



## **AGENDA**

### **Greenwood City Council Special Meeting**

6pm, Wednesday, October 22, 2014  
20225 Cottagewood Road, Deephaven, MN 55331

*In accordance with open meeting laws, members of the public are welcome to attend this meeting.*

- 6:00pm     1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 6:05pm     2. CONSIDER: Conditional Use Permit and Variance Requests, Erotas Building Corp,  
5560 Maple Heights Road
- 6:45pm     3. CONSIDER: Revised Excelsior Fire District 2015 Capital Improvement Plan Budget and  
Operating Budget
- 7:00pm     4. ADJOURNMENT



**Agenda Item:** Conditional Use Permit and Variance Requests, Erotas Building Corp, 5560 Maple Heights Road

**Summary:** Request for a conditional use permit to construct a swimming pool and variances to encroach into the minimum required lake yard setback for the construction of the swimming pool and retaining walls, a variance to encroach into the minimum bluff setback for the proposed swimming pool and a variance to exceed the maximum permitted accessory structure height in conjunction with the creation of an accessory structure from a portion of the existing principal structure.

- Section 1122.05(3)(b) requires a Conditional Use Permit to construct a swimming pool in the R-1B District.
- Section 1120.15 of the Zoning Ordinance requires a minimum lake yard setback of 50 feet.
  - The proposed **swimming pool** requires a variance of 6 feet of the required 50-foot lake yard setback.
  - The proposed **retaining walls** require a variance of 35 feet of the required 50-foot lake yard setback.
  - The proposed **accessory structure** requires a variance of 18 feet of the required 50-foot lake yard setback.
- Section 1176.04(4) requires a setback from top of bluff of 30 feet. The applicant proposes a setback of 10 feet for the proposed swimming pool (a variance of 20 feet).
- Section 1122.20(2)(b) permits a maximum accessory structure height of 15 feet. The applicant proposes an accessory structure height of 22 feet (a variance of 7 feet).

**Planning Commission Motions:**

1. Commissioner Betchell moved the planning commission recommend the city council approve the application of Erotas Building Corp. for a variance of Greenwood ordinance section 1120.15 to encroach 35 into the required 50-foot lake yard setback for the proposed retaining walls at 5560 Maple Heights Road as presented. Commissioner Reeder seconded the motion. Motion carried 5-0.
2. Commissioner Betchell moved the planning commission recommend the city council approve the application of Erotas Building Corp. for a conditional use permit to construct a swimming pool in the R-1B residential district and the application for a variances of Greenwood ordinance section 1120.15 to encroach 6 feet into the required 50-foot lake yard setback for the proposed swimming pool and of Greenwood ordinance section 1176.04(4) to encroach 20 feet into the required 30-foot bluff setback for the proposed swimming pool feet at 5560 Maple Heights Road as presented. Commissioner Reeder seconded the motion. Motion carried 3-2. Commissioners Lucking and Paeper voted nay.
3. Commissioner Betchell moved the planning commission recommend the city council deny the application of Erotas Building Corp. for a variances of Greenwood ordinance section 1120.15 to encroach 18 feet into the required 50-foot lake yard setback for the proposed accessory structure and of Greenwood ordinance section 1122.20(2)(b) to exceed the maximum permit accessory structure height by 7 feet at 5560 Maple Heights Road as presented. Commissioner Paeper seconded the motion. Motion carried 5-0.

<b>Key Dates:</b>	07-18-14	Application complete
	08-07-14	Notice of the public hearing published in Sun-Sailor
	08-20-14	Public hearing held by the planning commission
	09-12-14	60-day deadline
	11-11-14	120-day deadline (exercised by the planning commission)

**Council Action:** Required. Potential motions ...

1. I move the city council adopts resolution \_\_\_-14 **approving** the **swimming pool** conditional use permit and variances for Erotas Building Corp as presented (or with the following revisions: \_\_\_\_\_). I further move (A) that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council adopts resolution \_\_\_-14 **approving** the **retaining wall** variance for Erotas Building Corp as presented (or with the following revisions: \_\_\_\_\_). I further move (A) ...
3. I move the city council adopts resolution \_\_\_-14 **approving** the **accessory structure** variances for Erotas Building Corp as presented (or with the following revisions: \_\_\_\_\_). I further move (A) ...
4. I move the city council directs the city attorney to draft "**findings for denial**," for Erotas Building Corp's \_\_\_\_\_ application(s), so the council may weigh options and consider both "findings for approval" and "findings for denial" at the 11-05-14 city council meeting.

*MN statue 15.99 requires a council decision within 60 days. If the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).*

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 5560 MAPLE HEIGHTS RD.

Applicant (individual or company name): EROTAS BUILDING CORP.

Contact for Business: DAVID EROTAS Title: PRESIDENT

Address: 2930 MINNATONKA BLVD. City: EXCELSIOR State: MN Zip: 55331

Wk Phone: 952-401-4300 <sup>CELL</sup> Home Phone: 612-363-3880

Email address: DAVID@EROTASBUILDINGCORP.COM Fax: 952-401-4330

Present use of property: FUTURE SINGLE FAMILY RESIDENCE

Property acreage: 1.44

Existing Variances: Yes \_\_\_\_\_ No X

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

Describe Request: Build New X Add On X Remodel \_\_\_\_\_ Replace \_\_\_\_\_

What is the Variance being requested for: SWIMMING POOL, MOOR GAZEBO LOCATION

~~OUTDOOR FIRE PLACE~~, REVISED ENTRY APPROACH

Variance for:

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

## MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

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

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

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

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

If you have difficulty 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:

VARIANCES REQUESTED DO NOT INFRINGE OR DISRUPT  
NEIGHBORS OR NEIGHBORHOOD

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 UNIQUE SITUATION OF THE PROPERTY  
BECAUSE IT IS AN ISLAND.

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

PROPERTY IS A UNIQUE SHAPED ISLAND

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

ITS REMOTENESS TO THE SURROUNDING  
PROPERTIES DUE TO IT BEING AN ISLAND

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:

NO EFFECT IS ANTICIPATED

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

NO EFFECT IS ANTICIPATED

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

NO EFFECT

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

NO EFFECT - PROPERTY AND HOME IS

FIRE PROTECTED

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

NO EFFECT

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

COMPLETION OF THIS PROPERTY WILL

RAISE LOCAL PROPERTY VALUES

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

NO EFFECT

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)

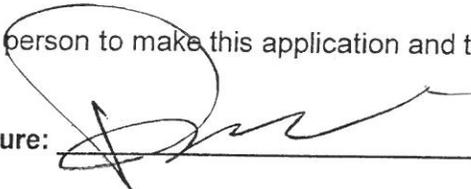
This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application. 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.

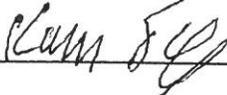
I am the authorized person to make this application and the fee owner has also signed this application.

Applicant's Signature:  Date: 7/15/14

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: 7.14.14

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.



# Conditional Use Permit & Variance Checklist

Submitted  Accepted  Consult with the zoning administrator to determine which ordinances and procedures apply to your application. Unless waived by the zoning administrator you must provide all of the following items with conditional use permit (CUP) or variance applications. Incomplete applications will be rejected.  
*If you prefer to complete this form electronically, it is available for downloading at [www.greenwoodmn.com](http://www.greenwoodmn.com).*

- Complete CUP or variance application form.
- Pay nonrefundable CUP or variance application fee. Fee: **\$400** plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount.
- Pay nonrefundable shoreland compliance review fee. Required for all properties within 1,000 feet of the OHW of Lake Minnetonka. Fee: **\$200** (section 1176.03, subd. 10). The city will send copies of public hearing notices to the DNR at least 10 days before the hearing (section 1176.07, subd. 4).
- One full-size scalable certified survey and one 11 x 17 copy that includes:
  - Legal description and street address.
  - Parcel size in acres and square feet.
  - Topography of the site - for major construction delineate grading and drainage plan with contours at 2-foot intervals.
  - Location and dimensions of all the existing improvements, including: buildings, structures, retaining walls, steps, parking areas, driveways, storage areas, utilities, and wells.
  - Location and dimension of all proposed buildings and structures.
  - Impervious surface calculations – existing and proposed – % and square footage.
  - Outline of "building pad" setbacks according to the ordinance provisions and show the closest distance between the buildings and front, side, lake and rear lot lines.
  - Distance between principal buildings and accessory buildings and structures.
  - Building volume, building height, and structure height calculations (section 1140.18).
  - Delineate all wetland, OHW of lakes, bluffs, easements and driveways.
  - Significant tree conditions and all significant trees proposed to be removed.
- One large-scale drawing, one 11x 17 copy of the proposed structure elevations on all sides. Indicate structure height at the roof peak. Scale must be appropriate for the size of the project (eg: 1 inch = 10 feet or 1 inch = 20 feet).
- One 11 x 17 copy of the floor plan(s) – existing and proposed.
- Stake the location in the field of proposed buildings, structures and lot lines.
- Tree preservation plan if applicable (section 1140.80).
- Lighting plan for sports courts, pools, new home construction, accessory buildings, driveways, and parking if applicable.

## Notices and Reminders

1. The application and related materials are due by the published deadline (available from the zoning administrator or online by clicking on the "meetings" button at [www.greenwoodmn.com](http://www.greenwoodmn.com)).
2. The city has the right to require additional plans or information as necessary.
3. All plans, applications, and written information become public information once filed, and will be used in the planning commission and council staff reports and distributed to the public.
4. Submittal of an application grants the city permission to physically enter, inspect, and photograph the property.
5. The planning commission typically meets on the third Wednesday of each month to hold the public hearing and make a recommendation; the city council typically meets on the first Tuesday of the following month to make the final decision. Applicants and owners are encouraged to attend both the planning commission and city council meetings.
6. Public notices will be published in the designated paper prior to the planning commission meeting and notice will be sent to residents within 350 feet of the subject property.
7. If approval is granted, you may apply for a building permit. Tree removal, land alteration and wetland alteration all require separate permits and approvals from the city.
8. If a variance is granted and not used within one year after the date of the council approval, the variance will expire. If a final inspection (in the case of remodeling), or an occupancy permit (in the case of new construction), is not obtained within one year from the date that the building permit is issued, the variance also will expire unless extended by the city council.
9. By state statute the city has 60 days from the acceptance of an application deemed complete to review and rule on the application. If additional time is needed, the city may elect an additional 60-day review process (MN statute 15.99)
10. Conditional use permits (CUP) and variances, if granted, may be subject to conditions imposed by the city council (board of appeals and adjustments) imposed at the time of approval (section 1150 & 1155).

## Key Dates ~ For Office Use Only:

AP	Materials received (complete / incomplete), electronic copy forwarded to planning commission
	Sent either notice of incomplete information or notice that information is complete (within 15 workdays from date materials received), with email copy of notice to mayor and councilmembers
7/12	Date of 60-day deadline
	Notice of 60-day extension (if applicable)
8/20	Planning commission meeting (public hearing)
7/15	Applicant given deadlines and meeting schedule

Form Updated 05-06-12

**ADVANCE SURVEYING & ENGINEERING CO.**

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 www.advsur.com

**SURVEY FOR: EROTAS BUILDING CORP.**

**SURVEYED:** July 2, 2014 **DRAFTED:** July 7, 2014  
**REVISED:** July 15, 2014 to show proposed improvements, grading, drainage and erosion control details for review and possible revision.  
**REVISED:** September 18, 2014 to show outdoor fireplace removed and pool dimension  
**REVISED:** September 22, 2014 to show possible pool and gazebo location for setback review.  
**REVISED:** September 24, 2014 to show revised pool and gazebo location for review.  
**REVISED:** September 28, 2014 to show pool location, revised again and revised hardcover.  
**REVISED:** September 29, 2014 to show 20 x 40 pool, different pool location, pool patio.  
**REVISED:** September 30, 2014 to remove pool dimensions, house side pool patio & walk

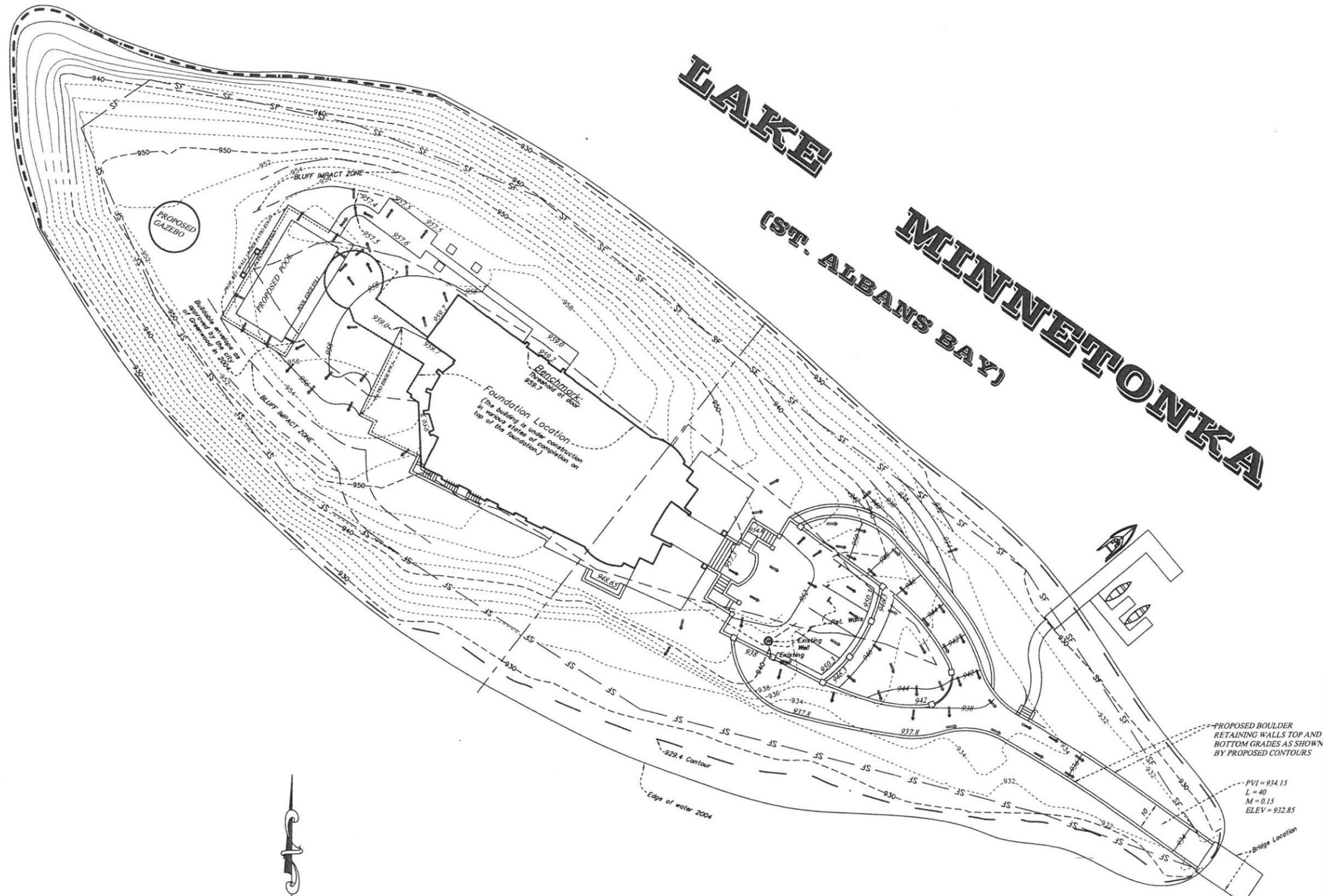
**LEGAL DESCRIPTION:**  
 Government Lot 8, Section 35, Township 117, Range 23, the same being an island or peninsula in the Southeasterly part of St. Albans Bay, a part of Lake Minnetonka, Hennepin County, Minnesota.

**SCOPE OF WORK:**  
 1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.  
 2. Showing the location of existing improvements we deemed important.  
 3. Showing elevations on the site at selected locations to give some indication of the topography of the site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the map when determining other elevations for use on this site.

**CERTIFICATION:**  
 I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a licensed Professional Engineer and Professional Surveyor under the laws of the State of Minnesota.

Signature: James H. Parker Typed Name: James H. Parker

Date: September 30, 2014 Reg. No. 9235



**HARDCOVER TABULATION**

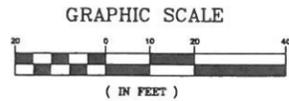
HOUSE	5193
PARKING & TERRACES AT ENTRY	3751
RET. WALL AROUND LAWN	89
DRIVE AND RET. WALL ALONG	3653
POOL & PATIO, WALK	1107
WALK TO DOCK & STEPS	154
LOWER RET. WALL	112
NE WALK & PATIO	565
COLUMNS	27
GAZEBO ARCH	24
GAZEBO	269
POOL & PATIO/WALK	1947
TOTAL IMPERVIOUS	16840 SQ. FT.

PERCENT PROPOSED HARDCOVER 26.85%

LOT AREA TO OHW 62708 SQ. FT.

30% OF LOT AREA 18812 SQ. FT.

REMAINING HARDCOVER 1972 SQ. FT.



sion control

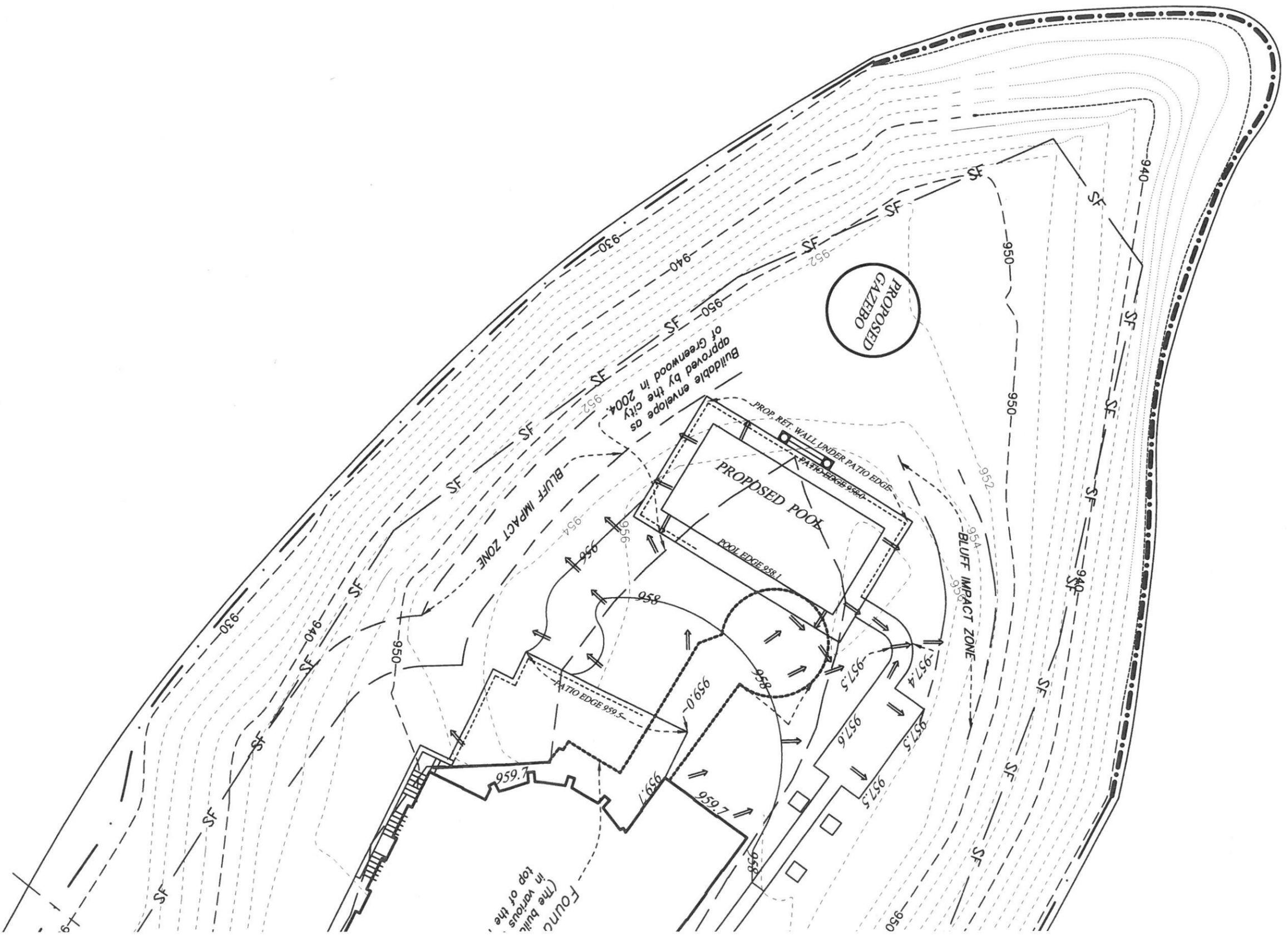
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DRAFT  
Approving  
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RESOLUTION NO. \_\_\_\_\_

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

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**IN RE: The Application of Erotas Building Corporation ON BEHALF OF Kam Talebi, Property Owner for a Variance to Greenwood Ordinance Code Section 1120:15, 1176.04(4) and Conditional Use Permit under 1122.05 to Permit the Construction of a Swimming Pool**

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**WHEREAS**, Erotas Building Corporation makes application on behalf of Kam Talebi, owner of real property at 5560 Maple Heights Road, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0001); and

**WHEREAS**, the property is host to an uncompleted house whose construction began in 2003, that the applicant now plans to complete. The original plan anticipated the construction of a swimming pool and a variance to Greenwood Ordinance Code Section 1140:10(2) permitting such was obtained in 2003. In January 2014, the city renewed the variance permitting the presence of a pool between the principal structure and the lake as earlier granted for reasons of practical difficulty related to the lot being an island; and

**WHEREAS**, the applicant now brings an application for a Conditional Use Permit under Section 1122:05(3)(b) construction of a Swimming Pool in the R-1B District and for a variance to permit the swimming pool to encroach 6 feet into the required 50-foot lake yard setback as measured from the ordinary high water mark at the time.

**WHEREAS**, notice of public hearing was published, notice given to neighboring property owners, and a public hearing held before the Planning Commission on August 20, 2014, September 17, 2014, and October 15, 2014 to consider the application; and

**WHEREAS**, public comment was taken at the public hearing and the Planning Commission has considered the matter and recommended approval of a Conditional Use Permit and a variance to permit the construction of a pool encroaching 6 feet on the required 50-foot lake yard setback but otherwise within the building envelope earlier approved by the City and the applicant's predecessors in title in 2004.

**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 client's property is located at 5560 Maple Heights Road, Greenwood, Minnesota 55331 within the R-1B Single Family Residential District.
2. The property is host to a pre-existing house that has sat uncompleted for many years, but which the applicant now plans to complete and desires to add a pool as originally considered by the City and approved by Variance Resolution grant 17-03 September 2, 2003. Original variance grant of September 2, 2003 was renewed on application approved January 2014 to permit a pool between principal structure and the ordinary high water mark of the lake in view of the property being an island.
3. That a building permit has issued for the completion of the home on the island parcel.
4. That there are no yards on the subject property, front, rear, or side of sufficient size to allow the placement of a pool within the agreed building envelope earlier approved in 2014 for the property without a variance to the 50-foot lakeside yard setback required under Section 1120:15.
5. That the Planning Commission advised that the reconfigured proposal for the placement of the pool falls outside of the bluff impact zone, but will remain within the bluff setback requiring a variance of 20 feet to the required bluff setback under Section 1176.04(4) and a variance of 6 feet to the 50-foot required lakeside setback, but the proposed pool placement will be within the original agreed available building envelope for improvement of the property established by the City and the applicant's predecessors in title in 2004.
6. 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. Additional Requirements for Grants of Variance Requests. 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.”

7. Based on the foregoing, the City Council finds that the variance to permit the addition of a pool on the applicant’s property as proposed, 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 because the character of the proposed use is consistent with the zoning.
8. The City Council further finds that the property owner’s proposed manner of use of the property, is reasonable because a pool is a reasonable accessory use and there is no reasonable possible location for a pool on this property without variance as presently required and such a use is a reasonable use for this type of property. That the plight of the applicant is due to circumstances unique to the property, limited available yard space given the property being an island with much of its available land a bluff, all which was not created by the applicant. The variance, if granted, will not alter the essential character of the locality, it will not impair the supply of light and air, or create congestion on the public street or endanger public health, safety, and welfare.
9. That the following conditions should be imposed on an any such variance or conditional use grant:
  - a. Project must be completed according to the specification and design of the plan submitted.
  - b. A certified copy of this resolution shall be filed by the applicants with Hennepin County Registrar of Titles 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. The applicant has made an adequate demonstration of facts meeting the standards of Section 1155:10 necessary for the grant of variance to Greenwood Ordinance Code Section 1120:15 permitting a 6-foot variance to the required 50-foot lakeside yard setback and a variance to Section 1176.04(4) of 20 feet to the required 30-foot top of bluff setback which are in conformance with the original City agreed available building envelope for the island established in 2004.

2. That based upon the foregoing, a variance to Greenwood Ordinance Code Section 1122:15 permitting the pool placement which encroaches on the 50-foot lakeside yard setback by 6 feet but otherwise in conformance with the established building envelope agreed by the City in 2004 with the applicant's predecessors in title, **should** be granted.
3. That based upon the foregoing, a variance to Greenwood Ordinance Code Section 1176.04(4) permitting the pool placement to encroach 20 feet under the 30-foot top of bluff setback but otherwise in conformance with the established building envelope previously agreed by the City in 2004 with the applicant's predecessor in title, **should** be granted.
4. The Conditional Use Permit under Section 1122:05(3)(b) **should** also be granted for the same reasons.

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

1. A Conditional Use Permit under Section 1122.05(3)(b) is **granted**.
2. That the application of Erotas Building Corporation, on behalf of owner Kam Talebi for a Variance to Section 1122:15 and Variance to 1176.04(4), to permit construction of an accessory structure (pool) as proposed is **granted** subject to the following conditions:
  - (a) The project must be completed according to the specification and design of the plans submitted;
  - (b) A certified copy of this resolution shall be filed by the applicant with the Hennepin County Registrar of Titles and proof of filing provided to the City of Greenwood before any building permits may be issued for this project.

PASSED THIS 22<sup>ND</sup> DAY OF OCTOBER, 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

*crafts  
Approval Retaining Walls 2*

RESOLUTION NO. \_\_\_\_\_

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

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**IN RE: The Application of Erotas Building Corporation ON BEHALF OF Kam Talebi, Property Owner for a Variance to Greenwood Ordinance Code Section 1120:15 to Permit the Construction of a Circular Driveway and Retaining walls encroaching on the 50-Foot Lake Side Yard Setback.**

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**WHEREAS**, Erotas Building Corporation makes application on behalf of Kam Talebi, owner of real property at 5560 Maple Heights Road, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0001); and

**WHEREAS**, the property is host to an uncompleted house whose construction began in 2003 that the applicant now plans to complete. The original plan anticipated the construction of a driveway with a straight in access to the underground garage. The new owner desires a circular driveway allowing for a turn-around for visiting traffic; and

**WHEREAS**, the applicant now brings an application for a variance to 1122.15 to permit the proposed circular driveway retaining walls which would encroach 35 feet into the required 50-foot lake yard setback as measured from the ordinary high water mark at the time.

**WHEREAS**, notice of public hearing was published, notice given to neighboring property owners, and a public hearing held before the Planning Commission on August 20, 2014, September 17, 2014, and October 15, 2014 to consider the application; and

**WHEREAS**, public comment was taken at the public hearing and the Planning Commission has considered the matter and recommended approval of a variance to permit the construction of retaining walls encroaching up to 35 feet on the required 50-foot lake yard setback.

**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 client's property is located at 5560 Maple Heights Road, Greenwood, Minnesota 55331 within the R-1B Single Family Residential District.

2. The property is host to a pre-existing house that has sat uncompleted for many years, but which the applicant now plans to complete and desires to change the original driveway, with a straight in access to the underground garage, to a circular driveway allowing for a turn-around for visiting traffic.
3. That a building permit has issued for the completion of the home on the island parcel.
4. The site, host to a lawful house, has a legal right to reasonable driveway access. The existing (original) driveway design servicing the island lot, of necessity traverses the 50-foot lakeside yard setback required under Section 1122:15, and such was previously approved. The proposed circular driveway would traverse the same route but widens as it approaches the house to accommodate a turn around. A circular driveway would for safety and structural reasons requires retaining walls, which due to physical dimensions of the island lot necessitate encroachment into the 50 foot lake side yard setback from the ordinary high water mark of the lake.
5. That the Planning Commission, advised that the reconfigured driveway proposal falls outside of the bluff impact zone, but would require a variance of up to 35 feet to the 50-foot required lakeside setback, deemed the request a reasonable manner of use of this residential island lot, for which the variance needed is due to circumstances related to the island character of the lot and not created by the landowner, and that if granted the variance would not change the essential character of the neighborhood.

6. 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. Additional Requirements for Grants of Variance Requests. 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.”
7. Based on the foregoing, the City Council finds that the variance to permit the construction of a circular driveway with retaining walls within the 50-foot lake side yard setback, as proposed, 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 because the character of the proposed use is consistent with the zoning.
  8. The City Council further finds that the property owner’s proposed manner of use of the property, is reasonable because a circular driveway with retraining walls is a reasonable accessory use and provides the lot reasonable driveway utility and serviceability and there is no reasonable possible location for a circular driveway on this property without variance as presently required. That the plight of the applicant is due to circumstances unique to the property, no available yard space for a driveway located outside the 50-foot lake side yard setback, none of which was created by the applicant. The variance, if granted, will not alter the essential character of the locality, it will not impair the supply of light and air, or create congestion on the public street or endanger public health, safety, and welfare.
  9. That the following conditions should be imposed on an any such variance or conditional use grant:
    - a. Project must be completed according to the specification and design of the plan submitted.
    - b. A certified copy of this resolution shall be filed by the applicants with Hennepin County Registrar of Titles 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. The applicant has made an adequate demonstration of facts meeting the standards of Section 1155:10 necessary for the grant of variance to Greenwood Ordinance Code Section 1122:15 permitting a 35-foot variance to the required 50-foot lakeside yard setback.
2. That based upon the foregoing, a variance to Greenwood Ordinance Code Section 1122:15, permitting construction of a circular driveway with retaining walls which encroach on the 50-foot lakeside yard setback by up to 35 feet as proposed, **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 Erotas Building Corporation, on behalf of owner Kam Talebi, for a Variance to Section 1122:15 to permit construction of a circular driveway with retaining walls which encroach on the 50-foot lakeside yard setback by up to 35 feet as proposed is **granted** subject to the following conditions:

- (a) The project must be completed according to the specification and design of the plans submitted;
- (b) A certified copy of this resolution shall be filed by the applicant with the Hennepin County Registrar of Titles and proof of filing provided to the City of Greenwood before any building permits may be issued for this project.

PASSED THIS \_\_\_\_ DAY OF OCTOBER, 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. Erotas 2 Approving

*Craft APPROVES  
ACC. Signature 2  
GAZEBO*

RESOLUTION NO. \_\_\_\_\_

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

---

**IN RE: The Application of Erotas Building Corporation ON BEHALF OF Kam Talebi, Property Owner for a Variance to Greenwood Ordinance Code Section 1120:15, 1122:22.(2) and 1140:10(2) to Permit the Construction of an Accessory Structure Gazebo.**

---

**WHEREAS**, Erotas Building Corporation makes application on behalf of Kam Talebi, owner of real property at 5560 Maple Heights Road, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0001); and

**WHEREAS**, the property is host to an uncompleted house whose construction began in 2003 that the applicant now plans to complete. The original plan anticipated the construction of an accessory swimming pool and a variance to Greenwood Ordinance Code Section 1140:10(2) to allow same to be located between the principal residence and the lake was obtained in 2003. In January 2014, the city renewed the variance permitting the presence of a pool between the principal structure and the lake, for reasons of practical difficulty related to the lot being an island. The city did not then consider or approve an application for additional accessory structures between the principal structure and the lake otherwise prohibited by 1140:10 (2); and

**WHEREAS**, the applicant now brings an application for a variance to permit the construction of a twenty-two foot tall accessory structure, (gazebo), encroaching 18 feet into the required 50-foot lake yard setback as measured from the ordinary high water mark, and also to be located outside the building envelope earlier approved by the City and the applicant's predecessors in title in 2004. The proposed gazebo requires a height variance of seven feet to the maximum 15 foot accessory structure maximum under Section 1122.20(2) and a variance of 18 feet to the 50-foot Lake Side Yard setback required under Section 1122:15.

**WHEREAS**, notice of public hearing was published, notice given to neighboring property owners, and a public hearing held before the Planning Commission on August 20, 2014, September 17, 2014, and October 15, 2014 to consider the application; and

**WHEREAS**, public comment was taken at the public hearing and the Planning Commission has considered the matter and recommended denial of a variance to permit the construction of the proposed accessory structure (gazebo).

**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 client's property is located at 5560 Maple Heights Road, Greenwood, Minnesota 55331 within the R-1B Single Family Residential District.
  2. The property is host to a pre-existing house that has sat uncompleted for many years, but which the applicant now plans to complete and desires to add an accessory structure gazebo between principal structure and the ordinary high water mark of the lake.
  3. That a building permit has issued for the completion of the home on the island parcel.
  4. That due to the property being an island there are no yards on the subject property, front, rear, or side which would allow the placement of an accessory structure which would not be located between the principal structure and the lake.
  5. The lot is subject to a defined building envelope agreed to between the City and the Applicant's predecessor in title in 2004
  6. The gazebo cannot be constructed as proposed without variances to Section 1140:10 (2) barring the placement of accessory structures between Principal structure and lake, Section 1122:15 the 50-foot Lakeside Yard Setback, and Section 1122:20 (2) limiting accessory structures to fifteen feet.
  7. That the Planning Commission advised that the proposed accessory structure would encroach on the 50-foot Lake Side Yard Setback and also be outside the previously set available building envelope for the property, and be more than 15 feet high, recommended denial of the needed variances as the applicant purchased the property with knowledge of the building limitations imposed on the property and the applicant retains a reasonable use of the property without the proposed accessory structure gazebo.
6. 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. Additional Requirements for Grants of Variance Requests. 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.”

7. Based on the foregoing, the City Council finds that the variance to permit the addition of a pool on the applicant’s property as proposed, 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 because the character of the proposed use is consistent with the zoning.
8. The City Council further finds that the property owner’s proposed manner of use of the property, is reasonable because an accessory structure gazebo is a reasonable accessory use and there is no reasonable possible location for a gazebo on this property without variance as presently requested and such a use is a reasonable use for this type of property. That the plight of the applicant is due to circumstances unique to the property, limited available yard space given the property being an island with much of its available land subject to bluff setback, all which was not created by the applicant. The variance, if granted, will not alter the essential character of the locality, it will not impair the supply of light and air, or create congestion on the public street or endanger public health, safety, and welfare.
9. That the following conditions should be imposed on an any such variance or conditional use grant:
  - a. Project must be completed according to the specification and design of the plan submitted.
  - b. A certified copy of this resolution shall be filed by the applicants with Hennepin County Registrar of Titles 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. The applicant has made an adequate demonstration of facts meeting the standards of Section 1155:10 necessary for the grant of variances to Greenwood Ordinance Code Section 1122:15 permitting a 18-foot variance to the required 50-foot lakeside yard setback, Section 1122:20 (2) permitting a 7 foot variance to the required 15 foot maximum height of accessory structures, and Section 1140:10 (2) permitting placement of an accessory structure between Principal structure and lake, and also a waiver of the original City agreed available building envelope for the island established in 2004.
2. That based upon the foregoing, a variance to Greenwood Ordinance Code Section 1122:15 permitting the accessory structure gazebo placement encroaching on the 50-foot lakeside yard setback by 18 feet and also outside the previously established building envelope agreed by the City in 2004 with the applicant's predecessors in title, **should** be granted.
3. That based upon the foregoing, a variance to Greenwood Ordinance Code Section 1122.20(2) permitting the proposed accessory structure gazebo to exceed the maximum permitted 15 foot height limit by 7 feet, **should** be granted.
4. That based upon the foregoing, a variance to Greenwood Ordinance Code Section 1140:10 (2) permitting placement of an accessory structure between Principal structure and lake, **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 for purposes of this application the established building envelope agreed by the City in 2004 with the applicant's predecessors in title is waived; and
2. That the application of Erotas Building Corporation, on behalf of owner Kam Talebi for a Variance to Section 1122:15, a Variance to 1122.20(2), and a Variance to Section 1140:10 (2) to permit construction of an accessory structure (gazebo), as proposed, is **granted** subject to the following conditions:
  - (a) The project must be completed according to the specification and design of the plans submitted;
  - (b) A certified copy of this resolution shall be filed by the applicant with the Hennepin County Registrar of Titles and proof of filing provided to the City of Greenwood before any building permits may be issued for this project.

PASSED THIS \_\_\_\_\_ DAY OF OCTOBER, 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. Erotas 4 Approving

*Order denying 2  
Gazebo*

**RESOLUTION NO. \_\_\_\_\_**

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

---

**IN RE:**      **The Application of Erotas Building Corporation ON BEHALF OF Kam Talebi, Property Owner for a Variance to Greenwood Ordinance Code Section 1120:15, 1122:22.(2) and 1140:10(2) to Permit the Construction of an Accessory Structure Gazebo, and a waiver of the established available building envelope.**

---

**WHEREAS**, Erotas Building Corporation makes application on behalf of Kam Talebi, owner of real property at 5560 Maple Heights Road, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0001); and

**WHEREAS**, the property is host to an uncompleted house whose construction began in 2003 that the applicant now plans to complete. The original plan anticipated the construction of an accessory swimming pool and a variance to Greenwood Ordinance Code Section 1140:10(2) to allow same to be located between the principal residence and the lake was obtained in 2003. In January 2014, the city renewed the variance permitting the presence of a pool between the principal structure and the lake, for reasons of practical difficulty related to the lot being an island. The city did not then consider or approve an application for additional accessory structures between the principal structure and the lake otherwise prohibited by 1140:10 (2); and

**WHEREAS**, the applicant now brings an application for a variance to permit the construction of a twenty-two foot tall accessory structure, (gazebo), encroaching 18 feet into the required 50-foot lake yard setback as measured from the ordinary high water mark, and also to be located outside the building envelope earlier approved by the City and the applicant's predecessors in title in 2004. The proposed gazebo requires a height variance of seven feet to the maximum 15 foot accessory structure maximum under Section 1122.20(2) and a variance of 18 feet to the 50-foot Lake Side Yard setback required under Section 1122:15.

**WHEREAS**, notice of public hearing was published, notice given to neighboring property owners, and a public hearing held before the Planning Commission on August 20, 2014, September 17, 2014, and October 15, 2014 to consider the application; and

**WHEREAS**, public comment was taken at the public hearing and the Planning Commission has considered the matter and recommended denial of a variance to permit the construction of the proposed accessory structure (gazebo).

**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 client's property is located at 5560 Maple Heights Road, Greenwood, Minnesota 55331 within the R-1B Single Family Residential District.
2. The property is host to a pre-existing house that has sat uncompleted for many years, but which the applicant now plans to complete and desires to add an accessory structure gazebo between principal structure and the ordinary high water mark of the lake.
3. That a building permit has issued for the completion of the home on the island parcel.
4. That due to the property being an island there are no yards on the subject property, front, rear, or side which would allow the placement of an accessory structure which would not be located between the principal structure and the lake.
5. The lot is subject to a defined building envelope agreed to between the City and the Applicant's predecessor in title in 2004. The proposed accessory structure (gazebo) would be 23 feet outside the established available building envelope of the property.
6. The gazebo cannot be constructed as proposed without variances to Section 1140:10 (2) barring the placement of accessory structures between Principal structure and lake, Section 1122:15 the 50-foot Lakeside Yard Setback, and Section 1122:20 (2) limiting accessory structures to fifteen feet.
7. That the Planning Commission advised that the proposed accessory structure would encroach on the 50-foot Lake Side Yard Setback and also be outside the previously set available building envelope for the property, and be more than 15 feet high, recommended denial of the needed variances as the applicant purchased the property with knowledge of the building limitations imposed on the property and the applicant retains a reasonable use of the property without the proposed accessory structure gazebo.

6. 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. Additional Requirements for Grants of Variance Requests. 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.”

7. Based on the foregoing, the City Council finds that the variance to permit the addition of a pool on the applicant’s property as proposed, if granted, would NOT (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 NOT be consistent with the Comprehensive Plan’s guiding use for the subject property in the applicable zone because the character of the proposed use is NOT consistent with the zoning.
8. The City Council further finds (1) that the property owner’s proposed manner of use of the property - addition of a twenty-two foot tall gazebo - is NOT a reasonable manner of use of the property because (1) no justification meeting the practical difficulties standard has been made for the grant of a height variance of 7 feet to the code accessory structure height limit of 15 feet, and (2) no justification has been made for location of the proposed accessory structure 23 feet outside the previously established and agreed available building envelope of the property set by agreement of the city and the applicant’s predecessors in title; (2) That the plight of the applicant is due to circumstances NOT unique to the property, i.e., the property being an island, but rather circumstances created by the applicant – election to place an accessory structure within the 560-foot Lake Side Yard Setback and of a height 7 feet taller than permitted by code; and the variance, if granted, WILL alter the essential character of the locality by permitting an accessory structure in excess of neighborhood height norms. It will not, as proposed, impair the supply of light and air, or create congestion on the public street or endanger public health, safety, and welfare.

### 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. The applicant has NOT made an adequate demonstration of facts meeting the standards of Section 1155:10 necessary for the grant of variances to Greenwood Ordinance Code

Section 1122:15 permitting a 18-foot variance to the required 50-foot lakeside yard setback, Section 1122:20 (2) permitting a 7 foot variance to the required 15 foot maximum height of accessory structures, and Section 1140:10 (2) permitting placement of an accessory structure between Principal structure and lake. The Applicant has also not demonstrated facts supporting a 23 foot waiver of the limits of the original City and previous predecessor's in title agreed available building envelope for the island established in 2004.

2. That based upon the foregoing, a variance to Greenwood Ordinance Code Section 1122:15 permitting the accessory structure gazebo placement encroaching on the 50-foot lakeside yard setback by 18 feet and also 23 feet outside the previously established building envelope agreed by the City in 2004 with the applicant's predecessors in title, **should NOT** be granted.
3. That based upon the foregoing, a variance to Greenwood Ordinance Code Section 1122.20(2) permitting the proposed accessory structure gazebo to exceed the maximum permitted 15 foot height limit by 7 feet, **should NOT** be granted.
4. That based upon the foregoing, a variance to Greenwood Ordinance Code Section 1140:10 (2) permitting placement of an accessory structure between Principal structure and lake, **should NOT** 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 Erotas Building Corporation, on behalf of owner Kam Talebi, for a Variance to Section 1122:15, a Variance to 1122.20(2), and a Variance to Section 1140:10 (2) to permit construction of an accessory structure (gazebo), as proposed, and a 23 foot waiver to the established available building envelope, are **DENIED**.

PASSED THIS \_\_\_\_ DAY OF OCTOBER, 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. Erotas 3 DENYING



**Agenda Item: 2015 Excelsior Fire District Budget**

**Summary:** The REVISED 2015 Excelsior Fire District budget is attached. The budget calls for an overall 1.42% increase. However, since Greenwood property values went down more than some of the other EFD cities, the proposed budget means that Greenwood will have a -1.48% decrease in operations and a -5.79% decrease for facilities / capital costs, with an overall -3.47% decrease.

	<b>2014 Budget</b>	<b>2015 Budget</b>	<b>% Change</b>
Fire Protection - Operations	70,517	69,474	-1.48%
Fire Side Lease - Facilities	60,371	56,878	-5.79%
	<b>130,888</b>	<b>126,352</b>	<b>-3.47%</b>

The REVISED budget added transfers from the general fund reserves with \$30,000 being returned to the EFD cities, \$30,000 for a floor-sealing project, and \$30,000 designated to the relief reserve fund. The EFD board also agreed to review the capital plan in more detail in 2015 and consider the timing / need for the large ticket items down the road.

Each city council in the EFD needs to take action on the budget. 3 of 5 cities must approve the operating budget. 4 of 5 cities must approve the facilities / capital budget. Tonka Bay and Deephaven have approved both budgets. Excelsior and Shorewood have not taken action yet.

**Council Action:** Required. Potential motions ...

1. I move the council approves the REVISED 2015 Excelsior Fire District operating budget and facilities / capital budget dated September 26, 2014.
2. Or another motion ???



**2015**

**Recommended  
Updated FINAL  
Budget  
CIP and Operating  
Budget**

**September 26, 2014**



# Excelsior Fire District

*Proudly serving the Communities of:*

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

24100 Smithtown Road

Shorewood, MN. 55331

## FINAL Updated Recommended Amended 2015 Budget Summary September 26, 2014

### • Overall Proposed 2015 Budget

- **Operating Budget** - \$923,180 / \$58,098 (6.72%) increase from 2014 Budget to 2015 Budget. The 2015 Operating Budget includes:
  - \$30,000 of unreserved fund balance reimbursed to the cites according to the 2015 funding formula.
  - \$30,000 of unreserved fund balance transferred into the EFD Building Fund for sealing the Apparatus Bay floors in 2015.
  - \$30,000 of unreserved fund balance transferred into the EFD Fire Relief Fund to assist with any future mandatory contributions.
  - No Required contribution to the Firefighter Relief Association Pension Fund.
  - Wage increases for Fire Chief, Fire Inspector and Administrative Specialist according to wage policy.
  - Wage increases for Firefighters
  - Addition of Part-Time Fire Inspector for Special Events
  - Employer benefit increases including health insurance and PERA.
- **Capital Equipment Fund** - \$170,000 / \$5,000 decrease from 2014 Budget. The 2015 Capital Equipment Fund Budget includes:
  - Year Two lease payment for new Engine 22 - \$87,337
  - Year Four lease payment for SCBA Equipment - \$34,682
  - 5-Year lease payment schedules for all future leased fire vehicles.
- **Fire Facilities Fund** - \$547,091 / \$1,369 decrease from 2014 Budget.
- **Total 2015 Budget** - \$1,700,271 / \$111,729 (7.03%) increase from 2014 Budget
  - \$90,000 in Operating Fund Reserves equally distributed between property tax relief, building maintenance, and future mandatory pension contributions.
  - \$21,729 or 1.37% increase in additional operational expenses.
  - Total 2015 Budget of \$1,700,271 reduced by the use of \$90,000 in excess Operating Fund Reserves and the revenues identified below to reduce 2015 Municipal Contribution from \$1,700,271 to \$1,590,771, which results in a 1.42% increase in the 2015 Municipal Contribution over the 2014 Municipal Contribution.
  - Interest income - \$ 1,500
  - Refunds and Reimbursements - \$12,000
  - Special Event Inspection Fees - \$ 6,000

- **Fund Balance Reserve Utilization**

- Bring Unreserved Fund balance in line with Fire District policy of 20-30% fund balance reserve as recommend by the Fire District Auditor.
- \$30,000 utilized for defined build maintenance project – sealing of the apparatus bay floors in the fire station 1 and fire station 2.
- \$30,000 utilized for future mandatory contributions in the firefighter’s pension relief fund.
- \$30,000 returned to the cities utilizing the 2015 contribution formula:
  - Deephaven 27.89% \$8,367
  - Excelsior 11.04% \$3,312
  - Greenwood 7.94% \$2,382
  - Shorewood 38.56% \$11,568
  - Tonka Bay 14.57% \$4,371

- **1.42% overall increase in 2015 Municipal Contribution**

- 2015 Proposed Municipal Contribution – \$1,590,771
- 2014 Proposed Municipal Contribution – \$1,568,508
- \$22,263 or 1.42% increase in 2015 Municipal Contribution

- **Municipal Contribution Comparisons**

	<u>2014</u>	<u>2015</u>	<u>Difference</u>
Deephaven	\$ 433,492	\$443,603	\$ 10,111
Excelsior	\$ 166,924	\$175,642	\$ 8,718
Greenwood	\$ 130,888	\$126,352	\$ (4,536)
Shorewood	\$ 603,638	\$613,471	\$ 9,833
Tonka Bay	<u>\$ 233,566</u>	<u>\$231,704</u>	<u>\$ (1,862)</u>
Total	\$1,568,508	\$1,590,771	\$ 22,263

- Fund Balance Summary

**Projected Operating Fund Balances**

	<b>2013 Budget Actual</b>	<b>2014 Projected Budget</b>	<b>2015 Budget Proposed</b>
<b>January 1 Fund Reserve</b>	<b>339,821</b>	<b>368,503</b>	<b>361,569</b>
<b><u>EFD Annual Expenditures</u></b>			
Operating Fund Expenditures	807,347	865,082	923,180
Mandatory Fire Relief Contribution	27,529	0	0
CEP Fund Transfer	170,000	175,000	170,000
Facilities Fund Transfer	554,285	548,460	547,091
Building Fund Transfer	0	0	30,000
Fire Relief Fund Transfer	0	0	30,000
<b>Total Operating Fund Expenditures</b>	<b>1,559,161</b>	<b>1,588,542</b>	<b>1,700,271</b>
<b><u>EFD Annual Revenues</u></b>			
EFD Municipal Contributions	1,532,895	1,568,508	1,590,771
Interest Income	1,073	3,100	1,500
Other Revenues	26,346	10,000	18,000
Fire Relief Fund Transfer	27,529	0	0
Facilities Fund Transfer	0	0	0
<b>Total Operating Fund Revenues</b>	<b>1,587,843</b>	<b>1,581,608</b>	<b>1,610,271</b>
<b>Annual Surplus (Deficit)</b>	<b>28,682</b>	<b>(6,934)</b>	<b>(90,000)</b>
<b>December 1 Fund Reserve</b>	<b>368,503</b>	<b>361,569</b>	<b>271,569</b>
<b>Fund Reserve Percentage</b>	<b>42.59%</b>	<b>39.17%</b>	<b>30.00%</b>

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

**Excelsior Fire District**

Budget FY 2015 *FINAL UPDATED Recommended - September 26, 2014*  
 Comparison with Previous Years  
 With 2014 Projected

Account Code	Object Description	2010 Actual Amount	2011 Actual Amount	2012 Actual Amount	2013 Actual Amount	2014 Budget Adopted	2014 Budget Projected	2015 Requested Budget	2015 Requested Dollar increase	Percent Change From 14 Adopted
<b>Fund 230</b>	<b>FIRE OPERATING FUND</b>									
<b>Dep't 42200</b>	<b>Fire Operations</b>									
<b>Personal Services</b>										
230-42200-101	Employees Regular	129,524	128,444	135,373	144,374	145,106	145,106	153,978	8,872	6.11%
230-42200-103	Part-Time Employees	15,480	15,795	15,672	16,321	19,021	19,021	25,326	6,305	33.15%
230-42200-106	Firefighter's Salaries	149,895	142,573	150,892	150,720	169,929	169,929	182,060	12,131	7.14%
230-42200-107	Fire Officer's Salaries	26,891	31,626	32,655	33,210	34,694	34,694	35,909	1,215	3.50%
230-42200-108	Part-Time Fire Inspector	-	-	-	-	-	-	-	-	-
230-42200-121	PERA	19,195	19,414	20,419	21,845	23,581	23,581	26,435	2,854	12.10%
230-42200-122	FICA/MC	19,950	18,358	20,159	11,957	19,213	19,213	20,845	1,632	8.49%
230-42200-131	Employer Paid Health	20,834	25,188	22,117	23,385	28,755	28,755	27,920	(835)	-2.90%
230-42200-133	Employer Paid Life Insuranc	25	23	23	23	24	24	24	-	0.00%
230-42200-151	Worker's Comp Insurance	17,268	18,952	19,966	25,239	27,825	27,825	28,000	175	0.63%
	<b>Total Personal Services</b>	<b>399,062</b>	<b>400,373</b>	<b>417,276</b>	<b>427,074</b>	<b>468,148</b>	<b>468,148</b>	<b>500,497</b>	<b>32,349</b>	<b>6.91%</b>
<b>Pension</b>										
230-42200-170	Firefighter Pension Contribu	58,554	88,124	14,907	27,529	-	-	-	-	-
<b>Supplies</b>										
230-42200-200	Office Supplies	3,081	4,378	3,496	3,730	4,000	4,000	4,000	-	0.00%
230-42200-212	Motor Fuels	11,775	13,462	15,224	14,003	16,000	16,000	16,000	-	0.00%
230-42200-217	Clothing	17,693	19,201	32,542	26,850	25,950	25,950	27,950	2,000	7.71%
230-42200-220	Repair/Maint. Supplies	6,002	4,652	7,672	6,891	7,000	7,000	7,000	-	0.00%
230-42200-221	First Aid Supplies	3,388	1,434	1,999	3,160	2,500	2,500	2,500	-	0.00%
230-42200-222	Firefighting Supplies	8,576	10,837	13,939	18,239	10,000	10,000	11,000	1,000	10.00%
230-42200-241	Fire Prevention Tools	5,389	5,003	5,990	4,543	5,200	5,200	5,000	(200)	-3.85%
	<b>Total Supplies</b>	<b>55,904</b>	<b>58,967</b>	<b>80,862</b>	<b>77,416</b>	<b>70,650</b>	<b>70,650</b>	<b>73,450</b>	<b>2,800</b>	<b>3.96%</b>
<b>Professional Services</b>										
230-42200-304	Legal	75	1,425	193	-	3,000	3,000	3,000	-	0.00%
230-42200-307	Fiscal Management Fees	18,000	18,000	17,000	16,000	16,000	16,000	16,480	480	3.00%
230-42200-311	Auditing	7,730	9,825	9,550	9,797	11,000	11,000	11,000	-	0.00%
230-42200-312	Refuse & Recycling Collecti	976	1,244	1,573	1,847	1,500	1,500	1,800	300	20.00%
230-42200-313	Janitorial Services	8,123	5,720	6,307	6,038	7,500	7,500	7,000	(500)	-6.67%
230-42200-318	Medical Fees	6,585	5,443	6,406	6,312	7,000	7,000	7,000	-	0.00%
230-42200-319	Professional Services	18,076	25,649	15,738	25,579	28,504	28,504	29,704	1,200	4.21%
	<b>Total Professional Services</b>	<b>59,565</b>	<b>67,306</b>	<b>56,767</b>	<b>65,573</b>	<b>74,504</b>	<b>74,504</b>	<b>75,984</b>	<b>1,480</b>	<b>1.99%</b>
<b>Other Services and Charges</b>										
230-42200-321	Telephone/Communications	21,552	22,967	23,284	22,066	28,400	28,400	27,600	(800)	-2.82%
230-42200-322	Postage	379	455	382	654	500	500	500	-	0.00%
230-42200-323	Radio Units	24,787	17,526	27,957	25,329	27,500	27,500	28,500	1,000	3.64%
230-42200-331	Conferences	1,237	6,544	5,549	5,795	5,700	5,700	6,000	300	5.26%
230-42200-332	Mileage	21	13	-	74	200	200	200	-	0.00%
230-42200-333	Meeting Expenses	2,474	3,690	4,292	5,134	3,000	3,000	4,000	1,000	33.33%
230-42200-334	Training & Schools	18,746	28,786	24,863	27,302	25,700	25,700	25,500	(200)	-0.78%
230-42200-350	Printing & Publishing	1,020	696	1,071	1,272	1,100	1,100	1,100	-	0.00%
230-42200-360	Insurance	27,860	25,573	25,917	26,702	30,000	30,000	30,000	-	0.00%
230-42200-381	Electric Utilities	32,507	32,314	31,114	34,658	34,500	34,500	34,800	300	0.87%
230-42200-383	Gas Utilities	14,950	13,432	10,629	12,814	15,000	15,000	14,000	(1,000)	-6.67%
230-42200-386	Water and Sewer Utilities	924	731	1,211	999	1,100	1,100	1,100	-	0.00%
230-42200-401	Repairs & Maint. Contracte	23,355	32,567	36,624	35,392	39,036	39,036	27,600	(11,436)	-29.30%
230-42200-404	Repairs/Maint. Machinery/E	25,066	29,983	19,953	28,032	23,750	23,750	25,450	1,700	7.16%
230-42200-405	Fire Equipment Maintenanc	7,346	21,210	9,558	6,967	11,245	11,245	11,245	-	0.00%
230-42200-430	Misc Expenses (Bank)	455	499	481	843	1,220	1,220	1,220	-	0.00%
230-42200-433	Dues and Subscriptions	2,454	2,391	2,458	3,251	3,829	3,829	4,434	605	15.80%
230-42200-439	Contingency	-	-	-	-	-	-	-	-	-
230-42200-440	Fund Balance/ Reserve	-	-	-	-	-	-	30,000	30,000	-
	<b>Total Other Services</b>	<b>205,133</b>	<b>239,377</b>	<b>225,343</b>	<b>237,284</b>	<b>251,780</b>	<b>251,780</b>	<b>273,249</b>	<b>21,469</b>	<b>8.53%</b>
	<b>Total Operating Budget</b>	<b>778,218</b>	<b>854,147</b>	<b>795,155</b>	<b>834,876</b>	<b>865,082</b>	<b>865,082</b>	<b>923,180</b>	<b>58,098</b>	<b>6.72%</b>
<b>Capital Outlay</b>										
230-42200-720	Building Fund Transfer	25,000	-	-	-	-	-	30,000	30,000	-
230-42200-720	Fire Relief Fund Transfer	62,000	-	27,529	-	-	-	30,000	30,000	-
230-42200-720	Capital Equip Transfer	155,000	160,000	165,000	170,000	175,000	175,000	170,000	(5,000)	-2.86%
230-42200-720	Fire Facilities Transfer	552,859	553,329	554,567	554,285	548,460	548,460	547,091	(1,369)	-0.25%
		794,859	713,329	747,096	724,285	723,460	723,460	777,091	53,631	7.41%
	<b>Totals Fund 230 Fire Operating</b>	<b>1,573,077</b>	<b>1,567,476</b>	<b>1,542,251</b>	<b>1,559,161</b>	<b>1,588,542</b>	<b>1,588,542</b>	<b>1,700,271</b>	<b>111,729</b>	<b>7.03%</b>
<b>Operating Revenue</b>										
34202	Municipal Contribution	1,482,686	1,511,751	1,516,291	1,532,895	1,568,508	1,568,508	1,590,771		
36210	Interest Income	3,392	3,209	1,592	1,073	3,100	3,100	1,500		

36228	Refunds and Reimburseme	10,031	27,046	24,464	26,346	10,000	10,000	12,000	
39203	Special Events	-	-	-	-	-	-	6,000	
39203	Fund Transfers	40,000	62,000	22,956	27,529	-	-	-	
	<b>Total Revenue</b>	<u>1,536,109</u>	<u>1,604,006</u>	<u>1,565,303</u>	<u>1,587,843</u>	<u>1,581,608</u>	<u>1,581,608</u>	<u>1,610,271</u>	
	<b>Balance</b>	<u>(36,968)</u>	<u>36,530</u>	<u>23,052</u>	<u>28,682</u>	<u>(6,934)</u>	<u>(6,934)</u>	<u>(90,000)</u>	
	<b>Balance, January 1st</b>	<u>317,207</u>	<u>280,239</u>	<u>316,769</u>	<u>339,821</u>	<u>368,503</u>	<u>368,503</u>	<u>361,569</u>	
	<b>Balance, December 31st</b>	<u>280,239</u>	<u>316,769</u>	<u>339,821</u>	<u>368,503</u>	<u>361,569</u>	<u>361,569</u>	<u>271,569</u>	
	(2014 vs. 2015 Contribution) =					1,568,508		1,590,771	1.42%
	<b>City Contribution increase from 2014</b>							<b>22,263</b>	

**EXCELSIOR FIRE DISTRICT**

**2015 FINAL Updated Recommended Operating Budget**

September 26, 2014

**CATEGORY**

**PERSONAL SERVICES**

**Detail Item Amount**

**Line Item Total**

**Category Total**

101 Employees Regular (Full-time)

Fire Chief	102,946	4.50%
Fire Inspector	51,032	9.60%

153,978

103 Part Time employees

Administrative Specialist	19,874	4.50%
\$19.11/hr x 20 hours per week		
PT Fire Inspector (May to October)	5,451	
20.19/hr x 10 hours per week	27 weeks	

25,326

106 Firefighters Salaries

East Call Pay		
\$12 x 220 x 8 x1 1/4 hrs	26,400	
East Drill Pay		
\$24 x 50 x 15	18,000	
West Call Pay		
\$12 x 450 x 14 x 11/4 hrs	94,500	
West Drill Pay		
\$24 x 50 x 22	26,400	
Duty Officer Pay		
\$40 per day x 365	14,600	
\$24 per call x 90	2,160	

182,060

Duty Crew		(29,952)
Duty Crew Coverage		
\$12 / hr x 4 people x 12 hrs / week/ x 52 weeks		
6 pm - 12 am Friday night and 6 pm - 12 am Saturday night		

107 Fire Officer's Salaries

Assistant Chief	5,936	3.00%
Battalion Chiefs (2)	8,629	4386 TO and 4160 CH3
Captains (5)	12,886	3.00%
Apparatus Coordinator	3,440	3.00%
Asst. Apparatus Coord.	1,142	3.00%
Coordinators (6)	3,876	3.00%

35,909

121 PERA

Chief	16,677	
Fire Inspector	8,267	
Administrative Specialist	1,491	

26,435

122 FICA

Firefighters	11,288	
PT Fire Inspector	338	
Administrative Specialist	1,232	
Fire Officers (10)	2,226	

15,084

123 Medicare

Chief	1,493	
FT Fire Inspector	740	
PT Fire Inspector	79	
Firefighters	2,640	
Fire Officers (10)	521	
Administrative Specialist	288	

5,761

131 Health Insurance

Chief	15,061	13%
Fire Inspector	12,859	13%

27,920

133 Life Insurance

Chief	12	
Fire Inspector	12	

24

151 Workers Compensation

28,000

**TOTAL PERSONAL SERVICES**

**500,497**

**CATEGORY**

**PENSION**

**Detail Item Amount**

**Line Item Total**

**Category Total**

Firefighter Pension Contribution

-

-

-

Note: None required for 2015



CATEGORY									
OTHER SERVICES AND CHARGES									
		Detail Item	Amount			Line Item Total		Category Total	
321	Communications					27,600			
	Telephone		18,500						
	Cell Phones		3,000						
	Pagers (4 @ 475)		1,900						
	Pager Repair		1,200						
	Internet		1,400						
	MDC Air Cards		800						
	IPAD Connectivity		800						
322	Postage					500			
323	Radio Units					28,500			
	Hennepin County Radio Lease		27,000						
	Hennepin County Radio Repair		500						
	MDC Maintenance		1,000						
331	Conferences					6,000			
	Mn Fire Dept. Conference		750						
	Mn Fire Chiefs Conference		1,000						
	I Chiefs Conference								
	Fire Department Instr. Conf.		3,600						
	Emergency Mgmt Conf.		400						
	Fire Inspectors Conference		250						
332	Mileage and Travel					200			
333	Meeting Expenses					4,000			
334	Training Expenses					25,500			
	Training Tower / Simulator		2,000		(Traded services for Donation)				
	EMT (4 @ 1300)		5,200						
	EMT Refresher		5,600						
	FFI				Now funded fully by MBFTE				
	FFII		1,200						
	Haz-Mat Ops		2,000						
	Vo-Tech Schools		1,500						
	State Sectional Schools		2,000						
	Boat Training		300						
	Bloodborne/Right To Know		100						
	Guest Speakers								
	Training Aids		600						
	Support Staff training		300						
	Fire Chief Training		300						
	Fire Inspector Training		700						
	Blue Card ICS Training		2,700						
	Training Equipment		1,000						
350	Printing And Publishing					1,100			
	Call Sheets		425						
	Film & Developing		100						
	Stationary		350						
	Printer cartridges		225						
	Other Printing								
360	Insurance					30,000			
381	Electric Utilities					34,800			
383	Gas Utilities					14,000			
386	Water and Sewer Utilities					1,100			
401	Building Repair					27,600			
	Annual Maintenance		20,450						
	Sprinkler Alarm Inspection / Testing (Contractor Eval)		5,300						
	Elevator Inspection		1,850						
	TV replacements at Station #1					1,500			
	Station 1 Ice Jam Repair					5,000			
	Station 1 Outside landscape work					4,000			
	Station 1 Painting					4,000			
	Station 2 bathroom countertops					2,500			
	Caulking Repair outside structure					8,000			
404	Repair And Maintenance Of Apparatus					25,450			
	Truck Repair		14,000						
	Pump Testing		2,400						
	Service		5,500						
	Major Repairs		2,700						
	Supplies		850						

CATEGORY									
OTHER SERVICES AND CHARGES (Cont.)									
		Detail Item Amount				Line Item Total			Category Total
405	Fire Equipment Maintenance					11,245			
	Compressor Service	1,500							
	Air	575							
	Gas Powered Equipment	500							
	SCBA Service	3,720							
	31 packs @\$120/per pack								
	Fit Testing								
	SCBA Flow Testing								
	SCBA Hydro Testing								
	SCBA Maintenance	1,200							
	Ladder Testing	2,000							
	Hose Testing	200							
	Air Monitor	750							
	Air Monitor Calibration	300							
	Maint. Agreement Fitness Room	500							
430	Misc Expenses					1,220			
	Bank Expenses	500							
	Payroll Direct Deposit Fees	720							
433	Dues And Subscriptions					4,434			
	Nat. Volunteer Fire Council	30							
	IAFC/INT Assoc Of Fire Chiefs	210							
	Int Assn Of Arson Investigators	50							
	NAFI	40							
	Mn Chapter IAAI	25							
	Mn State Fire Chiefs Assoc	130							
	ACFEI	130							
	MSFDA	330							
	Fire Marshals Assoc Of Mn (2)	70							
	NFPA								
	ACS Firehouse Solutions	730							
	Hennepin County Fire Chiefs	20							
	Hennepin County Fire Chiefs (FIT	500							
	United Firefighters Assoc	30							
	Firehouse Magazine	30							
	Smoke Eater (22)	160							
	Chamber	-							
	Lake Region Mutual Aid	75							
	Southwest Mutual Aid	100							
	Metro Fire Chiefs	100							
	Fire Chiefs	74							
	Vol FF Benefit Association	350							
	Excelsior Rotary	1,250							
439	Contingency								
440	Fund Balance / Reserve		Unreserved fund balance return to cities			30,000			
<b>TOTAL OTHER SERVICES AND CHARGES</b>									<b>273,249</b>
<b>TOTAL OPERATING BUDGET</b>									<b>923,180</b>
<b>CAPITAL OUTLAY</b>									
560	Furniture And Equipment								
570	Office Equipment								
<b>TOTAL CAPITAL OUTLAY</b>									
<b>CAPITAL TRANSFERS</b>									
	Equipment Transfers					170,000			
720	Facilities Transfers					547,091			
	* The Bond payment was decreased from the 2014 amount of \$548,460 to \$547,091 in 2015								
	Building Fund Transfer (Funding for Sealing the Apparatus Bay Floors)					30,000			
	Transfer for Mandatory Contribution Reserve					30,000			
<b>TOTAL CAPITAL TRANSFERS</b>									<b>777,091</b>
<b>TOTAL CAPITAL</b>									<b>777,091</b>
<b>TOTAL BUDGET AMOUNT</b>									<b>1,700,271</b>
<b>OPERATING REVENUE</b>									
230-34202	Municipal Contribution					1,590,771			
20-36210	Interest income					1,500			
230-36228	Refunds and Reimbursements					12,000			
230-39203	Fire Relief Fund Transfer					-			
	Special Events					6,000			
<b>TOTAL OPERATING REVENUES</b>									<b>1,610,271</b>

# Excelsior Fire District (RECOMMENDED FINAL) Proposed Budget 2015

Allocation by City using Joint Powers Agreement funding formula for 2015

\$874,680 Operating  
\$716,091 Building

	Tax Capacity Payable 2014		Sum of all Factors		Cities' Calculated Share of Cost		Total
	Dollars	Percent	Per JPA		Operations	Facilities	
Deephaven	\$10,338,938	27.89%	27.89%		\$243,914	\$199,689	\$443,603
Excelsior	\$4,093,637	11.04%	11.04%		\$96,576	\$79,066	\$175,642
Greenwood	\$2,944,848	7.94%	7.94%		\$69,474	\$56,878	\$126,352
Shorewood**	\$14,298,012	38.56%	38.56%		\$337,315	\$276,156	\$613,471
Tonka Bay	\$5,400,256	14.57%	14.57%		\$127,401	\$104,302	\$231,704
	<u>\$37,075,691</u>	<u>100%</u>	<u>100.00%</u>		<u>\$874,680</u>	<u>\$716,091</u>	<u>\$1,590,771</u>

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

### Quarterly Billings

	Operations	Buildings	Total
Deephaven	\$ 60,978.38	\$ 49,922.34	\$ 110,900.72
Excelsior	\$ 24,144.00	\$ 19,766.43	\$ 43,910.44
Greenwood	\$ 17,368.52	\$ 14,219.42	\$ 31,587.94
Shorewood**	\$ 84,328.74	\$ 69,039.02	\$ 153,367.76
Tonka Bay	\$ 31,850.36	\$ 26,075.54	\$ 57,925.90
			\$ 397,692.75

**2015**  
**Recommended FINAL Proposed Budget Contribution with 2015 JPA Formula**  
**Summary of Percentage Increase by City**

<b>2015 Formula</b>									
<b>2015 Operating Budget and \$175,000 Capital Transfer</b>									
<b>City</b>	<b>2013 Contribution</b>	<b>2014 Contribution</b>	<b>Increase</b>	<b>% Increase from 2013</b>	<b>2015 Proposed</b>	<b>Increase</b>	<b>% Increase from 2014</b>		
Deephaven	\$ 413,855.00	\$ 433,492.00	\$ 19,637.00	4.74%	\$ 443,603.00	\$ 10,111.00	2.33%		
Excelsior	\$ 156,989.00	\$ 166,924.00	\$ 9,935.00	6.33%	\$ 175,642.00	\$ 8,718.00	5.22%		
Greenwood	\$ 122,948.00	\$ 130,888.00	\$ 7,940.00	6.46%	\$ 126,352.00	\$ (4,536.00)	-3.47%		
Shorewood	\$ 608,800.00	\$ 603,638.00	\$ (5,162.00)	-0.85%	\$ 613,471.00	\$ 9,833.00	1.63%		
Tonka Bay	\$ 230,303.00	\$ 233,566.00	\$ 3,263.00	1.42%	\$ 231,704.00	\$ (1,862.00)	-0.80%		
<b>Total Contribution</b>	<b>\$ 1,532,895.00</b>	<b>\$ 1,568,508.00</b>	<b>\$ 35,613.00</b>	<b>2.32%</b>	<b>\$ 1,590,772.00</b>	<b>\$ 22,264.00</b>	<b>1.42%</b>		
<b>Tax Capacity Information</b>									
<b>City</b>	<b>2013 Values</b>	<b>2014 Values</b>	<b>\$ Change</b>	<b>% Change from 2013</b>					
Deephaven	\$10,373,559	\$10,338,938	(\$34,621)	-0.33%					
Excelsior	\$3,994,527	\$4,093,637	\$99,110	2.48%					
Greenwood	\$3,132,192	\$2,944,848	(\$187,344)	-5.98%					
Shorewood	\$14,445,211	\$14,298,012	(\$147,199)	-1.02%					
Tonka Bay	\$5,589,291	\$5,400,256	(\$189,035)	-3.38%					
<b>Totals</b>	<b>\$37,534,780</b>	<b>\$37,075,691</b>	<b>(\$459,089)</b>	<b>-1.22%</b>					
<b>2011-2015 Comparison</b>									
<b>City</b>	<b>2011 Values</b>	<b>2012 Values</b>	<b>\$ Change</b>	<b>% Change from 2011</b>					
Deephaven	\$11,178,216	\$10,838,330	(\$339,886)	-3.04%					
Excelsior	\$4,225,376	\$4,111,332	(\$114,044)	-2.70%					
Greenwood	\$3,426,333	\$3,219,849	(\$206,484)	-6.03%					
Shorewood	\$15,868,696	\$15,943,687	\$74,991	0.47%					
Tonka Bay	\$6,389,349	\$6,031,328	(\$358,021)	-5.60%					
<b>Totals</b>	<b>\$41,087,970</b>	<b>\$40,144,526</b>	<b>(\$943,444)</b>	<b>-2.30%</b>					

## Excelsior Fire District 2015 - 2035 Capital Improvement Program

Updated Recommended FINAL CIP E September, 2014

Equipment Item	Date Acquired	Original Cost	Life Bench mark	Proj Repl Date	Proj Equip Costs	Proj Finance Costs	Proj Apparatus Costs	Total Cost of Apparatus	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035			
Beginning Apparatus/Equip Balance									62,612	62,842	100,681	81,095	169,528	205,900	260,181	291,547	282,710	179,196	157,612	(904)	(102,590)	(161,097)	(49,775)	(48,227)	9,853	(10,526)	189,143	201,608	222,322	161,951	156,492	189,033	267,662			
<b>APPARATUS</b>																																				
#23 - Inspector Vehicle	2008	31,805	9 yrs	2016	9500	0	27000	36500																												
#25 - Duty Vehicle	2010	32,500	9 yrs	2019	10500	0	27000	37500						36,500									39,500													
#26 - Chief Vehicle	2013	37,744	9 yrs	2022	10500	0	28000	38500									37,500																42,500			
#21 - Rescue/Utility 21	2005	40,000	15 yrs	2025	4000	0	44000	48000			37,744																									
#16 - Rescue 12 - Exursion	2002	37,500	15 yrs	2023	3500	0	42000	45500																									41,500			
#17 - Utility 11 - P/U Truck	2002	37,500	17 yrs	2021	0	0	42000	42000																												
#24 - Heavy Rescue/Rescue 11	2009	284,688	20 yrs	2029	25000	63492	430000	518492	65,998	65,998	65,997																							45,000		
#27 - Engine 22	2013	425,000	20 yrs	2033	35000	95000	480000	610000																										103,698		
#15 - Aerial 11	1998	421,000	20 yrs	2018	35000	263340	700000	998340			210,147	297,647	87,337	87,337	87,337	87,337																		103,698		
#18 - Engine 11	2002	327,000	21 yrs	2023	30000	174780	450000	654780																										122,000		
#22 - Engine 21	2007	309,000	21 yrs	2028	35000	111540	480000	626540	74,032																											
#19 - Tanker 11	2002	181,000	25 yrs	2027	25000	53100	220000	298100																												
Tank for Rescue 21	2008	5,000		2025	5000	0	0	5000																												
Hazmat Trailer	2004	40,000	15 yrs	2019	20000	0	10000	30000																												
Snowmobile (replace with ATV)	1999	4,000		2014	0	0	10000	10000																												
Boat 11		27,000		2017	4000	0	40000	44000																												
Boat 12		8,000		2024	0	0	0	15000																												
Boat 21	2007	31,380	15 yrs	2023																																
Boat Trailer - #11		5,000		2017	0	0	2000	2000																												
Boat Trailer - #12		2,000		2024	0	0	0	1500																												
Boat Trailer - #21	2008	2,860	15 yrs	2023																																
ATV - Mule - Utility 12	2006	12,000	15 yrs	2021	0	0	17000	17000																												
ATV - Mule Trailer	2006	1,700	15 yrs	2021	0	0	2000	2000																												
Capital Truck Maint			Ongoing																																	
Equipment Lease Costs																																				
<b>Total Apparatus Expenses</b>									140,030	276,145	401,388	104,337	87,337	123,837	133,337	199,668	267,168	199,668	260,668	238,168	176,456	147,456	223,456	130,956	190,576	220,120	303,318	283,318	324,818	268,698	225,698	164,500	122,000			
<b>EQUIPMENT</b>																																				
Air Pack (SCBA) Replacement	2011	166,000	10 yrs		166000	16600	0	182600	34,682	34,682	34,682	34,682	34,682																							
Extrication Tool (Station #2)	2007	28,000	15 yrs																																	
Extrication Tool (Station #1)	2009	29,239	15 yrs																																	
Upgrade Radio System	2003							75000																												
Air monitors								90000																												
Defibrillators (5)		8,000						5000																												
Miscellaneous Equip. (TIC)								50000																												
Training Equipment								10000																												
<b>Total Equipment Expenses</b>									34,682	46,880	40,781	34,682	49,682	-	15,000	-	20,000	-	73,000	38,000	75,000	48,000	38,000	20,000	10,000	-	20,000	-	40,000	40,000	45,000	60,000	40,000			
<b>BUILDINGS</b>																																				
Building Fund	2004							1,200,000																												
<b>Total Building Expenses</b>																																				
<b>Total Expenses</b>									174,712	323,025	442,169	139,019	137,019	123,837	148,337	199,668	287,168	199,668	333,668	276,168	251,456	495,456	561,456	450,956	500,576	220,120	323,318	283,318	364,818	308,698	270,698	224,500	162,000			
<b>REVENUES</b>																																				
Interest Income																																				
Sale of Used Equipment									927	466	484	952	3,391	4,118	5,204	5,831	5,854	3,584	3,152	(18)	(2,052)	(3,222)	(996)	(965)	197	(211)	3,783	4,032	4,446	3,239	3,239	3,130	3,781			
Donations / Transfers									14,015		10,000	1,500	-	4,000	4,500	15,000	8,000	4,500	2,000	4,500	25,000		4,000		20,000	20,000	32,000									
Equipment Lease Proceeds										17,040		50,000																								
Cities Contribution										178,358	242,099																									
<b>Total Revenues</b>									160,000	165,000	170,000	175,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000		
<b>Year End Apparatus/Equip Balance</b>									62,842	100,681	81,095	169,528	205,900	260,181	291,547	282,710	179,196	157,612	(904)	(102,590)	(161,097)	(49,775)	(48,227)	9,853	(10,526)	189,143	201,608	222,322	161,951	156,492	189,033	267,662	409,443			

Notes:  
1. Interest Income estimated at 2.0% to FY 2035.

Equipment Item Identifiers  
1. Purchased with District funds, Donated funds, Grant funds from other agency and/or EFFRA relief funds