

AGENDA

Greenwood City Council Meeting

Tuesday, July 5, 2011
20225 Cottagewood Road, Deephaven, MN 55331



Welcome! You are invited to address the council regarding any agenda item. If your topic is not on the agenda, you may speak during Matters from the Floor. Reminder: Please turn off cell phones and pagers.

- 7:00 PM 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00 PM 2. CONSENT AGENDA
*Council members may remove consent agenda items for discussion.
Removed items will be placed under Other Business.*
- A. Recommendation: Approve 06-07-11 City Council Minutes
 - B. Recommendation: Approve May Cash Summary Report
 - C. Recommendation: Approve June Verifields, Check Register, Electronic Fund Transfer
 - D. Recommendation: Approve July Payroll Register
- 7:05 PM 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 three minutes.
- 7:10 PM 4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS
- A. Presentation: City Engineer Dave Martini
 - 2011 Sewer Project Bids
 - 2011 Road Project Bids
 - County Aid to Municipalities (CAM) for 2011 Road Projects
 - B. Announcement: Night to Unite, Tues, August 2, 2011, Contact Officer Hohertz 952.960.1619
- 7:30 PM 5. PUBLIC HEARINGS
- A. None
- 7:30 PM 6. UNFINISHED BUSINESS
- A. 2nd Reading: Ordinance 195 Regarding Criminal History Background Checks for City Employment and City License Applications
- 7:35 PM 7. NEW BUSINESS
- A. Consider: Resolution 15-11 Summary of Ordinance 195 for Publication
 - B. Discuss: Yard Definitions
- 7:50 PM 8. OTHER BUSINESS
- A. None
- 7:50 PM 9. COUNCIL REPORTS
- A. Kind: Police, Administration
 - B. Page: Lake Minnetonka Conservation District
 - C. Quam: Roads & Sewer, Minnetonka Community Education
 - D. Rose: Excelsior Fire District
- 8:00 PM 10. ADJOURNMENT

Agenda times are approximate. Every effort will be made to keep the agenda on schedule.



Agenda Number	2
Agenda Date	07-05-11

Agenda Item	Consent Agenda
Summary	<p>The following is a brief summary of this agenda item:</p> <p>The consent agenda includes the most recent council minutes, cash summary report, verified report, electronic fund transfers, and check registers. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.</p>
Council Action	<p>Recommended Motion:</p> <p>I move the council approves the consent agenda items as presented.</p>

GREENWOOD CITY COUNCIL MEETING
Tuesday, June 7, 2011, 7:00 P.M.
Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

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

Mayor Kind called the meeting to order at 7:01 P.M.

Members Present: Mayor Kind; Councilmembers Fletcher, Page, Quam and Rose

Others Present: City Attorney Kelly; City Zoning Administrator/City Clerk Karpas; and, City Engineer Martini (departed the meeting at 7:39 P.M.)

Members Absent: None

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

2. CONSENT AGENDA

Page moved, Rose seconded, approving the items contained on the Consent Agenda.

- A. May 3, 2011, City Council Meeting Minutes**
- B. May 18, 2011, Joint City Council & Planning Commission Work Session Minutes**
- C. April 2011 Cash Summary Report**
- D. May 2011 Verifieds and Check Register**
- E. June 2011 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

Rob Roy, 21270 Excelsior Boulevard, (the St. Alban's Bay Captain) stated St. Alban's Bay has been chemically treated for milfoil. He acknowledged that Mayor Kind and Councilmember Fletcher have been great assets to the project. He thanked a number of Greenwood residents for their help in raising private funds to help fund the treatment.

Mr. Roy explained that approximately 95 percent of the property owners adjacent to St. Alban's Bay authorized the water in front of their property to be treated. Approximately 85 percent made donations toward the cost of the treatments. Those numbers convey to him that the property owners really wanted the Bay to be treated. He noted that you already can see positive results from the treatment. The bay will be spot treated on either June 10th or June 13th because a couple of permits were missed. He explained there is a difference between Eurasian Watermilfoil (a non-native milfoil) and native milfoil. He recommended people go to the website www.carmanbay.org to look at the Lake Minnetonka Weed Identification Gallery on the site.

Mr. Roy thanked everyone for adhering to the recommendation not to use lake water to water new turf, vegetables and ornamental plants. He asked property owners to wait until the applicator says it's okay to water with lake water.

In response to a question from Councilmember Page, Mr. Roy explained the 85 percent donation figure includes those residents the fundraising group solicited. It does not include people who rent slips from marinas located around the bay.

Mr. Roy stated during the last Lake Minnetonka Conservation District (LMCD) Board meeting the Boardmember from Shorewood asked a good question about harvesting. He was surprised by LMCD Executive Director Nybeck's comments that he gets more compliments about the LMCD's harvesting program than he does complaints. He noted that he is starting a petition to let Nybeck know what lake front property owners really think about the harvesting program.

In response to a question from Councilmember Quam, Mr. Roy stated he will send out a mass email to those people he has email addresses for when the treatment applicator has stated the lake water is safe to use for watering and he asked that it also be put on the city's website. Councilmember Quam thanked Mr. Roy for leading the effort. Mayor Kind stated that she will ensure that the watering update is posted on the website and also thanked Mr. Roy for his efforts.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

A. Terence Haines, Eagle Scout Project at the Southshore Community Center

Mayor Kind stated Terence Haines, an Eagle Scout candidate, is present this evening. Mr. Haines has proposed a project to improve the property near the Southshore Community Center (SSCC). She stated the meeting packet contains information about the proposed project. She explained the project entails building a platform at the top of the hill, building twelve steps that go down the hill with a railing along each side, building a platform at the bottom, fixing the bridge at the bottom of the hill, fixing the walking path in the woods and building two benches to put by the path. The estimated cost is approximately \$3,150. Mr. Haines is here to ask the city to make a donation to help fund the project. She stated there are funds in the General Fund contingency if the council decides to make a contribution to the project.

Kind explained the City of Greenwood shares ownership in the SSCC with the Cities of Deephaven, Excelsior, Shorewood and Tonka Bay. Greenwood's population is approximately 5 percent of the population of the five cities combined; 5 percent of \$3,150 equals \$158. Greenwood's tax capacity is 8.45 percent of the five cities combined; 8.45 percent of \$3,150 equals \$266. The average of \$158 and \$266 is approximately \$200. She noted that the City of Shorewood is pledging to match all contributions.

Mr. Haines stated he is proposing a project to make improvements to the property near the SSCC. He reiterated Mayor Kind's explanation of what the project entails. He asked the Councilmembers if they had any questions.

Councilmember Page asked what is in the proposed project area now. Mr. Haines stated there is a bridge and walking path that has been ruined by the weather.

Councilmember Fletcher asked Mr. Haines how he decided on this project. Mr. Haines stated he was looking for an Eagle Scout project. Mr. Haines explained he had proposed doing a few different projects for a church but the church's council couldn't reach consensus on what it wanted to have done. He found

out there could be a project at the property near the SSCC that he could undertake for his Eagle Scout project; a project that people wanted to have done.

Councilmember Quam asked Mr. Haines who will make sure the improvements will be safe to which Mr. Haines stated the Shorewood's City Staff will. Quam commended Mr. Haines on his initiative.

Page moved, Rose seconded, approving a donation of \$266 toward the cost of Terrence Haines' Eagle Scout project and directing that the funds come out of the General Fund.

Mayor Kind asked if the council wanted to make the donation contingent upon the City of Shorewood approving the project. Mr. Haines stated the project has already been approved. Kind asked what happens if Mr. Haines is unable to raise the funds needed for the project. Councilmembers Quam and Page stated they aren't worried about that not happening.

Motion passed 5/0.

B. City Engineer Dave Martini

1. 2011 Sewer Project Bids

Engineer Martini explained the City has been awarded a grant from Metropolitan Council Environment Services (MCES) through its Municipal Infiltration/Inflow (I/I) Grant Program to help fund repairs to the City's sewer system. The grant is in the amount of \$48,384 and the maximum amount a municipality could receive is \$50,000. The City opened bids on June 1, 2011, for the potential project. The city received two bids; one from Infratech and one from Minger Construction. The low bidder is Infratech for an amount of \$166,184.88. The bid is substantially higher than the project estimate of \$97,000. Minger Construction's bid is \$180,162.60.

Martini then explained he has reviewed the bids to try and determine why the bids were so much higher than the project estimate. The significant difference revolves around point repairs being proposed. Some of the repairs would be trenchless; the repairs would be done through manholes and it would not be necessary to dig a hole. There are a few areas where the repairs are severe enough that they can't be done through the manholes so sewer pipe will have to be dug up, the repairs made and the area restored.

Martini stated he assessed what the cost would be if the point repairs were excluded from the bid abstract and put in a separate abstract. He explained that if the point repairs are taken out the low bidder becomes Minger Construction. The council can consider the bids as submitted with Infratech being the low bidder or consider re-bidding the project. He noted that the people who do the trenchless types of repairs generally don't do the excavation type of repairs and vice versa. If the project were to be re-bid the point repairs would be bid out separate from the trenchless repairs. By doing that there may be more firms that bid on the project. He noted there is no guarantee that by splitting the project bid in two that the total cost will come out cheaper. He stated one of the reasons the bid amounts may be higher is other municipalities also have been awarded grants for the same type of work so the contractors are in higher demand.

Mayor Kind asked if there is time to re-bid the project to which Engineer Martini stated there is. Kind then asked if there is a chance there will be additional grant funds available for 2012. Martini responded that it's his impression that this grant program is a one-time program.

Councilmember Fletcher stated he informally checked with a Met Council source and thinks there is a 50/50 chance that this program would be continued in 2012. He then stated he supports reducing the size of the project and taking the chance that additional grant funds will be available in 2012.

Engineer Martini explained if the point repairs and restoration of those areas were taken out of Infratech's bid the cost would be around \$104,000. Infratech's cost to do the three repairs and restoration is approximately \$62,000. If the same items were taken out of Minger Construction's bid the cost would be just under \$100,000. Minger Construction's cost to do the three repairs and restoration is approximately \$80,000. He commented that Minger Construction is an excavator.

Mayor Kind stated if the point repairs were bid out separately there wouldn't be any savings from mobilization. Councilmember Quam stated he thought mobilization charges would likely go up. Engineer Martini stated Infratech's mobilization charge is \$25,000.

Councilmember Quam stated he thought the city should spend at least \$100,000 this year on sewer repairs so it can receive the full \$48,384 in grant funds it has been awarded. He supports re-bidding the project after the point repairs have been taken out.

Quam moved, Fletcher seconded, directing staff to re-bid the sewer repairs project as two separate projects; one project would be for the trenchless repairs and the other project would be for the excavation and point repairs and restoration of the point repair areas. Motion passed 5/0.

In response to a question from Councilmember Quam, Engineer Martini stated it may be possible to have new bid quotes available for the July 5th council meeting.

2. Street Sweeping Test Results

Mayor Kind stated the April 2011 street sweeping samples were sent to Pace Analytical Services Incorporated for analysis. A copy of the analysis results is included in the meeting packet.

Engineer Martini explained that 56.4 tons of material was swept up off of the city's streets. Three random samples of materials were taken out of the sweepings and sent to Pace for analysis. The calculations reflect that about 29 pounds of phosphorous are in the sweepings. The 2011 results were similar to the 2010 results. The city's phosphorous reduction goal is 5 pounds per year. The city is participating in a study with the Minnehaha Creek Watershed District (MCWD) involving street sweepings. The MCWD is working with the University of Minnesota to gather information about other chemicals in addition to phosphorus in sweepings, various types of sweepers and how efficient they are. The MCWD also wants to come to a decision on how to deal with communities that want to use street sweepings to count toward phosphorous reduction goals. He stated he is not sure if the MCWD will want the city to participate in a study in 2012.

Mayor Kind stated the city received a check in the amount of \$735 from the MCWD as reimbursement for the testing.

Councilmember Rose asked if the city has to remove another 5 pounds of phosphorous, in addition to the 29 pounds swept up this spring, in order to meet its 5-pound phosphorous reduction goal.

Engineer Martini noted one of the reasons the city started to sweep its streets is it was a benefit to the city's residents. He stated it's hard to determine how much phosphorous was going into Lake Minnetonka before it started sweeping its streets. He explained that communities with curb and gutter, storm sewer

and pipes that drain directly into the lake have a different potential for having phosphorous flow into the lake than those communities that drain off naturally by running through ditches and so forth. He stated when the time comes the city will work to get credit for the phosphorous it's already been removing through street sweepings.

Engineer Martini stated if the city were to do a partial sweeping again in the fall it could likely remove another 5 pounds of phosphorous. He noted there is potential benefit to doing another sweeping in parts of the city.

3. Estimate for Survey and Analysis of Meadville Drainage Issue

Engineer Martini explained that during its May 3, 2011, meeting the council directed Engineer Martini to prepare an estimate for what it would cost to do a survey and analysis of drainage issue near Meadville Street. He has since determined that the approximate cost would be \$2,000.

Fletcher moved, Rose seconded, approving Staff move forward with doing a survey and analysis of the drainage issue near Meadville Street for an amount not to exceed \$2,000 and that it be funded out of the Stormwater Fund. Motion passed 5/0.

Engineer Martini departed the meeting at 7:39 P.M.

C. July 4th Parade, 10:00 A.M. at Greenwood Park, Grand Marshal Don Stolz

Mayor Kind encouraged everyone to take part in the 4th of July parade. She noted that Don Stolz will be the grand marshal of the parade.

Councilmember Quam stated that Susan Morris served as the grand marshal in 2010, noting she has since passed away. He conveyed that Ms. Morris' had been grateful for that opportunity.

5. PUBLIC HEARING

None.

6. UNFINISHED BUSINESS

A. Ordinance 194 Setting the March 1 to May 1 Load Limit at 5 Tons Per Axle on City Streets

Mayor Kind stated this is the second reading of Ordinance 194 amending the Ordinance Code Section 730.00 regarding setting the March 1 to May 1 load limit at 5 tons per axle on City-owned streets. The council unanimously adopted the first reading of the Ordinance during its May 3, 2011, meeting and no changes have been made since then.

Quam moved, Page seconded, Approving Ordinance 194, "An Ordinance Amending the Greenwood Ordinance Code Section 730.00 to Set the March 1 to May 1 Load Limit at 5 Tons Per Axle on All City Streets. Motion passed 5/0.

7. NEW BUSINESS

A. July 4th Fireworks Contribution

Mayor Kind explained the South Lake-Excelsior Chamber of Commerce coordinates the Fourth of July fireworks display in the City of Excelsior. This event draws people from the entire South Lake Minnetonka area. The City's 2011 Operating Budget included \$1,200 for a contribution to help pay for the fireworks display. She noted that if the council wanted to make a larger contribution, funds from the General Fund contingency could be used for the additional amount. The total cost of the fireworks display is \$20,000. The South Lake Minnetonka area includes the Cities of Deephaven, Excelsior, Greenwood, Shorewood and Tonka Bay. Greenwood's population is approximately 5 percent of the population of the five cities combined; 5 percent of \$20,000 equals \$1,000. Greenwood's tax capacity is 8.45 percent of the five cities combined; 8.45 percent of \$20,000 equals \$1,690. The average of the two amounts is \$1,345.

Kind introduced Linda Murrell, Executive Director for the South Lake-Excelsior Chamber of Commerce, who was present to talk about the Fourth of July program.

Ms. Murrell clarified that \$20,000 cost was what it cost about four years ago. This year the fireworks display will cost \$23,000. She explained a lot of the funding for the display is through private contributions. To date about \$12,000 has been raised through a direct mail campaign. She noted the display is a very expensive event to put on. The insurance cost went up over \$2,100 this year; approximately double the 2010 cost. She noted without participation from the cities in the South Lake area there would not be a display. She explained funding for the fireworks display used to be raised through a boat show and through various fundraising mechanisms that have gone away because of the poor economy.

Ms. Murrell stated there will be a performance by the Minnesota Orchestra (for the twelfth year in a row). Don Shelby will be the guest master of ceremonies this year. There will be a special salute to veterans this year. If the weather cooperates, there is something else planned which she didn't reveal.

Ms. Murrell noted it wouldn't be as difficult to raise funds if those boaters who watch the fireworks from their boats would contribute even \$1 each.

Mayor Kind asked if the council wants to contribute the amount budgeted (\$1,200) or does the council want to increase the amount a bit.

Quam moved, Fletcher seconded, authorizing \$1,345 of funding to the South Lake-Excelsior Chamber of Commerce's Lake Minnetonka Fourth of July celebration activities. Motion passed 4/1 with Rose dissenting.

Councilmember Rose stated he wanted the contribution to remain at the budgeted amount.

Ms. Murrell asked the council to include summary information about the Fourth of July information in the city's upcoming newsletter. Mayor Kind indicated that she will make sure a brief summary is included in the newsletter.

B. Possible Ordinance Amendment Regarding Section 425.15 (e) Municipal Dock Waiting List

Mayor Kind explained that in 2011 one dock slip opened on at the municipal docks on St. Alban's Bay. The first two residents on the waiting list declined to rent the slip. Per the City Ordinance their names went to the bottom of the waiting list. Mike Brost was the third person on the list. Mrs. Brost declined to rent the slip on Mr. Brost's behalf because Mr. Brost is recovering from brain surgery. So Mr. Brost's

named dropped to the bottom of the list. Mrs. Brost has asked the city to consider amending its ordinance to allow them to keep their spot at the top of the waiting list. Kind noted that another resident has already rented the slip.

Kind reviewed three different amendment options she identified for the council's consideration. Option 1 would allow residents to decline renting a slip for medical reasons one time only. They would not lose their place on the waiting list. The person would have to submit a letter from a medical doctor. If they were to decline a second time their name would go to the bottom of the list. Option 2 would allow a resident to decline the rental offer for no particular reason one time only. Option 3 would allow residents to repeatedly decline the rental offer for no particular reason and their name would move to number 5 on the waiting list after all slips have been filled for the season. If more than one person declines, their names would go to position 6, 7 and so forth. With Option 2 and 3 the effective date of the amendment would be January 1, 2011, and the three people that were at the top of the waiting list at the beginning of the year would remain there. The council also could decide to leave the ordinance the way it is, or identify other options.

Councilmember Rose stated he thought people on the waiting list should have the opportunity to provide input. Mayor Kind noted that this item was on the published agenda for this meeting.

Councilmember Page noted the council can't amend the Ordinance to retroactively be effective January 1, 2011.

Micheele Brost, 5110 Curve Street, explained her husband Mike has been on the waiting list to rent a slip for 10 years. She noted her husband has had three brain surgeries and one outcome of them has been his loss of his short-term memory, noting it's coming back a little. She stated she wanted to be able to keep his place on the waiting list for him. She noted they financially couldn't afford to pay the rental cost for the slip (\$950) this year because of medical expenses.

Attorney Kelly concurred with Councilmember Page that creating a retroactive ordinance is not permitted under the Constitution of the United States.

In response to a question from Councilmember Fletcher, Attorney Kelly explained the council could approve an ordinance that states there is an administrative review process that for certain cause (with the burden of proof on the applicant) there might be consideration to allow for remedy and for that it may allow for people to review things at a certain point in time. Kelly explained that when the original ordinance was approved it allowed for the city clerk to assign slips and the decision would be final. The intent was to depoliticize the administration of the boat docks. Kelly noted there is no draft amendment available for consideration this evening.

Ms. Borst noted that her mother recently found out she has lung cancer, so she has a lot going on.

Mayor Kind stated she wished the council would have amended the ordinance last year when it was reviewing all of the city's ordinances to allow someone to decline the slip rental offer one time (Option 2).

Councilmember Page stated he is opposed to Option 2. There needs to be a break line. He then stated one can't help but empathize with the Borsts. Their issue has become a financial issue. That could happen to anyone for any reason not just medical. With Option 2 the door would be open to anything anyone wants to argue to be an exception. He then stated the council debated this ordinance at great length in 2010.

Councilmember Fletcher agreed with Councilmember Rose's comment that people on the waiting list should be allowed the opportunity to provide input if the council wants to consider amending the ordinance.

Attorney Kelly explained the Borsts are asking for an administrative adjustment through the law. But, the law is not flexible. It's an impossible situation. If the other people on the waiting list granted the Borsts a written waiver to restore their position on the waiting list to the top the city would not object, but the burden for making that happen is on the Borsts. The city can't contact the other people for this purpose.

Councilmember Page stated that would have to be a declination by each person on the list. If each person on the list declines the slip Mr. Borst's name could go back to the top of the list.

Mayor Kind asked the council if it would like to amend the ordinance going forward.

Councilmember Page asked Mayor Kind if she would be in favor of current slip holders skipping renting a slip one year and then coming back the next year for financial reasons. Mayor Kind responded she wanted the process changed only for those on the waiting list. Page stated it would become a political process and the ordinance was designed to depoliticize the process.

Councilmember Quam stated if the council decides to amend the ordinance to allow people to decline a slip once for no apparent reason there could potentially be unintended consequences. He noted that when this ordinance was discussed in 2010 he was in favor of having a medical exception in it.

Councilmember Fletcher suggested Councilmember Page research how Deephaven's system works to determine if there are ways to improve the city's process for assigning boat slips.

At this time there was consensus to leave the ordinance as written.

Fletcher moved, Page seconded, switching the discussion of Items 7.C and 7.D on the agenda. Motion passed 5/0.

C. Completion of Exterior at 5560 Maple Heights Road

This was discussed after Item 7.D on the agenda.

Mayor Kind explained that during its January 4, 2011 meeting the council approved ordinance 189 amending Greenwood ordinance code chapters 3 and 5 by adding provisions regulating the completion of the exterior of structures under construction. The ordinance was based on a new state statute that allows municipalities to require the completion of the exterior of structures. A copy of the amended Code is included in the meeting packet.

Kind then explained that two property owners in the city were sent letters notifying them they must complete the exterior of the structures on their properties within 180 days of the notification. The exterior of the structure on one of the properties has been completed. The exterior of the structure on the property located at 5560 Maple Heights Road is still unfinished. She noted that a building permit was issued to that property, on June 17, 2003, and that there has not been an inspection on the property since December 8, 2006. The city zoning administrator sent Jeffery Wirth, the owner of the property, a letter dated January 18, 2011, informing him that he needs to complete the exterior of the structure by July 17, 2011. A copy of that letter is included in the meeting packet. She noted that Mr. Wirth asked that this item be placed on the agenda for this meeting but he is not present.

Zoning Administrator/Clerk Karpas stated he had been contacted by a contractor working for Mr. Wirth indicating that Mr. Wirth is considering putting temporary vinyl siding on the structure. That is different than what was identified on the plans submitted to the city.

Mayor Kind explained the city's ordinance states "*In the event the holder of a building permit is in need of additional time to complete all planned exterior building work ...*" She noted the word "planned." She explained the siding originally was planned to be stucco and stone.

Councilmember Page cautioned the council about speculating about what Mr. Wirth does or doesn't intend to do.

Mayor Kind asked if Mr. Wirth is allowed to change the siding material.

Zoning Administrator/Clerk Karpas stated there is nothing in the city's building code that prohibits Mr. Wirth from changing to a different type of exterior material which in this case would be vinyl, provided it complies with the Building Code.

Rob Roy, 212790 Excelsior Boulevard, stated that the property in question hasn't changed since 2006. He then stated from his vantage point Mr. Wirth was granted benefits to build on the property. He thanked the council for amending the ordinance to require the completion of the exterior of structures so this type of thing doesn't happen again. He stated he would prefer that Mr. Wirth stick to his original plan for the exterior. He then stated he is also speaking for his neighbors on each side of him who didn't want their trees trimmed because they serve as a visual barrier.

Jack Jasper, 14 Maclynn Road, thanked the council for amending the city ordinance to require the completion of the exterior of structures. He stated Mr. Wirth's property is an eyesore. He stated he would be okay with Mr. Wirth leaving the rocks around the shoreline but all of the other miscellaneous stuff of the property should be removed or finished. He asked if the landscaping also has to be finished. Just putting siding on isn't going to fix the appearance all that much. Mayor Kind explained the State Statute only allows the city to require the exterior of the structure be finished. Mr. Jasper explained he supported Mr. Wirth's project in the beginning, and now expects it to be completed.

Councilmember Fletcher stated he didn't think the city building code required landscaping to be completed within a certain time.

Councilmember Quam stated it's difficult to require someone to plant landscaping that neighbors approve of.

Mayor Kind stated she will research the building code to see what enforcement policies there are about landscaping.

Jeff Sagal, 21420 Excelsior Boulevard, thanked the council for amending the building code to require the completion of the exterior of structures. He thought the amendment was necessary. He encouraged the city to enforce the ordinance as written going forward.

Mayor Kind stated there is no further action required by the council. The city can proceed with enforcing its ordinance.

In response to a comment from Mayor Kind, Attorney Kelly explained the city doesn't have the right to regulate aesthetics. If Mr. Wirth wants to amend his building plan to use different materials for the exterior that are allowable by the State Building Code he can do that.

D. Resolution 14-11 Supporting Hennepin County Sheriff's New Regional 911 Emergency Communication Facility

Mayor Kind stated Hennepin County Sheriff Stanek has asked the council to adopt a resolution expressing the city's support for a new Hennepin County Sheriff's 911 emergency communications facility. A copy of a letter from Stanek and a copy of a draft resolution are included in the meeting packet. Also included in the packet are copies of two emails from South Lake Minnetonka Police Department (SLMPD) Chief Litsey which express his concern that the resolution proposed by Stanek and the letter from Stanek do not mention if dispatch fees will be assessed to local users to help support the additional operating costs associated with a new facility. Litsey recommended the resolution be amended to clarify there would be no cost to the city and that it's the city's understanding that no fees will be assessed to the City to support ongoing operations of the new facility. The resolution in the meeting packet includes Litsey's recommendation.

Hennepin County Deputy Jeffery Schlumpberger stated he is assigned to the Hennepin County Sheriff's Communications Division. He asked for the council's support for the proposed new 911 communications facility. The Sheriff's Office provides emergency dispatch services to 19 fire departments, 23 police agencies and 36 communities located in Hennepin County. Hennepin County is the largest consolidated public safety answering points in the Upper Midwest. The dispatch center handles close to 600,000 annually. The existing communications facility is over 60 years old and it's located in Golden Valley. The facility needs to be replaced to ensure continued 911 services to accommodate future advancements with 911 communications technology. The new facility will be located in Plymouth. The schematic design of the facility is underway. Construction is planned to begin in 2012 with a move-in date in early 2014. Because of the regional and statewide significance of the project, the Sheriff's Office is working with the Hennepin County Board to secure state and federal funding to support the project. That funding would help decrease the amount of property taxes necessary to fund this project.

Mayor Kind stated she has spoken with Hennepin County Commissioner Callison, who represents the district Greenwood in located in, and Callison supports this initiative as well as Chief Litsey's recommendation.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 14-11, "A Resolution Supporting Hennepin County Sheriff's New Regional 911 Emergency Communications Facility."

Councilmember Fletcher asked if the cost to operate the new facility will be higher than the cost to operate the current facility. Deputy Schlumpberger stated it's his understanding that it will cost the same.

In response to a comment from Councilmember Rose, Deputy Schlumpberger responded the new facility will be larger and have newer technology. The protection from severe weather also will be better.

Motion passed 5/0.

E. First Reading: Ordinance 195 Relating to Criminal History Background Checks for City Employment and City License Applications

Mayor Kind stated this is the first reading of ordinance 195 amending the ordinance code chapter 12 to add a section regarding criminal history background checks for applicants for city employment and applicants for city licenses. She explained that South Lake Minnetonka Police Department (SLMPD) Chief Litsey is asking the city to adopt the League of Minnesota Cities' (LMC) model ordinance so the SLMPD can resume conducting background checks for the city. She noted the meeting packet includes a copy of the draft ordinance, a copy of a letter from Litsey explaining the need for the ordinance, and a copy of a bulletin from the LMC.

Councilmember Quam asked Councilmember Page what the term peddler in the ordinance refers to. Councilmember Page responded it refers to door-to-door sales people.

Fletcher moved, Quam seconded, adopting the first reading of Ordinance 195 amending the Greenwood Ordinance Code Chapter 1 and Chapter 4 to add sections regarding criminal history background for applicants for city employment and city licenses, subject to the following: changing "Section 1220. Employment Background Checks" to "Section 130. Employment Background Checks"; changing "Section 1120.00 Applicants for City Employment" to "Section 130.00 Applicants for City Employment"; adding Section 2 Greenwood Ordinance Code Chapter 4 is amended to add the following; changing "1220.05. Applicants for City Licenses" to "470.00. Applicants for City Licenses."

Councilmember Page asked if the background checks required for city employment apply to public office.

After ensuring discussion, there was agreement it does not and the draft ordinance can remain as is.

Councilmember Page explained the Bureau of Criminal Apprehension's (BCA's) records are different from public record. The BCA's records include access to expunged convictions. Councilmember Quam stated he didn't think you could access that information unless you were law enforcement; employment people can't access that information. Page explained the city asks the South Lake Minnetonka Police Department (SLMPD) to conduct the background checks. Mayor Kind stated the SLMPD gives the city a summary of the data. Page asked if that means the city trusts that the SLMPD will not tell the city about expunged convictions.

Attorney Kelly explained the SLMPD is under strict rules under the Minnesota Criminal Information System. There are two sides to that. You can get to the public access side of that system through the Minnesota Court's website. A prosecutor has to be cleared by the police department and go through training to be able to access the police side. The police department can reach the National Criminal Investigation System (NCIS) and they are extremely guarded about giving prosecutors that information. The police department's first loyalty is to security of that information and it's unlikely to share the information casually.

Kelly then explained the definition of employee is probably the way it's defined for workers compensation.

Motion passed 5/0.

F. New Variance Legislation and Potential Change to City Code

Mayor Kind explained that on May 6, 2011, a new state law went into effect regarding variance authority. The League of Minnesota Cities (LMC) has suggested an argument can be made that the language in the new state statute pre-empts inconsistent local ordinance provisions. That means municipalities can apply

the new law immediately without amending their ordinances first. The LMC recommends municipalities consider amending their ordinances to include language that mirrors the language in the new state statute. She noted that included in the meeting packet is a draft proposed amendment to the city code section 1155 regarding variances. It incorporates language from the statute as well as the LMC's recommendation for questions that should be addressed in the findings for evaluating variances. She noted that Attorney Kelly has reviewed the language.

She stated if the council decides to move forward with amending the variance ordinance the draft amendment will be forwarded to the planning commission for its review and recommendation, noting any changes to the zoning code require that be done. After that, it will come back before the council for a first and second reading.

Page moved, Rose seconded, directing the planning commission to review the draft proposed amendment to the Greenwood ordinance code section 1155 regarding variances and make a recommendation on the amendment, including any proposed changes, for the council's consideration. Motion passed 5/0.

G. Tree Replacement Along the LRT Trail

Councilmember Fletcher stated Mayor Kind, Zoning Administrator/Clerk Karpas, Xcel Energy representatives, and he walked the area of the trail near where Xcel Energy is planning to upgrade an electric transmission line. A representative told him that many of the trees in the area are being trimmed to death. He recommended having discussions with the cities of Deephaven, Excelsior, and Minnetonka about initiating a dialogue with Hennepin County and the Three Rivers Park District (the District) about replacement trees. He offered to approach those three cities to see if they have any interest in discussing this and then talking with the county and the park district about what to do to mitigate the tree loss.

Fletcher questioned if the funds in the Park Fund could be used to plant trees, while clarifying he is not advocating that. He explained he spoke with an auditor at the Office of the State Auditor (OSA) and asked if funds in the Park Fund could be used for planting trees along side of the trail. That auditor thought that may be an appropriate use of the funds and recommended he ask Attorney Kelly for an opinion. State statute states the money can be used for acquisition and development or improvement of parks, trails, and open spaces. Mayor Kind commented that she did not think that city park funds could be used for the areas along the trail that is county land.

Councilmember Page stated there is no harm in engaging in an informal dialogue with the cities of Deephaven, Excelsior, and Minnetonka to determine if they have interest in approaching the county and the park district to plant trees that will be damaged. He then stated council ought to consider designating the area along Minnetonka Boulevard that is open space and the area next to the trail as park land.

There was council consensus to have Councilmember Fletcher initiate an informal dialogue with the cities of Deephaven, Excelsior, and Minnetonka to determine if they have interest in approaching the county and the park district to plant trees to replace those that will be damaged by the power line upgrade.

Mayor Kind recessed the meeting at 8:53 P.M.

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

H. Lake Minnetonka Communications Survey Results and Policy Questions

Councilmember Fletcher stated the Lake Minnetonka Communications Commission (LMCC) is coming to a critical juncture on some things and he thought it would be helpful to solicit some guidance from the council. [The LMCC is considering building a fiber-to-the-premise (FTTP) system called *tonkaconnect*. The LMCC thinks the system would provide leading edge technology for telephone, internet and television service to all homes and business within the LMCC joint powers area and potentially the Cities of Mound and Wayzata. The system would be owned by the LMCC community and would compete with Mediacom and Quest for customers. As part of a feasibility study the LMCC conducted a market survey via phone to determine if there is interest in *tonkaconnect*.]

Mayor Kind clarified that the entity that would run *tonkaconnect* would be separate from the LMCC but it would still be community owned. Councilmember Fletcher explained the LMCC's joint powers agreement (JPA) with its 17 member cities does not authorize it to operate or construct such a network. There would have to be an amendment to the JPA if it were to be part of the LMCC structure. He assumed *tonkaconnect* would be outside of the LMCC's structure.

Councilmember Fletcher stated those surveyed were a subset of people who had listed land line phone numbers. The survey was done to provide 95 percent accuracy.

Fletcher explained that 69 percent of those surveyed thought it was fine for the government to pursue such as initiative. With regard to survey responders' dissatisfaction with the services they are currently receiving, the responders who were somewhat or extremely dissatisfied with their cable service were around 20 percent. 60 percent of the responders were either satisfied or neutral. There had been some belief that subscribers hated the incumbent cable service provider; the survey did not find that to be true. Mediacom had 40 percent phone penetration in the LMCC area; that is surprisingly high. If there was a FTTP high-speed network only 3 to 4 percent of the responders indicated they would work from home more. The survey results indicate that in order to get people to switch from their current provider they have to be offered a better price.

Councilmember Quam stated most people are willing to change to a new service provider if they are offered the same service at a lower price.

Councilmember Fletcher stated the firm that conducted the market survey stated the results of the LMCC's survey are similar to results from surveys in other markets.

Mayor Kind stated if the *tonkaconnect* initiative moves forward she is concerned about what guarantee will be asked for from participating cities. She then stated she attended a meeting with Deephaven Mayor Skrede, Deephaven Administrator Young, Woodland Mayor Doak, and the head of the *tonkaconnect* committee Dick Woodruff. During the meeting she asked Woodruff who is going to guarantee the loans? He said they are looking at nonrecourse revenue bonds. Mayor Doak, during that meeting, said nonrecourse revenue bonds "sounded like general obligations bonds in drag," and the cities could be asked to guarantee the nonrecourse bonds.

Councilmember Fletcher stated the bond market is very fluid. He did not think anyone would be able to get off the hook the way the city of Monticello did when it did a similar project. Oppenheimer has indicated that typically projects like this need one-third of the equity contributed and that there needs to be some cash reserves available. The LMCC doesn't have enough money to fund such an initiative and therefore its member cities may have to stand behind it.

Fletcher then stated the original project estimate from one consultant was \$80 million. Committee chair Woodruff is now saying it will cost around \$50 million.

Mayor Kind stated based on the survey results there is not a large outcry for a FTTP network. She noted she does not want the city to be on the hook for it.

Councilmember Fletcher stated he wanted to discuss the LMCC's finances. He noted that he now serves as the treasurer of the LMCC. With regard to the LMCC's financial background, he explained that entering into 2011 the LMCC had an approximate \$400,000 fund balance. Current 2012 budget discussions project the balance going down to about \$300,000 at the end of 2012 based on a potential 2012 budget. In 2011 the LMCC received a \$128,000 check from Mediacom; this was a one-time payment for underpayment from Mediacom. That check is included in the 2012 year-end balance projection. There is basically no reason to believe the LMCC will receive another check for a similar purpose. The LMCC is in the process of paying off its five-year contract for deed on the building it owns.

Fletcher explained the LMCC basically has one customer, Mediacom, and it receives checks from Mediacom four times a year. If something happens to Mediacom so it can't make its payments it would be a serious problem for the LMCC. The LMCC receives 5 percent franchise fees from Mediacom's cable television customers only; it does not receive franchise fees for internet television or phone. Mediacom collects the fees and passes them along to the LMCC. Should the trend for subscribing to cable television go down because people are getting access to television through the internet, then LMCC will see a loss in revenues.

Fletcher stated the LMCC has not invested a lot in technology and equipment. He then stated he, like other representatives on the LMCC, has requested to have agenda parsing for city council meetings. The next phase (a feasibility study for *tonkaconnect*) will cost \$45,000, and the phase after that will cost \$75,000. He expressed concern about starting with a \$400,000 fund balance, then receiving a one-time \$128,000 payment then ending up with a projected fund balance of \$300,000 two years later. He noted the LMCC will be renegotiating its franchise agreement with Mediacom so there will be legal fees and other expenses associated with that. He also noted he chairs the LMCC Franchise Committee.

Fletcher asked council members for input on what their priorities are for the LMCC. Is the priority in *tonkaconnect* or things such as agenda parsing, community programming, and so forth?

Councilmember Page noted he is not a computer or technology expert. He stated the idea of creating a \$50 million to \$80 million FTTP network is beyond comprehension to him. He noted there needs to be an organization created to run *tonkaconnect*. He stated the market survey results indicate the majority of people are satisfied with the service they currently receive from the private sector. He questioned why there is any desire to put the government in the mix. The idea that the government is going to produce something that costs less than what a private entity can provide doesn't seem realistic.

Mayor Kind stated that could happen because the government entity wouldn't have to pay taxes on their service. She then stated that the FTTP service should be provided by the private sector. She commented the city has an obligation to ensure access is available to the city's residents, but it doesn't have a responsibility to make sure it's the high end of services.

Councilmember Quam stated he concurs with Mayor Kind's and Councilmember Page's perspectives. He asked why the council is even talking about *tonkaconnect*. He stated having the government get involved with this goes contrary to getting the government less involved in people's lives. He was baffled by the fact that the council is discussing something at length that will never happen.

Councilmember Rose agreed with Mayor Kind's and Councilmembers Page's and Quam's perspective.

Councilmember Fletcher stated with regard to LMCC programming, there is council programming. Then there is community programming for things such as school events, school sporting events, and festivals. There is also individual programming where individuals create their own programs. He asked the council members if they had priorities for those different types of programming.

Mayor Kind stated she would like to have agenda parsing of meetings. Councilmember Fletcher stated other member cities would like that also. Councilmember Quam stated he thought school events should have a high priority, but he questioned if any programming should have a higher priority than the others.

Councilmember Fletcher stated based on this discussion he will convey to the LMCC that the council does not have a lot of enthusiasm for the *tonkaconnect* initiative. He also will convey that from a budgeting perspective the council wants the LMCC to ensure its fund balance is in a healthy state.

Mayor Kind noted that the city's non-elected official representative on the LMCC has resigned. She asked residents who are interested to contact city hall.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Eurasian Watermilfoil

Councilmember Fletcher stated he has nothing additional to report on.

B. Kind: Police, Speed Trailer, Administration

Mayor Kind stated the South Lake Minnetonka Police Department (SLMPD) Coordinating Committee met on May 11, 2011. She highlighted the discussion at the meeting. Former SLMPD Reserve Captain Don Rogers passed away on April 26th. There was discussion about potentially declaring a Don Rogers Day to celebrate his life after things settle down for his family. SLMPD Chief Litsey is going to research ways for the SLMPD to earn more on its investments. Employee health insurance benefit costs are expected to go down in 2012. The 2006 Supplemental Binding Arbitration Order stipulated that every five years the formula be adjusted based on a number of factors. Based on this it looks like Greenwood's share is going to go up .47%. The SLMPD's record management system is in dire need of replacement and it's no longer being supported.

With regard to the speed trailer, Kind stated it had been deployed on Meadville Street from May 10th to May 13th to capture speed information. The average speed traveled was at or below the 20 miles-per-hour (mph) posted speed. The speed data indicates it may worth it to have a speed study done by the state for Meadville Street, because the state looks at the 85th percentile for speed to determine what the legal speed limit should be. Councilmember Fletcher stated if the vast majority of the drivers travel a speed of 20 mph or less, but a few travel above the speed limit, it's the few that create the issue and it is difficult to stop the few speeders. Mayor Kind stated speed bumps would slow the few speeders down, but she does not support the installation of speed bumps on Meadville Street. The council concluded speeding does not appear to be a big problem on Meadville Street.

With regard to administration, Kind stated she will be working on the 2012 budget between now and the council work session scheduled for July 5th. Councilmembers Fletcher and Page stated they will not be able to attend that meeting. Councilmember Rose stated he is willing to work with Kind on the budget.

There was council consensus to reschedule the July 5th budget work session for August 4th at 6:00 P.M.

C. Page: Lake Minnetonka Conservation District

Councilmember Page reported on Lake Minnetonka Conservation District (LMCD) activities. The Minnesota Department of Natural Resources (MnDNR) issued a report on the 2010 bay-wide treatment of Eurasian Watermilfoil (milfoil) and curly-lead pondweed (CLP) in Carman Bay, Gray's Bay, and Phelps's Bay. The report includes monitoring results provided by the Army Corps of Engineers. The results indicate bay-wide treatment may have to be repeated every two to three years. He noted the model proposed by the Lake Minnetonka Association (LMA) for the five-year treatment program was to treat milfoil and CLP heavy the first year and in each of the remaining four years the intensity of the treatment would be reduced, maybe even to the level of spot treatment. Page stated that it appears that model is not realistic.

Councilmember Fletcher explained that Gray's Bay was treated heavily one year and the following year it was treated nominally.

Councilmember Page stated based on his interaction with representatives from the MnDNR he gleaned that lake-wide chemical treatment of Lake Minnetonka is not on the MnDNR's radar screen and it's not viable. That primarily has to do with the ability to monitor and the cost. The cost is astronomical.

Mayor Kind stated the treatment of St. Alban's Bay in 2011 was primarily paid for with private funds. Councilmember Fletcher noted the fundraising effort for that treatment benefited because St. Alban's Bay Captain Rob Roy is a dynamic fundraiser and he really took charge of the effort. It's unlikely that type of fundraising will happen lake-wide.

Councilmember Page stated he attended the LMCD's Public Safety Committee meeting on June 6th which was held at the Hennepin County Sheriff's Water Patrol office in Spring Park. The meeting was spurred by concerns expressed by some lakefront property owners. The discussion focused on the whether or not all of Lake Minnetonka should be made a no-wake zone after the LMCD issues a high water declaration for the lake. The outcome of that discussion was there is no need to do that. The lake is a public waterway. Lakefront property owners need to deal with the rise and fall of the water level. Lakefront property owners can help mitigate the impact of high water by planting their shoreline behind their rip rap so when the high water comes over the rip rap there is something to absorb the water. There was not an outcry to change the no-wake restriction beyond 600 feet from shore. He noted he did not support making the entire lake a no-wake zone during high water declaration.

Councilmember Rose stated it would be helpful if the current restrictions were enforced. Councilmember Page stated during that meeting Water Patrol officers expressed concern that it was difficult to tell where 600 feet from shore is. Page explained his reaction to that comment was not to try and do that. Rather, the officers should focus on stopping blatant offenders; those that are close to the shoreline. The officers indicated they don't want to give out tickets for those types of offenses. The officers were encouraged to give out tickets for more egregious violations. He noted the Public Safety Committee is not going to recommend a change to the ordinance to the full LMCD Board. He commented that LMCD Executive Director Nybeck had appeared to be in favor of making the entire lake no-wake because it was easier to

communicate. It's difficult to communicate that many bays are no-wake and within 600 feet of shoreline is no-wake. He also commented that he thought there is reasonable compliance with the no-wake restrictions.

Mayor Kind asked who people are supposed to call when they see someone not complying with the no-wake restrictions. Councilmember Page responded that they should call the Water Patrol office.

Councilmember Page stated that from his perspective the dialogue during the May 25, 2011, LMCD board meeting between the LMCD executive director and the LMCD board member from Shorewood about the LMCD's milfoil harvesting program was a very healthy exchange. He then stated he did not think the LMCD wants to protect its harvesting program at the expense of chemical treatment of milfoil. The focus of the harvesting program is to keep the Lake navigable; it's not to harvest all milfoil. He then stated from his perspective the board member from Shorewood seemed to be suggesting that the harvesting being done was insufficient. Insufficient funding is what limits the amount of harvesting being done.

Mayor Kind stated she heard Rob Roy say earlier in the meeting that there are lakefront property owners that don't like the harvesting program and they wish the LMCD did not put so much emphasis on its harvesting program. Councilmember Page stated he assumes that Mr. Roy is suggesting more chemical treatment of milfoil. Page then stated it's not possible to have chemical treatment be the sole remedy.

Councilmember Page stated he understood the comments by the board member from Shorewood to be about the volume of harvesting. He then stated that board member referenced an aerial photo someone had taken of Carman Bay that the board member was told showed the path of harvesting in that area of the lake was done somewhat erratically. The LMCD executive director had explained that when the LMCD had been told about that same photo it did some research and determined it had not done any harvesting of that area yet. It appeared that the cutting of milfoil in that area was the result of boat traffic.

Mayor Kind noted that she has heard from Greenwood residents that they don't like the harvesting program and that they are glad St. Alban's Bay won't be harvested this year because it's been treated chemically. Councilmember Page responded if the bay wasn't treated chemically, and if it wasn't harvested for a few years, it would not be navigable in some parts.

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

Councilmember Quam stated the council has already discussed repairs to the sewer system. He then stated the bids for the 2011 roadway improvement projects should be available by the July 5th council meeting. Staff has asked for an alternate bid which includes improvements to another section of the west leg of Greenwood Circle to see if the 2011 budget can cover the cost.

Quam stated there is nothing new to report on St. Alban's Bay Bridge.

Quam stated the Minnetonka Community Education (MCE) Tour de Tonka race is scheduled for August 6th and the MCE is looking for volunteers to help with that event.

E. Rose: Excelsior Fire District

Councilmember Rose stated he attended the Excelsior Fire District (EFD) Board regular meeting held on June 1, 2011. The Board is still in the process of working on the 2012 operating budget. He noted that the current projection for the EFD's 2012 mandatory contribution that will have to be made to the Excelsior

Firefighters Relief Association (EFRA) fund for pensions is \$3,000. The original projection was \$80,000. He also noted that amount is very likely to change.

10. ADJOURNMENT

Quam moved, Rose seconded, Adjourning the City Council Regular Meeting of June 7, 2011, at 9:56 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
07/01/11	PC	07/01/11	7011101	Debra J. Kind	34	277.05
07/01/11	PC	07/01/11	7011102	Fletcher, Thomas M	33	84.70
07/01/11	PC	07/01/11	7011103	H. Kelsey Page	35	184.70
07/01/11	PC	07/01/11	7011104	Quam, Robert	32	184.70
07/01/11	PC	07/01/11	7011105	William Rose	36	184.70
Grand Totals:						<u>915.85</u>

Check Issue Date(s): 06/01/2011 - 06/30/2011

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
06/11	06/09/2011	10310	38	VOID - SOUTH LAKE MINNETONKA POLIC	101-20100	13,223.00 -M
06/11	06/09/2011	10327	9	CITY OF DEEPHAVEN	101-20100	5,285.99
06/11	06/09/2011	10328	19	EARL F. ANDERSEN, INC.	101-20100	248.81
06/11	06/09/2011	10329	68	GOPHER STATE ONE CALL	602-20100	91.45
06/11	06/09/2011	10330	784	HERITAGE SHADE TREE CONSULT	101-20100	175.00
06/11	06/09/2011	10331	700	Infrastructure Technologies, I	602-20100	976.28
06/11	06/09/2011	10332	105	METROPOLITAN COUNCIL ENV SERV	602-20100	2,336.37
06/11	06/09/2011	10333	480	PERA	101-20100	62.93
06/11	06/09/2011	10334	701	Popp Telecom	101-20100	41.90
06/11	06/09/2011	10335	783	SGC HORIZON LLC	101-20100	374.50
06/11	06/09/2011	10336	38	VOID - SOUTH LAKE MINNETONKA POLIC	101-20100	.00
06/11	06/09/2011	10337	15	South Lake-Excelsior Chamber	101-20100	1,345.00
06/11	06/09/2011	10338	136	Sun Newspapers	101-20100	91.52
06/11	06/09/2011	10339	786	TERRANCE HAINES	101-20100	266.00
06/11	06/09/2011	10340	785	VIKING LAND TREE CARE INC	101-20100	3,754.63
06/11	06/09/2011	10341	745	Vintage Waste Systems	101-20100	1,568.40
06/11	06/09/2011	10342	145	XCEL	602-20100	635.87
06/11	06/13/2011	10343	38	SOUTH LAKE MINNETONKA POLICE	101-20100	13,223.00
06/11	06/22/2011	10344	158	US POSTMASTER	101-20100	131.65
06/11	06/27/2011	10345	51	BOLTON & MENK, INC.	101-20100	6,518.50
06/11	06/27/2011	10346	586	CIVIC SYSTEMS, LLC	101-20100	970.00
06/11	06/27/2011	10347	620	FINLEY BROS. INC	101-20100	790.00
06/11	06/27/2011	10348	3	KELLY LAW OFFICES	101-20100	1,552.50
06/11	06/27/2011	10349	255	LMC INSURANCE TRUST	101-20100	95.00
06/11	06/27/2011	10350	742	Marco, Inc.	101-20100	202.54
06/11	06/27/2011	10351	783	SGC HORIZON LLC	101-20100	519.75
06/11	06/27/2011	10352	136	Sun Newspapers	101-20100	330.33
06/11	06/27/2011	10353	38	VOID - SOUTH LAKE MINNETONKA POLIC	101-20100	.00

Totals: 28,364.92

Dated: _____

Mayor: _____

City Council: _____

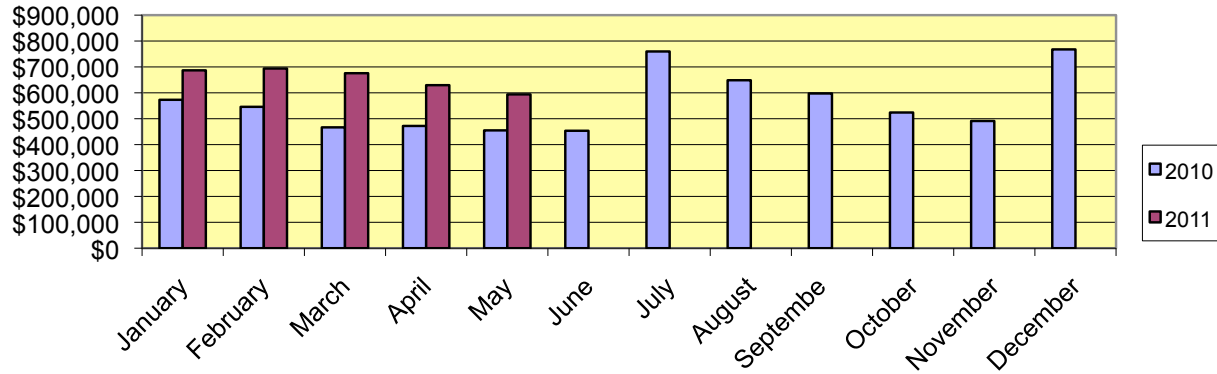
City Recorder: _____

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
3	KELLY LAW OFFICES							
	5887	GENERAL LEGAL	06/09/2011	483.00	.00	483.00	10348	06/27/2011
	5888	LAW ENFORCE PROSECUTION	06/09/2011	575.00	.00	575.00	10348	06/27/2011
	5891	GENERAL LEGAL	06/24/2011	322.00	.00	322.00	10348	06/27/2011
	5892	LAW ENFORCE PROSECUTION	06/24/2011	172.50	.00	172.50	10348	06/27/2011
Total 3				1,552.50	.00	1,552.50		
9	CITY OF DEEPHAVEN							
	MAY 2011	Docks	05/31/2011	5,285.99	.00	5,285.99	10327	06/09/2011
Total 9				5,285.99	.00	5,285.99		
15	South Lake-Excelsior Chamber							
	060911	2011 4TH OF JULY SPONSORSHIP	06/09/2011	1,345.00	.00	1,345.00	10337	06/09/2011
Total 15				1,345.00	.00	1,345.00		
19	EARL F. ANDERSEN, INC.							
	0095687-IN	SIGN - WEIGHT LIMIT	06/07/2011	248.81	.00	248.81	10328	06/09/2011
Total 19				248.81	.00	248.81		
38	SOUTH LAKE MINNETONKA POLICE							
	05 2011	OPERATING BUDGET	05/01/2011	13,223.00	.00	13,223.00	10353	06/27/2011
	6/2011	OPERATING BUDGET EXPENSE	06/01/2011	13,223.00	.00	13,223.00	10343	06/13/2011
	JUNE 2011	OPERATING BUDGET EXPENSE	06/13/2011	.00	.00	.00	10336	06/13/2011
Total 38				26,446.00	.00	.00		
51	BOLTON & MENK, INC.							
	0139927	2011 STREET IMPROVEMENT	05/31/2011	3,810.00	.00	3,810.00	10345	06/27/2011
	0139928	2011 MISC ENGINEERING FEES	05/31/2011	480.00	.00	480.00	10345	06/27/2011
	0139929	MS4 INSPECTIONS	05/31/2011	269.50	.00	269.50	10345	06/27/2011
	0139930	2011 SANITARY SWR REHAB	05/31/2011	1,959.00	.00	1,959.00	10345	06/27/2011
Total 51				6,518.50	.00	6,518.50		
68	GOPHER STATE ONE CALL							
	13926	Gopher State calls	06/01/2011	91.45	.00	91.45	10329	06/09/2011
Total 68				91.45	.00	91.45		
105	METROPOLITAN COUNCIL ENV SERV							
	0000961804	Monthly wastewater Charge	06/02/2011	2,336.37	.00	2,336.37	10332	06/09/2011
Total 105				2,336.37	.00	2,336.37		
136	Sun Newspapers							
	01046320	RESOLUTION	04/21/2011	91.52	.00	91.52	10338	06/09/2011
	1322101	Street Bid	06/09/2011	124.41	.00	124.41	10352	06/27/2011

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
	1323246	Ord #194	06/16/2011	60.06	.00	60.06	10352	06/27/2011
	1324291	SANITARY SEWER REHAB	06/18/2011	145.86	.00	145.86	10352	06/27/2011
Total 136				421.85	.00	421.85		
145	XCEL MAY 2011	LIFT STATION #3	05/24/2011	635.87	.00	635.87	10342	06/09/2011
Total 145				635.87	.00	635.87		
158	US POSTMASTER 062211	POSTAGE - NEWSLETTER/UTILITY BILLS	06/22/2011	131.65	.00	131.65	10344	06/22/2011
Total 158				131.65	.00	131.65		
255	LMC INSURANCE TRUST 20467	Worker's Comp. Ins.	06/05/2011	95.00	.00	95.00	10349	06/27/2011
Total 255				95.00	.00	95.00		
480	PERA 65892	DELINQUENCY INT DUE	05/24/2011	62.93	.00	62.93	10333	06/09/2011
Total 480				62.93	.00	62.93		
586	CIVIC SYSTEMS, LLC CVC8357	Semi-Annual Support Fee	06/15/2011	970.00	.00	970.00	10346	06/27/2011
Total 586				970.00	.00	970.00		
620	FINLEY BROS. INC 11-007711	PRESSURE WASH TENNIS COURTS	06/09/2011	790.00	.00	790.00	10347	06/27/2011
Total 620				790.00	.00	790.00		
700	Infrastructure Technologies, I PR11271	WET WELL REPAIR	05/12/2011	976.28	.00	976.28	10331	06/09/2011
Total 700				976.28	.00	976.28		
701	Popp Telecom 1960785	Local, Long dist. & DSL	05/31/2011	41.90	.00	41.90	10334	06/09/2011
Total 701				41.90	.00	41.90		
742	Marco, Inc. 179687488	Copier lease	06/13/2011	202.54	.00	202.54	10350	06/27/2011

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
Total 742				202.54	.00	202.54		
745	Vintage Waste Systems							
	052611	City Recycling Contract	05/26/2011	1,568.40	.00	1,568.40	10341	06/09/2011
Total 745				1,568.40	.00	1,568.40		
783	SGC HORIZON LLC							
	54983	2011 SANITARY SWR REHAB	05/16/2011	208.25	.00	208.25	10335	06/09/2011
	55815	2011 STREET IMPROVEMENT	06/06/2011	166.25	.00	166.25	10335	06/09/2011
	56279	2011 STREET IMPROVEMENT	06/10/2011	166.25	.00	166.25	10351	06/27/2011
	56482	2011 SANITARY SWR REHAB	06/17/2011	353.50	.00	353.50	10351	06/27/2011
Total 783				894.25	.00	894.25		
784	HERITAGE SHADE TREE CONSULT							
	5141	TREE CONSULTATION	06/02/2011	175.00	.00	175.00	10330	06/09/2011
Total 784				175.00	.00	175.00		
785	VIKING LAND TREE CARE INC							
	2115	TREE MAINTENANCE	05/25/2011	3,754.63	.00	3,754.63	10340	06/09/2011
Total 785				3,754.63	.00	3,754.63		
786	TERRANCE HAINES							
	060911	EAGLE SCOUT PROJECT	06/09/2011	266.00	.00	266.00	10339	06/09/2011
Total 786				266.00	.00	266.00		
Grand Totals:				54,810.92	.00	28,364.92		

City of Greenwood Monthly Cash Summary



Month	2010	2011	Variance with Prior Month	Variance with Prior Year
January	\$573,056	\$686,781	-\$80,855	\$113,725
February	\$545,897	\$693,859	\$7,078	\$147,962
March	\$466,631	\$675,719	-\$18,140	\$209,088
April	\$472,069	\$629,569	-\$46,150	\$157,500
May	\$454,955	\$593,928	-\$35,641	\$138,973
June	\$453,487	\$0	-\$593,928	-\$453,487
July	\$759,701	\$0	\$0	-\$759,701
August	\$648,560	\$0	\$0	-\$648,560
September	\$597,536	\$0	\$0	-\$597,536
October	\$523,980	\$0	\$0	-\$523,980
November	\$491,216	\$0	\$0	-\$491,216
December	\$767,636	\$0	\$0	-\$767,636

Bridgewater Bank Money Market	\$387,593
Bridgewater Bank Checking	\$4,199
Beacon Bank Money Market	\$202,036
Beacon Bank Checking	\$100
Total	\$593,928

ALLOCATION BY FUND

General Fund	\$57,362
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$39,970
Stormwater Special Revenue Fund	\$6,946
Sewer Enterprise Fund	\$423,120
Marina Enterprise Fund	\$39,475
Total	\$593,928

Employer Information

Employer Account Number: 07991797 **Employer Name:** CITY OF GREENWOOD



Unemployment Insurance
Minnesota

Receipt of Payment			
Employer Name:	CITY OF GREENWOOD	Employer Account Number:	7991797
Effective Date:	06/27/2011	Payment Confirmation #:	6776145
Transaction Date:	06/27/2011	Payment Method:	Electronic Check
Transaction Time:	1:43 PM	Payment Amount:	\$2,884.00





Unemployment Insurance
Minnesota

Document ID: 7052034

Employer Account Number: 07991797
CITY OF GREENWOOD

Unemployment Benefits Paid Summary Information

Quarter 1, 2011 Total: \$2,842.00

<u>Applicant SSN</u>	<u>Applicant Name</u>	<u>Begin Benefit Account</u>	<u>Begin Base Period</u>	<u>End Base Period</u>	<u>Wages Paid</u>	<u>% Benefits Paid</u>	<u>Benefits Paid Charges</u>
502-76-4433	WHIPPLE , ROBERTA L.	01/30/2011	10/01/2009	09/30/2010	\$42,234.12	100.0000%	\$2,842.00



Agenda Number	4A
Agenda Date	07-05-11

Agenda Item	City Engineer Dave Martini
Summary	<p>The following is a brief summary of this agenda item:</p> <p>City Engineer Dave Martini will report on ...</p> <ul style="list-style-type: none"> a. <u>2011 Sewer Project Bids</u> Based on the June council discussion, the scope of the 2011 sewer project was reduced and rebid. Dave will present the results of the bids at the July council meeting. The council needs to approve one bid. The total cost of this project is anticipated to be approximately \$96,000. The city has been awarded a \$48,000 Inflow & Infiltration Grant from the Met Council to cover half of the costs of the project. The remaining costs will come from the city's sewer fund. b. <u>2011 Road Project Bids</u> Based on council direction bids have been secured for 2011 road projects on Greenwood Circle, Crestside, West Street, and part of Meadville. The construction budget for 2011 road projects is \$130,000. Dave will present the results of the bids at the July council meeting. c. <u>County Aid to Municipalities</u> In 1957 the county established a program to provide financial assistance for roadways and bridges to cities with populations under 5,000. Currently there is approximately \$3,000 in the city's CAM account. The city must submit a project approval form to receive the funds.
Council Action	<p>Suggested Motions:</p> <ul style="list-style-type: none"> (a) I move the council approves the \$_____ bid from _____ (company) for the 2011 city sewer project and directs that the costs be paid from the sewer fund. (b) I move the council approves the \$_____ bid from _____ (company) for the 2011 city road projects and directs that the costs be paid from the general fund. (c) I move the council directs the city clerk to work with the city engineer to complete the project approval form to receive CAM funds for the 2011 road projects.



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June 28, 2011

City of Greenwood
Attn: Bob Quam
20225 Cottagewood Road
Deephaven, MN 55331

RE: Bid Abstract for 2011 Street Improvements

Dear Mr. Quam:

Enclosed is the bid abstract for the 2011 Street Improvements Project. A total of 7 Bids were received. The following is a summary of the three low bids:

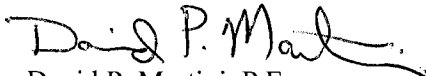
	<u>Base Bid</u>	<u>Alternate Bid</u>	<u>Total Bid</u>
GMH Asphalt	\$112,944.70	\$14,164.20	\$127,108.90
Omann Brothers	\$121,321.10	\$14,139.12	\$135,460.22
Barber Construction	\$122,160.00	\$18,537.00	\$140,697.00

As directed by the Council, the scope of the project included the middle portion of Meadville Street, West Street, Crestside Avenue, and the west leg of Greenwood Circle. The project also included some bituminous curbing on Fairview Street and an alternate bid for the fire access lane on Greenwood Circle.

The low bid was submitted by GMH Asphalt in the amount of \$127,108.90, which included the alternate bid for the south portion of Greenwood Circle.

Based on my review of the bids, I recommend awarding the project to GMH Asphalt. I will be at the City Council meeting on July 5th to discuss the bids with the Council. Please let me know if you have questions before then or if you need additional information.

Sincerely,
BOLTON & MENK, INC.


David P. Martini, P.E.
Principal Engineer

ITEM NO.	BID ITEM	APPROX. QUAN.	UNIT	1		2		3		4		5		6		7	
				GMH ASPHALT Chaska, MN	UNIT PRICE	OMANN BROTHERS PAVING Albertville, MN	UNIT PRICE	BARBER CONSTRUCTION St. Bonifacius, MN	UNIT PRICE	NORTHWEST ASPHALT Shakopee, MN	UNIT PRICE	BITUMINOUS ROADWAYS Mendota Heights, MN	UNIT PRICE	HARDRIVES Rogers, MN	UNIT PRICE	MIDWEST ASPHALT Hopkins, MN	UNIT PRICE
BASE BID																	
1	MOBILIZATION	1	LS	\$2,750.00	\$2,750.00	\$6,500.00	\$6,500.00	\$2,000.00	\$2,000.00	\$14,000.00	\$14,000.00	\$8,000.00	\$8,000.00	\$4,730.00	\$4,730.00	\$10,000.00	\$10,000.00
2	SAW CUT BITUMINOUS PAVEMENT	350	LF	\$2.00	\$700.00	\$3.00	\$1,050.00	\$1.00	\$350.00	\$5.00	\$1,750.00	\$3.00	\$1,050.00	\$4.30	\$1,505.00	\$3.00	\$1,050.00
3	REMOVE BITUMINOUS PAVEMENT BY MILLING	5,160	SY	\$1.67	\$8,617.20	\$1.43	\$7,378.80	\$3.50	\$18,060.00	\$2.20	\$11,352.00	\$5.00	\$25,800.00	\$4.50	\$23,220.00	\$5.00	\$25,800.00
4	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	15	SY	\$10.00	\$150.00	\$10.45	\$156.75	\$10.00	\$150.00	\$10.00	\$150.00	\$10.00	\$150.00	\$14.50	\$217.50	\$8.00	\$120.00
5	STREET BASE/SUBGRADE EXCAVATION (EV)	300	CY	\$8.00	\$2,400.00	\$12.00	\$3,600.00	\$4.00	\$1,200.00	\$18.30	\$5,490.00	\$30.00	\$9,000.00	\$37.40	\$11,220.00	\$55.00	\$16,500.00
6	SUBGRADE PREPARATION	5,160	SY	\$1.35	\$6,966.00	\$0.99	\$5,108.40	\$1.00	\$5,160.00	\$1.00	\$5,160.00	\$1.50	\$7,740.00	\$2.00	\$10,320.00	\$3.50	\$18,060.00
7	GEOTEXTILE FABRIC, TYPE V	900	SY	\$1.00	\$900.00	\$2.00	\$1,800.00	\$0.50	\$450.00	\$1.50	\$1,350.00	\$1.50	\$1,350.00	\$2.25	\$2,025.00	\$2.00	\$1,800.00
8	FURNISH AND PLACE CLASS 5 AGGREGATE BASE (100% CRUSHED LIMESTONE)	600	TONS	\$16.00	\$9,600.00	\$16.75	\$10,050.00	\$16.00	\$9,600.00	\$15.88	\$9,528.00	\$20.00	\$12,000.00	\$27.40	\$16,440.00	\$15.00	\$9,000.00
9	2" BITUMINOUS BASE COURSE, TYPE LV3	630	TONS	\$59.70	\$37,611.00	\$64.90	\$40,887.00	\$71.00	\$44,730.00	\$73.85	\$46,525.50	\$60.00	\$37,800.00	\$86.20	\$54,306.00	\$80.00	\$50,400.00
10	1-1/2" BITUMINOUS WEAR COURSE, TYPE LV4	5,160	SY	\$6.00	\$30,960.00	\$5.85	\$30,186.00	\$6.00	\$30,960.00	\$7.10	\$36,636.00	\$7.00	\$36,120.00	\$8.85	\$45,666.00	\$7.00	\$36,120.00
11	3" BITUMINOUS WEAR COURSE FOR DRIVEWAY RESTORATION, TYPE LV4	15	SY	\$25.00	\$375.00	\$45.73	\$685.95	\$100.00	\$1,500.00	\$25.00	\$375.00	\$65.00	\$975.00	\$50.70	\$760.50	\$50.00	\$750.00
12	TOPSOIL BORROW (LV)	100	CY	\$35.00	\$3,500.00	\$30.00	\$3,000.00	\$16.00	\$1,600.00	\$25.00	\$2,500.00	\$24.00	\$2,400.00	\$26.80	\$2,680.00	\$18.00	\$1,800.00
13	SOD	350	SY	\$6.25	\$2,187.50	\$4.34	\$1,519.00	\$4.50	\$1,575.00	\$6.25	\$2,187.50	\$9.00	\$3,150.00	\$6.70	\$2,345.00	\$9.00	\$3,150.00
14	SEEDING WITH 270 RT SEED MIX AND TYPE 5 HYDROMULCH (3884)	750	SY	\$1.45	\$1,087.50	\$1.28	\$960.00	\$2.00	\$1,500.00	\$1.25	\$937.50	\$2.00	\$1,500.00	\$1.35	\$1,012.50	\$4.00	\$3,000.00
15	REGRADE BOULEVARD AREA SOUTH END OF WEST STREET (APPROX. 27 SY)	1	LS	\$350.00	\$350.00	\$350.00	\$350.00	\$500.00	\$500.00	\$250.00	\$250.00	\$1,000.00	\$1,000.00	\$629.00	\$629.00	\$200.00	\$200.00
16	ADJUST MANHOLE CASTINGS, REPLACE ADJUSTING RINGS AND INSTALL EXTERNAL CHIMNEY SEAL	8	EACH	\$500.00	\$4,000.00	\$435.00	\$3,480.00	\$100.00	\$800.00	\$800.00	\$6,400.00	\$1,000.00	\$8,000.00	\$642.00	\$5,136.00	\$750.00	\$5,600.00
17	SILT FENCE, ORANGE PREASSEMBLED	30	LF	\$7.35	\$220.50	\$1.64	\$49.20	\$1.00	\$30.00	\$7.50	\$225.00	\$2.00	\$60.00	\$7.90	\$237.00	\$10.00	\$300.00
18	BITUMINOUS BERM CURB	570	LF	\$1.00	\$570.00	\$8.00	\$4,560.00	\$3.50	\$1,995.00	\$6.75	\$3,847.50	\$5.00	\$2,850.00	\$7.60	\$4,332.00	\$11.00	\$6,270.00
TOTAL BASE BID:					\$112,944.70		\$121,321.10		\$122,160.00		\$148,654.00		\$158,945.00		\$186,781.50		\$190,320.00
ALTERNATE BID (GREENWOOD CIRCLE FIRE LANE)																	
1	REMOVE BITUMINOUS PAVEMENT BY MILLING	680	SY	\$1.67	\$1,135.60	\$1.43	\$972.40	\$3.50	\$2,380.00	\$2.20	\$1,496.00	\$5.00	\$3,400.00	\$5.00	\$3,400.00	\$5.00	\$3,400.00
2	STREET BASE/SUBGRADE EXCAVATION (EV)	42	CY	\$10.00	\$420.00	\$12.00	\$504.00	\$5.00	\$210.00	\$18.30	\$768.60	\$30.00	\$1,260.00	\$37.40	\$1,570.80	\$55.00	\$2,310.00
3	SUBGRADE PREPARATION	680	SY	\$1.35	\$918.00	\$0.99	\$673.20	\$2.00	\$1,360.00	\$1.00	\$680.00	\$1.50	\$1,020.00	\$2.45	\$1,666.00	\$3.50	\$2,380.00
4	GEOTEXTILE FABRIC, TYPE V	125	SY	\$1.00	\$125.00	\$2.00	\$250.00	\$1.00	\$125.00	\$1.50	\$187.50	\$1.50	\$187.50	\$2.80	\$350.00	\$2.00	\$250.00
5	FURNISH AND PLACE CLASS 5 AGGREGATE BASE (100% CRUSHED LIMESTONE)	78	TONS	\$16.00	\$1,248.00	\$16.75	\$1,306.50	\$16.00	\$1,248.00	\$15.88	\$1,238.64	\$20.00	\$1,560.00	\$37.80	\$2,948.40	\$15.00	\$1,170.00
6	BITUMINOUS BASE COURSE, TYPE LV3	83	TONS	\$59.70	\$4,955.10	\$64.90	\$5,386.70	\$79.00	\$6,557.00	\$73.85	\$6,129.55	\$60.00	\$4,980.00	\$91.40	\$7,586.20	\$80.00	\$6,640.00
7	1-1/2" BITUMINOUS WEAR COURSE, TYPE LV4	680	SY	\$6.00	\$4,080.00	\$5.85	\$3,978.00	\$6.00	\$4,080.00	\$7.10	\$4,828.00	\$7.00	\$4,760.00	\$10.00	\$6,800.00	\$9.00	\$6,120.00
8	LABOR FOR BITUMINOUS SWALE CONSTRUCT (BITUMINOUS PAID UNDER #8 AND #9)	220	LF	\$5.25	\$1,155.00	\$4.37	\$961.40	\$10.00	\$2,200.00	\$5.00	\$1,100.00	\$7.00	\$1,540.00	\$4.20	\$924.00	\$5.00	\$1,100.00
9	TOPSOIL BORROW (LV)	2	CY	\$35.00	\$70.00	\$30.00	\$60.00	\$16.00	\$32.00	\$25.00	\$50.00	\$24.00	\$48.00	\$107.00	\$214.00	\$18.00	\$36.00
10	SEEDING WITH 270 RT SEED MIX AND TYPE 5 HYDROMULCH (3884)	23	SY	\$2.50	\$57.50	\$2.04	\$46.92	\$15.00	\$345.00	\$2.25	\$51.75	\$2.50	\$57.50	\$2.40	\$55.20	\$4.00	\$92.00
TOTAL ALTERNATE BID:					\$14,164.20		\$14,139.12		\$18,537.00		\$16,530.04		\$18,813.00		\$25,514.60		\$23,498.00
TOTAL BASE BID PLUS ALTERNATE BID:					\$127,108.90		\$135,460.22		\$140,697.00		\$165,194.04		\$177,758.00		\$212,296.10		\$213,818.00



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June 29, 2011

City of Greenwood
Attn: Bob Quam
20225 Cottagewood Road
Deephaven, MN 55331

RE: 2011 Sanitary Sewer Rehabilitation Project

Dear Mr. Quam:

Enclosed is the bid abstract for the rebid of the 2011 Sanitary Sewer Rehabilitation Project. The following bids were received:

Infratech	\$96,242.76
Visu Sewer	\$105,273.00

Based on my review of the bids, I recommend awarding the project to Infratech in the amount of \$96,242.76.

I will be at the City Council meeting on July 5th to discuss the bids with the Council. Please let me know if you have questions before then or if you need additional information.

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer

ABSTRACT OF BIDS
2011 SANITARY SEWER REHABILITATION (ReBid)
CITY OF GREENWOOD, MINNESOTA
BMI PROJECT NO. C13.103379

ITEM NO.	BID ITEM	APPROX. QUAN.	UNIT	1		2	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	MOBILIZATION	1	LS	\$3,000.00	\$3,000.00		
2	SEWER CLEANING AND TELEVISION, INCLUDING REMOVAL OF TREE ROOTS AND MINERAL DEPOSITS	3,098	LF	\$2.12	\$6,567.76	\$2,500.00	\$2,500.00
3	CHEMICAL GROUT SEALING OF JOINT OR CRACK	12	EA	\$625.00	\$7,500.00	\$1,000.00	\$10,800.00
4	LATERAL SERVICE CONNECTION SEALING AND RE-ESTABLISHMENT OF FLOW	7	EA	\$720.00	\$5,040.00	\$900.00	\$6,300.00
5	SHORT-SECTION LINER - UP TO 4' LENGTH	9	EA	\$1,740.00	\$15,660.00	\$1,550.00	\$13,950.00
6	ADDITIONAL LENGTH SHORT-SECTION LINER OVER 4'	24	LF	\$120.00	\$2,880.00	\$200.00	\$4,800.00
7	CUT OFF PROTRUDING TAP	1	EA	\$900.00	\$900.00	\$400.00	\$400.00
8	SEAL MANHOLE JOINT	11	EA	\$800.00	\$8,800.00	\$310.00	\$3,410.00
9	SEAL PIPE CONNECTIONS TO MANHOLE	14	EA	\$500.00	\$7,000.00	\$150.00	\$2,100.00
10	PLACE CONCRETE LINER IN MANHOLE	31	LF	\$220.00	\$6,820.00	\$585.00	\$18,135.00
11	REPAIR / RECONSTRUCT MANHOLE BOTTOM AND INVERT	7	EA	\$650.00	\$4,550.00	\$890.00	\$6,230.00
12	RECONSTRUCT MANHOLE ADJUSTING RINGS AND INSTALL EXTERNAL CHIMNEY SEAL, INCLUDING BITUMINOUS STREET PATCHING	16	EA	\$1,575.00	\$25,200.00	\$1,900.00	\$30,400.00
13	RECONSTRUCT MANHOLE ADJUSTING RINGS AND INSTALL INTERNAL CHIMNEY SEAL, INCLUDING BITUMINOUS STREET PATCHING	1	EA	\$1,575.00	\$1,575.00	\$1,900.00	\$1,900.00
14	REPLACE MANHOLE COVER WITH WATERTIGHT COVER	5	EA	\$150.00	\$750.00	\$250.00	\$1,250.00
TOTAL BID:					\$96,242.76		\$105,273.00



Agenda Number	6A
Agenda Date	07-05-11

Agenda Item	2nd Reading: Ordinance 195 Relating to Criminal History Background Checks for City Employment and City License Applications
Summary	<p>The following is a brief summary of this agenda item:</p> <p>Chief Litsey is asking the council to approve the attached League of Minnesota Cities model ordinance, so the South Lake Minnetonka Police department can resume conducting background checks for the city. The council approved the 1st reading of this ordinance at the June council meeting.</p>
Council Action	<p>Suggested Motion:</p> <ol style="list-style-type: none"> 1. I move the council approves the 2nd reading of ordinance 195 relating to criminal history background checks for city employment and city license applications. 2. Do nothing.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE TO ADD A SECTIONS 130 AND 470 REGARDING CRIMINAL
HISTORY BACKGROUND INVESTIGATIONS FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES**

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

SECTION 1.

Greenwood ordinance code chapter 1 is amended to add following section:

“SECTION 130. EMPLOYMENT BACKGROUND CHECKS.

130.00. Applicants for City Employment.

Subd. 1. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota’s computerized criminal history information for specified non-criminal purposes of employment background checks for city employment.

Subd. 2. Criminal History Employment Background Investigations. The police department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following positions within the city, unless the city’s hiring authority concludes that a background investigation is not needed: All regular part-time or full-time employees of the city and other positions that work with children or vulnerable adults.

In conducting the criminal history background investigation in order to screen employment 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 hiring authority, including the city council, or others involved in the hiring 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 employment on the basis of the applicant’s prior conviction unless the crime is directly related to the position of employment 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 employment.
- 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 470)"

SECTION 2.

Greenwood ordinance code chapter 4 is amended to add following:

“SECTION 470. CITY LICENSE BACKGROUND CHECKS.

470.00. Applicants for City Licenses.

Subd. 1. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota’s computerized criminal history information for specified non-criminal purposes of licensing background checks.

Subd. 2. Criminal History Employment Background Investigations. The police department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city: Tobacco, Liquor, Peddlers.

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 3.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS ____ DAY OF _____, 2011.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, Acting City Clerk



Agenda Number	7A
Agenda Date	07-05-11

Agenda Item	Consider: Resolution 15-11 Summary of Ordinance 195 for Publication
Summary	<p>The following is a brief summary of this agenda item:</p> <p>To save money on publication costs of longer ordinances, the council may approve a summary resolution. Attached is resolution 15-11 that includes a summary of ordinance 195 which adds code sections 130 and 470 regarding criminal background checks.</p>
Council Action	<p>Possible Motion:</p> <p>I move that the council approves resolution 15-11 a summary of ordinance 195 for publication.</p>

RESOLUTION 15-11

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 195 BY TITLE AND SUMMARY**

WHEREAS, ON _____ 2011 THE CITY COUNCIL OF THE CITY OF GREENWOOD ADOPTED ORDINANCE 195 "AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE CODE TO ADD A SECTIONS 130 AND 470 REGARDING CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES";

WHEREAS, the city has prepared a summary of ordinance 195 as follows:

1. The purpose and intent of this ordinance is to establish regulations that will allow law enforcement access to Minnesota's computerized criminal history information for specified non-criminal purposes of employment and city license background checks.
2. This ordinance authorizes the police department to access data maintained in the Minnesota Bureau of Criminal Apprehensions computerized criminal history information system. A summary of the results of the computerized criminal history data may be released by the police department to the hiring or licensing authority, including the city council, or others involved in the hiring or licensing process.
3. Before the investigation is undertaken, the applicant must authorize the police department by written consent to undertake the investigation. If the city rejects the applicant's request on the basis of the investigation, the city shall notify the applicant in writing.

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

1. The city council finds that the above title and summary of ordinance 195 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 195 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood office.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, THIS ____ DAY OF _____, 2011.

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

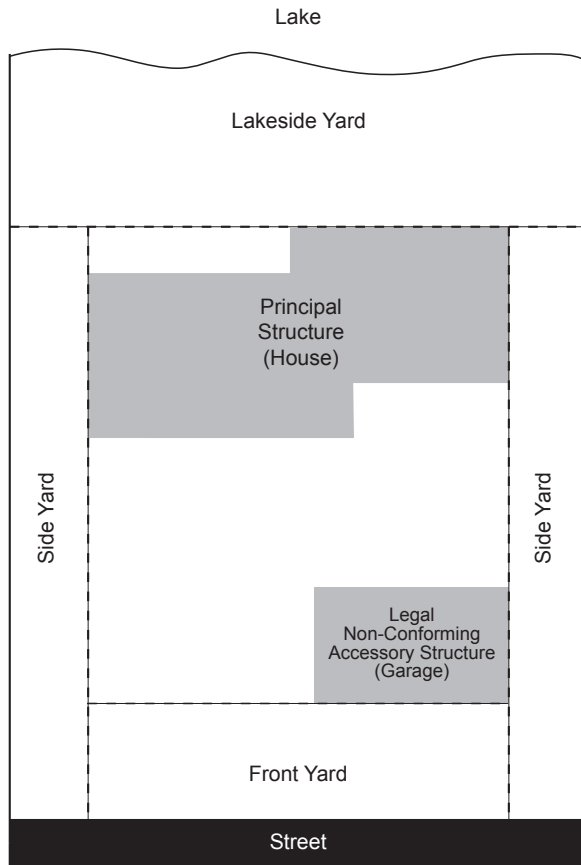
Attest: _____

Dana Young, Acting City Clerk



Agenda Number	7B
Agenda Date	07-05-11

Agenda Item	Discuss: Definitions of Yards
Summary	<p>The following is a brief summary of this agenda item:</p> <p>The city recently has received a couple complaints regarding storage of vehicles in "front yards." The applicable code is section 900.65 <u>Unlawful Parking and Storage</u> (3)(b): Vehicles that are parked or stored outside in the front yard areas must be on a paved parking surface or driveway area.</p> <p>The enforcement of this code section has highlighted the need for the council to review the definition of "front yard" and "yards" in general. Attached are drawings depicting the current yard definitions and proposed yard definitions for the council's consideration. Currently yard definitions are located in the zoning code (chapter 11). Should the yard definitions be located with the general code definitions as well (chapter 12)?</p>
Council Action	<p>Suggested Motion:</p> <ol style="list-style-type: none"> 1. I move the council directs the planning commission to review and make a recommendation regarding the definition of yards. 2. Do nothing.



CURRENT CODE (Chapter 11, Page 14)

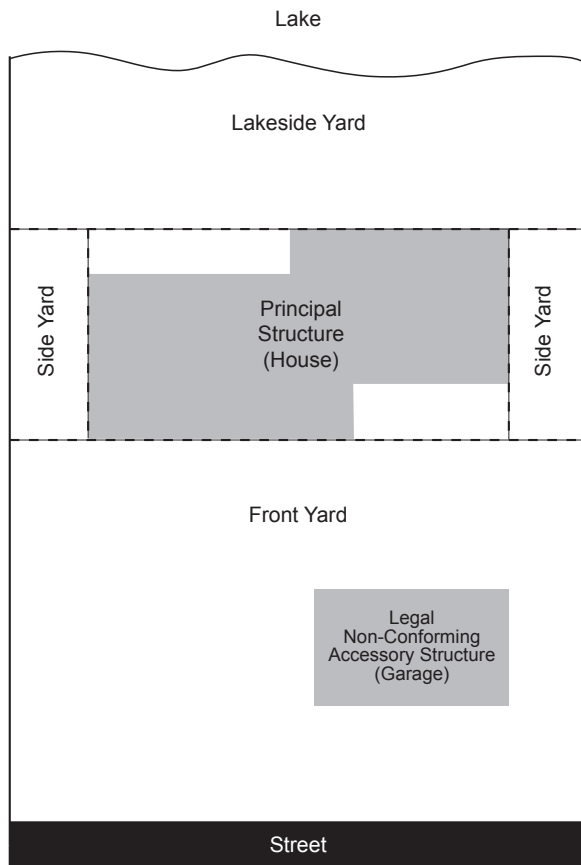
The drawing on the left depicts how the current city code definition of yards could be interpreted:

Yard (Front) means a yard extending across the front of the lot between the side yard lines and lying between the edge of the public right-of-way open and actually used for travel and the nearest line of the building.

Yard (Rear) means an open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Yard (Side) means an open, unoccupied space on the lot with a building between the building and the side line of the lot.

Yard (Lakeside) means a yard extending across the lot and lying between the rear line of the building and lakeshore. In no event shall the lakeside yard be interpreted to coincide with definition of front yard contained herein.



PROPOSED

The drawing on the left depicts the definition of yards with the following proposed changes:

Yard (Front) means a yard extending across the full width of the lot and lying between the edge of the public right-of-way open and actually used for travel and the nearest line of the principal structure. Corner lots have two front yards.

Yard (Rear) means an open, unoccupied space between the rear property line and the nearest line of the principal structure, for the full width of the lot.

Yard (Side) means an open, unoccupied space between the principal structure and the side property lines of the lot.

Yard (Lakeside) means a yard extending the full width of the lot and lying between the lakeshore and the nearest rear line of the principal structure. In no event shall the lakeside yard be interpreted to coincide with definition of front yard contained herein.



Agenda Number	9
Agenda Date	07-05-11

Agenda Item	Council Reports
Summary	<p>The following is a brief summary of this agenda item:</p> <p>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.</p>
Council Action	No council action is required.

REALLOCATION FORMULA FOR SLMPD OPERATING FUND ~ 2012-2016

Revised 06-28-11

POPULATION BASELINE

	2004 Population	% of Total
Excelsior	2,400	19.32%
Greenwood	800	6.44%
Shorewood	7,625	61.37%
Tonka Bay	1,600	12.88%
	12,425	100.00%

TAX CAPACITY BASELINE

	2005 Tax Cap	% of Total
Excelsior	3,005,669	13.75%
Greenwood	2,079,710	9.51%
Shorewood	12,836,707	58.72%
Tonka Bay	3,938,449	18.02%
	21,860,535	100.00%

ICR BASELINE

	2005 ICR's	% of Total
Excelsior	2,049	31.88%
Greenwood	369	5.74%
Shorewood	3,308	51.46%
Tonka Bay	702	10.92%
	6,428	100.00%

	Column A			Totals for Comparison
	1/3 Pop 2004	1/3 Tax Cap 2005	1/3 ICRs 2005	
Excelsior	6.44%	4.58%	10.63%	21.65%
Greenwood	2.15%	3.17%	1.91%	7.23%
Shorewood	20.46%	19.57%	17.15%	57.18%
Tonka Bay	4.29%	6.01%	3.64%	13.94%
TOTAL	33.33%	33.33%	33.33%	100.00%

POPULATION AVERAGES

	2005	2006	2007	2008	2009	Average	% of Avg. Total
	2,380	2,395	2,437	2,382	2,360	2,391	19.44%
	759	814	818	804	806	800	6.51%
	7,551	7,499	7,611	7,582	7,618	7,572	61.56%
	1,545	1,525	1,534	1,532	1,549	1,537	12.50%
	12,235	12,233	12,400	12,300	12,333	12,300	100.00%

TAX CAPACITY AVERAGES

	2006	2007	2008	2009	2010	Average	% of Avg. Total
	3,334,776	3,917,784	4,245,911	4,397,510	4,235,792	4,026,355	13.30%
	2,447,073	2,894,806	3,377,856	3,688,315	3,713,570	3,224,324	10.65%
	14,477,835	16,319,066	17,798,714	18,513,585	18,269,931	17,075,826	56.42%
	4,609,014	5,358,772	6,148,162	6,748,501	6,824,277	5,937,745	19.62%
	24,868,698	28,490,428	31,570,643	33,347,911	33,043,570	30,264,250	100.00%

ICRs AVERAGES

	2006	2007	2008	2009	2010	Average	% of Avg. Total
	2159	2044	2316	2086	2150	2,151	35.36%
	341	352	382	352	385	362	5.96%
	3142	2823	3190	2928	2831	2,983	49.03%
	596	537	695	598	509	587	9.65%
	6,238	5,756	6,583	5,964	5,875	6,083	100.00%

	Column A			Column B	Column C	Column D	
	1/3 Pop 2005-2009	1/3 Tax Cap 2006-2010	1/3 ICRs 2006-2010	Totals for 5-Year Avg	Difference Column A & B	Arbitration Allocation	C+D = New Allocation
	6.48%	4.43%	11.79%	22.70%	1.05%	27.00%	28.05%
	2.17%	3.55%	1.99%	7.71%	0.47%	8.00%	8.47%
	20.52%	18.81%	16.34%	55.67%	-1.51%	50.00%	48.49%
	4.17%	6.54%	3.22%	13.92%	-0.02%	15.00%	14.98%
	33.33%	33.33%	33.33%	100.00%		100.00%	100.00%

In 2016 the formula will be adjusted for 2017-2021 using Column B percentages as the new baseline numbers for Column A, and the numbers for the new averages will be from 2010-2014 for population, and from 2011-2015 for tax capacity and ICRs.

Going forward the same reallocation formula is used every 5 years.

Tax Capacity Source: Hennepin County Taxpayer Services 'Adjusted Net Tax Capacity'

ICR Source: SLMPD - does not include citations

Population Source: www.metrocouncil.org/metroarea/stats.htm



Agenda Number	FYI
Agenda Date	07-05-11

Agenda Item	FYI Items in Council Packet
Summary	The attached items are included in the council packet For Information Only.
Council Action	No council action is needed for FYI items.

1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Lucking and Commission members John Beal, David Paeper, Douglas Reeder, and Bill Cook

Absent: Brian Malo

Others Present: City Attorney Mark Kelly, Council Liaison Tom Fletcher

2. OATH OF OFFICE

City Attorney Kelly administered the Oath of Office to Commissioners Patrick Lucking, and Douglas Reeder. Each accepted the oath to perform the duties of planning commissioner.

3. APPROVE AGENDA

Commissioner Beal moved to accept the agenda for tonight's meeting. Commissioner Paeper seconded the motion. Motion carried 5-0.

4. MINUTES OF FEBRUARY 16, 2011.

Commissioner Paeper moved to approve the minutes of February 16, 2011. Commissioner Beal seconded the motion. Motion carried 5-0.

5. LIAISON REPORT

Council Liaison Fletcher updated the Commission regarding council's discussion relating to properties with multiple front yards. The City will determine the side yard. The Council made no change from the Planning Commission's recommendation.

Council Liaison Fletcher reported that the Council approved an ordinance prohibiting the depositing of snow on city streets and prohibiting overnight parking on city streets after two inches of snow fall.

Council Liaison Fletcher also reported on the improvements discussed for the tennis and basketball courts. Fletcher stated that there were no appeals to property market values. St. Albans Bay is listed to be treated for milfoil.

6. PUBLIC HEARINGS

Conditional Use Permit and Site Plan Review, 21900 Minnetonka Boulevard, (C-2, 10,000)

Request by Kent Carlson to demolish the existing commercial structure which formally housed the Boathouse Restaurant and construct a new 10,300 square foot office building in its place.

Section 1135.20 of the zoning ordinance states; No building permit will be issued for improvements within the C-2 district until a site plan has been reviewed by the Planning Commission and approved by the City Council.

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 20, 2011
7:00 P.M.**

Section 1135.05(3) of the zoning ordinance lists General Offices as a Conditional Principal Use.

Chairman Lucking opened the hearing to consider a site plan review and an amendment to the current Conditional Use Permit, for 21900 Minnetonka Boulevard, (C-2, 10,000)

Chairman Lucking presented that staff report, noting that the applicant is requesting to demolish the existing mixed use commercial building and construct a new commercial office building. The applicant would like the option for a future restaurant tenant, with the understanding that it would require a further amendment of the conditional use permit.

Chairman Lucking stated that the site plan submitted for review must contain certain criteria as outlined in Section 1135.20 of the zoning code. The existing multi use structure is two stories with an overall height of 24 feet and a footprint area of 5,218 square feet. The applicant is proposing a two story building with an overall height of 28 feet and a footprint of 5,772 square feet. Greenwood Ordinance allows a structure height of 30 feet. The proposed structure of 28 feet would be four feet higher than the existing structure. The staff report delineated the structure setback limitations. Chairman Lucking stated that the proposed structure exceeds the minimum setback restrictions for front, side and lake yards. The allowable impervious coverage is 75%. The proposed plan increases the impervious surface to 58.7%, an increase of .5% (approximately 525 square feet) from the existing coverage. No variances are being sought or required for the proposed new structure.

Chairman Lucking accepted comments from the floor.

Mr. Jeff Schmitt, 21957 Minnetonka Boulevard, unit 16, (St. Albans Bay Villas) stated that he resides across street from the proposed structure. The Villas have the most impact from the proposed commercial building. Mr. Schmitt asked for clarification of the request and whether it included restaurant space.

Chairman Lucking stated that the request before the planning commission is only for office space. The applicant would like the option for a future restaurant, but would need to apply for a conditional use permit to make future changes.

Mr. Schmitt stated that he conducted an informal canvass of the residents of the Villas and the majority of the residents support a commercial office space. The overall concern amongst the residents of the Villas is that a restaurant at the site would increase noise levels, traffic and produce cooking odors. The office space is a benign use and would essentially be dark in the evenings. Mr. Schmitt noted that the increased building height would affect the westerly views of the eight units on the third floor.

Mr. Schmitt stated that he toured the neighborhood and observed that the properties in the Villas would have the greatest impact. Homes located to the south have their views blocked by the existing office building, which is shorter than the proposed building. The proposed building would not appear to alter or obstruct the views of the home adjacent to the Villas on the south side. The homes located on the hill have an obstructed view from a residential garage. Byron Circle properties have views to the south and already have restricted views to the west from heavy vegetation and tall trees. Mr. Schmitt stated that the proposed building is architecturally and aesthetically pleasing and supports the proposal if the use is limited to office space.

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7:00 P.M.**

Ms. Debra Antone, 21957 Minnetonka Boulevard, unit 19, (St. Albans Bay Villas) stated that not all residents in the Villas are aware of the proposal and requested that the Commission postpone a decision until all residents can review the request.

Ms. Antone stated that the proposed building will impact the units that have big water views. The homes on Byron Circle have views that would be affected by the proposed building. Ms. Antone distributed a photo of the big water views from the Villas overlooking Excelsior Bay (big water) and stated that the increased building height would affect views of the lake and sunsets. Most villas have porches on both sides allowing for big water views. Ms. Antone also expressed concern with the available parking space and distributed photos of vehicles and watercraft parked in the lot. Ms. Antone does not believe that there would be adequate parking for a restaurant. Ms. Antone stated that Greenwood's mission statement is to promote a small town lifestyle and small buildings.

Ms. Susan Kobic, 4716 Golf Terrace, Edina, addressed the Commission stating that she is a realtor and a frequent boater on Lake Minnetonka. In her professional opinion, the proposed building will have a dramatic impact on the Villas and the sunset views that exist now. Ms. Kobic also requested that the Commission postpone any decision until all the information is given to the residents in a proper manner. Ms. Kobic stated that the parking is an issue with the existing building and would be an issue with the proposed building. Sunset views are an asset to the Villa units. She added the four foot structure height of the proposed building and the mechanics on top of building would diminish the views and values.

Mr. Bill Slattery, 21955 Minnetonka Boulevard, unit 5, (St. Albans Bay Villas) stated that he has a second and third floor unit but cannot see over the building roof. He agreed that the sunset will be impacted several minutes earlier with the proposed new roof height. The residents in the Villas were given notice in February of the proposed building. Mr. Carlson emailed drawings to residents in Villas. Mr. Slattery stated that he does not believe a restaurant would be successful, given the history of the previous four restaurants. The consensus is support for an office space only. Mr. Slattery agreed that parking would be an issue for any restaurant.

Mr. Kent Carlson, owner/applicant, addressed the issues that were raised. Mr. Carlson stated that not many stalls are required for boat slip customers. There are eight transient slips for parking for boats that need repairs. The proposed building is not a traditional suburban office space. It is designed as a low density space for tenants with low foot traffic. The proposed building height is 28 feet with a parapet wall to screen the mechanicals located on the roof. The building was designed with concrete planking and a concrete roof to reduce the need for roof joists and further minimize the height.

In answer to Commissioner Beal's question about the comments from the RLK planner Steve Schwanke regarding the use for office space or a restaurant, Mr. Carlson stated that the request is for office space only at this time. There is no restaurant on the table.

Mr. Carlson stated that there are no plans to start construction until the space is 50% leased. The lease agreements would be for a 10 year period. They have been approached by persons interested in a restaurant, but have not found one compatible.

Commissioner Reeder asked whether the water and sewer facilities in the proposed building could accommodate a future restaurant.

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Mr. Carlson stated that city water exists and believes the sizing would accommodate a restaurant.

Commissioner Beal stated that the height complies with City Ordinance requirements and should be measured to the top of the parapet which should conceal any equipment.

Mr. Carlson stated the signage is similar to the monument sign on the building and all lighting will be down cast on the sign

Attorney Kelly stated that the original conditional use permit had specific signage specifications.

Commissioner Reeder asked why the height needed to be 28 feet.

Mr. Carlson stated that the original structure was built in 1946 as a boat sales yard. The second floor ceiling height is 7'6", and not enough room for traditional mechanical equipment and sprinkler system. Also in today's market renters want nine-foot ceilings.

Mr. Schmitt asked if the lowest level could be lowered three feet by excavating.

Mr. Carlson Bill stated that code requires the lowest floor level be three-feet above the ordinary high water level (OHWL) and lot is already close to the OHWL.

Mr. Carlson stated that stormwater plan was reviewed by the Minnehaha Creek Watershed District and the City Engineer. The site has an excess capacity for stormwater storage.

Ms. Mary Mcnaught, 21957 Minnetonka Boulevard, (St. Albans Bay Villas) stated that she just returned from traveling and although had received an email, could not visualize the proposed project. Ms. Mcnaught requested that the Commission table the decision until all Villa residents have a chance to review the plans.

Commissioner Beal stated that the City is under a timeline to make decisions on zoning applications.

Chairman Lucking closed the public comments portion of the hearing at 8:29 PM.

Commissioner Beal asked that the recommendation require that the height be measured according to the code and include the roof equipment [HVAC].

Chair Lucking suggested that the Council review the original conditional use permit regarding signage and restrict the allowable signage to that of the original conditional use permit. Chair Lucking suggested that all mechanicals be kept below the roof parapet.

Motion by Commissioner Beal to recommend the City Council approve the conditional use permit to demolish the existing commercial structure which formally housed the Boathouse Restaurant and construct a new 10,300 square foot office building in its place for office use, changing from a restaurant to office use only, and the building height be restricted to Greenwood's definition, limiting the height to 28 feet to include all structures on the roof (appliances and maintenance equipment). Also the signage in the agreement is specific to the original conditional use permit signage. Cook seconded the motion. Motion carried 5-0.

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Attorney Kelly stated that by modifying the existing Conditional Use Permit, the applicant is abandoning the restaurant use and would need to reapply for a permit to seek a future restaurant.

7. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 8:44 p.m.

Respectively Submitted
Shelley Souers, Recording Secretary