention of crime, enforcement of state statutes/local ordinances, medical assistance and calls for service. Stamina is needed in order to be outside for extended periods of time on foot and bike patrol. Good communication skills and common sense are essential parts of this position.

EXAMPLE OF WORK PERFORMED

- (1) Patrol the Excelsior Commons Park and adjacent roadways on foot, bike and in a police vehicle. Maintain high visibility as a deterrent to inappropriate behavior.

PAGE 2 - REVISED GENERAL ORDER NUMBER 118

- (2) Patrol the central business district and adjoining neighborhoods on foot, bike and in a police vehicle. Maintain high visibility as a deterrent to inappropriate behavior.
- (3) Assist the public as a goodwill ambassador for the City of Excelsior.
- (4) Enforce state statutes and local ordinances pertaining to criminal, traffic and nuisance violations.
- (5) Monitor and enforce parking meters.
- (6) Monitor and take appropriate action for the prohibited use and display of alcoholic beverages.
- (7) Take appropriate action to deal with boisterous and disorderly behavior as well as other inappropriate conduct.
- (8) Render medical assistance.
- (9) Account for lost and found property in the park.
- (10) Maintain daily activity logs and complete reports as required.
- (11) Testify in court when requested.
- (12) Perform such other work as directed or assigned by a supervisor.

DEPARTMENT MANUAL

SOUTH LAKE MINNETONKA POLICE DEPARTMENT GENERAL ORDER	ISSUE DATE	EFFECTIVE DATE	NUMBER
	03/30/07	03/30/07	146
JOB DESCRIPTION for PARK SERVICE OFFICER		DISTRIBUTION	RESCINDS
		ALL PERSONNEL	146 - (Dated 06/05/01)

REQUIREMENTS

- (1) High school graduate, with an interest in law enforcement preferred.
- (2) Physically able to perform job.
- (3) Have a valid Minnesota Driver's License with a good driving record.
- (4) No substantive criminal record.
- (5) Have CPR and first aid training with First Responder or Emergency Medical Technician certification preferred.
- (6) Participate in a selection process as deemed necessary by the Chief of Police. Preference will be given to personnel currently affiliated with the South Lake Minnetonka Police Department who meet the eligibility requirements with a history of exemplary performance.

NATURE OF DUTIES

Park service officer is a seasonal part-time position in the City of Excelsior. Assignments include park and dock patrol, which normally extend from Memorial Day Weekend through Labor Day Weekend unless extended further. Park service officers are cross-trained so they can work either assignment. It is a civilian position that will require the wearing of a uniform as approved by the department. Enforcement authority is limited to what is allowable under Excelsior City Code (Section 1-14). This includes ordinances dealing with parks, municipal docks, animals, parking and nuisance matters. Park service officers will be allowed to carry certain self-defense equipment if trained and approved by the department. They need to have the stamina to be outside on foot or bike patrol for extended periods of time. They should have good communication skills in order to present a positive image to the general public and be able to deter criminal and nuisance type violations. They need to use good common sense and be willing to call for assistance when situations warrant additional help from on-duty officers with the South Lake Minnetonka Police Department (SLMPD) and/or Water Patrol Deputies with the Hennepin County Sheriff's Department (HCSD).

PARK PATROL - EXAMPLE OF WORK PERFORMED

- (1) Patrol the Excelsior Commons Park and adjacent roadways on foot, bike and in a police vehicle. Maintain high visibility as a deterrent to inappropriate behavior.
- (2) Assist the public as a goodwill ambassador for the City of Excelsior.
- (3) Enforce local ordinances as authorized by Excelsior City Code (Section 1-14).
- (4) Monitor and enforce parking meters.
- (5) Monitor and take appropriate action for the prohibited use and display of alcoholic beverages.
- (6) Take appropriate action to deal with boisterous and disorderly behavior as well as other inappropriate conduct.
- (7) Render first-aid within skill level and call for assistance when needed.
- (8) Account for lost and found property in the park.
- (9) Maintain daily activity logs and complete reports as required.
- (10) Testify in court when requested.
- (11) Perform such other work as directed or assigned by a supervisor.

DOCK PATROL - EXAMPLE OF WORK PERFORMED

- (1) Direct commercial and private boat traffic use of the Excelsior Municipal Docks. Keep outer pier open for approved watercraft, which requires checking to make sure boats in this area have the proper authorization. Monitor inner pier for violations and issue written warnings and/or citations as authorized by Excelsior City Code (Section 1-14).
- (2) Foot patrol in the area of the Excelsior Municipal Docks (Port of Excelsior).
- (3) Assist the public as a goodwill ambassador for the City of Excelsior.
- (4) Take appropriate action to deal with boisterous and disorderly behavior as well as other inappropriate conduct.
- (5) Monitor and take appropriate action for the prohibited use and display of alcoholic beverages.

PAGE 3 - REVISED GENERAL ORDER NUMBER 146

- (6) Render first-aid within skill level and call for assistance when needed.
- (7) Notify HCSD Water Patrol Deputies of reported and/or observed water craft concerns on the lake.
- (8) Be well versed in communication equipment in order to monitor and be able to contact Hennepin County Dispatch, SLMPD Officers, HCSD Water Patrol Deputies and Charter Boat Employees.
- (9) Account for lost and found property in the park.
- (10) Maintain daily activity logs and complete reports as required.
- (11) Testify in court when requested.
- (12) Perform other duties as assigned by the Chief of Police and/or designee.



APPENDIX B

*Projected Cost to Excelsior
Year 2014*

Park and Dock Patrol Services

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

Excelsior Park and Dock Patrol Services

2014 Summer Season

SLMPD Proposal - Hourly Cost of Seasonal Part-Time Positions

Seasonal Part-Time Positions	Hourly Rate	Payroll Taxes	Workers Compensation	Administration Fee	Total
		(1)	(2)	(3)	
Park Police Officer	\$24.96	\$1.91	\$0.80	\$1.25	\$28.92
Park Service Officer	\$14.39	\$1.10	\$0.46	\$0.72	\$16.67

(1) Employer Social Security & Medicare Tax Rates - 7.65%

(2) Employer Workers Compensation Rate - 3.22%

(3) SLMPD Administration Fee - 5.0%

Notations: Additional Costs for Training, Uniforms, Gear, Etc.

Figures Rounded

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

Excelsior Park and Dock Patrol Services

2014 Summer Season

SLMPD Proposal - Projected Budget

Part-Time Seasonal Positions	Projected Hours 2014 Season	Hourly Rate Total	Total Amount
Park Police Officer <i>Licensed Police Officer Position - Patrol Commons Park and Central Business/Residential Areas</i>	272	\$28.92	\$7,866
Park Service Officer - Commons Park <i>Civilian Position - Patrol Commons Park and Adjacent Residential/Business Areas</i>	403	\$16.67	\$6,718
Park Service Officer - Municipal Docks <i>Civilian Position - Patrol Port of Excelsior and Municipal Docks</i>	303	\$16.67	\$5,051
Training			\$600
Uniforms, Gear, Etc.			\$900
Total	978		\$21,135

Projected Budget - 2013 Season	978		\$20,746
Actual Total Cost - 2013 Season			\$17,413

Notation: Figures Rounded



Agenda Number: 7F

Agenda Date: 06-04-14

Prepared by Deb Kind

Agenda Item: Potential Special Event Permit Ordinance

Summary: It is common for cities to charge fees for special events to compensate for the inconvenience to residents and to generate revenue for the city. Since Luck O' the Lake, Firecracker Run, Tour de Tonka, and a growing list of similar events take place in Greenwood, the city council may wish to consider drafting an ordinance that authorizes the city to collect fees for such events.

For the council's reference, attached are the following ...

1. Maps of the Luck O' the Lake, Firecracker Run, and Tour de Tonka routes.
2. Excelsior's special event ordinance.
3. Spring Park's special event ordinance.

Council Action: None required. Potential motions ...

1. I move the council directs that a draft of a special event ordinance based Excelsior's and Spring Park's model ordinances be placed on the _____, 2014 agenda for a 1st reading.
2. Other motion ???

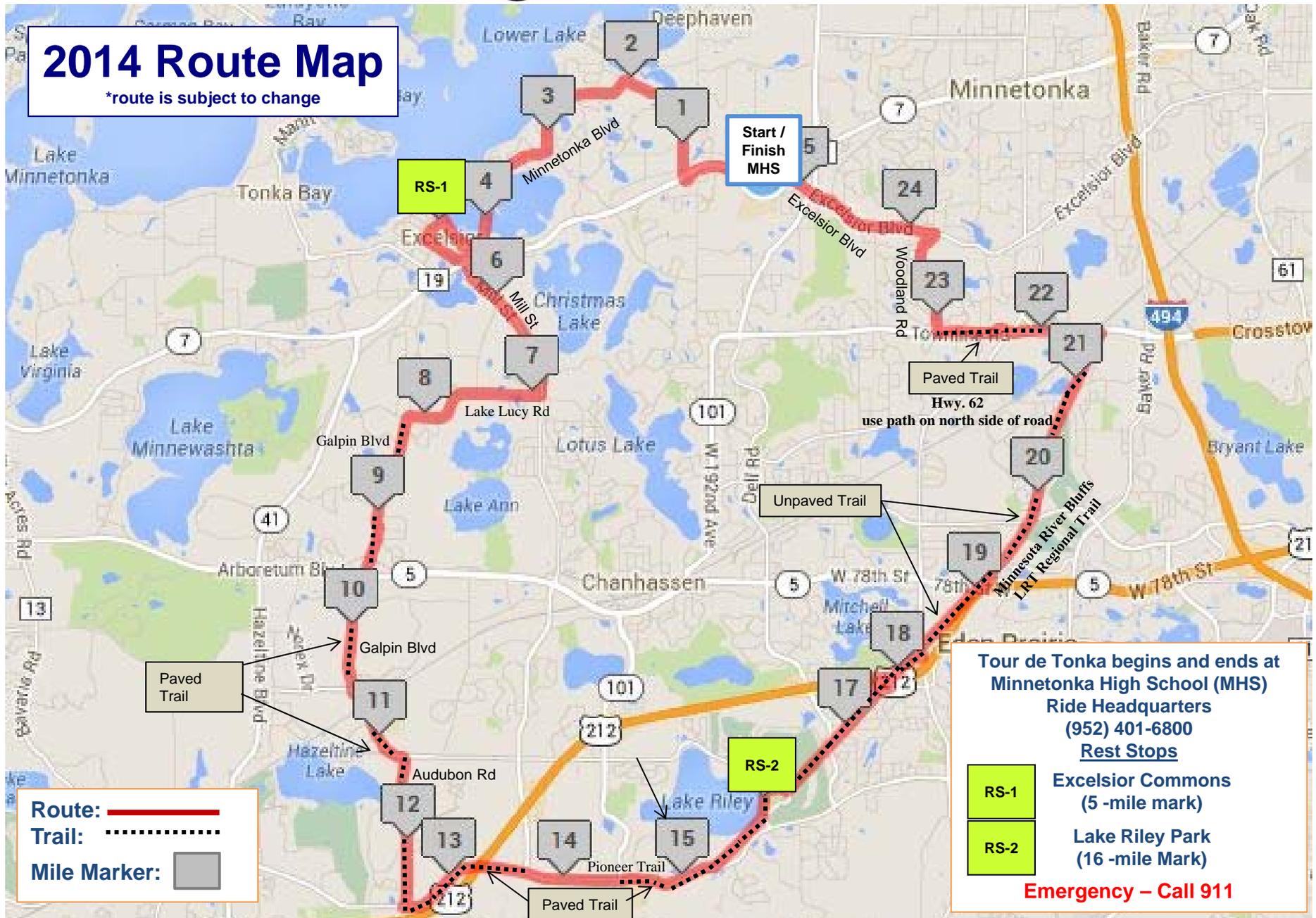
Tour de Tonka



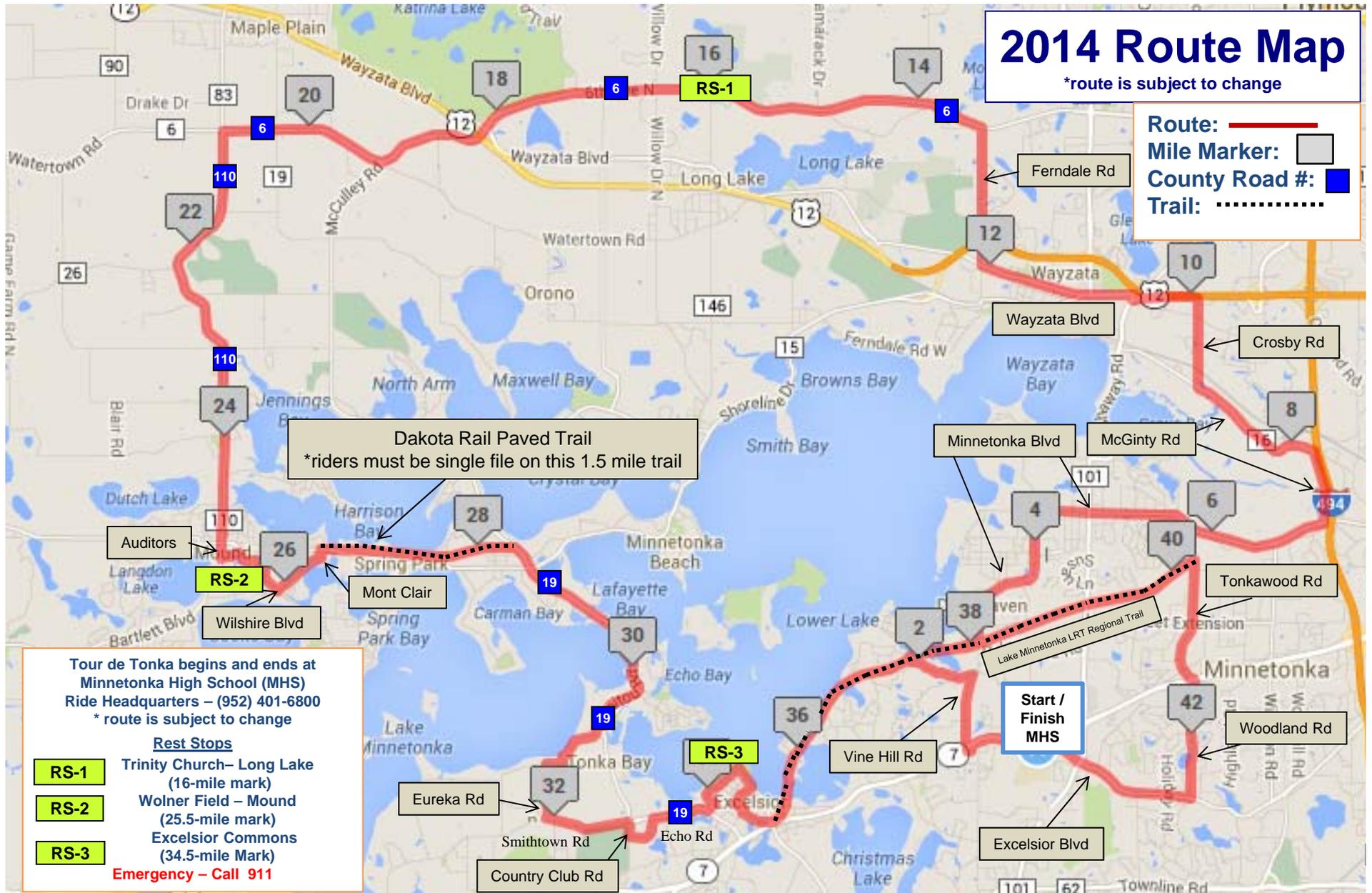
26 Mile Map

2014 Route Map

*route is subject to change



Tour de Tonka 44 Mile Map





Finish @
Excelsior
Commons

Start @
Excelsior
Elementary

Start
Schedule

8:10
1 Mile

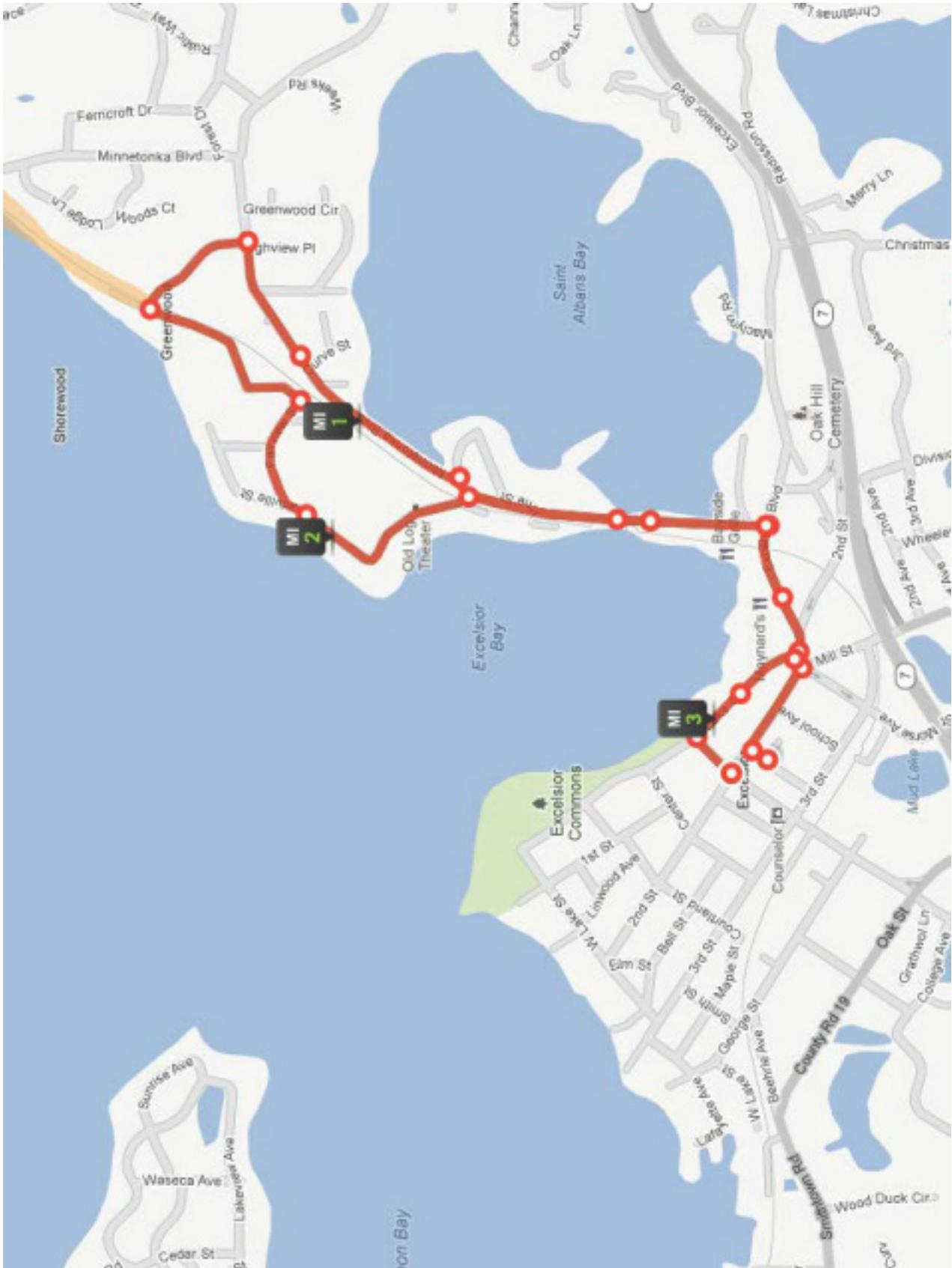
8:30
5K & 10K



2014 Firecracker 10K

www.excelsiorfirecrackerrun.com

Luck O' the Lake Route



DIVISION 1. GENERALLY



[Sec. 10-511. Intent of article.](#)

[Sec. 10-512. Definitions.](#)

[Sec. 10-513. Applicability of article provisions.](#)

[Sec. 10-514. Enforcement of article provisions.](#)

[Sec. 10-515. Variances.](#)

[Secs. 10-516—10-540. Reserved.](#)

Sec. 10-511. Intent of article.



It is the purpose of the city council to regulate the assemblage of large numbers of people in excess of those normally needing the health, sanitary, fire, police, transportation, and utility services regularly provided in the city; and to regulate the time, place, and manner of conduct of assemblies and parades in order that the health, safety, and welfare of all people in the city, residents and visitors alike, may be protected.

(Code 1982, § 406:10, subd. 1)

Sec. 10-512. Definitions.



The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assembly means a company of persons gathered together at any location at any single time for any purpose, whether in conjunction with an established bona fide business or not, but not including the actual normal activities of the business itself.

Parade means any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park, or other public place in the city.

Person means any individual natural human being, partnership, corporation, firm, company, association, society, or group.

(Code 1982, § 406:20, subd. 2)

Cross reference— Definitions generally, § 1-2.

Sec. 10-513. Applicability of article provisions.



- (a) This article shall not apply to any licensed liquor establishment to the extent that any assemblies are held within the confines of areas wherein it conducts its normal business activities and within its normal seating capacity and layout or to any regularly established permanent place of worship, school activity, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed the maximum capacity of the structure where the show or exhibition is held.
- (b) This article shall not apply to activities conducted upon city ground or public property, except for parades conducted on city street with the prior approval of the city council; provided, however, that

the city shall establish appropriate conditions on the use of the park and public property to ensure compliance with the intent of this article.

(Code 1982, § 406:20, subds. 8, 9)

Sec. 10-514. Enforcement of article provisions.

- (a) The provisions of this article may be enforced by injunction in any court of competent jurisdiction.
- (b) The holding of an assembly or parade in violation of any provision or condition contained in this article shall be deemed a public nuisance and may be abated as such.
- (c) Any violation of this article within the city shall be a misdemeanor and the violation shall be punished in accordance with [section 1-13](#)

(Code 1982, § 406:70)

Sec. 10-515. Variances.

In cases deemed appropriate by resolution of the full city council, variances by a majority vote of the council from any section of this article may be granted where such variances do not deter from the basic intent and purpose of this article.

(Code 1982, § 406:80)

Secs. 10-516—10-540. Reserved.

DIVISION 2. PERMIT

[Sec. 10-541. Required.](#)

[Sec. 10-542. Fee.](#)

[Sec. 10-543. Scope of permit.](#)

[Sec. 10-544. Conditions for issuing.](#)

[Sec. 10-545. Application.](#)

[Sec. 10-546. Revocation.](#)

[Secs. 10-547—10-580. Reserved.](#)

Sec. 10-541. Required.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, sell, or give tickets to an actual or reasonably anticipated assembly of more than 100 people, which continues or can reasonably be expected to continue for three or more consecutive hours, whether on public or private property, unless a permit to hold the assembly has first been issued. No person shall engage in, participate in, aid, form, or start any parade, with the exception of funeral processions or any government agency action within the scope of its function, unless a parade permit has first been issued. The city manager may issue permits for assemblies anticipating 100 to 500 people and the city council shall issue permits for assemblies anticipating 501 or more people, and for all parades. Notwithstanding the forgoing, any permit seeking to close a city street, multiple day events, or outdoor music on public properties, shall require approval of the city council. When applying for an assembly or parade permit, the sponsor must submit certified copies of other necessary state licenses and/or permits to support his application. A permit to hold an assembly or parade issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the permitted assembly or parade.

(Code 1982, § 406:20, subd. 1; Ord. No. 479, § 1, 11-21-2011)

Sec. 10-542. Fee.

The fee for each permit shall be as established by resolution of the city council from time to time and may be waived by the council, provided that an application has been submitted with the fee and a waiver of the fee has been requested by the applicant.

(Code 1982, § 406:20, subd. 3)

Sec. 10-543. Scope of permit.

A permit shall permit the assembly of only the maximum number of people stated in the permit. The permittee shall not sell tickets to nor permit to assemble at the permitted location more than the maximum permissible number of people. The permittee shall not permit sound generated by the assembly to carry unreasonably beyond the property boundaries of the location of the assembly. The permittee shall not permit the patrons to remain upon the permitted location later than the time set in the permit. If any boundary of the permitted premises is within 500 feet of any residential dwelling, the permitted activity shall not be carried on between the hours of 10:00 p.m. and 8:00 a.m.

Sec. 10-544. Conditions for issuing.

Before a permit may be issued, the applicant shall be required to:

- (1) Determine the maximum number of people which will be assembled or admitted to the location of the assembly. The maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly.
- (2) Provide a plan for the operation and conduct of the assembly which shall meet the following minimum requirements:
 - a. Sufficient parking shall be provided for the estimated number of people to be assembled.
 - b. Reasonable necessary precautions shall be taken to ensure that the sound of the assembly will not carry unreasonably beyond the property boundaries of the location of the assembly. The city hereby adopts and incorporates by reference the regulations of the Minnesota Pollution Control Agency, Noise Pollution Control Section, dated November 27, 1974, and amendments thereafter. Sound from the licensed activity which exceeds the standard set for the protection of household or residential units is prohibited.

(Code 1982, § 406:30)

Sec. 10-545. Application.

- (a) Application for a permit as stated in this division shall be in writing to the city council at least 30 days in advance of such assembly or parade.
- (b) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in the case of a society, or group, or, if there are no officers, by all members of such association, society or group.
- (c) The application shall contain and disclose the following information, unless the information is already on file with the city:
 - (1) The name, residence, and mailing address of all persons required to sign the application as provided in subsection (b) of this section.
 - (2) The address and legal description of all property upon which the assembly is to be held, together with the name, residence, and mailing address of the record owners of all such property.
 - (3) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owners of all such property that the applicant has permission to use such property.
 - (4) The nature or purpose of the assembly or parade.
 - (5) The total number of days and/or hours during which the assembly or parade is to last.
 - (6) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly.
 - (7) The maximum number of tickets to be sold, if any.
 - (8) The plans of the applicant to limit the maximum number of people permitted to assemble.
 - (9) The plans for fencing the location of the assembly, if necessary, and the location of gates

contained in such fence.

- (10) The plans for parking vehicles including size and location of lots, points of highway access, and interior roads, including routes between highway access and parking lots.
 - (11) The plans for security, if necessary, including the number of guards, their deployment, and their names, addresses, credentials, and hours of availability.
 - (12) The plans for sound control and sound amplification, if any, including number, location, and power of amplifiers and speakers.
 - (13) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.
 - (14) The plans for the direction and control of pedestrians and vehicle traffic for safety and to prevent trespass on adjoining properties.
 - (15) The plans for area traffic control for egress from and exit onto public roads or highways.
 - (16) The plans for the prevention and cleanup of litter and waste.
 - (17) The date, time of day, and exact route of the parade.
- (d) The application shall include the nonrefundable permit fee.

(Code 1982, § 406:40)

Sec. 10-546. Revocation.

The permit may be revoked by the city council at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

(Code 1982, § 406:60)

Secs. 10-547—10-580. Reserved.

DIVISION 1. GENERALLY 

[Sec. 6-180. Policy.](#)

[Sec. 6-181. Definitions.](#)

[Secs. 6-182—6-189. Reserved.](#)

Sec. 6-180. Policy. 

It is the intent and purpose of this article to establish regulatory requirements and procedures for purposes of protecting the health, safety and welfare of the public during the conduct of special events within the City of Spring Park.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-181. Definitions. 

For purposes of this article, the following words shall have the definitions given to them in this section unless the context clearly indicates or requires a different meaning.

Person. A natural person, group of natural persons, association, organization, club, partnership, limited partnership, limited liability company, corporation or any other legal entity.

Special event. The following constitute a special event:

- (1) Any outdoor gathering of more than 35 individuals persons on public property assembled for a common purpose for a period of one hour or longer;
- (2) Any event or gathering (whether on public or private property) which generates on-street parking needs for more than 20 vehicles;
- (3) Any event or gathering which impedes, obstructs or blocks the free flow of pedestrian or vehicle traffic on public streets, sidewalks or any other public way at any time;
- (4) Any event or gathering on public property using (a) a tent or membrane structure having an area in excess of 400 square feet or (b) a canopy covering an area in excess of 600 square feet or (c) when heat sources, cooking equipment, spark/ember producing processes or open flame are used near or contained within a tent, membrane structure or canopy of any size.

Examples of special events include, but are not limited to: block parties, fundraisers, estate sales, marathons, walkathons, runs/walks/races, bicycles rides or races, skiing events or races, parades, circuses, arts or crafts fairs, flea markets, exhibits, carnivals, fishing contests, and any other gatherings or events of a similar nature.

(Ord. No. 12-01, 4-2-2012)

Secs. 6-182—6-189. Reserved. 

DIVISION II. PERMIT; PENALTY; ENFORCEMENT

Sec. 6-190. Permit required.

Sec. 6-191. Exceptions.

Sec. 6-192. Application.

Sec. 6-193. Investigation and review.

Sec. 6-194. Council action; imposition of conditions.

Sec. 6-195. Denial of permit application.

Sec. 6-196. Payment of expenses.

Sec. 6-197. Issuance of permit.

Sec. 6-198. Indemnification.

Sec. 6-199. Penalty; enforcement.

Sec. 6-190. Permit required.

No person shall hold, host, conduct, present or participate in a special event within the city unless a permit has been issued for such event as provided in this article.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-191. Exceptions.

The following events are not required to apply for permits under this division:

- (1) Funeral processions;
- (2) Occasional, private, social parties held in private residences or private lots which do not require public services (such as utility, police, fire or security services) which exceed the normal levels of services provided in the ordinary course of business and which do not require special services from any other city department or city staff;
- (3) Occasional estate or garage sales held at a private residence which do not generate on-street parking needs for more than 20 vehicles, do not require extra or special public services and which do not otherwise meet the definition of a special event pursuant to section 6-181
- (4) Events sponsored or managed by the City of Spring Park;
- (5) Events held in or on the grounds of any school, place of worship, athletic field, arena, auditorium or other place of assembly used for regularly established assembly purposes.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-192. Application.

Written application for a special event permit on a form prescribed by the city council must be delivered to city hall at least 45 days in advance of the proposed date on which the event is to occur unless the time requirement is reduced or waived by the city council in its sole discretion. The application must include the name and address of the person holding or sponsoring the event and, if different, the name and address of the owner of the property where the event will be held; the event location or route; the time of

commencement and termination of the event; a general description of the event and a description of any extraordinary public services or special services requested or needed for the event. The application will be considered complete only when the form is fully completed, signed by the applicant, and the application fee paid to the city. The application fee will be as prescribed by the city council and set forth in the schedule of fees in [the] City Code and on file in city hall. The application fee is nonrefundable.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-193. Investigation and review.

Upon receipt of a complete application, the city administrator will deliver a copy of the application to the police chief and the fire marshal for investigation and review. Within ten days of receipt of the application, the police chief and fire marshal will deliver to the city administrator a written recommendation for approval or disapproval of the permit based on findings regarding the effect of the proposed special event on public health, safety and welfare, including, but not limited to, the ability of the city to direct and control traffic and parking and the event's compliance with the city fire code. If the event involves the use of state trunk highways, the police chief will make necessary arrangements with the Minnesota Department of Public Safety for alternate routes or other necessary changes to the event.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-194. Council action; imposition of conditions.

The city administrator shall refer the complete application and the recommendations of the police chief, fire marshal and city administrator to the city council for action at its next regular meeting following receipt of the recommendations. The city council may deny the permit, approve the permit, or approve the permit subject to reasonable conditions deemed necessary to protect the health, safety and welfare of city residents and the public. Such conditions may relate to any of the following:

- (1) Location and hours of the event;
- (2) Sanitation and/or availability of potable water;
- (3) Security and/or crowd control;
- (4) Parking;
- (5) Traffic direction and control;
- (6) Emergency and medical services;
- (7) Clean-up and trash disposal;
- (8) Insurance;
- (9) Lighting;
- (10) Fire safety, including meeting the provisions of the city and state fire codes;
- (11) Temporary barricades and/or fencing;
- (12) Size, location and removal of advertising or promotional materials;
- (13) Noise levels and methods for compliance with city noise ordinances;
- (14) Alcohol consumption;
- (15) Notification of neighboring residents and businesses;
- (16) Any other conditions which the city council deems reasonable or necessary to protect the health, safety and welfare of city residents and the public.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-195. Denial of permit application.

The city council may deny a special event permit application based upon a finding or determination that:

- (1) The event would endanger public health, safety or welfare;
- (2) The event would unreasonably inconvenience city residents or the general public;
- (3) The event would unreasonably infringe on the rights of abutting or neighboring properties;
- (4) The event would conflict with another event or interfere with construction or maintenance work;
- (5) There are not sufficient public safety personnel or event staff available to safely and successfully operate the event; or
- (6) The event would violate any law, rule, regulation or ordinance of the City of Spring Park, State of Minnesota, Hennepin County, Minnehaha Creek Watershed District, Lake Minnetonka Conservation District or any agency or other governmental body having jurisdiction.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-196. Payment of expenses.

The applicant for a special event permit must pay all expenses incurred by the city with respect to the event, including, without limitation, the expenses related to the provision of additional police or fire department services or city staff time required for the event and the enforcement of the permit, including enforcement of any permit conditions. The city may, as a condition of permit approval, require the applicant to deposit with the city an amount up to 125 percent of the estimated amount of such expenses as determined by the city; provided, however, the applicant's obligation to pay all expenses as provided in this section is not limited to the amount of the deposit. In the event that the actual expenses of the city related to the event are less than the amount of the deposit, the city will refund the excess funds to the applicant.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-197. Issuance of permit.

A special event permit will be issued to the applicant by the city administrator upon approval of the city council and receipt by the city of full payment of the application fee and any deposit required to cover estimated costs to be incurred by the city for the event.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-198. Indemnification.

The permit holder must agree to defend, indemnify, and hold harmless the city, its council members, employees, officers, contractors and agents from and against any and all liability, claims, damages, costs, judgments or expenses, including attorneys fees, resulting directly or indirectly from any act or omission arising out of, caused by, or related to the conduct of the activities authorized by the permit and such agreement will be part of the permit.

(Ord. No. 12-01, 4-2-2012)

Sec. 6-199. Penalty; enforcement.

- (a) Any person who violates any condition of a special event permit or any provision of this article shall be guilty of a misdemeanor punishable as provided in [section 1-13](#) of the City Code.
- (b) The city may enforce this article using any of the following methods:
 - (1) Citation by police officer or any other city official;

- (2) Administrative fine pursuant to [section 1-14](#) of the City Code;
- (3) Criminal misdemeanor prosecution; or
- (4) Permit revocation; including immediate termination of the event and/or disbursement of persons gathered.

(Ord. No. 12-01, 4-2-2012)

DRAFT OF EXCELSIOR'S FEE SCHEDULE CONCEPT (THEY HAVE NOT SET THE FEES YET)

SPECIAL EVENTS ON CITY PROPERTY	Application Deadline	Authorization Required			Local Fee	Non Local Fee
		City Council	EFD	SLMPD		
Permit Level and Description Level 1 <ul style="list-style-type: none"> • 25-50 people • Event is for a couple of hours • Minimum disruption • No road closures • No City services needed 	Two business days	No	No	No		
Level 2 <ul style="list-style-type: none"> • 51-100 people • Event is for a couple of hours • Requires advance scheduling • May gain exclusive use of bandshell, ball field, concession stand or picnic shelter 	Four business days	No	No	No		
Level 3 <ul style="list-style-type: none"> • Under 500 people • One day event • No road closures • Limited City services needed 	30 days	No	No	No, but forward a copy of the permit		
Level 4 <ul style="list-style-type: none"> • Over 501 people • Two day event including set-up time • Road closures/traffic control required • City services required • Pre event meeting required 	120 days	Yes	Yes	Yes		
Level 5 <ul style="list-style-type: none"> • Over 501 people • Multiple day event including set-up time • Road closures/traffic control required • City services required • Pre event meeting required 	120 days	Yes	Yes	Yes		
Add On - Serving Alcohol <ul style="list-style-type: none"> • Requires applicable liquor licenses (separate fee) • Requires two police officers from SLMPD (separate fee) 	120 days	Yes	No	Yes	\$1 per glass	\$1 per glass
Add On - Ticketed Event	120 days	Yes	No	No	\$1 per ticket	\$1 per ticket

SPECIAL EVENTS ON CITY STREETS	Application Deadline	Authorization Required			Local Fee	Non Local Fee
		City Council	EFD	SLMPD		
Permit Level and Description						
Parade	30 days	No, unless it's new	No	No, but forward a copy of the permit	\$30	\$60
Race - Distance of 5k & Under • 25-500 people • Road closures/traffic control required for a limited period of time	120 days	Yes	No	Yes		
Race - Distance of 5k & Over • Over 501 people • Road closures/traffic control required for a longer period of time	120 days	Yes	No	Yes		
Race - Distance Over 5k • Road closures/traffic control required for long periods of time • Pre event meeting required	120 days	Yes	No	Yes		
Water Street Closure - One Day • Requires the closure of Water Street for an event that is not affiliated with a special or bundled event	120 days	Yes	Yes	Yes		
Water Street Closure - Bundled • Up to 20 events that are similar in nature that require the closure of Water Street on the same day of the week in the same calendar year	120 days	Yes	Yes	Yes		

Loose Ends

- Toilets
- Ordinance change will be required (current application deadline is 30 days)
- Add animals to the application form
- Insurance requirements



Agenda Number: **7G**

Agenda Date: 06-04-14

Agenda Item: Election Resolutions

Summary: These are routine election-year resolutions that must be approved by the council.

Council Action: Required. Potential motions ...

1. I move the council approves resolution 12-14 appointing election judges and the absentee ballot board.
2. I move the council approves resolution 13-14 establishing ballot counting procedures.

RESOLUTION NO. 12-14

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF GREENWOOD, MINNESOTA**

**APPOINTING THE 2014 STATE PRIMARY AND GENERAL ELECTION JUDGES AND
ESTABLISHING HENNEPIN COUNTY AS THE ABSENTEE BALLOT BOARD**

WHEREAS, Minnesota Election Laws require the certification of Election Judges for the State Primary Election and General Election to be appointed by the governing body of the municipality prior to the elections.

WHEREAS, said list includes those individuals who have agreed to serve as an Election Judge; and

WHEREAS, the City Clerk has the authority to add additional Election Judges, if needed, to conduct the 2014 Primary and General Elections; and

WHEREAS, the City of Greenwood has one voting precinct and the City Hall will serve as the absentee ballot center for the residents of Greenwood; and

WHEREAS, State Statute Section 203B.121 stated that an Absentee Ballot Board must be established by the City to facilitate the absentee process for an upcoming election;

NOW, THEREFORE BE IT RESOLVED, that the Greenwood City Council hereby approves the list of election judges, attached hereto and made part hereof as Exhibit A, to officiate at the State Primary and General Elections, with the understanding that amendments may be necessary to the appointments in order to fill vacancies and meet party splits; and approves payment of an hourly wage of \$9.00 per hour during election judge training and time served on election day.

BE IT FURTHER RESOLVED, the Greenwood City Council hereby approves Hennepin County Election Officials and City Election Officials to serve as the Absentee Ballot Board as required in State Statute Section 203B.121.

PASSED THIS 4th DAY OF JUNE, 2014 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA.

____ Ayes, ____ Nays

CITY OF GREENWOOD

By _____
Debra J. Kind, Mayor

Attest _____
Gus E. Karpas, City Clerk

**City of Greenwood
Resolution No. 12-14**

Exhibit A

2014 PRIMARY AND GENERAL ELECTION JUDGES

Pamela Canning
Kristi Conrad
Jan Gray
Bonnie Lane
Pat McGowan
Mary Jo Newman
Sally Olson
Cindy Paeper
Judy Spiegel
Henry Wudlick

City and County Election Officials

Gus Karpas
Mary Courtney
Deborah Hicks
Teresa Pendleton
Hennepin County Absentee Ballot Board

**City of Greenwood
Resolution No. 13-14**

A RESOLUTION DESIGNATING HENNEPIN COUNTY AS THE CENTRAL
COUNT LOCATION AND FOR THE USE OF THE CENTRAL COUNTER 650 FOR
ABSENTEE BALLOTS FOR THE 2014 STATE PRIMARY AND GENERAL ELECTIONS

Whereas, the passage of Session Laws Ch 194 (HF 3111) in the 2010 Minnesota legislative session provided for centralized processing and counting of absentee ballots in Minnesota counties and cities, and

Whereas, in order to permit the timely and effective processing and counting of absentee ballots, the City of Greenwood requires the use of an electronic central ballot counter, and

Whereas, Hennepin County has leased two Elections Systems and Software Inc. Model 650 central ballot counters for the 2014 election season

Whereas, the Elections Systems and Software Inc. Model 650 central ballot counter has been approved by the secretary of state pursuant to Minnesota Statutes, Section 206.57, and

Whereas, pursuant to Minnesota Statutes, Section 206.58, subd. 1, the governing body of a municipality may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, subject to approval by the county auditor, and

Whereas, the county auditor has approved the use of the Elections Systems and Software Inc. Model 650 central ballot counter in the precincts of Hennepin County,

NOW, THEREFORE BE IT RESOLVED that the Greenwood City Council hereby designates Hennepin County and its Election Officials as the Ballot Board and the Central Count Location for all absentee ballots.

____ Ayes, ____ Nays

CITY OF GREENWOOD

By _____
Debra J. Kind, Mayor

Attest _____
Gus E. Karpas, City Clerk



Agenda Number: 7H

Agenda Date: 06-07-14

Prepared by Deb Kind

Agenda Item: Consider Potential 4-Year Term for Mayor

Summary: Several cities in the area have changed to a 4-year mayor's term (see attached spreadsheet). This spring Shorewood joined the list. At the 05-07-14 council meeting Councilman Roy requested that this topic be included on the June agenda for discussion. Below are several points for the council's consideration ...

1. A 4-year mayor's term would be consistent with the 4-year terms of other councilmembers.
2. A 4-year mayor's term would give the mayor more time to demonstrate success in his or her first term. With the current 2-year term, the mayor just gets up to speed before needing to start another campaign.
3. A 4-year mayor's term may discourage single-issue candidates and encourage candidates who may be more focused on long-term strategies and results.
4. With the current 2-year mayor's term, 3 councilmembers are up for election every 2 years, which allows for a large turnover of the council every two years (can be a good thing). If the mayor's term is changed to 4 years, 3 councilmembers would be up for election every 4 years, which would reduce the opportunity for large turnovers and encourage more stability.
5. If a mayor is considered not successful, a 4-year term would mean a longer time period until residents can vote them out. The same is true for a councilmember who is considered not successful.
6. A 4-year mayor's term may encourage more candidates to run for election. Currently the requirement of a significant investment of time beyond the monthly council meeting (daily interaction with city clerk, phone calls and emails from the public, mayors' breakfasts and lunches, key contact for other elected officials, etc), combined with the fact that the mayor has no more voting power than other councilmembers, in addition to the need to spend time and money on a campaign every 2 years, may result in discouraging candidates from running for mayor.

If the city council desires to move forward with changing to a 4-year term for mayor, here are details to consider ...

- A. The mayor's term is established by the city council by ordinance, which requires two readings and publication in the official newspaper before it goes into effect.
- B. The ordinance change must be effective at least 4 weeks prior to the opening date for filing for candidacy. The next filing opens 07-29-14, so there would not be enough time to approve an ordinance that would go into effect for the mayor's term beginning with the 2014 election. Therefore, any change would go into effect for the mayor's term beginning with the 2016 election.
- C. If the council desires to move forward, here is a proposed timeline ...
 - a. 07-09-14 first reading
 - b. 08-06-14 second reading
 - c. 08-07-14 ordinance submitted to Sun-Sailor
 - d. 08-14-14 ordinance published in Sun-Sailor (effective date). This effective date is too late for the 2014 election, so the new rule would be effective for the 2016 election.

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

1. I move that a draft an ordinance to change the mayor's term to 4 years beginning with the 2016 election be included on the 07-09-14 council agenda for a 1st reading.
2. Do nothing or other motion ???

MAYOR TERMS OF AREA CITIES | May 2014

	4-Year Term	2-Year Term
Carver	1	
Chanhassen	1	
Chaska		1
Deephaven		1
Eden Prairie	1	
Excelsior		1
Greenwood		1
Minnetonka	1	
Minnetonka Beach		1
Minnetrista	1	
Mound		1
Orono		1
Shorewood (effective 2016)	1	
Spring Park		1
St. Boni		1
Tonka Bay		1
Victoria	1	
Waconia	1	
Wayzata	1	
Woodland	1	
TOTALS	10	10



Agenda Number: 71

Agenda Date: 06-04-14

Prepared by Deb Kind

Agenda Item: Discuss Lake Minnetonka Scenic Byway

Summary: The city council discussed the Lake Minnetonka Scenic Byway at previous council meetings (most recently on 04-02-14), and thus far the council's position has been to stay "neutral" on the subject. Councilman Fletcher is concerned that the city's "neutral" position is being perceived as approval of the concept, and requested that this topic be included on the 06-04-14 council agenda for further discussion. Attached is draft of a proposed letter for the council's consideration.

Council Action: None required.

DRAFT



Date: June 3, 2014
To: Lake Minnetonka Scenic Byway Committee
From: Greenwood City Council
Re: Greenwood's Position Regarding Lake Minnetonka Scenic Byway

As you know, Greenwood's past position has been to be "neutral" regarding the Lake Minnetonka Scenic Byway concept. We did not want to stand in the way, if all of the other cities are in favor of the concept. But we did not want to push the concept, if there are cities that are opposed to the idea either.

However, after further discussion, our council has become concerned that our "neutral" position is being viewed as support for the Scenic Byway proposal, when in actuality we have concerns regarding increased traffic, noise, and pedestrian safety on Greenwood's narrow, winding roads. Therefore, the city council authorized this memo to be sent to make it clear that we would be supportive of a Scenic Byway route that goes along State Highway 7 through our city, but we are not supportive of proposals that designate local Greenwood streets, such as Minnetonka Boulevard, as part of a Lake Minnetonka Scenic Byway.

We strongly support enhancing the regional recreational assets in our city – including paving the LRT trail to facilitate year round pedestrian and bicycle access to and through our city. The LRT trail includes the Big Island overlook in Greenwood, which is one of the most beautiful public spaces on Lake Minnetonka.

We appreciate the time that our sister cities have put into exploring the Lake Minnetonka Scenic Byway concept, but we decided it is better to make our position clear now rather than to wait until the concept is further along down the road.

If you have any questions, please contact Mayor Deb Kind, 952.401.9181 dkind100@gmail.com.



Agenda Number: **9A-E**

Agenda Item: Council Reports

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

Council Action: None required.



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

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

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

WATER LEVELS

Lake Minnetonka Water Level (feet above sea level):	Grays Bay Dam Discharge (cubic feet per second):
929.96	200
View real-time Minnehaha Creek flows here	

CONNECT WITH US



LAKES AND STREAMS CONTACTS

For lakes contact:

Kelly Dooley
Water Quality Specialist
kdooley@minnehahacreek.org
952-641-4515

For streams contact:

Yvette Christianson
Water Quality Specialist
ychristianson@minnehahacreek.org
952-641-4514

For dam operation and canoeing information contact:

Tiffany Forner
Natural Resources Technician
tforner@minnehahacreek.org
952-641-4513

MCWD Lake Grades

The following is a list of MCWD lakes. The lakes that have been or are currently being monitored have received a *lake water quality grade*. The lake water quality grades have been posted for the past ten years.

For more information on the lake water quality grades go to [Understanding Lake Water Quality Grades](#).

Christmas Lake Subwatershed

Lake	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Christmas	A-	A	A	A	A	A	A	A	A	A

Dutch Lake Subwatershed

Lake	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Dutch	D+	C-	C	C	C	C	C	C	C-	D

Gleason Lake Subwatershed

Lake	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Gleason	C-	C-	C-	D+	D+	C-	C	C	C+	C+

Lake Minnetonka Subwatershed

Bay/Lake/Pond	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Black	C+		C+	C+	B+	C+	B	B-	C+	B-
Carman	B+		B+	B	A-	A	A	B	A-	A
Carsons	A-	A-	B	B+	A	A	A	A-	A	A
Classen							F	D-		
College							N/A	D+		
Cooks	C+	B-	B	C+	B	B	B	B-	B-	B+
Crystal	A-	B	B-	B-	B+	A	A	B-	A-	A
East Upper Lake	B+	A-								
Forest	C-	C-	D+	D+	D+	D	C	C-	C-	D+
French Lake Marsh								N/A	N/A	
Gideon	A							A-	A	A
Grays	A	A	B+	B	A	B+	A-	A	A	A
Halsted	C-	C-	C-	D	D+	D	D	D	D-	D
Harrisons	C	C	D+	D+	C-	C-	C	D+	D+	C

Hooper							B	B		
Jennings	C-	D+	D	F	D	C-	D	D	D-	D+
Lafayette		B+	B+	B-	A	A	A	A-	A	A
Libbs	B+							N/A	N/A	
Louise			N/A	N/A	A-					
Lower Lake North		A-	A-	B+	A	A	A	A	A	A
Lower Lake South	A	A-	B+	B+	A	A	A	A-	A	A
Marion						A		A	A	
Mary							C-	N/A		
Maxwell	B	C+	C+	C	B	C+	B-	B-	C+	C+
North Arm	B	B-	B-	C+	B	B-	B-	B-	C+	B+
Peavey	C	C	C-	C-	C+	C	C	C	C-	C
Phelps			B+	B	A-	A-	A-	B+	B+	A
Priests	C-	N/A	C+	C+	C+	C+	C+	C	C-	C
Shaver								N/A	N/A	
Smithtown	N/A	A-	B	B	A	B+	A	B+	B+	A
Spring Park	A-	A-	B	B	A-	A-	A	B+	A-	A
St. Albans	A	A	A-	B+	A	A	A	A-	A	A
Stubbs	C	C-	D+	C-	C	C	C	C	D+	D
Wayzata	A	A-	B+	B	A	A	A	A	A	A
West Arm	C	C	D+	D	D+	C-	C	C-	D	C-
West Upper	B	A-	B	C+	B+	B+	A	B	B-	B+
William						N/A	C+*	N/A*	N/A*	N/A*

Lake Virginia Subwatershed

Lake	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Minnewashta	B+	A-	B+	B+	A-	B+	B+	B+	B+	B
Minnewashta (South Bay)**							B+	A	B-	B
Virginia		C	C**	C	C-	C	C	C	C-	C-
St. Joe**	A-	A	B	A	A-	B+	A-	A-	A-	N/A

From: Carlson, Gary gcarlson@lmc.org 

Subject: Scan May 7, 2014, 10_59 PM.pdf

Date: May 7, 2014 at 11:18 PM

To: BJoynes@ci.shorewood.mn.us, Kohlmann Joe jkohlmann@cityoftonkabay.net, Litsey Bryan blitsey@southlakepd.com, gerryd@terradek.com, szerby@ci.shorewood.mn.us, mgaylord@ci.excelsior.mn.us, sbonniwell@unique-software.com, kluger@ci.excelsior.mn.us, gkroells@westhennepin.com, dkind100@gmail.com, danayoung@mchsi.com, sgerber@excelsiorfire.org, PottsKatty@aol.com

Chief Litsey

Good news and not so good news--the tax conference committee just adopted the sales tax exemption language that includes joint powers entities but unfortunately, the exemption is not effective until January 1, 2016 (see attached). I know this effective date may be disappointing, but given the need to reach an agreement between the House, Senate and Governor, and the fact that they only could "spend" \$103 million of the remaining surplus, the decision was made to delay the effective date.

Note that the Met Council date was delayed for another year, so it certainly could have been a longer delay.

Many Senators and Representatives worked hard to secure this exemption, including Senator Osmek and Representative Pugh and Senator Ann Rest who coordinated last year's exemption and this year's clarifications so please let them know that we appreciate their hard work.

Take care and let me now if you have any questions.

Gary



Scan May 7, 2014,
10_59 PM.pdf

Sent from my iPad



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

May 13, 2014

LMCD NEWS- FOR IMMEDIATE RELEASE

Contact: Greg Nybeck, Executive Director
(952) 745-0789 or gnybeck@lmcd.org

RE: Lake Minnetonka Conservation District Initiates “High Water Declaration” on Lake Minnetonka

Effective immediately, the Lake Minnetonka Conservation District (LMCD) has issued a High Water Declaration for Lake Minnetonka. Per LMCD Code Section 3.021, the Executive Director:

- May make a High Water Declaration when the lake elevation has been at or above 930.0 feet for five consecutive days; or
- Shall make a High Water Declaration when the lake elevation has either: 1) been at or above elevation 930.0 feet for a period of eight consecutive days or 2) has reached or exceeded 930.25 feet.

Today’s lake level reading was 930.25 feet, which automatically triggers a High Water Declaration. During a High Water Declaration, watercraft operators must adhere to the additional minimum wake restrictions, which are implemented to protect the shoreline and structures along the shoreline. These restrictions include:

1. It is unlawful for a person to operate a watercraft in regulated areas of Lake Minnetonka at a speed of more than five miles per hour or a speed that results in more than a minimum wake.
2. Regulated areas are defined as the surface area of the Lake within a distance of 600 feet of the entire shoreline, as well as all of the surface area of a number of bays (see attached map).
3. “Minimum wake” means the wake moving out from a watercraft and trailing behind in a widening “V” is of insufficient size to affect other watercraft or to be detrimental to the shoreline.

LMCD staff continues to monitor lake level readings taken by the Minnehaha Creek Watershed District (MCWD), which is charged with mitigating flooding on Lake Minnetonka and the Minnehaha Creek via operation of the Grays Bay Dam. Lake Minnetonka water level readings are posted on the MCWD’s website at www.minnehahacreek.org.

Strict compliance with the above minimum wake restrictions is required for Lake Minnetonka. Enforcement of these restrictions is conducted by the Hennepin County Sheriff’s Water Patrol. To report an incident, please feel free to contact the Hennepin County Dispatch Office at (763) 525-6210.



LAKE MINNETONKA CONSERVATION DISTRICT INITIATES HIGH WATER DECLARATION

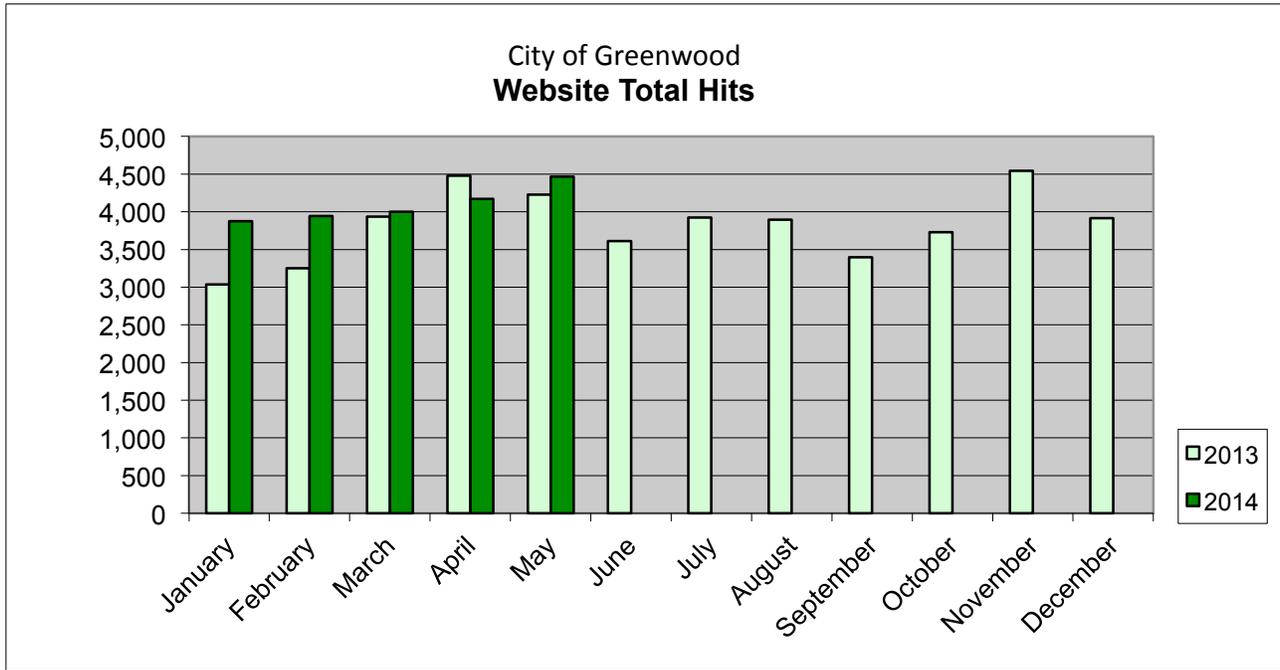


During a “High Water Declaration” it is unlawful for a person to operate a watercraft in regulated areas of Lake Minnetonka at a speed of more than five miles per hour or a speed that results in more than a Minimum Wake. Regulated areas are defined as the surface area of the Lake within a distance of 600’ of the entire shoreline, as well as all of the surface area of specific bays and portions of the Lake. Those bays/areas are noted below. Minimum Wake means the wake moving out from a watercraft and trailing behind in a widening “V” is of insufficient size to affect other watercraft or be detrimental to shoreline.



- MINIMUM WAKE
REGULATED AREAS**
600’ from shoreline, as well as all surface areas of:
- Big Island Passage
 - Black Lake
 - Carsons Bay
 - Coffee Cove
 - Emerald Lake
 - Excelsior Bay
 - Forest Lake
 - Grays Bay
 - Jennings Bay
 - Libbs Lake
 - Priests Bay
 - Robinsons Bay
 - St. Albans Bay
 - St. Louis Bay
 - Seton Lake
 - Stubbs Bay
 - Tanager Lake

Lake Minnetonka Conservation District (LMCD) is the governing body set up by the State Legislature to enact ordinances to regulate activity on Lake Minnetonka. The contents herein is a summary of the various rules governing a High Water Declaration for Lake Minnetonka. Questions pertaining to the High Water Declaration can be directed to the LMCD office at 952-745-0789 or at www.lmcd.org, under Rules and Regulations, Code Section 3.021, “High Water.” Hennepin County Sheriff’s Office enforces the rules and regulations of the LMCD. For watercraft violations during the High Water Declaration, please contact the Water Patrol Office at 763-525-6210.



<u>Month</u>	<u>2013</u>	<u>2014</u>	<u>Variance with Prior Month</u>	<u>Variance with Prior Year</u>	<u>Bulk Email List</u>
January	3,038	3,876	-39	838	143
February	3,252	3,943	67	691	147
March	3,936	4,000	57	64	147
April	4,478	4,170	170	-308	151
May	4,229	4,468	298	239	152
June	3,613		-4,468	-3,613	
July	3,924		0	-3,924	
August	3,894		0	-3,894	
September	3,395		0	-3,395	
October	3,731		0	-3,731	
November	4,543		0	-4,543	
December	3,915		0	-3,915	
AVERAGE	3,829	4,091			

March number is an estimate

POPULATION: 688
EMAIL ADDRESSES % OF POPULATION: 22.09%

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

End Date

Report Name

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	1356	30.35%
Welcome to Greenwood	512	11.46%
Agendas, Etc.	411	9.2%
City Departments	185	4.14%
Planning Commission	183	4.1%
Lake Minnetonka	120	2.69%
Mayor & City Council	117	2.62%
Assessments & Taxes	111	2.48%
Spring Clean-Up Day	109	2.44%
Garbage & Recycling	106	2.37%
Code Book	103	2.31%
Photo Gallery	94	2.1%
Search Results	94	2.1%
Forms & Permits	89	1.99%
Watercraft Spaces	88	1.97%
Comp Plan & Maps	73	1.63%
RFPs & Bids	70	1.57%
What's New?	67	1.5%
Budget & Finances	44	0.98%
Swiffers NOT Flushable	43	0.96%
Elections	38	0.85%
Meetings	38	0.85%
Links	36	0.81%
Old Log Events	36	0.81%

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.

Parks & Trails	34	0.76%
Crime Update	30	0.67%
Community Surveys	29	0.65%
Well Water	29	0.65%
Public Safety	29	0.65%
Email List	26	0.58%
Met Council Project	25	0.56%
Animal Services	25	0.56%
Stormwater	22	0.49%
Milfoil Project	19	0.43%
Meetings on TV	14	0.31%
Sewer Pipe Help	14	0.31%
Southshore Center	13	0.29%
Events	11	0.25%
Xcel Project	9	0.2%
Unsubscribe	7	0.16%
Planning & Zoning Workshop	5	0.11%
Sign up for City Emails	2	0.04%
---	2	0.04%
TOTAL	4468	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	610	26.33%
Agendas, Etc.	187	8.07%
City Departments	115	4.96%
Lake Minnetonka	95	4.1%
Welcome to Greenwood	92	3.97%
Mayor & City Council	81	3.5%
Spring Clean-Up Day	80	3.45%
Planning Commission	78	3.37%
Photo Gallery	69	2.98%
Forms & Permits	57	2.46%
Garbage & Recycling	57	2.46%
Assessments & Taxes	56	2.42%
Code Book	56	2.42%
Watercraft Spaces	55	2.37%
What's New?	55	2.37%
Comp Plan & Maps	50	2.16%
Search Results	34	1.47%
Links	33	1.42%
Elections	32	1.38%
Meetings	32	1.38%
Old Log Events	31	1.34%
Parks & Trails	28	1.21%
Crime Update	28	1.21%
Budget & Finances	26	1.12%
Swiffers NOT Flushable	26	1.12%
Public Safety	25	1.08%
Community Surveys	24	1.04%
Well Water	24	1.04%
RFPs & Bids	23	0.99%
Animal Services	22	0.95%
Stormwater	21	0.91%
Met Council Project	20	0.86%
Email List	17	0.73%
Milfoil Project	13	0.56%
Sewer Pipe Help	13	0.56%
Meetings on TV	12	0.52%
Southshore Center	11	0.47%

Southshore Center	Count	Percentage
Events	10	0.43%
Xcel Project	9	0.39%
Unsubscribe	4	0.17%
Planning & Zoning Workshop	3	0.13%
Sign up for City Emails	2	0.09%
---	1	0.04%
TOTAL	2317	100%

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

Done



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

May 16, 2014

TO: LMCD City Administrators
LMCD Board Members

FROM: Greg Nybeck, Executive Director

SUBJECT: Draft 2015 LMCD Budget

Enclosed is a copy of the draft 2015 Lake Minnetonka Conservation District (LMCD) Budget. The invites you to attend a meeting scheduled for Thursday, June 5th, at 11 a.m. in the LMCD office to review and receive your input on it.

By state statute, the allocation of levy to the member cities is based on their percentage of the cumulative net tax capacity, with no member city paying greater than 20% of the overall levy. The LMCD Board has considered and recognized the economic challenges the 14 LMCD member cities are currently facing.

Highlights of the draft 2015 LMCD Budget include the following:

Draft 2015 LMCD Budget	
Budget Highlights	Details
Overall Levy Increase	0.6% increase (\$342,492 compared to \$340,615 in 2014).
Total Expenditures	1.1% decrease (\$582,492 compared to \$588,805 in 2014).
Personnel Services	2% increase (\$254,216 compared to \$249,143 in 2014). Compensation adjustments are proposed at up to 3% in Contingency and will be based on performance (see attached survey).
Office Lease & Storage	63.8% decrease (\$17,180 compared to \$47,409 in 2014). This is due to the relocation of the LMCD office last fall.
Eurasian Watermilfoil (EWM) Harvesting Program	\$95,000 for mechanical harvesting of public navigational areas for EWM (no increase).
Equipment Replacement Fund	A \$35,000 transfer from the AIS Reserve Fund for future replacement of EWM capital equipment (\$10,000 increase).
Aquatic Invasive Species (AIS) Prevention & Management	\$30,000 for unspecified AIS prevention and management projects (no increase). This has typically been spent on watercraft inspections and has been leveraged with additional stakeholder grant funds.
Media- Cable & Internet (new line item)	\$3,300 for 2015. This line item will pay for a contract producer and on-line viewing for LMCD Board meetings.

The LMCD values your review and input. Please let me know if you would like me to attend an upcoming city council meeting to discuss the draft 2015 LMCD Budget or to review LMCD activities and projects. Review and approval by the LMCD Board is planned for the June 11th meeting.



LAKE MINNETONKA CONSERVATION DISTRICT 2015 BUDGET AND LEVY (DRAFT)

City	2010 U.S. Census Population Data	2013 Taxable Market Value	2013 Net Tax Capacity	% of Total Net Tax Capacity (Note 1)	Share of Admin. Levy in 2015	Share of AIS Levy in 2015	Share of Total Levy in 2015	Share of Total Levy in 2014	Increase in Total Levy from 2014	% of Increase from 2014
DEEPHAVEN	3,642	921,435,784	10,292,337	4.8%	\$16,667	\$6,351	\$23,018	\$22,767	\$251	1.1%
EXCELSIOR	2,188	321,522,182	4,048,069	1.9%	\$6,555	\$2,498	\$9,053	\$8,706	\$347	4.0%
GREENWOOD	688	259,159,370	2,933,530	1.4%	\$4,750	\$1,810	\$6,560	\$6,880	-\$320	-4.6%
MINNETONKA	49,734	7,272,259,477	92,123,180	42.9%	\$49,598	\$18,900	\$68,498	\$68,123	\$375	0.6%
MTKA BEACH	539	223,048,670	2,565,823	1.2%	\$4,155	\$1,583	\$5,738	\$6,419	-\$681	-10.6%
MINNETRISTA	6,384	1,192,184,783	12,650,081	5.9%	\$20,484	\$7,806	\$28,290	\$28,067	\$223	0.8%
MOUND	9,052	897,375,019	9,513,754	4.4%	\$15,406	\$5,871	\$21,276	\$21,653	-\$377	-1.7%
ORONO	7,437	2,343,388,885	26,531,505	12.4%	\$42,963	\$16,371	\$59,334	\$59,056	\$278	0.5%
SHOREWOOD	7,307	1,345,804,540	14,770,327	6.9%	\$23,918	\$9,114	\$33,032	\$33,122	-\$90	-0.3%
SPRING PARK	1,669	206,621,084	2,479,310	1.2%	\$4,015	\$1,530	\$5,545	\$5,522	\$23	0.4%
TONKA BAY	1,475	475,614,761	5,376,437	2.5%	\$8,706	\$3,318	\$12,024	\$12,269	-\$245	-2.0%
VICTORIA	7,345	998,285,000	10,438,446	4.9%	\$16,903	\$6,441	\$23,344	\$22,008	\$1,336	6.1%
WAYZATA	3,688	1,357,177,093	17,982,410	8.4%	\$29,119	\$11,096	\$40,215	\$39,326	\$889	2.3%
WOODLAND	437	251,371,266	2,934,929	1.4%	\$4,753	\$1,811	\$6,564	\$6,698	-\$134	-2.0%
	101,585	18,065,247,914	214,640,138	100.0%	\$247,992	\$94,500	\$342,492	\$340,616	\$1,876	0.6%

Maximum Levy Per MN statute 103B.635 (Total Taxable Market Value * .00242%):

\$437,179

(Note 1) Per MN statute 103B.631, no city may pay more than 20% of the total levy. The City of Minnetonka would pay a constant 20% of any amounts to be levied.

Remaining cities factor for determining levy amounts is computed as: (City Net Tax Capacity / (Total Net Tax Capacity - Minnetonka Net Tax Capacity)) * 80%

Total Net Tax Capacity
less Minnetonka Net Tax Capacity
Net Tax Capacity for remaining 13 cities

214,640,138
(92,123,180)
122,516,958

2015 BUDGET DETAIL (Draft)

	2012 Actual	2013 Budget	2013 Actual	2014 Budget	2014 Actual Projected	2015 Budget	Footnote # See Appendix A
REVENUES							
1. Administration							
a) LMCD Communities Levy	231,875	238,654	238,652	245,990	245,990	247,992	
b) Use from Administration Reserve	0	19,655	34,096	19,565	19,565	0	
c) Court Fines	105,036	55,000	55,611	55,000	55,000	55,000	
d) Licenses	110,128	115,000	110,382	115,000	115,000	115,000	
e) Other Public Agencies	0	0	696	0	0	500	
f) Interest	1,941	1,000	2,055	1,250	2,000	2,000	
g) Other Income	3,795	2,000	2,259	2,000	2,000	2,000	
SUB-TOTAL ADMINISTRATION	452,775	431,309	443,751	438,805	439,555	422,492	
2. Aquatic Invasive Species							
a) LMCD Communities Levy	90,331	91,950	91,951	94,625	94,625	94,500	
b) Other Public Agencies	50,750	32,800	51,893	30,000	57,798	30,000	1
c) Use from AIS Reserve	0	0	0	0	0	0	
d) Interest	379	250	484	375	500	500	
SUB-TOTAL AQUATIC INVASIVE SPECIES	141,460	125,000	144,328	125,000	152,923	125,000	
3. Equipment Replacement							
a) Transfers from Administration and AIS Reserves	45,856	25,000	25,000	25,000	25,000	35,000	
b) Receipt from LMCIT	32,500	0	0	0	0	0	
c) Use from Equipment Replacement Reserve	96,036	0	0	0	0	0	
SUB-TOTAL EQUIPMENT REPLACEMENT	174,392	25,000	25,000	25,000	25,000	35,000	
TOTAL REVENUES	<u>768,627</u>	<u>581,309</u>	<u>613,079</u>	<u>588,805</u>	<u>617,478</u>	<u>582,492</u>	
Total Levy	322,206	330,604	330,603	340,615	340,615	342,492	
DISBURSEMENTS							
ADMINISTRATION							
1. Personnel Services:							
a) Salaries- excludes EWM Project Management time	195,445	196,401	198,718	200,524	204,488	204,488	2
b) FICA & Medicare	14,945	15,025	15,199	15,340	15,643	15,643	3
c) Employer Benefit Contributions	29,811	32,015	31,802	33,279	32,297	34,085	4
SUB-TOTAL PERSONNEL SERVICES	240,201	243,441	245,719	249,143	252,428	254,216	
2. Contractual Services:							
a) Office Lease & Storage	44,032	45,112	39,143	47,409	16,761	17,180	5
b) Professional Services	3,202	2,700	2,130	2,500	2,500	2,500	6
SUB-TOTAL CONTRACTUAL SERVICES	47,234	47,812	41,273	49,909	19,261	19,680	

2015 BUDGET DETAIL (Draft)

	2012 Actual	2013 Budget	2013 Actual	2014 Budget	2014 Actual Projected	2015 Budget	Footnote # See Appendix A
3. Office & Administration:							
a) Office, General Supplies	4,071	4,500	3,943	4,500	4,500	4,500	
b) Telephone	2,069	2,500	2,190	2,160	2,460	2,460	
c) Website, Internet, & E-mail					300	300	
d) Postage	3,800	5,000	3,637	5,000	5,000	5,000	
e) Printing, Publications, Advertising	9,927	10,000	9,996	10,500	10,500	11,000	7
f) Maintenance, Office Equipment	837	1,200	850	1,100	1,100	1,100	
g) Subscriptions, Memberships	1,550	1,000	1,611	1,700	1,700	1,700	
h) Insurance, Bonds	6,031	7,000	7,205	7,000	7,000	7,250	8
i) Public Information, Legal Notices	139	1,500	939	1,000	1,000	1,000	
j) Meeting Expenses	4,399	4,000	3,833	4,500	4,500	4,260	
k) Media (Cable & Internet)					2,438	3,300	9
l) Mileage	1796	2000	1817	2000	2000	2000	
m) Employee Training	0	400	0	400	400	400	
SUB-TOTAL OFFICE & ADMINISTRATION	34,619	39,100	36,021	39,860	42,898	44,270	
4. Capital Outlay:							
a) Furniture & Equipment	948	1,500	0	1,000	1,000	1,500	
b) Computer Software & Hardware	1,553	2,000	543	2,000	2,000	2,000	10
SUB-TOTAL CAPITAL OUTLAY	2,501	3,500	543	3,000	3,000	3,500	
5. Legal:							
a) Legal Services	21,576	35,000	31,674	32,000	32,000	32,000	11
b) Prosecution Services	39,875	45,000	50,963	45,000	45,000	45,000	12
c) Hennepin County Room & Board	732	1,000	317	1,000	1,000	1,000	
SUB-TOTAL LEGAL	62,183	81,000	82,954	78,000	78,000	78,000	
6. Contract Services/Studies:							
a) Audit	6,850	7,056	7,050	7,268	7,268	7,486	
b) Information Technology	0	0	81	500	500	750	
SUB-TOTAL CONTRACT SERVICES/STUDIES	6,850	7,056	7,131	7,768	7,768	8,236	
7. Code Enforcement Program			3,410	4,000	13,126	4,590	
8. Administration Reserve Fund	0	0	0	0	0	0	
9. Equipment Replacement Fund	25,000	25,000	25,000	25,000	25,000	0	
10. Contingency	4,693	9,400	26,700	7,125	3,160	10,000	
<u>TOTAL ADMINISTRATION</u>	<u>423,281</u>	<u>456,309</u>	<u>468,751</u>	<u>463,805</u>	<u>444,641</u>	<u>422,492</u>	

2015 BUDGET DETAIL (Draft)

	2012 Actual	2013 Budget	2013 Actual	2014 Budget	2014 Actual Projected	2015 Budget	Footnote # See Appendix A
AQUATIC INVASIVE SPECIES (AIS)							
1. Eurasian Watermilfoil (EWM) Harvesting Program	84,863	95,000	79,428	95,000	95,000	95,000	13
2. Equipment Replacement Fund	0	0	0	0	0	35,000	14
3. AIS Reserve Fund	0	0	0	0	0	0	
4. Herbicide Treatment Program	0	0	0	0	0	0	
5. AIS Prevention & Management Programs	38,905	30,000	33,472	30,000	47,595	30,000	15
EQUIPMENT REPLACEMENT FUND							
1. Purchase of New Mechanical Harvester	174,392	0	0	0	0	0	
<u>TOTAL AQUATIC INVASIVE SPECIES</u>	<u>298,160</u>	<u>125,000</u>	<u>112,900</u>	<u>125,000</u>	<u>142,595</u>	<u>160,000</u>	
<u>TOTAL DISBURSEMENTS</u>	<u>721,441</u>	<u>581,309</u>	<u>581,651</u>	<u>588,805</u>	<u>587,236</u>	<u>582,492</u>	

**Lake Minnetonka Conservation District (LMCD)
Draft 2015 LMCD Budget
Appendix A**

Other Public Agencies (Footnote #1)

It is anticipated that the MN DNR will fund the LMCD with a grant of \$30,000 for the 2015 EWM Harvesting Program.

Salaries (Footnote #2)

	2015 estimated actual
Executive Director	\$81,210.59 (*)
Administrative Technician (also serves as EWM Project Manager)	\$56,805.84 (*)
Less 1 pay period for EWM Project Manager	-\$2,366.91
Administrative Assistant/Code Enforcement	\$49,441.60 (*)
Administrative Clerk (part-time)	\$17,397.12
Seasonal Code Enforcement (part-time)	\$2,000.00
	\$204,488.24 (**)

(*) Salaries will be grossed up to pay for long-term disability insurance for full-time LMCD employees

(**) Salary adjustments (including F.I.C.A., medicare, & P.E.R.A.) are included in Contingency (line-item 10)

F.I.C.A. & Medicare (Footnote #3)

Total Salaries- including EWM Project Management (7.65%)	\$15,824.42
Less 1 pay period for EWM Project Manager	\$181.07
	\$15,643.35

Employer Benefit

Contributions (Footnote #4)

P.E.R.A. (7.50%)	\$15,364.14
NCPERS Life Insurance	\$576.00
Medical & Dental Insurance	\$18,145.20
	\$34,085.34

Office Lease & Storage (Footnote #5)

	Monthly Rate	Months	
	\$1,422.75	9	\$12,804.75
	\$1,458.32	3	\$4,374.96
			\$17,179.71

Professional Services (Footnote #6)

Contracted Payroll & Taxes	\$2,000.00
Contracted Bookkeeping Consulting	\$500.00
	\$2,500.00

Printing, Publications, & Advertising (Footnote #7)

\$11,000 has been budgeted for two LMCD Newsletters, the re-printing of the Summer and Winter Rules brochures, and other LMCD literature.

Insurance, Bonds (Footnote #8)

\$7,250 has been budgeted with the League of Minnesota Cities for insurance for the LMCD.

**Media (Cable & Internet)
(Footnote #9)**

\$3,300 has been budgeted to contract with Lake Minnetonka Communications Commission for a producer and on-line viewing of LMCD Board Meetings.

**Computer Software & Hardware
(Footnote #10)**

\$2,000 has been budgeted for information technology, hardware, and software updates.

Legal Services (Footnote #11)

\$32,000 has been budgeted for legal services, which will be partially off-set by charging expenses back to applicants.

Prosecution Services (Footnote #12)

\$45,000 has been budgeted for prosecution services. These expenses will be offset by projected \$55,000 of court fines.

EWM Harvesting Program (Footnote #13)

A 10-week mechanical harvesting program is planned from mid June through mid August to manage EWM on Lake Minnetonka. Harvesting priorities will be based on impediments to public navigation to the open water due to EWM growth (in particular matted areas). All areas that dictate the need for harvesting will be done at least once, with high growth areas being harvested twice (time permitting). More details of the proposed project (including a more detailed budget) will be provided in the spring of 2015.

**Equipment Replacement Fund
(Footnote #14)**

\$35,000 has been budgeted for replacement of depreciated EWM Harvesting Equipment.

**AIS Prevention & Management
Programs (Footnote #15)**

\$30,000 has been budgeted for unspecified AIS management and prevention programs (most likely watercraft inspections). Similar to past years, the LMCD will seek partnerships for the implementation of these projects (in particular funding partners).

RESERVE FUND ANALYSIS:

2014

	Administration	AIS	Equipment Replacement Fund
12/31/13 Balance	\$242,108	\$95,861	\$42,327
Reserve Fund Contribution	\$0	\$0	\$0
Transfer from Reserve Fund	(\$19,565)	\$0	\$0
Transfer to Equip. Repl. Fund	(\$25,000)	\$0	\$25,000
Projected 12/31/14 Balance	\$197,543	\$95,861	\$67,327

2015

	Administration	AIS	Equipment Replacement Fund
Projected 12/31/14 Balance	\$197,543	\$95,861	\$67,327
Reserve Fund Contribution	\$0	\$0	\$0
Transfer from Reserve Fund	\$0	\$0	\$0
Transfer to Equip. Repl. Fund	\$0	(\$35,000)	\$35,000
Projected 12/31/15 Balance	\$197,543	\$60,861	\$102,327

Projected % of 2014 Annual Budget

42.6%

48.7%

**Lake Minnetonka Conservation District (LMCD)
Salary and Hourly Rate Adjustments Survey (2010-2015)**

Public Agency	2010	2011	2012	2013	2014	2015
Deephaven	0%	2%	1%	2%	2%	2.50%
Excelsior	0%	2%	1%	2%	2%	2.5%- union employees (same anticipated for non union)
Greenwood	Contracts with the City of Deephaven					
LMCD	0%	2%	1.5%	2%	2%	Pending
MCWD	2%	2%	3%	5%	Pending Salary Survey	
Minnetonka	1.81%	1.56%	1.46%	1.44%	1.83%	Pending
	Increases in 2011 were split in January and July. This is the overall average (non-union). Every employee receives a 1% & based on a market analysis, some positions receive a market increase.				(non union employees)	
Minnetonka Beach	2%	2%	1%	1%	3.50%	Pending
	(Plus 3.5% step increases to those eligible)					
Minnetrista	1%	0%	2%	1%		
Mound	0%	1%	1%	\$.50 per hour for all employees (\$1,040- full time)	\$.50 per hour for all employees (\$1,040- full time)	Pending
Orono	1%	1%	1% (July, 2012)	1%	2.0% (police) 1.5% (non union)	2.5% (police) Non union (pending)
Shorewood	2% budgeted each year from 2010-2013 for non-union employees. Funds were put in a pool & adjustments were based on performance & position in the market range for each employee. The average has been 1.5% the past couple of years (varies by position).					
Spring Park	2%	3%	3%	3.75%	3%	Pending
	(These numbers include COLA increases)					
Tonka Bay	0.83%	1%	1%	1%	2%	2% anticipated
Victoria	1%	1%	1%	2%	2%	Pending
Wayzata	0%	0%	1.5%	2%	2% COLA (non union) 2% COLA & 2% market adjustment (police)	2% on 4/1 (police) Non union (pending)
Woodland	Contracts with the City of Deephaven					

From: guskarpas@mchsi.com

To: Henrybible@mac.com; billandtishcook@msn.com; sandracarr22@msn.com; Kjchapman@juno.com; mwelias@outlook.com; cfisher@ghr.net; dagnegustafson@me.com; Kaylene.kickhafer@gmail.com; amlindberg3@gmail.com; Brooks@verit.com; libbypastor@comcast.net; plucking@idimn.com; Pady@scpromo.com; Ruegiec@aol.com; wgschultze@yahoo.com; Jim.wicka@gmail.com

Subject: Project Update

Date: Mon, 19 May 2014 16:26:51 -0500

Greenwood Circle Neighbors —

Since February I have tried weekly to get a response from Xcel regarding design plans for the two pending projects on Greenwood Circle (under grounding the wires and installing decorative lights). Finally, last week the Mayor and I met with Traci Carlson from Xcel to view the attached plan for the under grounding portion of the project. We have a few concerns ...

(1) The Xcel engineer is requiring major tree trimming / removal and a taller pole that affects two properties (Robbinson at 5190 and Bragg / Lucking at 5180) who are not benefitting from the under grounding. I cannot speak for the council, but I'm not sure they would be supportive of the project if these two property owners have objections. I will contact the two property owners once I get more specifics from Traci regarding the amount of tree trimming necessary and the height of the pole.

(2) In place of the narrow wood power poles located between the Bible's at 5175 and the Fisher's at 5185 and also between the Stromenn-Carr's at 5135 and Elias' at 5145, fairly large 3ft (w) x 3ft (l) x 2-1/2 ft. (h).pad mounted transformer boxes will need to be installed at these locations. There appears to be no space for such a box between the Stromenn-Carr and Elias properties without some alterations which means it may have to be moved down the line to the right or left. Those property owners who currently do not have a power pole in front of their home may be opposed to having a transformer placed in front of their home.

(3) Repair of any landscaping disruption from the projects would be the responsibility of the individual property owners. Is everyone okay with this additional cost?

(4) The additional cost of hooking up to the newly-buried lines would be the responsibility of the individual property owners to hire their own electrician. According to Traci, this cost could be in the \$1000 range. Is everyone okay with this additional cost?

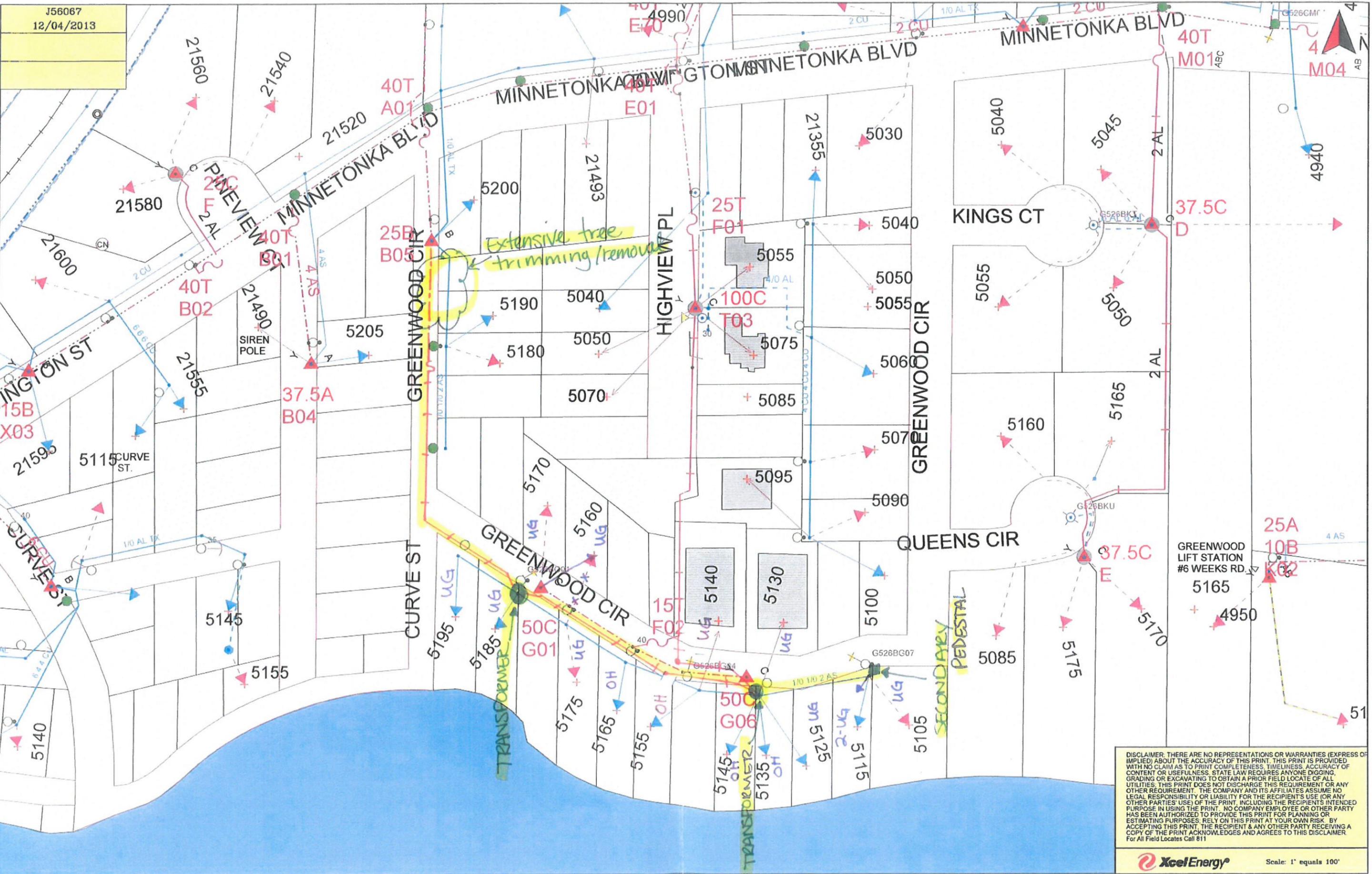
Regarding the street lights ... If the under grounding issues are unable to be resolved the power poles will need to be left in place. This means there would not be any space to install the new decorative street lights.

If the above issues are not resolved, the under grounding and street light projects will need to be cancelled. If the project is cancelled, the city will send checks (including interest) to the property owners who contributed towards the cost of the projects. Chip, it is our understanding that Tracy has not cashed your original \$2000 deposit, so that check would be torn up if the project is cancelled.

Once I hear back from the above-mentioned property owners, I will send you another update.

GUS E. KARPAS
City Clerk / Zoning Administrator
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
www.greenwoodmn.com
Main: 952.474.6633
Direct: 952.358.9938

J56067
12/04/2013



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Transformers

Pad Mounted Transformers (Underground)

Examples:



SINGLE PHASE
UNDERGROUND
TRANSFORMER

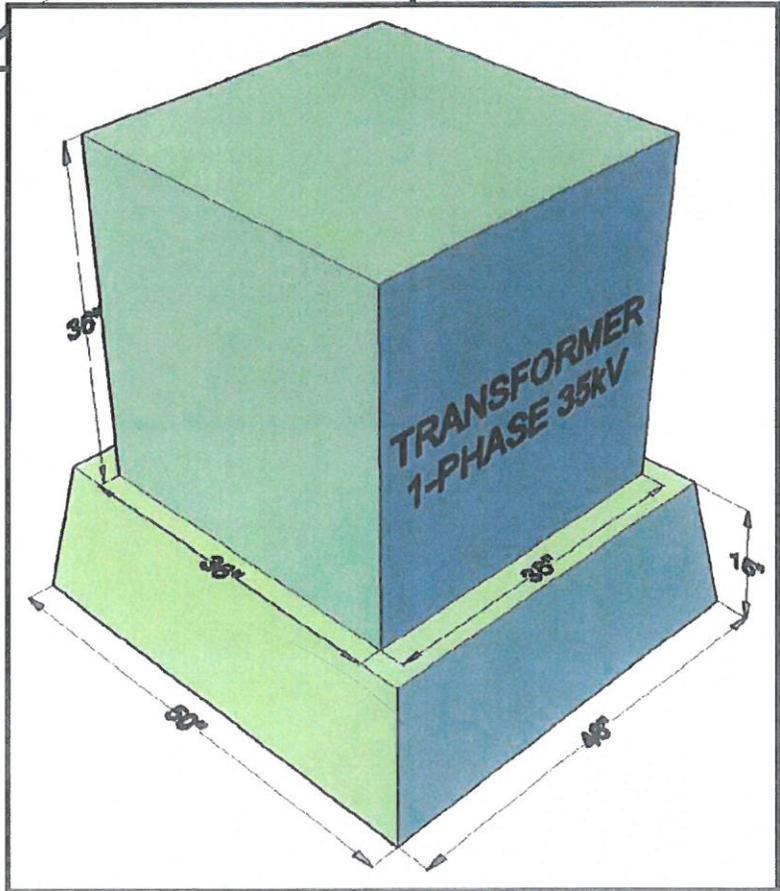
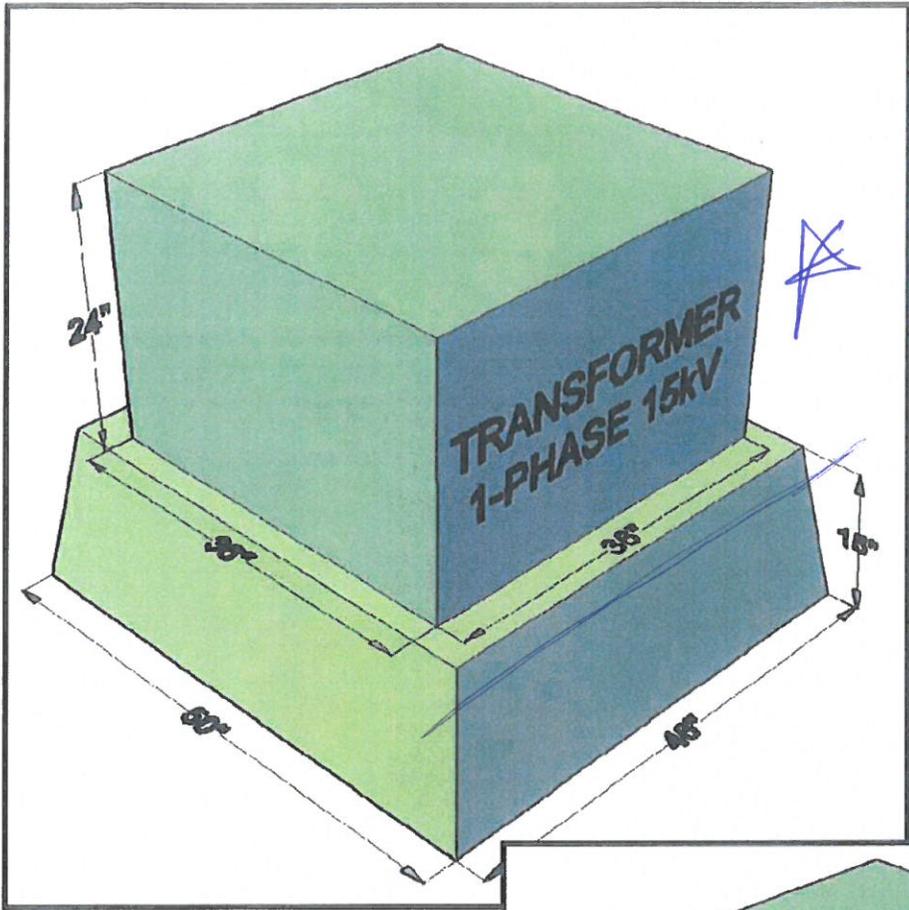


GIS SYMBOLS

Underground

One-phase	
Three-phase wye-wye	
Two-phase wye-delta	
Three-phase wye-delta	
Step-up/Step-down	
Three-phase delta-delta	
One-phase delta	
Three-phase delta-wye	
Three-phase open delta-open delta	

THREE PHASE
UNDERGROUND
TRANSFORMER



SEWER CONSTRUCTION UPDATE – MAY 21, 2014

EXCELSIOR AREA SEWER IMPROVEMENTS PROJECT

Communications:

- Walk-in sessions for property owners and project stakeholders to visit with **Tom Buchal, MCES's Construction Contract Administrator:**
 - Walk-in sessions are held the 2nd and 4th Wednesday of each month from 5:00 to 7:00 p.m.
 - Location: MCES Construction Field Office at 19285 Highway 7 (south side of Highway 7 at Vine Hill Rd.).
- To sign up for project e-mail updates, please send an e-mail to tim.odonnell@metc.state.mn.us stating that you would like to receive Excelsior Area Sewer Improvements e-mail updates.

Construction Activities:

- Force main and city utility installation is ongoing on Excelsior Blvd. between Division St. and Minnetonka Blvd.
- Boulder wall installation is ongoing near the cemetery along Excelsior Blvd.

Project Timeline:

- In the next few weeks, the remainder of the utility installation will be completed from Division St. to Minnetonka Blvd., including force main, sanitary sewer and water main.
- Road building work will resume from Christmas Lake Rd. to Minnetonka Blvd. following utility construction.
- Covington Road milling operations and site demolition was scheduled to begin the week of May 19.

Traffic Control:

- Excelsior Blvd. between Division St. and Christmas Lake Rd. closed to thru traffic starting April 1. Resident/Businesses have access from either Division St. or Christmas Lake Rd.
- Additional business access signage/thru traffic detour signage has been added at the Lake Street ramp during construction from Division St. to Minnetonka Blvd.
- Advance notice signage for the Covington Rd. closure has been posted, with the road scheduled to be closed to thru traffic beginning May 19.

For More Information:

For more information, including the latest project updates, visit www.metrocouncil.org/sewerconstructionupdates.
For questions or more information, contact:

- Tom Buchal, Construction Contract Administrator, at 651-325-6369 or thomas.buchal@metc.state.mn.us
- Quentin Knaak, Assistant Construction Contract Administrator, at 612-570-0525 or Quentin.Knaak@metc.state.mn.us
- Tim O'Donnell, Project Citizens Liaison, at 651-602-1269 or tim.odonnell@metc.state.mn.us



1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Pat Lucking and Commissioners Lake Bechtell, Kristi Conrad, David Paeper, and Douglas Reeder

Absent: None

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

2. OATH OF OFFICE – City Attorney Kelly Administered the Oath of Office to Commissioner Lake Bechtell.

3. MINUTES – April 16, 2014

Commissioner Paeper moved to approve the minutes of April 16, 2014 as presented. Commissioner Conrad seconded the motion. Motion carried 4-0.

4. PUBLIC HEARINGS

Variance Request, Steve and Heather Pint, 5140 St. Alban's Bay Road – Request to exceed the maximum permitted impervious surface in conjunction with the construction of a new single family home.

Section 1176.04(3)(3) permits a maximum impervious surface area of 30%. The applicant is proposing an impervious surface area of 33.2% and is seeking a variance to exceed the maximum permitted impervious surface area by 3.2%.

Summary: The applicants submitted an application for a building permit in February which was in compliance with the zoning provisions for the issuance of the building permit, but as part of the building permit review of new single family homes, the Excelsior Fire District (EFD) also must approve the plans. It was discovered that the location of the farthest point of the home, one hundred and fifty feet from the public right-of-way required the installation of a fire suppression (sprinkler) system or the construction of a “fire access” road.

Given the home had already been designed, the City Council discussed the options for dealing with this situation including removing that portion of the Joint Powers Agreement (Appendix D, State Fire Code) which contained language regarding the above-mentioned requirements. The contractor felt, and the Council agreed, it was better for the property owners to work with the EFD to find a solution and apply for a variance if necessary.

Karpas noted the comments of the EFD were included in the packet.

Chairman Lucking opened the public hearing.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, MAY 21, 2014
7:00 P.M.

Jon Monson, Landschute, summarized the request and said the applicants worked with the EFD to permit a fourteen foot wide fire access road instead of a twenty foot wide road, which would be wider than the public street in which driveway was exiting.

Commissioner Paeper asked about the previous impervious surface area and if the configuration of the driveway was the same as the existing property. Mr. Monson said the proposed impervious surface percentage is slightly above but complied with the ordinance until the fire access road was required and that the driveway is not in the same location; however, is narrower.

Commissioner Bechtell didn't see an issue with the request and felt it was a small variance from the requirements.

Commissioner Paeper asked about the placement of the home in relation to the existing foundation and if it could be moved. He also asked why a fire suppression system could not be installed. Steve Pint said the foundation would be new and slightly pulled back from the lake, but they didn't want to get too far from the existing pool which is intended to remain. Mr. Pint indicated the fact the property was serviced by a well and that impacted the ability to maintain adequate pressure for a fire suppression system.

Commissioner Paeper doesn't see a practical difficulty and feels if the city doesn't believe the requirement for sprinkling is necessary it should remove the requirement and not use the variance process to circumvent it.

Zoning Coordinator Karpas discussed the requirement and noted the applicants were not aware of it until the building permit was about to be issued. It complied with all the city requirements until the EFD "jumped in" at the end. Karpas believes there is a practical difficulty which justifies the issuance of a variance. He noted the fact the EFD worked with the applicants brings to question whether the appendix applies as clearly to the development as originally thought. He said that only a portion of the home is triggering the requirement.

Commissioner Conrad has no issues with the request and feels the difficulty was not created by the homeowners but is not quite sure there is a practical difficulty.

Council Liaison Cook noted the property was developed up to the maximum impervious surface percentage, and though he's sympathetic to what he agrees is over regulation, he believes the city would be setting a dangerous precedent using the variance process to bypass the requirements in the fire code. Zoning Coordinator Karpas said the provision is ambiguous and it's not clear if it applies to single family homes.

Council Liaison Cook said the Council hasn't taken any action on Appendix D and feels taking action on an impervious surface variance goes to the heart of the ordinance. He said his recommendation to the Council would be to deny the variance request and look at the fire code instead.

Chairman Lucking understands the position of the EFD to get close to the house but doesn't understand why the whole driveway needs to be fourteen feet in width. Mr. Pint said part of the width was also based on the fact they couldn't build a twenty foot wide driveway on the property.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, MAY 21, 2014
7:00 P.M.

Commissioner Reeder asked if the Fire Chief has the authority to deviate from the fire code.

Mr. Monson said the fire code gives the Fire Chief the discretion to amend the code in situations where there may be difficulty in meeting the provisions of the code. He did sense the Council had an overwhelming desire to change the code, by removing Appendix D, for just one project, now he's hearing the some of the Planning Commission say they don't want to grant a variance from this code for just one project. Mr. Monson noted a practical difficulty is not a hardship and allows each request to be reviewed on a case by case basis. The applicants are requesting help to get through a quagmire, a plight not created by them, and he feels they meet all the criteria for a practical difficulty.

Council Liaison Cook said the Council has to act on this request whether it's on the variance or the removal of the appendix. Mr. Monson said he's sure the applicants don't care how the issue is resolved as long as it's done in a timely manner.

Hearing no further public comment, the hearing was closed.

Commissioner Paeper asked if there were any studies done on how to reduce the impervious surface area. Mr. Pint said the proposal was not a significant increase, the pool would remain, and the location of the home requires a long driveway. He said he didn't "cut corners" on the project. Mr. Monson said the undue burden was placed on the property by the EFD. The applicant is just asking for a fair interpretation of the practical difficulty standard.

Commissioner Reeder asked if the driveway could be designed as a carriage drive. Mr. Pint said they suggested that to the EFD who said it could not be used because the center area could turn soft and create issues for emergency vehicles.

Commissioner Bechtell asked how certain it is that Appendix D could be removed and how long it would take. Council Liaison Cook said he doesn't see as an insurmountable issue. City Attorney Kelly said there would have to be two readings of the ordinance, but they could be done in quick succession if the Council wanted to do so.

City Attorney Kelly noted the city cannot require the applicant abandon an amenity, which moving the home an unreasonable distance away from the pool could be construed as.

Motion by Commissioner Lucking to recommend the city council approve the application for a variance of Section 1176.04(3)(3) to exceed the maximum permitted impervious surface area of 30% by 3.2%.

The motion is based on the following findings: (a) the proposal maintains the spirit and intent of the zoning ordinance by maintaining the low density nature of the R-1A single-family district; (b) the proposal is consistent with the Comprehensive Plan in that it seeks to maintain the character of the city through the maintenance of the existing housing stock; (c) the proposed manner of use is reasonable since it seeks to construct a new single family home; (d) the plight of the homeowner is due to the lot dimensions and the location of the the proposed home which requires a fire access road lot; and (e) the proposal maintains the essential character of the neighborhood.

Commissioner Reeder seconded the motion. Motion carried 4-1. Commissioner Paeper voted nay.

5. NEW BUSINESS

ORDINANCE NO. 233 - An Ordinance of the City Of Greenwood, Minnesota Amending Greenwood Ordinance Code Sections 1150.20, 1155.05 and 1155.15 Regarding Council Consideration of Conditional Use and Variance Requests

Summary: Section 15.99 of the state statute requires that cities take official action on all applications for conditional use permits and variances within sixty days, even if this action is to extend the required action by an additional sixty days as permitted by state statute.

Absent a quorum by the Planning Commission, official action cannot be taken within the required time limit, which by state statute constitutes an approval of the request. Therefore, the city attorney drafted the attached ordinance amendment to the conditional use and variance sections of the code.

The proposed amendment would permit the city council to take action on the request without a recommendation by the planning commission to ensure compliance with state statute.

Staff attached the proposed ordinance language highlighted in red.

The Commission agreed with the proposed language.

Motion by Commissioner Lucking to recommend the Council approve Ordinance 229; An Ordinance of the City Of Greenwood, Minnesota Amending Greenwood Ordinance Code Sections 1150.20, 1155.05 and 1155.15 Regarding Council Consideration of Conditional Use and Variance Requests, as written and that it replace any language that suggests the dissolution of the Planning Commission contained in either Ordinance 230 or 231. Conrad seconded the motion. Motion carried 5-0.

6. LIAISON REPORT

Council Liaison Cook said the Council discussed the upcoming street projects, approved the Old Log Theater Conditional Use Permit, said they heard a presentation from the Lyman Lodge residents about a placing a dock along the LRT and said the city has had all their lift stations thoroughly inspected.

7. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 8:08 pm.

Respectively Submitted,
Gus Karpas - Zoning Administrator