

# AGENDA

## Greenwood City Council Meeting

Thursday, January 2, 2014  
20225 Cottagewood Road, Deephaven, MN 55331



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

- 7:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00pm 2. CONSENT AGENDA  
*Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.*
- A. Approve: 12-04-13 City Council Meeting Minutes
  - B. Approve: 12-04-13 City Council Worksession Minutes
  - C. Approve: November Cash Summary Report
  - D. Approve: December Verifieds, Check Register, Electronic Fund Transfers
  - E. Approve: January Payroll Register
- 7:05pm 3. MATTERS FROM THE FLOOR  
*This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to 3 minutes.*
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS
- A. Announcement: Greenwood Night at the Old Log, Friday, 01-24-13, 7:30pm
- 7:10pm 5. PUBLIC HEARINGS
- A. None
- 7:10pm 6. UNFINISHED BUSINESS
- A. 2nd Reading: Ordinance 225, Variance Extensions & Fee
  - B. 2nd Reading: Ordinance 224, Animal Regulations
- 7:15pm 7. NEW BUSINESS
- A. Consider: Resolution \_\_\_\_, Findings Regarding Swimming Pool Variance Request, Kam Talebi, 5560 Maple Heights Road
  - B. 1st Reading: Ordinance 226, Swimming Pool Regulations
  - C. 1st Reading: Ordinance 227, Alcohol Regulations (changing hours of service)
  - D. Resolution 01-14, Setting Dates for 2014
  - E. Resolution 02-14, Appointments & Assignments for 2014
- 7:25 pm 8. OTHER BUSINESS
- A. None
- 7:25pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission
  - B. Fletcher: Lake Minnetonka Communications Commission, Fire
  - C. Kind: Police, Administration, Mayors' Meetings, Website, Southshore Center Committee
  - D. Quam: Roads & Sewer, Minnetonka Community Education
  - E. Roy: Lake Minnetonka Conservation District, Lake Improvement District
- 7:40pm 10. ADJOURNMENT



**Agenda Item:** Consent Agenda

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

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

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

## **Greenwood City Council Worksession Minutes**

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

### **1. Call to Order/Roll Call/Approval Agenda**

Mayor Kind called the meeting to order at 6:02 pm.

Councilmember present: Deb Kind, Bill Cook, Tom Fletcher, Bob Quam and Rob Roy  
Others present: City Attorney Mark Kelly and City Clerk/Zoning Administrator Gus Karpas

Roy moved to approve the agenda. Second by Fletcher. Motion carried 5-0.

### **2. Discuss: Resolution 31-13 Findings Defining Past Uses of the Old Log Theater/2<sup>nd</sup> Reading Ordinance 222 R-1C Single-Family Residential District**

Mayor Kind said the topic of tonight's meeting was to discuss ordinance 222, which would amend the Greenwood Zoning Code to add Section 1123, R-1C Single-Family Residential District, adding related definitions to Chapter 12 and amending Section 1150.20 regarding Conditional Uses. She said since the Council last discussed the proposed ordinance there had been some changes and asked City Attorney Kelly to briefly review them.

City Attorney Kelly summarized the changes noting the changes to the original ordinance included a change in definition of "Theater with Attached Restaurant" and a stratification of the setback table to separate residential uses from the theater with attached restaurant.

Kelly said some new sections were added including Section 1123.25 which would outline the lawful use or occupation of the land or premises. These were based on interviews with members of the Stolz family. He noted the ordinance referenced Resolution 31-13 that outlined the same "Authorized Existing Use" in Section 1123.25(2). He said if the Council were to adopt the ordinance with this section included, they would have to adopt Resolution 31-13 first.

Section 1123.30 was created to outline the events that would require a Conditional Use Permit, including a building permit to expand the existing structures, a request to increase the percentage of impervious surface area or any changes to the manner of uses outline in Section 1123.25(2). Kelly said if a Conditional Use Permit is required, Section 1123.35 outlines the building requirements, including architectural expectations, while Section 1123.40 lays out the Regulation and Imposition of Condition on Permitted Conditional Uses.

City Attorney Kelly discussed Resolution 31-13, reiterating it would have to be adopted prior to the adoption of Ordinance 222. He said the resolution states that the success of the Old Log is hoped for, but it cannot be assumed. Also, its continued operation as a theater cannot be presumed. So the city must plan accordingly, including the possibility of alternate business uses, requests to remodel, add, and expand buildings, or to intensify business activities in and about the Old Log and its campus, as well as potential abandonment of the Old Log as a business use.

Councilmember Cook noted the proposed definition permitted take-out food service, whereas the previous definition of restaurant did not. City Attorney Kelly said that proposed definition is consistent with the Restaurant definition in the C-2 district.

Councilmember Cook said the resolution makes it appear the city is granting the Old Log and operator's license in one paragraph and states it serves as a guide in another. City Attorney Kelly said the document is presented as a framework and the Council can amend it as they deem necessary. Cook said he would like the phrase "as of the adoption of this resolution" removed from the second sentence as a procedural point so as to not make it look like the city is granting an operator's license. The Council agreed to the change..

Councilmember Fletcher suggested that buses should remain off except during cold weather when they can idle as needed. Any reference to seasons should be removed. Fletcher felt the term "landscaped area" was too broad in describing the area that alcohol could be consumed.

Mayor Kind discussed the provision restricting amplified sound, noting the Stolz's indicated in their interviews that public address systems were occasionally used during some events. She felt this may need to be addressed.

Councilmember Quam expressed concern about what constituted landscaped area. If any mowed area was considered landscaped alcohol could be consumed on a large portion of the property. Quam discussed the use of tents for events and the impact they could have on the neighbors and wetlands.

Councilmember Fletcher said he didn't have an issue with alcohol being consumed within the theater building or veranda, but felt consumption in any other area should require approval from the city as part of the annual liquor license approval.

Mayor Kind said she'd like to address the comments submitted by residents in response to the resolution drafted by the City Attorney.

Julie Eklund, 5135 Meadville Street, asked if there could be a variation in the business hours with the theater and restaurant permitted longer business hours than special events and questioned the proposed hours which seem like an expansion of what currently exist. City Attorney Kelly said it would be difficult for the city to try and determine what type of use is going on at the theater to enforce what time it should be closing, thus there should be a uniform closing time.

Councilmember Fletcher said the Council does not want to micromanage the business and said that special events are most likely to cause the most disturbances to the neighborhood. That being the case, should there be more focus on that and less on the theater and restaurant. Ms. Eklund said the theater clears out after the show now, but if you have something for patrons to do after the show, they will remain on the property later.

Bob Newman, 5230 Meadville Street, said every car that leaves the Old Log property drives by his house. He said that even though the lights and noise are not necessarily unbearable, it's noticeable, but it's done usually by 10:30 and Greenwood becomes quiet again. If the city expands the business hours, Greenwood stays "open" later which would be a big change for the neighborhood.

The Council discussed tracking the percentage of business allocated to the theater/restaurant use and special events. City Attorney Kelly said he didn't anticipate a weekly monitoring of the property's use due to constraints of budget and staff. Bob Newman suggested having the default use, theater with attached restaurant, be the regular closing time and special events permitted the later hours. This would be easier to monitor.

The Council discussed deliveries and garbage pickup. Concern was raised about the condition of Covington Street and potential safety issues related to its use by food service delivery trucks. Karpas explained that the city could not prevent one property owner the right to use a public street, even if that street is narrow and not in the best condition. Greg Frankenfield, owner Old Log Theater, said he has directed his deliveries to be made to the front of the building and that his staff park in the front parking lot. Garbage pick-up will still be from the rear where the dumpsters are stored. He noted this should reduce the amount of traffic on Covington Street.

Mayor Kind noted that the discussion would be carried on to the public hearing on Ordinance 222 on the regular Council Agenda.

### 3. Adjournment

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

Respectfully submitted by Gus Karpas, City Clerk

# MINUTES

## Greenwood City Council Meeting

Wednesday, December 4, 2013

20225 Cottagewood Road, Deephaven, MN 55331



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

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Deb Kind; Councilmembers Bill Cook, Tom Fletcher, Bob Quam (departed at 9pm), and Rob Roy

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

Members Absent: None

**Motion by Fletcher, second by Cook, to approve the agenda with the addition of "Consider Formal Receipt of Sworn Fact Statements from Don Stolz and Tim Stolz" to item 6A. Motion passed 5-0.**

### 2. CONSENT AGENDA

- A. Approve: 11-06-13 City Council Meeting Minutes
- B. Approve: 11-12-13 City Council Worksession Minutes
- C. Approve: October Cash Summary Report
- D. Approve: November Verifieds, Check Register, Electronic Fund Transfers
- E. Approve: December Payroll Register

**Motion by Kind, second by Cook, to approve the consent agenda items as presented. Motion passed 5-0.**

### 3. MATTERS FROM THE FLOOR

Public Comment: Keith Steussi, 5000 Meadville Street, presented information regarding the assessor's methodology and urged the council to be aggressive with the assessors regarding the city's property valuations.

Public Comment: State Senator David Osmek introduced himself to the council, distributed his contact information, and encouraged the council to contact him with any concerns.

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

- A. None

### 5. PUBLIC HEARINGS

- A. Public Hearing: Ordinance 222, Establishing R-1C Single-Family District

**Motion by Cook, second by Quam, to open the public hearing. Motion passed 5-0.**

Public Comments: Were received from Meadville Street residents and the Old Log property owner. A verbatim account of the public hearing is available for viewing on LMCC TV channel 8 for 1 month, at [www.lmcc-tv.org](http://www.lmcc-tv.org) for 1 year, and on DVD at the city office (permanent archive).

**Motion by Quam, second by Roy, to include the 12-04-13 worksession minutes as public hearing exhibit A. Motion passed 5-0.**

**Motion by Roy, second by Cook, to close the public hearing. Motion passed 5-0.**

### 6. UNFINISHED BUSINESS

- A. Ordinance 222 and Related Items:

Consider: Formal Receipt of Sworn Fact Statements from Don Stolz and Tim Stolz

**Motion by Roy, second by Cook, to formally receive the sworn fact statements from Don Stolz and Tim Stolz. Motion passed 5-0.**

Consider: Resolution 31-13 Findings Defining the Past Uses of the Old Log Theater

**Motion by Kind, second by Fletcher, to approve resolution 31-13 with revisions as discussed by the council. Motion passed 5-0.**

2nd Reading: Ordinance 222, Establishing R-1C Single-Family District

**Motion by Kind, second by Fletcher, to approve the 2nd reading of ordinance 222 with revisions as discussed by the council. Motion passed 5-0.**

Consider: Resolution 29-13, Summary of Ordinance 222 for Publication

**Motion by Kind, second by Fletcher, to approve resolution 29-13 as presented. Motion passed 5-0.**

B. 2nd Reading: Ordinance 224, Amending Animal Regulations, Code Section 445

**Motion by Cook, second by Fletcher, to continue the discussion of ordinance 224 to the January council meeting pending review and a recommendation from the city attorney. Motion passed 4-0.**

C. Update: Curve Street Drainage Committee

No council action was taken. The next report will be at the February council meeting.

## 7. NEW BUSINESS

A. Consider: Final 2014 Tax Levy & Budget

Resolution 32-13 Approving Tax Levy for Taxes Collected in 2014

**Motion by Fletcher, second by Cook, to adopt resolution 32-13 approving the 2013 tax levy in the amount of \$643,874 to be collected in 2014. Motion passed 4-0.**

Resolution 33-13 Approving Final 2014 Budget

**Motion by Fletcher, second by Cook, to adopt resolution 33-13 approving the 2014 general fund budget in the amount of \$756,486. Motion passed 4-0.**

B. Consider: 2013 Budget Line Adjustments

**Motion by Roy, second by Cook, to approve the following line item adjustments to the**

**2013 budget EXPENSES:**

General Fund Code Number	Line Item Title	Original 2013 Budget Amount	12-04-13 Adjustment
101-42400-308	Zoning Administration	3,000	4,000
101-42400-309	Public Notices	700	1,700
101-42400-310	Building Inspections	11,000	39,000

**AND the following line item adjustments to the 2013 budget REVENUES:**

General Fund Code Number	Line Item Title	Original 2013 Budget Amount	12-04-13 Adjustment
101-32210	Building Permits	16,000	36,000
101-32211	Electric Permits	1,000	11,000

**Motion passed 4-0.**

C. Consider: 2013 Fund Transfers and Year-End Contributions

**Motion by Cook, second by Roy, to approve the following 2013 budgeted fund transfers:**

**\$3,086 from 605-49300-721 Marina Fund Transfer  
to 101-39200 General Fund for Administrative Expense Reimbursement**

**\$12,500 from 605-49300-720 Marina Fund Transfer  
to 101-39201 General Fund**

**\$10,866 from 602-43200-720 Sewer Fund Transfer  
to 101-39202 General Fund for Administrative Expense Reimbursement**

**\$1,625 from 502-43200-720 Stormwater Fund Transfer  
to 101-39203 General Fund for Administrative Expense Reimbursement**

**\$20,000 from 101-49000-500 General Fund Bridge Transfer  
to 403-39200 Bridge Fund**

**And approves the following 2013 budgeted contribution:**

**\$900 (101-49000-434) to the city of Shorewood to offset Southshore Center operating expenses.**

**Motion passed 4-0.**

D. Consider: 2014 License Applications

**Motion by Roy, second by Fletcher, to approve 2014 licenses for the entities listed below contingent upon the city receiving applications and fees by 12-31-13:**

Liquor	Old Log Theater
Trash	Allied Waste, Aspen Waste, Blackowiack Disposal, Randy's Sanitation, Vintage Waste, Waste Management, Waste Technology
Tobacco	Christmas Lake Gas
Commercial Marinas	Bean's Greenwood Marina, Excelsior Bay Harbor, Kreslin's Marina
Rental Permits	

**Motion passed 4-0.**

E. 1st Reading: Ordinance 225 Regarding Variance Extensions

**Motion by Cook, second by Roy, to approve the 1st reading of ordinance 225 as it was supposed to be in the council packet. Motion passed 4-0.**

F. Discuss: Variance Ordinance Changes Regarding Practical Difficulties Considerations

**Motion by Fletcher, second by Cook, to approve the draft of the variance ordinance changes regarding practical difficulties considerations and direct the draft ordinance be sent to the planning commission for a public hearing and recommendation. Motion passed 4-0.**

G. Discuss: Potential Shuman Woods Park Improvements

Public Comment: Kristi Conrad, 21780 Fairview Street, noted that the amount of ongoing maintenance costs for Shuman Woods Park improvements might be more than expected. She also asked that the council consider using park funds to purchase side boards and a liner for a skating rink for Greenwood Park.

**Motion by Cook, second by Fletcher, to direct the planning commission review potential improvements at Shuman Woods Park and / or Greenwood Park, and develop a park system plan if appropriate. Or do nothing. Motion passed 4-0.**

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

- A. Cook: Planning Commission
- B. Fletcher: Lake Minnetonka Communications Commission, Fire, Xcel Project
- C. Kind: Police, Administration, Mayors' Meetings, Website, Southshore Center Committee
- D. Quam: Roads & Sewer, Minnetonka Community Education
- E. Roy: Lake Minnetonka Conservation District, Lake Improvement District

No council action was taken on any of the council reports.

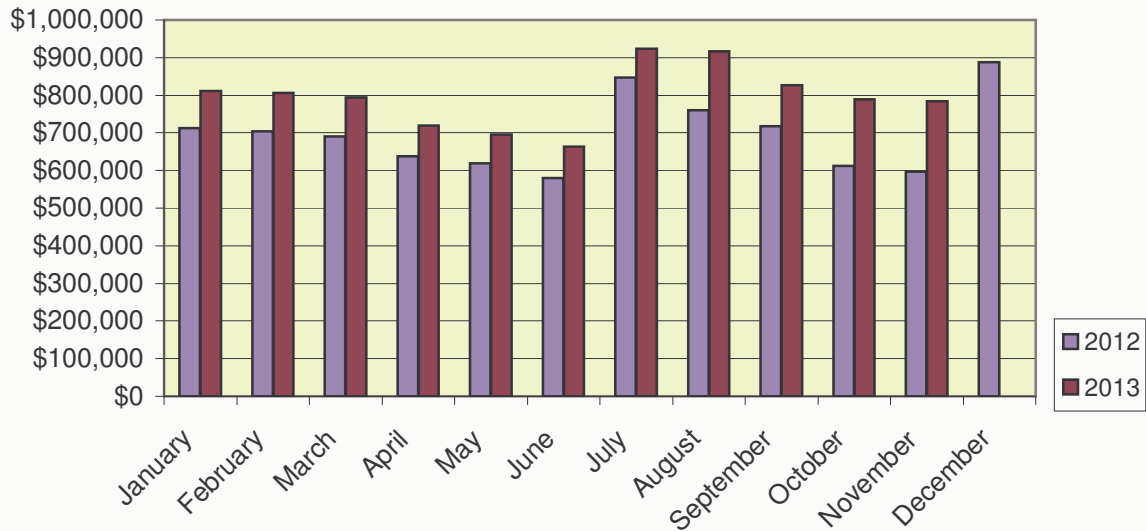
10. ADJOURNMENT

**Motion by Cook, second by Roy, to adjourn the meeting at 10:02pm. Motion passed 4-0.**

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



### City of Greenwood Monthly Cash Summary



Month	2012	2013	Variance with Prior Month	Variance with Prior Year
January	\$712,814	\$812,019	-\$76,100	\$99,205
February	\$704,873	\$805,692	-\$6,327	\$100,819
March	\$690,422	\$793,435	-\$12,257	\$103,013
April	\$637,990	\$720,170	-\$73,265	\$82,180
May	\$618,262	\$694,987	-\$25,183	\$76,725
June	\$580,578	\$663,171	-\$31,816	\$82,593
July	\$846,897	\$924,057	\$260,886	\$77,160
August	\$760,682	\$917,234	-\$6,823	\$156,552
September	\$717,852	\$826,755	-\$90,479	\$108,903
October	\$611,894	\$788,426	-\$38,329	\$176,532
November	\$597,127	\$784,533	-\$3,893	\$187,406
December	\$888,119	\$0	-\$784,533	-\$888,119

Bridgewater Bank Money Market	\$516,827
Bridgewater Bank Checking	\$4,369
Beacon Bank CD	\$240,000
Beacon Bank Money Market	\$23,237
Beacon Bank Checking	\$100
	<u>\$784,533</u>

#### **ALLOCATION BY FUND**

General Fund	\$120,582
Special Project Fund	\$46,581
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$78,613
Stormwater Special Revenue Fund	\$12,016
Sewer Enterprise Fund	\$451,904
Marina Enterprise Fund	\$47,782
	<u>\$784,533</u>

Check Issue Date(s): 12/01/2013 - 12/31/2013

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/13	12/05/2013	10946	9	CITY OF DEEPHAVEN	101-20100	3,830.83
12/13	12/05/2013	10947	822	ECM PUBLISHERS INC	101-20100	58.46
12/13	12/05/2013	10948	199	ELECTRIC PUMP WALDOR GROUP	602-20100	591.15
12/13	12/05/2013	10949	68	GOPHER STATE ONE CALL	602-20100	42.05
12/13	12/05/2013	10950	75	HENNEPIN COUNTY TREASURER	101-20100	66.46
12/13	12/05/2013	10951	3	KELLY LAW OFFICES	101-20100	5,382.00
12/13	12/05/2013	10952	26	LEAGUE OF MN CITIES	101-20100	225.00
12/13	12/05/2013	10953	126	LEAGUE OF MN CITIES INS TRUST	101-20100	5,504.00
12/13	12/05/2013	10954	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	14,759.00
12/13	12/05/2013	10955	824	STAR TRIBUNE	101-20100	231.65
12/13	12/05/2013	10956	745	Vintage Waste Systems	101-20100	1,628.25
12/13	12/05/2013	10957	145	XCEL ENERGY	602-20100	206.20
12/13	12/19/2013	10958	51	BOLTON & MENK, INC.	101-20100	5,810.50
12/13	12/19/2013	10959	822	ECM PUBLISHERS INC	101-20100	311.76
12/13	12/19/2013	10960	766	HENNEPIN COUNTY TREASURER	101-20100	565.20
12/13	12/19/2013	10961	700	INFRASTRUCTURE TECHNOLOGIES	602-20100	1,745.00
12/13	12/19/2013	10962	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,318.22
12/13	12/19/2013	10963	112	Southshore Community Center	101-20100	900.00
12/13	12/19/2013	10964	145	XCEL ENERGY	101-20100	406.93
Totals:						<u>44,582.66</u>

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0162142	2013 I & I PROJECT	11/30/2013	986.00
		0162143	2013 STREET IMPROVEMENTS	11/30/2013	3,182.50
		0162144	2013 EXC BLVD OVERSIGHT	11/30/2013	217.00
		0162145	2013 MISC ENGINEERING	11/30/2013	474.00
		0162146	2013 EXC BLVD WATERMAIN	11/30/2013	145.00
		0162147	2013 MS4 SWPPP	11/30/2013	806.00
Total BOLTON & MENK, INC.					5,810.50
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	DEC 2013	RENT & EQUIPMENT	12/01/2013	542.95
			Postage		44.82
			COPIES		64.20
			SEWER		84.18
			SNOW PLOWING/SANDING/SALT		168.36
			WEED/TREE/MOWING		168.36
			PARK MAINTENANCE		168.36
			Clerk Services		2,589.60
Total CITY OF DEEPHAVEN					3,830.83
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	51694	LEGAL NOTICE	11/28/2013	58.46
		53985	LEGAL NOTICE	12/05/2013	64.95
		53986	LEGAL NOTICE	12/05/2013	51.96
		56034	LEGAL NOTICE	12/12/2013	194.85
Total ECM PUBLISHERS INC					370.22
<b>ELECTRIC PUMP WALDOR GROUP</b>					
199	ELECTRIC PUMP WALDOR GROUP	0051509-IN	LIFT STATION REPAIR	11/25/2013	591.15
Total ELECTRIC PUMP WALDOR GROUP					591.15
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	83990	Gopher State calls	11/30/2013	42.05
Total GOPHER STATE ONE CALL					42.05
<b>HENNEPIN COUNTY TREASURER</b>					
766	HENNEPIN COUNTY TREASURER	112713	ELECTION SUPPLIES	11/26/2013	30.80
75	HENNEPIN COUNTY TREASURER	120213	TRUTH IN TAX NOTICES	12/02/2013	66.46
766	HENNEPIN COUNTY TREASURER	120513	AUTOMARK/M100 MNTNCE	12/06/2013	534.40
Total HENNEPIN COUNTY TREASURER					631.66
<b>INFRASTRUCTURE TECHNOLOGIES</b>					
700	INFRASTRUCTURE TECHNOLOGIES	PR13971	MANHOLE MNTNCE	11/21/2013	1,745.00
Total INFRASTRUCTURE TECHNOLOGIES					1,745.00
<b>KELLY LAW OFFICES</b>					
3	KELLY LAW OFFICES	6183	GENERAL LEGAL	11/26/2013	5,267.00
		6184	LAW ENFORCE PROSECUTION	11/26/2013	115.00
Total KELLY LAW OFFICES					5,382.00
<b>LEAGUE OF MN CITIES</b>					

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
26	LEAGUE OF MN CITIES	193288	2014 LEADERSHIP CONFERENCE	12/04/2013	225.00
	Total LEAGUE OF MN CITIES				225.00
<b>LEAGUE OF MN CITIES INS TRUST</b>					
126	LEAGUE OF MN CITIES INS TRUST	45359	Municipality Insurance	11/20/2013	5,504.00
	Total LEAGUE OF MN CITIES INS TRUST				5,504.00
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERVIC	0001028193	Monthly wastewater Charge	12/09/2013	2,318.22
	Total METRO COUNCIL ENVIRO SERVICES				2,318.22
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE DE	DEC 2013	2013 OPERATING BUDGET EXP	12/01/2013	14,759.00
	Total SO LAKE MINNETONKA POLICE DEPT				14,759.00
<b>Southshore Community Center</b>					
112	Southshore Community Center	120413	2013 CONTRIBUTION	12/04/2013	900.00
	Total Southshore Community Center				900.00
<b>STAR TRIBUNE</b>					
824	STAR TRIBUNE	1009761840	LEGAL NOTICE	11/23/2013	231.65
	Total STAR TRIBUNE				231.65
<b>Vintage Waste Systems</b>					
745	Vintage Waste Systems	112513	City Recycling Contract	11/25/2013	1,628.25
	Total Vintage Waste Systems				1,628.25
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	112013	LIFT STATION #1	11/20/2013	35.76
			LIFT STATION #2		33.19
			LIFT STATION #3		22.66
			LIFT STATION #4		31.20
			LIFT STATION #6		59.04
			4925 MEADVILLE STREET *		10.10
			SIREN		4.14
			Sleepy Hollow Road *		10.11
		120313	Street Lights *	12/03/2013	406.93
	Total XCEL ENERGY				613.13

Total Paid: 44,582.66

Total Unpaid: -

Grand Total: 44,582.66

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
01/01/14	PC	01/01/14	1011401	COOK, WILLIAM B.	37		001-10101	184.70
01/01/14	PC	01/01/14	1011402	Fletcher, Thomas M	33		001-10101	84.70
01/01/14	PC	01/01/14	1011403	Kind, Debra J.	34		001-10101	277.05
01/01/14	PC	01/01/14	1011404	Quam, Robert	32		001-10101	184.70
01/01/14	PC	01/01/14	1011405	ROY, ROBERT J.	38		001-10101	184.70
Grand Totals:								915.85



**Agenda Number: 6A**

**Agenda Date: 01-02-14**

*Prepared by Deb Kind*

**Agenda Item:** Ordinance 225, Variance Extensions

**Summary:** Below is the timeline for the attached ordinance regarding variance extensions.

- 11-07-13 Public hearing notice published in Sun-Sailor (at least 10 days prior to the public hearing).
- 11-20-13 Planning commission held the public hearing and made a recommendation for approval to the city council.
- 12-04-13 City council approved 1st reading of the ordinance.
- 01-02-14 City council considers 2nd reading of the ordinance.
- 01-03-14 Ordinance submitted to Sun-Sailor.
- 01-09-14 Ordinance published in Sun-Sailor (the ordinance goes into effect the date it is published).

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

1. I move the city council approves the 2nd reading of ordinance 225.
2. I move the city council approves the 2ns reading of ordinance 225 with the following revisions: \_\_\_\_\_.
3. Other motion ???

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must hold a public hearing and make a recommendation to the city council regarding any changes to the zoning code chapter 11.*

ORDINANCE NO. 225

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 1155.10**

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

**SECTION 1.**

Greenwood ordinance code section 1155.10(9) is amended to now read as follows:

"Subd. 9. Lifespan of Variances Granted. Variances permitting the erection or alteration of a building shall be valid for a period of 1 year from the date of final approval unless a building permit for such erection or alteration is issued and construction is actually begun within said period. Failure to obtain an approved, final inspection (in the case of remodeling) or an occupancy permit (in the case of new construction) within 1 year from the date a building permit for such construction and/or alteration has been issued, shall cause the variance relied upon to become null and void. The structure shall then become a nonconforming structure. Provided no code revisions relevant to the variance have been made to the ordinance since the grant of the variance, a one year variance extension may be granted by the zoning administrator. Additional one year extensions may be granted by the city council. No more than three extensions may be granted on any approved application. Thereafter, a new application must be made and approved through the variance process in this code. Requests for variance extensions must be made in writing and must be accompanied by payment of the fee established by the city council and set forth in chapter 5 of this code.

**SECTION 2.**

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

“

Zoning: Variance Extension	1155.10(9)	1st 1-Year Extension: \$50 (approved by zoning administrator) Subsequent 1-Year Extensions: \$350 (approved by city council)
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”

**SECTION 3.**

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

Enacted by the city council of Greenwood, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2012.

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

CITY OF GREENWOOD

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

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

First reading: December 4, 2013  
Second reading: \_\_\_\_\_, 2013  
Publication: \_\_\_\_\_, 2013



**Agenda Number: 6B**

**Agenda Date: 01-02-14**

*Prepared by Deb Kind*

**Agenda Item: 2nd Reading of Animal Ordinance 224**

**Summary:** In May 2012, in response to concerns raised by animal enforcement officers, the South Lake Minnetonka Police Department (SLMPD) coordinating committee directed SLMPD staff to work with city administrators to draft a uniform animal ordinance to make enforcement consistent between the jurisdictions served by the department. The final draft of the ordinance was approved by the coordinating committee for consideration by the 4 city councils in June 2013.

In October 2013, the cities of Excelsior and Shorewood approved the ordinance with minor revisions. If Greenwood approves the 2nd reading, then 3 of 4 cities will have a unified ordinance (Tonka Bay has not taken action yet).

Below is the timeline for the ordinance:

- 11-06-13 The council approved the 1st reading of the Excelsior-Shorewood version of the ordinance with Greenwood-specific additions to the appendix.
- 12-04-13 The council "continued" the 2nd reading of ordinance 224 to the January council meeting pending review and a recommendation from the city attorney.
- 01-02-14 Consider 2nd reading of ordinance
- 01-09-14 Sun-Sailor submission deadline
- 01-16-14 Publication in the Sun-Sailor (effective date)

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

1. I move the council approves the 2nd reading of ordinance 224 regarding animal regulations.
2. I move the council approves the 2nd reading of ordinance 224 regarding animal regulations with the following revisions: \_\_\_\_\_.
3. Do nothing or other motion ???

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



**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 445 REGARDING ANIMALS**

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

SECTION 1.

Greenwood ordinance code section 445 is deleted in its entirety and replaced with the following:

**“SECTION 445. ANIMALS.**

**Section 445.00. Definitions.**

See chapter 12 for definitions.

**Section 445.05. Purpose.**

To preserve the public health, safety and welfare, and guard against public nuisances, the ownership and possession of animals must be regulated.

**Section 445.05. Registration and Licensing Requirements.**

Subd. 1. Licensure Required. All dogs over the age of six months kept in this city, including those allowed by a multiple dog license, shall be licensed and registered by the owner with the city. The fee for the license and registration shall be set by resolution of the city council. License applications shall be made at the office of the city clerk on city forms, setting forth the name and address of the owner, the name, breed, age, color, and gender of the dog, and such other information as may be considered necessary by the city. Applicants shall provide proof that each dog has current vaccination against rabies. License tags, if issued at the election of the city, shall be securely attached around the dog's neck at all times during the license term. If the tag is lost or stolen, the owner may obtain a duplicate license and tag upon payment of a fee set by resolution of the city council.

Subd. 2. Term of License. The license period shall be that specified by the city in appendix.

Subd. 3. New Residents of City. Any person who moves into and becomes a resident of the city and who owns a dog within the city shall cause the same to be registered and licensed as provided hereinbefore within a period of not more than 30 days after becoming a resident of the city.

Subd. 4. Transfer of License. The license of any dog, licensed by the city, may be transferred to a new owner of the licensed dog for the duration of that license. The transfer is when the information regarding the new owner is filed with the city clerk. The fee for license transfers shall be set by resolution of the city council.

Subd. 5. Revocation. Any person making any false statement on any license application required by this section shall be guilty of a misdemeanor. The city clerk / treasurer shall revoke any license issued under this section if the owner has made any false statement on the license application. No refund of any fees shall be due to the licensee whose license has been revoked.

Subd. 6. Reinstatement. Any person whose license has been revoked under this section may reapply for such license after all deficiencies have been corrected. Any person making application after any revocation shall follow the procedures set out for the initial issuance of the license and shall pay the fees in the full amount that would be required for an original license.

**Section 445.05. Permitted Domesticated Animals.**

Any person may own, keep, harbor, or maintain any of the various domesticated animals, including but not limited to, dogs and cats, adapted so as to live with humans in a tame condition.

**Section 445.10. Non-Domesticated Animals.**

No person may own, keep, harbor, or maintain any non-domestic animal within the city limits.

#### **Section 445.15. Limitations on Number of Dogs.**

Within the limits of the city, no person may own, keep, harbor, or maintain more than 2 dogs over the age of 6 months unless a multiple dog license is first obtained from the city.

#### **Section 445.20. Limitations on Number of Cats.**

Within the limits of the city, an owner or household may not own, keep, harbor, or maintain more than 3 cats over the age of 6 months.

#### **Section 445.25. Animal Breeders and Dealers.**

No person, firm, or corporation shall establish, maintain, conduct, or operate a commercial kennel or operate as a breeder or dealer of any animal within this city without first obtaining approval by the city council.

#### **Section 445.30. Running At Large.**

No owner of any animal shall permit such animal to run or move at large at any time within the city. The finding of any animal running at large shall be prima facie evidence of violation of this section by the owner of the animal.

#### **Section 445.35. Impound Authority.**

The animal enforcement officer shall have authority to take into custody and impound those animals, found at large within the city. If the animal enforcement officer is unable to take an animal into custody, the officer may, where possible, follow the animal to the property of its owner, and may issue a citation to the owner for violation of this ordinance. The officer shall not take into custody an animal once it is upon the property of its owner except:

- (a) Where the officer finds no one present upon the property and custody is necessary to prevent the animal from further running at large; or
- (b) The animal is previously declared as a dangerous dog or dangerous animal; or
- (c) It is a prohibited non-domesticated animal or which is inherently dangerous and, if left uncontrolled, poses a danger to public health, safety or welfare.

#### **Section 445.40. Animal Nuisances.**

Subd. 1. It shall be unlawful for any owner to fail to exercise reasonable care and control of his or her animals to prevent them from becoming a public nuisance.

Subd. 2. The person having custody of the animal must have in their possession a device for removal of animal feces when in or on any public trail, sidewalk, in any city park, or along any public right-of-way (for example, along roadways and streets), or any other property, public or private, which is not the premises of the person owning, keeping, harboring, or maintaining the animal.

Subd. 3. No person having custody or control of a domesticated animal shall allow such animal on any public swimming beach or any public grounds where any sign is posted prohibiting animals in that area, except a recognized animal for life assistance.

#### **Section 445.45. Confinement of Certain Animals.**

Every female animal in heat shall be confined in a building or other secure enclosure in such manner that such female animal cannot come into contact with another animal, except for planned breeding.

#### **Section 445.50. Impounded Animal Redemption.**

Subd. 1. Pound. The city shall provide an adequate pound or facilities where animals taken into custody by an animal enforcement officer shall be kept and properly fed and cared for until disposed of according to the provisions of this ordinance.

Subd. 2. Notice of Impoundment. Within 24 hours of taking an animal into custody, the animal enforcement officer shall give notice of the animal impoundment to the last known owner(s) and / or custodian(s) of the animal. If no address is available from Police records, city license records, or available microchip identification, notice shall be given to the residence with which the animal was last associated. The notice shall reasonably describe the animal and advise that, in the event the animal is not redeemed within five regular business days after a stated date, the animal may be destroyed.

Subd. 3. Redemption by Owner. The owner of any animal seized pursuant to this section may retrieve the animal from the city's animal impound shelter, provided that the owner purchases the appropriate license within seven days, if the

animal is not already properly licensed, pays all impound fees to cover the cost of apprehending the animal, boarding fees to cover the cost of sheltering the animal, any veterinary costs incurred by the animal control authority, and any other costs incurred by the animal control authority. Any owner who fails to comply with these requirements within five regular business days, shall be deemed to have forfeited any property right to the animal and the animal control authority may dispose of it, pursuant to subdivision 5 of this section. In determining the impounding fee, the city may establish a schedule of fees based on the number of times an animal has been impounded. Boarding fees shall be according to a schedule adopted and maintained by the SLMPD. License fees shall be adopted by the city council by resolution.

Subd. 4. Disposition of Unclaimed or Injured Animals. Upon expiration of the five regular business day period, an animal in the custody of the animal enforcement officer may be surrendered to the Animal Humane Society or euthanized. Nothing in this ordinance shall prevent the animal enforcement officer from causing the animal to be euthanized in less than the five regular business days waiting period as aforesaid where the animal is injured and, in the opinion of the animal enforcement officer or a veterinarian, the only humane act would be one of euthanization.

Subd. 5. Records Kept. The animal enforcement officer shall keep an accurate account of all animals received at the pound and all animals euthanized or released therefrom.

## **Section 445.55. Rabies Control.**

Subd. 1. Rabies Vaccination Required. It is unlawful for any person to own, keep, harbor, or maintain any animal over the age of 6 months which is susceptible to rabies unless that animal is vaccinated against rabies.

Subd. 2. Quarantine of Biting Animals.

- (a) Upon a written report being filed with the animal control authority stating that an animal has bitten a human being and setting forth the name of the animal, if known, and the name and address of the owner or custodian, if known, the name of the person bitten and when and where the incident occurred, the animal enforcement officer shall order the animal quarantined for a period of ten days. During quarantine, the animal shall be securely confined and kept from contact with any other animals.
- (b) At the discretion of the animal enforcement officer, the quarantine may be on the premises of the owner. If the animal enforcement officer so requires, the owner shall, at his or her own expense, place the animal in a veterinary hospital for the period of confinement or surrender the animal to the animal enforcement officer for confinement. The animal shall not be released from confinement until the animal control officer has determined that the animal is free from rabies and until the owner has paid the costs of any veterinary tests made upon the animal, as well as the costs of any confinement on premises other than that of the owner.
- (c) If the costs are not paid by the owner or custodian within ten days following written notice to the owner or custodian that the animal is available for release, the animal enforcement officer shall forthwith cause the animal to be surrendered to the Animal Humane Society or to be euthanized.
- (d) Any person who shall fail to deliver to the animal enforcement officer any animal which has bitten a human being and against which a sworn, written complaint has been filed, shall be guilty of a misdemeanor. Each day's neglect or failure to comply with the provisions of this subdivision shall be deemed a separate offense.
- (e) A dog or other animal displaying symptoms of being rabid may be seized at any place or time and shall be confined in the city impounding facility at the expense of the owner until found to be free from rabies.
- (f) If a dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and the dog or other animal cannot be impounded without serious risk of personal injury, the dog or other animal may be destroyed, if reasonably necessary for the safety of any person or persons.

Subd. 3. Rabies in City, Proclamation.

The city adopts Minnesota statutes 35.68 and 35.69, and any revisions thereof, regarding rabies proclamations.

## **Section 445.60. Abuse / Neglect of Animals.**

Subd. 1. Improper Care.

- (a) *Food*. Animals must be provided with food of sufficient quantity and quality to allow for normal growth and maintenance of body weight.
- (b) *Water*. Animals must be provided with clean, fresh water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water supply.
- (c) *Shelter*. Animals must be provided with proper shelter and protection from the weather. A person in charge or control of any animal which is kept outdoors or in an unheated enclosure shall provide the animal with shelter and bedding as prescribed in this section as a minimum. The shelter shall include a moisture proof and wind proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31, the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of

suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. Shade from the direct rays of the sun, during the months of May to October shall be provided.

- (d) *Sanitation*. It shall be unlawful for any person to allow food and water receptacles, kennels, yards, or the premises where the animal is kept to be or to remain in an unhealthy, unsanitary, or obnoxious condition, or to permit the premises to be in such condition that obnoxious odors can be plainly detected on adjacent public or private property.
- (e) *Veterinary Care*. The owner or custodian of a domesticated animal shall provide adequate health care, including parasite and pest control, and care needed to prevent suffering.
- (f) *Cruelty to animals*. It shall be unlawful for any owner to beat, cruelly ill-treat, torment or otherwise abuse or neglect any animal. A person may not inflict cruelty on a pet or companion animal by the use of a cruel training or handling device or method.
- (g) *Interpretation of Terms*. A dispute as to the meaning of abuse, cruelty, neglect or adequate healthcare shall be resolved by an expert opinion.
- (h) *Animals in motor vehicles*. A person may not leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety. Animals carried in open vehicles, including trucks, boats, motorcycles, dirt bikes, trailers, etc., must be restrained in a crate or carrier or restrained by a chain or cable to prevent the animal from leaving the vehicle or being tossed out.

Subd. 2. Removal of Animals. A peace officer, animal enforcement officer, or a volunteer or professional member of a fire or rescue department of a political subdivision may use reasonable force to enter a motor vehicle and remove an animal which has been left in the vehicle in violation of this section. A person removing an animal under this subdivision shall use reasonable means to contact the owner of the animal to arrange for its return home. If the person is unable to contact the owner, the person may take the animal to an animal shelter.

## **Section 445.65. Dangerous Animals and Potentially Dangerous Animals.**

The city is authorized pursuant to Minnesota Statute Section 347.53 to regulate potentially dangerous and dangerous dogs or other animals.

### Subd. 1. Potentially Dangerous Animals; Declaration.

- 1. The animal control authority shall make such declaration upon a finding that the animal in question:
  - (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
  - (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
  - (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or
  - (d) Has been declared a potentially dangerous animal by any lawful authority of this or any other state or subdivision thereof.
- 2. In making such a determination, the animal enforcement officer may rely upon any or all of the following:
  - (a) Citizen complaint from an identified member of the public;
  - (b) Police or citizen reports of running at large or other public nuisance;
  - (c) Citation or convictions of an ordinance or statutory violation independent of site of violation involving the animal in question with the exception of a charge of failure to license;
  - (d) Determination by any state or subdivision thereof that the animal in question is a potentially dangerous animal.

### Subd. 2. Potentially Dangerous Animals; Requirements.

- (a) *Microchip Identification*. The owner of a potentially dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the animal's owner. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous animal.
- (b) *Confinement*. All potentially dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen, kennel, or fenced yard, except when leashed as required. Confinement does not include a porch, patio, unfenced yard, "invisible fence" or any part of a house, garage, cage, or other structure that would allow the animal to exit of its own volition or any house or structure in which screens are the only obstacles to preventing the animal from exiting.
- (c) *Impoundment*. Any potentially dangerous animal found off the premises of the owner, harbinger, keeper, or custodian of same, is subject to immediate seizure and impoundment.

### Subd. 3. Dangerous Animals; Declaration.

The animal control authority shall make such declaration upon a finding that the animal in question has:

- (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- (b) Killed a domestic animal without provocation while off the owner's property; or
- (c) Been found to be potentially dangerous and, after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

In making such a determination, the animal enforcement officer may rely upon any or all of the following:

- (a) Citizen complaint from an identified member of the public;
- (b) Police or citizen reports of running at large or other public nuisance;
- (c) Citation or convictions of an ordinance or statutory violation independent of site of violation involving the animal in question with the exception of a charge of failure to license;
- (d) Determination by any state or subdivision thereof that the animal in question is a dangerous animal.

#### Subd. 4. Dangerous Animals; Registration.

1. *Requirement.* No person may own a dangerous animal in the city unless the animal is registered as provided in this section.
2. *Registration.* The animal control authority shall issue a certificate of registration to the owner of a dangerous animal, if the owner presents sufficient evidence that:
  - (a) A proper enclosure exists for the dangerous animal and a posting on the premises with a clearly visible warning sign that there is a dangerous animal on the property, including a warning symbol to inform children;
  - (b) A policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$1,000,000 insuring the owner for any personal injuries inflicted by the dangerous animal;
  - (c) The owner has paid an annual fee to the SLMPD, in addition to any regular licensing fees, to obtain a certificate of registration for a dangerous animal under this section; and
  - (d) The owner has had microchip identification implanted in the dangerous animal.
3. *Warning Symbol.* If the animal control authority issues a certificate of registration to the owner of a dangerous animal pursuant to Subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous animal on the property. The warning symbol must be the uniform symbol provided by the Minnesota Commissioner of Public Safety. The Animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.
4. *Dangerous Animal Designation Review.* Beginning six months after an animal is declared dangerous, an owner may request annually that the designating animal control authority review the designation. The owner must provide evidence that the animal's behavior has changed due to age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the animal's behavior has changed, the Authority may rescind the dangerous animal designation.
5. *Law Enforcement; Exemption.* The provisions of this section do not apply to dogs used by law enforcement officials for police work.
6. *Exemption.* Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:
  - (a) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
  - (b) Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
  - (c) Who was committing or attempting to commit a crime.
7. *Tag.* A dangerous animal registered under this section must have a standardized, easily identifiable tag identifying the animal as dangerous and containing the uniform dangerous animal symbol, affixed to the animal's collar at all times.

#### Subd. 5. Dangerous Animals; Requirements.

1. *Requirements.*
  - (a) An owner of a dangerous animal shall keep the animal, while on the owner's property, in a proper enclosure. If the animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible adult. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration.

- (b) The owner of a dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the animal's owner. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous animal.
  - (c) An owner of a dangerous animal must renew the registration of the animal annually until the animal is deceased. If the animal is removed from the jurisdiction, it must be registered as a dangerous animal in its new jurisdiction.
  - (d) An owner of a dangerous animal must notify the animal control authority in writing of the death of the animal or its transfer to a new location where the animal will reside, within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition or the complete name, address, and telephone number of the person to whom the animal has been transferred or the address where the animal has been relocated.
  - (e) An animal control authority shall require a dangerous animal to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the animal and have it sterilized at the owner's expense.
  - (f) A person who owns a dangerous animal and who rents property from another where the animal will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will reside at the property.
2. *Right to hearing.* The owner of any animal declared dangerous has the right to a hearing concerning the dangerous dog or dangerous animal declaration and, if applicable, prior potentially dangerous dog or potentially dangerous animal declarations for the animal. The animal owner must make the request in writing, on a form provided by the SLMPD, within 14 days of receiving notice of the declaration. Failure to do so within 14 days of the date of receiving the notice will terminate the owner's right to a hearing under this section. Any hearing must be held within 14 days of the request to determine the validity of the declaration. The hearing officer must be an impartial person retained by the city or by the SLMPD to conduct the hearing. In the event that the declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the animal's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.
3. *Requirements during appeals process.* While awaiting final disposition of an appeal of a dangerous animal declaration, the owner of the animal shall keep the animal, while on the owner's property, in a proper enclosure. If the animal is outside the proper enclosure, it must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration. A person who transfers ownership of a dangerous dog or dangerous animal must notify the new owner that the animal control authority has identified the animal as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

#### Subd. 6. Confiscation.

##### 1. *Seizure.*

- (a) The animal control authority having jurisdiction shall immediately seize any dangerous animal if:
    - 1) After 14 days after the owner has notice that the animal is dangerous, the animal is not validly registered under this section; or
    - 2) After 14 days after the owner has notice that the animal is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under this section; or
    - 3) The animal is not maintained in the proper enclosure; or
    - 4) The animal is outside the proper enclosure and not under physical restraint of a responsible person as required in the previous section.
    - 5) The animal is not sterilized within 30 days.
  - (b) If an owner of an animal is convicted of a crime for which the animal was originally seized, the court may order that the animal be confiscated and may be disposed of in a manner permitted by law and that the owner pay the costs incurred in confiscating, confining, and destroying the animal.
2. *Animals reclaimed.* A dangerous animal seized under subd 6(1) may be reclaimed by the owner of the animal, upon payment of impounding and boarding fees, and presenting proof to the animal control authority that the requirements of the previous section will be met. An animal not reclaimed under this subdivision within seven days may be surrendered to the Animal Humane Society or humanely euthanized, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the animal.

Subd. 7. Destruction of Animals in Certain Circumstances.

1. *Circumstances.* An animal may be destroyed in a proper and humane manner by the animal control authority if the animal:
  - (a) Inflicted substantial or great bodily harm on a human on public or private property without provocation; or
  - (b) Inflicted multiple bites on a human on public or private property without provocation; or
  - (c) Bit multiple human victims on public or private property in the same attack without provocation; or
  - (d) Bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.
2. *Right to hearing.* The animal control authority may not destroy an animal until the animal owner has had the opportunity for a hearing before an impartial hearing officer designated by the animal control authority. The animal owner must request a hearing within 14 days after the animal control authority provides notice that it intends to destroy the animal.

**Section 445.70. Penalties for Violation.**

A person who violates a provision of this ordinance is guilty of a misdemeanor.

**Section 445.75. Enforcement.**

Citations are issued for certain violations. The animal control officer or police officer is authorized to issue a citation to any person, firm, or entity for any alleged violations of this ordinance and any other ordinances or statutes which provide the basis for prosecution of violations of this ordinance. Nothing within this ordinance shall be construed to limit the authority of animal control officers or police officers to enforce any provisions of this ordinance or related statutes or ordinances.

**Section 445.80. Appendices.**

Subd. 1. Dog Licensing Required.

- (a) All dogs kept in the city shall be registered in the office of the city clerk. The owner shall obtain a license and tag for each dog and pay for each such fee as the city council may adopt and set forth in chapter 5 of this code book. The council may provide for higher license fees for female dogs than for male or spayed females. The license tag shall be securely attached around the dog's neck and kept there at all times during the license period. If the tag is lost or stolen, the owner shall purchase a duplicate license and tag from the city clerk.
- (b) The license shall be for a term of up to 2 years provided that in the event the dog's rabies certificate from a licensed veterinarian expires prior to the end of the license term, the owner shall, on or before expiration of the rabies certificate, provide evidence of a new, valid rabies certificate or the license shall become null and void. No license shall be issued for a dog unless the owner shall show written evidence that the dog has been inoculated for the prevention of rabies within the past 2 years.

Subd. 2. Limit on Number of Cats, Dogs, or Other Animals. No person shall own, keep, harbor, or maintain, or otherwise house more than a combined total of 3 cats, dogs, or other animals over the age of 6 months, within any household.

Subd. 3. Running at Large Prohibited. No owner of a dog, cat, or other animal owner, shall permit same to run at large, but this shall not prohibit the appearance of the animal upon the streets or other public places when such animal is under restraint. The finding of any dog, cat or animal running at large shall be prima facie evidence of a violation of this section by the owner of said animal."

**SECTION 2.**

Greenwood ordinance code section 1205.00 is amended to add the following definitions:

"Animal Control Authority means an agency of the state, county, municipality or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Animal Shelter means any premises designated by the city council or the SLMPD for the purpose of impounding and caring for animals held under the authority of this ordinance.

Barking. The phrase "to bark excessively, continuously, or untimely" includes, but is not limited to, barking, whining, howling, baying, crying, or making other noise excessively, such that the creation of the noise by any single or combination of dogs can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least

a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period. "Untimely" includes, but is not limited to, the noise which occurs repeatedly over a two-minute period of time with one-minute or less lapse of time between each animal noise during the two-minute period, between 10pm and 7am.

Bodily Harm means physical pain or injury, illness, or any impairment of physical condition.

Bodily Harm, Substantial means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Bodily Harm, Great means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Commercial means a kennel used for boarding and breeding or selling dogs for a profit.

Dangerous Animal means an animal, including dangerous dogs, as defined in Minnesota statutes section 347.50, as amended, which states:

- (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- (b) Killed a domestic animal without provocation while off the owner's property; or
- (c) Been found to be potentially dangerous and, after the owner has received notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Dealer, Animal means a public or private agency, person, society, or corporation that sells or transfers dogs or cats to corporations, institutions or to other dealers who sell or transfer to corporations or institutions.

Animal Waste Device means a device for sanitary removal of animal feces.

Domesticated (Domestic) Animal means such animals as dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar domesticated animals.

Non-Domesticated (Non-Domestic) Animal means animals which are naturally wild and not naturally trained or domesticated, or which are inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- (a) Any member of the cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;
- (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs;
- (c) Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets;
- (d) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators; and
- (e) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subsection including, but not limited to, bears, deer, monkeys and other species non-indigenous to Minnesota.
- (f) Any animal defined as livestock by Minnesota Department of Agriculture Rule 1515.3100.

Owner, Animal means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

Potentially Dangerous Animal means any animal, including a potentially dangerous dog as defined in Minnesota Statutes, Section 347.50, as amended, that:

- (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
- (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
- (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or
- (d) Has been declared a potentially dangerous dog or potentially dangerous animal by any lawful authority of this or any other state or subdivision thereof.



Premises, Animal means a building, structure, shelter, or land where a dog or other domesticated or non-domesticated animal is kept or confined, and specifically excludes all public rights-of-way, sidewalks, and streets.

Proper Enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting.

Provocation means an act that an adult could reasonably expect may cause an animal to attack or bite. With regard to an animal other than a dog, provocation also means an act that an adult could reasonably expect may cause an animal of that species to attack or bite.

Restraint. An animal is considered to be under restraint, provided that:

- (a) It is on the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or
- (b) It is in a private motor vehicle or camper, with secured windows and doors, of a person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or
- (c) In all other locations, other than animals in a designated "off-leash" park, it is on a secure leash of no longer than six feet in length.

*SLMPD* means the South Lake Minnetonka Police Department."

## SECTION 2.

The following definitions in Greenwood ordinance code section 1205.00 are deleted in their entirety and replaced with the following:

"At Large means any animal when it is off the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal, and the animal is not under restraint.

Public Nuisance, Animal means any animal that habitually worries, chases or molests persons travelling peaceably on a public road or off the premises of its owner, or violates a prohibition of this ordinance, is a public nuisance. It shall be considered a nuisance for any animal to bark excessively, continuously or untimely; to frequent school grounds, parks, or public beaches; to chase vehicles; to chase, molest, annoy or bite any person if the person is not on the property of the owner or custodian of the animal; to molest, defile or destroy any property, public or private; or to defecate in or upon public property or the property of another without being cleaned up immediately by the person in charge of the animal. The person having custody of the animal is responsible for disposing of the animal feces in a sanitary manner. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall subject the owner or custodian to penalty."

## SECTION 3.

The following definitions in Greenwood ordinance code section 1205.00 are deleted in their entirety:

"Private Kennel means any place where more than 2, but in no event more than 3 dogs, cats, or other animals over 6 months of age are kenneled, kept, or harbored.

Under Restraint means an animal that is: (a) On the premises of the person harboring or keeping the animal; or (b) If off the premises of the owner, the animal is on a leash."

## SECTION 4.

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

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

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

CITY OF GREENWOOD

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

Attest: \_\_\_\_\_  
Gus E. Karpas, city clerk

First reading: \_\_\_\_\_, 2013  
Second reading: \_\_\_\_\_, 2013  
Publication: \_\_\_\_\_, 2013



**Agenda Number: 7A**

**Agenda Date: 01-02-14**

*Prepared by Deb Kind*

**Agenda Item:** Ordinance 226 Swimming Pool Regulations

**Summary:** Below is the timeline for the attached ordinance regarding variance extensions.

- |          |   |
|----------|---|
| 12-05-13 | Public hearing notice published in Sun-Sailor (at least 10 days prior to the public hearing).           |
| 12-18-13 | Planning commission held the public hearing and made a recommendation for approval to the city council. |
| 01-02-14 | City council considers 1st reading of the ordinance.  |
| 02-05-14 | City council considers 2nd reading of the ordinance.  |
| 02-06-14 | Ordinance submitted to Sun-Sailor.  |
| 02-13-14 | Ordinance published in Sun-Sailor (the ordinance goes into effect the date it is published).            |

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

1. I move the city council approves the 1st reading of ordinance 226.
2. I move the city council approves the 1st reading of ordinance 226 with the following revisions: \_\_\_\_\_.
3. Other motion ???

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must hold a public hearing and make a recommendation to the city council regarding any changes to the zoning code chapter 11.*

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING  
GREENWOOD ORDINANCE CODE CHAPTER 1100  
REGARDING SWIMMING POOLS**

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

SECTION 1.

Greenwood ordinance R-1A residential zoning code section 1120.05, subd. 2 is amended to read as follows:

"Subd. 2. Accessory Uses.

- (a) Private garages.
- (b) Tool house, sheds and similar storage areas for domestic supplies.
- ~~(c) Privately owned swimming pools for the use and convenience of the resident and their guests.~~
- (d) Off-street parking.
- (e) Commonly accepted playground equipment and park shelter buildings.
- (f) Home occupations as regulated by section 480.
- (g) Swimming beaches.
- (h) Boat docks.
- (i) Signs as regulated in section 1140 et seq.

Subd. 3. Conditional Uses.

- a) Public utilities including such items as electrical distribution station or any such similar structure located above ground
- b) Permanent in-ground, at-grade swimming pools for the use and convenience of the resident and their guests.
- c) Uses mandated in state statutes as conditional uses."

SECTION 2.

Greenwood ordinance R-1B residential zoning code section 1122.05, subd. 2 is amended to read as follows:

"Subd. 2. Accessory Uses.

- (a) Private garages.
- (b) Sheds and similar storage areas for domestic supplies.
- ~~(c) Privately owned swimming pools for the use and convenience of the resident and their guests.~~
- (d) Off-street parking.
- (e) Commonly accepted residential playground equipment and park shelter buildings.
- (f) Boat docks.
- (g) Home occupations as regulated by section 480.
- (h) Signs as regulated in section 1140 et seq.

Subd. 3. Conditional Uses.

- a) Public utilities including such items as electrical distribution station or any such similar structure located above ground.
- b) Permanent in-ground, at-grade swimming pools for the use and convenience of the resident and their guests.
- c) Uses mandated in state statutes as conditional uses."

SECTION 3.

Greenwood ordinance R-1C residential zoning code section 1123.05, subd. 2 is amended to read as follows:

"Subd. 2. Accessory Uses.

- (a) Private garages.
- (b) Tool house, sheds and similar storage areas for domestic supplies.
- ~~(c) Privately owned swimming pools for the use and convenience of the resident and their guests.~~
- (d) Off-street parking.
- (e) Commonly accepted playground equipment and park shelter buildings.
- (f) Home occupations as regulated by section 480.
- (g) Signs as regulated in section 1140 et seq."

Subd. 3. Conditional Uses.

- a) Public utilities including such items as electrical distribution station or any such similar structure located above ground.
- b) Permanent in-ground, at-grade swimming pools for the use and convenience of the resident and their guests.

c) Uses mandated in state statutes as conditional uses.”

SECTION 4.

Greenwood ordinance code section 1140.11 is created to read as follows:

**“Section 1140.11. Swimming Pool Standards.**

The following standards shall apply to all permanent in-ground, at-grade swimming pools:

1. Must comply with the setback standards of the zoning district in which they are located as measured to the outside edge of the decking. In no instance shall the setback be less than 15 feet.
2. All equipment related to operation or maintenance must comply with the setback standards of the zoning district. In no instance shall the setback be less than 15 feet.

SECTION 5.

Greenwood ordinance code section 1140.10 is amended to read as follows:

**“SECTION 1140.10. Accessory Buildings.**

Subd. 2. A detached accessory building shall not be located in any required front yard. An accessory building shall not be located between the lakeshore and that side of the principal building nearest the lake. Permanent in-ground, at-grade swimming pools may placed between the lakeshore and principal structure only if the required lake yard setback is met and a conditional use permit is issued by the city council.”

SECTION 6.

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

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

\_\_\_ AYES and \_\_\_ NAYS.

CITY OF GREENWOOD

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

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

First reading: \_\_\_\_\_, 2014  
Second reading: \_\_\_\_\_, 2014  
Publication: \_\_\_\_\_, 2014



**Agenda Number: 7B**

**Agenda Date: 01-02-14**

*Prepared by Deb Kind*

**Agenda Item:** Ordinance 227 Alcohol Regulations (changing hours of service)

**Summary:** Currently there is only one liquor license holder in the city (Old Log). To be consistent with historic liquor hours, the liquor ordinance has been revised (see attached). Since the liquor ordinance is not part of the zoning code, review by the planning commission is not required. Below is the timeline for the ordinance ...

- 01-02-14 City council considers 1st reading of the ordinance.
- 02-05-14 City council considers 2nd reading of the ordinance.
- 02-06-14 Ordinance submitted to Sun-Sailor.
- 02-13-14 Ordinance published in Sun-Sailor (the ordinance goes into effect the date it is published).

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

1. I move the city council approves the 1st reading of ordinance 227.
2. I move the city council approves the 1st reading of ordinance 227 with the following revisions: \_\_\_\_\_.
3. Other motion ???

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must hold a public hearing and make a recommendation to the city council regarding any changes to the zoning code chapter 11.*

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION REGARDING INTOXICATING LIQUOR HOURS**

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

SECTION 1.

Greenwood ordinance code section 820.55 Conditions of License, subd. 4(a) is amended read as follows:

"Subd. 4. Hours.

- (a) *Hours of Sale.* Sale of intoxicating liquor shall be permitted between the hours of ~~8am and 1am, Monday-Saturday; and 10am to 1am Sunday~~ 10am and 11pm for restaurants; 10am and 11:30pm for special events (e.g. wedding receptions, benefit concerts, etc.). Not only must the sale of intoxicating liquor cease at the closing hour appointed ~~each day~~ by city code but also all persons, other than employees of the licensee, shall vacate the licensed premises within ~~45~~ 30 minutes of said closing hour. Notwithstanding anything contained in this subdivision, a licensee may keep his/her premises open for his/her normal business purposes except the sale of liquor, before the liquor serving hours, provided that such licensee has closed off all access to the bar in a manner approved by the council."

SECTION 2.

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

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

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

CITY OF GREENWOOD

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

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

First reading: \_\_\_\_\_, 2014  
Second reading: \_\_\_\_\_, 2014  
Publication: \_\_\_\_\_, 2014



**Agenda Number: 7C**

**Agenda Date: 01-02-14**

*Prepared by Deb Kind*

**Agenda Item:** Resolution 01-14, Setting Dates for 2014

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

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

1. I move the council approves resolution 01-14 to set key dates for 2014.
2. I move the council approves resolution 01-14 to set key dates for 2014, with the following revisions: \_\_\_\_\_.






# LAKE MINNETONKA CONSERVATION DISTRICT

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

Gregory S. Nybeck, EXECUTIVE DIRECTOR

December 10, 2013

TO: LMCD Member Cities

FROM: Greg Nybeck, Executive Director 

SUBJECT: Appointment of 2014 Board Members

It is approaching the time of the year when terms for some members of the Lake Minnetonka Conservation District (LMCD) Board of Directors will expire. Terms on the LMCD Board run from February 1<sup>st</sup> through January 31<sup>st</sup> of the following year. The state enabling LMCD legislation calls for Board members to be appointed by their respective member city for a three-year term. There is no applicable term limits for Board members.

Because the application of the LMCD ordinances are inherently unique and it takes some period of time for new Board members to come up to speed, it would be difficult and undesirable to have all terms expire at the same time, possibly ending up with a completely, or mostly, new Board. The LMCD has, therefore, requested the 14 cities to stagger the terms by appointing five members the first year, five the second year, and four the third year (5-5-4). We realize that some of the cities prefer to make all their appointments yearly; however, this is not consistent with the LMCD enabling act. The cities do have the ability to recall their member anytime and appoint another for the remainder of a 3-year term if the need arises.

Below is a list of the current Board members; under which the year in January their term expires:

## 2014

Doug Babcock- Tonka Bay  
Kent Carlson - Deephaven  
Jay Green - Mound  
Gary Hughes – Spring Park  
Anne Hunt – Minnetrista  
Andrew McDermott – Orono  
Fred Meyer- Woodland  
Rob Roy- Greenwood  
Mark Sylvester- Shorewood

## 2015

Dan Baasen- Wayzata  
Ann Hoelscher- Victoria  
Jeff Morris- Excelsior

## 2016

Dennis Klohs- Minnetonka Beach  
Sue Shuff- Minnetonka

**In order to achieve the goal of staggering Board member appointments to the fullest extent possible, the LMCD requests the following cities appoint Board members for the terms noted. All terms will begin in February, 2013:**



LMCD Member Cities  
December 10, 2013  
Page 2

Deephaven	1 Year
Greenwood	3 Years
Minnetrista	2 Years
Mound	3 Years
Orono	2 Years
Shorewood	2 Years
Spring Park	3 Years
Tonka Bay	3 Years
Woodland	1 Year

**No action needs to be taken by the Cities of Excelsior, Minnetonka, Minnetonka Beach, Victoria, and Wayzata.**

Please advise our office if for some reason your records are not in agreement with ours. Also, enclosed is a spreadsheet that summarizes each Board member's attendance through September 2013. This information is intended for review by your city council.

Your prompt attention and cooperation in processing this important appointment is appreciated.

**BOARD ATTENDANCE**  
**OCTOBER 10, 2012 TO SEPTEMBER 25, 2013**

MEMBER CITY	BOARD MEMBER	NUMBER MEETINGS ATTENDED	TOTAL MEETINGS	RATE OF ATTENDANCE
Deephaven	David Gross (10/10/12 - 10/24/12) & (4/24/13 - 9/25/13)	10	13	77%
	Keith Kask (11/14/12 - 3/27/13)	6	8	75%
Excelsior	Jeff Morris (10/10/12 - 9/25/13)	21	22	95%
Greenwood	Kelsey Page (10/10/12 - 12/26/12)	4	4	100%
	Rob Roy (1/9/13 - 9/25/13)	13	18	72%
Minnetonka	Sue Shuff (10/10/12 - 9/25/13)	19	22	86%
Minnetonka Beach	Dennis Klohs (10/10/12 - 9/25/13)	19	22	86%
Minnetrista	Anne Hunt (10/10/12 - 9/25/13)	9	22	41%
Mound	Steve Johnson (10/10/12 - 12/26/12)	3	4	75%
	Jay Green (1/9/13 - 9/25/13)	17	18	94%
Orono	Andrew McDermott (10/10/12 - 9/25/13)	19	22	86%
Shorewood	Mark Sylvester (10/10/12 - 9/25/13)	10	22	45%
Spring Park	Gary Hughes (10/10/12 - 9/25/13)	20	22	91%
Tonka Bay	Doug Babcock (10/10/12 - 9/25/13)	19	22	86%
Victoria	Bill Olson (10/10/12 - 1/23/13)	5	6	83%
	Ann Hoelscher (2/13/13 - 9/25/13)	11	16	69%
Wayzata	Dan Baasen (10/10/12 - 9/25/13)	19	22	86%
Woodland	James Doak (1/23/13 - 3/27/13)	4	5	80%
	Fred Meyer (10/10/12 - 1/9/13) & (4/10/13 - 9/25/13)	13	17	76%

**Resolution 02-14**  
City of Greenwood Appointments & Assignments for 2014

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments for 01-01-14 through 12-31-14.

OFFICE & DESIGNATIONS	2013 HOLDER	2014 HOLDER
Mayor Pro-Tem	Bob Quam	Bob Quam
Administrative Committee	Tom Fletcher, Deb Kind	Tom Fletcher, Deb Kind
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Mark Kelly	Mark Kelly
Auditor	CliftonLarsonAllen	CliftonLarsonAllen
Bank Signatures	Kind, Quam, Courtney	Kind, Quam, Courtney
Building Official	Bob Manor	Bob Manor
Clerk	Gus Karpas	Gus Karpas
Depositories	Bridgewater Bank, Beacon Bank	Bridgewater Bank, Beacon Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wed (Jan, Mar, May, Jul, Sep, Nov)	Tom Fletcher, Bob Quam (alt.)	Tom Fletcher, Bob Quam (alt.), Bill Cook (2nd alt.)
Forester / Tree Inspector	Manuel Jordan	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representative 2 representatives, 1 must be elected official, meets 3rd Tues (Feb, May, Aug, Nov)	Tom Fletcher, Deb Kind, Rob Roy (alternate)	Tom Fletcher, Deb Kind, Rob Roy (alternate)
Lake Minnetonka Conservation District (LMCD) Rep – 2nd and 4th Wed	Rob Roy (1/31/14)	Rob Roy (1/31/17)
Marina Clerk	Deborah Hicks	Gus Karpas
Minnetonka Community Education (MCE) Representative – 4th Mon	Bob Quam	Bob Quam
Newspapers	Sun-Sailor, Star Tribune (alternate)	Sun-Sailor, Star Tribune (alternate)
Planning Commissioners – 3rd Wed	A-1 Douglas Reeder (8/11-3/14)	A-1 Douglas Reeder (8/11-3/14)
	A-2 John Beal (1/04-3/14)	A-2 John Beal (1/04-3/14)
	A-3 Dave Paeper (3/07-3/14)	A-3 Dave Paeper (3/07-3/14)
	B-1 Pat Lucking (2/01-3/15)	B-1 Pat Lucking (2/01-3/15)
	B-2 Kristi Conrad (10/11-3/15)	B-2 Kristi Conrad (10/11-3/15)
	Alt-1 Vacant (3/14)	Alt-1 Vacant (3/14)
	Alt-2 Vacant (3/15)	Alt-2 Vacant (3/15)
Planning Commission Liaison – 3rd Wed	Bill Cook	Bill Cook
Prosecutor	Greg Keller	Greg Keller
Responsible Authority (Govt. Data Practices Act)	Gus Karpas	Gus Karpas
Road and Sewer Liaison	Bob Quam	Bob Quam
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (Must be mayor, meets quarterly)	Deb Kind, Bob Quam (alternate)	Deb Kind, Bob Quam (alternate)
Treasurer	Mary Courtney	Mary Courtney
Utility Billing Clerk	Deborah Hicks	Deborah Hicks
Weed Inspector (Must be mayor), Assistant Weed Inspector	Deb Kind, Assistant Gus Karpas	Deb Kind, Assistant Gus Karpas
Zoning Administrator	Gus Karpas	Gus Karpas

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

that any and all commissioners, appointees, representatives, delegates, or other non-elected officials of the city shall hold their official status or membership on a basis subject to resolution, subject to reconsideration, and/or removal at the insistence of the city council.

This resolution is enacted pursuant to the codes of the city.

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

There were \_\_\_\_ AYES and \_\_\_\_ NAYS

By: \_\_\_\_\_  
Debra J. Kind, Mayor, City of Greenwood

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



Agenda Number: **FYI**

**Agenda Item:** FYI Items in Council Packet

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

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

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11/15/2013 ▾

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<a href="#">Planning Commission</a>	90	2.3%
<a href="#">City Departments</a>	76	1.94%
<a href="#">Mayor &amp; City Council</a>	75	1.92%
<a href="#">Budget &amp; Finances</a>	75	1.92%
<a href="#">Assessments &amp; Taxes</a>	71	1.81%
<a href="#">Code Book</a>	69	1.76%
<a href="#">RFPs &amp; Bids</a>	60	1.53%
<a href="#">Welcome to Greenwood</a>	57	1.46%
<a href="#">Old Log Events</a>	56	1.43%
<a href="#">Meetings on TV</a>	54	1.38%
<a href="#">Photo Gallery</a>	51	1.3%
<a href="#">Comp Plan &amp; Maps</a>	51	1.3%
<a href="#">Garbage &amp; Recycling</a>	50	1.28%
<a href="#">Links</a>	50	1.28%
<a href="#">Meetings</a>	48	1.23%
<a href="#">What's New?</a>	45	1.15%
<a href="#">Public Safety</a>	43	1.1%
<a href="#">Well Water</a>	43	1.1%
<a href="#">Forms &amp; Permits</a>	43	1.1%
<a href="#">Xcel Project</a>	42	1.07%
<a href="#">Search Results</a>	41	1.05%
<a href="#">Lake Minnetonka</a>	40	1.02%
<a href="#">Milfoil Project</a>	39	1%
<a href="#">Parks &amp; Trails</a>	38	0.97%
<a href="#">Elections</a>	37	0.95%
<a href="#">Watercraft Spaces</a>	36	0.92%

### Quick Tips

The reports offered in your Site Statistics tool only track activity on the public side of your site.

In each report, a section named "Default" and a section named "Home" may appear.

A page view gets attributed to "Default" when a visitor to your site types your URL into his or her Web browser. In most cases, the "Default" section is your Home Page.

A page view gets attributed to "Home" each time a visitor clicks the "Home" button on your Web site.

In the Page View (Default) report, only sections with Web traffic are reported and they are listed in page view order.

In the Page View by Section report, sections are listed in the order they appear in the navigation menu and are reported regardless of their traffic level.

In the Referrers report, it is important to remember that your own site acts like a referrer. So, don't be surprised if you see your own Web address(es) listed -- this tracks the number of times people went from one part of your site to another.

<a href="#">Watercraft Spaces</a>	36	0.92%
<a href="#">Spring Clean-Up Day</a>	36	0.92%
<a href="#">Crime Update</a>	34	0.87%
<a href="#">Met Council Project</a>	28	0.72%
<a href="#">Community Surveys</a>	26	0.66%
<a href="#">Animal Services</a>	25	0.64%
<a href="#">Email List</a>	25	0.64%
<a href="#">Health &amp; Safety</a>	19	0.49%
<a href="#">Southshore Center</a>	18	0.46%
<a href="#">Events</a>	11	0.28%
<a href="#">Sewer Pipe Help</a>	6	0.15%
<a href="#">Planning &amp; Zoning Workshop</a>	5	0.13%
<a href="#">Unsubscribe</a>	2	0.05%
---	1	0.03%
<b>TOTAL</b>	<b>3915</b>	<b>100%</b>

## Unique IPs by Section

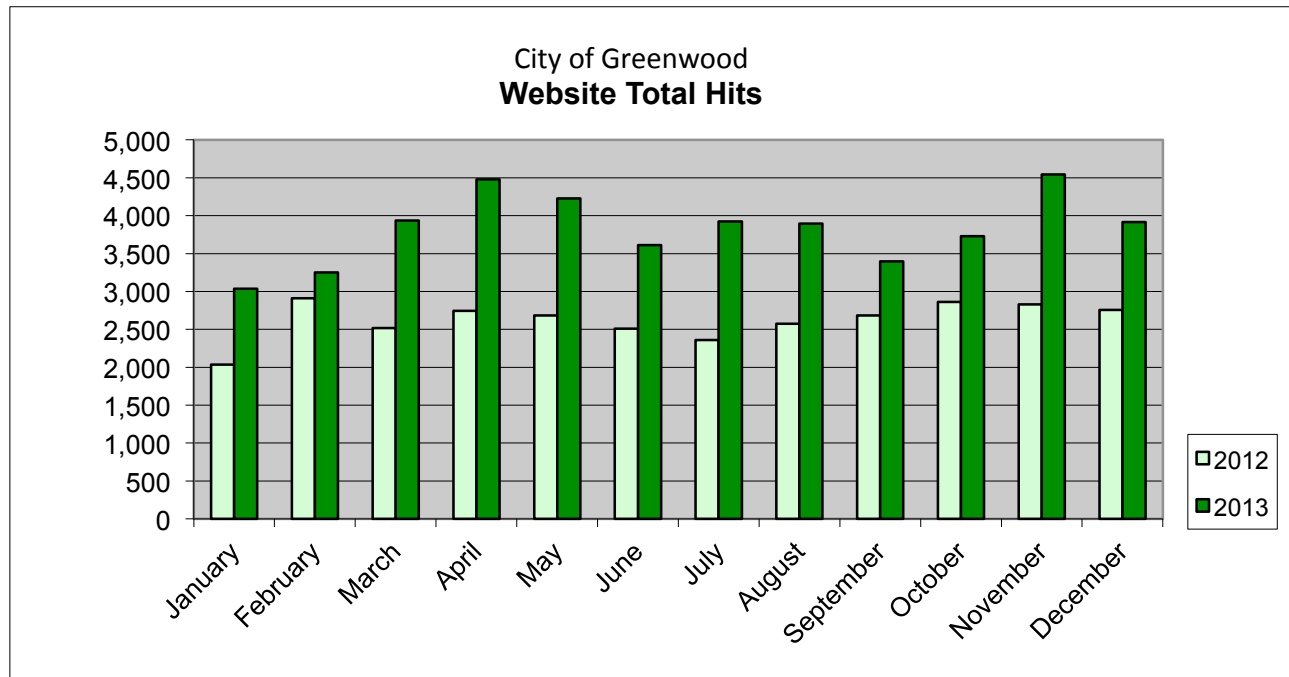
Section	Unique IPs	Percent of Total IPs
Default Home Page	511	32.06%
Agendas, Etc.	114	7.15%
Mayor & City Council	58	3.64%
City Departments	57	3.58%
Code Book	42	2.63%
Swiffers NOT Flushable	41	2.57%
Photo Gallery	40	2.51%
Planning Commission	40	2.51%
Welcome to Greenwood	35	2.2%
Comp Plan & Maps	34	2.13%
Budget & Finances	31	1.94%
Old Log Events	30	1.88%
What's New?	30	1.88%
Links	30	1.88%
Assessments & Taxes	30	1.88%
Crime Update	29	1.82%
Garbage & Recycling	29	1.82%
Forms & Permits	29	1.82%
RFPs & Bids	28	1.76%
Lake Minnetonka	23	1.44%
Elections	23	1.44%
Public Safety	23	1.44%
Meetings	22	1.38%
Well Water	21	1.32%
Xcel Project	21	1.32%
Animal Services	21	1.32%
Meetings on TV	20	1.25%
Met Council Project	19	1.19%
Watercraft Spaces	19	1.19%
Parks & Trails	18	1.13%
Milfoil Project	17	1.07%
Community Surveys	17	1.07%
Email List	17	1.07%
Health & Safety	16	1%
Spring Clean-Up Day	15	0.94%
Search Results	15	0.94%
Southshore Center	13	0.82%
Events	7	0.44%
Planning & Zoning Workshop	4	0.25%
Sewer Pipe Help	3	0.19%
Unsubscribe	1	0.06%
---	1	0.06%
<b>TOTAL</b>	<b>1594</b>	<b>100%</b>

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

Generate and Download

Done





Month	2012	2013	Variance with Prior Month	Variance with Prior Year	Bulk Email List
January	2,034	3,038	280	1,004	134
February	2,911	3,252	214	341	136
March	2,516	3,936	684	1,420	137
April	2,746	4,478	542	1,732	138
May	2,682	4,229	-249	1,547	138
June	2,509	3,613	-616	1,104	140
July	2,361	3,924	311	1,563	140
August	2,574	3,894	-30	1,320	140
September	2,682	3,395	-499	713	141
October	2,860	3,731	336	871	145
November	2,828	4,543	812	1,715	144
December	2,758	3,915	-628	1,157	144
<b>AVERAGE</b>	<b>2,622</b>	<b>3,829</b>			

**POPULATION:** 688  
**EMAIL ADDRESSES % OF POPULATION:** 20.93%

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, December 18, 2013**  
**7:00 P.M.**

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

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

Members Present: Chairman Pat Lucking and Commission members John Beal, Kristi Conrad, David Paeper and Douglas Reeder

Absent: None

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

**2. APPROVE AGENDA**

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

**3. MINUTES – November 20, 2013**

Commissioner Paeper moved to approve the minutes of November 20, 2013 as presented. Commissioner Beal seconded the motion. Motion carried 5-0.

**4. PUBLIC HEARING**

**Variance Request, Kam Talebi, 5560 Maple Heights Road** – Request to construct a swimming pool between the principal structure and the lakeshore. Swimming pools are considered an accessory structure per Section 1102 of the city code.

Section 1140.10(2) of the Zoning Ordinance does not permit the placement of an accessory structure between the lakeshore and the side of the principal building nearest the lake.

Chairman Lucking discussed the request noting the property was granted a variance to place a swimming pool in the same location as is being requested in 2003. The pool was not constructed within a year of that approval, therefore the variance has expired.

Commissioner Beal commented he didn't see how the request would impact the adjacent properties.

Commissioner Reeder asked if the pool would be visible to adjacent properties and how the grade would be impacted. Dave Erotas, Erotas Building Corporation, said the existing grade is not the final grade, and it will eventually be feathered to naturally flow up to the pool. Mr. Erotas said the pool would not be visible to adjacent properties since it is placed below the main level of the home.

Chairman Lucking opened the public hearing.

Zoning Karpas noted he received an email from Mark and Nancy Bendix, 5580 Maple Heights Road, in favor of the request.

Hearing no further comment, the hearing was closed.

Motion by Commissioner Beal to recommend the city council approve the application of Kam Talebi for a variance to Greenwood Ordinance Code section 1140.10(2) to permit the construction of an accessory structure between the lakeshore and a principal structure as presented.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, December 18, 2013**  
**7:00 P.M.**

Commissioner Conrad seconded the motion. Motion carried 4-1. Commissioner Reeder voted against the motion to approve. He felt pools are unnecessary on lake lots.

**ORDINANCE NO. 226** – An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Code Section 1100 Regarding Swimming Pools, Spas, and Hot Tubs

Zoning Administrator Karpas read the staff memo to the Commission. The city council directed Planning Commission to review the existing swimming pool regulations and draft an ordinance that was more representative of the types of requests received by the city. The commission reviewed the ordinance drafted by staff at their November meeting and made some minor adjustments and directed staff to schedule a public hearing.

Chairman Lucking opened the public hearing. Hearing no comment, the hearing was closed.

The Commission discussed some clarification points to ensure pools were permanent in-ground pools. A question was raised about infinity style pools and others that may require retaining walls due to grade issues. It was determined those would be reviewed on a case by case basis.

Motion by Commissioner Reeder to recommend the City Council approve Ordinance No. 226; An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Code Section 1100 Regarding Swimming Pools, Spas, and Hot Tubs. Beal seconded the motion. Motion carried 5-0.

**5. NEW BUSINESS**

**ORDINANCE NO. 228** - An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1155.10 Regarding Practical Difficulties Considerations

City Attorney Kelly discussed the proposed change stating that nothing prevents the city from reviewing standards outside those listed under the state statutes, but they cannot be used as the sole factors for denial. Commissioner Paeper noted the addition factors in the city's ordinance have never been used as the criteria for denying a variance. City Attorney Kelly said they may not have been, but they have been heavily relied on while reviewing some requests in more dense neighborhoods.

Commissioner Conrad asked if the city would like to add any additional considerations since it is amending the ordinance. Commissioner Beal noted the ordinance references "not limited to", which gives the city some latitude.

The Commission agreed that staff would amend the ordinance and schedule a public hearing for the January 15<sup>th</sup> meeting.

**DISCUSS** - Potential Shuman Woods Park Improvements

City Attorney Kelly summarized the content of a park plan which includes a discussion of the available parkland within the city and a listing of possible improvements. Doing this frees up the ability of the city to use park monies for improvements. He suggested the Commission set up a subcommittee to create a document of what the city has and what it may want to do to improve its park system.

Commissioner Conrad volunteered.

**6. LIAISON REPORT**

Council Liaison Cook was absent.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, December 18, 2013**  
**7:00 P.M.**

**7. ADJOURN**

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 7:58 pm.

Respectively Submitted  
Gus Karpas - Zoning Administrator