

# AGENDA

## Greenwood City Council Meeting

Wednesday, December 3, 2014  
20225 Cottagewood Road, Deephaven, MN 55331



*The public is invited to speak regarding items on the agenda (comments are limited to 3 minutes). The public may speak regarding other items during Matters from the Floor (see below).*

- 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: 11-05-14 City Council Meeting Minutes
  - B. Approve: 11-10-14 Election Canvassing Minutes
  - C. Approve: October Cash Summary Report
  - D. Approve: November Certificates of Deposit Report
  - E. Approve: November Verifieds, Check Register, Electronic Fund Transfers
  - F. Approve: December Payroll Register
  - G. Approve: October Recycling Report
- 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. Announcement: Lights Out and Winter Rules. Christmas and yard lights must be turned off by 11pm. Parking is prohibited on city streets after a 2-inch snowfall until roads have been plowed edge to edge. Depositing of snow onto a city street is prohibited.
- 7:10pm 5. PUBLIC HEARINGS
- A. None
- 7:10pm 6. UNFINISHED BUSINESS
- A. Consider: Next Steps Regarding St. Alban's Bay Lake Improvement District
- 7:15pm 7. NEW BUSINESS
- A. Consider: Resolution 33-14 Variance Findings, Michael & Deborah Jonikas, 4930 Meadville St
  - B. Consider: Resolution 34-14 Approving Final Tax Levy Certification and Resolution 37-14 Approving 2015 Budget (public comment opportunity)
  - C. Consider: 2014 Budget Adjustments to Line Items
  - D. Consider: 2014 Budget Fund Transfers and Year-End Contributions
  - E. Consider: 2015 License Applications
  - F. Discuss: Potential Recreational Fire Ordinance
  - G. Consider: Resolution 35-14 Meeting Dates for 2015
  - H. Consider: Resolution 36-14 Regarding League of MN Cities Sewer Back-Up Insurance
  - I. Discuss: Deephaven's Letter Regarding Southshore Center
- 8:10pm 8. OTHER BUSINESS
- A. None
- 8:10pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission, Greenwood Circle Xcel Projects
  - B. Fletcher: Lake Minnetonka Communications Commission, Fire
  - C. Kind: Police, Administration, Mayors' Meetings, Website
  - D. Quam: Roads & Sewer, Minnetonka Community Education, St. Alban's Bay Bridge
  - E. Roy: Lake Minnetonka Conservation District
- 8:30pm 10. ADJOURNMENT



**Agenda Item:** Consent Agenda

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

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

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

# MINUTES

## Greenwood City Council Meeting

Wednesday, November 5, 2014

20225 Cottagewood Road, Deephaven, MN 55331



### 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

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

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

### 2. CONSENT AGENDA

A. Approve: 10-01-14 City Council Meeting Minutes

B. Approve: 10-22-14 Special City Council Meeting Minutes

C. Approve: September Cash Summary Report

D. Approve: October Verifieds, Check Register, Electronic Fund Transfers

E. Approve: November Payroll Register

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

### 3. MATTERS FROM THE FLOOR

A. Michelle Erickson, 5100 Covington Street, requested the council address concerns regarding speed and truck deliveries on Covington Street. A verbatim account of her comments can be viewed on LMCC channel 8 or at [www.lmcc-tv.org](http://www.lmcc-tv.org).

**The council decided to hear all comments relating to the Old Log during the sign discussion (7D).**

### 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

A. Report: Quarterly Police Update

B. Announcement: Election Canvassing Meeting, 6pm Monday 11-10-14 (need a quorum)

**No council action was taken regarding either the police report or announcement. View the report and announcement on LMCC channel 8 or at [www.lmcc-tv.org](http://www.lmcc-tv.org).**

### 5. PUBLIC HEARINGS

A. Public Hearing: St. Alban's Bay Lake Improvement District

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

Keith Wilcock, 5145 Weeks Road, spoke in opposition of the SABLID

Steve Janousek, 21210 Excelsior Blvd, spoke in favor of the SABLID

Miles Canning, 21100 Excelsior Blvd, spoke in favor of the SABLID

Bill Brands, 21290 Excelsior Blvd, spoke in favor of the SABLID

A verbatim account of their comments can be viewed on LMCC channel 8 or at [www.lmcc-tv.org](http://www.lmcc-tv.org).

Written comments were received from:

Lanna Kimmerlie, 21955 Minnetonka Blvd #1, wrote in opposition of the SABLID

Mitchell Stover, 21957 Minnetonka Blvd #18, wrote in opposition of the SABLID

Charles Wendle, 20900 St. Alban's Green, wrote in opposition of the SABLID

Gabriel Jabbour, owner of Excel Marine on St. Alban's Bay, wrote in support of the SABLID

Copies of the written comments are attached to these minutes for the public record.

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

6. UNFINISHED BUSINESS

- A. Discuss: Next Steps Regarding St. Alban's Bay Lake Improvement District

**No council action was taken.**

7. NEW BUSINESS

- A. Consider: Resolution 31-14 Variance Findings for Mike & Deb Anderson, 5105 Weeks Road (grading)

**Motion by Roy to approve resolution 31-14 APPROVING the request with language to fill in the blanks of the resolution as discussed by the council. Second by Cook. Motion passed 5-0.**

- B. Consider: Simple Subdivision Request and Resolution 32-14 Variance Findings for Lecy Bros Homes & Remodeling on Behalf of Ken Parsons, 4945 Sleepy Hollow Road (driveway access)

**Motion by Cook to DENY the simple subdivision request from Lecy Bros Homes & Remodeling on behalf of Ken Parsons because by code the council cannot create a lot that does not meet the minimum lot size that is not attached to an adjacent parcel. Second by Quam. Motion passed 5-0.**

**Motion by Fletcher to approve resolution 32-14 DENYING the variance request with language to fill in the blanks of the resolution as discussed by the council. Second by Cook. Motion passed 5-0.**

- C. Consider: Resolution 33-14 Conditional Use Permit Findings and Resolution 34-14 Variance Findings for Excelsior Entertainment, LLC, Old Log Theatre, 5185 Meadville Street (signage)

The applicant and several residents spoke regarding this issue. A verbatim account of their comments can be viewed on LMCC channel 8 or at [www.lmcc-tv.org](http://www.lmcc-tv.org).

**The applicant withdrew the applications for a conditional use permit and variance. No council action.**

- D. Consider: Response to Shorewood's 10-20-14 Letter Regarding the Southshore Center

**Motion by Fletcher to resend the 07-14-14 letter to Shorewood along with a check for \$1200 for the city's 2014 contribution to the Southshore Center. Second by Roy. Motion passed 5-0.**

8. OTHER BUSINESS

- A. None

9. COUNCIL REPORTS

- A. Cook: Planning Commission, Greenwood Circle Xcel Projects  
B. Fletcher: Lake Minnetonka Communications Commission, Fire  
C. Kind: Police, Administration, Mayors' Meetings, Website  
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 any of the council reports.**

10. ADJOURNMENT

**Motion by Roy to adjourn the meeting at 10:50pm. Second by Cook. 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](http://www.lmcc-tv.org) for 1 year, and on DVD at the city office (permanent archive).*

**From:** Lanna Kimmerle lpkimmerle@gmail.com  
**Subject:** LID Proposal St Alban's Bay  
**Date:** October 23, 2014 at 2:17 PM  
**To:** guskarpas@mchsi.com, dkind100@gmail.com

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Dear Deb and Gus,

Regarding the Notice of Public Hearing on Nov. 5th, 2014 at 7:00 P.M.

I am opposed to the LID proposal within St Alban's Bay.

\*I believe the stewardship of the Bay is not well served by using herbicides/pesticides to manage milfoil. What next? Will future proposals include more herbicides to manage curly leaf pondweed, hydrilla, zebra mussels, spiny water fleas, etc.?

\*Except for harvesting, there is no lake wide plan. Perhaps in part, because the scientific community cannot agree on the health and environmental effects of using herbicides.

\*There is no sunset provision to this additional tax for lake shore owners.

\*There is no tax/charge for boat ramp users.

\*The reduction of voluntary contributions should be an indicator of a variety of concerns by the lake shore owners on St. Alban's Bay.

\*Finally, it appears the number of lakeshore land owners has changed since the public meeting was held on 11/21/13 where it was announced that there were 162 owners and 3 marinas. Now the Greenwood Quarterly (4th Quarter 2014) shows 137 owners and 3 marinas. The Quarterly reports the proposal to read:

"If the LID is approved, the anticipated annual tax levy will be approximately"...

- 114 lakeshore properties (includes condos) at \$150 each =\$17,100
- 23 association and channel properties at \$75 each =\$1,725 (this is apparently a new category)
- 3 marinas at \$500 each =\$1,500

Total per year=\$20,325

I am very concerned with an additional tax for property owners only, with no environmental comprehensive plan and no sunset provisions.

Thank you for your kind consideration of the above thoughts.

**From:** MITCHELL STOVER mitchellstover3640@msn.com  
**Subject:** Milfoil approach St Albans Bay  
**Date:** October 24, 2014 at 6:54 AM  
**To:** dkind100@gmail.com, guskarpas@mchsi.com

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I was originally a volunteer contributor who has seen this take a political life of its own. I do not support another taxing authority in a state where taxes are out of control. We do not need another government agency controlled by a few that serve their own interests.

Sent from my iPad

**From:** Tom Fletcher tfletcher@aexcom.com  
**Subject:** FW: Lid  
**Date:** November 5, 2014 at 11:38 PM  
**To:** Debra Kind dkind100@gmail.com, Gus Karpas administrator@greenwoodmn.com

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Thanks,

Tom Fletcher  
President  
AEX Communications, Inc.  
Fletcher Management, Inc.  
952-224-5500 phone  
952-224-5501 fax  
4445 West 77th Street Suite 170  
Edina, MN 55435

-----Original Message-----

From: GABRIEL JABBOUR [mailto:gabrieljabbour@msn.com]  
Sent: Wednesday, November 05, 2014 6:54 PM  
To: Tom Fletcher; Rob Roy  
Subject: Lid

Tom ,Rob

I'm sorry that I'm unable to attend the meeting as I'm out of town .please relay my support to the idea of the lid in the proposal in front of the greenwood council.please tell the mayor that I'm unable to send this email to her as I do not have her email address on my phone.if there's anything I could do or Tonka Bay Marina could do to expedite and implement the lid feel free to call me. respectfully, Gabriel Jabbour

Sent from my iPhone=

**From:** Charles Wendle [charleswendle@msn.com](mailto:charleswendle@msn.com)  
**Subject:** Testimony from Charles Wendle for St Albans Bay Lake Improvement District Public Hearing November 5, 2014  
**Date:** November 4, 2014 at 5:06 PM  
**To:** [dkind100@gmail.com](mailto:dkind100@gmail.com), [billandtishcook@msn.com](mailto:billandtishcook@msn.com), [tfletcher@aexcom.com](mailto:tfletcher@aexcom.com), [quamco@aol.com](mailto:quamco@aol.com), [lrobroy@msn.com](mailto:lrobroy@msn.com),  
Gus Karpas [guskarpas@mchsi.com](mailto:guskarpas@mchsi.com)

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Mayor Deb Kind, [dkind100@gmail.com](mailto:dkind100@gmail.com)  
Councilman Bill Cook, [billandtishcook@msn.com](mailto:billandtishcook@msn.com)  
Councilman Tom Fletcher, [tfletcher@aexcom.com](mailto:tfletcher@aexcom.com)  
Councilman Bob Quam, [quamco@aol.com](mailto:quamco@aol.com)  
Councilman Rob Roy, [lrobroy@msn.com](mailto:lrobroy@msn.com)  
Greenwood City Clerk Gus Karpas, [guskarpas@mchsi.com](mailto:guskarpas@mchsi.com)

Please accept this correspondence as my testimony for the public hearing on a potential St Albans Bay Lake Improvement District:

Questions and Comments:

- 1) Why is this needed? It seems that private vendors and private landowners have been taking care of this on their own for many, many years, without creating a new taxing authority. I would prefer to continue the private vendor-- private landowner system that has worked for many years and this private vendor--private landowner system has worked much longer than in Lake Minnetonka, in cities like Madison, Wisconsin where they have been dealing with invasive species for over 50 years.
- 2) If you plan to seek approval from the City of Excelsior for this LID, I would strongly suggest and request that you FIRST get approval from the City of Excelsior, before wasting a lot of time and money having Greenwood public hearings, legal bills, etc?
- 3) We are already paying huge amounts of taxes for about 6 or 8 other government entities to provide lake and lakeshore services and regulation...why not spend your time getting (have you even tried?) "existing governmental entities" to do whatever this is that one or two council members personally want?
- 4) We already pay taxes to Greenwood for lake property issues.
- 5) We already are charged and we pay very large amounts of real estate taxes to Hennepin County for services, mil foil cutting and other controls and regulations on the lake.
- 6) We already pay enormous income taxes to State of Minnesota for DNR services, regulation and controls, and for enforcement by the MN Attorney General's Department of the rules, laws and regulations of the State of MN regarding lakes and lakeshore issues.
- 7) We already pay enormous income taxes to Federal Government for the PCA, the US Army Corps, and other federal government entities for lake services, controls, regulation etc

- 8) If there are one or two people pushing this LID concept, wouldn't it be more appropriate to require these one or two people who are pushing this LID concept, to address anything like this on a "whole Lake Minnetonka basis?" If there are one or two individuals who are trying to "impose more taxes on lakeshore owners," I would like to see these one or two individuals work with all Minnetonka lakeshore owners in all Lake Minnetonka cities to get a LID created for all of Lake Minnetonka!
- 9) Shouldn't it be required that a new taxing authority, like this proposed LID, be required to be approved by a referendum?
- 10) What is the basis for the allocation of charges...specifically who made up the list of proposed charges (and what was the basis for the proposed annual charges/taxes) and if this LID was approved, shouldn't "everyone be charged equal?" Why wouldn't every property owner in Greenwood be charged the same amount?
- 11) There are quite a number of Shorewood property owners who have "easement rights" to the lake across Greenwood properties .....who is going to pay to research property titles in Shorewood to determine what these Shorewood properties should pay . ....and do you really want to open this "can of worms?"
- 12) Why shouldn't all Greenwood City Dock renters pay the maximum rate---many of the Greenwood City Dock renters use the lake even more than lakeshore owners!
- 13) If you are proposing to only charge lakeshore owners the "annual LID fee", why doesn't Greenwood keep track of City dock users and charge only "non-lakeshore owners" for the maintenance, upkeep and periodic replacement of the City docks (NOT charge lakeshore owners for the maintenance, upkeep and periodic replacement of the City docks—which City docks the lakeshore owners are prohibited from using) OR charge the Greenwood City dock users the same rate that the marinas charge for a slip rental? Why should Greenwood lakeshore owners subsidize the City Dock Concession for the benefit of "non-lakeshore owners?" ....since Lakeshore property owners are prohibited from renting a Greenwood City dock, why is it fair for lakeshore owners to subsidize the City Docks which City Docks, the lakeshore owners can never use? This appears to be another form of progressive taxation if lakeshore owners have to subsidize the operation of the City Docks.
- 14) If this LID was approved, shouldn't there be a specific "sunset provision" on this new taxing authority (like maximum five years) or would this new tax be a "forever tax" like the stadium sales tax will end up being?
- 15) What would be in writing, guaranteeing that "whatever the agreed upon annual assessments were, that the assessments could not ever be increased without a referendum?"

- 16) Did someone say that this would be “tax deductible/” I am not a tax attorney but if it is a “special assessment,” it would NOT be tax deductible (Special assessments are considered “improvements” by the IRS)
- 17) What is to prevent and guarantee that this LID will not become another large, unwieldy wasteful government entity?”
- 18) Isn’t this proposed LID just “more taxes for more government?” Don’t we already have sufficient government entities and government expenses to take care of all of the proposed purposes of the proposed LID and many more?
- 19) Why charge marinas only \$500, why not charge the marinas what everyone else is required to pay, the maximum amount per boat slip at the marina?
- 20) Greenwood City Council members seem to (often) get elected to further their personal agenda, then they “pack up and leave Greenwood” after they have accomplished their personal agenda. If there are one or two people pushing this LID concept, what happens when they leave Greenwood and no one wants the responsibility of managing this LID ?
- 21) Conceptually this proposed LID is requesting that a few property owners (lakeshore owners) pay for improving “the entire St Albans Bay,” which improvements would benefit “non-lakeshore owners from all over the State of Minnesota who come to utilize the waters of Lake Minnetonka” and these benefits to non-lakeshore users of the waters of St Albans Bay, would far outweigh any benefits that St Albans Bay lakeshore owners would receive from the St Albans Bay lakeshore owners paying for this proposed LID. This proposal is very analogous to the City of Greenwood “declaring that all Greenwood non-lakeshore property owners’ backyards will be open to visitors from all over the State of Minnesota for camping and hiking, and that all non-lakeshore property owners must keep their backyards in good condition for the benefit of visitors from all over the State of Minnesota for camping and hiking.
- 22) St Albans Bay is frequented by thousands of non-resident boats every year---why not set up a “pay to enter the Bay” restriction under the bridge entering St Albans Bay and charge every boat entering St Albans Bay a daily fee?

Greenwood Council Members and Greenwood City Clerk Gus Karpas: Thank you for your careful consideration of each of the questions and comments presented above. I will review the written minutes of the Public Hearing to review the discussion of these questions and comments.

Charles Wendle  
20900 St Albans Green  
Greenwood, MN 55331

**Greenwood City Council  
Election Canvassing Minutes**

6:00pm, Monday, November 10, 2014  
Deephaven City Hall ~ 20225 Cottagewood Avenue ~ Deephaven, MN 55331

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 6:10pm.

Council members present: Mayor Deb Kind, Councilman Bill Cook, and Councilman Rob Roy.  
Others present: City Clerk Karpas?

Kind moved to approve the agenda. Second by Roy. Motion carried 3-0.

2. Canvass General Election Results

Mayor Kind presented Resolution 33-14 outlining the results of the November 4<sup>th</sup> General Election for city offices indicating the she had been re-elected to serve an additional two years for Mayor and Tom Fletcher and Bob Quam had been elected to serve four-year terms as Councilmembers.

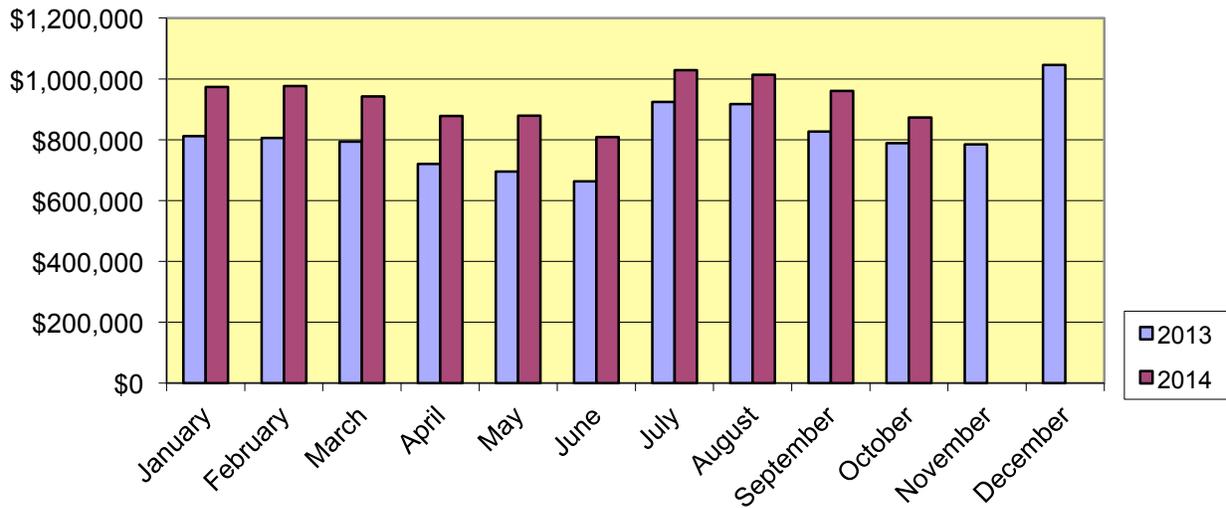
**Roy moved, Cook seconded, Adopting RESOLUTION NO. 33-14, “A Resolution of the City Council of the City of Greenwood, Canvassing the November 4, 2014 General Election Results.” Motion passed 3-0.**

3. Adjournment

Roy moved to adjourn the work session. Second by Cook. The work session adjourned at 6:11pm.

Respectfully submitted  
Gus Karpas  
City Clerk

### 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	\$879,272	\$1,232	\$184,285
June	\$663,171	\$808,884	-\$70,388	\$145,713
July	\$924,057	\$1,029,060	\$220,176	\$105,003
August	\$917,234	\$1,013,814	-\$15,246	\$96,580
September	\$826,755	\$960,083	-\$53,731	\$133,328
October	\$788,426	\$872,707	-\$87,376	\$84,281
November	\$784,533	\$872,707	-\$87,376	-\$784,533
December	\$1,045,975	\$1,045,975	\$0	-\$1,045,975

Bridgewater Bank Money Market	\$372,120
Bridgewater Bank Checking	\$5,986
Beacon Bank CD	\$403,975
Beacon Bank Money Market	\$85,872
Beacon Bank Checking	\$4,254
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	\$872,207

#### **ALLOCATION BY FUND**

General Fund	\$242,838
Special Project Fund	\$0
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$98,463
Road Improvement Fund	\$0
Stormwater Fund	\$4,198
Sewer Enterprise Fund	\$439,656
Marina Enterprise Fund	\$59,997
<hr/>	
	\$872,207



Check Issue Date(s): 11/01/2014 - 11/30/2014

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
11/14	11/03/2014	12404	822	ECM PUBLISHERS INC	101-20100	75.28
11/14	11/03/2014	12405	753	J.P. Cooke Co	101-20100	51.25
11/14	11/03/2014	12406	255	LMC INSURANCE TRUST	101-20100	4,987.00
11/14	11/03/2014	12407	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	15,938.78
11/14	11/03/2014	12408	745	Vintage Waste Systems	101-20100	1,628.25
11/14	11/03/2014	12409	145	XCEL ENERGY	602-20100	191.17
11/14	11/17/2014	12410	51	BOLTON & MENK, INC.	602-20100	3,921.50
11/14	11/17/2014	12411	9	CITY OF DEEPHAVEN	101-20100	6,382.73
11/14	11/17/2014	12412	168	CITY OF SHOREWOOD	101-20100	1,200.00
11/14	11/17/2014	12413	315	DOCK & LIFT INC.	605-20100	1,500.00
11/14	11/17/2014	12414	822	ECM PUBLISHERS INC	101-20100	256.90
11/14	11/17/2014	12415	68	GOPHER STATE ONE CALL	602-20100	63.90
11/14	11/17/2014	12416	765	GUS KARPAS	101-20100	169.33
11/14	11/17/2014	12417	3	KELLY LAW OFFICES	101-20100	1,633.00
11/14	11/17/2014	12418	99	LAKE MTKA CONSERVATION DISTRIC	605-20100	342.50
11/14	11/17/2014	12419	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,318.22
11/14	11/17/2014	12420	145	XCEL ENERGY	101-20100	397.64
Totals:						<u>41,057.45</u>

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

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

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

\_\_\_\_\_

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

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
3	KELLY LAW OFFICES							
	6295	GENERAL LEGAL	11/07/2014	1,633.00	.00	1,633.00	12417	11/17/2014
Total 3				1,633.00	.00	1,633.00		
9	CITY OF DEEPPHAVEN							
	NOV 2014	SEWER	11/01/2014	6,382.73	.00	6,382.73	12411	11/17/2014
Total 9				6,382.73	.00	6,382.73		
38	SO LAKE MINNETONKA POLICE DEPT							
	102014	COURT OVERTIME	10/20/2014	754.20	.00	754.20	12407	11/03/2014
	NOV 2014	2014 OPERATING BUDGET EXP	11/01/2014	15,184.58	.00	15,184.58	12407	11/03/2014
Total 38				15,938.78	.00	15,938.78		
51	BOLTON & MENK, INC.							
	0171951	2014 MISC ENGINEERING	10/31/2014	79.50	.00	79.50	12410	11/17/2014
	0171952	2014 DEVELOPMENT REVIEW	10/31/2014	104.00	.00	104.00	12410	11/17/2014
	0171953	2014 STREET IMPROVEMENTS	10/31/2014	1,480.00	.00	1,480.00	12410	11/17/2014
	0171954	2014 I/I REDUCTION GRANT APP	10/31/2014	2,258.00	.00	2,258.00	12410	11/17/2014
Total 51				3,921.50	.00	3,921.50		
68	GOPHER STATE ONE CALL							
	127173	Gopher State calls	10/31/2014	63.90	.00	63.90	12415	11/17/2014
Total 68				63.90	.00	63.90		
99	LAKE MTKA CONSERVATION DISTRIC							
	2015	2015 DOCK RENEWAL	11/17/2014	342.50	.00	342.50	12418	11/17/2014
Total 99				342.50	.00	342.50		
105	METRO COUNCIL ENVIRO SERVICES							
	0001038881	Monthly wastewater Charge	11/06/2014	2,318.22	.00	2,318.22	12419	11/17/2014
Total 105				2,318.22	.00	2,318.22		
145	XCEL ENERGY							
	102714	4925 MEADVILLE STREET *	10/27/2014	191.17	.00	191.17	12409	11/03/2014
	102814	Sleepy Hollow Road *	10/28/2014	397.64	.00	397.64	12420	11/17/2014
Total 145				588.81	.00	588.81		
168	CITY OF SHOREWOOD							
	2014	2014 SOUTHSHORE CNTR CONTR	11/17/2014	1,200.00	.00	1,200.00	12412	11/17/2014
Total 168				1,200.00	.00	1,200.00		

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
255	LMC INSURANCE TRUST							
	48239	Municipality Insurance	10/26/2014	4,987.00	.00	4,987.00	12406	11/03/2014
Total 255				4,987.00	.00	4,987.00		
315	DOCK & LIFT INC.							
	25910	REMOVE FLOATING DOCK	11/03/2014	1,500.00	.00	1,500.00	12413	11/17/2014
Total 315				1,500.00	.00	1,500.00		
745	Vintage Waste Systems							
	102314	City Recycling Contract	10/23/2014	1,628.25	.00	1,628.25	12408	11/03/2014
Total 745				1,628.25	.00	1,628.25		
753	J.P. Cooke Co							
	311686	City Dog Tags	10/28/2014	51.25	.00	51.25	12405	11/03/2014
Total 753				51.25	.00	51.25		
765	GUS KARPAS							
	110414	ELECTION JUDGE MEALS	11/04/2014	169.33	.00	169.33	12416	11/17/2014
Total 765				169.33	.00	169.33		
822	ECM PUBLISHERS INC							
	155077	LEGAL NOTICE	10/23/2014	42.56	.00	42.56	12404	11/03/2014
	155078	LEGAL NOTICE	10/23/2014	32.72	.00	32.72	12404	11/03/2014
	157312	LEGAL NOTICE	10/30/2014	49.08	.00	49.08	12414	11/17/2014
	157313	LEGAL NOTICE	10/30/2014	49.08	.00	49.08	12414	11/17/2014
	157314	LEGAL NOTICE	10/30/2014	73.62	.00	73.62	12414	11/17/2014
	159250	LEGAL NOTICE	11/06/2014	85.12	.00	85.12	12414	11/17/2014
Total 822				332.18	.00	332.18		
Grand Totals:				41,057.45	.00	41,057.45		

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
12/01/14	PC	12/01/14	12011401	COOK, WILLIAM B.	37		001-10100	184.70
12/01/14	PC	12/01/14	12011402	Fletcher, Thomas M	33		001-10100	84.70
12/01/14	PC	12/01/14	12011403	Kind, Debra J.	34		001-10100	277.05
12/01/14	PC	12/01/14	12011404	Quam, Robert	32		001-10100	184.70
12/01/14	PC	12/01/14	12011405	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>



520 Tamarack Ave.  
Long Lake, MN. 55356

November 6, 2014

Dear Mrs. Mayor Kind and Council Members,

Below is a simple chart illustrating the participation or set-out rates for the City of Greenwood's residential city-wide recycling for the month of October, 2014. The residential dwellings in the City of Greenwood are doing a terrific job on the consistency of set-out and making certain that the material in the cart is acceptable. For the five weeks of collection in October the set-out numbers were as follows:

October 02, 2014: 263/290

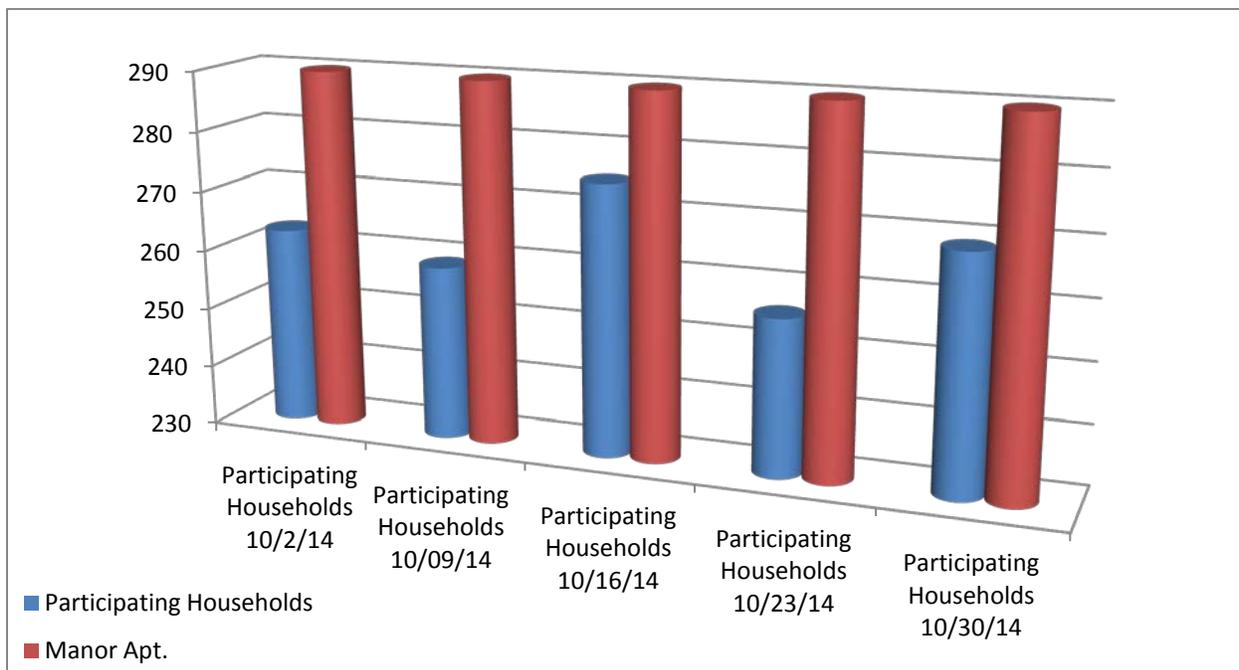
October 09, 2014: 259/290

October 16, 2014: 275/290

October 23, 2014: 256/290

October 30, 2014: 258/290

The one commercial location has a 100% set-out rate and is consistently full each week. All material collected is delivered to Dem Con Recycling in Shakopee, MN. The percentage of homes consistently not out, have been the same homes that have never participated in the recycling program.



If you have any questions regarding these finds, please feel free to contact us.

Thank you for your time,

Corey & Emilee Metcalf | Vintage Waste Systems, Inc. | 952-472-0401



Agenda Number: **6A**

Agenda Date: **12-03-14**

Prepared by *Deb Kind*

**Agenda Item:** Consider Next Steps Regarding St. Alban's Bay Lake Improvement District

**Summary:** St. Alban's Bay Captain Rob Roy has been leading the effort to establish a St. Alban's Bay Lake Improvement District (SABLID). The next steps in the process are listed on the timeline below. The latest draft (10-06-14) of the St. Alban's Bay Lake Improvement District Cooperative Agreement and exhibits are attached.

**Timeline:** Below is the timeline for the city council's reference ...

- ~~07-11-14 SABLID petitions submitted to the Greenwood and Excelsior city councils.~~
- ~~07-21-14 The Excelsior city council formally received the Excelsior SABLID petition.~~
- ~~07-23-14 The Lake Minnetonka Conservation District approved a resolution in support of the SABLID. 14 ayes, 0 nays.~~
- ~~08-06-14 The Greenwood city council formally received the Greenwood SABLID petition, ordered a public hearing, reviewed the first draft of a Joint Cooperative Agreement, and authorized Councilmembers Roy and Fletcher to work with Excelsior to incorporate Excelsior's comments into the Joint Cooperative Agreement.~~
- ~~08-07-14 Public hearing notice submitted to Sun-Sailor.~~
- ~~08-14-14 Public hearing notice published in Sun-Sailor.~~
- ~~08-21-14 Public hearing notice mailed to affected property owners.~~
- ~~09-03-14 The Greenwood city council holds 1st public hearing, reviews draft of Joint Cooperative Agreement, considers approval of Resolution of Intent.~~
- ~~09-08-14 Submission of Resolution of Intent, public hearing notice, and related documents to DNR, MCWD, and LMCD. Note: 40 days notice of the public hearing is required for the DNR to review the documents.~~
- ~~10-01-14 The Greenwood city council reviews draft Joint Cooperative Agreement and sends to Excelsior for their review.~~
- ~~10-02-14 2nd public hearing notice submitted to Sun-Sailor.~~
- ~~10-09-14 2nd public hearing notice published in Sun-Sailor.~~
- ~~10-09-14 2nd public hearing notice mailed to affected property owners.~~
- ~~11-05-14 The Greenwood city council holds the 2nd public hearing~~
- ~~\_\_-\_\_-14 The Excelsior city council considers approval of the Joint Cooperative Agreement.~~
- ~~\_\_-\_\_-14 The Greenwood city council considers approval of the Joint Cooperative Agreement.~~
- ~~\_\_-\_\_-14 The final Joint Cooperative Agreement is sent to the DNR for their records.~~

**Council Action:** No action required. If the Excelsior city council approves the agreement, the following motion may be considered ...

1. I move the city council approves the 10-06-14 draft of the Joint Cooperative Agreement and authorizes the mayor and clerk to sign 3 copies of the agreement. (1) To be filed at the city of Greenwood. (2) To be sent to the city of Excelsior for their files. (3) To be sent to the DNR.
2. Do nothing or other motion???



EXCELSIOR



**JOINT COOPERATION AGREEMENT BY AND BETWEEN THE CITIES OF EXCELSIOR AND GREENWOOD, MINNESOTA FOR THE ESTABLISHMENT OF A ST. ALBAN’S BAY LAKE IMPROVEMENT DISTRICT**

This agreement is made and entered into by and between the city of Excelsior, State of Minnesota (hereinafter referred to as “Excelsior”), 335 Third Street, Excelsior, MN 55331 and the city of Greenwood, State of Minnesota, (hereinafter referred to as “Greenwood”), 20225 Cottagewood Road, Deephaven, MN 55331.

**RECITALS**

Excelsior and Greenwood agree that it is desirable and in the interest of their communities that a Lake Improvement District be established for the management and control of Aquatic Invasive Species in St. Alban’s Bay, Lake Minnetonka, together with all powers intended thereto.

To that end, Excelsior and Greenwood, each a governmental unit of the State of Minnesota, hereby enter into this Joint Cooperation Agreement pursuant to Minnesota Statutes §471.59.

**I.**

**PURPOSE**

The general purpose of this agreement is to establish a Lake Improvement District authorized under Minnesota Statutes §103B.501 et seq and §459.20 to manage Aquatic Invasive Species in St Alban’s Bay, Lake Minnetonka, and to otherwise monitor the water resource.

**II.**

**NAME**

The organization established by this agreement shall be known as the “St. Alban’s Bay Lake Improvement District.”

**III.**

**DEFINITIONS**

As used herein, these terms shall mean as follows:

Section 1. “Lake Improvement District (LID)” means St. Alban’s Bay Lake Improvement District as otherwise authorized by the Lake Improvement District law, Minn. Stat. §103B.501 to §103B.581, the organization created pursuant to this agreement.

Section 2. “Director” means a person appointed to the Board by either Excelsior or Greenwood, or a person elected to serve on the Board by affirmative vote of a majority of the Property Owners present and entitled to vote or appearing by mailed ballot at the Annual Meeting.

Section 3. “Member” means a city which enters into this agreement.

Section 4. “Program” shall mean the various water resource management programs and services undertaken from time to time by LID.

Section 5. “Property Owners” mean the owner or owners of various real estate parcels identified by Hennepin County PID number located within the official boundaries of the LID as illustrated on the official map of the LID, attached hereto as Exhibit A.

Section 6. “District” shall mean all of the real estate parcels located within the official boundaries of LID, as illustrated and defined on the official map of the LID (See Exhibit “A” attached).

Section 7. “Board” means the governing political body of the LID comprised of Directors appointed by the cities of Excelsior and/or Greenwood or persons elected to membership on the Board as provided herein. The management of the LID shall be vested in the Board.

Section 8. “Annual Meeting” means a meeting of the Board and Property Owners, called by the Board and so designated, held in July or August at which the action items set forth at Article VII, Section 2 shall be acted upon.

Section 9. “Official Office” means the physical office space designated and maintained by the Board at which the LID shall receive US Mail, the LID’s designated agent for the receipt of Legal Process shall office, and the Secretary and the Treasurer/Fiduciary Agent shall maintain the official records and conduct LID business.

#### **IV. MEMBERS**

Section 1. Members. The Member Cities entering into this Joint Cooperative Agreement are the city of Excelsior and the city of Greenwood, Minnesota.

Section 2. Fiduciary Agent. An individual shall be appointed by mutual agreement of the Greenwood and Excelsior City Councils to be the Fiduciary Agent charged with the day-to-day management of the LID’s financial affairs including custodial possession of the LID’s books and accounts and shall be authorized to receive, hold, and disburse LID funds and shall also be authorized to accept Service of Legal Process on behalf of the LID. A statement of duties of the Fiduciary Agent may be adopted by mutual agreement of the Excelsior and Greenwood City Councils and made a part of the job description of the Fiduciary Agent at the time of their appointment.

#### **V. DIRECTORS**

Section 1. Number. The LID shall have seven Directors and two Ex-Officio Directors, one each appointed by the cities of Excelsior and Greenwood. With the exception of matters addressing the approval of the budget and financial expenditures, the Ex-Officio Directors shall have an advisory role but no vote on matters presented to the Board.

Section 2. Initial Appointment. The City Councils of Excelsior and Greenwood shall, by mutual agreement, initially appoint seven Property Owners within the LID boundaries to serve as the initial LID Directors on the Board with Excelsior selecting two and Greenwood selecting five appointees. By mutual agreement of the cities, one of these shall be appointed Interim Chair. Once sworn in, these Directors shall serve until the first Annual Meeting of the LID and swearing in of the first publicly elected Board of Directors.

Section 3. Term. At the first Annual Meeting of the LID, three Directors shall be elected to two-year terms and four Directors shall be elected to one-year terms. At the second and subsequent Annual

Meetings of the LID Directors shall be elected to two-year terms except that Directors who are elected to midterm vacancies shall serve the remainder of their term.

Section 3. Director Candidacy Slate. Annually, Property Owners desiring to stand for election to the Board as a Director shall file with the Secretary, (or the Secretary's designee for receipt of said filings) or the LID Designated Agent at the Official Office, on or before the close of business at the Official Office on the First Tuesday in June, a Declaration of Candidacy for Director. A Property Owner who so files shall be added to the Slate of Director Candidates to be submitted to a vote at the following Annual Meeting of the Board.

Section 4. Compensation. Directors shall serve without compensation from the LID or the member cities. In the absence of a written contract previously approved by the Board, the LID shall not honor claims, invoices, statements, or requests for reimbursements for labor submitted or services rendered by a Director, a Property Owner, or LID volunteer rising from or incidental to LID's activities, programs and actions.

## VI. OFFICERS

Section 1. Annual Election. The Officers of the LID shall consist of a Chair, a Vice Chair, and a Secretary/Treasurer and shall be elected for one-year terms by the Board at the Annual Meeting. The initial LID Board appointed by the City Councils of Excelsior and Greenwood shall meet within two months of appointment at the call of the Interim Chair and thereat shall elect, Interim Officers to serve until the swearing in of their replacements at the first LID Annual Meeting.

Section 2. Chair and Vice Chair. The Chair shall serve as the Chief Elected Officer of the LID and shall preside at all meetings of the Board or the Property Owners and Directors. The Chair shall perform all duties typically incident to the Office of a Chief Executive Officer of a municipal political body and shall perform such other duties as may be prescribed by action of the Board, this Joint Cooperative Agreement, or law. The Chair shall select Sub-Committee Chairs and may recommend to the Board Sub-Committee appointments thereto. The Vice Chair shall act as Chair in the absence of the Chair.

Section 3. Secretary. The Secretary shall be responsible for keeping a record of all the proceedings of the LID and the giving of notice of regular and special meetings. The Secretary shall be responsible for the preparation of Board minutes and shall keep the LID minutes and records at the office of the Treasurer/Fiduciary Agent, the Secretary may delegate the duties of preparing Minutes to a third party, including outside private contract service provider subject to the approval of the Board.

The Treasurer/Fiduciary Agent shall be custodian of the LID's funds, pay its bills, keep financial records, and generally manage funds received, and oversee their disbursement and the LID's financial affairs. LID funds shall be kept on deposit in financial institutions or invested as approved by the Board of Directors in the same manner and practice demanded of a municipal corporation under State law.

The Treasurer/Fiduciary Agent shall cause a monthly financial report to be made to the Board, which shall be included in public records of the LID and in the minutes of the Board meetings. The Board shall set compensation for the Treasurer/Fiduciary Agent as negotiated under a contract for services to be rendered.

Section 4. Authorized Expenditures. All checks drawn upon the LID bank account shall require the signatures of the Chair, or in the Chair's absence, the Vice Chair, and the Treasurer/Fiduciary Agent.

## **VII. MEETINGS**

Section 1. Bylaws. The Board shall adopt bylaws governing its procedures including the time, place, notice for and frequency of a set of fixed regular quarterly meetings, procedure for calling special meetings, and other procedural meeting related matters. The Board may amend the bylaws from time to time.

Section 2. Annual Meeting. The Board shall call an Annual Meeting of Property owners to be held in July or August each year. At the Annual Meeting the Board shall submit a Slate of Director Candidates to Property Owners for vote. The affirmative vote of the majority of the Property Owners with voting rights present and entitled to vote, including absentee ballots of same physically received by the LID by 5 PM on the date of the Annual Meeting, shall be the act of the Property Owners and shall be binding on the Board. The top vote getters for the open Director seats shall be elected. At the Annual Meeting the Board also shall (1) elect Officers to be seated on January 1 of the following calendar year, (2) review and approve a budget for the next calendar year, (3) approve proposed programs, projects, and expenditures having a cost in excess of \$5,000, and (4) take up and consider any other business that properly comes before them. At the Annual Meeting, the Board may elect to submit to a vote of the Property Owners such other matters as it deems appropriate. Provided the vote of the Property Owners directs or approves a lawful LID action otherwise authorized under this Agreement, the vote of the Property Owners shall be binding on the Board.

Section 3. Annual Meeting Notice. The Annual Meeting shall be preceded by two weeks published notice in the legal newspapers of the Member Cities, shall be posted on the public notice board of the Member Cities and written notice shall be mailed at least ten days in advance of the meeting to the Member Cities, the Pollution Control Agency, Commissioner of Natural Resources, and to all Property Owners of record on the Hennepin County Property Tax Information website within the LID assessment area.

## **VIII. POWERS, RIGHTS AND DUTIES OF LID**

The LID shall have the following powers, rights, and duties:

Section 1. Primary Purpose. The “primary purpose” of the LID is to prepare a Lake Vegetation Management Plan and programs to control Aquatic Invasive Species in St. Alban’s Bay, Lake Minnetonka, including, but not limited to, Eurasian Water Milfoil and Curley-leaf Pond Weed and, as needed, to monitor vegetation, wildlife, water quality, and use of St. Alban’s Bay to preserve St. Alban’s Bay as a natural water resource.

Section 2. Specific Powers. The following specific statutory powers permitted the LID pursuant to Minn. Stat. §103B.551, Subd. 3 are hereby granted to the Board; the power to:

- 1) Acquire property, equipment, or other facilities by gift, lease, or purchase to implement the primary purpose.
- 2) Contract with governmental agencies as needed and appropriate to the implementation of the primary purpose.
- 3) Conduct a program(s) of AIS control and elimination in conformance with the primary purpose, water improvement and conservation, as more particularly described on attached Exhibit B.

Enumerated powers under Minn. Stat. §103B.551, Subd. 3, not set forth above are not granted to the LID.

Section 3. Gifts/Grants. The LID may accept gifts, apply for and use grants and enter into agreements in connection therewith and it may hold, use and dispose of money or property received as a gift or grant in accordance with the terms hereof.

Section 4. Contracts. The LID may enter into any contracts deemed necessary to carry out its powers and duties. All contracts shall be let and purchases shall be made in accordance with the legal requirements applicable to contracts and purchases by statutory cities of Minnesota.

Section 5. Property. The LID may purchase, lease, or acquire personal property and sell, assign, and transfer personal property upon an affirmative majority vote of the Board, but may not purchase, transfer or convey real property without the approval of 2/3 of a quorum of the Board, and a 2/3 vote of Property Owners voting in person or by absentee ballot at the Annual Meeting as provided herein, and the approval of both Member City Councils.

Section 6. Consultants. The LID may retain consultants to carry out its primary purpose and manage its affairs and administrative duties.

Section 7. Designation of Official Office and Designated Agent. The Board shall at all times maintain an Official Office of the LID and an appointed Designated Agent for receipt of Service of Legal Process. In the Event the Board has failed to so act, the City Clerk of either Greenwood or Excelsior shall be the LID Designated Agent.

Section 8. Other Actions. The LID may exercise any other power necessary and incidental to the implementation of its powers and duties in implementation of the LID's primary purpose.

## **IX. FINANCIAL MATTERS**

Section 1. Annual Budget and Levy. The Board shall prepare and present a budget and proposed levy for the following calendar year at its Annual Meeting. The proposed levy information shall include the recommended method to assess properties in the LID. The proposed budget and levy must be approved, or amended and approved, by a majority of the votes of (1) the Board including Ex-Officio Directors at the Annual Meeting and (2) the Property Owners in attendance at the Annual Meeting. The Budget and Levy approved at the Annual Meeting must in turn also be mutually approved by both Member City Councils by September 30. Annually, the Member City Councils may not increase the proposed levy approved at the Annual Meeting. Either or both City Councils may reduce the levy by up to 25% in which case the LID levy shall be the lowest levy approved by a Member City Council.

Section 2. LID Funding. The LID shall be funded from approved property tax levies and other available revenues from grants, gifts, or the like. The LID shall not be funded by dues, license or use fees, or similar charges unless mutually approved by the Member Cities.

The public financing of projects and services of the LID may be made only after seeking other sources of funding, and then only by the following methods:

- a. Assessing the costs of projects upon benefitted properties within the District in the manner provided under Minn. Stat. Chapter 429;
- b. Levy of an ad valorem tax solely on property within the LID, to be appropriated and expended solely on projects of special benefit to the LID.

In accordance with Minn. Stat. §103B.555, Subd. 3, the LID, with the approval of the City Councils of the cities of Excelsior and Greenwood as expressed by resolution identifying each specific improvement to which approval applies may exercise the powers of a city under Chapter 429 in Section 444.075, including but not limited to:

- a. The levy of special assessments; and
- b. The imposition of rates and charges mutually approved by the Member Cities.

Section 3: Sample Annual Budget. Attached hereto as Exhibit C is a Statement of 2015 estimate cost of AIS treatment and likely projected owner assessment.

## X.

### WITHDRAWAL AND DISSOLUTION

Section 1. Notice of Withdrawal. A Member City may withdraw from the LID by filing a written notice of withdrawal with the LID by October 1 of any year. Such withdrawal shall be effective as of December 31 of that calendar year and membership shall continue until the effective date. A notice of withdrawal may be rescinded by a Member City prior to the effective date. If one Member City elects to withdraw, the LID will then dissolve on December 31 of that calendar year.

Section 2. Distribution of Assets. Upon dissolution, the remaining assets of the LID, after payment of all obligations, shall be distributed among the Member Cities in proportion to the number of LID real estate parcels identified by Hennepin County PID number located in each, or in such other way as those Member Cities may agree.

## XI.

### MEDIATION OF DISPUTES

Section 1. Mediation. Any controversy arising out of or relation to this agreement including but not limited to the withdrawal by a Member City and dissolution shall be mediated by a qualified mediator prior to initiation of any litigation.

Section 2. Selection of Mediator. The mediator may be an individual mutually selected by the parties to the issue in controversy. If the parties are unable to agree upon a mediator, the League of Minnesota Cities shall make the selection.

## XII.

### LIABILITY

Section 1. Indemnification. The LID shall indemnify, defend and hold harmless the Member Cities and their Officers, elected officials, Directors, employees, and volunteers, from and against all claims, damages, losses, and expenses, arising out of the acts or omissions of the LID in carrying out this agreement. To the fullest extent permitted by law, actions by the Member Cities under this agreement are intended to be and shall be construed as a “cooperative activity” and the LID shall be deemed a “single governmental unit” for the purposes of liability as set forth in Minnesota Statutes, Section 471.59, Subd. 1a(a). Each Member City expressly declines responsibility for the acts or omissions of the other Member City. This agreement does not constitute a waiver of the limitations of liability set forth in Minnesota Statutes, Section 466.04.

Section. 2. Insurance. The LID shall procure and maintain liability insurance coverage with reasonable limits covering its Officers, Directors, Member Cities’ elected officials, employees, and volunteers. The LID may purchase additional insurance coverage in amounts and on such terms as it may determine from time to time. The LID shall provide Member Cities with copies of its certificate(s) of insurance upon request.

## XIII.

### MISCELANEOUS

Section 1. Execution of Agreement. Each Member City Council shall approve and execute a copy of this agreement in accordance with applicable law.

Section 2. Effective Date. This agreement shall become effective upon adoption by both Member City Councils and approval from the Minnesota Department of Natural Resources.

Section 3. Amendment. Any proposed amendment to this agreement must be approved by both Member City Councils.

Section 4. Duration. This agreement shall continue in effect for an indefinite term, until dissolution in accordance with the terms of this agreement.

IN WITNESS WHEREOF, acting by authority of City Council Resolution the undersigned authorized agents of Excelsior and Greenwood, hereby enter into this Joint Powers Agreement.

EXECUTED as of \_\_\_\_\_, 2014.

CITY OF GREENWOOD, MINNESOTA

By \_\_\_\_\_

Name \_\_\_\_\_, Mayor

Attest \_\_\_\_\_

Name \_\_\_\_\_, City Clerk

EXECUTED as of \_\_\_\_\_, 2014.

CITY OF EXCELSIOR, MINNESOTA

By \_\_\_\_\_

Name \_\_\_\_\_, Mayor

Attest \_\_\_\_\_

Name \_\_\_\_\_, Manager Clerk

APPROVED AS TO FORM:

MINNESOTA DEPARTMENT

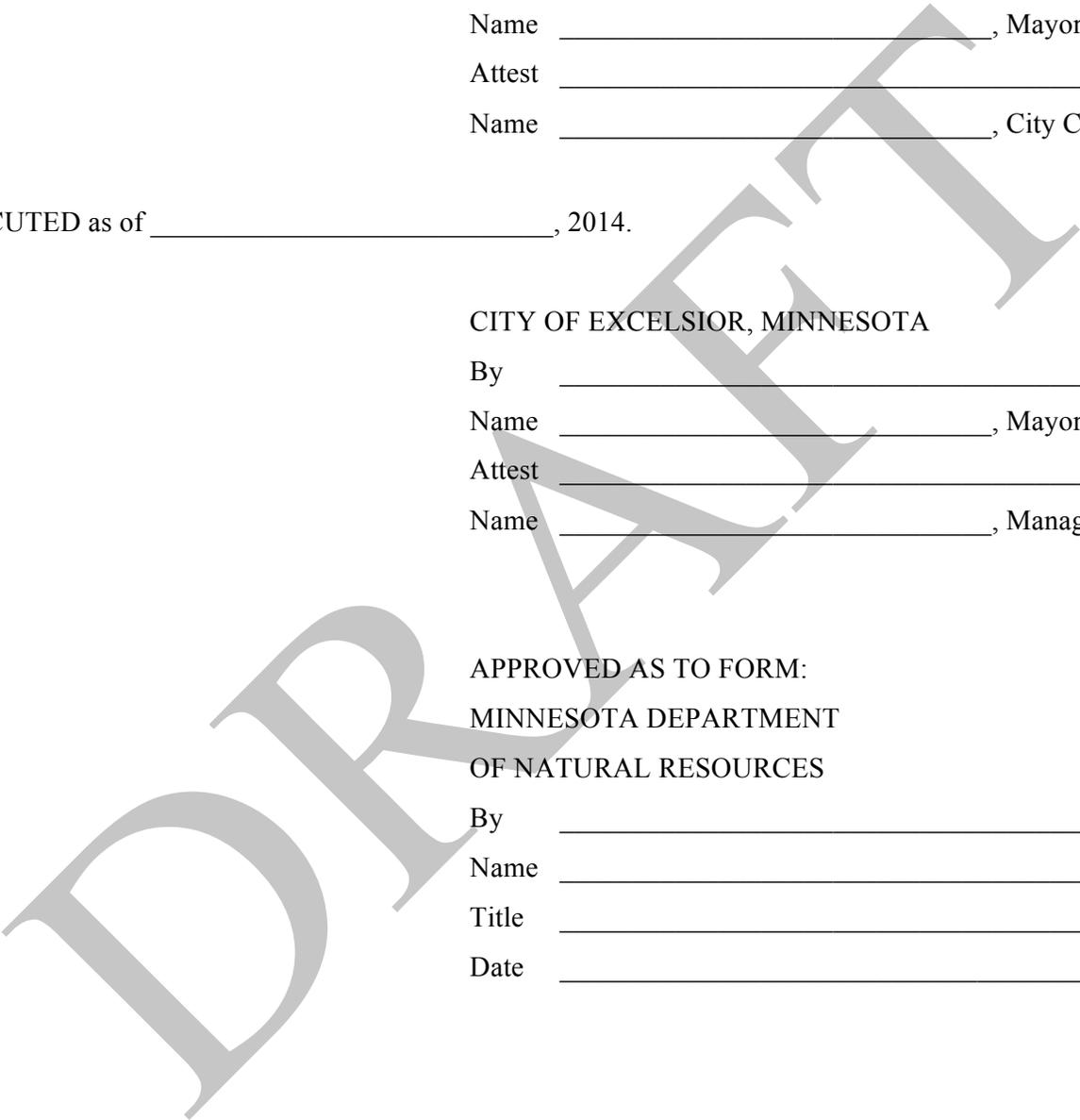
OF NATURAL RESOURCES

By \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_



# EXHIBIT A - ST. ALBAN'S BAY LAKE IMPROVEMENT DISTRICT

-  Municipal Boundaries
-  St. Alban's Bay Lake Improvement District Excelsior Properties
-  St. Alban's Bay Lake Improvement District Greenwood Properties



Updated 08-11-14



## **EXHIBIT B - WATER AND LAND RESOURCE MANAGEMENT PROGRAMS TO BE UNDERTAKEN IN THE ST. ALBAN'S BAY LAKE IMPROVMENT DISTRICT**

### **St. Alban's Bay Aquatic Invasive Species (AIS) Issues.**

Eurasian watermilfoil and curlyleaf pondweed, invasive plants, have been problematic in St. Alban's Bay for several decades. These two plants have reduced the diversity and abundance of native plants and therefore have diminished the health of the Bay. These two plants also interfere with boating, swimming, recreation and enjoyment.

The St. Alban's Bay residents, in coordination with the Lake Minnetonka Association and the Minnesota Department of Natural Resources (DNR) have developed and implemented a Lake Vegetation Management Plan or LVMP, which has significantly controlled Eurasian watermilfoil and curlyleaf pondweed and increased the diversity and abundance of native plants without compromising water quality. The primary focus of the LVMP has been the bay-wide treatment of Eurasian watermilfoil with herbicides.

The majority of the costs for these treatments have been voluntarily borne by the Bay residents, although the cities of Greenwood and Excelsior and the DNR have contributed. While the voluntary contributions have successfully funded the treatments since 2011, they are not considered to be a stable or consistent source of funding.

Other aquatic invasive species (AIS) that may be introduced in the future also pose potential threats to the Bay's health and recreation and also are a concern. Zebra mussels are relatively new to the Bay. Hydrilla is yet another potential source of concern.

### **Water and land related resource management projects to be undertaken by the St. Alban's Bay LID.**

The purpose of the St. Alban's Bay LID will be to control the adverse effects of AIS in St. Alban's Bay

The initial and primary management project of the LID will be the continuation of the existing voluntarily funded bay-wide Eurasian watermilfoil and curlyleaf pondweed control program under the LVMP, including the required monitoring and assessment. Establishing the LID will provide a consistent and equitable source of funding for these ongoing aquatic invasive species control programs, which are typically not short term in nature.

The LID may also monitor St. Alban's Bay for other aquatic invasive species and, when appropriate, consider additional control programs in coordination with local agencies. Thus, the LID may develop plans and programs for additional AIS, if and when they become established and problematic in St. Alban's Bay.

Land management projects are not planned.

Recent controls of Eurasian watermilfoil and curlyleaf pondweed have used herbicides registered by the United States Environmental Protection Agency and have been permitted by the Minnesota Department of Natural Resources. The products and methods used have occurred within a strict regulatory milieu, which is designed to minimize likely adverse effects and unintended consequences. Therefore, rather than causing or increasing adverse effects, the proposed LID will more likely control and decrease adverse effects.

Should the LID employ other products or methods to control Eurasian watermilfoil and curlyleaf pondweed or other AIS, it will occur with the same regulatory oversight. Therefore, adverse effects to land or water are not anticipated.

As the LID considers or proposes modifying the current Eurasian watermilfoil and curlyleaf pondweed control program or any control programs for other AIS, detailed assessments of possible adverse effects to lands and waters will be provided as required or appropriate.

## EXHIBIT C

### ST. ALBAN'S BAY LAKE IMPROVEMENT DISTRICT Sample Initial Budget and Estimated Assessment

The St. Alban's LID programs will be financed by a levy on the property owners under the LID Cooperative Agreement plus grants and gifts such as those from the cities of Excelsior and Greenwood and the Minnesota DNR and others. The actual levy and its distribution will be approved by the LID Board and the property owners each year at the Annual Meeting.

Based upon immediate past experience, the estimated cost to treat AIS in St Alban's Bay beginning 2016 on an every-other-year treatment program, plus lake monitoring, administrative costs, and spot treatments in the non-treatment years, is \$32,000.

The following is considered a reasonable good faith estimate of the needed annual levy necessary to fund the foregoing:

Lakeshore Property Owners (includes Villas) – 114 properties at \$150 each	\$17,100
Association and Channel properties – 23 properties at \$75 each	\$1,725
Marinas – 3 marinas at \$500 each	<u>\$1,500</u>
	\$20,325

TOTAL: \$20,325 per year plus grants and gifts



Agenda Number: **7A**

Agenda Date: **12-03-14**

Prepared by Gus Karpas

**Agenda Item:** Resolution 33-14, Variance Findings, Michael & Deborah Jonikas, 4930 Meadville Street

**Summary:** Copies of the application materials and staff report are attached reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 07-03-14. The planning commission held a public hearing at the 07-16-14, meeting. The applicant submitted written notice to extend the 60-day deadline by another 60 days (12-05-14) to give the applicant time to rework their request. The planning commission reviewed the revised request at their 11-15-14 meeting. The planning commission considered public comment, applicant's comments, application materials, and staff reports when making their recommendation (see planning commission action below). The city council **must** address the practical difficulty standards outlined in city code section 1155.10 (see the draft findings and potential motions at the bottom of this memo).

**Planning Commission Action:** Commissioner Conrad moved the planning commission recommend the city council approve the application of Michael and Deborah Jonikas for variances of Greenwood ordinance section 1120.15 to encroach 8 feet, 7 inches into the required 15-foot east side yard setback; to encroach 7 feet, 8 inches into the required 15-foot west side yard setback; to encroach 21 feet, 3 inches into the required 50-foot lake yard setback; and a variance of Greenwood ordinance section 1176.04(3)(3) to exceed the maximum permitted impervious surface area by 14.3%. Commissioner Paeper seconded the motion. Motion carried 5-0.

**Key Dates:**

<del>07-03-14</del>	<del>Notice of the public hearing published in Sun-Sailor</del>
<del>07-16-14</del>	<del>Public hearing held by the planning commission</del>
<del>11-15-14</del>	<del>Planning commission review and recommendation</del>
12-03-14	City council consideration
12-05-14	Applicant's approved extended deadline for council action

**Council Action:** The city council must take action by 12-05-14. Suggested motions ...

1. I move the city council adopts resolution 33-14 laying out the findings of fact **approving / denying** the variance application of Michael and Deborah Jonikas with the following language to fill in the blanks on the resolution:  
\_\_\_\_\_. I further move 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. Other motion ???

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



# STAFF REPORT

Agenda Date: 12-03-14

Prepared by Gus Karpas

**Agenda Item:** Consider Variance Requests, Michael and Deborah Jonikas, 4930 Meadville Street

**Summary:** Michael and Deborah Jonikas are requesting to construct a new single family home which would encroach into the minimum required east and west side yard setbacks, lake yard setback and exceed the maximum permitted impervious surface.

	Front Setback	East Side Setback	West Side Setback	Lake Setback	Impervious Surface Area	Volume	Structure Height
<b>Permitted/Required</b>	30'	15'	15'	50'	30%	53,976 c.f.	42'
<b>Existing</b>	58'-10"	6'-5"	7'-1"	28'-9"	51.7%	Unknown	Unknown
<b>Proposed</b>	58'-10"	6'-5"	7'-4"	28'-9"	44.3%	52,502 c.f.	39' (overall)

The proposal would remove an existing non-conforming single family home and replace it with a home that would be rebuilt substantially within the same footprint and maintains or reduce the existing non-conformities.

The proposed home maintains the existing eight foot, seven inch encroachment into the required east side yard setback and twenty-one foot, three inch lake yard setback. The proposal would reduce the west side yard encroachment from seven feet, eleven inches to seven feet, eight inches and reduce the impervious surface area by 7.4%.

**Section 1120:15** of the Zoning Ordinance requires a minimum east side yard and west side yard setback of fifteen feet. The applicants propose an east side yard setback of six feet, five inches and a west side yard setback of seven feet, four inches for the proposed single family home. The proposal requires a variance of eight feet, seven inches of the required east side yard setback and seven feet, eight inches of the required west side yard setback.

**Section 1120:15** of the Zoning Ordinance requires a minimum lake yard setback of fifty feet. The applicants propose a lake yard setback of twenty-eight feet, nine inches for the proposed single family home. The proposal requires a variance of twenty-one feet, three inches of the required lake yard setback.

**Section 1176.04(3)(3)** permits a maximum permitted impervious surface area of 30%. The applicants propose an impervious surface area of 44.3% and are seeking a variance to exceed the maximum permitted impervious surface area by 14.3%. The applicants have reduced the structural impervious surface area from 2,855 square feet (2.72%) to 2,560 square feet (2.43%) and reduced the overall impervious surface area by 7.4%.

The proposed addition complies with the front yard setback requirement outlined in Section 1120.15, the height limitations outlined in Section 1120.20 and the maximum permitted grade alteration permitted in Section 1140.10.

**Deborah & Michael Jonikas**

**6368 Oxbow Bend**

**Chanhassen, MN 55317**

**612-801-5462**

**September 16, 2014**

**Gus E. Karpas  
Zoning Administrator & City Clerk  
City of Greenwood  
20225 Cottagewood Road  
Deephaven, MN 55331**

**Re: 4930 Meadville Street Variance**

**Gus,**

**We ask that the City provide an extension until December 5, 2014 for a decision in regard to our building variance application. Our intent is to be back on the Planning Commission agenda for the November 15, 2014 meeting.**

**Best regards,**

A handwritten signature in blue ink, appearing to read "mike" followed by a stylized flourish.

**Mike Jonikas**

## Gus Karpas

---

**From:** Robert Bean <bobbe@bolton-menk.com>  
**Sent:** Friday, October 17, 2014 10:18 AM  
**To:** 'Gus Karpas'  
**Cc:** David Martini  
**Subject:** RE: 4930 Meadville St

Gus,

I have completed review of the Certificate of Survey for 4930 Meadville Street. Following are my comments for City consideration:

1. The proposed plan will not adjust existing grades by more than 2' over an area greater than 300 square feet.
2. Swales are proposed along side lot lines to ensure drainage is not directed onto adjacent properties.
3. The silt fence should be installed by the Contractor and inspected by the City prior to any land disturbance.

If you have any questions or comments, please contact me to discuss.

Thanks,

**Robert E. Bean, Jr, P.E.**  
**LEED Green Assoc.**  
**Bolton & Menk, Inc.**  
P:(952) 448-8838, ext 2892  
F:(952) 448-8805  
email: [bobbe@bolton-menk.com](mailto:bobbe@bolton-menk.com)

---

**From:** Gus Karpas [<mailto:guskarpas@mchsi.com>]  
**Sent:** Wednesday, October 15, 2014 5:06 PM  
**To:** Robert Bean  
**Subject:** FW: 4930 Meadville St

Please review the attached survey to verify compliance with Greenwood's grading ordinance. Thanks.

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

---

**From:** Mimi Wrob [<mailto:mimi@advsur.com>]  
**Sent:** Wednesday, October 15, 2014 2:28 PM  
**To:** [guskarpas@mchsi.com](mailto:guskarpas@mchsi.com)  
**Subject:** 4930 Meadville St

Gus –

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 4930 Meadville Street

Applicant (individual or company name): Mike and Deb Jonikas

Contact for Business: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Wk Phone: \_\_\_\_\_ Hm Phone: \_\_\_\_\_

Email address: \_\_\_\_\_ Fax: \_\_\_\_\_

Present use of property: Single Family Residential

Property acreage: 10,494 Square Feet

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

If yes, please explain Existing home has non-conforming setbacks & impervious

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

What is the Variance being requested for: Demolish existing residence and build new within existing footprint.

Variance for:

		Required	Proposed
<u>X</u>	Side Yard	<u>15'</u> feet	_____ feet
	Front Yard	_____ feet	_____ feet
	Rear Yard	_____ feet	_____ feet
<u>X</u>	Lake setback	<u>50'</u> feet	_____ feet
	Building height	_____ feet	_____ feet
	Structure height	_____ Feet	_____ feet
	Wetland	_____ feet	_____ feet
<u>X</u>	Impervious Cover	<u>30%</u> <u>3148.2</u> sq ft	<u>44.3%</u> <u>4650 SF.</u> Sq ft
	Shoreland	_____ feet	_____ feet
	Massing	_____ volume	_____ volume
	Other	_____ feet	_____ feet

7.3' Left Side  
 6.4' Right Side

41' at Building  
 28.7' at Deck

If other, please explain

## MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

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

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

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

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

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

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

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

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

*See Attached*

Establishing Practical Difficulty:

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

*See Attached*

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

*See Attached*

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

*See Attached*

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

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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: Seborah M. Jones Date: 10/15/2014

Signature: M. B. [Signature] Date: 10/15/2014

**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: Seborah M. Jones Date: 10/15/2014

Owner's Signature: M. B. [Signature] Date: 10/15/2014

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

***Describe the effect of the variance, if granted, on traffic congestion in the public street:*** The variance if granted will have no impact on traffic congestion in the public street. The property will be maintained as a single family residential use with sufficient garage and driveway space.

***Describe the effect of the variance, if granted, on the danger of fire:*** The variance if granted will have no impact on the danger of fire. Construction will meet or exceed current building codes and proper fire access will be provided.

***Describe the effect of the variance, if granted, on the danger to public safety:*** The variance if granted will have no impact on the danger to public safety. It can be argued that the proposed reduction on impervious surface area and increase in building setback from existing can have a positive impact on public safety.

***Describe the effect of the variance, if granted, on established property values in the surrounding area:*** The construction of a new, high quality, architecturally significant home will have a positive impact on established property values in the surrounding area.

***Describe the effect of the variance, if granted, on the impairment of the public health safety or welfare:*** The variance if granted will have no impairment of the public health safety or welfare.

- d. The proposed design provides for an absolute minimum of site disruption since foundation depth and grades all around the house, garage, entry and driveway are predominantly maintained.
  - e. Very significant site grading and excavation work would be necessary if all official controls (setback and impervious requirements) were required to be complied with.
  - f. A structure of reasonable size and of value commensurate with the lot value would be extremely difficult if all official controls were required to be complied with.
  - g. Granting variance(s) for adding a story above existing non-conforming structures is historically consistent with other cases heard by the City of Greenwood.
2. ***The plight of the landowner (applicant) is due to circumstances unique to the property not created by the landowner property because:*** The property is an existing dimensionally non-conforming (sub-standard) lot in which the existing structures and site development are non-conforming. The existing lot non-conformities provide practical difficulties in fully complying with the official controls. The current landowner did not create them.
3. ***The variance, if granted, will not alter the essential character of the locality because:*** The essential locality is characterized by high quality single family residences; many of which are on substandard lots. Furthermore the city comprehensive plan states under its land use policy: *“Continue the present policy of allowing residential development on substandard sized lots...”*. The proposed construction of a new, high quality design, appropriately scaled single family home will be complementary with the essential character of the locality. Proposed setbacks are the same as the existing ones. The scale of the home is similar to other neighborhood residences - most every residence along Meadville Street is of a full 2 story or 1 ½ story design (second story below sloping roofline).

**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:*** The variance if granted will have little impact on neighboring properties and on the neighborhood in general. The single family use is consistent with the zoning code and the pre-existing use. The view shed from Meadville Street looking towards the lake will be similar to existing. The residence of high quality, architecturally appropriate design will be complementary to the neighborhood in general.

***Describe the effect of the variance, if granted, on supply of light and air to adjacent properties:*** The variance if granted will have little impact on supply of light and air to adjacent properties. The roof structure has been designed to minimize impact of shadowing on neighboring properties.

10/13/2014

4930 Meadville Street – Jonikas Residence

## MAKING THE CASE FOR THE GRANT OF A VARIANCE

### General Information:

Mike and Deborah Jonikas own the property at 4930 Meadville Street. The lot is an existing substandard sized lot with an existing single family residence. Due to the substandard lot conditions the applicant is seeking relief from the zoning requirements for impervious surface area, side yard setbacks and lake side setback. While seeking relief the applicant has also taken care to design a home that is appropriately scaled and architecturally complementary with the neighborhood.

### 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:*** No general statement of “spirit and intent” can be discovered within the city zoning code however Section 1120.00. Purpose: states ***“The intent of this district is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district”***. The proposed structure is of a high quality architectural design. Its architectural roots come from the Arts and Crafts movement with materials and details that complete a “Lake Cottage” aesthetic. The proposed structure is modest (not estate like) yet clearly conveys quality – entirely appropriate within this district.

### 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:*** MN State statute 426.357, subd. 6 reads: “The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance”. The property owner proposes to use the property in a reasonable manner as follows:
  - a. The proposed structure is of a reasonable size and otherwise complies with zoning requirements including building height and volume.
  - b. Applicant does not seek to expand upon existing non-conforming setbacks or impervious coverage. The proposed structure is smaller and fits entirely within the existing structure footprint; and only seeks to add a partial second level beneath a sloping roofline in order to provide useable living and storage space.
  - c. Structure coverage and impervious coverage are both improved over existing conditions. Total site impervious coverage is improved from 51.72% to 44.31%.

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (WE) Bob & Sandy Sevey of 4930 Meadville  
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at 4930 Meadville.

I (we) understand that in executing this acknowledgement, I am (we are) not asked to declare approval or disapproval of the property or use, but merely to confirm for the City Council that I am (we are) aware of the improvement plans and that the proposed neighbor's project or use requires Council approval.

Sandy Sevey x 10/13/2014  
Property owner's signature Date

Robert Sevey x 10/13/2014  
Property owner's signature Date

\*\*\*\*\*

I (we) \_\_\_\_\_ of Meadville  
[print name(s)] [print address]

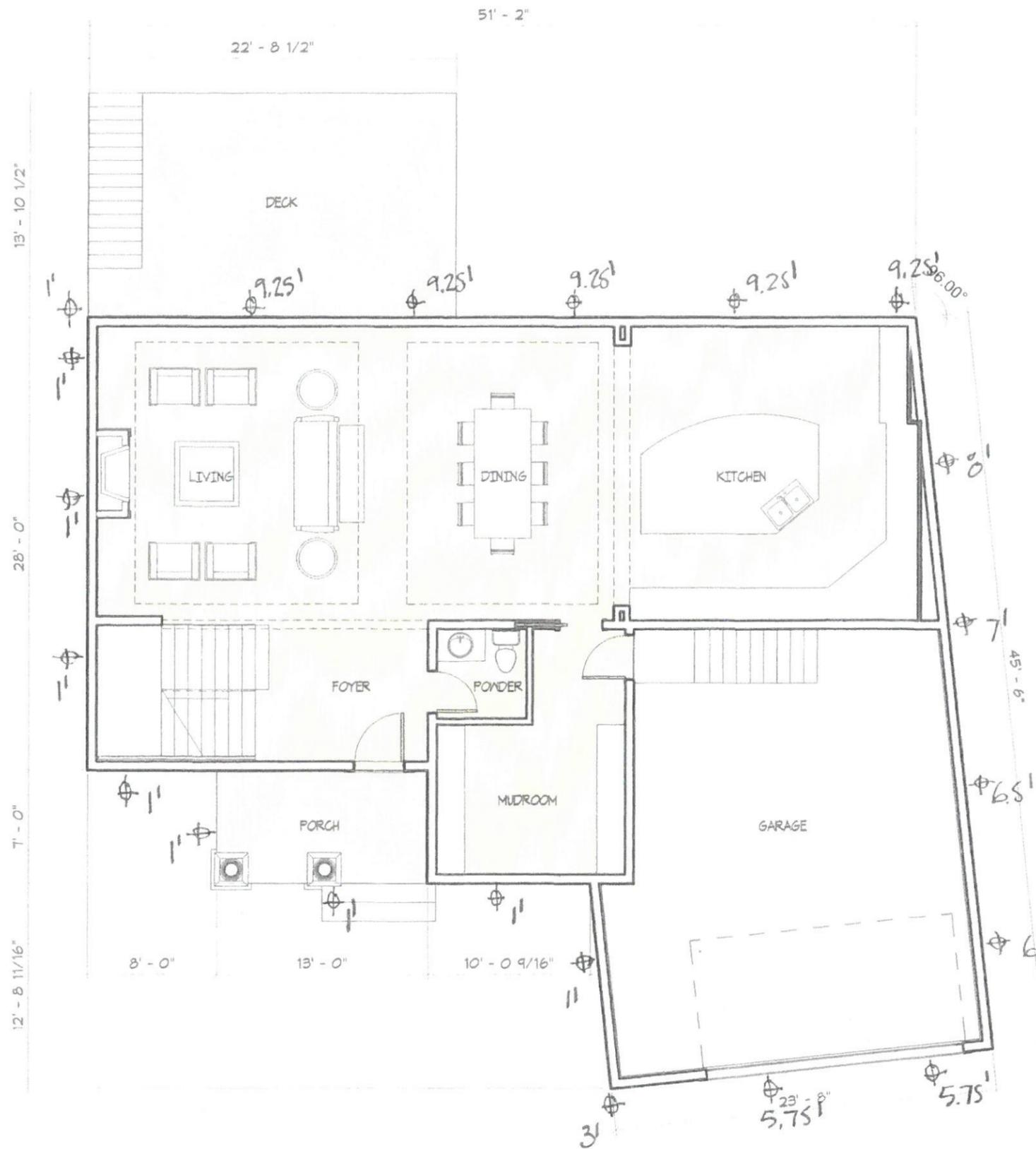
have reviewed the plans for the proposed improvements or proposed use of the property located at 4930 Meadville.

I (we) understand that in executing this acknowledgement, I am (we are) not asked to declare approval or disapproval of the property or use, but merely to confirm for the City Council that I am (we are) aware of the improvement plans and that the proposed neighbor's project or use requires Council approval.

x \_\_\_\_\_ 10/13/2014  
Property owner's signature Date

x \_\_\_\_\_ 10/13/2014  
Property owner's signature Date

If you have any information that may assist the City in the review of this application, please submit your comments to the City Clerk's office at least 10 days prior to the scheduled Council meeting.



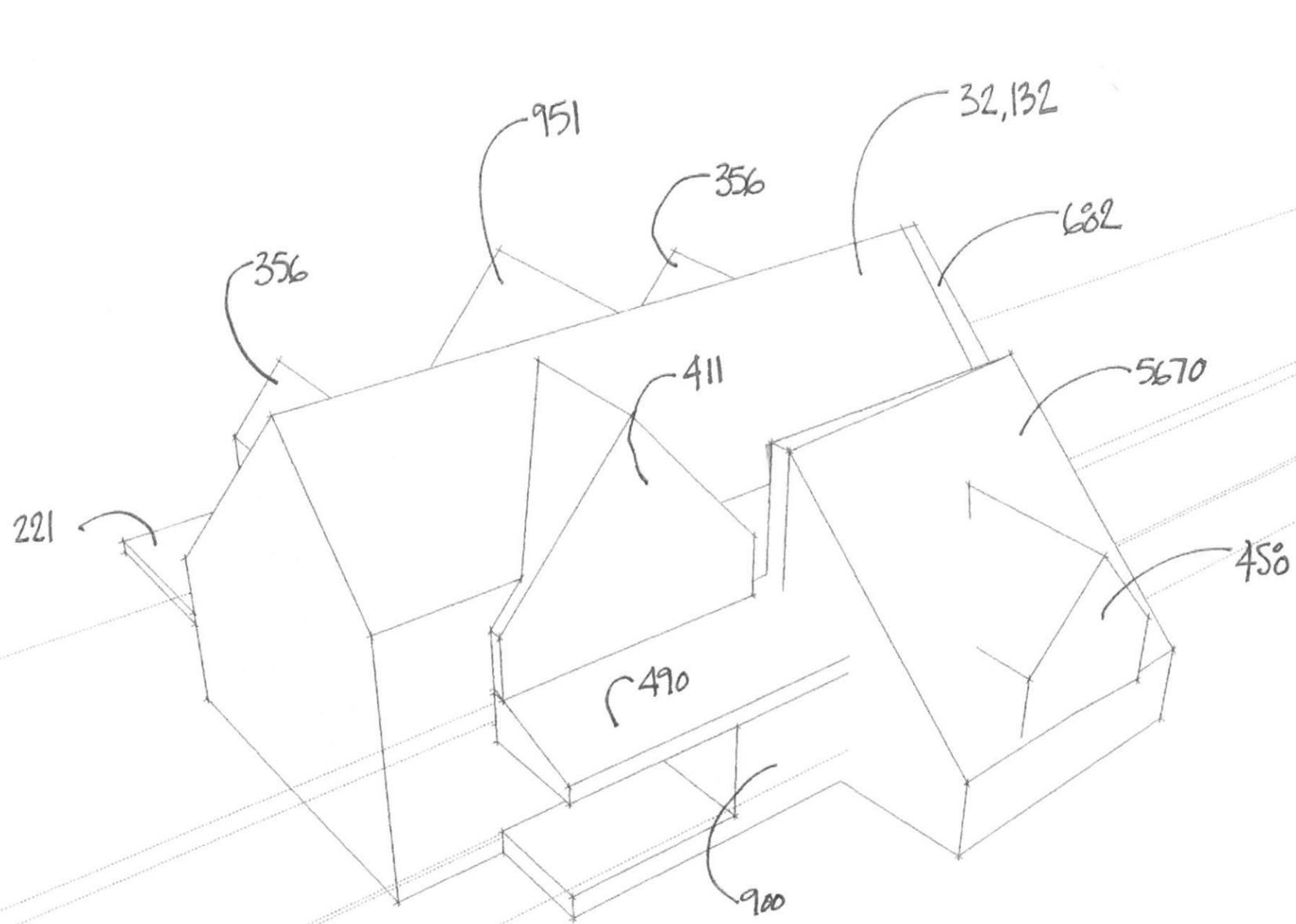
Average Height of Finished Foundation

- 9.25 x 5 = 46.25
- 8 x 1 = 8
- 7 x 1 = 7
- 6.5 x 1 = 6.5
- 6 x 1 = 6
- 5.75 x 2 = 11.5
- 3 x 1 = 3
- 1 x 9 = 9

21 = 97.25  
 97.25 ÷ 21 = 4.63' Average Height of finished foundation

Above Grade Basement Volume  
 4.63' x 2133 = 9875 cubic Ft.  
 Above Grade Basement Volume

9/25/2014  
 JONIKAS RESIDENCE  
 MAIN LEVEL FLOOR PLAN  
 COPYRIGHT 2014 - RON BRENNER ARCHITECTS



32,132  
 682  
 5,670  
 450  
 900  
 490  
 411  
 221  
 356  
 951  
 356  


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 42,627 cu.ft.  
 above grade  
 superstructure volume  
 + 9,075 cu.ft.  
 above grade  
 basement volume  


---

 52,502 cu.ft.  
 above grade  
 building volume

Allowable Building Volume  
 (for lots between 7500 & 15,000 SF)  
 $42,000 \text{ cu.ft.} + 4 \times (10,494 - 7500) = 53,976 \text{ cu.ft.}$

ABOVE GRADE SUPERSTRUCTURE DIAGRAM

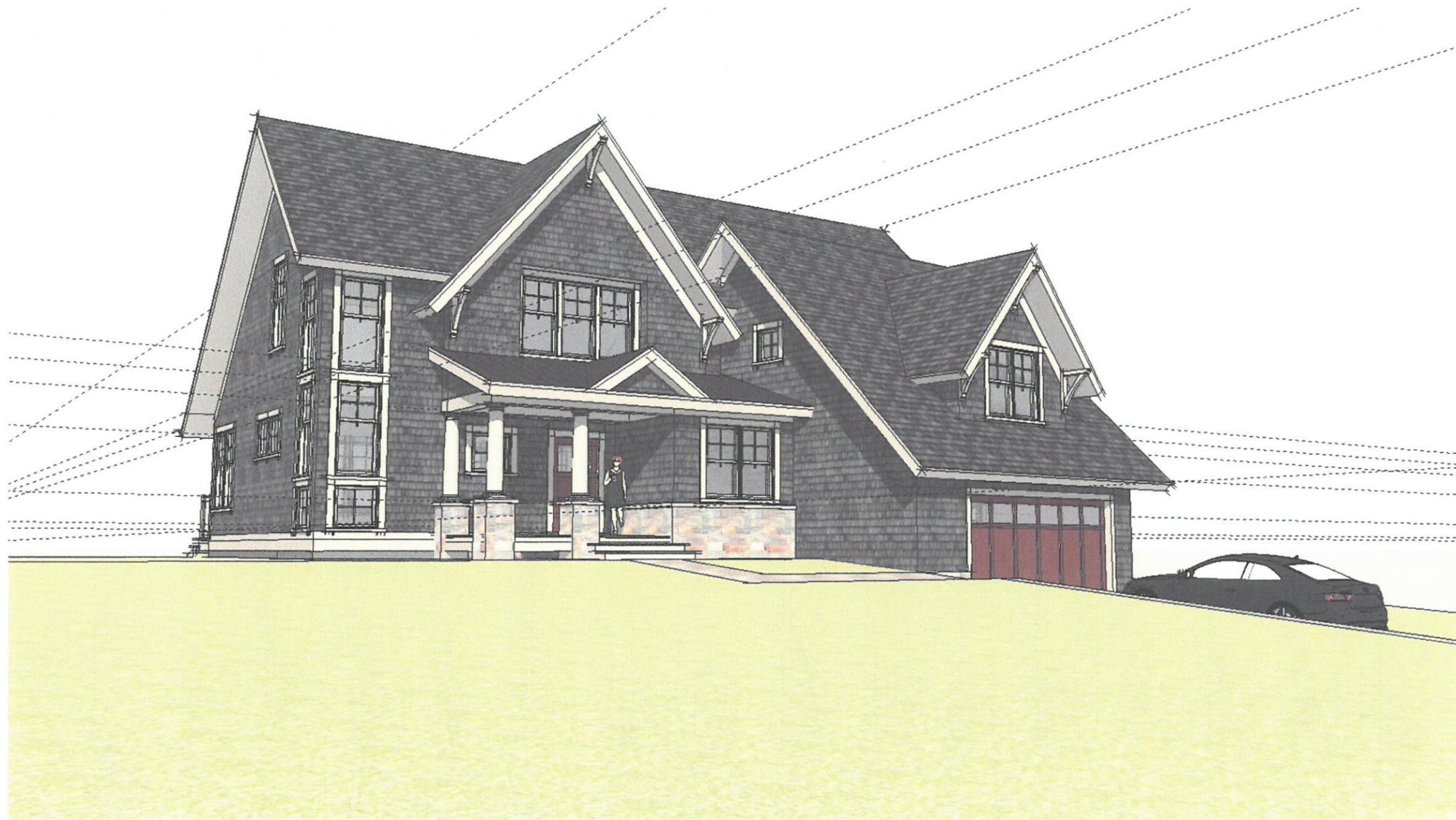
JONIKAS RESIDENCE  
 10/13/2014 • RON BRENNER ARCHITECTS



FRONT LEFT BIRDS EYE SKETCH

JONIKAS RESIDENCE  
10/2/2014  
EXTERIOR IMAGES

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FRONT LEFT PERSPECTIVE IMAGE SKETCH

JONIKAS RESIDENCE  
10/2/2014  
EXTERIOR IMAGES

COPYRIGHT 2014, RON BRENNER ARCHITECTS



LAKE SIDE PERSPECTIVE IMAGE SKETCH

JONIKAS RESIDENCE  
10/2/2014  
EXTERIOR IMAGES

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FRONT ELEVATION - 3/16"=1'-0

JONIKAS RESIDENCE  
10/2/2014  
EXTERIOR IMAGES

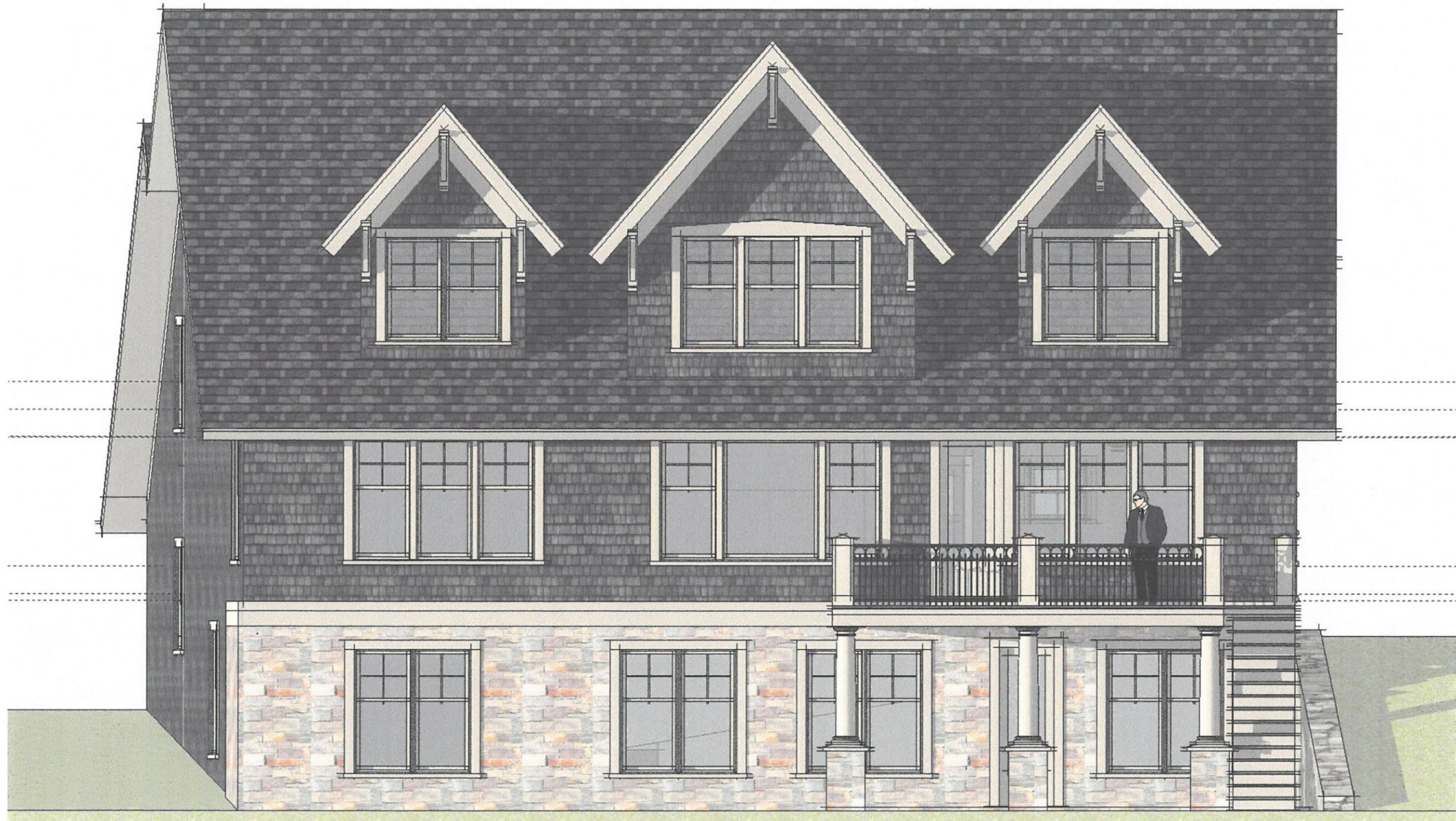
COPYRIGHT 2014, RON BRENNER ARCHITECTS



LEFT SIDE ELEVATION - 1/8" = 1'-0

JONIKAS RESIDENCE  
10/2/2014  
EXTERIOR IMAGES

COPYRIGHT 2014, RON BRENNER ARCHITECTS



REAR ELEVATION - 3/16"=1'-0

JONIKAS RESIDENCE  
10/2/2014  
EXTERIOR IMAGES

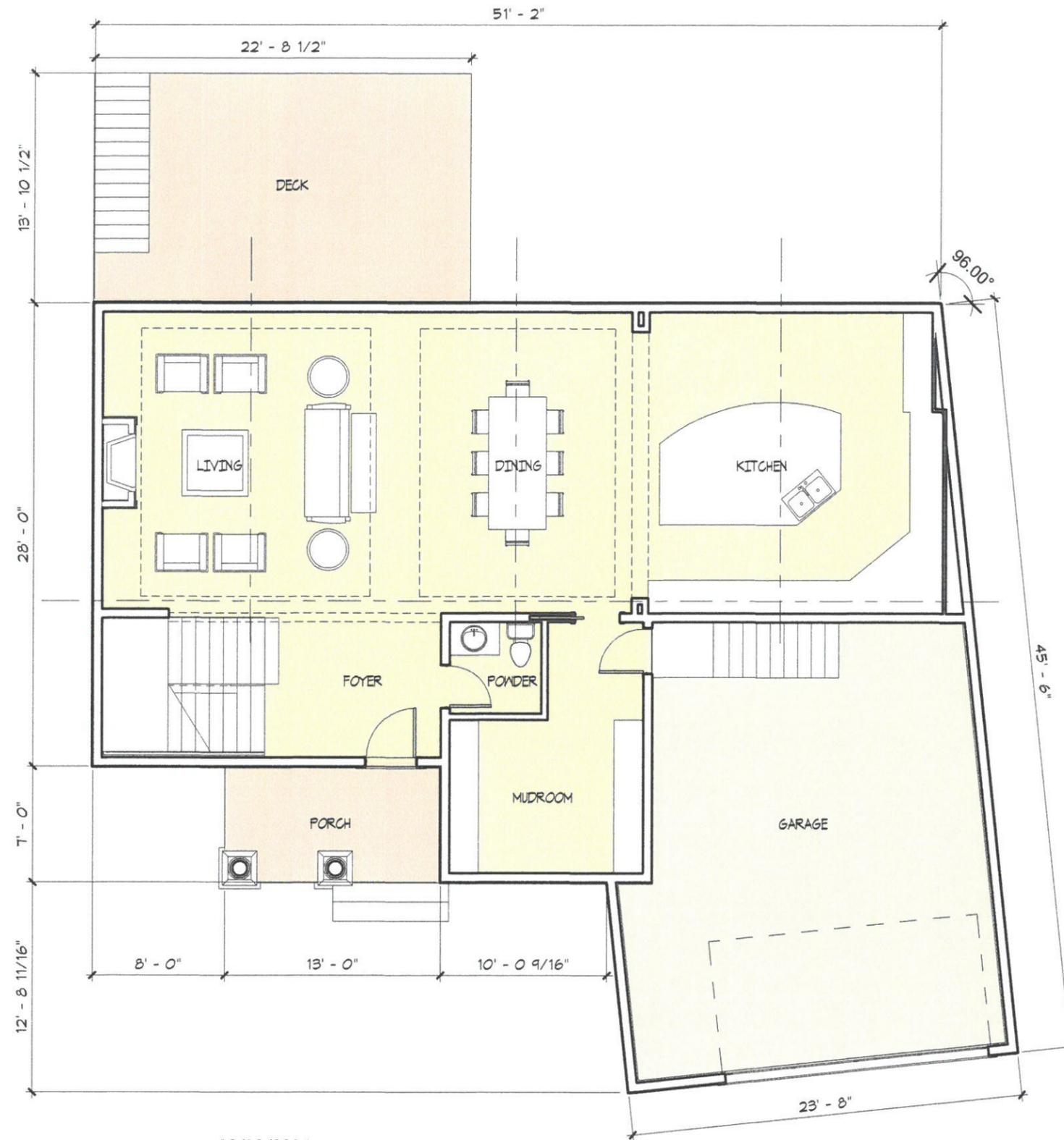
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RIGHT SIDE ELEVATION - 1/8" = 1'-0

JONIKAS RESIDENCE  
10/2/2014  
EXTERIOR IMAGES

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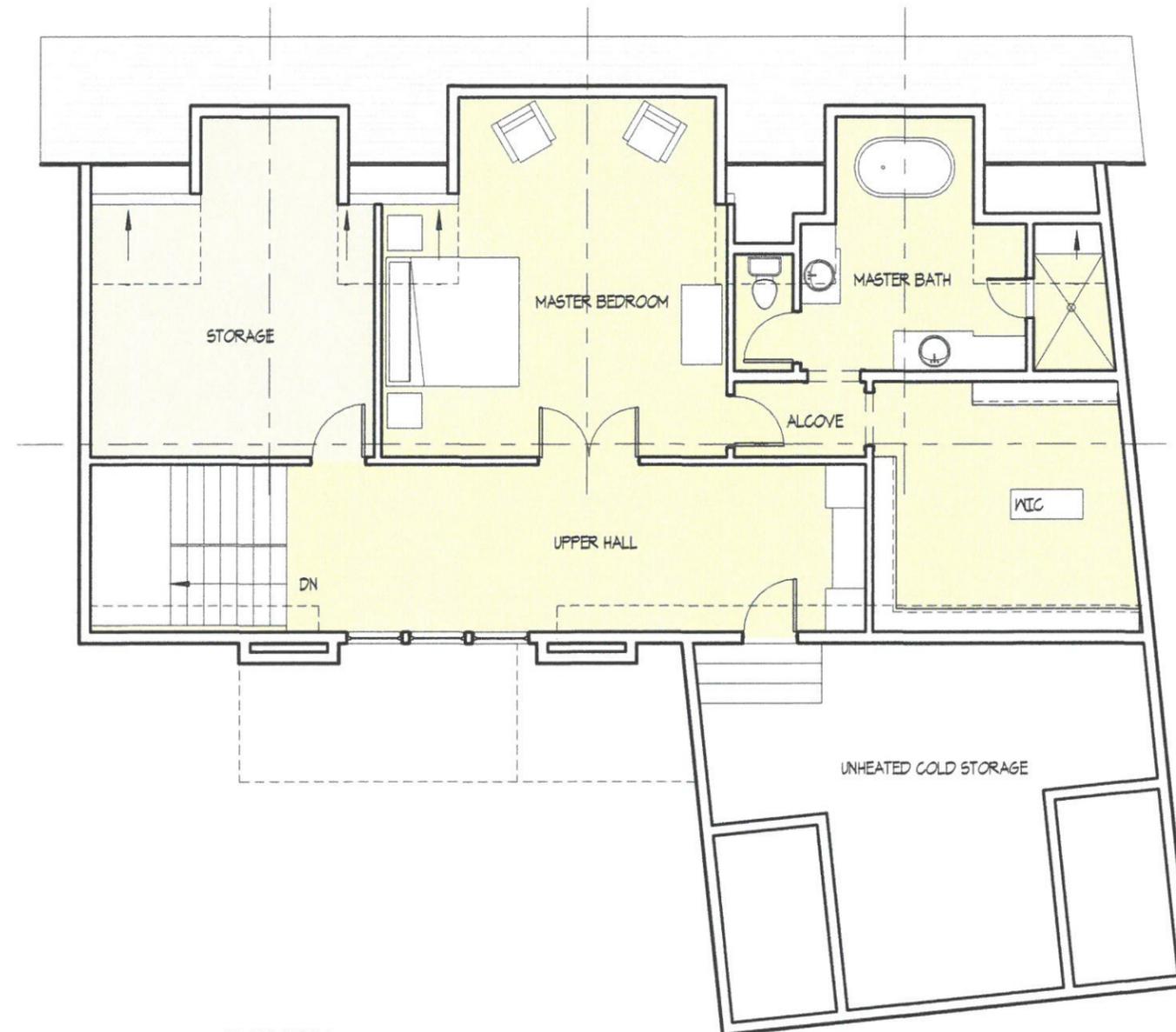


10/13/2014  
 JONIKAS RESIDENCE

MAIN LEVEL FLOOR PLAN

COPYRIGHT 2014 - RON BRENNER ARCHITECTS

BUILDING STRUCTURE FOOTPRINT INFORMATION:		
	EXISTING	PROPOSED
HOUSE, GARAGE & ENTRY PORCH	2134 SF	2076 SF
ATTACHED DECKS	528 SF	241 SF
TOTAL STRUCTURE	2662 SF	2367 SF



10/13/2014  
JONIKAS RESIDENCE

UPPER LEVEL FLOOR PLAN

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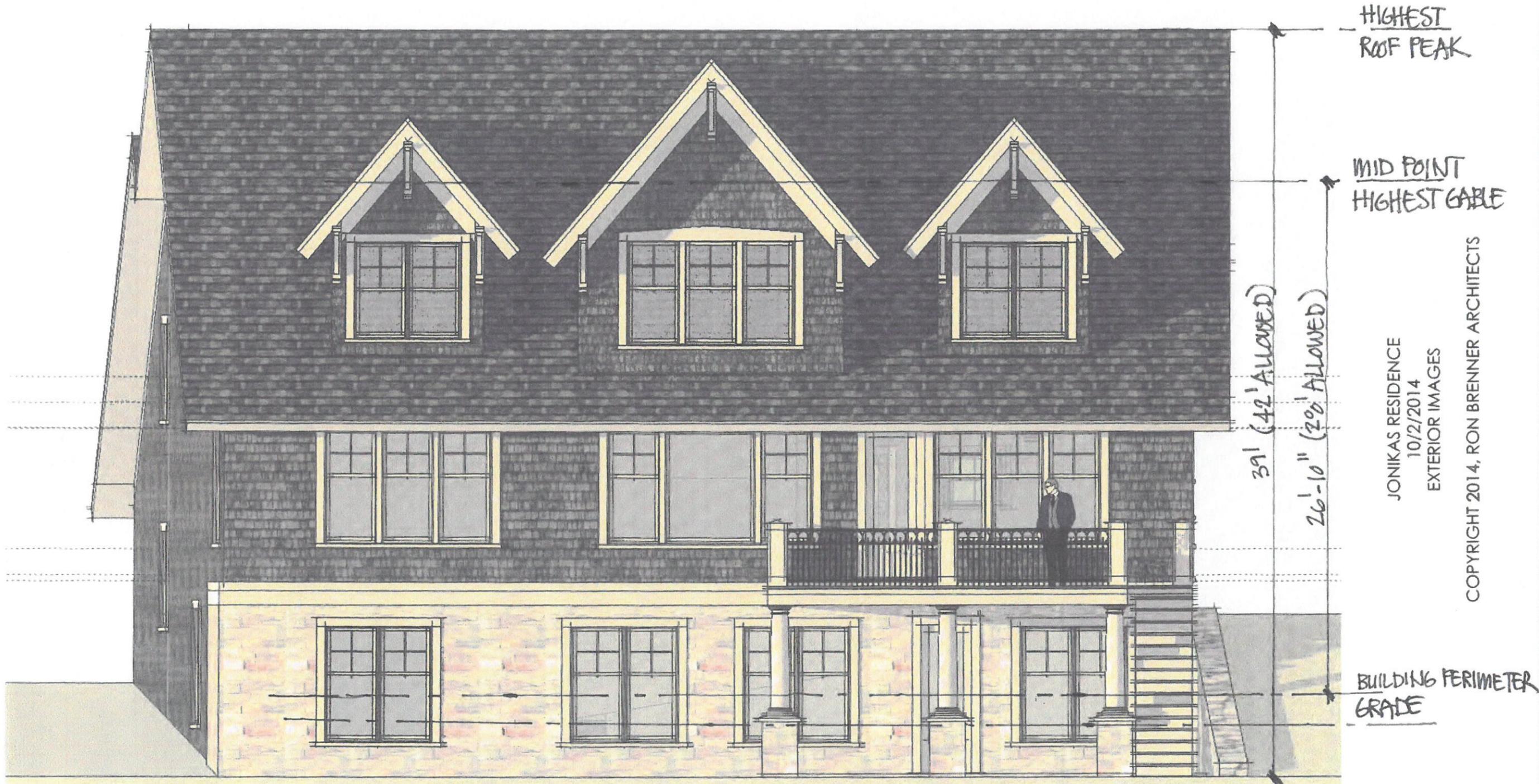


10/13/2014  
 JONIKAS RESIDENCE

LOWER LEVEL FLOOR PLAN

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ROOF HEIGHT DIAGRAM



JONIKAS RESIDENCE  
10/2/2014  
EXTERIOR IMAGES

COPYRIGHT 2014, RON BRENNER ARCHITECTS

REAR ELEVATION - 3/16"=1'-0

ROOF HEIGHT DIAGRAM

JONIKAS RESIDENCE  
10/13/2014 - RON BRENNER ARCHITECTS

# EXISTING CONDITIONS

SURVEY FOR: **DEBORAH & MICHAEL JONIKAS**

SURVEYED: March, 2014 DRAFTED: March 18, 2014  
 REVISED: March 20, 2014, to show different legal description (as provided) and proposed legal description.  
 REVISED: March 27, 2014, to show revised boundary per found irons near lake.  
 REVISED: May 12, 2014, to add topography, trees, and hardcover.  
 REVISED: May 27, 2014, to revise hardcover calculations.  
 REVISED: August 21, 2014, to show rock/stone wall along northeasterly line.  
 REVISED: October 2, 2014, to show set line stakes and detail impervious surface breakdown.  
 REVISED: October 7, 2014, to show revised hardcover.  
 REVISED: October 10, 2014, to show revised hardcover.  
 REVISED: October 13, 2014, to show revised hardcover.

**LEGAL DESCRIPTION:**  
 That part of Lot 120, Auditor's Subdivision Number One Hundred and Forty One (141), Hennepin County, Minnesota, lying Southwesterly of a line drawn Northwesterly from a point in the Southeastly line of said lot distant 92 feet Southwesterly of the most Easterly corner thereof, said line so drawn deflects 90 degrees 44 minutes 15 second (measured from Southwest to Northwest) from said Southeastly line.

Contains: 10,494 Sq. Ft. (as measured to O.H.W. line)

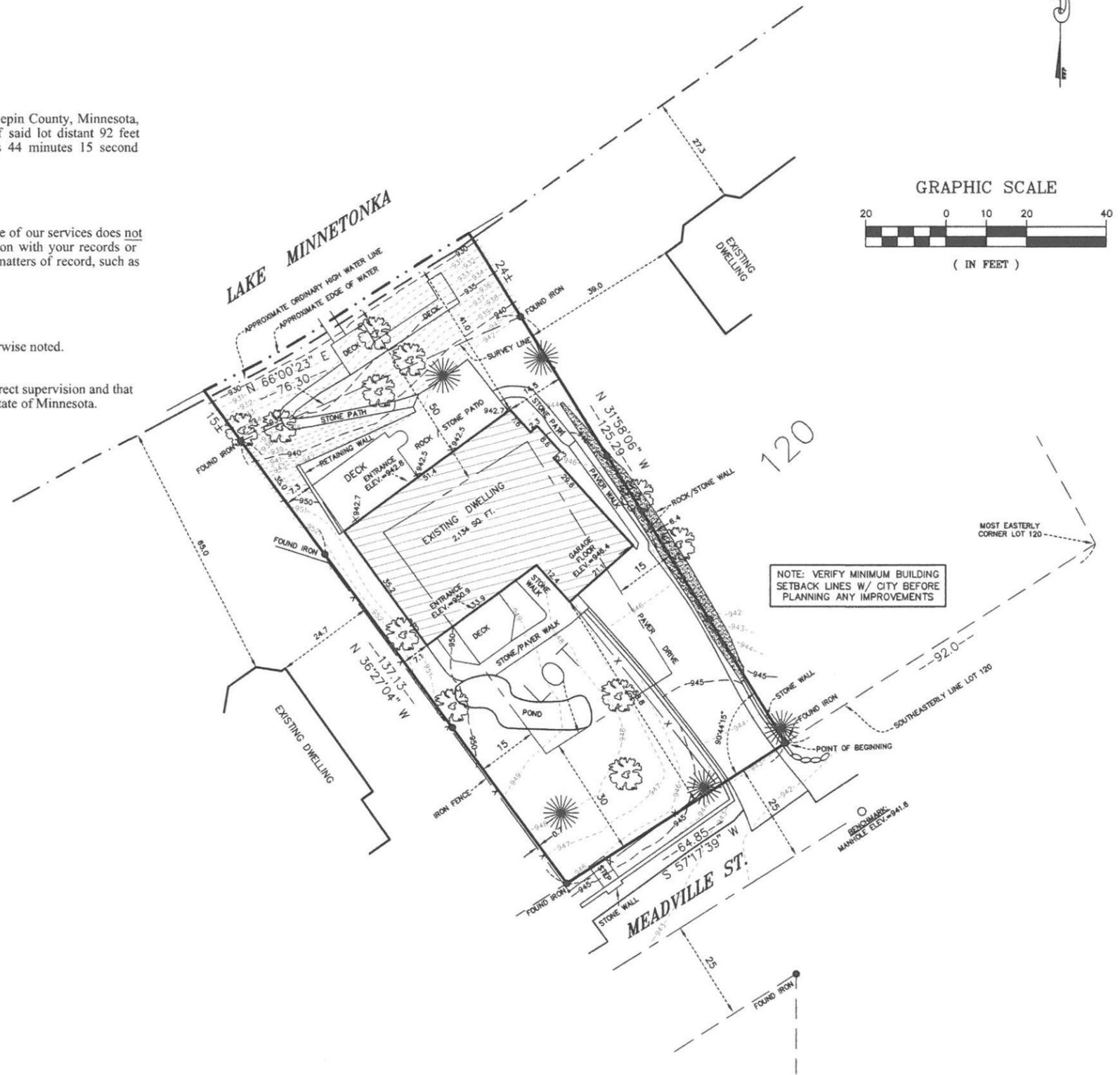
**SCOPE OF WORK & LIMITATIONS:**  
 1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal 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. Setting new monuments or verifying old monuments to mark the corners of the property.

**STANDARD SYMBOLS & CONVENTIONS:**  
 "●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

**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 duly Licensed Professional Engineer and Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *James H. Parker* Typed Name: James H. Parker Reg. No.: 9235

Date: October 13, 2014



**EXISTING IMPERVIOUS**

HOUSE	2,134 SQ. FT.
REAR DECK	328 SQ. FT.
DRIVE	1,008 SQ. FT.
LAKESIDE DECKS	193 SQ. FT.
LAKESIDE STONE PATH	140 SQ. FT.
EAST SIDE STONE	152 SQ. FT.
ROCK/STONE PATIO	507 SQ. FT.
ENTRY WALK	272 SQ. FT.
STREET STEPS	3 SQ. FT.
RETAINING WALLS	87 SQ. FT.
FRONT DECK	200 SQ. FT.
EAST SIDE PAVER WALK	142 SQ. FT.
POND	262 SQ. FT.
<b>TOTAL HARDCOVER</b>	<b>5,428 SQ. FT.</b>
LOT AREA TO OHW	10,494 SQ. FT.
COVERAGE	51.72%

140786 2014 10 13 A JP EXISTING

SURVEY FOR: **DEBORAH & MICHAEL JONIKAS**

SURVEYED: March, 2014 DRAFTED: March 18, 2014  
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 REVISED: October 2, 2014, to show set line stakes and detail impervious surface breakdown.  
 REVISED: October 7, 2014, to show revised hardcover.  
 REVISED: October 9, 2014, to show chimney as part of house.  
 REVISED: October 10, 2014, per architect's email.  
 REVISED: October 11, 2014, per architect's email.  
 REVISED: October 13, 2014, to adjust hardcover.

**LEGAL DESCRIPTION:**  
 That part of Lot 120, Auditor's Subdivision Number One Hundred and Forty One (141), Hennepin County, Minnesota, lying Southwesterly of a line drawn Northwesterly from a point in the Southeasterly line of said lot distant 92 feet Southwesterly of the most Easterly corner thereof, said line so drawn deflects 90 degrees 44 minutes 15 second (measured from Southwest to Northwest) from said Southeasterly line.

Contains: 10,494 Sq. Ft. (as measured to O.H.W. line)

**SCOPE OF WORK & LIMITATIONS:**  
 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. Setting new monuments or verifying old monuments to mark the corners of the property.  
 4. Showing your proposal to make improvements to the property and related grading, drainage and erosion control details for your review and approval and for the review and approval of such governmental agencies as may have jurisdiction over your project before you use this survey to make decisions.

**STANDARD SYMBOLS & CONVENTIONS:**  
 "●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

**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 duly Licensed Professional Engineer and Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *James H. Parker* Typed Name: James H. Parker Reg. No.: 9235

Date: October 13, 2014

# PROPOSED SITE PLAN



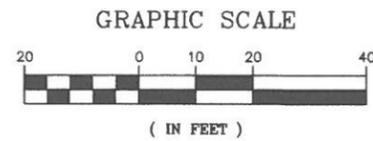
**IMPERVIOUS SURFACE**

HOUSE	2076 SQ. FT.
REAR DECK	291 SQ. FT.
DRIVE	1008 SQ. FT.
LAKESIDE DECKS	193 SQ. FT.
LAKESIDE STONE PATH	140 SQ. FT.
EAST SIDE STONE	152 SQ. FT.
ROCK/STONE PATIO	555 SQ. FT.
ENTRY WALK	152 SQ. FT.
STREET STEPS	3 SQ. FT.
RETAINING WALLS	86 SQ. FT.
TOTAL HARDCOVER	4,650 SQ. FT.
LOT AREA TO OHW	10,494 SQ. FT.
COVERAGE	44.31%

**LEGEND**

---960.0	DENOTES PROPOSED SPOT ELEVATION
---942---	DENOTES EXISTING CONTOUR LINE
---946---	DENOTES PROPOSED CONTOUR LINE
---	DENOTES PROPOSED STORM FLOW
---	DENOTES PROPOSED SILT FENCE

NOTE: VERIFY MINIMUM BUILDING SETBACK LINES W/ CITY BEFORE PLANNING ANY IMPROVEMENTS



November 18, 2014

To Whom it May Concern:

My wife Mary and I live next to the proposed house Mike and Deb Jonikas intend to build on Meadville Street in Greenwood, Minnesota. We have seen their preliminary plans and support the project. Mike and Deb have been very good future neighbors by keeping us apprised of their goals and plans for the project and we have appreciated that kind of communication.

Change is never an easy thing but we believe this change will be for the better. Mary and I support the project and look forward to seeing the finished product in the relatively near future. Please call me at 612-203-3441 with any additional questions or concerns you may have.

Sincerely,

Handwritten signature of Jim and Mary Jetland in cursive script, with a small ampersand between the names.

Jim and Mary Jetland  
4940 Meadville Street  
Greenwood, MN 55331

Bob and Sandy Sevey  
4926 Meadville Street  
Greenwood, MN 55331  
952.474.2348

October 17, 2014

Mike and Deb Jonikas  
6368 Oxbow Bend  
Chanhassen, MN 55317

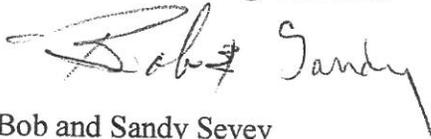
Re: 4930 Meadville Street

Dear Mike & Deb:

Thank you for giving us the opportunity to review your proposed resubmittal on the next door property you recently purchased from the Burdicks.

We like your architectural drawings. You appear to have addressed the concerns we voiced at the previous planning commission meeting. We hope the continuing permitting process will confirm our feelings.

Welcome to the neighborhood.

A handwritten signature in cursive script that reads "Bob & Sandy". The signature is written in dark ink and is positioned above the typed name.

Bob and Sandy Sevey

November 16, 2014

To whom it may concern:

Eric Stafford and I (21880 Fairview Street) are writing this letter to voice our support for the Jonikus' construction plans for their new home.

We represented the seller in the sale of the property and understood that Deb and Mike were purchasing the property as a lot with the intention of building their dream home there. So, we are writing as professional Realtors and future neighbors (our home is just down the street from their property).

We understand that their plan will utilize the Footprint of the Existing Structure and in fact will be 11% less square feet than the existing home's footprint.

They have shared with us their desire to conserve natural resources with an absolute minimum of site disruption, including but not limited to:

- They will not require removal of any trees
- The foundation depth and grades are predominantly maintained
- They will increase green space by decreasing Impervious Hardcover Coverage
- The proposed design reduces hardcover to 44.3% (from the existing 51.7%)

Not only are they being good stewards of the land, but this new home will fit in with the general character of our neighborhood, with its Arts and Crafts/cottage-style design, and be an improvement from the existing home that was built decades ago.

We have lived in this neighborhood for over three years and the majority of sales in our neighborhood were sold as a tear-down. Each new property owner built their dream home and we have seen each new home as a beautiful improvement to our neighborhood.

Best regards,

Sharla Stafford

21880 Fairview Street

p.s. Eric can be reached at 952.221.7751 or I can be reached at 612.282.6895

RESOLUTION NO 33-14

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

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**APPROVING / DENYING**

**IN RE: The Application of Michael and Deborah Jonikas, 4930 Meadville Street for variances to Greenwood ordinance code section(s) 1120.15 and 1176.04(3)(3) to permit remove an existing nonconforming structure and construct a new home.**

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**WHEREAS**, Michael and Deborah Jonikas are the owners of property commonly known as 4930 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0002); and

**WHEREAS**, application was made for variances to section 1120.15 and 1176.04(3)(3) to permit the removal of an existing nonconforming structure and construction of a new home that encroaches 8 feet, 7 inches into the required 15-foot east side yard setback; encroaches 7 feet, 8 inches into the required 15-foot west side yard setback; encroaches 21 feet, 3 inches into the required 50-foot lake yard setback; and exceeds the maximum permitted impervious surface area by 14.3%; and

**WHEREAS**, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

**WHEREAS**, public comment was taken at the public hearing before the planning commission on July 16, 2014; and

**WHEREAS**, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant and the comments of the public.

**NOW, THEREFORE**, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

**FINDINGS OF FACT**

1. That the real property located at 4930 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0002) is a single family lot of record located within the R1A district.
2. The applicant proposes to permit the removal of an existing nonconforming structure and construction of a new home that encroaches into the required east side yard setback; encroaches into the required west side yard setback; encroaches into the required lake yard setback; and exceeds the maximum permitted impervious surface area.
3. Section 1120.15 of the zoning ordinance requires a minimum east side yard and west side yard setback of 15 feet. The applicants propose an east side yard setback of 6 feet, 5 inches and a west side yard setback of 7 feet, 4 inches for the proposed single family home. The proposal requires a variance of 8 feet, 7 inches of the required east side yard setback and 7 feet, 8 inches of the required west side yard setback.
4. Section 1120.15 of the zoning ordinance requires a minimum lake yard setback of 50 feet. The applicants propose a lake yard setback of 28 feet, 9 inches for the proposed single family home. The proposal requires a variance of 21 feet, 3 inches of the required lake yard setback.
5. Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicants propose an impervious surface area of 44.3% and are seeking a variance to exceed the maximum permitted impervious surface area by 14.3%.
6. The applicants have reduced the structural impervious surface area from 2,855 square feet (2.72%) to 2,560 square feet (2.43%) and reduced the overall impervious surface area by 7.4%.

7. The applicants advise their proposal would remove an existing nonconforming single-family home and replace it with a home that would be built substantially within the same footprint and maintain or reduce the existing non-conformities. The proposed home maintains the existing 8-foot, 7-inch encroachment into the required east side yard setback and maintains the 21-foot, 3-inch lake yard setback. The proposal would reduce the west side yard encroachment from 7 feet, 11 inches to 7 feet, 8 inches and reduce the impervious surface area by 7.4%.

8. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

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

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

Economic considerations alone shall not constitute practical difficulties.

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

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

Subd. 6. 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.”

9. The applicant asserts that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above).

10. The planning commission discussed the variance requests and on a 5-0 vote recommended approval because the proposed variance requests comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above) for the following reasons:

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and recommends the following condition(s):

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_

11. Based on the foregoing, the city council determined that variance requests comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above) for the following reasons:

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and has determined that the following conditions should be imposed on any variance grant:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) The project must be completed according to the specifications and design requirements in the submitted plans.

(d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

12. Subject to the stated conditions, the variance, if granted, will be / will not be in harmony with the purpose and intent of the zoning ordinance and may / may not be granted.

### CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

The applicant has made / not made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of a variance and therefore:

- A. A variance to section 1120.15 permitting a variance of 8 feet, 7 inches of the required east side yard setback and 7 feet, 8 inches of the required west side yard setback should / should not be granted.
- B. A variance to section 1120.15 permitting a variance of 21 feet, 3 inches of the required lake yard setback should / should not be granted.
- C. A variance to section 1176.04(3)(3) permitting a variance to exceed the maximum permitted impervious surface area by 14.3% should / 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 & Adjustments:

That the application of Michael and Deborah Jonikas are the owners of property commonly known as 4930 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0002) for:

- A. A variance to section 1120.15 permitting a variance of 8 feet, 7 inches of the required east side yard setback and 7 feet, 8 inches of the required west side yard setback is DENIED / APPROVED.
- B. A variance to section 1120.15 permitting a variance of 21 feet, 3 inches of the required lake yard setback is DENIED / APPROVED.
- C. A variance to section 1176.04(3)(3) permitting a variance to exceed the maximum permitted impervious surface area by 14.3% is DENIED / APPROVED.

with the following conditions:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) The project must be completed according to the specifications and design requirements in the submitted plans.
- (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2014 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

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

CITY OF GREENWOOD

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

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



**Agenda Number: 7B**

**Agenda Date: 12-03-14**

*Prepared by Deb Kind*

**Agenda Item:** Res 34-14 Approving Final Levy for Taxes Payable in **2015** and Res 37-14 Approving Final **2015** Budget

**Summary:** Attached is a copy of the final budget, which includes the tax levy amount of **\$642,782** (shaded gray at the top of page 1). This is the amount that is included on the attached resolution 34-14 for approving the final tax levy for taxes payable in **2015**. Also attached is resolution 37-14 to approve the **2015** general fund budget amount of **\$764,819**.

The tax levy and budget are the result of council discussions at worksessions and council meetings in August and September. The preliminary tax levy of **\$643,586** was approved at the September council meeting. This amount may be reduced at the approval of the final levy, but it cannot increase. The following changes have been made to the spreadsheet since the preliminary approval in September:

1. Line 126 on page 4 was changed from \$4000 to \$5000 to reflect the recent bill received from the LMCIT.
2. The contingency amount on line 138 on page 4 was changed to 1.75% to keep the total levy slightly below what was approved for the preliminary levy.
3. Line 176 on page 5 was added for coding Stormwater Capital Outlay projects.

The council is not required to take action on the below fund budgets. However, since the 2011 budget process, the below fund budgets have been included on the budget spreadsheet for the council's reference and for the public to view.

- A. Sewer Enterprise Fund
- B. Stormwater Special Revenue Fund
- C. Park Special Revenue Fund
- D. Marina Enterprise Fund
- E. Bridge Capital Project Fund
- F. Special Project Fund (new in 2013)
- G. Road Improvement Fund (new in 2014)

**Public Comment Opportunity:** The December council meeting also is the opportunity for the public to comment regarding the tax levy and budget.

**Council Action:** Required. Suggested motions ...

1. I move the council adopts resolution 34-14 approving the **2014** tax levy in the amount of **\$642,782** to be collected in **2015**.
2. I move the council adopts resolution 37-14 approving the **2015** general fund budget in the amount of **\$764,819**.

# 2015 Greenwood FINAL Budget

		2013 Actual	2013 Budget	2014 YTD 6/30	2014 Budget	2015 Budget	% Change	% Total Budget
<b>GENERAL FUND REVENUE</b>								
1	<b>TAXES</b>							
2	101-31010 General Property Tax	621,465	644,668	16,150	643,874	642,782	-0.17%	
3	101-31020 General Property Tax - Delinquent	10,995	0	1,524	0	0	#DIV/0!	
4	101-31040 Fiscal Disparities	3,237	0	75	0	0	#DIV/0!	
5	101-31800 Surcharge Revenue	101	0	40	0	0	#DIV/0!	
6	101-31910 Penalties	12	0	0	0	0	#DIV/0!	
7		<b>635,810</b>	<b>644,668</b>	<b>17,789</b>	<b>643,874</b>	<b>642,782</b>	<b>-0.17%</b>	<b>84.04%</b>
8	<b>LICENSES &amp; PERMITS</b>							
9	101-32110 Liquor & Cigarette Licenses	15,217	3,000	0	10,050	10,050	0.00%	
10	101-32180 Other Business Licenses / Permits (Rental, Peddler, Commercial Marina, Trash, Tree Contractors)	4,165	2,000	550	4,500	4,000	-11.11%	
11	101-32210 Building Permits	47,749	36,000	20,195	30,000	36,000	20.00%	
12	101-32211 Electric Permits	8,017	11,000	5,302	2,000	5,000	150.00%	
13	101-32240 Animal Licenses	475	950	120	450	450	0.00%	
14		<b>75,623</b>	<b>52,950</b>	<b>26,167</b>	<b>47,000</b>	<b>55,500</b>	<b>18.09%</b>	<b>7.26%</b>
15	<b>INTERGOVERNMENT REVENUE</b>							
16	101-33402 Homestead Credit (Market Value Credit)	0	0	0	0	0	#DIV/0!	
17	101-33423 Other Grants / Aids (Recycle Grant, Etc.)	2,606	0	18,985	0	0	#DIV/0!	
18	101-33610 County Aid to Municipalities (CAM Road Aid)	1,800	0	0	0	0	#DIV/0!	
19	101-33630 Local Government Aid (LGA)	0	0	0	0	0	#DIV/0!	
20		<b>4,406</b>	<b>0</b>	<b>18,985</b>	<b>0</b>	<b>0</b>	<b>#DIV/0!</b>	<b>0.00%</b>
21	<b>PUBLIC CHARGES FOR SERVICES</b>							
22	101-34103 Zoning & Subdivisions (Variances, Conditional Use Permits, Etc.)	6,652	1,000	2,800	4,000	5,000	25.00%	
23	101-34207 False Alarm Fee	0	75	0	75	75	0.00%	
24	101-34304 Load Limit Fees	12,475	2,500	1,611	6,000	4,000	-33.33%	
25	101-34409 Recycling Fees	19,579	19,000	9,573	19,000	19,500	2.63%	
26		<b>38,706</b>	<b>22,575</b>	<b>13,983</b>	<b>29,075</b>	<b>28,575</b>	<b>-1.72%</b>	<b>3.74%</b>
27	<b>FINES, FORFEITURES &amp; PENALTIES</b>							
28	101-35101 Court Fines	7,312	4,500	2,804	6,000	5,600	-6.67%	0.73%
29								
30	<b>MISC. INCOME</b>							
31	101-36102 Investment Income	2,867	3,500	2,308	2,200	4,000	81.82%	
32	101-36230 Photocopy Revenue, Donations, Refunds, Parking Permit Revenue, Workshop Revenue, Etc.	15,492	0	0	0	0	#DIV/0!	
33		<b>18,359</b>	<b>3,500</b>	<b>2,308</b>	<b>2,200</b>	<b>4,000</b>	<b>81.82%</b>	<b>0.52%</b>
34	<b>OTHER FINANCING SOURCES</b>							
35	101-39201 Interfund Operating Transfer: From Marina Fund	3,086	12,500	0	12,500	12,500	0.00%	
36	101-39200 Administration Expense Reimbursement: 10% of Marina Revenue	12,500	3,086	0	3,346	3,470	3.71%	
37	101-39202 Administrative Expense Reimbursement: 10% of Sewer Revenue	10,866	10,866	0	10,866	10,090	-7.14%	
38	101-39203 Administrative Expense Reimbursement: 10% of Stormwater Revenue	1,625	1,625	0	1,625	2,302	41.67%	
39		<b>28,077</b>	<b>28,077</b>	<b>0</b>	<b>28,337</b>	<b>28,362</b>	<b>0.09%</b>	<b>3.71%</b>
40								
41	<b>Total Revenue</b>	<b>789,934</b>	<b>756,270</b>	<b>79,728</b>	<b>756,486</b>	<b>764,819</b>	<b>1.10%</b>	

# 2015 Greenwood FINAL Budget

		2013 Actual	2013 Budget	2014 YTD 6/30	2014 Budget	2015 Budget	% Change	% Total Budget
<b>GENERAL FUND EXPENSES</b>								
42	<b>COUNCIL &amp; PLANNING COMMISSION</b>							
43	101-41100-103	13,200	13,200	6,600	13,200	13,200	0.00%	
44	101-41100-122	818	818	409	818	818	0.00%	
45	101-41100-123	191	191	96	191	191	0.00%	
46	101-41100-371	2,386	1,200	0	1,200	1,200	0.00%	
47	101-41100-372	0	100	84	100	100	0.00%	
48	101-41100-433	30	150	0	150	150	0.00%	
49		<b>16,626</b>	<b>15,660</b>	<b>7,188</b>	<b>15,660</b>	<b>15,660</b>	<b>0.00%</b>	<b>2.05%</b>
50	<b>ELECTIONS</b>							
51	101-41200-103	0	0	0	1,900	0	-100.00%	
52	101-41200-214	31	0	0	160	50	-68.75%	
53	101-41200-319	534	0	0	535	550	2.80%	
54	101-41200-372	0	0	0	650	0	-100.00%	
55	101-41200-439	0	0	0	650	0	-100.00%	
56		<b>565</b>	<b>0</b>	<b>0</b>	<b>3,895</b>	<b>600</b>	<b>-84.60%</b>	<b>0.08%</b>
57	<b>ADMINISTRATION</b>							
58	101-41400-201	0	150	0	150	150	0.00%	
59	101-41400-202	1,209	500	975	1,400	1,800	28.57%	
60	101-41400-204	1,239	500	849	800	1,000	25.00%	
61	101-41400-309	415	500	440	450	450	0.00%	
62	101-41400-310	34,195	36,665	19,599	37,793	35,714	-5.50%	
63	101-41400-311	5,972	6,500	2,980	5,849	5,849	0.00%	
64	101-41400-313	1,988	1,940	1,016	1,970	1,990	1.02%	
65	101-41400-321	0	450	0	150	150	0.00%	
66	101-41400-322	820	800	231	800	800	0.00%	
67	101-41400-351	759	1,000	186	1,000	800	-20.00%	
68	101-41400-372	0	0	0	0	0	#DIV/0!	
69	101-41400-411	2,024	903	0	0	0	#DIV/0!	
70	101-41400-439	495	300	526	725	725	0.00%	
71		<b>49,116</b>	<b>50,208</b>	<b>26,803</b>	<b>51,087</b>	<b>49,428</b>	<b>-3.25%</b>	<b>6.46%</b>
72	<b>ASSESSOR</b>							
73	101-41500-309	14,000	14,000	7,500	15,000	17,000	13.33%	
74	101-41500-439	75	100	124	100	125	25.00%	
75		<b>14,075</b>	<b>14,100</b>	<b>7,624</b>	<b>15,100</b>	<b>17,125</b>	<b>13.41%</b>	<b>2.24%</b>
76	<b>LEGAL SERVICES</b>							
77	101-41600-304	8,073	12,000	7,502	12,000	12,000	0.00%	
78	101-41600-308	3,393	4,000	805	4,000	4,000	0.00%	
79		<b>11,466</b>	<b>16,000</b>	<b>8,307</b>	<b>16,000</b>	<b>16,000</b>	<b>0.00%</b>	<b>2.09%</b>

# 2015 Greenwood FINAL Budget

		2013 Actual	2013 Budget	2014 YTD 6/30	2014 Budget	2015 Budget	% Change	% Total Budget
80	<b>AUDITING</b>							
81	101-41700-301 Auditing (2014: \$9480, 2015: \$9570)	10,717	10,130	9,450	9,480	9,570	0.95%	
82		<b>10,717</b>	<b>10,130</b>	<b>9,450</b>	<b>9,480</b>	<b>9,570</b>	<b>0.95%</b>	<b>1.25%</b>
83	<b>GENERAL GOVERNMENT TOTAL</b>	<b>102,564</b>	<b>106,098</b>	<b>59,373</b>	<b>111,222</b>	<b>108,383</b>	<b>-2.55%</b>	<b>14.17%</b>
84								
85	<b>LAW ENFORCEMENT</b>							
86	101-42100-310 Law Enforcement - Contract (\$187,037 for operations paid monthly, \$600 for July 4th)	177,053	177,053	91,107	182,215	187,637	2.98%	
87	101-42100-311 Police Side Lease - Facilities (Quarterly)	47,296	47,294	22,814	45,629	46,319	1.51%	
88	101-42100-439 Police Safety - Other (Jail, Court Overtime, Etc.)	1,132	1,000	448	1,000	1,000	0.00%	
89		<b>225,481</b>	<b>225,347</b>	<b>114,370</b>	<b>228,844</b>	<b>234,956</b>	<b>2.67%</b>	<b>30.72%</b>
90	<b>FIRE</b>							
91	101-42200-309 Fire Protection - Operations (Quarterly)	64,856	64,856	35,259	70,517	69,474	-1.48%	
92	101-42200-311 Fire Side Lease - Facilities (Quarterly)	58,092	58,092	30,186	60,371	56,878	-5.79%	
93		<b>122,948</b>	<b>122,948</b>	<b>65,444</b>	<b>130,888</b>	<b>126,352</b>	<b>-3.47%</b>	<b>16.52%</b>
94	<b>PUBLIC SAFETY TOTAL</b>	<b>348,429</b>	<b>348,295</b>	<b>179,814</b>	<b>359,732</b>	<b>361,308</b>	<b>0.44%</b>	<b>47.24%</b>
95								
96	<b>ZONING</b>							
97	101-42400-308 Zoning Administration	2,867	4,000	2,163	3,327	3,500	5.20%	
98	101-42400-309 Public Notices	1,794	1,700	1,435	850	1,700	100.00%	
99	101-42400-310 Building Inspections (69% of Building & Electrical Permits)	32,788	39,000	11,280	22,080	28,290	28.13%	
100	101-42400-438 Misc. (County Recording Fees, State Bldg. Surcharge, etc.)	0	200	0	200	200	0.00%	
101	<b>ZONING TOTAL</b>	<b>37,449</b>	<b>44,900</b>	<b>14,878</b>	<b>26,457</b>	<b>33,690</b>	<b>27.34%</b>	<b>4.40%</b>
102								
103	<b>ENGINEERING</b>							
104	101-42600-303 Engineering Fees - Misc.	3,828	1,000	352	1,400	2,500	78.57%	
105		<b>3,828</b>	<b>1,000</b>	<b>352</b>	<b>1,400</b>	<b>2,500</b>	<b>78.57%</b>	<b>0.33%</b>
106	<b>UTILITIES &amp; ROADS</b>							
107	101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric)	5,479	4,600	2,206	4,750	5,500	15.79%	
108	101-43100-409 Other - Road Repair & Maintenance (Public Works Repairs)	5,506	5,000	960	5,000	5,000	0.00%	
109		<b>10,985</b>	<b>9,600</b>	<b>3,166</b>	<b>9,750</b>	<b>10,500</b>	<b>7.69%</b>	<b>1.37%</b>
110	<b>MAJOR ROAD IMPROVEMENTS</b>							
111	101-43200-229 Major Road Improvements - Construction	106,696	110,000	0	110,000	75,000	-31.82%	
111	101-43200-303 Major Road Improvements - Engineering	28,386	20,000	4,900	20,000	15,000	-25.00%	
112	101-43200-___ Major Road Improvements - Transfer to Road Improvement Fund	0	0	0	0	44,000	#DIV/0!	
113		<b>135,081</b>	<b>130,000</b>	<b>4,900</b>	<b>130,000</b>	<b>134,000</b>	<b>3.08%</b>	<b>17.52%</b>

# 2015 Greenwood FINAL Budget

		2013 Actual	2013 Budget	2014 YTD 6/30	2014 Budget	2015 Budget	% Change	% Total Budget
114	<b>PUBLIC WORKS</b>							
115	101-43900-226 Signs (2012-2018: Retroreflectivity Project)	10,826	11,000	942	11,000	5,000	-54.55%	
116	101-43900-312 Snow Plowing	10,587	16,000	18,223	16,000	16,000	0.00%	
117	101-43900-313 Trees, Weeds, Mowing	8,241	20,000	2,809	20,000	10,000	-50.00%	
118	101-43900-314 Park & Tennis Court Maintenance	1,263	1,000	0	1,000	1,000	0.00%	
119	101-43900-315 Trail Snow Plowing (LRT and Tar Paths)	4,146	2,100	1,763	2,100	2,100	0.00%	
120		<b>35,063</b>	<b>50,100</b>	<b>23,738</b>	<b>50,100</b>	<b>34,100</b>	<b>-31.94%</b>	<b>4.46%</b>
121	<b>ROADS &amp; PUBLIC WORKS TOTAL</b>	<b>184,957</b>	<b>190,700</b>	<b>32,155</b>	<b>191,250</b>	<b>181,100</b>	<b>-5.31%</b>	<b>23.68%</b>
122								
123	<b>MISC. EXPENSES</b>							
124	101-49000-310 Recycling Contract	17,911	18,820	9,770	19,050	20,000	4.99%	
125	101-49000-311 Spring Clean-Up Day	2,307	2,900	2,253	2,500	2,500	0.00%	
126	101-49000-369 League of Minnesota Cities Insurance Trust / Liability & Property	4,119	3,000	0	2,500	5,000	100.00%	
127	101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp	54	110	138	110	140	27.27%	
128	101-49000-433 Misc. Expenses	95	0	0	0	100	#DIV/0!	
129	101-49000-434 Southshore Community Center	900	1,200	0	1,200	1,200	0.00%	
130	101-49000-435 League of Minnesota Cities	779	750	0	1,063	1,100	3.48%	
131	101-49000-436 Lake Minnetonka Conservation District	6,450	6,450	3,440	6,880	6,560	-4.65%	
132	101-49000-437 July 4th Fireworks & Parade (\$1000 Chamber of Commerce, \$100 parade, police costs come out of police budget in 2015)	1,442	1,500	1,000	1,500	1,100	-26.67%	
133	<b>MISC. TOTAL</b>	<b>34,057</b>	<b>34,730</b>	<b>16,601</b>	<b>34,803</b>	<b>37,700</b>	<b>8.32%</b>	<b>4.93%</b>
134								
135	<b>Subtotal</b>	<b>707,456</b>	<b>724,723</b>	<b>302,819</b>	<b>723,464</b>	<b>722,181</b>	<b>-0.18%</b>	
136								
137	<b>CONTINGENCY &amp; FUND TRANSFERS</b>							
138	101-49000-439 Contingency (1.75% of Subtotal)	308	11,547	0	13,022	12,638	-2.95%	
139	101-49000-500 Transfer to Bridge Fund	20,000	20,000	0	20,000	30,000	50.00%	
140	<b>CONTINGENCY &amp; BRIDGE FUND TRANSFER TOTAL</b>	<b>20,308</b>	<b>31,547</b>	<b>0</b>	<b>33,022</b>	<b>42,638</b>	<b>29.12%</b>	<b>5.57%</b>
141								
142	<b>Total Expenses</b>	<b>727,765</b>	<b>756,270</b>	<b>302,819</b>	<b>756,486</b>	<b>764,819</b>	<b>1.10%</b>	
143								
144	<b>GENERAL FUND CASH BALANCE (Goal: 35%-50% of Total Expenses)</b>	<b>422,786</b>	<b>54% of Operating Budget</b>					
145								

# 2015 Greenwood FINAL Budget

		2013 Actual	2013 Budget	2014 YTD 6/30	2014 Budget	2015 Budget	% Change	% Total Budget	
146	<b>SEWER ENTERPRISE FUND</b> <i>This fund may be used for any city purpose. Goal: \$250,000.</i>								
147	602-34401	REVENUE: Sewer Use Charges (\$65 per quarter)	107,019	108,660		108,660	100,899	-7.14%	
148	602-34402	REVENUE: Late Charges & Penalties	800	0		0	0	#DIV/0!	
149	602-34403	REVENUE: Delinquent Sewer Payments Received	444	0		0	0	#DIV/0!	
150	602-34404	REVENUE: Delinquent Sewer Late Fees Received	20	0		0	0	#DIV/0!	
151	602-34408	REVENUE: Permit Fees	100	0		0	0	#DIV/0!	
152	602-38100	REVENUE: Grant Revenue	0	0		0	0	#DIV/0!	
153	602-37100	REVENUE: Excelsior Blvd. Watermain Project (Contributions for Study, Assessment Payments)	45,260	0		0	0	#DIV/0!	
154	602-36100	REVENUE: Special Assessments	2,351	0		0	0	#DIV/0!	
155	602-43200-303	EXPENSE: Engineering Sewer	15,573	4,000		7,500	10,000	33.33%	
156	602-43200-309	EXPENSE: Met Council and Excelsior	38,989	40,000		40,000	44,447	11.12%	
157	602-43200-310	EXPENSE: Public Works Sewer	4,762	3,700		3,700	3,700	0.00%	
158	602-43200-381	EXPENSE: Utility Services - Electric	2,377	2,500		2,500	2,500	0.00%	
159	602-43200-404	EXPENSE: Repair & Maintenance	8,358	7,000		7,000	7,000	0.00%	
160	602-43200-410	EXPENSE: Excelsior Blvd. Watermain Project (Construction, Engineering, Legal Costs, Etc.)	21,949	0		0	0	#DIV/0!	
161	602-43200-439	EXPENSE: Misc. (Gopher State One Call, Forms, Printing, Insurance, etc.)	850	2,000		2,000	2,000	0.00%	
162	602-43200-530	EXPENSE: Capital Outlay (I&I Projects)	0	50,000		0	25,000	#DIV/0!	
163	602-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted sewer revenue for adm. costs)	10,866	10,866		10,866	10,090	-7.14%	
164		<b>Net Total</b>	<b>52,270</b>	<b>-11,406</b>		<b>35,094</b>	<b>-3,838</b>	<b>-110.94%</b>	
165		<b>SEWER ENTERPRISE FUND CASH BALANCE</b>	<b>446,226</b>						
166									
167	<b>STORMWATER SPECIAL REVENUE FUND</b> <i>This fund may be used for any city purpose.</i>								
168	502-34401	REVENUE: Stormwater Use Charges (\$17 per quarter)	16,148	16,250		16,250	23,021	41.67%	
169	502-34403	REVENUE: Delinquent Stormwater Payments Received	0	0		0	0	#DIV/0!	
170	502-34404	REVENUE: Delinquent Stormwater Late Fees Received	0	0		0	0	#DIV/0!	
171	502-43200-303	EXPENSE: Engineering Stormwater	9,848	4,000		6,700	6,700	0.00%	
172	502-43200-310	EXPENSE: Public Works Stormwater	0	500		0	0	#DIV/0!	
173	502-43200-319	EXPENSE: Equipment and Maintenance	0	500		0	0	#DIV/0!	
174	502-43200-409	EXPENSE: Street Sweeping	2,236	3,000		3,000	3,000	0.00%	
175	502-43200-439	EXPENSE: Misc. (EPA Fee, Etc.)	214	250		250	250	0.00%	
176	502-43200-530	EXPENSE: Capital Outlay	0	0		0	0	#DIV/0!	
177	502-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted stormwater rev. for adm. costs)	1,625	1,625		1,625	2,302	41.67%	
178		<b>Net Total</b>	<b>2,226</b>	<b>6,375</b>		<b>4,675</b>	<b>10,769</b>	<b>130.35%</b>	
179		<b>STORMWATER SPECIAL REVENUE FUND CASH BALANCE</b>	<b>13,764</b>						

# 2015 Greenwood FINAL Budget

		2013 Actual	2013 Budget	2014 YTD 6/30	2014 Budget	2015 Budget	% Change	% Total Budget
1	<b>PARK SPECIAL REVENUE FUND</b> <i>This is a dedicated fund for park "acquisitions" only. Cannot be used for maintenance.</i>							
2	401-36230	REVENUE: Park Dedication Fees	0	0	0	0	#DIV/0!	
3	401-45000-000	EXPENSE: Park Improvements	0	0	0	0	#DIV/0!	
4		<b>Net Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>#DIV/0!</b>	
5		<b>PARK FUND CASH BALANCE</b>	<b>27,055</b>					
6								
7	<b>MARINA ENTERPRISE FUND</b> <i>This fund may be used for any city purpose. Goal: \$55,000 Tonka Dock; \$65,000 Permanent Dock; \$120,000 Floating Dock.</i>							
8	605-36201	REVENUE: Slip Fees (\$1300 x 26 boats, \$300 x 2 sailboats, \$50 x 6 canoes)	0	30,860		33,460	34,700	3.71%
9	605-45100-309	EXPENSE: Professional Services (Dock In and Out)	0	4,000		5,150	5,150	0.00%
10	605-45100-310	EXPENSE: Public Works	0	300		2,000	2,000	0.00%
11	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License \$350, Milfoil \$5000, Insurance \$873)	0	6,223		6,223	6,223	0.00%
12	605-45100-590	EXPENSE: Capital Outlay	0	0		0	0	#DIV/0!
13	605-49300-720	OPERATING TRANSFER: To General Fund	0	12,500		12,500	12,500	0.00%
14	605-49300-721	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted marina revenue for adm. costs)	0	3,086		3,346	3,470	3.71%
15		<b>Net Total</b>	<b>0</b>	<b>4,751</b>		<b>4,241</b>	<b>5,357</b>	<b>26.31%</b>
16		<b>MARINA ENTERPRISE FUND CASH BALANCE</b>	<b>40,735</b>					
17								
18	<b>BRIDGE CAPITAL PROJECT FUND</b> <i>This fund was created in 2010. The funds may be used for any city purpose. Goal: \$200,000</i>							
19	403-39200	REVENUE: Transfer from General Fund	20,000	20,000		20,000	30,000	50.00%
20	403-45100-303	EXPENSE: Engineering	0	2,000		2,000	2,000	0.00%
21	403-45100-304	EXPENSE: Legal Services	0	2,000		2,000	2,000	0.00%
22	403-45100-530	EXPENSE: Capital Outlay	0	0		0	0	#DIV/0!
23		<b>Net Total</b>	<b>20,000</b>	<b>16,000</b>		<b>16,000</b>	<b>26,000</b>	<b>62.50%</b>
24		<b>BRIDGE CAPITAL PROJECT FUND CASH BALANCE</b>	<b>98,613</b>					
25								
26	<b>SPECIAL PROJECT FUND</b> <i>This fund was created in 2013 for the Greenwood Circle Xcel Project. The fund may be used for other special projects in the future.</i>							
27	301-36102	REVENUE: Greenwood Circle Xcel Project	36,900	36,900		0	0	#DIV/0!
28	301-47000-602	EXPENSE: Greenwood Circle Xcel Project	0	0		0	0	#DIV/0!
29		<b>Net Total</b>	<b>36,900</b>	<b>36,900</b>		<b>0</b>	<b>0</b>	<b>#DIV/0!</b>
30		<b>SPECIAL PROJECT FUND CASH BALANCE</b>	<b>36,900</b>					
31								
32	<b>ROAD IMPROVEMENT FUND</b> <i>This fund was created in 2014. The funds may be used for any city purpose. Goal: \$_____ for Minnetonka Blvd rehabilitation project.</i>							
33	404-36230	REVENUE: Transfer from General Fund	0	0		0	40,000	#DIV/0!
33	404-45100-100	EXPENSE: Capital Outlay	0	0		0	0	#DIV/0!
34	404-45100-303	EXPENSE: Engineering Expenses	0	0		0	0	#DIV/0!
35		<b>Net Total</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>40,000</b>	<b>#DIV/0!</b>
36		<b>ROAD IMPROVEMENT FUND CASH BALANCE</b>	<b>0</b>					
37								
38	<b>Total Cash Balance (2013 audit of all funds combined)</b>						<b>1,086,079</b>	

**CITY OF GREENWOOD  
RESOLUTION NO. 34-14**

**A RESOLUTION APPROVING THE 2014 TAX LEVY, COLLECTIBLE IN 2015**

**BE IT RESOLVED** by the city council of the city of Greenwood that the following sum of money be levied for the current year, collectible in 2015, upon taxable property in the city of Greenwood, Minnesota for general fund activities:

**TOTAL LEVY: \$642,782**

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

**ADOPTED** by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2014.

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

CITY OF GREENWOOD

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

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

**CITY OF GREENWOOD  
RESOLUTION NO. 37-14**

**A RESOLUTION APPROVING THE 2015 CITY BUDGET**

**WHEREAS**, the city council of the city of Greenwood has reviewed the 2015 city budget and determined that the proposed expenditures and revenues adequately address the needs of the city and the residents it serves,

**WHEREAS**, the public had the opportunity to comment on the 2015 city budget at the December 3, 2014 city council meeting.

**NOW, THEREFORE BE IT RESOLVED** by the city council of the city of Greenwood, that the 2015 general fund budget in the amount of **\$764,819** is hereby approved.

**ADOPTED** by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2013.

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

CITY OF GREENWOOD

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

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



**Agenda Item:** 2014 Budget Line Adjustments

**Summary:** Based on the auditor's recommendation the council needs to consider budget line item adjustments on an annual basis to ensure the actual expenses do not exceed the budgeted expenses for the current year. The administrative committee (Mayor Kind and Councilman Fletcher) reviewed the **2014** expenses as of October 31 and recommend the below line item adjustments to the **2014** budget. To keep a balanced budget, line item adjustments to revenues also are recommended below. Attached is the **2014** budget that includes the recommended changes below.

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

1. I move the council approves the following line item adjustments to the **2014** budget EXPENSES:

General Fund Code Number	Line Item Title	Original 2014 Budget Amount	12-03-14 Adjustment	CHANGE
101-42400-308	Zoning Administration	3,327	0	
101-42400-309	Public Notices	850	2,500	1,650
101-42400-310	Building Inspections	22,080	45,000	22,920
TOTAL				24,570

AND the following line item adjustments to the **2014** budget REVENUES:

General Fund Code Number	Line Item Title	Original 2014 Budget Amount	12-03-14 Adjustment	CHANGE
101-32210	Building Permits	30,000	50,570	20,570
101-32211	Electric Permits	2,000	6,000	4,000
TOTAL				24,570

2. Other motion ???



**Agenda Number: 7D**

**Agenda Date: 12-03-14**

*Prepared by Deb Kind*

**Agenda Item:** Consider Fund Transfers and Year-End Contributions

**Summary:** Each year the council considers fund transfers and year-end contributions at the December council meeting. Below are the **2014** budgeted fund transfers and year-end contributions. The administrative committee has reviewed the expense and revenue reports to date and recommends that the council approves the budgeted transfers and contributions. Suggested motions are below.

**Council Action:** Required. Suggested motions ...

1. I move the council approves the following 2014 budgeted fund transfers:
  - a. **\$3,346** from 605-49300-721 Marina Fund Transfer to 101-39200 General Fund for Administrative Expense Reimbursement
  - b. **\$12,500** from 605-49300-720 Marina Fund Transfer to 101-39201 General Fund
  - c. **\$10,866** from 602-43200-720 Sewer Fund Transfer to 101-39202 General Fund for Administrative Expense Reimbursement
  - d. **\$1,625** from 502-43200-720 Stormwater Fund Transfer to 101-39203 General Fund for Administrative Expense Reimbursement
  - e. **\$20,000** from 101-49000-500 General Fund Bridge Transfer to 403-39200 Bridge Fund
2. NOTE: The council approved the following 2014 budgeted contribution at the 11-05-14 meeting:
  - a. **\$1200** (101-49000-434) to the city of Shorewood for the Southshore Center voluntary contribution.
3. Other motions ???



Agenda Number: **7E**

Agenda Date: **12-03-14**

*Prepared by Deb Kind*

**Agenda Item:** 2015 Licenses

**Summary:** 12-31-14 is the deadline for applications and fees for 2015 licenses that require council approval. Since the city has not received all of the applications and fees at this time, it is recommended that the council approves the licenses listed in the motion below contingent upon the city receiving applications and fees by the deadline. This is the same procedure that has been followed in the past.

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

1. I move the council approves 2015 licenses for the entities listed below contingent upon the city receiving applications and fees by 12-31-14:

- |                       |  |
|-----------------------|--|
| a) Commercial Marinas | Bean's Greenwood Marina<br>Excelsior Bay Harbor<br>Kreslin's Marina  |
| b) Liquor             | Excelsior Entertainment LLC (Old Log)  |
| c) Rental Permits     | David Colwell, 21830 Byron Circle<br>Terry & Jill Nagel, 21885 Byron Circle<br>Jason Johnson, 21080 Excelsior Blvd<br>Sunny Kim, 21380 Excelsior Blvd<br>Lake Mtka Associates, 21650 Fairview Street<br>Mark & Jean Lewry, 21690 Fairview Street<br>David Rubenstein, 21885 Fairview Street<br>Andrew Althsuser, 5200 Greenwood Circle<br>John Klinkner, 5205 Greenwood Circle<br>Mary Kellogg, 5050 Highview Place<br>Jim Norman, 5370 Manor Road<br>Juliann Schultz, 5470 Manor Road<br>Scott & Lisa Christian, 5500 Maple Heights Road<br>Patty Loftus, 5165 Meadville Street<br>Thomas Hammer, 5260 Meadville Street<br>Keith Wilcock, 21260 Minnetonka Blvd |
| d) Tobacco            | Greenwood Market   |
| e) Trash              | Allied Waste<br>Aspen Waste<br>Blackowiak Disposal<br>Randy's Sanitation<br>Vintage Waste<br>Waste Management  |



Agenda Number: **7F**

Agenda Date: 12-03-14

Prepared by Deb Kind

**Agenda Item:** Potential Recreational Fire Ordinance

**Summary:** Currently Excelsior, Shorewood, and Tonka Bay require an annual recreational fire permit through the EFD. Deephaven and Greenwood do not require an annual recreational fire permit. However, Deephaven does have rules regarding recreational fires. They just do not require a permit. Chief Gerber said that the EFD does not charge a fee for the permit and would like Greenwood to consider amending our ordinance to require a recreational fire permit. For the council's reference, a copy of the EFD recreational fire permit form is attached. If the city council decides to amend our current burning ordinance (attached), ordinances from Excelsior, Deephaven, Shorewood, and Tonka Bay could be reviewed for possible use as models. And below is a possible timeline.

**Ordinance Timeline:**

- 01-07-15 City council considers the 1st reading of the ordinance.
- 02-04-15 City council considers the 2nd reading of the ordinance.
- 02-05-15 Ordinance submitted to Sun-Sailor (if approved).
- 02-12-15 Ordinance published in Sun-Sailor (the ordinance goes into effect the date it is published).

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

1. I move the city council directs staff to prepare an amendment to section 475 to require a permit for recreational fires and place on the 01-07-15 council agenda for a 1st reading.
2. Do nothing or other motion ???

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

In conducting the criminal history background investigation in order to screen license applicants, the police department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the police department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the police department to the licensing authority, including the city council, or others involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the police department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota statutes chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota statutes section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota statutes section 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

(THIS SECTION ADDED JULY 2011, ORD. 195 ~ A RELATED ORDINANCE IS IN SECTION 130)

## **SECTION 475. GARBAGE AND BURNING.**

### **Section 475.00. Definitions.**

See chapter 12 for definitions.

### **Section 475.05. Open Burning Prohibited.**

From and after the effective date of this ordinance, except as herein otherwise provided, open burning shall be prohibited within the corporate limits of this municipality.

### **Section 475.10. Exemptions from Open Burning Prohibitions.**

Subd. 1. Open burning of the types, and subject to the conditions set forth in the subdivision that follows, shall be exempt from the prohibition of section 475.05 of this ordinance.

Subd. 2. Recreational fires.

Subd. 3. Fires under managed supervision, for which a burning permit has been obtained from the city, and, where required by state law from the Pollution Control Agency, but limited to the following:

- (a) Fires purposely set for the instruction and training of public and industrial fire-fighting personnel.
- (b) Fires set for the elimination of a fire hazard that cannot be abated by any other practicable means.
- (c) Fires purposely set for forest or game management and in accordance with the practices recommended by the Minnesota Department of Conservation, the Minnesota Department of Agriculture and the United States Forest Service.
- (d) The burning of trees, brush, grass and other vegetable matter in the clearing of land, the maintenance of street, road and highway right-of-way, and in accepted agricultural land management practices.

Subd. 4. Exemption to conduct fires under this section does not excuse the person from the consequences and damages or injuries which may result therefrom; nor does it exempt any person from regulations promulgated by the Minnesota Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

Subd. 5. The fee for a burning permit shall be determined by the council from time to time and set forth in chapter 5 of this code book.

### **Section 475.15. Refuse Storage and Disposal.**

Subd. 1. Containers Required. The owner of any premises, and any other person having refuse as herein defined, shall provide and keep on such premises as they may own or occupy, sufficient containers for storage of refuse

# Excelsior Fire District

## 2014 Annual Recreational Fire Permit

Date of Application \_\_\_\_\_ City of \_\_\_\_\_

Name \_\_\_\_\_

Telephone # (H) \_\_\_\_\_ (W) \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

### Burn Site Information (if different from above)

Address \_\_\_\_\_ City \_\_\_\_\_

Type of material to be burned: \_\_\_\_\_

**ONLY** type of material to be burned: **Wood/Logs-No Brush, Twigs or Leaves. Brush and Twigs may be used for kindling but shall not be the primary material burned.**

\* Section 302 of the Minnesota State Fire Code defines Recreational Fires as: An outdoor fire burning materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet (914mm) or less in diameter and 2 feet (610 mm) or less in height, for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

### Requirements for Recreational Fires

- 1) A recreational fire shall have a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height.
- 2) Recreational fires shall be contained within a fire ring, pit, or a device designed for such use.
- 3) The area within a five (5) foot radius shall be reasonably clear of all combustibles.
- 4) Recreational fires shall not be conducted within twenty-five (25) feet of any structure.
- 5) Contained fire pits/appliances/fireplaces must follow manufactures instructions for distance from combustibles
- 6) The fire shall be under immediate supervision of the applicant or his/her authorized representative.
- 7) Applicant should notify adjacent neighbors of intent to conduct a recreational fire.
- 8) Buckets, shovels, garden hoses, or fire extinguisher shall be available for immediate use.
- 9) The prevailing winds at the time of the burn shall not exceed fifteen (15) mph.
- 10) NO FLAMMABLE OR COMBUSTIBLE LIQUIDS SHALL BE USED TO START THE FIRE.
- 11) BRUSH AND TWIGS MAY BE USED FOR KINDLING BUT SHALL NOT BE THE PRIMARY MATERIAL BURNED.
- 12) The hours to conduct a recreational fire are 06:00 to 24:00 hours (6:00 am to midnight).
- 13) Fires shall be extinguished when unattended.

This permit is subject to revocation at the discretion of the Fire Chief, Fire Officer, Fire Inspector or local law enforcement if:

- a) Any of the conditions of this permit are violated during the course of burning.
- b) A fire hazard exists or develops during the course of burning.

**ABSOLUTELY NO BURNING OF OILS, RUBBER, PLASTICS, CHEMICALLY TREATED MATERIALS, CONSTRUCTION MATERIALS, HAZARDOUS WASTE, GARBAGE OR TRASH. YARD / LAWN WASTE AND BRUSH (INCLUDING LEAVES) ARE PROHIBITED FOR BURNING AND/OR STARTING MATERIALS.**

**THIS PERMIT IS NOT INTENDED FOR THE CLEAN UP OF YARD / LAWN WASTE.**

I, the undersigned, a legal adult of eighteen (18) years of age or older, understand this permit does not release me of any liability for damages that may result therefrom. I agree to comply with all requirements stated above.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

\*By signing this permit, the applicant acknowledges that there may be charges for any Fire District response or the applicant may also be issued a citation for violating any of the above requirements. Only valid the year of issue.



**Agenda Number: 7G**

**Agenda Date: 12-03-14**

*Prepared by Deb Kind*

**Agenda Item:** Resolution 35-14, Setting Dates for 2015

**Summary:** This is a routine resolution that the council approves in each year. No changes have been made to the resolution other than updating the dates to follow the same pattern as the past year.

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

1. I move the council approves resolution 35-14 to set key dates for 2015.
2. I move the council approves resolution 35-14 to set key dates for 2014, with the following revisions: \_\_\_\_\_.

**Resolution 35-14**  
City of Greenwood Dates for 2015

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

	<b>Publish Date</b>	<b>Planning Commission</b>	
<b>Application Date</b>	<b>Sun Sailor</b>	<b>Public Hearing</b>	<b>Council Meeting</b>
<b>3<sup>rd</sup> Wednesday</b>	<b>1<sup>st</sup> Thursday</b>	<b>7pm, 3<sup>rd</sup> Wednesday</b>	<b>7pm, 1<sup>st</sup> Wednesday</b>
November 19, 2014	December 4, 2014	December 17, 2014	January 7, 2015
December 17, 2014	January 8, 2015	January 21, 2015	February 4, 2015
January 21, 2015	February 5, 2015	February 18, 2015	March 4, 2015
February 18, 2015	March 5, 2015	March 18, 2015	April 1, 2015
March 18, 2015	April 2, 2015	April 16, 2015	May 6, 2015
April 16, 2015	May 7, 2015	May 20, 2015	June 3, 2015
May 20, 2015	June 4, 2015	June 17, 2015	July 1, 2015
June 17, 2015	July 2, 2015	July 15, 2015	August 5, 2015
July 15, 2015	August 6, 2015	August 19, 2015	September 2, 2015
August 19, 2015	September 3, 2015	September 16, 2015	October 7, 2015
September 16, 2015	October 1, 2015	October 21, 2015	November 4, 2015
October 21, 2015	November 5, 2015	November 18, 2015	December 2, 2015
November 18, 2015	December 3, 2015	December 17, 2015	January 6, 2016

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

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

	<b>Date</b>	<b>Time</b>	<b>Notes</b>
Pre-Board Worksession with Assessors	April 1, 2015	6pm	Before April council meeting
Local Board of Appeal & Equalization Meeting	April 9, 2015	6pm	2nd Thurs. in April
Subsequent Local Board of Appeal & Equalization Meeting	April 30, 2015	6pm	Last Thurs. in April
Spring Clean-Up Day	May 16, 2015	8am	3rd Sat. in May
City Council & Planning Commission Joint Worksession	May 20, 2015	8pm	3rd Wed. in May, following PC meeting
Worksession: Budget	August 5, 2015	6pm	Before August council meeting
Worksession: Budget and Fees	September 2, 2015	6pm	Before September council meeting
Fall Sales Ratio Meeting with Assessors	October 22, 2015	4pm	4th Thurs. in October
Budget Public Comment Opportunity	December 2, 2015	7pm	December council meeting

**ADOPTED** by the city council of the city of Greenwood, Minnesota, this 3rd day of December 2014.

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

CITY OF GREENWOOD

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

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



**Agenda Number: 7H**

**Agenda Date: 12-03-14**

*Prepared by Deb Kind*

**Agenda Item:** Resolution 36-14, Regarding Sewer Back-Ups

**Summary:** The League of MN Cities Insurance Trust is requiring cities to approve the attached resolution in order to continue sewer back-up coverage. Please review the attached cover letter from the League of MN Cities that explains the reasons for the change in coverage.

**Council Action:** Required to continue sewer back-up coverage. Potential motions ...

1. I move the council approves resolution 36-14 regarding sewer back-up coverage though the League of MN Cities Insurance Trust.
2. Do nothing or other motion ???



November 13, 2014

To: LMCIT Members and Agents

From: Pete Tritz, LMCIT Administrator  
Dan Greensweig, LMCIT Assistant Administrator  
Liam Biever, LMCIT Underwriting Manager

RE: **Coverage Changes to LMCIT's Optional No-Fault Sewer Backup Coverage**

Your city is one of several that purchases LMCIT's optional no-fault sewer backup (NFSB) coverage, which has been offered to cities as an additional-cost option since 2001. This coverage reimburses a property owner for up to \$10,000 (higher limits of \$25,000 and \$40,000 are available) of clean-up costs and damages caused by a sewer backup or water main break, irrespective of whether the city was negligent or legally liable for those damages.

The NFSB coverage was introduced in 2001 after being requested by several cities. The coverage is meant to be fully funded by member cities that choose to purchase it (i.e. not subsidized by member cities that choose not to purchase it), since the intent of the coverage is to really provide a solution for cities that want to cover sewer backup claims or water main breaks, even if the city is not negligent. Of course another intent of the coverage is to help reduce health hazards by encouraging prompt clean-ups.

For 2015, there are important changes to the NFSB coverage that will effectively narrow the coverage. The coverage has always had an exclusion for natural disasters and situations where there's been exceptionally heavy rainfall. The revision makes the coverage more restrictive. That is, there will now be a broader range of events that will be excluded under the NFSB coverage.

#### **Why is LMCIT making these changes?**

There are currently 77 member cities that purchase NFSB coverage, which generates about \$156,000 in annual premiums. After the heavy rains this summer, specifically the July rainstorms, over 50 claims were submitted under the NFSB coverage, with a total cost in the range of \$500,000. Accordingly, the NFSB coverage program operated at a loss this year, with those losses being funded by LMCIT reserves rather than through the premiums generated by this program.

Because of the way the NFSB coverage is currently written, it could expose LMCIT to an extremely expensive total loss cost in some circumstances which the current premium rates are not adequate to support.

#### **What are the changes?**

Following are the coverage changes that will be made for renewals on or after November 15, 2014. These changes should reduce the loss costs under this coverage to a level the current rates can support. If your city chooses to continue with the NFSB coverage in 2014-15, you will receive a new endorsement with the changes outlined herein.

- ***Now excludes any situation declared a disaster by FEMA.***  
The exclusion for FEMA-declared disasters has been reworded to exclude NFSB coverage in *any weather-related or other event which has been declared by the President of the United States to be a major disaster pursuant to 42 U.S.C. §§ 5121-5206, commonly known as the Stafford Act.*

Coverage language prior to the 2014-15 coverage year referred to situations where FEMA disaster assistance was available, which created an ambiguity as to whether the assistance had to be available to the homeowner in order for the exclusion to apply. Changes this year now exclude any situation declared a disaster by FEMA.

- ***Now excludes any situation where rainfall exceeds certain amounts, which is more restrictive than the “100-year rainfall” standard used in the previous coverage.***  
The exclusion for heavy rainfall events has been revised to apply to any situation in which rainfall or precipitation exceeds the following amounts:

- 2.0 inches in a 1-hour period; or
- 2.5 inches in a 3-hour period; or
- 3.0 inches in a 6-hour period; or
- 3.5 inches in a 12-hour period; or
- 4.0 inches in a 24-hour period; or
- 4.5 inches in a 72-hour period; or
- 5.5 inches in a 168-hour period.

Coverage language prior to the 2014-15 coverage year had excluded situations in which rainfall or precipitation exceeded the 100-year rainfall amount for the location. LMCIT will no longer use the 100-year rainfall as an indicator for claim exclusion. It will now be based on the above amounts.

**With the coverage changes taking place, will the premium rates for NFSB coverage change?**

No. Rates for NFSB coverage will not change for the 2014-15 coverage year (which is based on a per sewer connection basis).

**Do we have to pass a new resolution if our city chooses to continue with the NFSB coverage?**

Yes. Part of the process for putting the NFSB coverage in place is for your city council to pass a formal resolution that makes the NFSB protection part of the agreement between the city and the sewer customer. The idea is that by paying their sewer bill, the sewer user is purchasing not just sewer services but also the right to be reimbursed for certain specified sewer backup costs and damages. Because of the coverage changes taking place, NFSB members will need to pass a new resolution so the contractual obligation to provide NFSB costs to water and sewer customers aligns with the coverage you are purchasing with LMCIT to provide those benefits. Attached with this letter is a model resolution that can be used.

**More Information**

If you have additional questions about the changes taking place for the no-fault sewer backup coverage, contact your underwriter at 651.281.1200 or 800.925.1122.

RESOLUTION ESTABLISHING LIMITED CLEAN UP AND  
PROPERTY DAMAGE PROTECTION FOR SEWER BACK-UPS AND  
WATER MAIN BREAKS FOR WATER AND SEWER CUSTOMERS

WHEREAS, \_\_\_\_\_ (the Governmental Unit) provides water and sanitary sewer services to property within its jurisdiction; and

WHEREAS, water main breaks may cause water to enter into property causing damage; and

WHEREAS, blockages or other conditions in the Governmental Unit's sanitary sewer lines may cause the back-up of sewage into properties that are connected to those Governmental Unit's sanitary lines; and

WHEREAS, water main breaks and sewer back-ups pose a public health and safety concern; and

WHEREAS, it may be difficult to determine the exact cause and responsibility for a water main break or sanitary sewer back-ups and

WHEREAS, the Governmental Unit desires to encourage the expeditious clean-up of properties that have encountered damage from water main breaks and sewer back-ups; and

WHEREAS, the Governmental Unit desires to minimize the potential of expensive lawsuits arising out of water main breaks and sanitary sewer back-up claims; and

WHEREAS, the Governmental Unit is a member of the League of Minnesota Cities Insurance Trust (LMCIT); and

WHEREAS, LMCIT has offered the Governmental Unit limited "no fault" sewer coverage and water main break coverage (No-Fault Coverage) that will reimburse users of the water and sewer system for certain clean-up costs and property damage regardless of whether the Governmental Unit is at fault.

NOW THEREFORE, BE IT RESOLVED, as follows:

The Governmental Unit, will reimburse water and sanitary sewer customers for up to \$ \_\_\_\_\_ of clean-up costs and property damages caused by a water main break or sanitary sewer back-up, regardless of whether the Governmental Unit is negligent or otherwise legally liable for damages, subject to the following conditions:

- I. Sanitary Sewer Back-Ups. For Sanitary sewer back-ups:
  - A. The back-up must have resulted from a condition in the Governmental Unit's sanitary sewer system or lines, and not from a condition in a private line.
  - B. The back-up must not have been caused by any catastrophic weather or other event which has been declared by the President of the United States to be a major disaster pursuant to 42 U.S.C. §§ 5121-5206, commonly known as the Stafford Act.

- C. The back-up must not have been caused by an interruption in electric power to the Governmental Unit's sewer system or to any Governmental Unit lift station, which continues for more than 72 hours.
- D. The back-up must not have been caused by an amount of precipitation equivalent to rainfall amounts which exceed:
  - 2.0 inches in a 1-hour period; or
  - 2.5 inches in a 3-hour period; or
  - 3.0 inches in a 6-hour period; or
  - 3.5 inches in a 12-hour period; or
  - 4.0 inches in a 24-hour period; or
  - 4.5 inches in a 72-hour period; or
  - 5.5 inches in a 168-hour period.
- E. Neither the Governmental Unit nor LMCIT will reimburse any costs which have been or are eligible to be covered under a property owner's own homeowners' or other property insurance, or which would be eligible to be reimbursed under a National Flood Insurance Protection (NFIP) policy, whether or not the property owner actually has NFIP Coverage.
- F. The maximum amount that the Governmental Unit or LMCIT will reimburse is \$ \_\_\_\_\_ per building, per year. A structure or group of structures served by a single connection to the Governmental Unit's sewer system is considered a single building.

II. Water Main Breaks. For water main breaks:

- A. Neither the Governmental Unit nor LMCIT will reimburse any costs which have been or are eligible to be covered under a property owner's own homeowners' or other property insurance
- B. The maximum amount that the Governmental Unit or LMCIT will reimburse is \$ \_\_\_\_\_ to any claimant, regardless of the number of occurrences or the number of properties affected.
- C. Neither the Governmental Unit nor LMCIT will pay more than \$250,000 for water main break damages resulting from any single occurrence. All water main break damage which occurs during any period of 72 consecutive hours is deemed to result from a single occurrence. If the total water main break damage for all claimants in a single occurrence exceeds \$250,000, the reimbursement to each claimant will be calculated as follows:
  - 1. A preliminary reimbursement figure is established for each claimant, equal to the lesser of the claimant's actual damages or \$ \_\_\_\_\_.
  - 2. The sum of the preliminary reimbursement figures for all claimants will be calculated.
  - 3. Each claimant will be paid a percentage of his or her preliminary reimbursement figure, equal to the percentage calculated by dividing \$250,000 by the sum of all claimants' preliminary reimbursement figures.

III. The Governmental Unit's determination to make these payments is contingent on and expressly limited to the extent that No-Fault Coverage is in force and available to reimburse the Governmental Unit for the costs set forth herein.

IV. The Governmental Unit retains the right, in its sole discretion, to revoke, rescind, or modify this resolution at any time.

IN WITNESS WHEREOF, the Governmental Unit, by action of its governing body, caused this Resolution to be approved on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Governmental Unit

By: \_\_\_\_\_

Its \_\_\_\_\_

And: \_\_\_\_\_

Its \_\_\_\_\_



**Agenda Number: 71**  
**Agenda Date: 12-03-14**  
*Prepared by Deb Kind*

**Agenda Item:** Discuss Deephaven's Letter Regarding the Southshore Center

**Summary:** Attached is Deephaven's letter in response to Shorewood's request for Southshore Center cities to sign a quit-claim document. The Greenwood city council will discuss Deephaven's letter at the 12-03-14 council meeting. Note: Per paragraph 6 of the cooperative agreement, the Greenwood city council submitted the attached "withdrawal from participation" letter to the Southshore owner cities on 07-14-14, therefore we will no longer participate in decisions regarding the Southshore Center.

**Council Action:** None required.



Date: July 14, 2014

To: Southshore Center Founding City Councils of Excelsior, Deephaven, Shorewood, Tonka Bay

From: Greenwood City Council

RE: RESPONSE TO JUNE 3, 2014 SHOREWOOD LETTER

The city of Greenwood received the June 3, 2014 letter from the city of Shorewood requesting the Southshore Center (SSC) Founding Cities respond regarding interest to "continue in an ownership position."

We are disappointed that Shorewood is not interested in either pursuing or further discussing The Cove concept for the SSC. However, since the SSC is located in and supported by Shorewood, we believe it is important for Shorewood to take a leadership role with any new direction for the SSC. Since we disagree on the best direction for the SSC, we believe the best course is for Greenwood to withdraw from participation.

In accordance with paragraph 6 of the 1996 Cooperative Agreement for the Southshore Senior / Community Center, the city of Greenwood:

- Will no longer participate in sharing costs for operations, capital improvements, and decisions relating to the Southshore Center effective August 13, 2014.
- Will continue to have undivided ownership interest in the Southshore Center.

The city of Greenwood would be open to discussing an amendment to the Cooperative Agreement in which Greenwood may give up its ownership interest in the SSC while maintaining access for Greenwood residents. However, before entering into such an agreement we would need information regarding the intended plans for the future of the SSC.

We recognize the desire by Shorewood to move in their own direction, but we also believe that it is important to protect the interests of Greenwood residents in the facility that Greenwood helped establish and has consistently supported with time, money, and energy.

If you have any questions, please contact Mayor Deb Kind 952.401.9181, [dkind100@gmail.com](mailto:dkind100@gmail.com).



November 24, 2014

Mayor Debra Kind and Greenwood City Council  
City of Greenwood  
20225 Cottagewood Road  
Deephaven, MN 55331

Re: Notice of Termination Request

Dear Mayor Kind and Greenwood City Council:

The Deephaven City Council reviewed Shorewood's request to provide a notice of termination as outlined in Section 6 of the 1996 Cooperative Agreement at our November 17<sup>th</sup> Council meeting. Over the past 20 years, the City of Deephaven has committed significant time and financial resources to the Southshore Center and we feel this commitment warrants careful consideration of all aspects of this proposal before we can reach a final decision.

Our consideration of the termination proposal would be greatly enhanced by further clarification of the following issues:

1. What is the current legal ownership status of the land, building, parking and access to the Southshore Center? Have these interests been filed? Will a quit claim deed merely transfer an interest in the building or will it include the land and road access to the facility? What area exactly?
2. Who holds the property, casualty, and general liability on the Southshore Center, who is the carrier, and will all five cities be listed as additional insured?
3. Does Shorewood's proposed Capital Maintenance Plan need to be approved by a majority of the cities in order to be in compliance with Section 8 of the 2009 Agreement for the Lease and Operation of the Southshore Community Center or with Section 7 of the 1996 Cooperative Agreement? How would these future capital costs be verified to the withdrawing cities?
4. Clarification is needed to resolve potentially conflicting language regarding future funding obligations as stated in Section 3 and Section 6 of the 1996 Cooperative Agreement.
  - a. Section 3 Funding states "The Cities shall be under no further obligation, pursuant to the terms of this Cooperative Agreement, to fund the maintenance, operation, programming or staffing of the Center or any other costs, expenses or capital investments relating to the Center".

- b. Section 6 Termination states “Withdrawal from this Agreement will not result in the forfeiture of the withdrawing City’s undivided ownership interest in the Center but the withdrawing City’s share of the costs incurred by the Cities pursuant to this Agreement, if any, shall be recovered out of the withdrawing City’s share of any proceeds resulting from the sale or liquidation of the Center.”
5. Clarification is needed on the formula to be used in the distribution of the original member contributions in the event of a future sale, including:
- Would land value be a consideration
  - Percentage of gross sale or merely return of principal
  - What expenses can be deducted from a withdrawing cities original contribution based upon the conflict of Sections 3 and 6 of the 1996 Cooperative Agreement.
6. If future amendments are made to the 1996 Cooperative Agreement, would the Agreement in place at the time of withdrawal be the governing document?
7. Should a Notice of Termination be sent to all five member cities or merely to the City of Shorewood?

We would propose that the City Administrators / Managers from each of the member cities meet to clarify these and any other outstanding issues pertaining to withdrawing from the 1996 Cooperative Agreement prior to the submission of any Termination Agreement.

Sincerely,



Paul A. Skrede  
Mayor, City of Deephaven



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.

# SEWER CONSTRUCTION UPDATE – NOVEMBER 7, 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 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month from 5 p.m. to 7 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](mailto:tim.odonnell@metc.state.mn.us) stating that you would like to receive Excelsior Area Sewer Improvements e-mail updates.

### Construction Activities and Timeline:

- To minimize inconvenience and traffic disruption, force main work in Excelsior Blvd. near Minnetonka Blvd. will be done during night work hours (10 p.m. to 7 a.m.) the evenings of Nov. 10 through Nov. 13. For work the week of Nov. 17 and after, construction will be along the north side curb line and will continue during the daytime, weather permitting.
- In preparation for cold-weather work in the early spring of 2015, site preparation along the north side of Excelsior Blvd. between the trail and Lake St. will take place.
- Excelsior Blvd. between Minnetonka Blvd. and Lake St.: Water main work is complete except for service crossings. Road grading and temporary paving are complete on the south side. Road building will be completed in spring 2015 once the force main is completed.
- Following final gas main work this week, Morse Ave. will re-opened to traffic for the winter.
- Curb and gutter are complete along Beehrle Ave. and along George St. between Beehrle Ave. and Courtland St. Base course paving is scheduled the week of Nov. 10. As final restoration work is completed the roadway will re-open until spring 2015. The remainder of George St. to just past Water St. will then be constructed during summer 2015.
- In Shorewood, final work on the Excelsior Blvd. roadway and trail between Manor Rd. and St. Albans Bay Rd. will be completed in spring 2015.
- Cleaning and inspection of the original forcemain will occur along the entire project corridor during summer 2015. No road closures are anticipated during this work.

### Traffic Control:

- Excelsior Blvd. between Minnetonka Blvd. and Lake St. will be closed to thru traffic from 10 p.m. to 7 a.m. each night from Nov. 10 through Nov. 13. During the day and after this period, two-way traffic will be maintained.

### For More Information:

For more information, including the latest project updates, visit [www.metrocouncil.org/sewerconstructionupdates](http://www.metrocouncil.org/sewerconstructionupdates).

For questions or more information, contact:

- Tom Buchal, Construction Contract Administrator, at 651-955-3561 or [thomas.buchal@metc.state.mn.us](mailto:thomas.buchal@metc.state.mn.us)
- Quentin Knaak, Assistant Construction Contract Administrator, at 612-570-0525 or [Quentin.Knaak@metc.state.mn.us](mailto:Quentin.Knaak@metc.state.mn.us)
- Tim O'Donnell, Project Citizens Liaison, at 651-602-1269 or [tim.odonnell@metc.state.mn.us](mailto:tim.odonnell@metc.state.mn.us)





November 12, 2014

To: LMCIT Members and Agents

From: Pete Tritz, LMCIT Administrator  
Dan Greensweig, LMCIT Assistant Administrator  
Liam Bieber, LMCIT Underwriting Manager

RE: **2014-15 Coverage Changes, Rates, and Dividends**

The League of Minnesota Cities Insurance Trust (LMCIT) Board has approved rates and several coverage changes for the upcoming underwriting year. In addition, the Board approved returning a \$9.5 million dividend to members of the property/casualty program this year. Following is a summary.

**Dividend**

- Property/casualty members will share in a \$9.5 million dividend. The dividend will be distributed mid-December to those who are property/casualty members as of Dec. 1, 2014.

**Property/Casualty Rates, Effective Nov. 15, 2014**

- Liability rates will decrease 4%.
- Property rates will decrease 4%.
- Auto physical damage will decrease 6%.
- Auto liability and bond rates will be unchanged.
- Rates for LMCIT's optional coverages will change as follows: liquor liability will be unchanged, machinery breakdown will decrease 5%, and excess liability will decrease 12%.

**Workers' Compensation Rates, Effective Jan. 1, 2015**

- Overall premium rates will increase 5%.
- Rates for volunteer firefighters will increase an additional 2%. These rates are based on population served, rather than payroll, and therefore need to be adjusted to account for inflation. This slight increase will allow volunteer firefighter rates to stay in line with other job classes.
- Volunteer accident rates, an optional coverage, will decrease 10%.

**Coverage Changes**

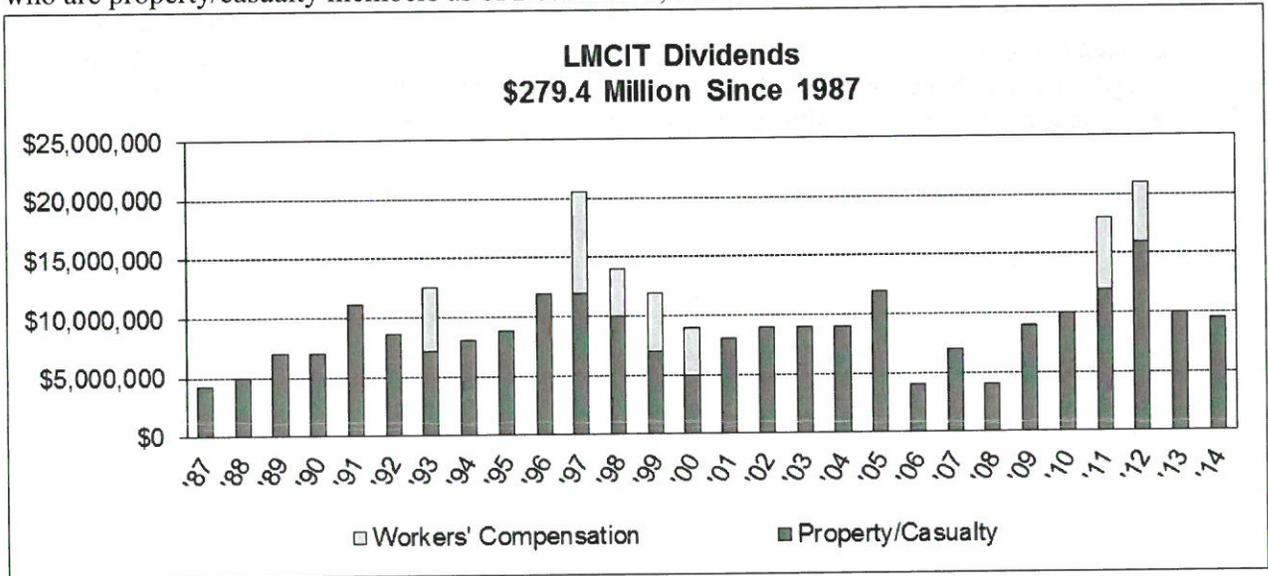
See pages 3-5 to learn more about the coverage changes that will take effect for property/casualty renewals written or renewed on or after Nov. 15, 2014.

**Premium Rates**

The rate reductions for the coming year don't necessarily mean your premiums will decrease by that amount. In fact, some cities' premiums could still increase. That's because actual premiums are also affected by changes in city expenditures, property values, payrolls, experience rating, the third year of transition to the new liability rating system for some members, and other exposure measures.

## Dividend

Members of the property/casualty program will share in a \$9.5 million dividend this year, bringing the total amount of returned dividends since 1987 to \$279.4 million. The dividend will be distributed, along with a detailed explanation of the dividend formula and calculation, in mid-December to those who are property/casualty members as of December 1, 2014.



The dividend amount this year is possible because of some continued good experience in some of LMCIT's more significant loss areas, but it's worth noting that over the past two years there have been a very large number of claims against LMCIT member cities for alleged violations related to the Drivers Privacy Protection Act (DPPA). Because it's very uncertain what these claims might ultimately cost, the LMCIT Board has decided to retain a significant amount of extra funds as a hedge against this potential cost. Hopefully these funds won't be needed to resolve these claims and can be returned to members in the future.

## Property/Casualty Rates

Members with renewals on or after November 15, 2014 will see a decrease in rates for most lines of coverage. Auto liability, bond and liquor liability rates will remain flat.

When LMCIT sets premiums rates, the average experience over the past several years is used to project how much loss to expect in the future. The reductions in property, auto physical damage, and machinery breakdown are possible this year because of lower reinsurance costs in these areas of coverage. The reduction in municipal liability rates reflects improved loss experience on land use and steady losses in the areas of sewer backups, auto liability, and other minor liability loss areas. Excluding the effect of claims related to the DPPA, police liability has also been positive.

## Rate Setting

LMCIT's practice is to incorporate a solid contingency margin into the premium rates. That margin is meant to cover the extra cost in case losses turn out to be more than what LMCIT projected. By doing so (and then returning the extra funds afterwards if it turns out the fund aren't needed), LMCIT is able to keep premium rates much more stable from year to year. In other words, it helps keep premium rate changes in the range of a few percent up or down each year, rather than the much larger year-to-year premium rate changes that would be seen if LMCIT set lower rates with a much smaller contingency margin.

## Changes to the New Liability Premium Rating System

Over the last couple years, some members saw their liability, auto liability and no-fault sewer backup premiums go up while others saw decreases. This was the result of the new liability system's more equitable allocation of premium costs among all members.

To provide a gradual transition to the premium changes, LMCIT has applied a transition mechanism to avoid shock increases for individual members. For the 2014-15 underwriting year, which is the third year of transition to the new system, members will see:

- General liability and auto liability premium increases capped at 15% (50% for drug task forces; 30% for no-fault sewer backup).
- General liability decreases constrained at 15%, with no constraints on all other lines of coverage.

## Workers' Compensation Rates

Members with renewals on or after January 1, 2015 will see a 5% increase in overall rate levels. One of the main reasons for this year's rate increase is because of rising medical costs, which now make up 60% of LMCIT's total workers' compensation loss costs. Rates for 2015 assume that medical costs will continue to increase at a rate of about 9% annually, which significantly outpaces the increase in wage levels.

In addition to the overall rate increase, rates for volunteer firefighters will increase an additional 2%. These rates are based on population served, rather than payroll, and therefore lag all other class rates essentially by the amount of annual wage inflation. This slight increase will allow volunteer firefighter rates to stay in line with other job classes.

The LMCIT Board also decided to decrease rates for LMCIT's optional volunteer accident coverage by 10% because of the very low loss experience and the growth in member participation for this line of coverage. The volunteer accident coverage provides disability, death, and impairment benefits to city volunteers who are injured while performing volunteer services for the city. Cities can also add a limited medical benefit as an extra cost option. At the new rate, the basic charge is \$.05 per capita, subject to a minimum premium of \$75 and a maximum premium of \$750.

## Coverage Changes

The following coverage changes will take effect for property/casualty coverages renewing on or after November 15, 2014.

### Liability Coverage

#### *Liability coverage limits increase*

Beginning with renewals on or after November 15, 2014, LMCIT will increase the per-occurrence liability coverage limit from \$1.5 million to \$2 million. The annual aggregate liability limits will also increase from \$2 million to \$3 million for most of the exposures where annual aggregate limits apply, including products liability, failure to supply utilities, data security breaches, electric magnetic fields (EMF), limited pollution, and mold. The only exposures where the annual aggregate will not change is for LMCIT's land use/special risk litigation coverage (\$1 million) and on coverage for claims arising from activities of outside organizations (\$100,000).

## New Liability Rating System

LMCIT projects it will be nearly fully transitioned to the new liability rating method by the start of the 2015-16 underwriting year. To learn more about the specifics of the new liability system and the changes made to it over the last three years, go to [www.lmc.org/rating](http://www.lmc.org/rating).

For those members that carry LMCIT's excess liability coverage, there will be \$500,000 more in coverage limits. If you carry \$1 million of excess coverage, you currently have \$2.5 million of total limits available - \$1.5 million under the primary coverage plus \$1 million of excess coverage. When the liability limits increase on November 15, you'll have \$3 million of total limits - \$2 million of primary coverage plus \$1 million of excess coverage.

#### *Airport operations exclusion - helipads*

The existing LMCIT liability coverage contains an exclusion for damages arising out of a city's ownership, operation, or maintenance of any airport. It has been clarified to state that this exclusion does not apply to heliports that are not open for public use (i.e. medical facility/public safety-type heliports).

#### *Covered parties – independent contractor exclusion*

Coverage has been clarified that reinforces that independent contractors are generally not considered covered parties. The only exceptions are 1) independent contractors acting in the administrative capacity of medical director or medical advisor to the city ambulance service; and 2) independent contractors serving as a member of, or representing the city as a member of, a committee, subcommittee, board, or commission. This exclusion also applies to the Defense Cost Reimbursement Coverage.

#### *Daycare operations*

The LMCIT liability coverage contains an exclusion for a number of specialty type operations, including medical facilities and nursing homes. The coverage has been revised to include licensed daycare operations to the list of operation types subject to this exclusion. Note, however, there is an exception - "drop-in" daycare operations (e.g. community centers/gyms) and park and rec summer day camp or holiday camp type operations are covered.

#### *Hazardous stunting activities*

The LMCIT liability coverage contains an exclusion for damages arising out of a number of high-risk special event type activities, including motorized amusement devices, vehicle racing and stunting, and rodeos if the city is the owner, sponsor or operator of those activities. The definition of an excluded "stunting activity" has been revised to include any pre-arranged stunting activity or event that involves a significant risk of serious injury to the participant, performer, or others. Common traditional athletic events such as hockey, baseball, softball, basketball, soccer, gymnastics, or track and field events are not subject to this exclusion. Coverage has also been expanded to exclude stunting events or activities like high-wire acts, base or bungee jumping, skydiving, circus type acts, and acts involving dangerous animals.

#### *Data security breach definition*

There is a very slight change to the definition of "data security breach". The change entails broadening the definition so that it applies not only to the *actual* unauthorized acquisition of confidential data, but also the *potential* unauthorized acquisition of confidential data. As a result, the \$3 million annual aggregate limit for claims arising out of data security breaches will also apply to these types of claims even if it's not certain whether the security, confidentiality, or integrity of personal information has actually been compromised.

## Liability Coverage Limit Increase

A *Questions and Answers* section is attached at the end of this letter explaining why LMCIT is making a change to the liability coverage limits, what the higher limits mean in practice, and how the change will affect those members that carry LMCIT's optional excess liability coverage.

## Questions and Answers Liability Coverage Limit Increase

### What's being changed in the LMCIT liability coverage limits?

There are two changes.

- 1) The basic liability coverage limit is increased from \$1.5 million to \$2 million per occurrence.
- 2) The annual aggregate limits that apply to several specific types of liability are increased from \$2 million to \$3 million per year. This affects coverage for claims for products liability, failure to supply utilities, data security breaches, damage caused by electromagnetic fields, limited pollution, and mold. There are also annual aggregate limits on the land use / special risk coverage (\$1 million), and on coverage for claims arising from activities of outside organizations (\$100,000). These annual aggregate limits don't change.

### More Information

Read more about LMCIT's  
Liability Coverage Options  
at <http://lmc.org/page/1/P-C-Coverages.jsp>.

### When do the changes take effect?

The changes will apply at the city's first renewal after November 15, 2014.

### Why did the LMCIT Board decide to make these changes?

The reason is to give member cities better protection. The statutory liability limit caps the city's liability for many types of claims. But some liability claims aren't covered by the statutory limit, so the city's potential liability is unlimited. Claims under the federal civil rights laws are probably the biggest example, but there are a few others as well. The new \$2 million per occurrence coverage limit gives the city better protection for these types of claims, and makes it less likely the city could end up with liability exceeding its coverage limit.

That's also why the various aggregate limits were increased – to give member cities better protection. The higher limits make it less likely the city could run out of coverage if there were a major incident in which many people were injured.

### Do the higher coverage limits mean that the city can now be sued for larger amounts?

For the vast majority of LMCIT members, the answer is no. This is because for LMCIT members the statutory liability limits remain in effect unless the city has explicitly chosen to waive the statutory limits. Only about 18% of LMCIT members do so. So for most member cities, even though the city's liability coverage now has a \$2 million limit, the city's liability is still limited by the statute to no more than \$500,000 per claimant and \$1.5 million per occurrence. In other words, the new, higher coverage limits would only come into play on those types of claims that aren't covered by the statutory liability limit.

For cities that do choose to waive the statutory limits, the change will mean the city can now be sued for greater dollar amounts. When the city chooses the "waiver" option, the city waives the protection of the statutory limits, up to the amount of coverage the city has. So someone with a claim against a city that has waived the statutory limits would now be able to recover up to \$2 million. Of course, that claimant would have to show that s/he actually did suffer that much damage.

### Our city carries the optional excess liability coverage. How does this change affect us?

There are three effects, all of them positive, for the city that carries the optional excess liability coverage.

### *No-fault sewer back up coverage*

LMCIT offers member cities an optional no-fault sewer backup (NFSB) coverage. This coverage pays for a property owner's damage caused by a sewer backup or water main break, regardless of whether the city was negligent or legally liable for those damages. This year there are several changes to the NFSB coverage. A separate letter detailing the specifics will be sent to those cities that currently purchase this coverage option. Briefly, the two major changes this year incorporate the following:

- 1) The exclusion for FEMA-declared disasters has been reworded to exclude NFSB coverage in *any weather-related or other event which has been declared by the President of the United States to be a major disaster pursuant to 42 U.S.C. §§ 5121-5206, commonly known as the Stafford Act*. In other words, the NFSB coverage will not apply in any situation which has been declared a disaster by FEMA.
- 2) The exclusion for heavy rainfall events has been revised to apply to any situation in which rainfall or precipitation exceeds the following amounts:

- 2.0 inches in a 1-hour period; or
- 2.5 inches in a 3-hour period; or
- 3.0 inches in a 6-hour period; or
- 3.5 inches in a 12-hour period; or
- 4.0 inches in a 24-hour period; or
- 4.5 inches in a 72-hour period; or
- 5.5 inches in a 168-hour period.

If rainfall exceeds these amounts, the NFSB coverage will not apply. Formerly, the NFSB coverage excluded events where rainfall exceeded the 100-year rainfall amount. The new provisions are more restrictive.

### **Property Coverage**

#### *Mobile property rental reimbursement limit*

The annual aggregate limit for rental reimbursement expenses needed to sustain operations in the event of a covered loss to mobile property will increase from \$25,000 to \$250,000.

#### *Data security breach definition*

The definition of "data security breach" has been slightly changed to reflect the same wording as noted above for the liability coverage (i.e. broadening of the definition so it applies to both actual *and potential* unauthorized acquisition of confidential data). The change results in a slight broadening of coverage for the first-party data security breach coverage, which provides coverage for things like legal and information technology consulting, notice to affected persons, credit monitoring and identity theft services, and similar things.

#### **More Information**

If you have additional questions about the rate changes, coverage changes, and dividend amount being returned this year, contact your underwriter at 651.281.1200 or 800.925.1122.

- 1) The total coverage limit the city has available will now be greater. For example, suppose the city carries \$1 million of excess coverage. Formerly, that \$1 million of coverage would sit on top of the old \$1.5 million primary limit, so the total limit available was \$2.5 million. Now that \$1 million of excess coverage will sit above the \$2 million per occurrence primary limit, for a total of \$3 million.
- 2) The city will now have better protection for claims relating to mold or to failure to supply utilities. The excess liability coverage doesn't apply to those types of claims, so under the old coverage even if the city carries the excess liability coverage, the city still only had \$2 million of coverage for those claims per year. Now the city will have \$3 million of coverage per year for those claims.
- 3) The excess coverage is now less expensive. Formerly, the excess coverage would come into play on a claim that exceeds \$1.5 million; now, a claim would need to exceed \$2 million for the excess coverage to come into play. That means there's less risk that a claim will hit the excess coverage; and because the risk is less, the cost is less.

**So our premium for excess liability coverage will go down at our next renewal?**

For many cities it will, but not necessarily for all. The premiums for excess liability coverage are based on the city's premium for the primary liability coverage. Even though premium rates for the primary liability coverage are decreasing 4%, an individual city's primary liability coverage premium could still increase for any of several reasons: if the city's exposures (gross expenditures, number of employees, number of police officers, number of households, number of sewer connections) have increased; if the city's experience rating has increased; or if the city's liability premium is still increasing because of the transition to the new rating system. If the city's primary liability premium increases for any of these reasons, it's possible the excess liability premium could increase as well.

**LMCIT Liability Coverage Options**  
*Coverage Written or Renewed On or After November 15, 2014*

Coverage structure if the city:	On a liability claim to which the statutory limits apply:		On a liability claim to which the statutory limits do not apply:
	This is the maximum amount a single claimant could recover on an occurrence.	This is the maximum total amount that all claimants could recover on a single occurrence.	This is the maximum amount of damages which LMCIT would pay on the city's behalf for a single occurrence, regardless of the number of claimants.
Does not have excess coverage & Does not waive the statutory limits	\$500,000	\$1,500,000	\$2,000,000
Does not have excess coverage & Waives the statutory limits	\$2,000,000	\$2,000,000	\$2,000,000
Has \$1,000,000 of excess coverage & Does not waive the statutory limits	\$500,000	\$1,500,000	\$3,000,000
Has \$1,000,000 of excess coverage & Waives the statutory limits	\$3,000,000	\$3,000,000	\$3,000,000



**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, NOVEMBER 19, 2014  
7:00 P.M.**

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

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

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

Absent: Commissioner Fiona Sayer

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

**2. MINUTES – October 15, 2014**

Commissioner Bechtell moved to approve the minutes of October 15, 2014 as presented. Commissioner Paeper seconded the motion. Motion carried 5-0.

**3. PUBLIC HEARINGS**

**Variances, Michael and Deborah Jonikas, 4930 Meadville Street** - Requests to encroach into the minimum required east and west side yard setbacks, lake yard setback and to exceed the maximum permitted impervious surface for the construction of a new single family home.

Section 1120:15 of the Zoning Ordinance requires a minimum east side yard and west side yard setback of fifteen feet. The applicants propose an east side yard setback of six feet, five inches and a west side yard setback of seven feet, four inches for the proposed single family home. The proposal requires a variance of eight feet, seven inches of the required east side yard setback and seven feet, eight inches of the required west side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet. The applicants propose a lake yard setback of twenty-eight feet, nine inches for the proposed single family home. The proposal requires a variance of twenty-one feet, three inches of the required lake yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicants propose an impervious surface area of 44.3% and are seeking a variance to exceed the maximum permitted impervious surface area by 14.3%.

The proposal would remove an existing non-conforming single family home and replace it with a home that would be rebuilt substantially within the same footprint and maintains or reduces the existing non-conformities.

The proposed home maintains the existing eight foot, seven inch encroachment into the required east side yard setback and twenty-one foot, three inch lake yard setback. The proposal would reduce the west side yard encroachment from seven feet, eleven inches to seven feet, eight inches and reduce the impervious surface area by 7.4%.

The applicants have reduced the structural impervious surface area from 2,855 square feet (2.72%) to 2,560 square feet (2.43%) and reduced the overall impervious surface area by 7.4%.

The proposed addition complies with the front yard setback requirement outlined in Section 1120.15, the height limitations outlined in Section 1120.20 and the maximum permitted grade alteration permitted in Section 1140.10.

Chairman Lucking summarized the request and opened the Public Hearing.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, NOVEMBER 19, 2014**  
**7:00 P.M.**

Michael Jonikas discussed the request noting the project utilized the footprint of the existing structure, looked to conserve the natural resources with the minimum disruption of the site and increased the green space through the reduction of impervious surface area. He said the home would be a reasonable use of the property, would fit into the character of the neighborhood and improve the management of drainage versus that of the existing structure. He said steps have also been taken to maintain and protect the health of the existing tree stock.

Rick Hendel, Hendel Homes, introduced himself and described his philosophy. He said it's very unusual to find a client that actually wants to reduce the percentage of impervious surface on a property.

Hearing no further comment, the hearing was closed.

Commissioner Paeper discussed the proposed footprint, noting it was not exactly the same. Zoning Administrator Karpas said the non-conforming footprint has been kept, but the altered area complies with the setback. He said the applicants have reduced the square footage of footprint area.

Commissioner Conrad asked if the city has any precedent in regulating the height of the structure. City Attorney said that is a matter of discussion for the Planning Commission since the height would be increased in the area of non-conformance though in the past it has granted variances for second stories on non-conforming footprints. It comes down to if it is a reasonable use of the property and whether the practical difficulty is a result of an action caused by the property owner.

Council Liaison Cook felt the request was reasonable. He said there was a reduction in impervious surface area, it's within the permitted volume and it's not out of character for the city to grant a variance for a second story on a non-conforming structure.

Commissioner Reeder asked if there would have to be a separate variance granted for the height or if it's included as part of the overall request. Mr. Kelly said it's all part of the request.

Commissioner Sundberg likes the request and feels it improves the existing conditions of the property.

Commissioner Bechtell is supportive of the request and agreed with Mr. Hendel that it is rare to find someone who wants to have more grass.

Chairman Lucking is supportive of the request and feel it would be a hard precedent to set to deny a second set within the roof.

Commissioner Paeper is generally supportive of the request. His only issue is the hardship claim on the lot area. He said the owner takes on the burden of developing the lot within the ordinance requirements when they purchase a non-conforming lot.

**Approval Motion:** Commissioner Conrad moved the Planning Commission recommend the city council approve the application of Michael and Deborah Jonikas for variances of Greenwood Ordinance Section 1120:15 to encroach eight feet, seven inches into the required fifteen foot east side yard setback, to encroach seven feet, eight inches into the required fifteen foot west side yard setback, to encroach twenty-one feet, three inches into the required fifty foot lake yard setback and a variance of Greenwood Ordinance Section 1176.04(3)(3) to exceed the maximum permitted impervious surface area by 14.3% . Commissioner Paeper seconded the motion. Motion carried 5-0.

#### **4. LIAISON REPORT**

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, NOVEMBER 19, 2014  
7:00 P.M.**

Council Liaison Cook said the Council held two meetings, a special meeting to discuss the Talebi requests and their regular meeting. The Council discussed the requests Kam Talebi and approved the conditional use permit and approved the variance setback requests for the proposed swimming pool, retaining walls and accessory structure and the variance to exceed the accessory structure height.

Cook said the regular meeting included a public hearing for the proposed Lake Improvement District, which had about half the public comment for and half against the proposal. The Council unanimously approved the Anderson variance request and unanimously denied the Lecy subdivision request and after much discussion, the Old Log Theater withdrew their Conditional Use Request. The last point of discussion was how the city was going to respond to the City of Shorewood's request that it give up its equity interest in the Southshore Center. The Council feels that would not be in the city's interest and agreed to send a letter expressing that position.

**5. ADJOURN**

Motion by Commissioner Conrad to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 7:50 pm.

Respectively Submitted,  
Gus Karpas - Zoning Administrator

November 21, 2014

Jonathan A. Strauss  
Sapientia Law Group  
12 South Sixth Street  
Suite 1242  
Minneapolis, MN 55402



Re: Notice of Claim – Claudia and Steve Meldahl

Dear Mr. Strauss:

In your notice of claim regarding Claudia and Steve Meldahl you are apparently making a Data Practices Act request. You request the identity of an individual(s) who obtained the Meldahl's driver's license information and any documentation "that you believe show a permissible purpose for the obtainment" and any documents regarding any investigation conducted. This requests private data, a legal conclusion, mental impressions and is not a request for data. Additionally, the request is vague and unduly burdensome as it potentially requires an audit of all DVS inquiries by city employees. It is also a request for the City to create data that does not currently exist. Therefore, your request is outside the Data Practices Act and will not be responded to. Requests for documents regarding accesses to the DVS database should be directed to the Minnesota Department of Public Safety.

You also request, pursuant to Minnesota Statutes section 13.82, subdivision 7, "all criminal investigative data wherein Mr. or Mrs. Meldahl was a subject of the investigation, or otherwise named in the investigation." The city does not have any criminal investigative data involving the Meldahls.

You also requested any "records of Interaction that demonstrate any communication between the City of Greenwood and Ms. Meldahl." The city has no records of communication with the Meldhdals.

You also request a copy of any Comprehensive Incident-Based Reporting System ("CIBRS") data related to Mr. and Mrs. Meldahl, and whether they have been the subject of private or confidential data held by CIBRS. Pursuant to Minnesota Statutes section 299C.40, subdivision 6(b), "[i]f an individual who is the subject of private data held by CIBRS requests access to the data or release of the data to a third party, the individual must appear in person at the Bureau of Criminal Apprehension or a participating law enforcement agency to give informed consent to the data access or release." Thus, absent Mr. and Mrs. Meldahl appearing in person at our law enforcement agency, the City cannot provide such data to her attorney. The release of any such data is subject to Minn. Chap. 13.

Yours truly,

Gus Karpas  
City Clerk  
City of Greenwood