Greenwood City Council Meeting

7 PM, Tuesday, May 3, 2011
20225 Cottagewood Road ~ Deephaven, MN 55331 ~ 952-474-6633

AGENDA

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

7:00 PM 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

7:00 PM 2. CONSENT AGENDA

Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business.

A. Recommendation: Approve 04-05-11 City Council Worksession Minutes
B. Recommendation: Approve 04-05-11 City Council Minutes
C. Recommendation: Approve 04-14-11 Local Board of Appeal & Equalization Minutes
D. Recommendation: Approve March Cash Summary Report
E. Recommendation: Approve April Verifieds and Check Register
F. Recommendation: Approve May Payroll Register
G. Recommendation: Approve Public Access Procedures

7:05 PM 3. MATTERS FROM THE FLOOR

This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to three minutes.

7:10 PM 4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

A. City Engineer Dave Martini
   a. 2011 Road Project Recommendations and Rough Estimates
   b. Greenwood Sign Management Program to Comply with Federal Retroreflectivity Regulations
B. Announcement: Joint City Council & Planning Commission Worksession, 6 PM, Wed, May 18, 2011

7:45 PM 5. PUBLIC HEARINGS

A. None

7:45 PM 6. UNFINISHED BUSINESS

A. Consider: Greenwood Park Estimates

8:00 PM 7. NEW BUSINESS

A. Consider: Conditional Use Permit and Site Plan Review for 21900 Minnetonka Blvd. (former St. Alban's Boathouse Restaurant)
B. Consider: Ordinance 194 Setting the March 1 to May 1 Load Limit at 5 Tons Per Axle on City Streets
C. Consider: Resolution 11-11 Establishing Limited Clean-Up and Property Damage Protection for Sewer Back-Ups and Water Main Breaks for Water and Sewer Connections
D. Consider: Park & Dock Patrol Proposal for the City of Excelsior

9:30 PM 8. OTHER BUSINESS

A. None

9:30 PM 9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Milfoil, Lake Minnetonka Communications Commission
B. Kind: Police, Administration, Aquatic Invasive Species Mayor's Meeting, Lake Mtka. Mayor's Meeting
C. Page: Lake Minnetonka Conservation District
D. Quam: Roads & Sewer, St. Alban's Bay Bridge, Minnetonka Community Education
E. Rose: Excelsior Fire District

9:45 PM 10. ADJOURNMENT

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

Greenwood
City on the Lake

Agenda Number	**2A-F**
Agenda Date	05-03-11

Agenda Item	Consent Agenda
Summary	The following is a brief summary of this agenda item: The consent agenda includes the most recent council minutes, cash summary report, verifieds report, and check registers. This month's consent agenda also includes the annual update of public access procedures. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.
Council Action	Recommended Motion: I move that the council approve the consent agenda items as presented in the 15-03-11 council packet.

GREENWOOD CITY COUNCIL WORKSESSION
Tuesday, April 5, 2011 6:00 p.m.
Council Chambers - 20225 Cottagewood Road, Deephaven MN 55331

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

Mayor Pro Tem Quam called the meeting to order at 6:05 p.m.

Members present: Mayor Pro Tem Quam, Councilmembers Fletcher (6:25), Page and Rose

Others present: City Clerk Karpas

2. PRE-BOARD DISCUSSION WITH HENNEPIN COUNTY ASSESSORS

Mayor Pro Tem Quam noted the purpose of the meeting was to have a pre-Board of Review meeting with the city's assessors from Hennepin County. Assessor Nate Stulc introduced himself and Rob Winge from Hennepin County's Assessing office.

Mr. Stulc discussed the sales book provided by his office to the Council. He said the average assessments in Greenwood have been reduced along all property types with a 6.2% decrease in lakeshore residential valuation, a 2.1% decrease on off-lake residential and a 3.9% decrease on condo properties.

Mr. Stulc discussed the City of Greenwood 2011 assessment growth with other Lake Minnetonka lakeshore properties and presented a table showing the same cities based on their assessment growth for the last decade.

Councilmember Page noted that Greenwood had the largest growth of value over the decade. Mayor Pro Tem Quam asked if the numbers represented actual sales or the assessed value. Mr. Stulc said they were based on the average assessed growth.

Mr. Stulc discussed the 2011 comparisons from the sales book. Councilmember Page noted the difference in valuation between lakeshore and non-lakeshore properties. Mr. Stulc said lakeshore valuation is always going to be higher. Councilmember Rose confirmed that if the valuation of a property drop, the amount of that property's taxes also drops. Mr. Stulc said he was correct.

Councilmember Page asked about the response from residents on their property tax notifications. Mr. Stulc said it's been quiet county-wide and that he has fielded only three calls from the City of Greenwood, mostly questions rather concerns with their valuations. Page asked if any calls about their valuation being too low. Mr. Winge said the county gets calls like that, typically where a line of credit has been extended.

Mr. Winge said the valuations are dropping at a greater percentage on the lake since those properties were the ones that saw the greatest increases.

Mayor Pro Tem Quam asked about the process the assessors used. Mr. Stulc said the city is divided into five sections and that one section, or twenty percent, are reviewed annually per state statute. He said they will be looking at the Meadville area in 2012.

Mayor Pro Tem Quam asked about the process involved in a resident appealing their valuation. Mr. Stulc said typically they will contact the County prior to the meeting asking to appeal their valuation, though they are not required to and may just show up at the meeting. Councilmember Fletcher suggested that residents sign up prior to the meeting to give the assessors an opportunity to review their properties prior to the meeting. Quam asked what happens if someone signs up for appeal but does not let the assessors into their home. Mr. Winge said the city can't adjust the valuation unless an appraiser has been through the home.

The Council discussed the properties included in the sales book and questioned the difference in the assessment value and the actual sale price. Councilmember Page asked about the sale on Weeks Road where the property was purchased at a much higher value than it is currently assessed. Mr. Stulc said the assessment value is never equal to 100% of the sale price paid, though they try to stay within 95%. He said one of the issues with Greenwood is the low number of sales which makes it difficult to get an accurate average. Mr. Winge reiterated the 95% goal saying that if you averaged the two properties that sold on the lake you would be within that percentage. Mr. Stulc said the goal is to average the values, though you're going to always have outliers.

3. ADJOURNMENT

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Gus Karpas
City Clerk

GREENWOOD CITY COUNCIL MEETING
Tuesday, April 5, 2011, 7:00 P.M.
Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

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

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

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

Others Present: City Attorney Kelly and City Zoning Administrator/City Clerk Karpas

Members Absent: Mayor Kind

Fletcher moved, Page seconded, approving the agenda as presented. Motion passed 4/0.

2. CONSENT AGENDA

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

A. March 1, 2011, City Council Meeting Minutes

B. February 2010 Cash Summary Report

C. March 2011 Verifieds and Check Register

D. April 2011 Payroll Register

Motion passed 4/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

A. Announcement: Local Board of Appeal & Equalization Meeting, 6:00 P.M. April 14, 2011

Acting Mayor Quam stated the Local Board of Appeal & Equalization meeting is scheduled for April 14, 2011, at 6:00 P.M. in the Deephaven City Council Chambers. He explained during that meeting property owners in the City have an opportunity to present their case about the valuations of their property. He recommended if property owners have an issue with their property valuations that they first discuss it with the appropriate property assessor. He also recommended that those property owners who want to come before Council let the City know that they want to be heard. Councilmember Page encouraged property owners to submit any materials they want considered in advance.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Second Reading: Ordinance 193 Amendments to Code Sections 1140 General Regulations, 1140.45 Parking Requirements, and 510 Fees

Acting Mayor Quam stated this is the second reading of Ordinance 193 amending the Ordinance Code Section 1140 General Regulations, Section 1140.45 Parking and Loading Requirements and Section 510 Fees. Council adopted the first reading of the Ordinance during its March 1, 2011, meeting subject to it being amended to also include amendments to Sections 1140 and 510. A copy of the revised Ordinance is included in the meeting packet.

Fletcher moved, Rose seconded, Approving Ordinance 193, "An Ordinance Amending the Greenwood Ordinance Code Sections 1140 General Regulations, 1140.45 Parking and Loading Requirements, and 510 Fees. Motion passed 4/0.

B. Resolution 09-11 Summary of Ordinance 190 for Publication

Page moved, Rose seconded, Adopting RESOLUTION 10-11, "A Resolution Approving Publication of Ordinance Number 193 by Title and Summary." Motion passed 4/0.

C. Greenwood Park Beautification

Acting Mayor Quam stated residents have requested the City make some improvements and do some maintenance to the City's park. He explained that during the March 1, 2011, Council meeting Council discussed which improvement and maintenance items could be funded with the park dedication funds in the General Fund. [The Park Fund was closed in 2010 and those funds were moved into the General Fund.] That has not been resolved. Some of the improvement and maintenance items discussed included resurfacing the tennis court and basketball court; purchasing a park-style garbage can, brooms and a rack; and, trimming trees and branches.

Councilmember Page stated he went to the park earlier in the day. He explained the south end of the tennis court was still covered with snow so he was unable to evaluate its condition. The surface on north end of the court did not look too bad. There is a fairly large crack on the northwest side of the court that needs to be patched. The net on the court is nearing the end of its useful life. The basketball court does not have any asphalt on it. He suggested asphalt be put down. He stated he thought the asphalt improvements could be paid for out of the park dedication funds.

Page explained walking paths have been developed going from the south to the north where the tennis court goes as well as east to west. It appeared to him that residents have been cleaning up the area a little bit and have placed some of the larger branches that had fallen to the edge of the path. One large tree has fallen down on the east side and another on the west side, although he thought the one on the west side may be on a residential property. He suggested the City remove the one large tree that is down and clean up the dead and fallen branches. The branches could be put through a wood chipper and the chips could be left on the paths.

Page then explained there is a lot of buildup in the pond located in the park. He asked Zoning Administrator/Clerk Karpas how that could be cleaned out. Karpas explained he has spoken with the Public Works Director about cleaning up the park. The plan is to ask the company that does a lot of tree

service for the City to walk the park once the snow has melted to assess the dead limbs and trees and underbrush and then provide the City with a bid for cleaning that up. He will ask that company to assess whether or not it could clean out the pond, and if so what the cost would be. Karpas stated that since the last meeting he has spoken with individuals about the paths and the possibility of putting down wood chips generated from dead wood the City has had cleaned up on the path.

Zoning Administrator/Clerk Karpas stated plans to ask the representative from Tennis West what it would cost to put an asphalt surface down on the basketball court, either patch or resurface the tennis court (if that's needed) and fill in the crack near that court. He noted that until the snow is gone it's difficult to get a clear assessment of what is needed.

Karpas stated he obtained a quote for a park-style garbage can which is about $500. He noted that Vintage Waste would not empty it. He explained the cost for Public Works to service the can would be $170 per month. The cost for Vintage Waste to put a 96-gallon can in the park and service it would be about $25 per month. He noted he will have estimates for park maintenance and improvements available for the May 2011 Council meeting.

Councilmember Page stated it's his recollection that the south end of the tennis court was in bad shape last year. A lot of water accumulates on that end of the court and it has caused the surface to come up. He suggested the basketball court be surfaced to about a half-court size, noting it would come up to the edge of the tennis court surface. He stated it may be best to join the two surfaces for stability purposes. He suggested assessing whether or not more gravel should be put down around the playground area.

Acting Mayor Quam asked if wood chips are a good long-term solution for the paths. Zoning Administrator/Clerk Karpas responded they would have to be replaced every couple of years but that should not be an issue because there will always be an abundance of chips. Quam then asked if there is a long-term vision for the park. Karpas stated at a minimum wood chips should be put down on the paths where people walk, the tennis court's surface should be assessed and the area around the basketball hoop should get an asphalt surface.

Councilmember Page stated he thought it was Council's plan to debate if the park dedication funds could be used to resurface the tennis court. Acting Mayor Quam stated before that debate occurs he thought council should decide what improvements it wants to make to the park and what it will cost to do them. Once the costs are known Council can determine if it wants to move forward with improvements. Zoning Administrator/Clerk Karpas stated he has a clear understanding of what improvement quotes he needs to obtain.

Councilmember Fletcher stated he had asked that the topic of park beautification be placed on the March 1, 2011, Council meeting agenda so that Council would begin its discussion sooner versus later.

Councilmember Page stated Council has been told that park dedication funds can not be used to resurface the tennis court. He noted that it's been indicated to him that the limitation is found somewhere in the State Statutes. After reviewing the Statutes he's not convinced that the City can't pay for resurfacing the tennis court as an improvement with park dedication funds.

Page noted that the minutes from the March 1, 2011, meeting state the City's auditor has told the City the park dedication funds can't be used to resurface the tennis court because it's not an improvement. He stated he's not willing to accept that opinion; he wants to know what Statute retrains the City from using park dedication funds to pay for resurfacing. He explained Statute §429.021 Local Improvements, Council Powers states the council of a municipality shall have power "*(6) To acquire, improve and equip*

parks, open space areas, playgrounds, and recreational facilities within or without the corporate limits." Case law indicates that paving or repaving, for instance a street, is considered an improvement. This would indicate the City could pay for the resurfacing the court with park dedication funds. He stated if the City can't use park dedication funds to resurface the tennis court or put an asphalt surface down on the basketball court he questioned what those funds could be used for.

Attorney Kelly stated the quandary starts with the City's auditor suggesting that there is prohibition. He noted he can't point to what the prohibition is. He stated there are improvements and also repairs. He stated an improvement can be paid for with park dedication funds. He then stated he would like to know why the auditor has stated the park dedication funds can't be used to resurface the tennis court.

Councilmember Fletcher stated from a business perspective installing an asphalt surface on the basketball court would be an improvement that can be capitalized. He then stated doing a major overlay of the tennis court could likely also be called an improvement.

Attorney Kelly stated another test, from a tax standpoint, is if it's a depreciable asset as opposed to one that is community expendable.

After further discussion there was consensus to have Zoning Administrator/Clerk Karpas ask the City's auditor why the auditor believes park dedication funds can't be used to resurface the tennis court. There was also consensus to have this discussion continued to the May 2011 City Council meeting.

7. NEW BUSINESS

A. Xcel Energy Project

Councilmember Fletcher stated he had attended an informational open house hosted by Xcel Energy about its project for an electric transmission line upgrade in the Southwest Twin Cities. [Xcel plans to rebuild the current 69 kilovolt line with a proposed 115 kilovolt line.] He then stated if there is enough interest on the part of Council he suggested Council invite Xcel Energy representatives to a Council work session to discuss what impact the project will have on the LRT Regional Trail and the areas abutting the Trail. Council could go to the Trail and have the representatives walk them through what's anticipated to occur. He went on to state a committee of 2 – 3 people could also be formed to stay on top of this topic. It would be better to know the impact the project will have on the Trail upfront. He noted he thought the project construction work will take place in 2012. He stated City residents may also have interest in this.

Councilmember Page stated he would like to find out more about the project and the impact it will have on the Trail.

After discussion there was consensus to have Zoning Administrator/Clerk Karpas contact Xcel Energy and ask for a couple of dates when representatives could come and talk about impacts to the Trail and areas abutting the Trail.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Eurasian Watermilfoil Lake Minnetonka Communication Commission,

Councilmember Fletcher stated there had not been a Planning Commission since the last Council meeting.

With regard to Eurasian Watermilfoil (milfoil), Fletcher stated St. Albans Bay Captain Rob Roy and others are busy raising money to put toward the cost of treating milfoil in St. Albans Bay. He noted contributions would be greatly appreciated. He stated that he guesses that to date 75 – 80 percent of the private funds needed have been raised. He noted that the Minnesota Department of Natural Resources has contributed $8,500 toward the treatment. He encouraged all owners of properties fronting St. Albans Bay to sign a waiver to have the Lake in front of their properties treated whether or not they choose to make a contribution. Having some areas of the Bay not get treated impacts the results of the overall treatment. He noted there is a copy of the waiver form on the Lake Minnetonka Association's (LMA) website.

Acting Mayor Quam noted that contributions made last year in anticipation of this treatment being done are still being held by the LMA.

Councilmember Fletcher noted that the LMA is tax exempt organization which is why funds flow through the LMA. Contributions for the treatment are tax deductible.

With regard to the Lake Minnetonka Communications Commission, Fletcher stated there is nothing new to report on.

B. Page: Lake Minnetonka Conservation District

Councilmember Page reported on Lake Minnetonka Conservation District (LMCD) activities. The LMCD Board discussed the Lake level during its most recent meeting. He noted that Lake water has recently been running over the Grays Bay Dam, which is partially opened, at a rate of 150 – 200 gallons per second. The goal has been to keep the Lake water level at 930.02 feet (the high water mark). He explained the LMCD staff has a hard time explaining to people that call the LMCD what the parameters are for quiet waters. The staff at the LMCD would like all of the Lake to be no wake. He noted that request was not well received.

Councilmember Fletcher noted Professional Lake Management has been chosen to be the applicator for the 2011 granular chemical treatment of Eurasian Watermilfoil in five bays in Lake Minnetonka. Fletcher stated Lake Management has done a good job with the treatment of three bays the last few years. Councilmember Page commented the various agencies believe treating with granular chemicals is more effective than treating with liquid chemicals.

Councilmember Page stated the LMCD is considering changing some of the public amenities criterion for multiple dock licenses.

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

Councilmember Quam stated cost estimates for the project to repair the remaining half of the City's sewer system and manhole covers will be available for the May 2011 Council meeting. The bids for the project will be opened on June 1, 2011, and the contract will be awarded in June, noting a special Council meeting may have to be called to award it.

Quam then stated the City's roadways have been inspected. Some roadways will have to be milled and overlaid and some others sealcoated. The list of improvements recommended and associated cost estimates will be available for the May 2011 Council meeting for Council's consideration. He noted that sealcoat projects will be done in June and the mill and overlay projects will be done in July. He stated the problem with stormwater drainage on Meadville Street needs to be assessed to determine if it's the City's problem. He then stated the City has budgeted $130,000 for improvements in 2011. He also stated he believed the restriction the City imposed on refuse haulers for reducing the size of trucks they use has made a big difference. It appears to him the roadways are holding up better.

Quam commented he recently heard that the bridge over St. Albans Bay is on a historical registry. He stated City Engineer Martini is going to look into that further. If the bridge is considered historical the bridge could not be replaced; it would have to be rehabilitated. Rehabilitation could cost more than replacing.

D. Rose: Excelsior Fire District

Councilmember Fletcher stated he attended the March 23, 2011, Excelsior Fire District (EFD) Board meeting. He explained that the Shorewood and Tonka Bay City Councils want the unspent construction funds for the public safety facilities to remain with police and fire while the Deephaven and Greenwood City Councils want the unused funds to be returned to the EFD member cities. He noted the Excelsior City Council had not yet discussed the topic. He then explained there was a presentation about the Excelsior Firefighters Relief Association's fund for pension purposes which has been under funded the last few years. When the fund is under funded the EFD (i.e. the EFD member cities) must make mandatory contributions until the fund is 100 percent funded. He commented based on the EFD 2010 audit report presented that evening he thought the fund could be close to 100 percent funded. He stated there is an EFD work session scheduled for April 6th to discuss the preliminary 2012 operating budget and the 20121 – 2032 Capital Improvement Program. The EFD Board has been discussing a timeline change for when the budgets have to be presented to and approved by the member cities. The impetus for the change is the funding level of the EFRA's fund for pensions is not solidified until August 1st.

10. ADJOURNMENT

Rose moved, Page seconded, Adjourning the City Council Regular Meeting of April 5, 2011, at 7:41 P.M. Motion passed 4/0.

RESPECFULLY SUBMITTED,
Christine Freeman, Recorder

Greenwood City Council as Board of Appeal and Equalization

Thursday, April 14, 2011 6:00 PM
Council Chambers 20225 Cottagewood Road Deephaven, MN 55331

MINUTES

1. Call to Order/Roll Call/Approval of Agenda
   Mayor Kind called the meeting to order at 6:00 PM
   Council present: Page, Fletcher, Kind and Quam
   Staff present: Clerk Karpas
   Hennepin County Staff: Rob Winge and Nate Stulc
   Mayor Kind informed the Council that Richard Reut, 5135 Weeks Road had contacted her and asked to be included on the agenda. Councilmember Quam moved to approve the amended agenda. Second by Councilmember Fletcher. Motion carried 4-0.

2. Hear Resident Property Valuation Appeals
   Mayor Kind reviewed the appeals process. She said there were two appeals before the Council.

   a. Mike Farraher, 21230 Excelsior Boulevard, whose current land value is $705,000 and building value is $177,000. Mr. Farraher indicated to city staff by phone that he wanted to be included on the agenda. Mr. Farraher was not in attendance.

      Councilmember Fletcher moved to continue Mr. Farraher's request later on the agenda to give him more time to be in attendance. Second by Councilmember Page. Motion carried 4-0

   b. Richard Reut, 5135 Weeks Road, whose current land value is $1,196,00 and building value is $518,000. Mr. Reut submitted his request in writing since he would be unable to attend the meeting. His correspondence indicated that he had two recent appraisals done on the property averaging a total of $2,050,000. Mr. Stulc indicated that they have not done their own appraisal on the property.

      Councilmember Quam moved that the Council take no action on the appeal which still allows Mr. Reut to appeal his valuation to the County Board. Second by Councilmember Fletcher. Motion carried 4-0

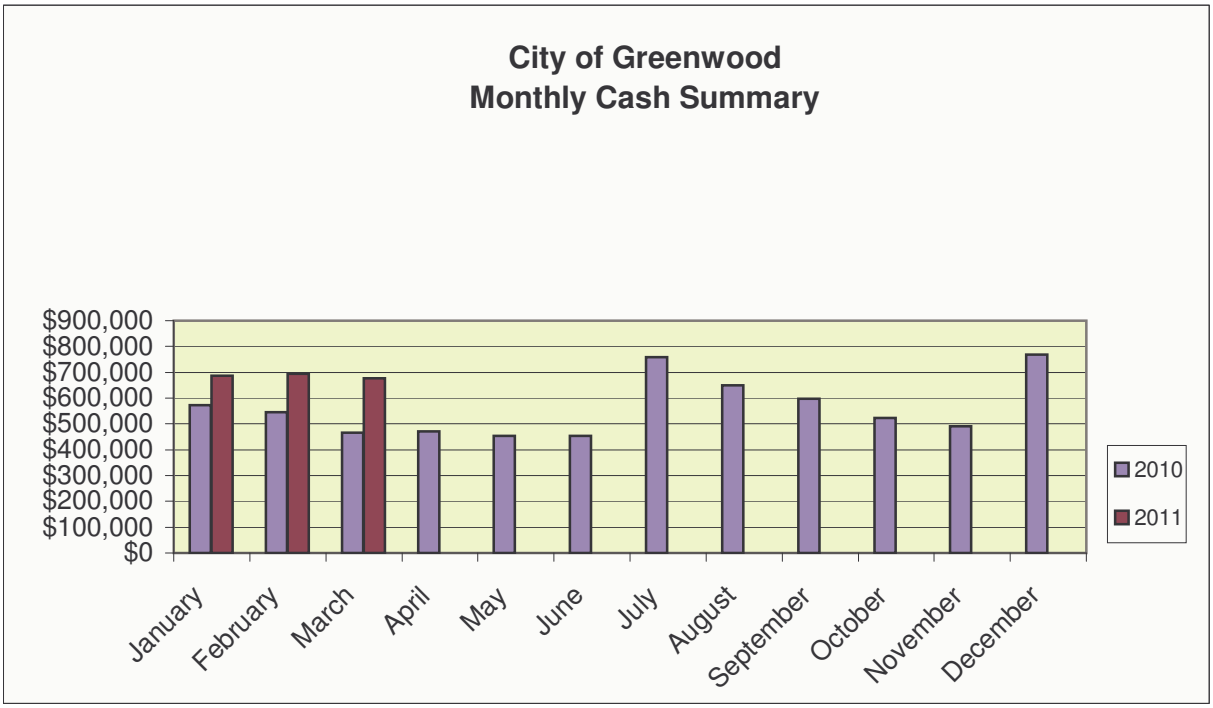
   c. Mike Farraher, 21230 Excelsior Boulevard, continued. Due to his lack of attendance and the fact that Hennepin County did not have the ability to visit the property the Council agreed to take no action on the appeal

      Mayor Kind moved that the Council take no action on the appeal which still allows Mr. Farraher to appeal his valuation to the County Board. Second by Councilmember Fletcher. Motion carried 4-0

3. Adjourn
   Councilmember Quam moved to adjourn the Board of Review without reconvening at 6:17 p.m. Second by Councilmember Page. Motion carried 4-0.

Respectfully submitted,

Gus E. Karpas
Greenwood City Clerk



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

Bridgewater Bank Money Market	$467,760
Bridgewater Bank Checking	$6,426
Beacon Bank Money Market	$201,433
Beacon Bank Checking	$100
	$675,719

ALLOCATION BY FUND

General Fund	$153,603
General Fund Designated for Parks	$27,055
Bridge Capital Project Fund	$40,000
Stormwater Special Revenue Fund	$7,723
Sewer Enterprise Fund	$406,585
Marina Enterprise Fund	$40,753
	$675,719

Check Issue Date(s): 04/01/2011 - 04/30/2011

Per	Date	Check No	Vendor No	Payee	Amount	
04/11	04/14/2011	10276	762	CATALYST GRAPHICS INC	47.32	
04/11	04/14/2011	10277	761	DEBRA KIND	169.29	
04/11	04/14/2011	10278	52	EXCELSIOR FIRE DISTRICT	31,946.25	
04/11	04/14/2011	10279	68	GOPHER STATE ONE CALL	27.75	
04/11	04/14/2011	10280	3	KELLY LAW OFFICES	1,351.25	
04/11	04/14/2011	10281	99	LAKE MTKA CONSERVATION DISTRIC	1,626.75	
04/11	04/14/2011	10282	742	Marco, Inc.	202.54	
04/11	04/14/2011	10283	105	METROPOLITAN COUNCIL ENV SERV	2,336.37	
04/11	04/14/2011	10284	769	MN DEPT OF LABOR & INDUSTRY	170.84	
04/11	04/14/2011	10285	701	Popp Telecom	57.61	
04/11	04/14/2011	10286	38	SOUTH LAKE MINNETONKA POLICE	25,039.00	
04/11	04/14/2011	10287	136	Sun Newspapers	221.36	
04/11	04/14/2011	10288	745	Vintage Waste Systems	1,568.40	
04/11	04/14/2011	10289	145	XCEL	602.45	
04/11	04/25/2011	10295	51	BOLTON & MENK, INC.	1,701.50	
04/11	04/25/2011	10296		Information Only Check	.00	V
04/11	04/25/2011	10297	9	CITY OF DEEPHAVEN	10,198.36	
04/11	04/25/2011	10298	742	Marco, Inc.	202.54	
04/11	04/25/2011	10299	136	Sun Newspapers	57.20	
Totals:					77,526.78	

M = Manual Check, V = Void Check

Vendor Name / Invoice No	Seq	Type	Vendor No / Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
4/14/2011									
CATALYST GRAPHICS INC									
CATALYST GRAPHICS INC			762						
73847	1	Inv	CITY NEWSLETTER	03/21/2011	04/14/2011	47.32	No	4/11	101-41400-204
Total CATALYST GRAPHICS INC						47.32			
CITY OF DEEPHAVEN									
CITY OF DEEPHAVEN			9						
030111	12	Inv	SNOW PLOW/SAND/SALT-CREDIT	03/01/2011	04/25/2011	240.67 -	No	4/11	101-43900-312
030111	13	Inv	BIKE PATH - CREDIT	03/01/2011	04/25/2011	18.88 -	No	4/11	101-43900-315
030111	14	Inv	STREETS - CREDIT	03/01/2011	04/25/2011	9.44 -	No	4/11	101-43100-409
030111	15	Inv	STORM SEWERS - CREDIT	03/01/2011	04/25/2011	9.44 -	No	4/11	502-43200-310
Total 030111						278.43 -			
033111	1	Inv	Clerk Services	03/31/2011	04/25/2011	3,052.00	No	4/11	101-41400-310
033111	2	Inv	ZONING	03/31/2011	04/25/2011	558.53	No	4/11	101-42400-308
033111	3	Inv	1st Qtr Building Permits	03/31/2011	04/25/2011	3,339.96	No	4/11	101-42400-310
033111	4	Inv	RENT & EQUIPMENT	03/31/2011	04/25/2011	563.44	No	4/11	101-41400-311
033111	5	Inv	Postage	03/31/2011	04/25/2011	62.53	No	4/11	101-41400-322
033111	6	Inv	COPIES	03/31/2011	04/25/2011	1.50	No	4/11	101-41400-202
033111	7	Inv	SEWER	03/31/2011	04/25/2011	235.32	No	4/11	602-43200-310
033111	8	Inv	SNOW PLOWING/SANDING/SALT	03/31/2011	04/25/2011	1,761.45	No	4/11	101-43900-312
033111	9	Inv	BIKE PATH	03/31/2011	04/25/2011	313.76	No	4/11	101-43900-315
033111	10	Inv	STREETS	03/31/2011	04/25/2011	431.42	No	4/11	101-43100-409
033111	11	Inv	SIGNS	03/31/2011	04/25/2011	117.66	No	4/11	101-43900-226
033111	12	Inv	WEED/TREE/MOWING	03/31/2011	04/25/2011	39.22	No	4/11	101-43900-313
Total 033111						10,476.79			
Total CITY OF DEEPHAVEN						10,198.36			
DEBRA KIND									
DEBRA KIND			761						
032311	1	Inv	CODE BOOK UPDATES	03/23/2011	04/14/2011	169.29	No	4/11	101-41400-202
Total DEBRA KIND						169.29			
EXCELSIOR FIRE DISTRICT									
EXCELSIOR FIRE DISTRICT			52						
2ND QTR 2011	1	Inv	2nd quarter facilities	04/14/2011	04/14/2011	14,823.30	No	4/11	101-42200-311
2ND QTR 2011	2	Inv	2nd quarter operations	04/14/2011	04/14/2011	17,122.95	No	4/11	101-42200-309
Total 2ND QTR 2011						31,946.25			
Total EXCELSIOR FIRE DISTRICT						31,946.25			
GOPHER STATE ONE CALL									
GOPHER STATE ONE CALL			68						
10332	1	Inv	Gopher State calls	04/01/2011	04/14/2011	13.15	No	4/11	602-43200-439
7632	1	Inv	Gopher State calls	03/03/2011	04/14/2011	14.60	No	4/11	602-43200-439
Total GOPHER STATE ONE CALL						27.75			
KELLY LAW OFFICES									

Vendor Name / Invoice No	Seq	Type	Vendor No / Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
KELLY LAW OFFICES			3						
5857	1	Inv	GENERAL LEGAL	03/25/2011	04/14/2011	891.25	Yes	4/11	101-41600-304
5858	1	Inv	LAW ENFORCE PROSECUTION	03/25/2011	04/14/2011	460.00	Yes	4/11	101-41600-308
Total KELLY LAW OFFICES						1,351.25			
LAKE MTKA CONSERVATION DISTRIC									
LAKE MTKA CONSERVATION DISTRIC			99						
040411	1	Inv	2nd Quarter Levy	04/04/2011	04/14/2011	1,626.75	No	4/11	101-49000-433
Total LAKE MTKA CONSERVATION DISTRIC						1,626.75			
Marco, Inc.									
Marco, Inc.			742						
173060138	1	Inv	Copier lease	03/14/2011	04/14/2011	202.54	No	4/11	101-41400-411
Total Marco, Inc.						202.54			
METROPOLITAN COUNCIL ENV SERV									
METROPOLITAN COUNCIL ENV SERV			105						
0000956161	1	Inv	Monthly wastewater Charge	04/04/2011	04/14/2011	2,336.37	No	4/11	602-43200-309
Total METROPOLITAN COUNCIL ENV SERV						2,336.37			
MN DEPT OF LABOR & INDUSTRY									
MN DEPT OF LABOR & INDUSTRY			769						
033111	1	Inv	1ST QTR 2011 SURCHARGE	04/06/2011	04/14/2011	170.84	No	4/11	101-42400-438
Total MN DEPT OF LABOR & INDUSTRY						170.84			
Popp Telecom									
Popp Telecom			701						
1939714	1	Inv	Local, Long dist. & DSL	02/28/2011	04/14/2011	28.71	No	4/11	101-41400-321
1946784	1	Inv	Local, Long dist. & DSL	03/31/2011	04/14/2011	28.90	No	4/11	101-41400-321
Total Popp Telecom						57.61			
SOUTH LAKE MINNETONKA POLICE									
SOUTH LAKE MINNETONKA POLICE			38						
040111	1	Inv	2nd quarter lease	04/01/2011	04/14/2011	11,816.00	No	4/11	101-42100-311
40111	1	Inv	OPERATING BUDGET	04/01/2011	04/14/2011	13,223.00	No	4/11	101-42100-310
Total SOUTH LAKE MINNETONKA POLICE						25,039.00			
Sun Newspapers									
Sun Newspapers			136						
1039670	1	Inv	RESOLUTION	03/10/2011	04/14/2011	54.34	No	4/11	101-41400-351
1039671	1	Inv	Ord #192	03/10/2011	04/14/2011	54.34	No	4/11	101-41400-351
1039672	1	Inv	Ord #191	03/10/2011	04/14/2011	46.90	No	4/11	101-41400-351
1039673	1	Inv	RESOLUTION	03/10/2011	04/14/2011	65.78	No	4/11	101-42400-309
Total Sun Newspapers						221.36			
Vintage Waste Systems									
Vintage Waste Systems			745						
033011	1	Inv	City Recycling Contract	03/30/2011	04/14/2011	1,568.40	No	4/11	101-49000-310

TC = Terms Code 9 = 1099 Purchase Type

Vendor Name / Invoice No	Seq	Type	Vendor No / Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
Total Vintage Waste Systems						1,568.40			
XCEL									
XCEL			145						
032511	1	Inv	4925 MEADVILLE STREET *	03/25/2011	04/14/2011	9.28	No	4/11	101-43100-381
032511	2	Inv	SIREN	03/25/2011	04/14/2011	3.39	No	4/11	101-43100-381
032511	3	Inv	LIFT STATION #1	03/25/2011	04/14/2011	35.89	No	4/11	602-43200-381
032511	4	Inv	LIFT STATION #2	03/25/2011	04/14/2011	31.69	No	4/11	602-43200-381
032511	5	Inv	LIFT STATION #3	03/25/2011	04/14/2011	21.92	No	4/11	602-43200-381
032511	6	Inv	LIFT STATION #4	03/25/2011	04/14/2011	29.92	No	4/11	602-43200-381
032511	7	Inv	LIFT STATION #6	03/25/2011	04/14/2011	64.37	No	4/11	602-43200-381
Total 032511						196.46			
032811	1	Inv	Sleepy Hollow Road *	03/28/2011	04/14/2011	9.28	No	4/11	101-43100-381
040411	1	Inv	Street Lights *	04/04/2011	04/14/2011	396.71	No	4/11	101-43100-381
Total XCEL						602.45			
Total 4/14/2011						75,565.54			

04/14/2011 GL Period Summary

GL Period	Amount
4/11	75,565.54
	75,565.54

Vendor Name / Invoice No	Seq	Type	Vendor No / Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct
4/25/2011									
BOLTON & MENK, INC.									
BOLTON & MENK, INC.			51						
138767	1	Inv	2010 SEWER IMPROVEMENTS	03/31/2011	04/25/2011	423.50	No	4/11	602-43200-303
138769	1	Inv	2011 STREET IMPROVEMENT	03/31/2011	04/25/2011	242.00	No	4/11	101-43200-303
138771	1	Inv	2011 MISC ENGINEERING FEES	03/31/2011	04/25/2011	646.00	No	4/11	502-43200-303
138771	2	Inv	ENGINEERING FEES	03/31/2011	04/25/2011	30.00	No	4/11	403-45100-303
138771	3	Inv	ENGINEERING FEES	03/31/2011	04/25/2011	210.00	No	4/11	502-43200-303
138771	4	Inv	ENGINEERING FEES	03/31/2011	04/25/2011	90.00	No	4/11	101-42600-303
138771	5	Inv	ENGINEERING FEES	03/31/2011	04/25/2011	60.00	No	4/11	101-43200-303
Total 138771						1,036.00			
Total BOLTON & MENK, INC.						1,701.50			
Marco, Inc.									
Marco, Inc.			742						
175310192	1	Inv	Copier lease	04/13/2011	04/25/2011	202.54	No	4/11	101-41400-411
Total Marco, Inc.						202.54			
Sun Newspapers									
Sun Newspapers			136						
1045229	1	Inv	CARLSON SITE PLAN	04/14/2011	04/25/2011	57.20	No	4/11	101-42400-309
Total Sun Newspapers						57.20			
Total 4/25/2011						1,961.24			

04/25/2011 GL Period Summary

GL Period	Amount
4/11	1,961.24
	1,961.24

Grand Total: 77,526.78

Report GL Period Summary

GL Period	Amount
4/11	77,526.78
	77,526.78

Vendor Number Hash:	7683
Vendor Number Hash - Split:	8935
Total Number of Invoices:	30

TC = Terms Code 9 = 1099 Purchase Type

Vendor Name / Invoice No	Seq	Type	Vendor No / Description	Inv Date	Due Date	Total Cost	9	Per	GL Acct

Total Number of Transactions: 55

Terms Description	Invoice Amt	Net Inv Amt
Open Terms	77,526.78	77,526.78
	77,526.78	77,526.78

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
05/01/11	PC	05/01/11	10290	Debra J. Kind	34	277.05
05/01/11	PC	05/01/11	10291	Fletcher, Thomas M	33	84.70
05/01/11	PC	05/01/11	10292	H. Kelsey Page	35	184.70
05/01/11	PC	05/01/11	10293	Quam, Robert	32	184.70
05/01/11	PC	05/01/11	10294	William Rose	36	184.70
Grand Totals:						915.85

MEMO

Date: May 3, 2011
To: Greenwood City Council
From: Gus Karpas
Subject: Written Public Access Procedures

In compliance with section 125.00, subd. 3 of the city code, this memo is submitted to inform you that no changes have been made to the public access procedures. A written document of the procedures (attached) has been posted on the city bulletin board.

Greenwood
City on the Lake

CITY OF GREENWOOD NOTICE

The Responsible Authority of the City of Greenwood is Gus Karpas, City Clerk, City of Greenwood 20225 Cottagewood Road Deephaven, MN 55331 appointed as required by Greenwood Ordinance Code Section 125.

The Responsible Authority is responsible for answering inquiries from the public concerning the provision or dissemination of government data. The Responsible Authority is also charged with creating an inventory of data varieties that the City maintains.

All data is presumed public data unless specifically determined confidential or private by State or Federal Law.

Updated May 2011

Greenwood
City on the Lake

Agenda Number	**4A**
Agenda Date	05-03-11

Agenda Item	City Engineer Dave Martini
Summary	The following is a brief summary of this agenda item: City Engineer Dave Martini will report on ... a. <u>2011 Road Project Recommendations and Rough Estimates</u> This spring the condition of each road in the city was reviewed by the city engineer and the attached map was updated to reflect the current conditions. Based on the review, a list of potential road projects was compiled and rough estimates are attached for the council's consideration. The council also needs to take into account that Greenwood's share of 2011 cooperative sealcoating projects on roads that the city shares with Shorewood will be approximately $2650. The 2011 road project budget is $130,000 for construction and engineering. At the 05-03-11 meeting the council needs to choose the road projects to put out for official bids. b. <u>Sign Management Plan</u> To become compliant with the federally-mandated minimum sign retroreflectivity standards the city has a couple of options ... • Approve the inventory plan presented by Bolton & Menk (see attached 09-23-10 letter). The advantage of this program is that the city will only replace signs that need to be replaced. The disadvantage is that it will cost $5000 to $6000 for the initial set up of the program, in addition to $1000 per year to maintain the database. • Approve a blanket sign replacement program (see the attached resolution). This program acknowledges that the vast majority of signs in the city need to be replaced because the typical sign life is 15 to 20 years and most of the signs in the city are much older than that. So instead of spending money on an inventory, this program would put that money towards the cost of signs. Note: Each installed sign costs approximately $300 x 400 signs in the city = $120,000 / 6-year program = $20,000 per year. The League of Minnesota Cities promised recommendations by spring of 2011, but nothing has been issued yet. To meet the January 22, 2012 deadline for sign assessment and a management plan, the council needs move forward.
Council Action	Suggested Motions: 4a -- I move that the city council directs the city engineer to secure bids for the following road projects: _____. 4b -- I move that the city council approves the inventory plan presented by Bolton & Menk in the letter dated 09-23-10. OR 4b -- I move that the city council approves the Resolution __-11 regarding a Greenwood Sign Management Program.

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172
Phone (952) 448-8838 • Fax (952) 448-8805
www.bolton-menk.com

April 26, 2011

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

RE: 2011 Street Improvements

Dear Mr. Quam:

Based on the condition of the City's streets as observed by the Mayor and me on March 31st, I recommend that the following street segments be considered for improvements in 2011:

- **Lodge Lane, Woods Court and Lyman Court.** This area is in relatively good condition however there are several deficiencies that have been noted including cracking around manholes, cracking, and areas of settlement. To address these issues to prolong the life of the roadway, we recommended the following improvements:
    - Full depth patching around most of the sanitary sewer and storm sewer manholes.
    - Repair cracked and settled curb and gutter.
    - Crack sealing.
    - Mill and overlay the cul-de-sacs bulb on Lyman Court and other areas as required.
    - Seal coating.

  Although these improvements will not address all of the deficiencies that have been noted, such as block cracking and alligator cracking in some locations, the recommended improvements will prolong the life of the roads.

  The estimated cost for the recommended improvements is **$75,880**

- **Crestside Avenue** from Maple Heights Road to the dead end. In 2010 when improvements were made to Maple Heights Road, the residents that live on Crestside Avenue were very concerned that the poor condition of their road was not being addressed at the same time. The proposed improvements for Crestside include removing the existing bituminous pavement, regrading and preparing the existing base, 3.5" of new bituminous surface, and restoration as needed.

  The estimated cost for the recommended improvements is **$13,322**

DESIGNING FOR A BETTER TOMORROW
Bolton & Menk is an equal opportunity employer

- **West Street** from Minnetonka Boulevard to the dead end. The condition of West Street is poor and there are drainage problems that exist on the south end of the roadway. The recommended improvements include removing the existing bituminous pavement, regarding and preparing the existing base, 3.5" of new bituminous surface, and turf and driveway restoration as needed. The bituminous curb on the west side of the roadway would be replaced. The driveway and grass lawn area at the south end of the roadway will be reshaped to facilitate drainage off of the roadway and to the lake. The road grade at the high point would also be raised to keep storm water runoff from leaving the Minnetonka Boulevard right of way.

  The estimated cost for the recommended improvements is **$23,605**

- **West Leg of Greenwood Circle** from Minnetonka Boulevard to the improvements made in 2009. The recommended improvements include removing the existing bituminous pavement, regarding and preparing the existing base, 3.5" of new bituminous surface, and turf and driveway restoration as needed. In the event that the funds do not exist to improve the entire west leg of the roadway, it is recommended that just the area near the intersection of Minnetonka Boulevard be improved.

  The estimated cost for the entire west leg is $59,274
  The estimated cost to improve just the west intersection is **$19,661**

- **Meadville Street** from the Old Log Theater to the areas that have been patched on the north end of the road. The recommended improvements include removing the existing bituminous pavement, regarding and preparing the existing base, 3.5" of new bituminous surface, and turf and driveway restoration as needed.

  The estimated cost for the recommended improvements is **$86,570**

  It should be noted that the area of Meadville located in front of the entrance to the Old Log Theater is in very poor condition. This area has very poor drainage that is directly affecting the condition of the roadway. Until the drainage in this area can be improved, it is not recommended that pavement improvements are made.

All cost estimates include contingency and soft costs. As you can see, the recommended improvements exceed the City's budget for street improvements in 2011. Therefore it will be necessary for the City Council to prioritize the needs to develop a project scope that can be funded this year. I will be at the City Council meeting on May 3rd to answer questions you may have regarding this information, however, please give me a call if you have any questions or need additional information before the meeting.

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer

CITY OF GREENWOOD
2011 STREET IMPROVEMENTS
LODGE LANE, WOODS COURT AND LYMAN COURT
PROJECT COST ESTIMATE
April 26, 2011

Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	1,000	SY	$ 3.00	$ 3,000.00
2	SAW CUT BITUMINOUS	432	LF	$ 2.00	$ 864.00
3	REMOVE BITUMINOUS PAVEMENT AROUND STRUCTURES	72	SY	$ 6.00	$ 432.00
4	CONCRETE CURB REMOVAL	65	LF	$ 4.00	$ 260.00
5	SUBGRADE GRADING / PREPARATION	1,000	SY	$ 1.50	$ 1,500.00
6	STREET BASE / SUBGRADE EXCAVATION (EV)	62	CY	$ 22.00	$ 1,364.00
7	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	115	TONS	$ 21.00	$ 2,415.00
8	2" BITUMINOUS BASE	121	TONS	$ 80.00	$ 9,680.00
9	1-1/2" BITUMINOUS WEAR	1,000	SY	$ 8.00	$ 8,000.00
10	BITUMINOUS REPAIR / PATCHING AROUND STRUCTURES	72	SY	$ 70.00	$ 5,040.00
11	CONCRETE CURB	65	LF	$ 25.00	$ 1,625.00
12	CRACK SEALING	3,500	LF	$ 2.00	$ 7,000.00
13	ADJUST EXISTING MANHOLE AND ADD CHIMNEY SEAL	1	EA	$ 500.00	$ 500.00
14	SEAL COATING	5,860	SY	$ 2.00	$ 11,720.00
15	STREET SWEEPING BEFORE AND AFTER SEAL COATING	1	LS	$ 2,000.00	$ 2,000.00
16	TOPSOIL CURB BACKFILL (LV)	1	CY	$ 40.00	$ 40.00
17	SOD	25	SY	$ 6.00	$ 150.00
				SUB TOTAL	$ 55,590.00
				MOBILIZATION - 5%	$ 2,779.50
				TOTAL ESTIMATED CONSTRUCTION COST	*$ 58,369.50*
				CONTINGENCIES AND SOFT COSTS - 30%	$ 17,510.85
				TOTAL ESTIMATED PROJECT COST	**$ 75,880.35**

CITY OF GREENWOOD
2011 STREET IMPROVEMENTS
CRESTSIDE AVENUE
PROJECT COST ESTIMATE
April 26, 2011

Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	340	SY	$ 3.00	$ 1,020.00
2	SAW CUT BITUMINOUS	35	LF	$ 2.00	$ 70.00
3	SUBGRADE GRADING / PREPARATION	340	SY	$ 1.50	$ 510.00
4	STREET BASE / SUBGRADE EXCAVATION (EV)	20	CY	$ 22.00	$ 440.00
5	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	40	TONS	$ 21.00	$ 840.00
6	2" BITUMINOUS BASE	42	TONS	$ 80.00	$ 3,360.00
7	1-1/2" BITUMINOUS WEAR	340	SY	$ 8.00	$ 2,720.00
8	ADJUST EXISTING MANHOLE AND RECONSTRUCT ADJUSTING RINGS	2	EA	$ 400.00	$ 800.00
				SUB TOTAL	$ 9,760.00
				MOBILIZATION - 5%	$ 488.00
				TOTAL ESTIMATED CONSTRUCTION COST	*$ 10,248.00*
				CONTINGENCIES AND SOFT COSTS - 30%	$ 3,074.40
				TOTAL ESTIMATED PROJECT COST	**$ 13,322.40**

CITY OF GREENWOOD
2011 STREET IMPROVEMENTS
WEST STREET
PROJECT COST ESTIMATE
April 26, 2011

Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	460	SY	$ 3.00	$ 1,380.00
2	SAW CUT BITUMINOUS	65	LF	$ 2.00	$ 130.00
3	GRADE BOULEVARD FOR DRAINAGE	1	LS	$ 1,500.00	$ 1,500.00
4	SUBGRADE GRADING / PREPARATION	460	SY	$ 1.50	$ 690.00
5	STREET BASE / SUBGRADE EXCAVATION (EV)	15	CY	$ 22.00	$ 330.00
6	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	53	TONS	$ 21.00	$ 1,113.00
7	2" BITUMINOUS BASE	56	TONS	$ 80.00	$ 4,480.00
8	1-1/2" BITUMINOUS WEAR	460	SY	$ 8.00	$ 3,680.00
9	BITUMINOUS BERM CURB	235	LF	$ 4.00	$ 940.00
10	ADJUST EXISTING MANHOLE AND RECONSTRUCT ADJUSTING RINGS	3	EA	$ 400.00	$ 1,200.00
11	TOPSOIL CURB BACKFILL (LV)	23	CY	$ 40.00	$ 920.00
12	SOD	30	SY	$ 6.00	$ 180.00
13	SEED WITH HYDROMULCH	250	SY	$ 3.00	$ 750.00
				SUB TOTAL	$ 17,293.00
				MOBILIZATION - 5%	$ 864.65
				TOTAL ESTIMATED CONSTRUCTION COST	*$ 18,157.65*
				CONTINGENCIES AND SOFT COSTS - 30%	$ 5,447.30
				TOTAL ESTIMATED PROJECT COST	**$ 23,604.95**

CITY OF GREENWOOD
2011 STREET IMPROVEMENTS
GREENWOOD CIRCLE, WEST LEG
PROJECT COST ESTIMATE
April 26, 2011

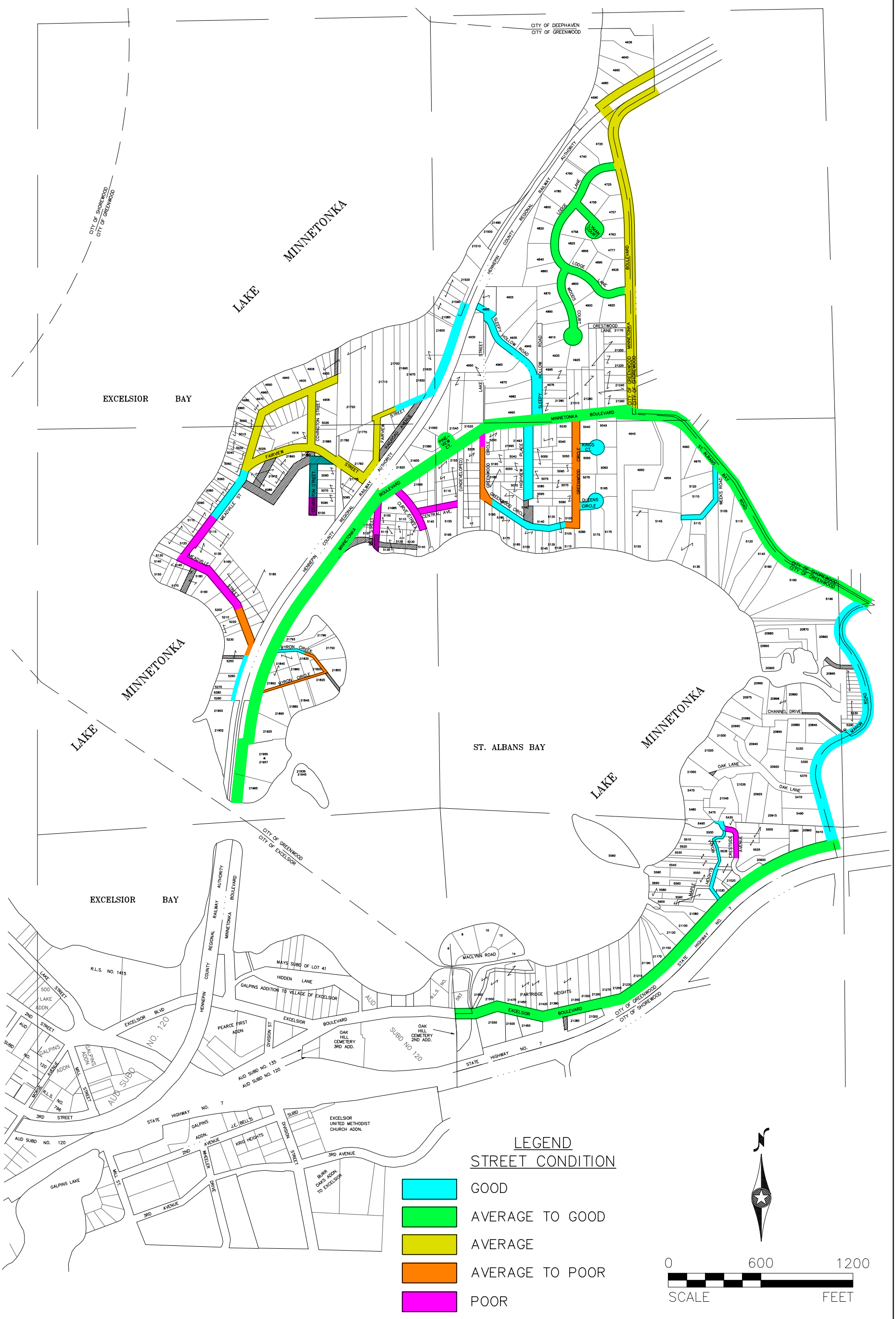
Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	1,560	SY	$ 3.00	$ 4,680.00
2	SAW CUT BITUMINOUS	110	LF	$ 2.00	$ 220.00
3	SUBGRADE GRADING / PREPARATION	1,560	SY	$ 1.50	$ 2,340.00
4	STREET BASE / SUBGRADE EXCAVATION (EV)	97	CY	$ 22.00	$ 2,134.00
5	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	180	TONS	$ 21.00	$ 3,780.00
6	2" BITUMINOUS BASE	190	TONS	$ 80.00	$ 15,200.00
7	1-1/2" BITUMINOUS WEAR	1,560	SY	$ 8.00	$ 12,480.00
8	BITUMINOUS BERM CURB	35	LF	$ 4.00	$ 140.00
9	ADJUST EXISTING MANHOLE AND RECONSTRUCT ADJUSTING RINGS	2	EA	$ 400.00	$ 800.00
10	TOPSOIL CURB BACKFILL (LV)	21	CY	$ 40.00	$ 840.00
11	SEED WITH HYDROMULCH	270	SY	$ 3.00	$ 810.00
				SUB TOTAL	$ 43,424.00
				MOBILIZATION - 5%	$ 2,171.20
				TOTAL ESTIMATED CONSTRUCTION COST	*$ 45,595.20*
				CONTINGENCIES AND SOFT COSTS - 30%	$ 13,678.56
				TOTAL ESTIMATED PROJECT COST	**$ 59,273.76**

CITY OF GREENWOOD
2011 STREET IMPROVEMENTS
GREENWOOD CIRCLE AT WEST INTERSECTION WITH MINNETONKA BOULEVARD
PROJECT COST ESTIMATE
April 26, 2011

Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	520	SY	$ 3.00	$ 1,560.00
2	SAW CUT BITUMINOUS	90	LF	$ 2.00	$ 180.00
3	SUBGRADE GRADING / PREPARATION	520	SY	$ 1.50	$ 780.00
4	STREET BASE / SUBGRADE EXCAVATION (EV)	32	CY	$ 22.00	$ 704.00
5	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	60	TONS	$ 21.00	$ 1,260.00
6	2" BITUMINOUS BASE	63	TONS	$ 80.00	$ 5,040.00
7	1-1/2" BITUMINOUS WEAR	520	SY	$ 8.00	$ 4,160.00
8	TOPSOIL CURB BACKFILL (LV)	9	CY	$ 40.00	$ 360.00
9	SEED WITH HYDROMULCH	120	SY	$ 3.00	$ 360.00
				SUB TOTAL	$ 14,404.00
				MOBILIZATION - 5%	$ 720.20
				TOTAL ESTIMATED CONSTRUCTION COST	*$ 15,124.20*
				CONTINGENCIES AND SOFT COSTS - 30%	$ 4,537.26
				TOTAL ESTIMATED PROJECT COST	**$ 19,661.46**

CITY OF GREENWOOD
2011 STREET IMPROVEMENTS
MEADVILLE STREET, OLD LOG THEATER TO PREVIOUS REPAIR
PROJECT COST ESTIMATE
April 26, 2011

Item No.	Item	Qty.	Unit	Amount	Total
1	REMOVE BITUMINOUS PAVEMENT	2,280	SY	$ 3.00	$ 6,840.00
2	SAW CUT BITUMINOUS	50	LF	$ 2.00	$ 100.00
3	SUBGRADE GRADING / PREPARATION	2,280	SY	$ 1.50	$ 3,420.00
4	STREET BASE / SUBGRADE EXCAVATION (EV)	140	CY	$ 22.00	$ 3,080.00
5	AGGREGATE BASE - CLASS 5 (100% CRUSHED LIMESTONE)	261	TONS	$ 21.00	$ 5,481.00
6	2" BITUMINOUS BASE	276	TONS	$ 80.00	$ 22,080.00
7	1-1/2" BITUMINOUS WEAR	2,280	SY	$ 8.00	$ 18,240.00
8	ADJUST EXISTING MANHOLE AND RECONSTRUCT ADJUSTING RINGS	2	EA	$ 400.00	$ 800.00
9	TOPSOIL CURB BACKFILL (LV)	32	CY	$ 40.00	$ 1,280.00
10	SOD	300	SY	$ 6.00	$ 1,800.00
11	SEED WITH HYDROMULCH	100	SY	$ 3.00	$ 300.00
				SUB TOTAL	$ 63,421.00
				MOBILIZATION - 5%	$ 3,171.05
				TOTAL ESTIMATED CONSTRUCTION COST	*$ 66,592.05*
				CONTINGENCIES AND SOFT COSTS - 30%	$ 19,977.62
				TOTAL ESTIMATED PROJECT COST	**$ 86,569.67**



BOLTON & MENK, INC.
Consulting Engineers & Surveyors

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN
BURNSVILLE, MN CHASKA, MN RAMSEY, MN AMES, IA

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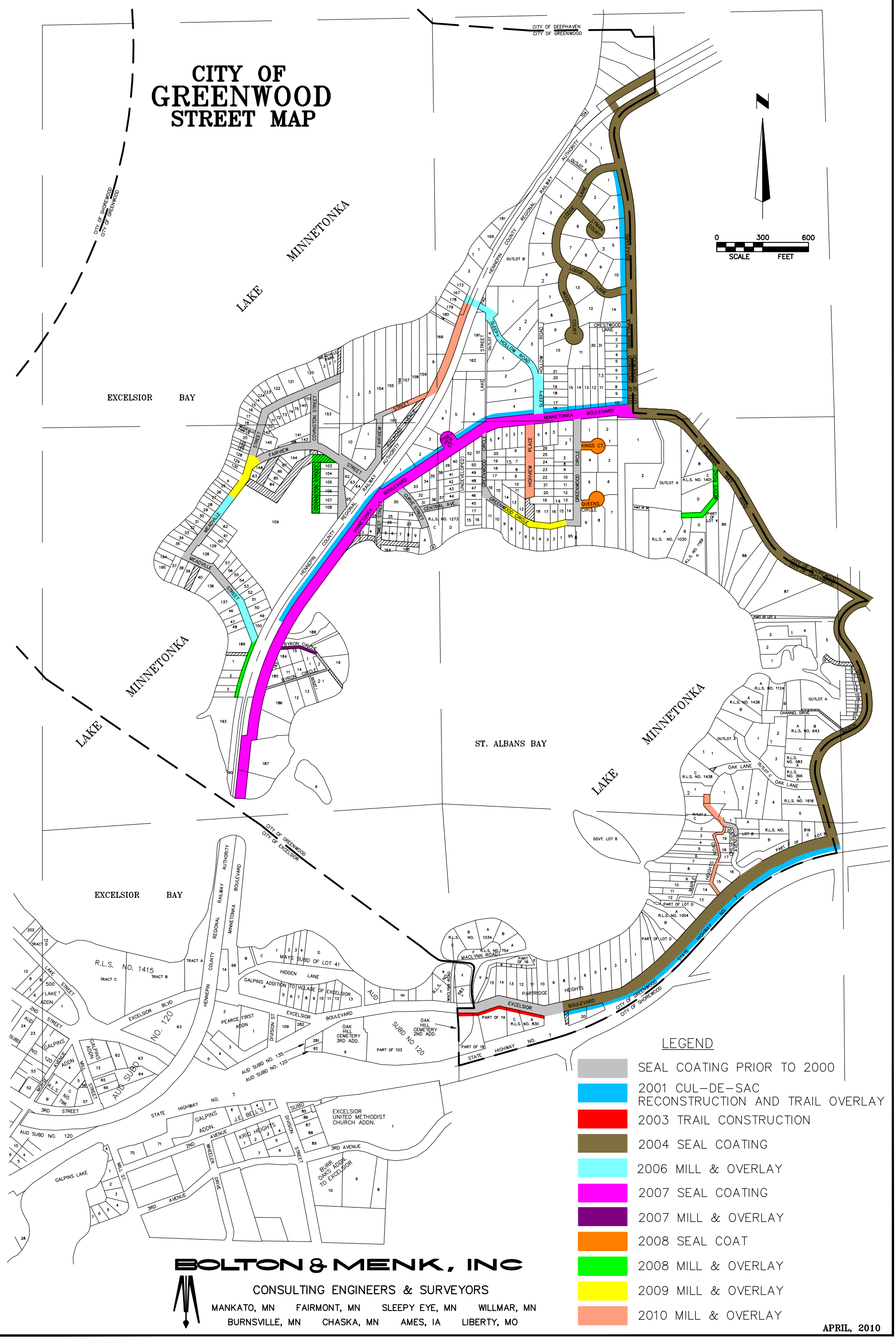
CITY OF GREENWOOD, MINNESOTA
2011 STREET CONDITIONS

APRIL, 2011

FIGURE NO. 1

CITY OF GREENWOOD STREET MAP



LEGEND

- SEAL COATING PRIOR TO 2000
- 2001 CUL-DE-SAC RECONSTRUCTION AND TRAIL OVERLAY
- 2003 TRAIL CONSTRUCTION
- 2004 SEAL COATING
- 2006 MILL & OVERLAY
- 2007 SEAL COATING
- 2007 MILL & OVERLAY
- 2008 SEAL COAT
- 2008 MILL & OVERLAY
- 2009 MILL & OVERLAY
- 2010 MILL & OVERLAY

BOLTON & MENK, INC

CONSULTING ENGINEERS & SURVEYORS

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN
BURNSVILLE, MN CHASKA, MN AMES, IA LIBERTY, MO

APRIL, 2010

DRAWING NO. 1

H:\GRWD\C13100903\100903_STR CONSTRUCTION.dwg 03/31/2011 8:51 am

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172
Phone (952) 448-8838 • Fax (952) 448-8805
www.bolton-menk.com

September 23, 2010

City of Greenwood
Attn: Deb Kind, Mayor
20225 Cottagewood Road
Deephaven, MN

RE: Retroreflectivity Sign Project
City of Greenwood, MN

Dear Mayor Kind:

To assist the City of Greenwood to become compliant with the federally-mandated minimum sign retroreflectivity standards, Bolton & Menk proposes to provide a combination of assessment and management services. This approach uses measured retroreflectivity and sign life predictions to achieve the most cost effective and efficient method of maintaining compliance and limiting liability. We believe that the benefits of this approach are as follows:

- It establishes accurate and objective measurements using a retroreflectometer to establish a baseline inventory
- It develops an inventory of relevant data (i.e. condition, location, post information, photo, etc.)
- It ensures that the full sign life is utilized, thus eliminating costly premature sign replacement
- It provides a tool to predict a sign replacement schedule for budgeting purposes
- It eliminates the need and expense of assessing the condition of all signs on an annual basis

Bolton & Menk proposes to develop an inventory of Greenwood's existing signs and evaluate the retroreflectivity of each sign using a retroreflectometer. The inventory and condition information will be input into management software called Cartegraph. The advantage of managing the sign information using management software is its ability to predict the anticipated life of each sign based on its current condition. With this information, the City will be able determine what signs may need to be replaced on an annual basis and can budget accordingly. Bolton & Menk can then recheck the retroreflectivity of the signs in question and only signs that fail to meet the minimum standard will be recommended for replacement, thus ensuring that the City is replacing only non-compliant signs.

We estimate that the City of Greenwood has approximately 400 signs located along streets and fire lanes. For budgeting purposes, we estimate a fee of $5,000 to $6,000 to complete the services described above. After the initial assessment and set up, we estimate an annual fee of approximately $1,000 to maintain the data base and assess the condition of signs that may be in need of replacement.

DESIGNING FOR A BETTER TOMORROW
Bolton & Menk is an equal opportunity employer

As always, we are committed to understanding your needs and ability to fund this project, as such please let me know if you have questions or would like to meet to discuss our proposed scope of work.

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer

Resolution __-11

Greenwood Sign Management Program

Be it resolved that the city council of the City of Greenwood, Minnesota will use the following "blanket replacement method" to ensure compliance by the dates specified in the federal requirements:

2011 Remove signs determined to be inconsistent with the MN MUTCD or best engineering practices, and/or do not provide a public benefit as determined by the city engineer or city council.

1. A contract employee or volunteer will mark all signs to be removed with florescent tape. Posts to be removed will be marked with florescent ribbon.
2. The city engineer will review and approve the removal of all marked signs and posts.
3. Public works or a contract company will remove all marked signs.

Thus, the January 22, 2012 federal deadline for sign assessment and management method will be met and the stage will be set for replacement of signs in 2012 through 2017.

2012 Replace approximately 1/3 of the regulatory, warning, and guide signs in the city (**Red** on Map A).

1. The city will request and approve a sign company estimate to replace signs and install new posts (if needed).
2. Signs currently on posts that are in good condition and are plumb, will be switched for new signs.
3. Signs currently on posts that are rusty or not plumb, will be replaced and installed on new posts.
4. The back of each newly installed sign shall have a weather resistant sicker with the warranty expiration date.

2013 Replace approximately 1/3 of the regulatory, warning, and guide signs in the city (**Yellow** on Map A).
The city will follow procedures 1-4 from 2012 above.

2014 Replace approximately 1/3 of the regulatory, warning, and guide signs in the city (**Green** on Map A).
The city will follow procedures 1-4 from 2012 above.

Thus, the January 22, 2015 federal deadline for the replacement of all regulatory, warning, and guide signs will be met.

2015 Replace approximately 1/3 of the street name and miscellaneous other signs in the city (**Red** on Map A).
The city will follow procedures 1-4 from 2012 above.

2016 Replace approximately 1/3 of the street name and miscellaneous other signs in the city (**Yellow** on Map A).
The city will follow procedures 1-4 from 2012 above.

2017 Replace approximately 1/3 of the street name and miscellaneous other signs in the city (**Green** on Map A).
The city will follow procedures 1-4 from 2012 above.

Thus, the January 22, 2018 federal deadline for the replacement of all signs will be met.

Going forward, the city intends to use "control" signs that are determined and tracked beginning the year the manufacturer's warranty expires. Control signs will be located in south facing, sunny locations if possible. To ensure a control sign is available in case one gets damaged or removed, there will be **two** control signs for each category listed on Table 2A-3. Sign life is determined by the standards defined on Table 2A-3. Tested control signs shall be marked with a weather resistant sticker that indicates the date the sign was tested. If the tests show there still is life in all of the control signs, then the city will continue to retest annually until the control signs do not pass the retroreflectivity standard. Once tests show **any** of the control signs installed in 2012 do not meet the retroreflectivity the standard, the city will proceed with repeating the above blanket replacement schedule beginning the following year.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
that this resolution is adopted this ___ day of _____, 2011.

Ayes: ___ Nays: ___

By: _____ Attest: _____
Debra J. Kind, Mayor Gus E. Karpas, City Clerk

Map 1A

CITY OF GREENWOOD, MINNESOTA
Sign Mangement Program

- 2012 Regulatory, Warning, and Guidance Signs Replaced
  2015 Street Name and Misc. Signs Replaced
- 2013 Regulatory, Warning, and Guidance Signs Replaced
  2016 Street Name and Misc. Signs Replaced
- 2014 Regulatory, Warning, and Guidance Signs Replaced
  2017 Street Name and Misc. Signs Replaced

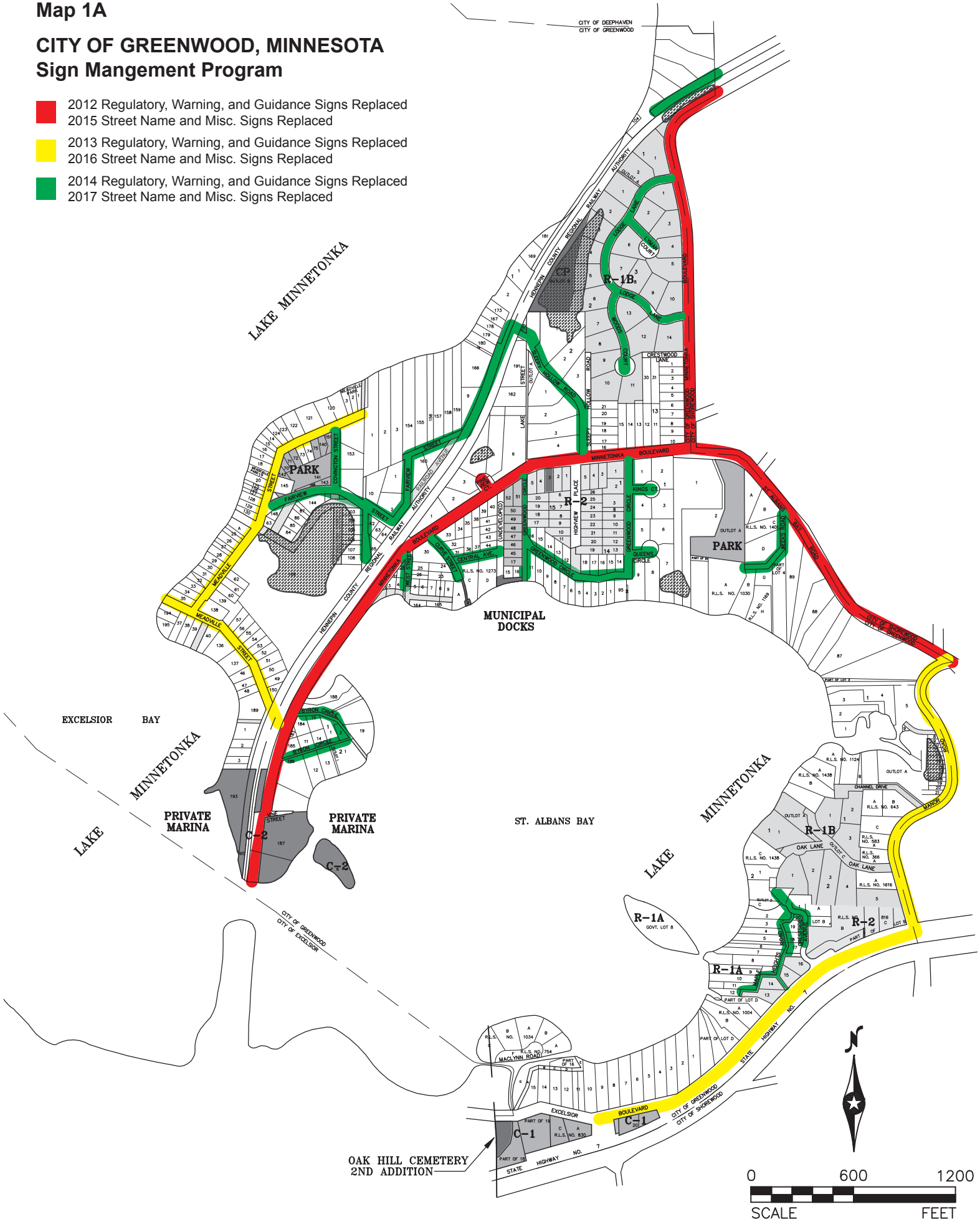


TABLE 2A-3

Sign Color	Sheeting Type (ASTM D4956-04) ①				Additional Criteria
	Beaded Sheeting			Prismatic Sheeting	
	I	II	III	III, IV, VI, VII, VIII, IX, X	
White on Green	W* G ≥ 7	W* G ≥ 15	W* G ≥ 25	W ≥ 250; G ≥ 25	Overhead
	W* G ≥ 7	W ≥ 120; G ≥ 15			Ground-mounted
Black on Yellow or Black on Orange	Y*; O*	Y ≥ 50; O ≥ 50			②
	Y*; O*	Y ≥ 75; O ≥ 75			③
White on Red	W ≥ 35; R ≥ 7				④
Black on White	W ≥ 50				—

① The minimum maintained retroreflectivity levels shown in this table are in units of **candela-lux per square meter (cd/lx/m^2)** measured at an observation angle of 0.2° and an entrance angle of -4.0°.

② For text and fine symbol signs measuring at least 1200 mm (48 in) and for all sizes of bold symbol signs

③ For text and fine symbol signs measuring less than 1200 mm (48 in)

④ Minimum Sign Contrast Ratio ≥ 3:1 (white retroreflectivity ÷ red retroreflectivity)

* This sheeting type should not be used for this color for this application.

Greenwood
City on the Lake

Agenda Number	**6A**
Agenda Date	05-03-11

Agenda Item	Consider: Greenwood Park Estimates
Summary	The following is a brief summary of this agenda item: The council directed staff to research the costs for various park items and bring back pricing to the May council meeting. Public Works Director Jerry Hudlow said the cost of wood chips for the trail would be free and estimated the labor cost for spreading the wood chips on the trail and cleaning brush from the grounds and pond to be $_____. Staff sought estimates for tree trimming from Emery Tree and Viking Tree services. Emery estimates the cost to be $8,000 and Viking gave an estimate of $3755. Staff contacted Tennis West to obtain an estimate on replacing or refinishing the tennis court, to construct a half court for the basketball hoop and to fill the rock area around the swing sets. Ray Finley of Tennis West said the tennis court is in great shape and only needs to be pressure washed. He said the same about the basketball court which he proposes to wash and stripe. The estimated cost for these services is $790. Staff priced the cost of two brooms, two squeegees, and a rack to hold them at Northern Tool. The total cost for those items is $133, plus an estimated cost of $_____ for public works to install the rack, for a total cost of $_____. Staff has received an estimate from Vintage Waste for the placement and servicing of a garbage can on the site. The cost for a 65-gallon can would be $22.36 a month and a 96-gallon can would cost $24.99 a month. They would add this expense to our monthly recycling bill. Vintage Waste indicated that they could not service a park-style can and suggested we include that in the duties of our public works department if we decide to go that route. The cost for a park-style garbage can ranges from $500 (trash only) to $900 (trash + recycling). A. Total cost for the above items with a Vintage Waste 65-gallon garbage can: $_____ plus ongoing monthly garbage removal cost of $22.36 per month. B. Total cost for the above items with a trash-only, park-style garbage can: $_____ plus ongoing monthly garbage removal cost of $____ per month. C. Total cost for the above items with a trash + recycling can: $_____ plus ongoing monthly garbage / recycling removal cost of $____ per month.
Council Action	Suggested Motions: 1. I move the council approves the Greenwood Park estimate A (B or C) to trim trees; spread wood chips on the trail; clean up brush from the grounds and pond; pressure wash the tennis court; pressure wash and stripe the basketball court; purchase and install brooms, squeegees and a rack; and install a garbage can for a base cost of $ _____, plus the ongoing monthly garbage removal cost of $_____. The costs shall be paid from the General Fund. 2. Modification of the above motion. 3. Do nothing.

Estimate

Viking Land Tree Care
716 Northwood Drive
Delano, MN 55328

Date	Estimate #
4/20/2011	198

Name / Address	Site Address
City of Greenwood	City park at Meadville, Fairview, and Covington

Description	Cost	Total
Prune branches over tennis court Remove buckthorn brush back from tennis court Clean up dead branches and trees that fell on ground Prune large dead branches over trails Remove dead trees by trails Chip all brush and put chips on trails	3,500.00	3,500.00T

Please call with any questions!
952-474-6651

Subtotal	$3,500.00
Sales Tax (7.275%)	$254.63
Total	$3,754.63

Quotation

From: Finley Bros., Inc.
dba Tennis West
P.O. Box 677
Hopkins, MN 55343
Ph: 952-933-8272
Fax: 952-933-6164

To: City of Greenwood
20225 Cottagewood Rd.
Deephaven, Mn. 55331

Attn: Gus Karpus
o.) 952-474-0367
fx.) 952-401-7587

Re: Pressure washing a (1) doubles tennis court.
@ Greenwood Park (Covington St. & Meadville St.)

Description of work to be done:

Area (approx.): 60'x120'

- Treat with outdoor bleach
- Pressure wash court.
- Owner to provide water source.
- Also, scrape, power broom, treat and clean
  Small basketball area adjacent to the tennis court.
  Stripe key area at later date.

Total this bid.....$ 790.00

Respectfully yours, Raymond S. Finley
(4-14-11) c.) 612-363-3004

Estimate accepted: _____ Date: _____

Greenwood
City on the Lake

Agenda Number	**7A**
Agenda Date	05-03-11

Agenda Item	Consider: Conditional Use Permit and Site Plan Review for 21900 Minnetonka Blvd. (former St. Alban's Boathouse Restaurant)
Summary	The following is a brief summary of this agenda item: Property owner Kent Carlson (the applicant) is requesting a site plan review and an amendment to the existing conditional use permit in force on the property to demolish the existing restaurant building and construct a new office building. Notification was mailed to neighbors on 04-05-11 and published in the Sun-Sailor on 04-07-11. The planning commission held a public hearing at their 04-20-11 meeting. Planning Commission Action: Motion by Commissioner Beal to recommend the City Council approve the conditional use permit to demolish the existing commercial structure which formally housed the Boathouse Restaurant and construct a new 10,300 square foot office building in its place for office use, changing from a restaurant to office use only, and the building height be restricted to Greenwood's definition, limiting the height to 28 feet to include all structures on the roof (appliances and maintenance equipment). Also the signage in the agreement is specific to the original conditional use permit signage. Cook seconded the motion. Motion carried 5-0. Next Steps: At the 05-03-11 council meeting the council will hear presentations from staff, the planning commission liaison, and the applicant. Even though official public hearings are held by the planning commission, there also will be an opportunity for the public to comment at the city council meeting. Then the council will discuss the application and make a decision or ask for an extension. Note: state statue 15.99 requires a decision by the city council within 60 days (05-14-11). However, the council may extend the time limit by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant. The following documents are attached for the council's consideration ... 1. Staff report prepared by Zoning Administrator Gus Karpas. 2. City engineer letter. 3. Written comments from residents. 4. Letter submitted by RLK Architects on behalf of the applicant. 5. Draft of 2011 resolution, exhibits, elevations and floor plans for council discussion. 6. Original resolution 11-00 and exhibits approved April 11, 2000. 7. Draft of 04-20-11 minutes from the planning commission meeting.
Council Action	Suggested Motions: 1. I move the city council approves resolution ___-11 re: the application of Kent Carlson for amendment to the conditional use permit issued pursuant to resolution 11-00 April 11, 2000 relating to multiple uses at 21900 Minnetonka Boulevard, Greenwood, MN. 2. I move the city council approves resolution ___-11 re: the application of Kent Carlson for amendment to the conditional use permit issued pursuant to resolution 11-00 April 11, 2000 relating to multiple uses at 21900 Minnetonka Boulevard, Greenwood, MN with the following changes ___. 3. I move the city council directs staff to give written notification to the applicant to extend the deadline by an additional ___ days so the applicant can provide _____. 4. I move the city council denies approval of the application because ____.

From: DEBRA ANTONE <debraantone1@msn.com>
Subject: **Kent Carlson property at 21900 Minnetonka Blvd**
Date: April 18, 2011 6:01:17 PM CDT
To: <plucking@idimn.com>, <tpalmberg@yahoo.com>, <johnbeal@usinternet.com>, <david.paeper@worldnet.att.net>, <mark@spiersassaciates.com>, <dkind100@gmail.com>, <tfletcher@aexcom.com>, <page.kelsey@gmail.com>, <quamco@aol.com>, <idarose@mchsi.com>, <lkimmerle@mchsi.com>, <rlalax@aol.com>, <jerrymoen10@gmail.com>, <wd40k@aol.com>, bill and joan slattery <slatteryb@msn.com>, <n.loabneh@meisagroup.com>, <kandnerickson@aol.com>, <clwilliamsphd@gmail.com>, "James N. Butcher, PhD" <jamesnbutcher@gmail.com>, <itg96@aol.com>, judy and elliot sirota <atoris2000@yahoo.com>, steven Hoiyt <steveh@hoytproperties.com>, john reimann <johnreimann@hansongroup.net>, <alicereimann@gmail.com>, charles Porter <cporter@cporter.com>, Mary McNutt <emmmie@msn.com>, stevepeter3 <stevepeter3@yahoo.com>, Pat Peterson <patpeter3@yahoo.com>, <malanaandjeff@gmail.com>, Ray Richelsen <rayr0113@gmail.com>, <judyr0205@gmail.com>, <mitchellstover3640@msn.com>, <kendallstover@msn.com>, <debraantone1@msn.com>, <rbsandcjs@aol.com>, susan covnick <susan.covnick@co.hennepin.mn.us>

Planning Commission of Greenwood,

RE: Kent Carlson property at 21900 Minnetonka Blvd.

After Reading through the Proposed Amendment to Conditional Use Permit for Cochrane's Marina and Site Plan Review we have many questions and concerns. Many of our neighbors surrounding this location are out of town at this time. We are requesting more time to gather our facts and submit them to the Planning Commission and City Council. We find many errors and false statements in the Proposal by RLK, Inc. to include, but not limited to the following:

- Use of parking space and availability
- Massing ordinance
- Building size and height
- Large water views
- Damage to roads and bridge
- Safety, confort, and welfare of neighborhood and city
- Hazardous and disturbing to Greenwood
- Added public costs for excessive requirements
- Impact of natural and scenic features
- Major impact on surrounding property values, large water views
- Destroy water views from bridge entering Greenwood

Sincerely,

Committee for Concerned Citizens of Greenwood

Debra Antone
ACN Independent Representative
www.debraantone.acnrep.com
612.670.9857

STAFF REPORT

Gus Karpas, Zoning Coordinator

Greenwood Planning Commission, Wednesday April 20, 2011 @ 7:00 p.m.

APPLICANT INFORMATION

Property Owner(s): Kent Carlson

Property Address: 21900 Minnetonka Boulevard

P.I.D. #: 26-117-23 34 0012

Zoning District: C-2, Lake Recreational

Shoreland District: Yes

Wetlands: No

REQUEST

The applicant is requesting a site plan review and an amendment to the existing Conditional Use Permit in force on the property to demolish the existing mixed use commercial building and construct a new commercial office building.

CITY CODE REQUIREMENTS

1. Section 1135.20 of the zoning ordinance states; No building permit will be issued for improvements within the C-2 district until a site plan has been reviewed by the Planning Commission and approved by the City Council. The notices and review process shall be the same as for a conditional use permit. A site plan submitted for review must contain the following:

   (a) Proposed site development plan, map, survey, and verbal description, including the location (and intended uses of) building and accessory structures, driveway, walkways, parking spaces, lot dimensions, area and yard dimensions.
   (b) Landscaping plans, including species, and plantings size and expected size of trees and shrubs when mature.
   (c) Storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the planned development.
   (d) Plans and specifications for all exterior finishes for both principal and accessory structures.
   (e) Storage areas for waste and garbage.
   (f) Screening where the property abuts a residential district or other neighboring use which, in the opinion of the city, would benefit from screening.
   (g) Building plans, including elevation drawings for all sides of the building and illustrations of planned accessory structures.

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

3. Section 1150.20(1) of the zoning ordinance outlines the findings required for the issuance of a conditional use permit and states; The Planning Commission shall make findings and recommendations to the City Council. The Council may then authorize a conditions use by resolution provided the evidence presented is such as to establish:

   (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
   (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
   (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
   (d) The use will be harmonious with the objectives of the Comprehensive Plan.
   (e) The use will not be hazardous or disturbing to existing or future neighborhood uses.
   (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
   (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
   (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
   (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
   (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
   (k) The use will not depreciate surrounding property values.

REQUEST SUMMARY

The applicant is requesting a site plan review and to amend the existing conditional use permit to allow the demolition of the existing mixed use building and construct new office only building. The applicant would like the option for a future restaurant tenant, with the understanding it would require further amendment of the conditional use permit.

The existing multi-use structure is two stories with an overall height of twenty-four feet and contains a footprint area of 5,218 square feet. The proposed structure would be two stories with an overall height of twenty-eight feet and contain a footprint area of 5,772 square feet.

Section 1135:10(1) of the Zoning Ordinance permits a maximum structure height of thirty (30) feet for commercial structures. The structural elevations submitted by the applicant indicate a proposed overall height of approximately twenty-eight (28) feet. ***As presented, the proposed height complies with the city's ordinance.***

The proposed structure would be four feet higher than the existing structure which has a height of twenty-four (24) feet.

Section 1135:10(2)(a) of the Zoning Ordinance requires a minimum front yard setback of fifty (50) feet from the right-of-way of all public highways and roads. The survey submitted by the applicant indicates the proposed commercial structure would be set back sixty-seven (67) feet from the front property line. ***As presented, the proposed front yard setback complies with the city's ordinance.***

Section 1135:10(3)(b) of the Zoning Ordinance requires a minimum east side yard setback of thirty (30) feet for commercial structures abutting residentially zoned property. The survey submitted by the applicant indicates the proposed structure would be set back over one hundred and forty (140) feet from the east property line. ***As presented, the proposed east side yard setback complies with the city's ordinance.***

Section 1135:10(3)(a) of the Zoning Ordinance requires a minimum side yard setback of fifteen (15) from the west property line. The survey submitted by the applicant indicates the proposed structure would be set back over two hundred (200) feet from the west property line. ***As presented, the proposed west side yard setback complies with the city's ordinance.***

Section 1176:04(3)(1) of the Zoning Ordinance requires a minimum lake yard setback of fifty (50) feet from the Ordinary High Water Level (OHWL). The survey submitted by the applicant indicates the proposed structure would be set back fifty-seven (57) feet from the OHWL. ***As presented, the proposed lake yard setback complies with the city's ordinance.***

1176:04(3)(b) permits a maximum impervious surface area in commercial areas of up to seventy-five percent in the Shoreland District, provided the stormwater management plan is approved by the City Engineer. The applicant indicates the proposed impervious surface area on the property is 58.7%. ***As presented and based on the comments of the City Engineer, proposed impervious surface complies with the city's ordinance.***

The original conditional use permit allowed for 63.4% impervious surface. The project as built contained 58.2% impervious surface. The proposal would increase the overall impervious surface by .5% or approximately by 525 square feet of impervious surface area.

Section 1135:10(7) requires a minimum lot area of 43,560 square feet (1 acre) in the C-2 Lake Recreation District. The survey submitted by the applicant indicates a lot area of 105, 015 square feet (2.4 acres). ***The applicant has a lot area that exceeds the minimum required by the city's ordinance.***

The City Engineer has reviewed the request. His comments are attached.

The applicant indicates additional landscaping will be added around the new structure as well as an additional 175 square feet of rain gardens. The applicant indicates that all open space on the site will have landscaping and that there will be no sod.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission will discuss this item at their April 20th meeting.

CITY COUNCIL ACTION REQUIRED

City Council Action Required: State Statute 15.99 requires a decision by the governing body within 60 days, unless the applicant is notified in writing the initial 60 days that the time period for a decision is extended. The City Council must approve, modify or deny the request by **May 14, 2011**.

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172
Phone (952) 448-8838 • Fax (952) 448-8805
www.bolton-menk.com

April 6, 2011

City of Greenwood
Attn: Mr. Gus Karpas
20225 Cottagewood Rd.
Deephaven, Mn 55331

RE: Proposed Amendment to Conditional Use Permit for Cochrane's Marina
City of Greenwood

Dear Gus:
As requested, we have reviewed the submittal package, dated 03/15/11, for the proposed amendment to the existing Conditional Use Permit for Cochrane's Marina to include "Office" and for building demolition and reconstruction of a new building to accommodate either restaurant or office uses. Based on our review, we offer the following comments for your consideration:

1. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for the proposed work. A copy of the permit shall be submitted to the City after MCWD approval. It is likely that the applicant will be required to provide additional information related to the sizing and construction of the proposed rain garden to gain approval.
2. A maintenance agreement for the infiltration area shall be provided that specifies the methods, schedule, and responsible parties for maintenance and must include at a minimum, the elements included in the MCWD Maintenance Agreement Form. The Agreement must be filed with the County before any land-altering activity occurs at the site.
3. Final Plans and Specifications shall be submitted to the City for final Site Plan Review and approval.

Please contact me if you have any questions or need additional information.

Sincerely,

BOLTON & MENK, INC.

David P. Martini

David P. Martini
Principal Engineer

RESIDENT COMMENT FORM - *This form will become part of the public record and therefore may be viewed by anyone.*

GENERAL COMMENTS ON REQUEST:

BASED ON PLANS I HAVE SEE ONLINE I SUPPORT THE PROJECT IN GENERAL.

(UNFORTUNATELY I WILL BE OUT OF TOWN ON APRIL 20 AND WILL NOT BE ABLE TO ATTEND THE MEETING)

SPECIFIC ISSUES or CONCERNS:

SPECIFICALLY I WOULD "NOT" BE IN FAVOR OF:

- A RESTAURANT THAT WOULD BE OPEN IN THE EVENINGS AND WHICH WOULD CAUSE PARKING PROBLEMS
- ANY BUILDING WITH GARISH OR BRIGHT SIGNING OF ANY KIND
- ANY BUILDING WHICH WOULD HAVE A SIGNIFICANTLY LARGER FOOT PRINT
- ANY BUILDING THAT IS VERY MUCH TALLER THAN THE EXISTING BUILDING (NOT MORE THAN 3 OR 4 FEET TALLER)

Name: RAY AND JUDY RICHELSEN (RICHELSEN FAMILY TRUST)

Address: 21957 MINNETONKA BLVD UNIT #17 GREENWOOD, MN.

Please return completed form to the attention of Gus Karpas @ 20225 Cottagewood Road, Deephaven MN 55331 or fax to (952) 474-1274.

From: donald white <reddypower2@hotmail.com>
Subject: **greenwood**
Date: April 23, 2011 6:45:59 PM CDT
To: <dkind100@gmail.com>

To the home owners of Greenwood... Over 25 years ago I came to Greenwood and found it to be an enchanting and pristine world all its own. At the time it seemed unreal... Canadian geese, Mallards, Wood ducks, Chipmunks', Eagles,Loons... and the Beaver I fought with to save the trees of greenwood. It was amazing, within Hennepin county one could experience such enjoyment. The city council of Greenwood seemed to be enlightened with the mission statement it crafted for all of us; The city of Greenwood is primarily a single-family, resident-owned community supporting the orderly development and redevelopment of our property. We are champions of the environment and believe in the preservation and conservation of natural resources[trees,green spaces,and wetlands].We believe development and redevelopment needs to show respect for and consideration of neighbors and neighborhoods. We encourage diversity. We believe in a balance between private property owners rights and the preferences of the neighboring properties.
It has been very delightful living here. Many friends have come and gone... greenwood is different without them. New neighbors have come to this small town,I hope they will enjoy what I have found over the years. For the old timers like me, and the new arrivals,I would like to talk about a disturbing project that is on a fast track for approval by the city council. While Greenwood sleeps...all in a couple of weeks this project will change Greenwood, and not for the good. It will destroy the mission statement and set a disturbing president in city politics. It also will destroy the rights of homeowners, to discuss, debate and be heard.
Last wednesday a single women with two children was trying to defend her property from a out of town developer at the planning commission hoping for justice. She and our committee had spent a week gathering facts and figures to stop this fast track by the planning commission. We had found serious errors, and misinformation as to this proposal. Her hopes were destroyed... they listened, they said nothing... then they moved on and voted for the developer. They refused to put the evidence in the packet along with the developers proposal that would be sent to the city council for debate. To me this was a sad, disgusting and sickening thing. Although it has happened before... 11 years ago when the Greenwood planning commission approved everything this developer wanted. He demanded port of call,charter boats, a restraunt, office building, marine services center, retail and 90 plus boat slips... a million dollar operation. And with all of that all he had was 122 parking spaces,the port of call would have opened the flood gates to hundreds of cars, buses into this fragile property.
I was proud of the people of Greenwood that summer day... it doesn't happen often in Democracy, but it was a good day. Jeannie had contact Joanne Bamn and we started a petition drive and by the time we reached city hall we had well over a hundred people,standing room only. The planning commission was voted down.
The developer still got a sweet deal... for our town never considered that his marina is not like Greenwood marina across the street where the boats are stored on location limiting the constant flow of large boats and trailers. We didn't consider the constant traffic of a restraunt and boat service center,plus a boat launch...or buses,happy hour,comedy club and other ridicules promotions. To add to that... semi trucks delivering beer and food.
Mtka Blvd. is our chief rd. across St. Albans bridge and it was given a top coat about 6 years ago,and it did not solve the base of the rd. but it looked good. As of today the top, base and shoulder is eroding and being destroyed by the constant use by heavy vehicles and traffic.
MAY 14TH THIS DEVELOPER WILL BE EXPANDING HIS OPERATION, BY ALMOST, DOUBLING THE RESTRAUNT,RAISING THE ROOF BY OVER 4FT.PLUS ADDITIONAL HEATING AND AIR CONDITION UNITS...AND ALL HE NEEDS IS 3 VOTES TO CHANGE THE CONDITIONAL USE PERMIT TO ADD TO THE STRESS ON OUR COMMUNITY.
Two years ago the city passed a massing ordinances.. it limited are rights, to expand our property, many of us sacrificed the value of our property... in many ways it followed our mission statement. But there is one property that is immune to a massing ordinance, his property can destroy residents lake views and continue to demand more, more, and more. All this stress which effects all of us...with all that he causes... 5 or 6 homes in Greenwood pay more real estate taxes then he does.
If you care... please send me an email... reddypower2@hotmail.com, or phone...952-922-4897, or call the mayor, council member

From: mitchell l stover <mitchstover1@me.com>
Subject: **Proposed Amendment to Kent Carlson Property 2190 Minnetonka Blvd.**
Date: April 24, 2011 10:28:52 PM CDT
To: dkind100@gmail.com
Cc: Mitch Stover <mitch.stover@target.com>

I live across the street in St. Albans Villas in unit 18. The proposed amendment to increase the height of the building will block part of the view from my property. When I moved in, the existing building containing St.Albans Boathouse restaurant was a consideration that I accepted. I would remind you that he sold the property to my builder and profited handsomely from the transaction. Now he seeks to impair my property to his advantage again. Just before you were elected, the planning commission voted to allow a neon sign for the St Albans Boathouse. Fortunately, your predecessor and a couple of others voted against the recommendations. I hope you will do so again. I would also like some clarification. I have been told that if this is approved, the owner will maintain his restaurant license. Under this scenario, he can make the building larger and then convert to a restaurant and now create a serious parking problem. Please confirm whether or not this is true. I can live with a remodeled building and a restaurant. That was the condition when I purchased and the one that existed when he sold the land to our builder, but I do not support making the building higher. It is my understanding that one member of our association indicated that all residents in St Albans Villas supported the change. This is not true. I would love to see a response. Considering the fact that you will be voting on this soon, I would appreciate a response as soon as possible. I would also be more than willing to discuss this proposal with you. In the evenings 952-380-3640 or by cell 612-327-8023. If I do not answer immediately, I will return the call ASAP.

From: donald white <reddypower2@hotmail.com>
Subject: **greenwood**
Date: April 25, 2011 7:34:49 AM CDT
To: <dkind100@gmail.com>

I am very disappointed in the action of the planning commission last week.I do not understand why we have to continue to have difficult with Mr. Carlson's project.
I walk daily and have seen and experienced major safety issues on the bike trail around his projects. The over use of this area is allful.The flow of traffic will eventually cause serious injury. I have escaped many times from cars coming out of his projects.
I find in his presentation to the city to be very disturbing because he claims he is a good neighbor, I wish the city would have more time because we have had nothing but trouble with this project and would like to bring our complaints to the planning commission.
This is one example of his kindness: When he cleaned up the restaurant years ago, he chose to put the garbage as far away as he could. He chose to put it in his neighbors backyard.
I have since learned the city would not allow lakeshore market to serve hot sandwiches because of the smell, well why does this property get special treatment.
Now, again he wants to expand, I am very upset!

Madonna White

From: Elliott Sirota <atoris2000@yahoo.com>
Subject: **Kent Carlson Property Proposal**
Date: April 25, 2011 3:19:47 PM CDT
To: dkind100@gmail.com
Cc: "Mitch.Stover" <Mitch.Stover@target.com>, Lanna <lKimmerle@mchsi.com>, Bill Slattery <slatteryb@msn.com>, J Moen <jerrymoen10@gmail.com>, Ray Richelsen <rayr0113@gmail.com>

Dear Mayor Kind,

I am a resident in the St. Alban Bay Villa's Unit #10.
My view of Excelsior Bay is presently obstructed by the existing building.
The thought of a taller and larger structure obscuring my view even further is unthinkable.
Needless to say, my view would be compromised as well as my property value.
I do not understand why the existing building cannot be remodeled and a suitable tenant (restaurant or office be found), without adding to the height of the building.

Thank you for your consideration,
Judith M. Sirota
21955 Minnetonka Blvd.
Greenwood, Mn 55331

From: donald white <reddypower2@hotmail.com>
Subject: **FW: Development**
Date: April 25, 2011 11:58:01 PM CDT
To: <dkind100@gmail.com>

From: JSpiegel46@aol.com
Date: Mon, 25 Apr 2011 21:04:41 -0400
Subject: Development
To: reddypower2@hotmail.com
CC: Rgspiegel@aol.com

Dear Terry,

Richard and I are in full support of what you are trying to do. We are not in favor of more commercial development in Greenwood, especially when it happens in a less than aboveboard manner.

We would like to see all information pertinent to this project accepted and passed on to the city council. We understood that the operation in question had no more room for height expansion. We also would not care to have more traffic in the area.

Thus, whatever we can do in support of your complaint we are happy to do. Just let us know.

Judy and Richard Spiegel

From: Jerry Moen <jerrymoen10@gmail.com>
Subject: **Kent Carlson Proposal**
Date: April 26, 2011 7:34:55 AM CDT
To: dkind100@gmail.com

Good morning. My name is Jerry Moen and I live at 21955 Minnetonka Blvd in the St Albans Bay Villa's. I am fine with Kent Carlson's proposal and prefer it to another restaurant.

Thank you.

From: Debra Kind <dkind100@gmail.com>
Subject: **Fwd: greenwood**
Date: April 26, 2011 2:02:26 PM CDT

From: donald white <reddypower2@hotmail.com>
Date: April 26, 2011 12:36:15 PM CDT
To: <dkind100@gmail.com>
Subject: RE: greenwood

Thanks Deb for your concern...I just want to repeat about the parking... in his proposal, parking arrangements... he claims that only 12 parking spaces are used parts of the day, andnot after 5:00. He neglects the hugh boats on blocks[we have a photo of one boat that takes up 7 parking stalls, as of today, it has been sitting their 3 weeks]. this goes on all year long till nov.They sand, clean and work on the boats in parking lot. Also he neglects to inform, that 5 or 6 employees park every day... not by the boat maintinance parking lot... but by the restauntant.And he all so forgets about patrons, trucks delievering parts
We also found that one office building patrons has5 trucks parked during the day. I would also point out... that there is business after 5:00, that is when A Doctor see patiences, handicapped and massage sevice.
This plan does not include all the guests that park for the boat slips.
Thanks again for your help, we have so many complaints, we thought they would have been discussed at the public hearing... it was very disappointing, just a heads ups there will be a reporter at the city council meeting,T

RLK INCORPORATED
Engineering · Landscape Architecture · Planning · Surveying · Traffic
Creating extraordinary Communities

March 21, 2011

Mr. Gus Karpas
Zoning Administrator
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331

RE: Proposed Amendment to Conditional Use Permit for Cochrane's Marina And Site Plan Review
Excelsior Bay, Greenwood, Minnesota
Resolution No. 11-00
RLK Project No. 2011-033-M

Dear Mr. Karpas:

INTRODUCTION

RLK, Inc. is pleased to submit on behalf of Kent Carlson (hereafter referred to as applicant) this request to amend the existing Conditional Use Permit (CUP) City of Greenwood Resolution No. 11-00 for Cochrane's Marina—Excelsior Bay in the City of Greenwood, Minnesota. The property is located at 21900 Minnetonka Blvd. and its legal description is attached as Exhibit A (hereafter referred to as the subject property). Exhibit B is an Existing Condition Plan for the subject property.

REQUEST

The applicant proposes to amend the existing CUP for Cochrane's Marina—Excelsior Bay Resolution No. 11-00 to include "Office" as a "Conditional Principal Use", and to do so by specifically amending Paragraph 19 to allow for the construction of a new building of approximately 10,300 gross square feet to accommodate approximately 7,200 square feet of net leasable space for office use. The applicant also seeks Site Plan Review to demolish the existing restaurant building and replace it with a two story building to accommodate either restaurant and office uses or only office use. The proposed building footprint will be almost identical to that of the existing building. The proposed building will be approximately 28 feet in height. Exhibit C illustrates the general features of the existing subject property and the proposed new building.

COMPREHENSIVE PLAN AND ZONING DISTRICT

The City's Comprehensive Plan guides the subject property as "C-2 Lake Recreation Commercial". The subject property is zoned "C-2 Lake Recreation". Restaurant is a Principal Use, and Office is a Conditional Use in the C-2 zoning district. Both uses are currently allowed by the existing CUP as is Multiple Permitted Principal or Conditional Uses on a single tax parcel. As such, restaurant, office, and multiple uses on a single tax parcel have been found to be consistent with the City's Zoning Code and Comprehensive Plan. Even though "Restaurant" is a Principle Use in the C-2 zoning category, the applicant is willing to submit for City Council approval the specific restaurant use to occupy the building.

PARKING ARRANGEMENTS

The subject property has 122 on-site parking stalls. The existing CUP estimated parking needs by land use, day of the week, and time of day. (Please refer to Resolution No. 11-00 Number 9, Letters a – d, Page 3 for further detail). In addition, the applicant brings nearly 12 years of operational knowledge to the subject property and believes parking demand to approximate the following:

IF RESTAURANT IS INCLUDED:

Use	**Monday-Friday 8am–5pm**	**Monday-Friday 5pm–10pm**	**Saturday-Sunday 8am–noon**	**Saturday-Sunday Noon–5pm**	**Saturday-Sunday 5pm–10pm**
Restaurant	----------	43	----------	43	43
Office	40	----------	20	----------	----------
Marina Dock	----------	25	25	50	25
Boat Service	8	----------	8	8	----------
Retail- Marina Services	4	----------	4	4	----------
Total	52	68	57	105	68

Restaurant: 1 space per 75 square feet @ 3,207 square feet
Office: 1 space per 330 square feet = 3,985 s.f. for proposed office building + 9150 s.f. for existing office building
Marina Dock: Existing 83 permanent slips @ 6 slips for every 10 docks
Marina Service: Existing permit

IF ONLY OFFICE IS INCLUDED:

Use	**Monday-Friday 8am–5pm**	**Monday-Friday 5pm–10pm**	**Saturday-Sunday 8am–noon**	**Saturday-Sunday Noon–5pm**	**Saturday-Sunday 5pm–10pm**
Restaurant	----------	----------	----------	----------	----------
Office	50	----------	25	----------	----------
Marina Dock	----------	25	25	50	25
Boat Service	8	----------	8	8	----------
Retail- Marina Services	4	----------	4	4	----------
Total	62	25	62	62	25

Restaurant: No restaurant is included in this scenario
Office: 1 space per 330 square feet = 7,192 s.f. for proposed office building + 9,150 s.f. for existing office building
Marina Dock: Existing 83 permanent slips @ 6 slips for every 10 docks
Marina Service: Existing permit

Adequate parking exists to accommodate all existing and proposed uses. Further, the Marina Operator limits parking to one vehicle per dock slip. Dock and parking attendants are also hired to monitor parking lot use and to assist with parking.

Existing parking areas will not be reconfigured as part of this request.

IMPERVIOUS REQUIREMENT

The existing CUP limits impervious surfaces to 63,514 square feet or 63.4% of the total site area. (Please see Number 22, Letter h, on Page 9 of Resolution No. 11-00). The existing site condition has impervious surfaces of 61,138 square feet or 58.2% of the total site area. The proposed site improvements will result in impervious surfaces of 61,692 square feet or 58.7% of the total site area. See the following table for further detail.

The proposed CUP amendment slightly increases impervious surface on the subject property. The proposed impervious surface coverage, however, is far below the City's allowed standard of 75% for the entire site. The existing rain gardens will be enhanced to improve stormwater runoff prior to discharge into Lake Minnetonka. Please refer to the landscape architecture/low impact design section of this narrative for further detail.

Parcel Area	105,015 s.f.
Existing Areas	
Buildings	15,084
Pavement	46,054
Existing Impervious Area	61,138
Existing Impervious Percent	58.2%
Proposed Areas	
Buildings	15,638
Pavement	46,054
Proposed Impervious Area	61,692
Proposed Impervious Percent	58.7%

STORMWATER MANAGEMENT

At the time of CUP issuance and original construction, a stormwater management system was designed and installed to sufficiently accommodate stormwater runoff from the subject property. An innovative system using infiltration and rain gardens was used to collect and treat stormwater runoff. This same system will be enhanced and slightly enlarged during the construction period. The applicant and RLK have met with representatives from the Minnehaha Creek Watershed District to discuss stormwater management for the subject property. It appears from these discussions the Watershed District remains supportive of the infiltration and rain garden stormwater system. Final design and permit for the stormwater system will occur at time of building permit.

SITE LIGHTING

The building lighting will consist of both downcast and wall sconce fixtures as manufactured by Bega lighting. These fixtures will be located at the building entrances and the lakeside office decks adjacent to each door. Lighting standards will be consistent with the Greenwood City Ordinance.

SIGNAGE

Signage panels are proposed to be located on the building exterior. These panels only suggest signage locations and will be defined in further detail upon actual tenant graphic.

LANDSCAPE ARCHITECTURE/LOW IMPACT DESIGN

Additional landscaping is proposed for the subject property as part of the proposed building. Existing rain gardens will remain in place and approximately 175 square feet of new rain garden will be added to the site. Landscaping is also proposed to be added between the new building and curb to help soften the building edge.

Plant species have been selected to be mainly native vegetation. Hardwood mulch is proposed for all planting areas to reduce the impact of "heat island" effect. Drip irrigation and rain sensors will be utilized to minimize the need for irrigation. All open space on site will be landscaped with shrubs and perennials with no sod proposed. This will eliminate the need for any lawn mowing around the building. Please see Exhibit D for additional details on the proposed landscaping plan.

SITE PLAN REVIEW DOCUMENTS

Exhibits T1, A1-A4, and PR are attached to illustrate architectural details associated with the proposed building. These exhibits in addition to the previously mentioned Exhibits A – D sufficiently meet the requirements for site plan review.

CRITERIA FOR APPROVING CONDITIONAL USE PERMIT REQUEST

Consistent with Section 1150.20 of the City of Greenwood City Code the following criteria are used to approve a Conditional Use Permit (CUP). Each criterion description is abbreviated for ease of reading. The City's Zoning Code should be referred to for a more complete description.

(a) The proposed use will comply with the regulations for this district. The existing CUP is being amended to specifically include office where only restaurant use had been allowed. Office is already a conditional use on the property and as a result already found by the City of Greenwood to be consistent with its Zoning Code and Comprehensive Plan.
(b) That the use is one of the conditional uses permitted for the district. Office is a conditional use in the C-2 zoning district and is already an approved conditional use on the subject property.
(c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city. As documented in other parts of this narrative, Office will in no way negatively impact the public health, safety, or welfare of the neighborhood or city.
(d) The use will be harmonious with the Comprehensive Plan. Office is harmonious with the City's Comprehensive Plan.
(e) The use will not be hazardous or disturbing to existing or future neighboring uses. Office has already been found to be a compatible use on the subject property. There is no reason to believe this will change.

(f) The use will be served adequately by essential public facilities and services. Adequate public facilities and services exist to support the Office use.
(g) The use will not create excessive additional requirements at public cost. No additional public infrastructure, facilities, or services are anticipated as a result of the Office use.
(h) The use will not cause excessive production of traffic, noise, smoke, fumes, glare or odors. The Office use will not result in excessive traffic, noise, smoke, fumes, glare or odors.
(i) The use will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. The Office use is not anticipated to have any impact on local traffic patterns.
(j) The use will not result in the destruction of a major natural or historic feature. The Office use will have no impact on historic, natural, or scenic features.
(k) The use will not depreciate surrounding property values. Office is already an allowed conditional use on the subject property. The applicant proposed to remove a dated and obsolete structure to be replaced with a new building. These activities will only have a positive impact on the value of surrounding properties.

Thank you for the opportunity to submit this narrative and application on behalf of Kent Carlson. We look forward to discuss this exciting new opportunity with you further.

Sincerely,

RLK Incorporated

Steven B. Schwanke, AICP
Principal Planner

DRAFT FOR DISCUSSION

RESOLUTION NO. _____

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

In Re: Application of Kent Carlson (Owner) for Amendment to Conditional Use Permit Issued Pursuant to Resolution – 11-00 April 11, 2000 Relating to Multiple Uses at 21900 Minnetonka Boulevard, Greenwood, Minnesota

---

WHEREAS, Kent Carlson, (hereinafter "applicant"), 20505 Lakeview Avenue, Deephaven, Minnesota, 55331, is the owner of property commonly known as 21900 Minnetonka Boulevard, Greenwood, Minnesota (the subject property), legally described in **Exhibit A** attached; and

WHEREAS, by terms of Greenwood Resolution No. 11-00 adopted April 11, 2000, the City did issue a Conditional Use Permit for Multiple Uses upon the subject property including office, marina, and restaurant, and thereby did impose regulations regarding parking, signage, hard-surface, storm water management, landscaping and other matters; and

WHEREAS, the subject property has been heretofore host to a building that dates 1946 used as a restaurant, now closed. The Applicant proposes to demolish said building and in its place construct a new structure to be employed for office purposes all as illustrated on **Exhibit B** attached; and

WHEREAS, notice of the application was published and a public hearing held hereon by the Planning Commission April 20, 2011, and public comment received.

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

FINDINGS OF FACT

1. The subject property is fully developed and is host to a legal permitted use marina and a legal conditional use, offices, and a now abandoned legal use, restaurant. The applicant proposes to amend the existing CUP to include offices as a permitted use of the building heretofore used as restaurant. The new building would host Class A office space – 10,300 gross square feet with

approximately 7,200 square feet of leased space. While the new building might accommodate a future restaurant, no application is presently before the City for such a use. Any future change back to a restaurant use would require review by the City to ensure that parking demands are able to be met. The footprint of the proposed building will incease from 5,218 square feet to 5,772 square feet and building height grows from approximately 24 feet to 28 feet. **Exhibit C** illustrates the proposed building on the existing subject property.

2. Parking. Multiple commercial uses are permitted within the C-2 Zoning District provided requisite parking needs are met. Here, the applicant must provide parking for office, marina docks, boat service and retail-marina services. There are 122 on-site parking stalls. The Code requires offices to provide 1 space per 330 square feet (7,192 sq. ft. for proposed office building + 9,150 sq. ft. for existing office building / 330 = 50 spaces). The retail-marina and boat service parking requirements were established at 12 spaces with resolution 11-00. The marina docks require six slips for every ten docks for a total of 50 spaces. Therefore, the total number of parking spaces required for the entire site is 112.

3. Parking Experience. The applicant's 10-plus years of experience demonstrates that the offices have typically been used hereat from 8AM to 5PM, Monday through Friday, and 8AM to Noon, Saturday and Sunday. Previous restaurant demand, typically Monday through Friday, 5PM to 10PM and Saturday through Sunday, Noon to 10PM consumed 43 of the available 122 parking spaces. The 12 spaces for retail-marina and boat service is 8AM to 5 PM. The new office building with 10,300 gross square feet will require 32 parking spaces weekdays 8AM to 5PM. The heaviest demand for marina docks is Saturdays and Sundays between noon and 5PM in summer with no demand off-season. Therefore the highest overlapping demand is 62 spaces, which is 50 spaces fewer than the Code requires (112) and 60 fewer spaces than what the applicant proposes (122).

4. Hardcover. The existing CUP authorizes 63.4% of the total site area as hardcover. The existing hardcover is 58.2% or 61,138 square feet. The applicant proposes square feet or 58.7% of total area in hardcover, an increase of 0.5% for a total site area in hardcover. This is 4.7% less than permitted and compares with a Code standard of 75% allowed in the C-2 Zoning District with a stormwater management plan.

5. Stormwater Management Plan. The property is host to an existing stormwater management system using infiltration and rain gardens to collect and treat stormwater runoff meeting the requirements of the Minnehaha Creek Watershed District.

6. Landscaping. Additional landscaping is proposed in conjunction with the new office building – 175 square feet of new rain garden will be added as well as landscaping between the building and curb. The landscaping plan is illustrated on **Exhibit D.**

7. Lighting. The exterior lighting for the office building will employ downcast soffit fixtures and downcast wall sconce fixtures located at building entrances, above the signage, lakeside office decks, and adjacent doors. Lighting will be consistent with Greenwood Ordinance Code requirements and installed as shown on **Exhibit E.**

8. Signage. Greenwood City Council's Resolution 11-00 addressed signage and permitted a monument sign and numerous signs on the current building. The applicant proposes to employ signage of like area to be placed on the new office building in the locations and manners illustrated on the new **Exhibit F.** The total building signage area approved on the 11-00 resolution is ___ sq. ft. The total signage area on the new proposed building is ___ sq. ft.

9. The City Zoning Administrator has reviewed the applicant's material and reports that the proposed office building *complies* with the applicable ordinances for the City's C-2 Zone, to-wit:

> Section 1135:10(1) Building Height Maximum of 30 feet. The proposed structure is 28 feet.
>
> Section 1135:10(2)(a) Front Yard Setback 50 feet from Public Right-of-Way. The building is 67 feet back.
>
> Section 1135:10(3)(b) Minimum East Side Yard Code requirement 30 feet from abutting residential zone. The proposed building is 140 feet.
>
> Section 1135:10(3)(a) Minimum West Side Yard Code requirement is 15 feet from abutting property. The proposed building is 200 feet or greater.
>
> Section 1176:04(3)(1) Minimum Lake Yard Setback Code requirement 50 feet. The proposed structure is 57 feet back from OHWL.
>
> Section 1176:04(3)(b) Maximum Permitted Impervious Surface Area in commercial areas is 75%. The site as a whole will have 58.7% impervious surfacing.
>
> Section 1135:10(7) Minimum Lot Area in C-2 District, one acre (43,560 square feet), actual lot area for site. 2.4 acres (105,015 square feet).

10. The City Engineer has reviewed this application and finds that it meets with the City's interest on matters of civil engineering related issues including sewer, water, and traffic.

11. The site is host to two structures and historically has always been host to commercial structures. The continuation of those uses on this site is consistent with past uses.

12. Under Minnesota Statute Section 462.357, the applicant is entitled to the continued use of the subject property without amortization or forced abandonment of use for buildings.

13. Greenwood Ordinance Code Section 1150:20 sets forth the standards by which the City Council may grant a Conditional Use Permit and/or Amendment of same.

14. The City Council has received the comments of the public through a public hearing held by the Planning Commission April 20, 2011 and has received the recommendation of the Planning Commission to approve the application subject to a 28-foot height maximum for the proposed office building, adequate shielding of roof top HVAC and mechanicals, and signage adhering to the original permitted signage under Resolution 11-00.

CONCLUSIONS OF LAW

1. Greenwood Zoning Code Section C-2 allows office by a Conditional Use Permit and the instant application is appropriate.

2. The existing CUP Resolution 11-00 allows office use on the applicant's property.

3. Office use has been proven not to be detrimental or a danger to the public health, safety, comfort, convenience or general welfare.

4. A proposed office use will be in harmony with the Comprehensive Plan.

5. Office use will not be hazardous or disturbing to existing or future neighboring uses.

6. The office use will be served by adequate essential public facilities and services.

7. Office use will not create excessive additional requirements at public cost.

8. The office use will not cause excessive traffic, noise, smoke, fumes, or orders.

9. The office use will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

10. The office use will not result in the destruction of major natural historic features.

11. The office use will not depreciate surrounding property values.

12. The application, as demonstrated by the analysis of the City Zoning Administrator, meets or exceeds the necessary Code requirements of the City of the Greenwood and should be granted without variance thereto.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments.

1. The foregoing Findings and Conclusions of Law are adopted, and

2. The applicant's request for Amendment of the Conditional Use Permit granted by Greenwood Resolution 11-00, April 11, 2000, is hereby granted on the following terms and conditions:

a. The proposed office building shall be constructed as proposed in the application on file and all the requisite and attendant appurtenances shall conform with said plans, including but not limited to a maximum building height of 28 feet as defined by Greenwood Zoning Code; impervious surface not more than 58.7% of total site area of 105,015 square feet; stormwater management as proposed and approved by Minnehaha Creek Watershed District; landscaping as proposed on **Exhibit D**; exterior lighting will employ downcast soffit fixtures and downcast wall sconce fixtures and be installed as shown on **Exhibit E**; signage as illustrated for the new building on **Exhibit F.**
b. The following parking shall be provided: 32 parking spaces for the new proposed office building; 18 spaces for the north building offices; 50 spaces for marina dock use; 12 spaces for marina-retail and boat servicing – total 112 spaces. In no event shall total spaces on site be reduced or eliminated below 122.
c. All terms and conditions of Greenwood Resolution 11-00 approving the original Conditional Use Permit and variances related to the subject property are adopted as if set out hereat in full.

d. The previous restaurant use is deemed abandoned, however in the event the applicant desires to make future application for a restaurant use on the subject property, nothing shall prevent such an application made in due course meeting the requirements of the City Code then in effect.

PASSED THIS ___ DAY OF _____, 2011 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

_____ Ayes, _____ Nays

CITY OF GREENWOOD

By_____
Debra J. Kind, Mayor

Attest:

_____
Gus E. Karpas, City Clerk

1\RESOLUTIONcarlson

EXHIBIT A

(As per Schedule A of Commitment to Title from Commercial Partners Title, LLC, File No. 29603 dated October 7, 2007)

Parcel A:

Lot 190, Auditor's Subdivision Number 141, according to the recorded plat thereof, Hennepin County, Minnesota.

Parcel B:

Lot 4, Solberg's Point, according to the plat thereof on file or of record in the office of the County Recorder, Hennepin County, Minnesota.

Parcel C:

Tract 1:

That part of Government Lot 3 of Section 26, Township 117 North, Range 23 West of the Fifth Principal Meridian, bounded and described as follows: Beginning at a point on the Easterly extension of the Northerly line of Lot 193, Auditor's Subdivision No. 141, distant 15 feet Westerly, measured radially, from the center line of the main track of the Chicago and North Western Transportation Company (formerly the Minneapolis & St. Louis Railway Company), as said main track is now located; thence Southerly parallel with said main track center line a distance of 700 feet, more or less, to a point on the Easterly shore line of Lake Minnetonka (Excelsior Bay); thence Northerly along said Easterly shore line to a point distant 50 feet Westerly, measured at right angles, from the center line of the main track of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation Company), as said main track center line was originally located across said Section 26; thence Northerly parallel with said original main track center line, a distance of 593 feet, more or less, to a point on the Northerly line of said Lot 193; thence Easterly along an extension of said Northerly lot line, a distance of 36 feet, more or less, to its point of beginning.

Tract 2:

That part of Government Lot 3 of Section 26, Township 117 North, Range 23 West of the Fifth Principal Meridian, bounded and described as follows: Beginning at a point on the Easterly extension of the Northerly line of Lot 193, Auditor's Subdivision No. 141, distant 50 feet Easterly, measured radially, from the center line of the main track of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation Company), as said main track center line was originally located across said Section 26; thence Southerly parallel with said original main track center line, a distance of 220 feet, more or less, to a point on the base of a hill or knoll as described by Warranty Deed dated April 2, 1881, between Ole N. Solberg and Albertina Solberg, and The Minneapolis & St. Louis Railway Company, filed April 11, 1881, in the Hennepin County Register of Deeds office in Book 94 Page 10; thence Southwesterly along the base of said hill, a distance of 40 feet, more or less, to a point distant 15 feet Easterly, measured at right angles, from the center line of the main track of the Chicago and North Western Transportation Company (formerly the Minneapolis & St. Louis Railway Company), as said main track is now located; thence Northerly parallel with said last described main track center line, a distance of 235 feet, more or less, to a point on the Easterly extension of the Northerly line of said Lot 193, thence Easterly along said Northerly line, extended, of Lot 193, a distance of 35 feet, more or less, to a point of beginning.

Together with the benefits of easements granted by Easement Agreement dated July 14, 2000, filed July 17, 2000, as Document No. 7323992, between Greenwood Marina LLC and Hennepin County Regional Railroad Authority.

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Twin Cities Area 651-454-0002
MN. Toll Free 1-800-252-1166

NOTE

EXISTING CONDITIONS SHOWN PER ALTA/ASCM LAND TITLE SURVEY PREFORMED BY RLK, INC IN 2007.

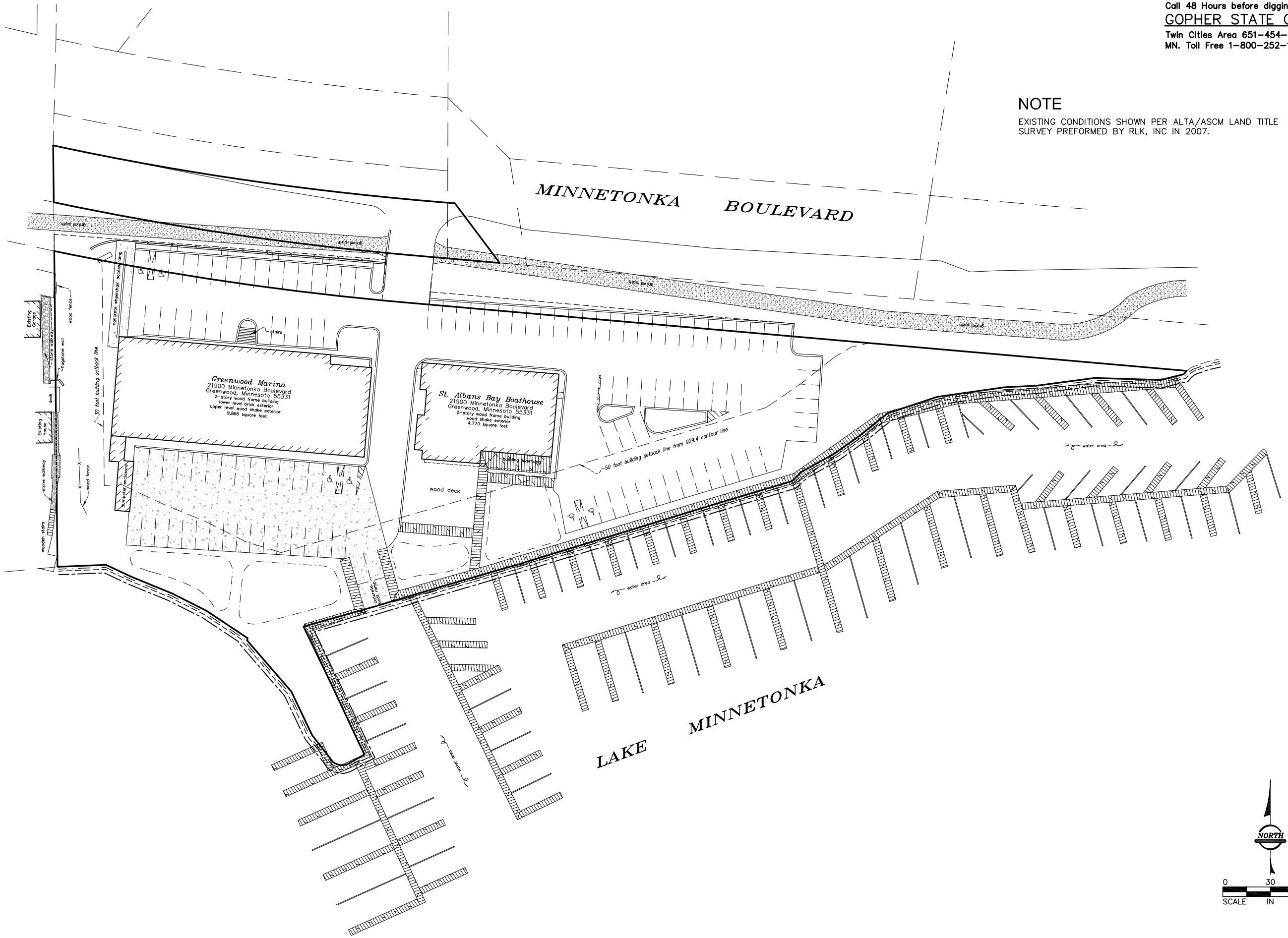

Exhibit B

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Duluth, MN 55807 (218) 626-0028
(952) 913-0572 (218) 720-4279

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DESIGNED	
DRAWN	
CHECKED	

REVISIONS

EXCELSIOR BAY PARTNERS
20505 LAKEVIEW AVE.
DEEPHAVEN, MN 55331

EXCELSIOR BAY HARBOR
GREENWOOD, MINNESOTA
EXISTING CONDITIONS

SHEET # —
PROJECT # 20110333M
DATE 2/15/11

Feb 14, 2011 4:31pm
G:\Carlson-Kent\2011-033-M dwg\200 01 A-Existing Cond.dwg

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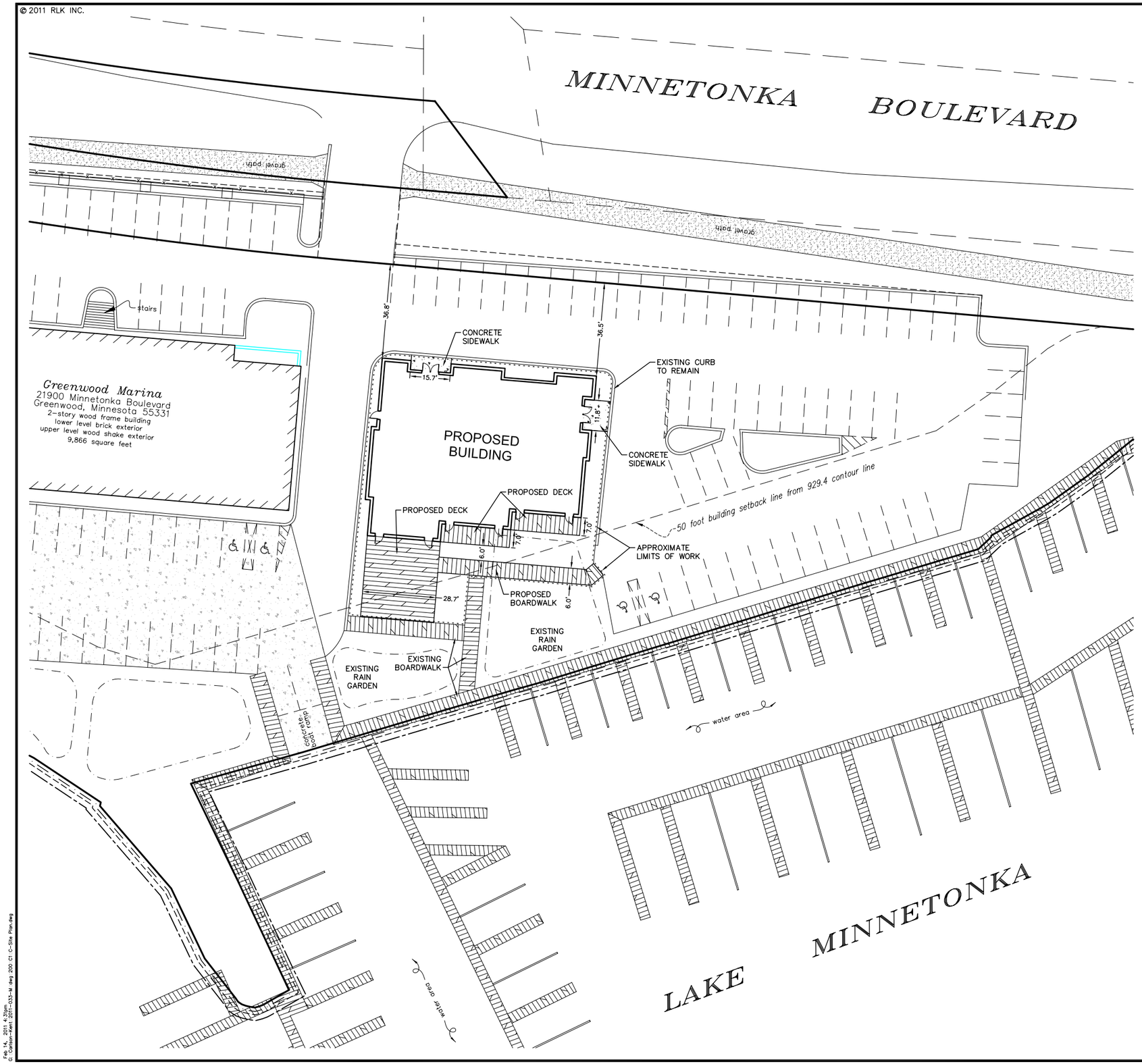

Exhibit C

Feb 14, 2011 4:31pm
G:\Carlson-Kent\2011-033-M dwg 200 C1 C-Site Plan.dwg

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SURVEYED RLK
DESIGNED PLC
DRAWN TBR
CHECKED

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20505 LAKEVIEW AVE.
DEEPHAVEN, MN 55331

EXCELSIOR BAY HARBOR
GREENWOOD, MINNESOTA
CONCEPT SITE PLAN

SHEET # —
PROJECT # 2011033M
DATE 2/15/11

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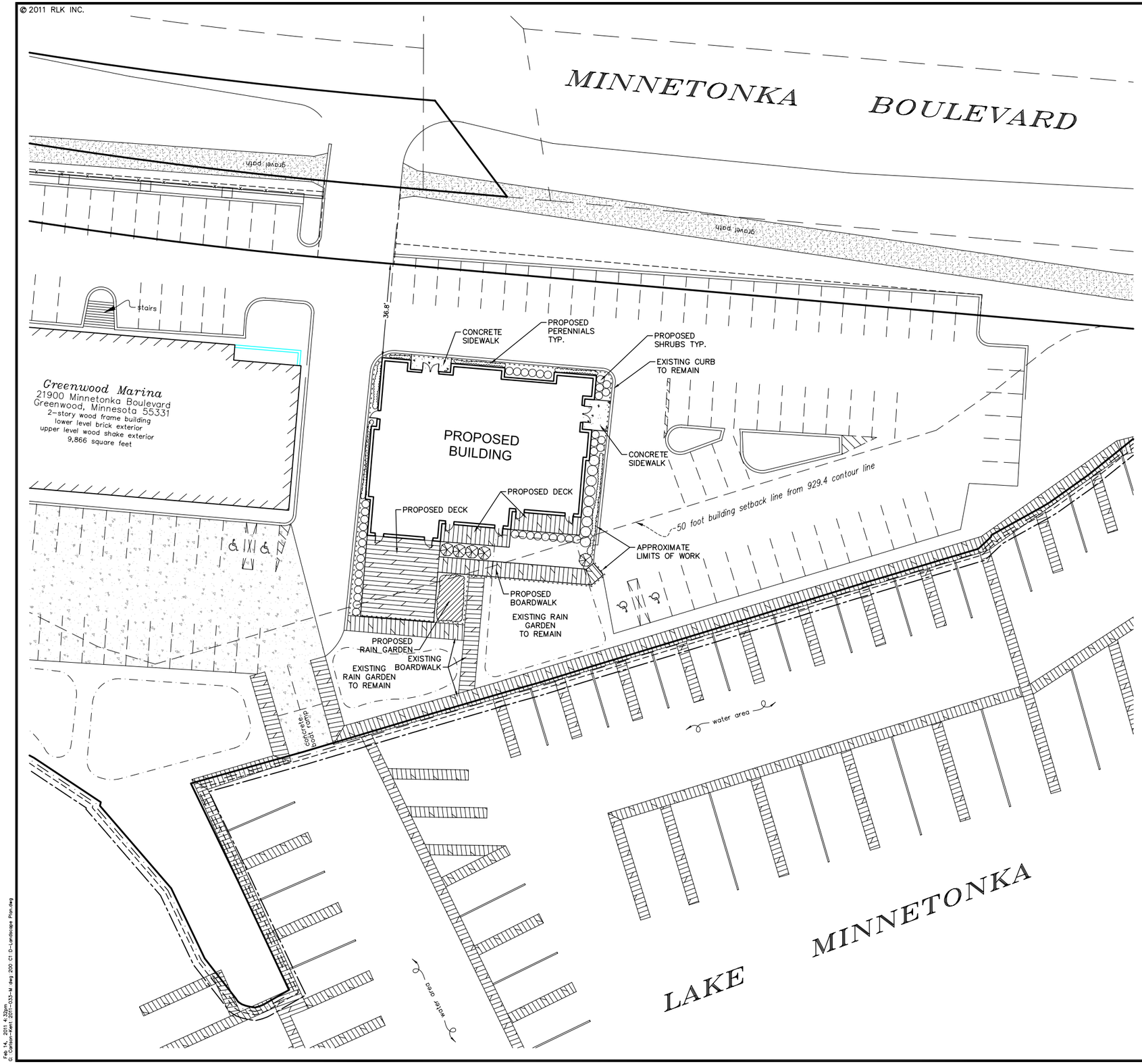

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MN. Toll Free 1-800-252-1166

SUGGESTED PLANT SCHEDULE

RAINGARDEN PLANTS

NARROW LEAF CONEFLOWER	NORTHERN BLAZING STAR	2.5" PLUGS
LITTLE BLUE STEM	SPIDERWORT	
BUTTERFLYWEED	BIG BLUE STEM	
FLAT TOPPED ASTER	WILD ONION	
PRAIRIE CONEFLOWER	INDIANGRASS	
MARSH MILKWEED	FOX SEDGE	
JOE PYE	BOTTLE GENTIAN	
GOLDEN ALEXANDERS	BONESET	
MARSH MARIGOLD	CARDINAL FLOWER	

SHRUBS

GRAY DOGWOOD	NANNYBERRY VIBURNUM	5 GAL.
BUSH HONEYSUCKLE	FRAGRANT SUMAC	
RED SNOWBERRY		

PERENNIALS

BLACK EYED SUSAN	DAYLILY	1 GAL.
ORANGE CONEFLOWER	HOSTA	
YELLOW CONEFLOWER	BIG BLUESTEM	

LANDSCAPE NOTES

ALL SHRUB PLANTING BEDS SHALL RECEIVE 4" OF SHREDDED HARDWOOD MULCH OVER LANDSCAPE FABRIC UNLESS OTHERWISE NOTED.

ALL PLANTING AREAS TO BE IRRIGATED EXCEPT FOR RAIN GARDEN AREAS.

FIRE HYDRANTS SHALL HAVE MIN. 3' CLEARANCE OF ANY LANDSCAPING TO ENSURE FIRE DEPARTMENT ACCESS.

IRRIGATION NOTES

LANDSCAPE CONTRACTOR SHALL SUBMIT A SHOP DRAWING OF THE IRRIGATION PLAN TO THE LANDSCAPE ARCHITECT FOR REVIEW.

DRIP IRRIGATION AND RAIN SENSORS SHALL BE USED IN THE DESIGN OF THE IRRIGATION PLAN.

CONTRACTOR SHALL PROVIDE PVC SLEEVES UNDER PAVEMENT AND DRIVE AISLE FOR IRRIGATION AND ELECTRIC POWER.

LIMIT OF IRRIGATION IS AREA OF IMPROVEMENT FOR THE NEW SITE DEVELOPMENT AS DENOTED ON PLAN. VERIFY LIMITS WITH LANDSCAPE ARCHITECT.

IRRIGATION DESIGN AND CONSTRUCTION IS TO BE PROVIDED BY CONTRACTOR FOR TURF AND PLANTING AREAS.

IRRIGATION SYSTEM IS TO BE DESIGNED AND CONSTRUCTED PER REGIONAL CONDITIONS AND LOCAL REGULATIONS.

NORTH

0 20 40
SCALE IN FEET

Exhibit D

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GREENWOOD, MINNESOTA

CONCEPT LANDSCAPE PLAN

SHEET # –
PROJECT # 2011033M
DATE 2/15/11

Feb 14, 2011 4:32pm
G:\Carlson-Kent\2011-033-M dwg 200 C1 D-Landscape Plan.dwg

3
A1

SOUTH EXTERIOR ELEVATION (LIGHTING)

SCALE: NTS

4
A1

EXTERIOR ELEVATION (LIGHTING)

SCALE: NTS

EXCELSIOR BAY HARBOR - EXHIBIT E

Mohagen Hansen Architectural Group

EXCELSIOR, MN

1
A1

NORTH EXTERIOR ELEVATION (LIGHTING)

SCALE: NTS

2
A1

EAST EXTERIOR ELEVATION (LIGHTING)

SCALE: NTS

EXCELSIOR BAY HARBOR - EXHIBIT E

Mohagen Hansen Architectural Group

EXCELSIOR, MN

1
A2

EAST EXTERIOR ELEVATION (SIGNAGE)

SCALE: NTS

SIGNAGE DATA	
EAST ELEVATION	84 SF
WEST ELEVATON	48 SF
TOTAL	132 SF

2
A2

WEST EXTERIOR ELEVATION (SIGNAGE)

SCALE: NTS

EXCELSIOR BAY HARBOR - EXHIBIT F

Mohagen Hansen Architectural Group

EXCELSIOR, MN

directory

Excelsior Bay HARBOR

CBRE CB RICHARD ELLIS

HaF ARCHITECTS HOEFLER-ARCHITECTS-LLC

SQUARE FOOT EXHIBIT

MAIN LEVEL

TENANT A	1,646 S.F.
TENANT B	1,857 S.F.
COMMON	1,621 S.F.
TOTAL	5,124 S.F.
C.A.F.	31.6%

SECOND LEVEL

TENANT A	4,345 S.F.
TENANT B	0 S.F.
COMMON	832 S.F.
TOTAL	5,177 S.F.
C.A.F.	16.1%

TOTAL BUILDING

TENANT A	5,991 S.F.
TENANT B	1,857 S.F.
COMMON	2,453 S.F.
TOTAL	10,301 S.F.
C.A.F.	23.8%

SIGNAGE EXHIBIT

EAST SIDE SIGNAGE

'BUILDING' SIGN	1 - 5'-0" DIA	19.5 S.F.
'TENANT' SIGN	4 - 1'-8" X 6'-0"	40 S.F.

WEST SIDE SIGNAGE

'TENANT' SIGN	3 - 1'-8" X 16'-0"	79.5 S.F.
TOTAL		139 S.F.

HaF ARCHITECTS HOEFLER-ARCHITECTS-LLC

index to drawings

ARCHITECTURAL:

T1	TITLE SHEET
A1	MAIN LEVEL FLOOR PLAN
A2	SECOND LEVEL FLOOR PLAN
A3	EXTERIOR ELEVATIONS
A4	EXTERIOR ELEVATIONS
PR	PERSPECTIVE VIEW
PR	PERSPECTIVE VIEW

issue record

date:	description:	sheet no.

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MINNETONKA OFFICE BUILDING

LOGO:

Excelsior Bay HARBOR

PERSPECTIVE:

DATE	ISSUE	NOTES

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registration no: 24210

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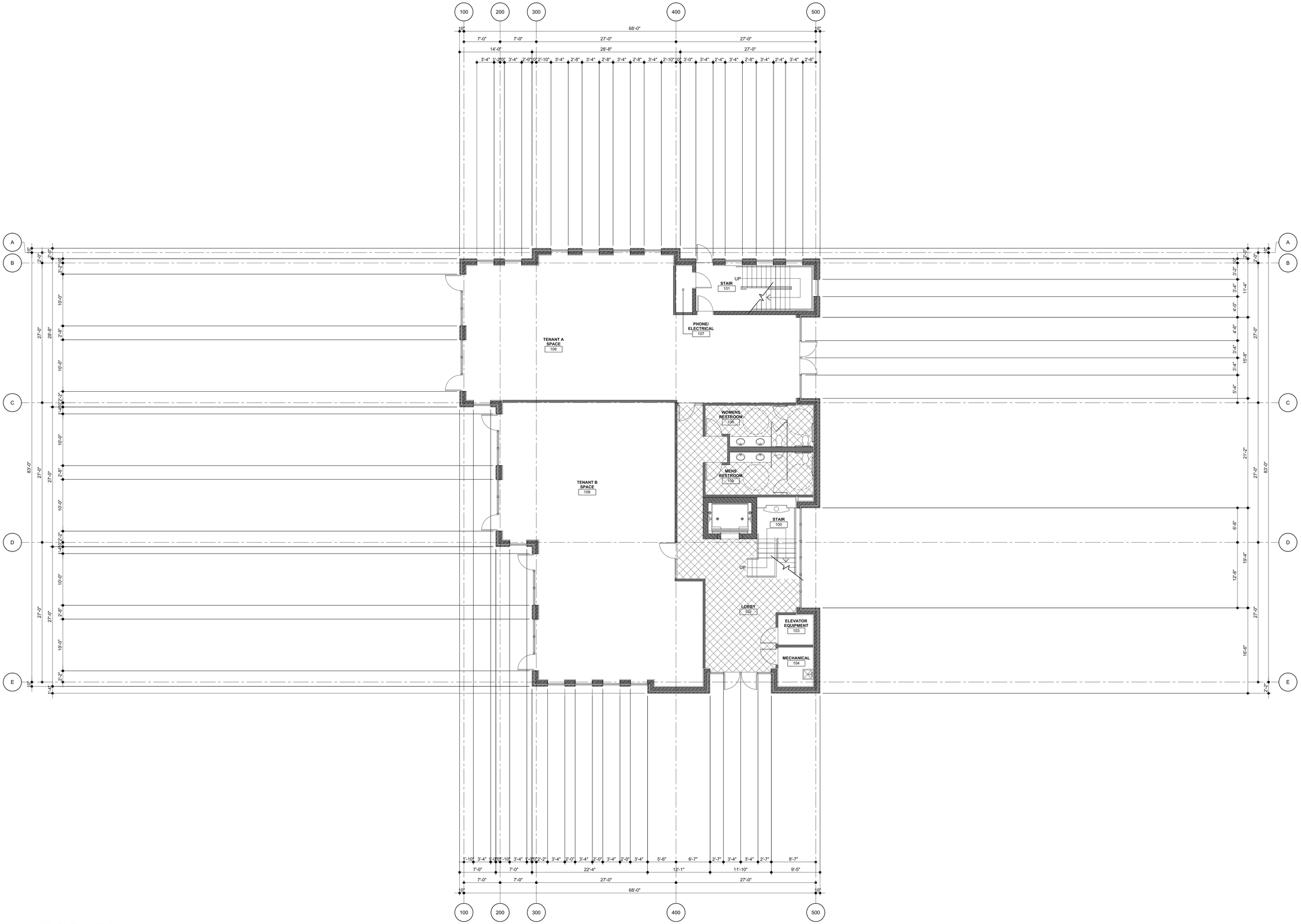
project no: 10015

drawn by: JGH

checked by: MGH

SHEET INFORMATION:
TITLE SHEET:

T1



1 MAIN LEVEL FLOOR PLAN
1/8"=1'-0"

TENANT A	1,646 S.F.	GROSS	5,124 S.F.
TENANT B	1,857 S.F.	COMMON	1,621 S.F.

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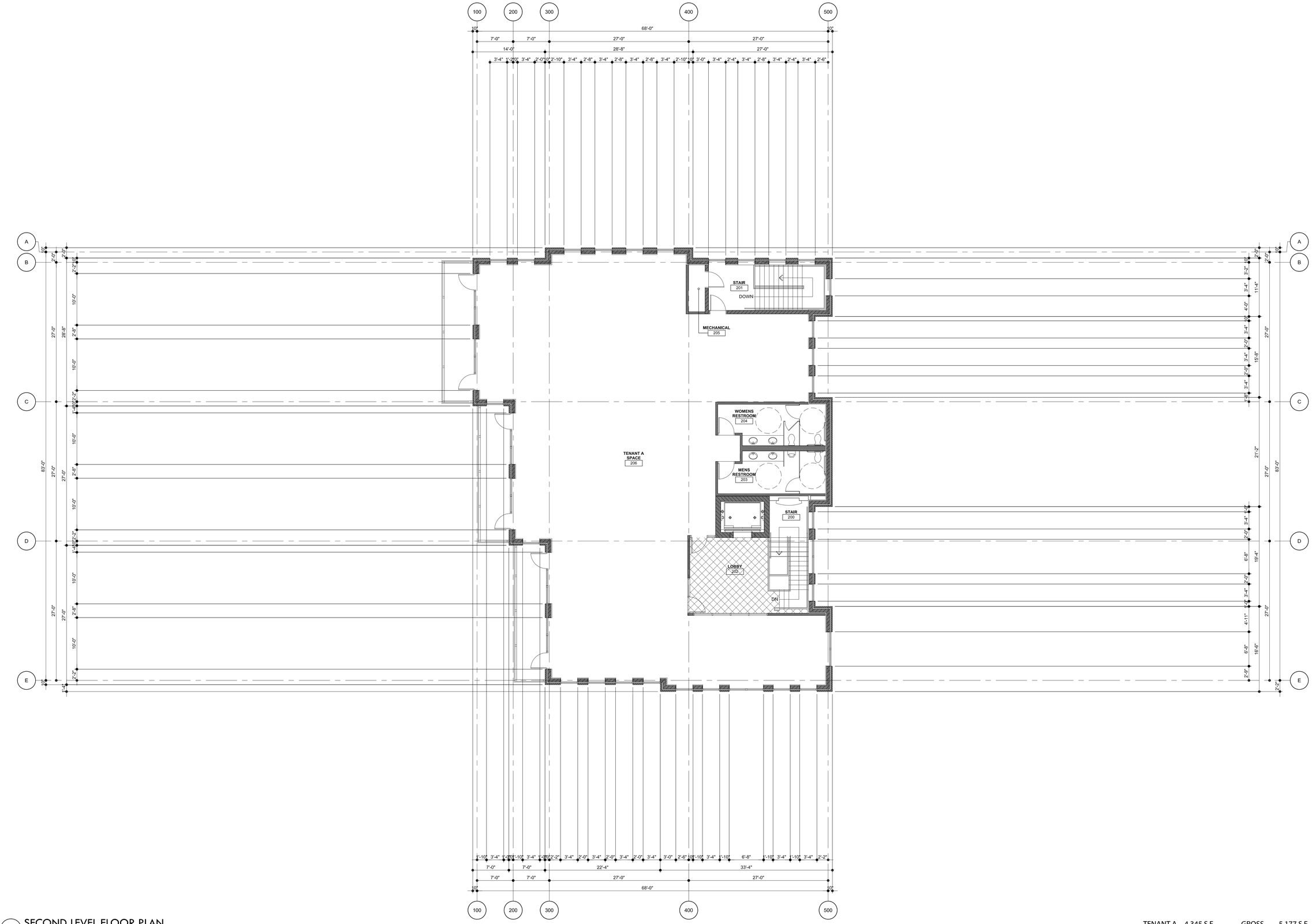
SHEET INFORMATION:
MAIN LEVEL FLOOR PLAN:

A1



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

TENANT A 4,345 S.F. GROSS 5,177 S.F.
COMMON 832 S.F.

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checked by: MGH

SHEET INFORMATION:
SECOND LEVEL FLOOR PLAN:

A2

1 EXTERIOR ELEVATION
1/4"=1'-0"

2 EXTERIOR ELEVATION
1/4"=1'-0"

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checked by: MGH

SHEET INFORMATION:
EXTERIOR ELEVATIONS:

A3

1 EXTERIOR ELEVATION
1/4"=1'-0"

2 EXTERIOR ELEVATION
1/4"=1'-0"

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SHEET INFORMATION:
EXTERIOR ELEVATIONS:

A4

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drawn by: JGH

checked by: MGH

SHEET INFORMATION:
PERSPECTIVE VIEW:

PR

RESOLUTION NO. 11-00

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

In Re: Application of Kent Carlson (Contract Purchaser) for 1) *Variances to Section 1145 et seq to Permit the Demolition and Reconstruction of a Non-Conforming Structure and 2) Conditional Use Permits* Related to Multiple Uses, Landings, Boardwalks and Retaining Walls within the Shoreland Setback Zone at 21900 Minnetonka Boulevard, Greenwood, Minnesota, commonly known as:
COCHRANE'S MARINA– EXCELSIOR BAY

WHEREAS, Kent Carlson, (hereinafter "applicant"), 20505 Lakeview Avenue, Deephaven, Minnesota, 55331, is a contract purchaser of property owned by Cochrane's Boatyard, Inc. commonly known as 21900 Minnetonka Boulevard, Greenwood, Minnesota PID Nos. 26 117 23 33 0003, 26 117 23 33 0002, 26 117 23 33 0011 legally described in Exhibit A (hereinafter "subject property"); and

WHEREAS, the subject property is fully developed for commercial purposes and is host to a marina building and a restaurant building; and

WHEREAS, the applicant proposes to demolish the existing marina building and reconstruct a new multi-purpose building to host marina boat sales, repair and general offices while retaining the existing restaurant building in place and making substantial exterior improvements thereto; and

WHEREAS, in conjunction therewith, the applicant plans to install rain gardens and other landscaping features to reduce the impact of hard cover within the Shoreland setback zone and otherwise buffer existing hard cover on the site from the waters of Lake Minnetonka; and

WHEREAS, notice of the application has been published, copies sent to the Department of Natural Resources, and a Public Hearing held hereon by the Planning Commission.

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

FINDINGS OF FACT

1. The subject property is a fully developed legal non-conforming use by reason of building placement, hard cover, and mixed use (two principal buildings). It is host to Cochrane's Marina and a restaurant most recently known as the St. Albans Bay Boathouse. The existing marina building is in poor physical condition; the existing restaurant building is in need of substantial exterior renovation.

2. Because of the non-conforming use status of subject property, the City is under no obligation to permit the expansion, demolition, or re-construction of the existing buildings, and may require, as a condition to the redevelopment of the property, the abandonment and demolition of one of the two existing buildings.

3. The applicant seeks a Variance to Section 1145 et seq to permit the demolition and reconstruction of the marina building without obligation to first abandon and demolish the existing non-conforming use, the restaurant building.

4. Greenwood Ordinance Code Section 1155:10, Subd. 5 permits the City to vary regulations relating to the restoration of damaged or destroyed non-conforming structures. For the applicant's project to proceed, Variance to Section 1145:25 Restoration and Section 1145:30 Normal Maintenance is necessary. If a Variance is granted as requested, the renovated property would continue to be a legal, non-conforming use subject to conditions imposed thereon by this application.

5. The applicant's proposal to demolish the existing marina building and construct a new building of approximately 19,125 square feet would reduce the existing non-conformity by placing the new marina structure at between 80 to 93 feet from the ordinary highwater mark of Lake Minnetonka (compared with approximately 10 feet for the current structure) and allow opportunities to replace hard cover with rain gardens intended to collect and filter storm water runoff. Hard-surfacing would be removed from between the existing restaurant building and the lakeshore and from between the existing parking and the lakeshore. Decks for public dining would be added between the restaurant and the lakeshore. Public Access to the site would be improved by the addition of a boardwalk along the water's edge. The boardwalk would direct patrons and the general public along the docks to the restaurant building area.

6. The subject property is presently 98,096 square feet with 62,283 of hard cover (63.5%). The total site will grow to 100,195 square feet under an easement from the HCRRA. The applicant proposes to limit hard cover to 63,514 square feet (63.4%) of the total site. By not exceeding current grandfathered hard cover, the need for a Variance is avoided. Hard cover impact will be mitigated by the introduction of rain gardens in a) the southerly quadrant of the property, b) between the parking lot and buildings along the southwesterly line of the property abutting the waters of Lake Minnetonka, c) along the easterly boundary of the property northerly of the entrance, and d) between the proposed parking lot and HCRRA Trail system.

7. Parking lots would be reconfigured. The applicant, under Agreement with Hennepin County Regional Railroad Authority, (HCRRA), (proposed text of agreement attached hereto as Exhibit B) is entitled to relocate the trail eastward onto the subject property and then use HCRRA land for parking. The trail relocation opens up land for 17 parking spaces and a handicap access ramp to the proposed marina/office building.

8. The street entrance to the property will be adjusted from its present oblique angle to a right angle at Minnetonka Boulevard and visibility for and of traffic and trail users

will be improved.

9. The redeveloped site would be host to a minimum of 122 parking spaces. The proposed uses are estimated to have need of the following required parking spaces based upon the estimated hours of operation and mix of uses stated:

   a. Restaurant - 56 spaces, plus 10 transient dock slips, May through September, and 66 spaces October through April (with no transient dock slips available) from 5PM to closing daily and in addition 11AM to 2PM Monday through Friday and 11AM to 5PM Saturday and Sunday based on 4,900 gross square feet of customer floor area and code requirement of one space per 75 square feet.

   b. Offices - 18 spaces from 7AM to 5PM, Monday through Friday, based upon 9150 square feet of office space (second floor Marina building) and code requirement of one space for 500 square feet of floor area.

   c. Marina docks - 51 spaces from 7AM to 11PM, Saturday, Sunday and holidays and 5PM to 11PM Monday through Friday, based on 0.6 spaces per dock for 84 leased docks, the remaining 10 docks on site would be designated as transient and assigned to the restaurant as additional parking spaces.

   d. Marina related retail and boat servicing - 12 spaces from 7AM to 5PM, Monday through Saturday; and 10AM to 5PM, Sunday based on 1) an estimated 2,289 square feet of marina building, lower level, employed for marina related retail and code requirement of one space for 500 square feet of floor area, and 2) an estimated 7786 square feet on the lower level of the Marina building employed for boat repair, and Code requirement for auto servicing stations of 4 spaces plus 2 per service stall (2 service stalls therein).

The assignment of on-site parking to permitted uses are summarized in the chart below:

	Parking Space/Use/Hour				
	M-F	S-S	S-S	M-F	S-S
Use	8A-5P	8A-12P	12P-5P	5P-11P	5P-11P
Restaurant	40	-0-	56* 66**	56* 66**	56* 66**
Offices	18	18	-0-	-0-	-0-
Marina Docks	51/0**	51/0**	51/0	51/0	51/0
Retail-Marina Services	4	4	4	-0-	-0-
Boat Servicing	8	8	8	-0-	-0-
TOTAL	121/70**	81/30**	119/78**	107/66**	107/66**
CODE EXCESS	1/52**	41/92**	3/44**	15/56**	15/56**

*Plus10 transient boat docks/ **Winter parking

10. Proposed marina/office building would have a Code compliant height of 28.29 feet based upon an average of the lowest and highest point of the lot covered by the proposed building measured to the top of the mansard parapet. This compares with an existing structure of 17.71 feet in height. The proposed marina/office building would have Code compliant side yard setbacks of approximately 33 feet on the northwesterly corner and approximately 39 feet at the northeasterly corner. This compares with 38 and 42 feet respectively for the existing building.

11. The front yard setback would grow to approximately 108 feet over the existing 93 feet while lakeside setback would grow from 10 feet to approximately 81 feet at the northwest corner and from 35 feet to approximately 93 feet at the southwest corner. The distance between the marina and restaurant building would be increased from 21.5 to approximately 31 feet. The handicap ramp front yard setback from Minnetonka Boulevard would be not less than 50 feet.

12. The applicant proposes that the existing restaurant building be refaced with brick, stone, and cedar shingles. A new mansard-shaped roof would be installed as well as new windows and cosmetic additions. These are set forth in Exhibit C. The renovated restaurant building may also include mechanical improvements and interior improvements at the election of the applicant. The improvements, if made, should substantially extend the useful life of the restaurant building. The design will blend with the proposed marina/office building and will result in the property being wholly renewed.

13. The renovation of the subject property, as a <u>whole</u>, as described in Exhibits C-L, is in the best interest of the subject property, the neighborhood, and the City of Greenwood.

14. A <u>partial</u> renovation of the subject property (marina building exclusively) is not in the best interest of the neighborhood or the City. It would not be in keeping with the spirit and intent of the Zoning Ordinance to grant a Variance to rebuild the marina building which did not, as a condition thereof require that improvements be made to the existing restaurant building as described in Exhibit C, or require demolition of the restaurant building.

1. In the event the Variance is granted and the existing restaurant building is not improved as described in Exhibit C, the Variance to demolish and rebuild the marina building while retaining the restaurant building should become null and void and the restaurant building should be required to be demolished and its use abandoned.

2. The following Conditional Use Permits required for the applicant's proposal (Exhibits C-L) may be granted pursuant to Section 1176:07 and Section 1150:20, to-wit:

   a. A Conditional Use Permit to allow six foot wide landing/boardwalk in excess of 32 square feet along the southwesterly boundary/lakeshore of the property (to be used in conjunction with reconfigured/rebuilt docks) pursuant to Section

1176:04, Subd. 8(2);

b. A Conditional Use Permit to permit retaining wall within the Shoreland Setback Zone (Section 1176:04, Subd. 7);

c. A Conditional Use Permit to permit a landing for a boat launch and for a patio on the peninsula in excess of 32 square feet in the most westerly portion of the subject property (Section 1176:04, Subd. 8(2));

d. A Conditional Use Permit for multiple commercial uses on a single tax parcel pursuant to Section 1135:05, Subd. 3,D;

e. A Conditional Use Permit for retail-marina related uses pursuant to Section 1135:05, Subd. 3,A; and

f. A Conditional Use Permit for general offices pursuant to Section 1135:05, Subd. 3,C.

17. The applicant has represented that the proposed improvements, if developed substantially according to the submitted plans, support the grant of the above described Conditional Use Permits. The applicant has adequately addressed soil erosion, visibility of structures, adequacy of water and sewage treatment, anticipated parking, the desirability of the facilities and improvements, and the contribution to the general welfare of the community made by the proposed development, and that the project will not have a detrimental effect on the public health, safety, morals, and general welfare, and will otherwise comply with the regulations specified in the City Code.

18. Conditional Use Permits for a) landings and boardwalks pursuant to Section 1176:04, Subd. 8(2); and b) retaining wall pursuant to Section 1176:04, Subd. 7 should be granted subject to the following conditions:

a. Compliance with proposed site plans and management schedules (Exhibits C-L).

b. Compliance with the instructions of the City Engineer relative to construction;

c. Compliance with the Minnehaha Creek Watershed District regulations relative to prevention of soil erosion during and after construction; and

d. Construction and maintenance of subject property in substantial conformance with all Exhibits attached hereto and performance of all conditions set forth at paragraphs 9,18, 19 and 22 hereof.

19. Conditional Use Permits (pursuant to Section 1135:05) to allow:

a. Marina related retail use;

b. General offices; and;

c. Multiple permitted principal or conditional uses on a single tax parcel,

should be granted subject to the conditions set forth below and at paragraph 22 hereof. Violation of any of the conditions set forth below or at paragraph 22 below shall constitute a Default under the Conditional Use Permits hereunder and shall cause the owner of record, its successors and assigns to be subject to the remedies set forth at paragraph 22 w hereof.

Conditions:

1) Tax parcels 26-117-23-33-0003, 26-117-23-33-0002 and 26-117-23-33-0011 shall be consolidated under one property tax identification number and no future subdivision of same shall be permitted.

2) That the exterior of the existing restaurant building shall be renovated as described in Exhibit C.

3) The Conditional Use Permit for multiple permitted uses shall be subject to review and modification in the event of revocation of the HCRRA easement to employ railroad right-of-way for parking and encroachments, as illustrated on Exhibits B-L.

4) Construction and maintenance of subject property shall substantially conform with Exhibits C-L attached hereto and the continuing performance of all conditions set forth at paragraphs 9,18, 19 and 22.

5) Exterior parking, standing, or storage of watercraft on the grounds of the subject property is restricted to the areas depicted on Exhibit K and is limited to a) a maximum of 12 watercraft (whether new, used, or under repair)at anytime during the months of April - October each year b) a maximum of 6 watercraft at anytime during the months of November - March.

6) Total parking on site shall be not less than 122 spaces on the subject property and required parking per the estimates in paragraph 9 above shall be subject to adjustment per paragraph 22 below. (Required parking spaces do not include transient boat slips.)

7) In the event subsequent use experience demonstrates. that on-site parking, or any other amenity, on the subject property is being over burdened or is otherwise inadequate to the demands being imposed thereon by the uses to which the subject property is then being employed, the City may declare a default and proceed pursuant to

paragraph 22 w hereof.

8) The mix of 1) permitted principal or conditional principal use types, 2) total interior building space assigned or employed by use types, and/or 3) or location of uses within the buildings on the subject property shall not deviate from the following without an amended conditional use permit first obtained:

(a) Restaurant – Space: 4900 square feet of interior customer seating area within Restaurant building,

(b) General Offices – Space: 9150 square feet of upper level of Marina Building. ("General Offices" does not include Retail uses.)

(c) Boat Servicing and Marina Related Retail – Space: of 10075 square feet on the lower level of the Marina Building,

(d) Marina Docks – 84 regular and 10 transient.

9) No Retail use of the upper level of the Marina Building is permitted. In no event shall the property be used for rental or sale of personal watercraft

20. The applicant identifies the following unusual conditions in support of the Variance request:

a. The shape of the property is triangular with limited depth in the southerly half abutting Lake Minnetonka. This limits building placement options and parking setback opportunities that would permit the redevelopment of the property for similar uses but with a single principal building.

b. The repair/restoration of the existing marina building would perpetuate a non-conforming 10-foot lakeside building setback without opening up space for parking lot reconfiguration to allow for reduced hard cover within the shoreland setback zone. In contrast, the proposed building would be moved 80 to 90 feet back from the lake and provide opportunities for rain gardens and other landscaping features which will mitigate the impact of rain water runoff from parking lots servicing the site.

c. Unless the existing impervious area (which exceeds the 40%) is maintained at or near existing levels (63%), the proposed plan (an updated continuance of prior uses) cannot be developed for want of parking to adequately service the property.

d. Without Variances to reconstruct a Code compliant building, the existing non-

conforming marina building is likely to be maintained in its present dilapidated condition indefinitely.

21. The Variance, if granted, will be within the spirit and intent of the Zoning Ordinance and strict compliance with the Ordinance would cause an undue hardship, to-wit:

a. The subject property cannot be put to a reasonable use without the grant of a Variance, as to do so would necessitate the abandonment of an existing valuable economic commercial use of the property (the restaurant building), while the continued use of two wholly rebuilt/renovated structures as proposed will provide opportunities for reconfigured parking space, a public deck area for the restaurant, improved views of the lake from the restaurant, reduction of hard-surfacing within the shoreland impact zone, and a range of services beneficial to the community.

b. The plight of the owner is due to circumstances which are unique to the property and are not created by the landowner. The applicant did not create the existing conditions. The existing conditions will not be voluntarily abandoned but negative conditions created thereby can be eliminated or mitigated by the elimination of buildings, accessory structures, parking, and the creation of rain gardens and improved drainage patterns on-site and within the shoreland setback zone.

c. The Variance, if granted, will not alter the essential character of the locality insofar as the site will continue to be employed as before and in a much improved physical and valuable economic condition.

22. A Variance to Section 1145 et seq for the demolition/reconstruction of the existing marina building, (21900 Minnetonka Boulevard, Greenwood, Minnesota), while retaining the existing restaurant building should be granted subject to the conditions set forth below and set forth at paragraph 19 above. Violation of any of the conditions set forth in paragraph 19 or 22 hereof shall constitute a Default of the Variance hereunder and shall cause the owner of record, its successors and assigns, to be subject to the remedies set forth at paragraph 22 w hereof.

Conditions:

a. All existing accessory structures and accessory uses shall be demolished, removed, and discontinued; all existing legal or illegal uses shall be terminated except as otherwise permitted hereunder;

b. All construction shall not materially deviate from the plans as presented to the City in support of variance request as set forth in Exhibits C-L;

c. No accessory structures shall be permitted with the exception of handicap ramps, parking lots, decks, landings, well house, and retaining walls as illustrated

on Exhibits C-L.

d. Use of the subject property site for residential purposes is prohibited. (see Exhibit D).

e. No material deviation from plans submitted in support hereof (Exhibits C-L) shall be made except after amended Variance and/or Conditional Use Permit first obtained.

f. The restaurant building, commonly known as the St. Albans Boathouse, shall be either 1) demolished and not rebuilt, or 2) remodeled in accordance with Exhibits C-L. Such demolition and remodeling shall be completed not later than eighteen (18) months following the date on which the building permit for the demolition and rebuilding of the marina/office building is issued by the City. In the event the demolition or remodeling of the restaurant building is not completed in said eighteen month period, the applicant, its successors or assigns shall be entitled to an additional six (6) months in which to complete the demolition or remodeling of the restaurant building, on the condition that the applicant, its successors or assigns post with the City of Greenwood, a bond, letter of credit, or cash in the amount of Twenty-five thousand Dollars($25,000.00) which may be called upon by the City of Greenwood upon the expiration of said six (6) month extension for the sole purpose of effectuating the demolition of the restaurant building. By requesting a permit for construction of the marina/office building as permitted hereunder the applicant, its successors or assigns do acknowledge the right of the City, acting pursuant to this paragraph, to enter upon the subject property and effectuate the demolition of the restaurant building.

g. Exterior storage or overnight parking of motor vehicles or trailers on the subject property shall be restricted to those areas set forth on Exhibit K and shall be limited to vehicles bearing a valid standard overnight Marina parking permit issued by the Marina, other on site business tenants, or the owner of the subject property, provided that in no event shall any motor vehicle or trailer be stored or parked on the subject property for a period greater than 72 hours in any seven day period.

h. Hard cover shall not exceed 63,514 square feet, (63.4%) of total site area.

i. Exterior storage of watercraft on the grounds of the subject property is restricted as set forth at paragraph 19 above.

j The subject property may not be employed to offer, operate, conduct, or engage in the rental of motor vehicles, watercraft, snowmobiles, personal watercraft or sailboats.

k. (Reserved.).

l. Rain gardens shall be repaired, maintained, and restored as set forth in Exhibit E.

m. Signage shall conform to plans set forth in Exhibit F. No material deviation in signage design, square footage, placement, or materials shall be made except after an amended Variance and/or Conditional Use Permit first obtained.

n. Boardwalk and docks shall be repaired, maintained and restored in accordance with Schedule attached as Exhibit G.

o. The marina/office building shall be built and maintained substantially as illustrated on the building plans (Exhibit H), Landscaping plans (Exhibit I), and Exhibits C-L in general. The building shall not be otherwise expanded or enlarged.

p. The handicapped ramp shall be repaired, maintained, and restored in accordance with Exhibit J.

q. All grading, filling, and erosion control shall comply with Exhibit K. No deviation from the grading, filling, and erosion control plans shall be made without the approval of the City engineer.

r. All lighting shall substantially conform to City Code and plans set forth in Exhibit L.

s. No changes to the exterior design and proposed materials of the structures shall be made without an amended Variance and/or Conditional Use Permit first obtained.

t. The City shall have the right to require the reasonable repair or replacement of any landscaping features, rain gardens, lighting, parking surfaces, or physical, structural, or electrical conditions on the subject property in need of replacement or repair.

u. Parking shall be maintained and provided in conformance with paragraphs 9 and 19 above. The Parking lot shall be maintained in a neat and serviceable conditions. Total available on-site parking shall not be less than 122 spaces.

v. The applicant shall pay all of the City of Greenwood's legal fees, engineering fees, consultant fees, and other administrative fees incurred in conjunction herewith as determined by the City Clerk.

w. Remedies and Defaults. The following remedies shall apply in the event of a violation or Default of the terms and conditions of the Variance and Conditional Use Permits granted hereunder:

1) The City of Greenwood reserves to itself the following rights: a) the right to seek injunctive relief to enforce the terms and conditions hereof in a court of law, b) the right to eliminate any use, structure or activity upon the subject property which materially deviates from the plans submitted in support of this application and Variances and Conditional Use Permits granted hereunder, c) subject to the due process procedures set forth below, the right to compel the owners of record and/or their homeowner association, if any, to pay to the City civil fines up to Five Thousand Dollars ($5000.00) per material violation of the terms and conditions hereof and in addition thereto require the owners of record and/or their Condominium Association to reimburse the City its reasonable costs and attorney's fees incurred in enforcing compliance with the terms and conditions of the Variance and Conditional Use Permits, as amended, granted hereunder.

2) A violation of Conditions set forth at paragraphs 19 condition 5, or 22 conditions d, g, i, j or k shall subject each the owners of record to a stipulated Civil fine of Two Hundred and no/100ths Dollars ($200.00) per material deviation per day and injunctive relief including the City's reasonable Attorney's fees incurred in securing compliance with the terms and Conditions hereof. The City shall give the owners of record seven (7) days advance written notice of intent to levy said Civil fines and/or seek injunctive relief. In the event the violation is not cured within seven days from the date of the postmark of said notice the City may impose said Civil fines and/or seek injunctive relief. Failure to cause the subject property to then conform to the terms and conditions of these Variance and Conditional Use Permits or to pay the civil fine within thirty (30) days of demand shall constitute a Default hereunder.

3) In the event the applicant, the owner of record, its successors, or assigns, prior to obtaining a Certificate of Occupancy for the construction proposed herein, shall materially deviate from the plans submitted in support hereof without an amended Conditional Use Permit first obtained, or fail to comply with the Conditions hereof, the City may withhold issuance of the Certificate of Occupancy until 1) the construction substantially conforms to the plans presented to the City in support of these Conditional Use Permits, or an amended Conditional Use Permit allowing the deviation is obtained and 2) all conditions hereof are met.

4) In the event an application is submitted for amended Variance and/or Conditional Use Permits relative to the subject property herein, the City may in its sole reasonable discretion impose such additional lawful conditions, restrictions, limitation on use, and requirements as it deems necessary.

5) Subsequent to the issuance of a Certificate of Occupancy, any 1) expansion or enlargement of structures or uses upon the subject property, or 2) deviation from the plans submitted in support hereof, without an amended conditional use permit first obtained shall constitute a violation of the Variance and Conditional Use Permits granted hereunder and shall constitute a Default hereunder.

6) In the event the applicant, its successors and assigns are 1) maintaining a private or public nuisance, 2) are overburdening the capacity of the property to handle the uses being made thereof, or 3) failing to maintain the subject property in conformance with the plans submitted in support of this application or any particular described or illustrated in the attached Exhibits, the City shall have the right to order the owners of record to take such steps as are reasonably necessary to eliminate the nuisance, overburdened use, or maintenance issue. Failure to comply with such orders shall constitute a Default hereunder.

7) In the event of a Default hereunder the City shall provide written notice of the Default hereunder to the owner of record of the subject property, at the last known address of such owner. The owner of record shall have sixty (60) days from the date the notice is postmarked to cure the Default. In the event the Default is not cured within said sixty (60) days, the owner of record shall be required to appear before the City Council of the City of Greenwood and show cause why the Conditional Use Permits granted herein should not be modified, and/or civil fines up to five Thousand Dollars ($5000.00) per material violation of the terms and conditions hereof be imposed. At the close of said hearing the City may 1) impose upon the owners of record civil fines and the City's costs and reasonable attorney's fees incurred in conjunction with the modification, or enforcement of the terms and conditions hereof, (as incurred since the postmark date of the City's first Default notice relative too the violation at issue through the date at which the subject property is brought into substantial compliance with the terms and conditions, as amended, of the Variance and/or Conditional Use Permits), 2) extend time to bring the property into substantial compliance with the terms and conditions hereof, 3) modify or impose additional conditions on the Variance and/or Conditional Uses Permits granted hereunder, and/or 4) direct the City attorney to seek an order of the District Court to require specific performance of the terms and conditions of these Variance and/or Conditional Use Permits, as amended.

CONCLUSIONS OF LAW

20. A Variance to Sections 1145:25 and 1145:30 to permit the demolition and reconstruction of a reconfigured marina building at 21900 Minnetonka Boulevard, Greenwood, Minnesota, in accordance with the plans attached hereto as Exhibits C-L is in keeping with the spirit and intent of the Zoning Ordinance and that strict enforcement of the Ordinance would cause undue hardship because of circumstances unique to the individual property under consideration; the property in question cannot be put to reasonable use under the conditions allowed by the official controls in question; the plight of the landowners is due to circumstances unique to the property and not created by the landowner; and the Variance, if granted, will not alter the character or locality.

21. The grant of the Variance to demolish and rebuild the building at 21900 Minnetonka Boulevard, Greenwood, Minnesota, the subject property shall be subject to the foregoing Findings of Fact, the conditions enumerated at Findings of Fact, Nos. 9, 18, 19, and 22, these Conclusions of Law, and the City Code.

22. The following Conditional Use Permits should be granted in conjunction with the aforesaid Variance grant to the subject property, to-wit:

    a. A Conditional Use Permit to allow six foot wide landing/boardwalk in excess of 32 square feet along the southwesterly boundary/lakeshore of the property (to be used in conjunction with reconfigured/rebuilt docks) pursuant to Section 1176:04, Subd. 8(2);

    b. A Conditional Use Permit to permit retaining wall within the Shoreland Setback Zone pursuant to Section 1176:04, Subd. 7;

    c. A Conditional Use Permit to permit a boat landing/launching ramp, and a patio on the peninsula in excess of 32 square feet in the most westerly portion of the subject property pursuant to Section 1176:04, Subd. 8(2);

    d. A Conditional Use Permit for multiple commercial uses on a single tax parcel pursuant to Section 1135:05, Subd. 3, D;

    e. A Conditional Use Permit for retail-marina related uses pursuant to Section 1135:05, Subd. 3, A; and

    f. A Conditional Use Permit for general offices pursuant to Section 1135:05, Subd. 3, C.

4. The applicant has demonstrated to the satisfaction of the Board of Appeals and Adjustments that the proposed improvements, if developed according to the submitted plans, support the grant of the above described Conditional Use Permits and the applicant has adequately addressed soil erosion, visibility of structures, adequacy of

---

Resolution, against the title to the subject property in the office of the Hennepin County Recorder or Registrar of titles, (whichever is applicable).

9 This Resolution and Variance and Conditional Use Permits granted herein shall be binding upon the subject property, the owner of record and its successors and assigns

PASSED THIS 11 DAY OF APRIL, 2000 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

5 Ayes, 0 Nays

CITY OF GREENWOOD

ATTEST:

By _____
Alan M. Albrecht, Mayor

_____
Sandra R. Langley, Clerk/Administrator

1\RESOLU..CARLSONExc4.10a

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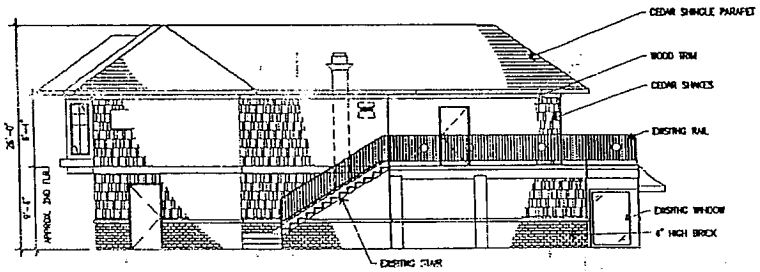
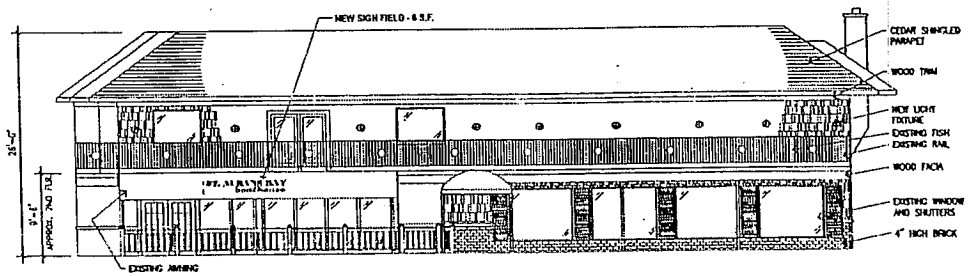
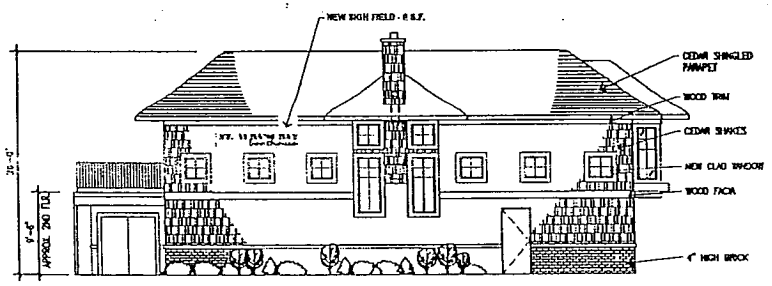


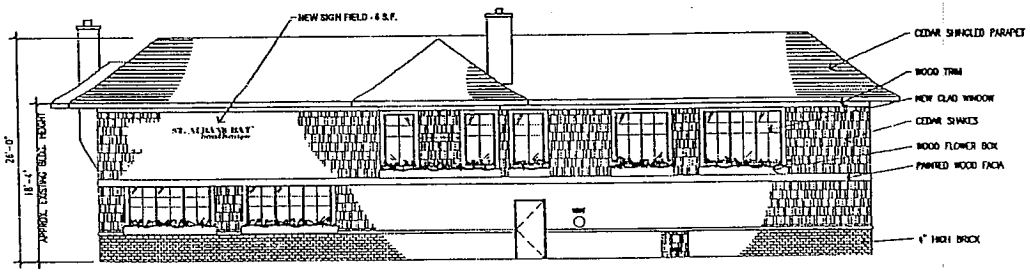
1 / A1 NORTH ELEVATION
1/8" = 1'-0"



2 / A1 WEST ELEVATION (LAKE SIDE)
1/8" = 1'-0"



3 / A1 SOUTH ELEVATION
1/8" = 1'-0"



4 / A1 EAST ELEVATION (STREET SIDE)
1/8" = 1'-0"

EXHIBIT C

RLK ARCHITECTS LTD.
Phone (612) 866-0173
Fax (612) 866-1118

REVISIONS

SUBJECT
DESIGNED
DRAWN
CHECKED SC 04/02

ST. ALBAN'S BAY VILLAS
GREENWOOD, WI

Project Engineer
DATE
REG. NO.

EXHIBIT H

SHEET 1
PROJECT NO. 9802004
PLOT DATE 4/7/00

THE
BAINEY
GROUP
INC.
CONSTRUCTION SERVICES
2800 Campus Drive • Suite 30
Plymouth, MN 55441
www.bainey.com
bainey@bainey.com

612/557-6911
FAX 612/557-7204

Exhibit C

St. Albin's Bay Restaurant Exterior Renovation
Preliminary Specifications

Masonry Tile:

- Furnish and install 96 boxes of Chicago "Used Brick" veneer as the 4" high brick wainscot applied to the existing block walls.

Wood Products:

- Furnish and install exterior wall furring strips to the concrete block walls.
- Furnish and install parapet trusses.
- Furnish and install 5/8" plywood sheathing on trusses.
- Furnish and install Shakertown cedar panels, 2-course 7" exposure.
- Furnish and install #2 cedar shakes on parapet roof.
- Furnish and install paint grade soffits and fascia board.
- Furnish and install trim boards at windows.

Windows:

- Furnish and install the following Marvin windows with low E II glass and SDL grids.
- (8) eight awning units.
- (2) two units with R.O. 2'5" x 5'11 5/8"
- (1) one unit with R.O. 2'5" x 4'7 5/8"
- (1) one unit with R.O. 4'9" x 4'7 5/8"
- (1) one unit with R.O. 7'1" x 4'7 5/8"
- (2) two units with R.O. 7'1" x 3'11 5/8"
- (1) one 30 degree bay unit with R.O. 109 7/16" x 57"

Painting:

- Painting of steel railing.
- Painting of wood railing.
- Painting of soffits.
- Painting of wood trim and fascia.
- Paint clear coat to wood shake siding.

- Painting of existing exterior doors.

Electrical:

- Remove (12) twelve existing light fixtures.
- Furnish and install (9) nine new wall sconce ($150.00 allowance).
- Rework service mast for new construction.

Exhibit D
DNR Permit Letter

Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-4032

January 6, 2000

City of Greenwood
c/o Mark W. Kelly
Kelly Law Offices
351 Second Street
Excelsior, MN 55331

Re: Conditional Approval, Cochrane's Marina Redevelopment Planned Unit Development, St. Albans and Excelsior Bays - Lake Minnetonka (27-133-35 & 36), City of Greenwood, Hennepin County

Dear Mr. Kelly:

DNR Waters is in receipt of the Cochrane's Marina Redevelopment Planned Unit Development (PUD) project narrative (revised 12/21/99) and plans dated 12/20/99. The proposed project involves a parcel on St. Albans Bay that is proposed to be redeveloped from a commercial marina property to residential and a parcel on Excelsior Bay that is proposed to be reconstructed as a commercial marina and restaurant, with the addition of office space. DNR Waters approval is required for this development in accordance with Minnesota Rules 6120.3800.

The proposal has been evaluated for consistency with the PUD rules. This evaluation was facilitated by the developer's consultants completing most of the PUD evaluation worksheet that is used by DNR Waters. Regional staff have reviewed the submittals and determined that the proposed number of units (21), open space, stormwater management for the impervious surface, setback, screening and minimum building elevations are consistent with the DNR PUD requirements, but there are several other requirements that haven't been met yet, as final documents have not yet been submitted. Therefore, **the proposed development PUD is hereby approved, with the following conditions:**

1. Docking/Number of Mooring Spaces - The dock configuration and number of mooring spaces must be approved by the Lake Minnetonka Conservation District (LMCD).

2. Property Owners' Association Agreement - As noted in the project narrative, a property owners' association agreement must be submitted that meets the requirements of 6120.3800, subp. 5(C).

3. Legal Restrictive Instruments - Deed restrictions, covenants, permanent easements or other instruments must be submitted that: (a) prohibit residential unit construction (either permanent or transitory, e.g. hotel units) on the Excelsior Bay parcel (b) address future vegetative and topographic alterations; prohibition of construction of additional buildings;

storage of vehicles and materials; controlled beaching of watercraft; and construction of commercial buildings on the residential side of the development; and (c) ensure the long-term preservation and maintenance of open space.

Please note that some type of legal restrictive easement is needed to prevent future residential development on the Excelsior Bay parcel (see 3a). The number of units permitted is based on the area of both the St. Albans and Excelsior Bay parcels, essentially using up the residential unit "eligibilities" from the Excelsior Bay parcel at the St. Albans Bay parcel (i.e., density trading).

In regards to the docking, DNR Waters is willing to support a configuration and number of mooring spaces that is approved by the LMCD. You are advised that if this proposal was being reviewed solely on the requirements of 6120.3800, and there was not a regional authority with the statutory authority to regulate docking, only 8 mooring spaces would be permitted on the residential side of the development, and the mooring would be required to be centralized. We are aware that Section 2.05, subd. 2 of the LMCD code specifies that licenses "shall not be granted for any facility which includes watercraft storage facilities which are available only to persons having an interest in specified riparian or non-riparian property." However, as regional staff indicated to the developer's representatives, DNR would not be opposed to mooring spaces for the additional 12 or 13 units (above the 8 slips that would be allowed at the St. Albans site) at the commercial marina, if the LMCD can agree that there is some alternative preferential access technique that would be consistent with LMCD code and philosophies.

Thank you for your cooperation. If you have any questions, please contact either Regional Hydrologist Dale Homuth or Area Hydrologist Ceil Strauss at (651) 772-7910.

Sincerely,
DNR Waters

John Linc Stine, Administrator
Permits & Land Use Section

JLS/DEH/CCS

c: Kent Carlson, Ryan Construction
Brian Sullivan, RLK-Kuusisto, Ltd.
David Sellergren
Greg Nybeck, Lake Minnetonka Conservation District
Jim Hafner, Minnehaha Creek Watershed District

EXHIBIT E
RAIN GARDEN MAINTENANCE SCHEDULE

Once installed, the rain gardens will be inspected a minimum of twice (2) a year and after each rainfall event within the 1st 2 years of operation, in which water overtopped the gardens. Persistent and ongoing erosion may require design and implementation of additional erosion control measures. The following items will be evaluated:

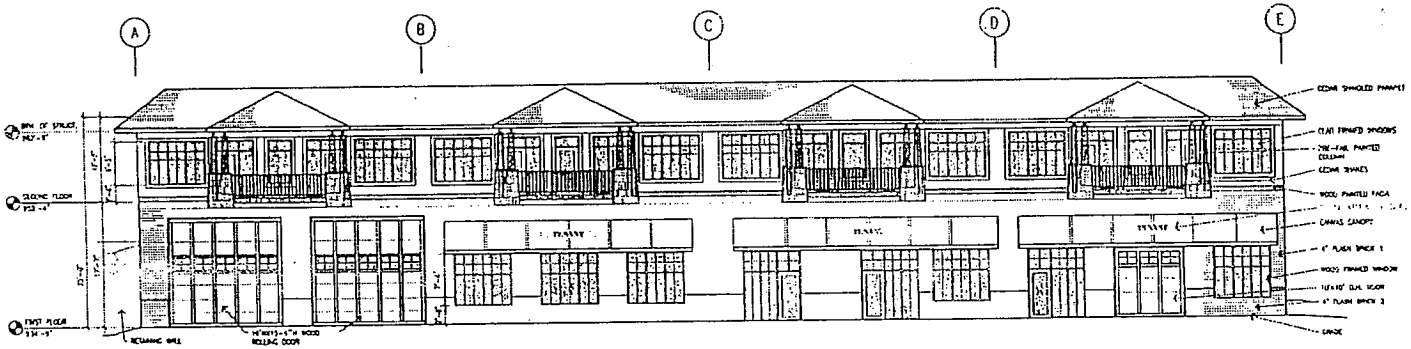
1. **Debris and litter removal:** debris and litter will be removed from the rain garden detention areas;

2. **Sediment removal:** sediment will be removed from the rain garden detention areas; sediment removal will include replanting with in-kind materials for disturbed or damaged plantings;

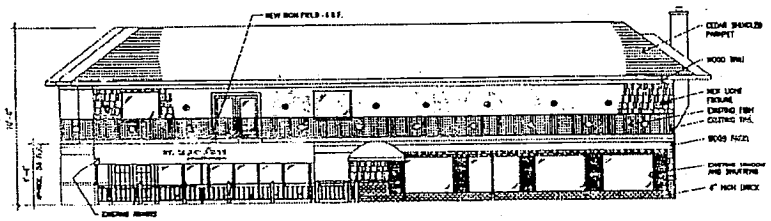
3. **Emergency overflow/erosion control:** rain garden berms will be maintained. Erosion areas will be corrected by filling, grading and replanting with in-kind materials;

4. **Removal of undesirable plant material:** undesirable plant material (i.e. dead, diseased, noxious weed growth) will be removed from the rain garden detention areas;

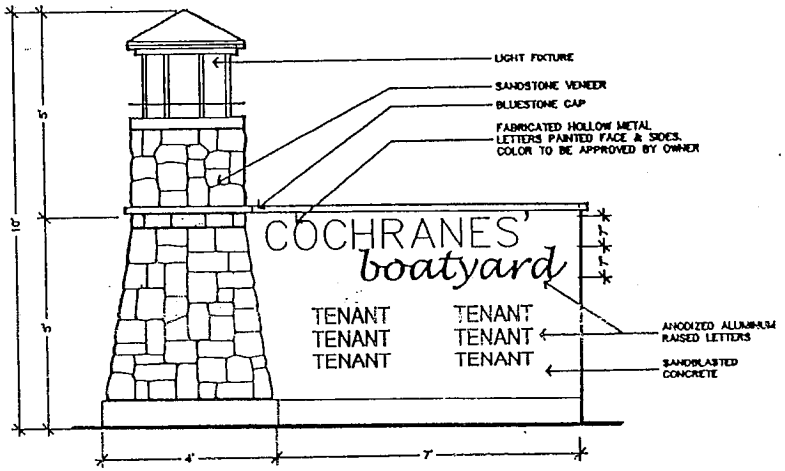
5. **Replacement of dead plant material:** dead plant material will be replaced with the same plant as originally specified or with a new variety as recommended by the Landscape Architect.



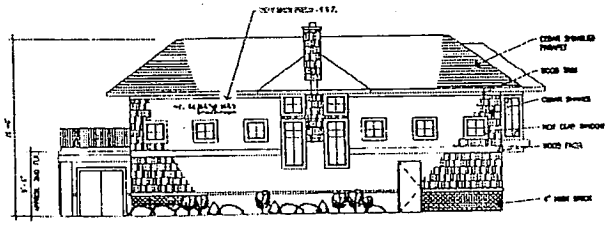
1 A3 WEST ELEVATION COCHRANES BOATHOUSE



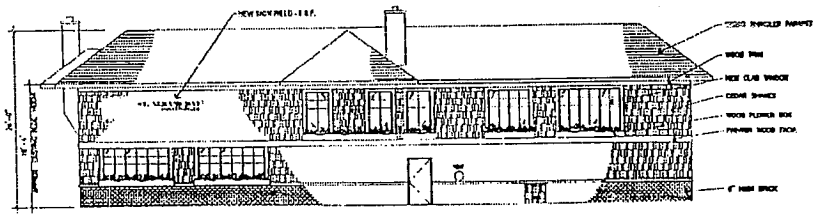
2 A1 WEST ELEVATION (LAKE SIDE)



MONUMENT SIGN – 3/4" = 1'-0"



3 A1 ELEVATION



4 A1 EAST ELEVATION (STF SIDE)

EXHIBIT F

RLK

KENT CARLSON
20005 LAKEVIEW AVENUE
DEEPHAVEN, MN 55331
(612) 336-1217

COCHRANE'S MARINA
OFFICE BUILDING

SIGNAGE

12/12

EXHIBIT G

BOARDWALK AND DOCKS MAINTENANCE SCHEDULE

The boardwalk and docks associated with the Cochranes' redevelopment project will be maintained in the following manner:

1. Safety fence and signs will be installed to warn of open water

2. Water bubbling to commence in January each year

3. Boardwalk and dock inspection will occur each spring; necessary repairs made on an as needed basis

4. Boardwalk and dock will be inspected periodically throughout the year

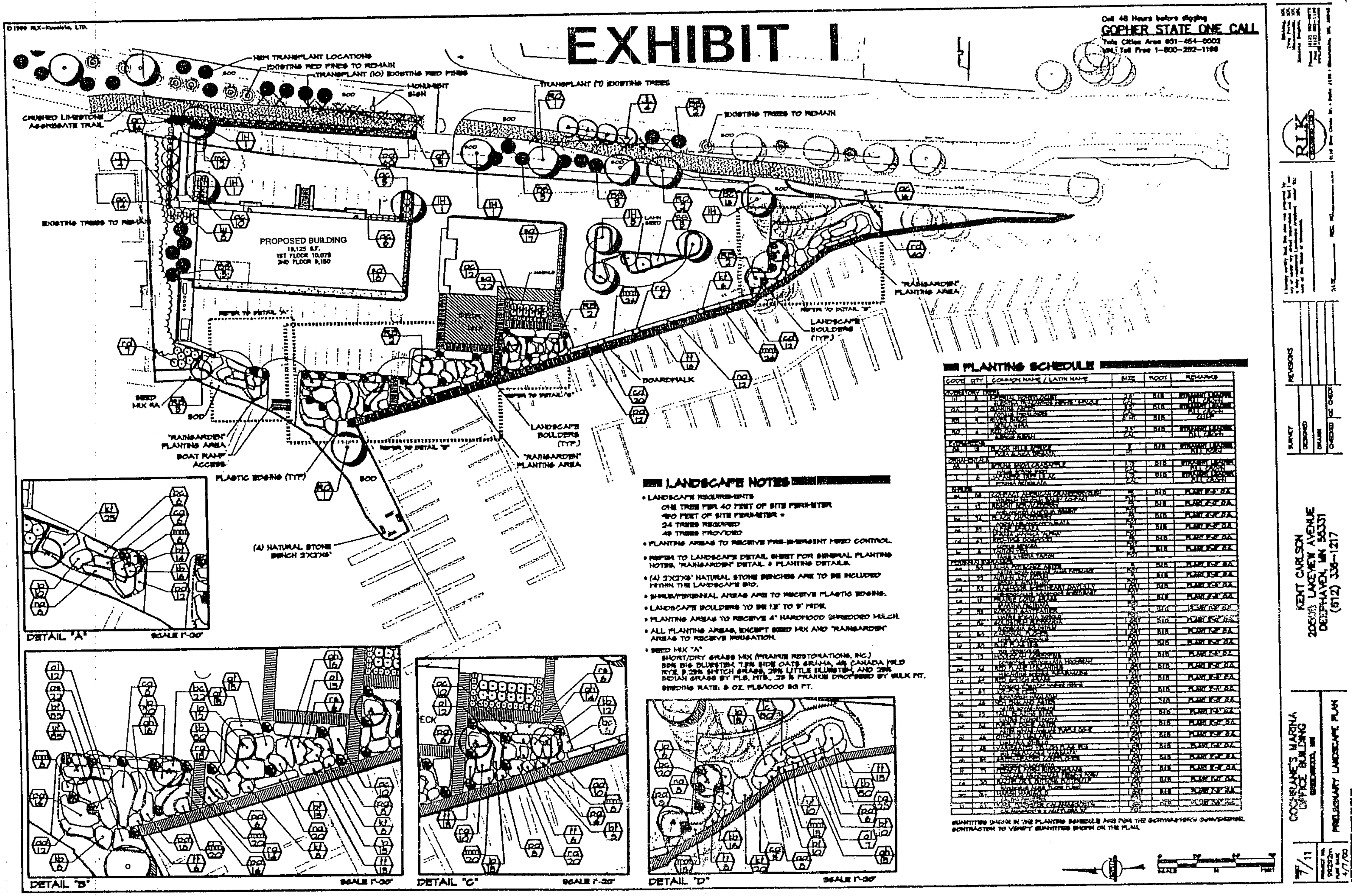


EXHIBIT I
Call 48 Hours before digging
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
MN. Toll Free 1-800-252-1166
NEW TRANSPLANT LOCATIONS
EXISTING RED PINES TO REMAIN
TRANSPLANT (10) EXISTING RED PINES
MONUMENT SIGN
TRANSPLANT (1) EXISTING TREES
EXISTING TREES TO REMAIN
CRUSHED LIMESTONE AGGREGATE TRAIL
EXISTING TREES TO REMAIN
PROPOSED BUILDING
19,125 S.F.
1ST FLOOR 10,075
2ND FLOOR 9,150
REFER TO DETAIL "A"
REFER TO DETAIL "B"
REFER TO DETAIL "C"
REFER TO DETAIL "D"
SEED MIX "A"
SOD
"RAINGARDEN" PLANTING AREA
BOAT RAMP ACCESS
PLASTIC EDGING (TYP)
(4) NATURAL STONE BENCH 2'X3'X6'
LANDSCAPE BOULDERS (TYP.)
BOARDWALK
LAWN SEED
PLANTING SCHEDULE
CODE | QTY | COMMON NAME / LATIN NAME | SIZE | ROOT | REMARKS
QUANTITIES SHOWN IN THE PLANTING SCHEDULE ARE FOR THE CONTRACTOR'S CONVENIENCE. CONTRACTOR TO VERIFY QUANTITIES SHOWN ON THE PLAN.
LANDSCAPE NOTES
• LANDSCAPE REQUIREMENTS
ONE TREE PER 40 FEET OF SITE PERIMETER
950 FEET OF SITE PERIMETER =
24 TREES REQUIRED
49 TREES PROVIDED
• PLANTING AREAS TO RECEIVE PRE-EMERGENT WEED CONTROL.
• REFER TO LANDSCAPE DETAIL SHEET FOR GENERAL PLANTING NOTES, "RAINGARDEN" DETAIL & PLANTING DETAILS.
• (4) 2'X3'X6' NATURAL STONE BENCHES ARE TO BE INCLUDED WITHIN THE LANDSCAPE BID.
• SHRUB/PERENNIAL AREAS ARE TO RECEIVE PLASTIC EDGING.
• LANDSCAPE BOULDERS TO BE 1.5' TO 3' WIDE.
• PLANTING AREAS TO RECEIVE 4" HARDWOOD SHREDDED MULCH.
• ALL PLANTING AREAS, EXCEPT SEED MIX AND "RAINGARDEN" AREAS TO RECEIVE IRRIGATION.
• SEED MIX "A"
SHORT/DRY GRASS MIX (PRAIRIE RESTORATIONS, INC.)
SEEDING RATE: 5 OZ. PLS/1000 SQ FT.
DETAIL "A" SCALE 1"=30'
DETAIL "B" SCALE 1"=30'
DETAIL "C" SCALE 1"=30'
DETAIL "D" SCALE 1"=30'
RLK
KENT CARLSON
20603 LAKEVIEW AVENUE
DEEPHAVEN, MN 55331
(612) 338-1217
COCHRANE'S MARINA
OFFICE BUILDING
PRELIMINARY LANDSCAPE PLAN
7/11
4/7/00
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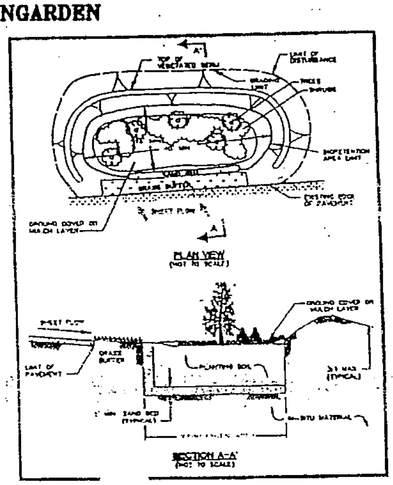
GENERAL NOTES

1. LANDSCAPE CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS ON PROPERTY WITH THE GENERAL CONTRACTOR AND BY CALLING "DIGGERS HOTLINE" AT 1.800.242.8511 PRIOR TO STAKING PLANT LOCATIONS.
2. COORDINATE THE PHASES OF CONSTRUCTION AND PLANTING INSTALLATIONS WITH OTHER CONTRACTORS WORKING ON SITE.
3. WHERE EXISTING TREES AND/OR SIGNIFICANT SHRUBS MASSINGS ARE FOUND ON SITE, WHETHER SHOWN ON THE DRAWING OR NOT, THEY SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED AND/OR ARE IN AN AREA TO BE GRADED. ANY QUESTION REGARDING WHETHER PLANT MATERIAL SHOULD REMAIN OR NOT SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO REMOVAL.
4. ALL EXISTING TREES TO REMAIN TO BE FERTILIZED AND PRUNED TO REMOVE DEAD WOOD AND DAMAGED OR RUBBING BRANCHES.
5. B&B TREES AND SHRUBS ARE BALLED AND BURLAPED.
6. NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS REQUESTED OF THE LANDSCAPE ARCHITECT BY THE LANDSCAPE CONTRACTOR PRIOR TO THE SUBMISSION OF A BID AND/OR QUOTATION.
7. ALL PLANT MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN.
8. CONTRACTOR IS RESPONSIBLE FOR ON-GOING MAINTENANCE OF ALL NEWLY INSTALLED MATERIALS UNTIL TIME OF OWNER ACCEPTANCE. ANY ACTS OF VANDALISM OR DAMAGE WHICH MAY OCCUR PRIOR TO OWNER ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
9. CONTRACTOR SHALL PROVIDE A WRITTEN REQUEST FOR THE OWNER ACCEPTANCE INSPECTION.
10. WARRANTY FOR LANDSCAPE MATERIALS SHALL BEGIN ON THE DATE OF ACCEPTANCE BY THE LANDSCAPE ARCHITECT AFTER THE COMPLETION OF PLANTING OF ALL LANDSCAPE MATERIALS. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.
11. CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM THE DATE OF OWNER ACCEPTANCE WITH ALL REPLACEMENTS TO BE PROVIDED AT NO ADDITIONAL COST TO THE OWNER.

IRRIGATION NOTES

1. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A SHOP DRAWING ILLUSTRATING AN IRRIGATION PLAN AND SPECIFICATION AS PART OF THE SCOPE OF WORK. THESE SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO
2. VERIFY EXISTING/PROPOSED IRRIGATION SYSTEM LOCATION.
3. UNLESS OTHERWISE NOTED ALL SOD AND PLANTING AREAS INDICATED ON PLAN SHALL BE 100% IRRIGATED. THE IRRIGATION SHALL INCLUDE THE PUBLIC RIGHT OF WAY BETWEEN PROPERTY LINE AND BACK OF CURB WHERE NEW LANDSCAPE IMPROVEMENTS ARE
4. IT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL SODDED AND PLANTED AREAS ARE IRRIGATED PROPERLY, INCLUDING THOSE AREAS DIRECTLY AROUND AND ABUTTING BUILDING FOUNDATION.
5. THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH A WATERING/LAWN IRRIGATION SCHEDULE APPROPRIATE TO THE PROJECT SITE CONDITIONS AND TO PLANT MATERIAL GROWTH REQUIREMENTS.

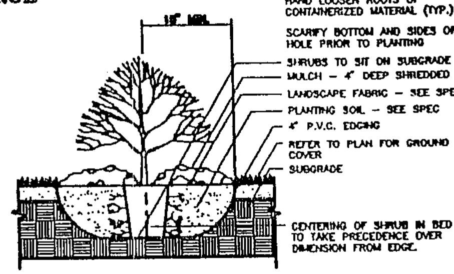
RAINGARDEN



PLANTING SPECIFICATIONS

1. PLANTING BED PREPARATION: ALL MASS PLANTING BEDS SHALL BE TILLED TO A MINIMUM DEPTH OF 10". AMENDMENTS SHALL BE APPLIED AFTER CULTIVATION.
2. BACKFILL SOIL: USE SOIL EXCAVATED FROM PLANTING HOLES AND PROVIDE AMENDMENTS. REMOVE ALL DEBRIS INCLUDING ROCKS LARGER THAN 3" DIAMETER.
3. FERTILIZATION: ALL PLANT MATERIALS SHALL BE FERTILIZED UPON INSTALLATION WITH DRIED BONE MEAL OR OTHER SPECIFIED FERTILIZER MIXED IN WITH THE PLANTING SOIL PER THE MANUFACTURER'S INSTRUCTIONS.
4. MULCH MATERIAL: AS SPECIFIED ON THE LANDSCAPE PLANS. MASS MULCH ALL PLANTING BEDS TO 3" DEPTH OVER FIBER MAT WEED BARRIER. ALL PERENNIAL PLANTING BEDS TO RECEIVE 3" DEEP SHREDDED HARDWOOD MULCH WITH NO FIBER MAT WEED BARRIER. ALL EVERGREEN AND DECIDUOUS TREES TO RECEIVE 6" DEEP SHREDDED HARDWOOD MULCH WITH NO MULCH IN DIRECT CONTACT WITH TREE TRUNK.
5. TREE STAKING: IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO STAKE AND/OR GUY THE TREES ACCORDING TO THE DETAILS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO TAKE EVERY STEP NECESSARY TO MAINTAIN THE TREES AND SHRUBS IN AN UPRIGHT AND PLUMB CONDITION AT ALL TIMES UNTIL THE END OF THE PLANT GUARANTEE PERIOD ESPECIALLY WHERE VANDALISM, SOIL OR WIND CONDITIONS ARE A PROBLEM.
6. TREE WRAPPING: WRAPPING MATERIAL SHALL BE QUALITY, HEAVY WATERPROOF CREPE PAPER MANUFACTURED FOR THIS PURPOSE. WRAP ALL DECIDUOUS TREES PLANTED IN THE FALL PRIOR TO 12-1 AND REMOVE ALL WRAPPING AFTER 5-1.
7. RODENT PROTECTION: PROVIDE ON ALL TREES, EXCEPT SPRUCE UNLESS OTHERWISE SPECIFIED.
8. PLANTING PLAN: ALL PROPOSED PLANTS SHALL BE LOCATED CAREFULLY AS SHOWN ON THE PLANS. PLAN TAKES PRECEDENCE OVER PLANT SCHEDULE IF DISCREPANCIES IN QUANTITIES EXIST. SPECIFICATIONS TAKE PRECEDENCE OVER NOTES. RESPECT STATED DIMENSIONS. DO NOT SCALE DRAWINGS.
9. EDGING: EDGING SHALL BE 4" P.V.C. COMMERCIAL GRADE EDGING WITH THREE (3) METAL ANCHOR STAKES PER 20 FOOT SECTION. ALL MASS PLANTING BEDS SHALL HAVE EDGING PLACED BETWEEN MULCH AREA AND ANY ADJACENT TURF AREA.

SHRUB



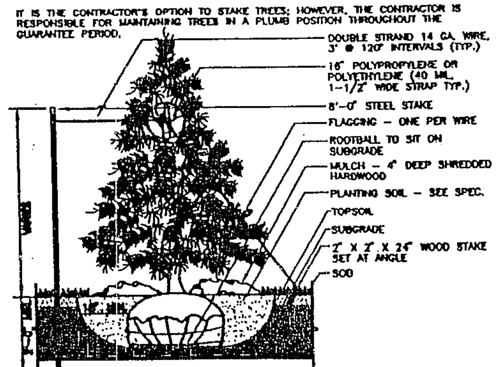
CONIFEROUS TREE

NOTES:
CONIFER TO HAVE SHREDDED HARDWOOD MULCH UNLESS NOTED OTHERWISE. NO MULCH TO BE IN CONTACT WITH TRUNK.

SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING.

TWO ALTERNATE METHODS OF TREE STAKING ARE ILLUSTRATED.

IT IS THE CONTRACTOR'S OPTION TO STAKE TREES; HOWEVER, THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TREES IN A PLUMB POSITION THROUGHOUT THE GUARANTEE PERIOD.



PLANTING NOTES

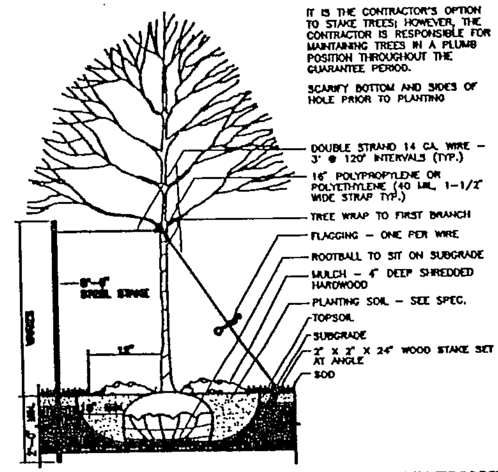
1. NO PLANTING TO BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. ALL PLANT MATERIAL LOCATIONS MUST BE REVIEWED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ANY AND ALL DIGGING.
3. IF THE LANDSCAPE CONTRACTOR PERCEIVES ANY DEFICIENCIES IN THE PLANT SELECTIONS, SOIL CONDITIONS, OR ANY OTHER SITE CONDITION WHICH MIGHT NEGATIVELY AFFECT PLANT MATERIAL ESTABLISHMENT, SURVIVAL, OR GUARANTEE, THEY SHALL BRING THESE DEFICIENCIES TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. ADJUSTMENTS IN LOCATION OF PROPOSED PLANT MATERIALS MAY BE NEEDED IN FIELD. SHOULD AN ADJUSTMENT BE ADVISED, THE LANDSCAPE ARCHITECT MUST BE NOTIFIED.
5. ALL PLANTS TO BE INSTALLED AS PER PLANTING DETAILS.
6. ONE SHRUB PER TYPE AND SIZE IN EACH PLANTING BED AND EVERY TREE SHALL BE CLEARLY IDENTIFIED (COMMON OR LATIN NOMENCLATURE) WITH A PLASTIC TAG WHICH SHALL NOT BE REMOVED PRIOR TO OWNER ACCEPTANCE.
7. WHERE SOD ABUTS PAVED SURFACES, FINISHED GRADE OF SOD SHALL BE HELD 1" BELOW SURFACE ELEVATION OF TRAIL, SLAB, CURB, ETC.
8. SOD SHALL BE LAID PARALLEL TO THE CONTOURS AND SHALL HAVE STAGGERED JOINTS. ON SLOPES STEEPER THAN 3:1 OR IN DRAINAGE SWALES, THE SOD SHALL BE STAKED TO THE GROUND.
9. SOD ALL AREAS DISTURBED DUE TO GRADING.
10. REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO THE OWNER.

DECIDUOUS TREE

NOTE:
TWO ALTERNATE METHODS OF TREE STAKING ARE ILLUSTRATED

IT IS THE CONTRACTOR'S OPTION TO STAKE TREES; HOWEVER, THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TREES IN A PLUMB POSITION THROUGHOUT THE GUARANTEE PERIOD.

SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING



RAINGARDEN INFILTRATION SPECIFICATIONS

A. PLANTING SOIL
THE INFILTRATION AREAS SHALL CONSIST OF PLANTING SOIL HAVING A COMPOSITION OF AT LEAST 10 TO 25 % CLAY AND SHALL BE OF A SANDY LOAM OR LOAMY SAND TEXTURE. LOAMY SOILS MAY BE UTILIZED FOR THE PLANTING SOIL BUT MUST CONSIST OF 35% SAND. IN ADDITION, THE FURNISHED PLANTING SOIL SHALL BE OF UNIFORM COMPOSITION, FREE OF STONES, STUMPS, ROOTS OR SIMILAR OBJECTS LARGER THAN ONE INCH, BRUSH, OR ANY OTHER MATERIAL OR SUBSTANCE WHICH MAY BE HARMFUL TO PLANT GROWTH, OR A HINDRANCE TO PLANTING OR MAINTENANCE OPERATIONS.
THE PLANTING SOIL SHALL BE FREE OF PLANTS OR PLANT PARTS OF BERMUDA GRASS, QUACK GRASS, JOHNSON GRASS, MUGWORT, NUTSEDGE, POISON IVY, CANADIAN THISTLE OR OTHERS AS SPECIFIED.
IT SHALL NOT CONTAIN TOXIC SUBSTANCES HARMFUL TO PLANT GROWTH.
THE PLANTING SOIL SHALL BE TESTED AND MEET THE FOLLOWING CRITERIA:

pH RANGE	5.5 - 6.5
ORGANIC MATTER	1.5 - 3.0%
MAGNESIUM - Mg	35 LBS./ACRE
PHOSPHORUS - P2O5	100 LBS./ACRE
POTASSIUM - K2O	85 LBS./ACRE
SOLUBLE SALTS	NOT TO EXCEED 500 ppm

THE FOLLOWING TESTING FREQUENCIES SHALL APPLY TO THE ABOVE SOIL CONSTITUENTS:
pH, ORGANIC MATTER: 1 TEST PER 90 CUBIC YARDS, BUT NO MORE THAN 1 TEST PER INFILTRATION AREA.
MAGNESIUM, PHOSPHORUS, POTASSIUM, SOLUBLE SALTS: 1 TEST PER 500 CU YARDS, BUT NO LESS THAN 1 TEST PER BURROW SOURCE.
ONE GRAIN SIZE ANALYSIS SHALL PER PERFORMED PER 90 CUBIC YARD OF PLANTING SOIL, BUT NO LESS THAN 1 TEST PER INFILTRATION AREA.

RLK

REVISIONS

SURVEY
DESIGNED
DRAWN
CHECKED | QC CHECK

KENT CARLSON
20505 LAKEVIEW AVENUE
DEEPHAVEN, MN 55331
(612) 338-1217

COCHRANE'S MARINA
OFFICE BUILDING

LANDSCAPE DETAILS

SHEET 8/11
PROJECT NO. 99292
PLOT DATE 4/7/00

EXHIBIT J

HANDICAP RAMP MAINTENANCE SCHEDULE

The handicap ramp associated with the proposed Marina Building will be maintained in the following manner:

1. Annual inspection of handicap ramp to ensure proper "wear and tear"

2. Removal of snow and ice as needed

3. Sweep and wash as needed

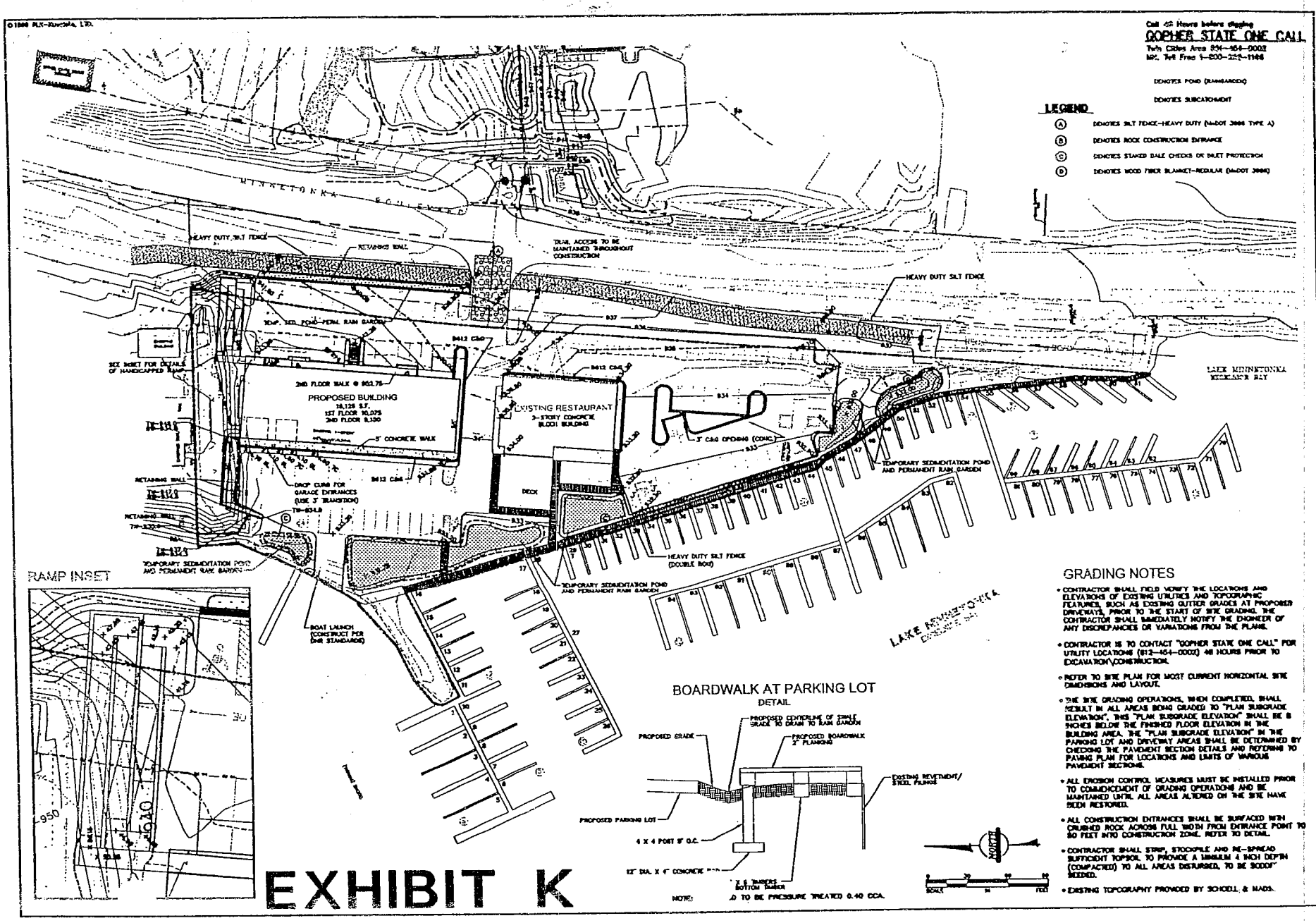


EXHIBIT K

GRADING NOTES

- CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES, SUCH AS EXISTING GUTTER GRADES AT PROPOSED DRIVEWAYS, PRIOR TO THE START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
- CONTRACTOR IS TO CONTACT "GOPHER STATE ONE CALL" FOR UTILITY LOCATIONS (612-454-0002) 48 HOURS PRIOR TO EXCAVATION\CONSTRUCTION.
- REFER TO SITE PLAN FOR MOST CURRENT HORIZONTAL SITE DIMENSIONS AND LAYOUT.
- THE SITE GRADING OPERATIONS, WHEN COMPLETED, SHALL RESULT IN ALL AREAS BEING GRADED TO "PLAN SUBGRADE ELEVATION". THIS "PLAN SUBGRADE ELEVATION" SHALL BE 8 INCHES BELOW THE FINISHED FLOOR ELEVATION IN THE BUILDING AREA. THE "PLAN SUBGRADE ELEVATION" IN THE PARKING LOT AND DRIVEWAY AREAS SHALL BE DETERMINED BY CHECKING THE PAVEMENT SECTION DETAILS AND REFERRING TO PAVING PLAN FOR LOCATIONS AND LIMITS OF VARIOUS PAVEMENT SECTIONS.
- ALL EROSION CONTROL MEASURES MUST BE INSTALLED PRIOR TO COMMENCEMENT OF GRADING OPERATIONS AND BE MAINTAINED UNTIL ALL AREAS ALTERED ON THE SITE HAVE BEEN RESTORED.
- ALL CONSTRUCTION ENTRANCES SHALL BE SURFACED WITH CRUSHED ROCK ACROSS FULL WIDTH FROM ENTRANCE POINT TO 50 FEET INTO CONSTRUCTION ZONE. REFER TO DETAIL.
- CONTRACTOR SHALL STRIP, STOCKPILE AND RE-SPREAD SUFFICIENT TOPSOIL TO PROVIDE A MINIMUM 4 INCH DEPTH (COMPACTED) TO ALL AREAS DISTURBED, TO BE SODDED NEEDED.
- EXISTING TOPOGRAPHY PROVIDED BY SCHOELL & MADS.

KENT CARLSON
25505 LAKEVIEW AVENUE
DEEPHAVEN, MN 55331
(612) 339-1217

COCHRANE'S MARINA OFFICE BUILDING
DEEPHAVEN, MN

PRELIMINARY
GRADING, DRAINAGE AND EROSION CONTROL PLAN

5/11

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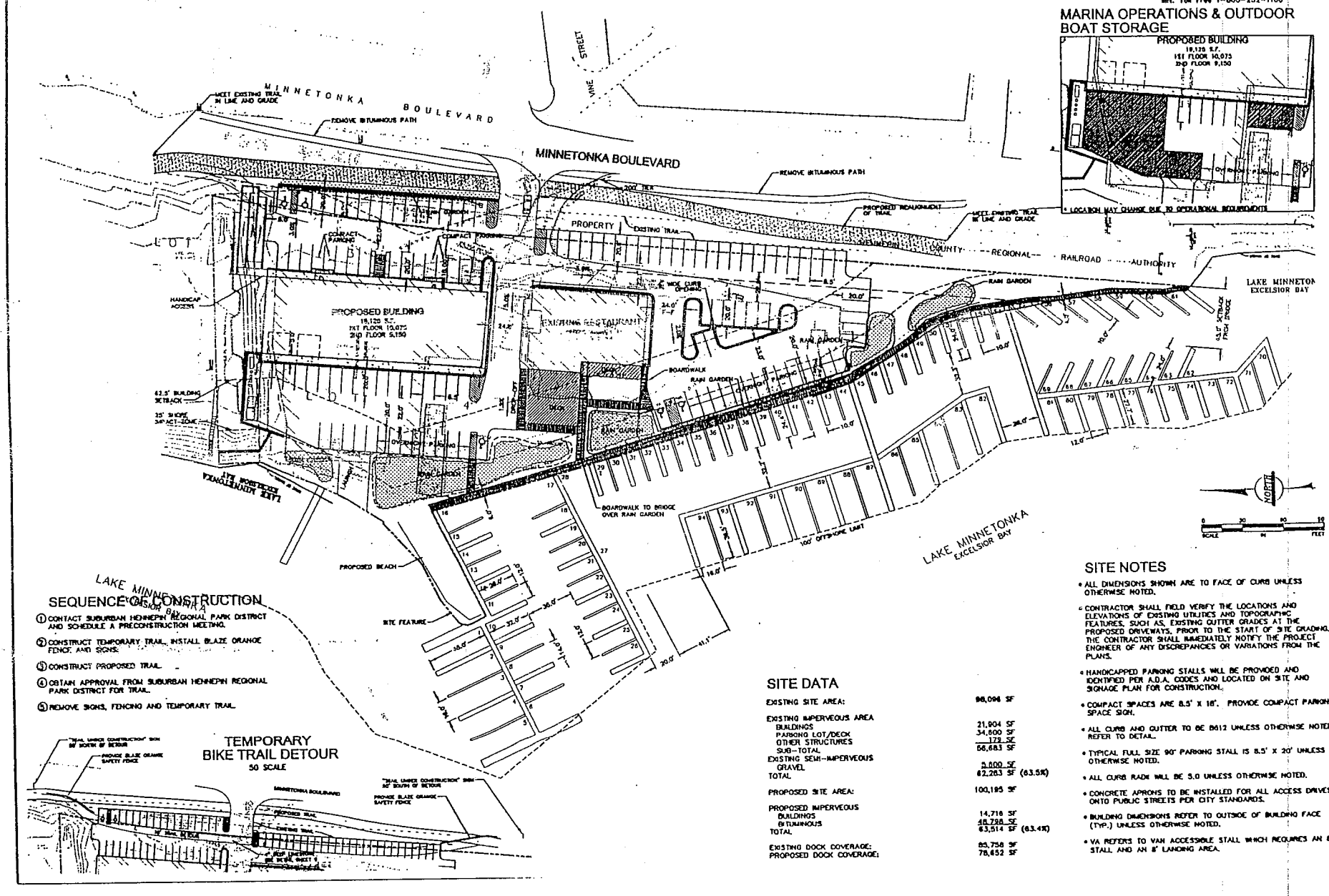
Call 48 Hours before digging
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
Mn. Toll Free 1-800-252-1166

MARINA OPERATIONS & OUTDOOR BOAT STORAGE



SEQUENCE OF CONSTRUCTION

1. CONTACT SUBURBAN HENNEPIN REGIONAL PARK DISTRICT AND SCHEDULE A PRECONSTRUCTION MEETING.
2. CONSTRUCT TEMPORARY TRAIL, INSTALL BLAZE ORANGE FENCE AND SIGNS.
3. CONSTRUCT PROPOSED TRAIL.
4. OBTAIN APPROVAL FROM SUBURBAN HENNEPIN REGIONAL PARK DISTRICT FOR TRAIL.
5. REMOVE SIGNS, FENCING AND TEMPORARY TRAIL.

TEMPORARY BIKE TRAIL DETOUR

50 SCALE

SITE DATA

EXISTING SITE AREA:	98,096 SF
EXISTING IMPERVEOUS AREA	
BUILDINGS	21,904 SF
PARKING LOT/DECK	34,600 SF
OTHER STRUCTURES	179 SF
SUB-TOTAL	56,683 SF
EXISTING SEMI-IMPERVEOUS	
GRAVEL	5,600 SF
TOTAL	62,283 SF (63.5%)
PROPOSED SITE AREA:	100,195 SF
PROPOSED IMPERVEOUS	
BUILDINGS	14,716 SF
BITUMINOUS	48,798 SF
TOTAL	63,514 SF (63.4%)
EXISTING DOCK COVERAGE:	85,758 SF
PROPOSED DOCK COVERAGE:	78,652 SF

SITE NOTES

- ALL DIMENSIONS SHOWN ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES, SUCH AS, EXISTING GUTTER GRADES AT THE PROPOSED DRIVEWAYS, PRIOR TO THE START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
- HANDICAPPED PARKING STALLS WILL BE PROVIDED AND IDENTIFIED PER A.D.A. CODES AND LOCATED ON SITE AND SIGNAGE PLAN FOR CONSTRUCTION.
- COMPACT SPACES ARE 8.5' X 18'. PROVIDE COMPACT PARKING SPACE SIGN.
- ALL CURB AND GUTTER TO BE B612 UNLESS OTHERWISE NOTED. REFER TO DETAIL.
- TYPICAL FULL SIZE 90° PARKING STALL IS 8.5' X 20' UNLESS OTHERWISE NOTED.
- ALL CURB RADII WILL BE 5.0 UNLESS OTHERWISE NOTED.
- CONCRETE APRONS TO BE INSTALLED FOR ALL ACCESS DRIVES ONTO PUBLIC STREETS PER CITY STANDARDS.
- BUILDING DIMENSIONS REFER TO OUTSIDE OF BUILDING FACE (TYP.) UNLESS OTHERWISE NOTED.
- VA REFERS TO VAN ACCESSIBLE STALL WHICH REQUIRES AN 8' STALL AND AN 8' LANDING AREA.

KENT CARLSON
20505 LAKEVIEW AVENUE
DEEPHAVEN, MN 55331
(612) 136-1217

COCHRANE'S MARINA OFFICE BUILDING
GREENWOOD, MN

PRELIMINARY SITE PLAN

REVISIONS

SURVEY | DESIGNED | DRAWN | CHECKED

DATE | REC. NO.

RLK

4/11

PROJECT NO. 992224
DATE 4/7/00

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Call 48 Hours before digging
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
Wi. Toll Free 1-800-252-1166

VINNETONKA BOULEVARD

PROPOSED BUILDING
18,125 S.F.
1ST FLOOR 10,075
2ND FLOOR 8,150

EXISTING RESTAURANT
2-STORY CONCRETE
BLOCK BUILDING

DECK

LAKE MINNETONKA

LAKE MINNETONKA

NORTH

SCALE 0 30 60 90 FEET

LEGEND

- SURFACE MOUNT FIXTURE
- POLE MOUNTED FIXTURE 12' AFL
- BOLLARD
- DOUBLE FIXTURE POLE MOUNTED 12' AFL

EXHIBIT L

NOTES:
1. VOLTAGE: 120V
2. FINISH: PAINT TO SPEC
3. OUTDOOR USE
4. LAMPS BY OWNER

DO NOT MOUNT TO JUNCTION BOX

LITE ENERGY

LE\W-24118-70MH
-120V

L24118

NOTES:
1. VOLTAGE: 120V
2. FINISH: PAINT TO SPEC
3. INDOOR/OUTDOOR USE
4. LAMPS BY OWNER

DO NOT MOUNT TO JUNCTION BOX

LITE ENERGY

LE\W-23357-70MHC
-120V

REVISIONS

SURVEY
DESIGNED
DRAWN
CHECKED

KENT CARLSON
20805 LAKEVIEW AVENUE
DEEPHAVEN, MN 55331
(612) 338-1217

COCHRANE'S MARINA
OFFICE BUILDING
DEEPHAVEN, MN

PRELIMINARY LIGHTING PLAN

PROJECT
10/11

PRELIMINARY
NOT FOR CONSTRUCTION
4/7/00

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 20, 2011
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 Lucking and Commission members John Beal, David Paeper, Douglas Reeder, and Bill Cook

Absent: Brian Malo

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

2. OATH OF OFFICE

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

3. APPROVE AGENDA

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

4. MINUTES OF FEBRUARY 16, 2011.

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

5. LIAISON REPORT

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

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

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

6. PUBLIC HEARINGS

Conditional Use Permit and Site Plan Review, 21900 Minnetonka Boulevard, (C-2, 10,000)
Request by Kent Carlson to demolish the existing commercial structure which formally housed the Boathouse Restaurant and construct a new 10,300 square foot office building in its place.

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

DRAFT

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

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

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

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

Chairman Lucking accepted comments from the floor.

Mr. Jeff Schmitt, 21957 Minnetonka Boulevard, unit16, (St. Albans Bay Villas) stated that he resides across street from the proposed structure. The Villas have the most impact from the proposed commercial building. Mr. Schmitt asked for clarification of the request and whether it included restaurant space.

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

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

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

DRAFT

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

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

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

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

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

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

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

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

DRAFT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DRAFT

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

7. ADJOURN

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

Respectively Submitted
Shelley Souers, Recording Secretary

DRAFT

Greenwood
City on the Lake

Agenda Number	**7B**
Agenda Date	05-03-11

Agenda Item	Consider: Ordinance 194 Setting the March 1 to May 1 Load Limit at 5 Tons Per Axle on City Streets
Summary	The following is a brief summary of this agenda item: If we change to a citywide March 1 to May 1 load limit on all streets, we can post signs at the main entry points to the city instead of each end of every street in the city. This will save the city the cost of installing signs and also reduce the cluttered appearance of signs on the city landscape. Currently the March 1 to May 1 load limit is 5 tons per axle on Minnetonka Boulevard and Excelsior Boulevard, and 4 tons per axle on any other residential street. The city engineer has determined that 5 tons per axle is acceptable for all streets in the city. Attached is the proposed ordinance to make the change in the code book. A layout for what the signs would look like also is attached.
Council Action	Suggested Motions: 1. I move the city council approves ordinance 194 setting the March 1 to May 1 load limit at 5 tons per axle on all city streets. 2. Do nothing.

ORDINANCE NO. 194

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE CODE SECTION 730.00 TO SET THE MARCH 1 TO MAY 1 LOAD LIMIT AT 5 TONS PER AXLE ON ALL CITY STREETS

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

SECTION 1.
Greenwood ordinance code section 730.00, subd. 2 is amended to read as follows:

"Subd. 2. Signs. The city shall erect and maintain signs plainly indicating the prohibition or restriction set out in this section by placing signs at ~~each end of the portion of the street affected thereby~~ the main entry points to the city and at such other points as recommended by the city engineer."

SECTION 2.
Greenwood ordinance code section 730.00, subd. 4 is amended to read as follows:

"Subd. 4. Seasonal Load Restriction. Between March 1 and May 1 of each year, the weight on any single axle shall not exceed 5 tons on ~~Minnetonka Boulevard or Excelsior Boulevard and 4 tons on any other~~ any city street or road. The gross weight on consecutive axles shall not exceed the gross weight allowed in Minnesota statutes."

SECTION 3.
Effective Date. This ordinance shall be effective upon publication according to law.

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

Ayes _____, Nays _____.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

GREENWOOD WEIGHT LIMIT

7 TONS PER AXLE

5 TONS PER AXLE MAR 1 - MAY 1

Greenwood
City on the Lake

Agenda Number	**7C**
Agenda Date	05-03-11

Agenda Item	Consider: Resolution 11-11 Establishing Limited Clean-Up and Property Damage Protection for Sewer Back-Ups and Water Main Breaks for Water and Sewer Connections
Summary	The following is a brief summary of this agenda item: The city received a letter from Mike Wozniak (League of Minnesota Cities Insurance Trust Underwriting Manger) stating that the city's No-Fault Sewer Back-Up Coverage was expanded to include damage from a water main break-up to $250,000 per occurence. Dut to this expansion in coverage a new resolution should be approved. Mr. Wozniak provided the attached model resolution.
Council Action	Suggested Motion: 1. I move the city council approves resolution 11-11 establishing limited clean-up and property damage protection for sewer back-ups and water main breaks for water and sewer connections.

LEAGUE OF MINNESOTA CITIES

CONNECTING & INNOVATING
SINCE 1913

3/21/11

To: NCI-BIB Northern Capital Ins Group

From: Mike Wozniak, LMCIT Underwriting Manager

Re: No Fault Sewer Back Up Coverage

Member:	City of Greenwood
Coverage Period:	10/12/10 to 10/12/11
CMC Number:	CMC 32463

Beginning with renewals on or after November 15, 2009, the No Fault Sewer Back Up coverage was expanded to include damage from a water main break up to $250,000 per occurrence. Due to this expansion in coverage, a new resolution should be passed.

Attached is:

- A model resolution that can be used for this change.
- A copy of the memo discussing the 2009-2010 coverage changes.

Please send, fax or e-mail a copy of the completed resolution to Pat Mingee. (Fax: 651-281-1298/Phone: 651-215-4081/E-mail: pmingee@lmc.org)

Cc: City of Greenwood

LEAGUE OF MINNESOTA CITIES

CONNECTING & INNOVATING
SINCE 1913

Date: Nov. 23, 2009
To: Members of LMCIT's Property/Casualty and Workers' Compensation programs
From: Pete Tritz, LMCIT Administrator
Ann Gergen, LMCIT Associate Administrator
RE: **2009-10 Coverage Changes**

The LMCIT Board has approved a number of changes in LMCIT's liability, property, workers' compensation, and other coverages for the 2009-2010 underwriting year. Most of these changes will be effective for property/casualty coverage written or renewed on or after November 15, 2009 and for workers' compensation coverage on or after January 1, 2010. However, as noted below, there are a couple instances in which the changes don't take effect until a later date.

Property coverage changes

Golf course sprinklers

Cities have the option to cover several different kinds of property in the open, including golf course property. A golf course must be listed on the schedule of "property in the open" in order for property such as greens, tees, fairways, etc. to be covered. For 2009-10 the definition of "golf course property" has been clarified to include underground irrigation equipment.

Green building certification costs

The LMCIT property coverage currently pays for the cost to rebuild a Leadership in Energy and Environmental Design (LEED) certified building as it was if it were damaged or destroyed. The property coverage has been modified to provide an additional limit of one percent of the loss cost or $100,000, whichever is less, for the additional costs to maintain LEED or comparable "green construction" certification after the building is re-constructed and the additional costs to recycle construction debris. These provisions also apply to the Machinery Breakdown coverage.

Crime coverage

All cities automatically receive $250,000 of coverage for crime losses, as part of the property coverage. The LMCIT crime coverage has been expanded to reimburse the city for reasonable audit and accounting costs the city incurs to identify the existence and amount of a claim. Reimbursement for audit and accounting costs is limited to an amount equal to 25% of the actual covered loss. This expense reimbursement is in addition to the crime coverage limit. Similar provisions were added to the LMCIT bond coverage in 2006.

Any elected or appointed official or employee of the city is covered under the OML defense coverage. This doesn't include officials or employees of a utilities commission, port authority, HRA, EDA, redevelopment authority, municipal power or gas agency, hospital or nursing home board, airport commission, or joint powers board unless that board is specifically named in the Declarations.

The standard OML defense coverage will reimburse a city official for 100% of the defense cost incurred by the city official in defending an OML lawsuit. The OML Defense Costs Reimbursement Agreement is limited to $50,000. This is the most LMCIT will reimburse any one city official for defense costs for OML suits begun during the coverage term, regardless of the number of suits or the number of actual alleged violations.

Definition of "your work"

The liability coverage document uses the term "your work" in two coverage exclusions. The definition of "your work" has been narrowed to apply only to any claims arising for the cost to repair or redo mistakes or problems arising from improvements, alterations or other work the city performs on the property of others.

Aggregate limit – products / completed operations

The liability coverage has a $2 million annual aggregate limit on coverage for the "products/completed operations hazard". The coverage language has been revised so the aggregate limit now applies only to claims arising from the city's "product", not the city's "work". The aggregate limit does not apply to work the city may perform on such products.

Wage reimbursement

The "supplementary payments" section of the liability coverage has been increased to a $200 per day limit on the amount LMCIT will reimburse a city officer or employee for lost earnings if s/he is required to miss work in order to testify.

Railroad operations

An exclusion has been added to the liability coverage for bodily injury, property damage, and personal injury claims arising from the city's ownership, construction, operation, or maintenance of any railroad tracks or railroad rolling stock.

No-fault sewer backup coverage.

LMCIT offers property/casualty members the option to purchase "no-fault" sewer backup coverage, which reimburses a property owner for clean-up costs and damages caused by a sewer backup, irrespective of whether the city was negligent or legally liable for those damages. This optional coverage has been expanded to also apply to damage from a water main break, up to $250,000 per occurrence.

Other coverage changes

City staff expenses

The coverage language has been changed to clarify that LMCIT will reimburse the city for city staff time spent in connection with a claim, but only if it's work LMCIT has requested the city to perform. The revised coverage language also clarifies that LMCIT will not reimburse the city for city staff time or other expenses the city incurs to assemble information and documentation to support the city's claim.

Collections offset.

The collections policy the LMCIT Board approved last March provides that if there are outstanding and overdue amounts which the city owes to LMCIT, LMCIT may offset those amounts against any amounts LMCIT owes to the city. Consistent with this policy, the coverage documents are modified to specify that LMCIT may offset any overdue amounts which the city owes to LMCIT against any payments LMCIT owes to the city on any first-party property claims. The collection policy also provides for similar offsets against any other amounts owed to the city, such as dividends, audit refunds, etc.

Incentive Programs

Future Changes in Coverage for Sanitary Sewer Backups

Beginning November 15, 2010, a mandatory minimum deductible will apply to all liability claims for sanitary sewer backups unless the city meets specified standards for its sewer operations. Please review the enclosed materials regarding these changes.

CITY OF GREENWOOD
RESOLUTION NO. 11-11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ESTABLISHING LIMITED CLEAN UP AND PROPERTY DAMAGE PROTECTION FOR SEWER BACK-UPS AND WATER MAIN BREAKS FOR WATER AND SEWER CONNECTIONS

WHEREAS, the City of Greenwood provides water and sanitary sewer services to property within its jurisdiction; and

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

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

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

WHEREAS, it is often difficult to determine the exact cause and responsibility for water main breaks and sewer back-ups, and

WHEREAS, the governing body of the City of Greenwood desires to minimize the potential of expensive lawsuits arising out of water main breaks and sanitary sewer back-up claims; and

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

WHEREAS, LMICIT has offered the City of Greenwood limited "no fault" sewer coverage and water main break coverage that will reimburse users of the water and sewer system for certain clean-up costs and property damage regardless of whether the City of Greenwood is at fault.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, as follows:

The City of Greenwood, as part of the contract for providing water and sewer services to the customer of the City of Greenwood, and in consideration of the payment of water and sewer bills, agrees to reimburse water and sanitary sewer customers for up to $10,000 of clean-up costs and property damages caused by a water main break or sanitary sewer back-up, regardless of whether the City of Greenwood is negligent or otherwise legally liable for damages, subject to the following conditions:

I. Sanitary Sewer Back-Ups. For sanitary sewer back-ups:

A. The back-up must have resulted from a condition in the City of Greenwood's sanitary sewer system or lines, and not from a condition in a private line.

B. The back-up must not have been caused by catastrophic weather or other events for which Federal Emergency Management Assistance is available.

C. The back-up must not have been caused by an interruption in electric power to the City of Greenwood's sewer system or to any City of Greenwood lift station, which continues for more than 72 hours.

D. The back-up must not have been caused by rainfall or precipitation that would constitute a 100-year storm as determined by the National Weather Service.

E. Neither the City of Greenwood nor LMCIT will reimburse any costs which have been or are legible to be covered under a property owner's own homeowners' or other property

insurance, or which would be eligible to be reimbursed under a National Flood Insurance Protection (NFIP) policy, whether or not the property owner actually has NFIP coverage.

F. The maximum amount that the City of Greenwood or LMCIT will reimburse is $10,000 per building, per year. In this regard, a structure or group of structures served by a single connection to the City of Greenwood's sewer system is considered a single building.

II. Water Main Breaks. For water main breaks:

A. LMCIT will pay for claims presented by the City of Greenwood for water main break damage to property of others which was not cause by the City of Greenwood's negligence.

B. Neither the City of Greenwood nor LMCIT will pay for damages or expenses for which the property owner has been or is eligible to be reimbursed by any homeowners' or other property insurance.

C. The maximum amount that the City of Greenwood or LMCIT will reimburse is $10,000 to any claimant, regardless of the number of occurrences or the number of properties affected.

D. Neither the City of Greenwood nor LMCIT will pay more than $250,000 for water main break damages resulting from any single occurrence. All water main break damage which occurs during any period of 72 consecutive hours is deemed to result from a single occurrence. If the total water main break damage for all claimants in a single occurrence exceeds $250,000, the reimbursement figure is established for each claimant will be calculated as follows:

1. A preliminary reimbursement figure is established for each claimant, equal to the lesser of the claimant's actual damages or $10,000.
2. The sum of the preliminary reimbursement figures for all claimants will be calculated.
3. Each claimant will be paid a percentage of his or her preliminary reimbursement figure, equal to the percentage calculate by dividing $250,000 by the sum of all claimants' preliminary reimbursement figures.

IN WITNESS THEREOF, the City of Greenwood, by action of its City Council, caused this Resolution to be approved on this 3rd day of May, 2011.

Ayes _____, Nays _____.

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

Greenwood
City on the Lake

Agenda Number	**7D**
Agenda Date	05-03-11

Agenda Item	Consider: Park & Dock Patrol Proposal for the City of Excelsior
Summary	The following is a brief summary of this agenda item: This is a routine request regarding South Lake Minnetonka Police Department providing seasonal police service to the City of Excelsior for their parks and docks. The 2011 proposal has not been finalized yet, but it is anticipated that it will be similar to last year's proposal. Excelsior will pay for all costs associated with the seasonal service. The reason this item is on our agenda now is that the joint powers agreement requires that all member cities approve supplemental services and the service needs to go into effect before the Greenwood city council's next regular meeting in June.
Council Action	Suggested Motion: I move the city council approves South Lake Minnetonka Police Department providing park and dock patrol services for the City of Excelsior in 2011 as mutually agreed upon by both parties.

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

BRYAN T. LITSEY
Chief of Police

24150 SMITHTOWN ROAD
SHOREWOOD, MN 55331-8598

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

M E M O R A N D U M

TO: Gus Karpas, Greenwood City Clerk

FROM: Bryan Litsey, Chief of Police

DATE: April 26, 2011 - Tuesday

RE: City of Excelsior - 2011 Seasonal Park and Dock Patrol Services

The South Lake Minnetonka Police Department (SLMPD) is once again planning to provide park and dock patrol services this summer for the City of Excelsior. The tentative proposal prepared by the SLMPD is similar to last year with some adjustments. Pursuant to the Joint Powers Agreement, as amended in 2006, each member city council needs to take action on this matter prior to services being provided. I would appreciate this item being included on your next council meeting agenda with a recommendation for approval. Once council action is taken, please let me know the outcome by e-mail.

As always, please give me a call if you have any questions regarding this matter.

Recommended Motion:

Motion to approve the South Lake Minnetonka Police Department providing Park and Dock Patrol Services for the City of Excelsior in 2011 as mutually agreed upon by both parties.

Cc: Mayor Deb Kind, City of Greenwood

Greenwood
City on the Lake

Agenda Number	**FYI**
Agenda Date	05-03-11

Agenda Item	FYI Items in Council Packet
Summary	The following is a brief summary of this agenda item: The attached items are included in the council packet For Information Only.
Council Action	No council action is needed for FYI items.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 16, 2011
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 Lucking and Commission members John Beal, David Paeper, Mark Spiers and Alternate members Bill Cook and Brian Malo
Absent:	Commissioner Todd Palmberg
Others Present:	City Attorney Mark Kelly, Council Liaison Tom Fletcher and Zoning Administrator Gus Karpas.

Alternate Brian Malo was a voting member.

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 OF December 15, 2010.

Commissioner Malo moved to approve the minutes of December 15, 2010. Commissioner Beal seconded the motion. Motion carried 5-0.

4. PUBLIC HEARING

ORDINANCE AMENDMENT – To consider Ordinance 193, amending Chapter 11 to remove parking requirements for uses not permitted in the city and to amend provisions regulating parking for multi-use buildings.

Chairman Lucking explained the proposed ordinance to the members of the public in attendance. He said it is twofold in that it removes unneeded parking restrictions for uses that will never be in the city and corrects an error in the ordinance which requires unrealistic parking requirements for multi-use structures.

Chairman Lucking opened the public hearing.

T. White, 5290 Meadville Street, asked how the necessary parking is determined when there are mixed uses. Chairman Lucking said it's done logically citing an example where a property contained an office building and a marina, it is realistic to think that the office use would be primarily during weekday and the heaviest marina use would be on the weekend.

Mr. White said that a property near his home has multiple uses and he believes there's a problem with adequate parking and that it seems to be a fluid situation. Chairman Lucking noted all those uses are already in place and the plan was evaluated based on the proposed uses. Mr. White said he heard the approved plan was going to be altered.

Commissioner Beal said he's operating on the belief that it's unreasonable to require a property owner to count the required parking spaces based on each individual use since there is bound to be some overlap. This ordinance would require the property owner to analyze the overlap and provide an estimated parking need. The ordinance goes on to say if the anticipated parking was wrong, the city has the right to request further data from the property owner and then can require change if necessary.

Debra Antone, 21957 Minnetonka Boulevard, asked if the ordinance would impact the commercial property adjacent to her home. Chairman Lucking said it would.

Chairman Lucking explained that the ordinance amendment is necessary to give the city more control over parking. The property adjacent to Ms. Antone and Mr. White was approved by a Conditional Use Permit ten years ago and at that time a formula was applied based on the proposed uses to develop the number of parking spaces needed. Lucking said the ordinance amendment would now give the city the ability to revisit parking at any time when it seems there are not enough spaces and allows to the city to force change.

City Attorney Kelly said an ordinance was adopted and Conditional Use Permit was issued at the time the development of the Boathouse property. Now it seems the owner would like to demolish the restaurant building and construct a new office building. The proposed ordinance would put the burden on the owner to provide data showing the parking demands can be met and if there are issues, the city can review the situation and require change if necessary, including requiring the change of use after a one year notification.

Commissioner Beal noted that if there was a Conditional Use Permit request to construct a new office building, the neighbors would be notified.

Ms. Antone said there have been times when the parking on the adjacent property was not enough and people would park in the St. Alban's Villas parking lot. Chairman Lucking said this ordinance would address that issue.

Mr. White clarified that this amendment would affect the Boathouse property. Chairman Lucking said it would, more negatively than positively. City Attorney Kelly added that the proposed ordinance gives the city the ability to force review and allows for enforcement to address deficiencies.

Hearing no further public comment, the public hearing was closed.

Commissioner Beal requested a change that clarifies the parking space requirement for a multi-use building in the absence of a conditional use permit. Mr. Kelly agreed to make that clarification before sending the proposed ordinance to the City Council.

Commissioner Paeper asked about the scaled plan requirement and why a 1"–30' scale was chosen. City Attorney Kelly asked what he would suggest. Paeper suggest language stating a scaled plan needs to be submitted. The Commission agreed to the change.

Commissioner Beal said his understanding of the ordinance is that when a property is developed the parking is established. If the use is changed or expanded, the city can

give a sixty day notice to the owner to provide proof they are complying with the parking requirements. If they are not, the owner must either correct the parking or the city can force a change of use within a year.

Council Liaison Fletcher asked about the scenario where a property is developed and complie**s** with the parking, but then there are changes in either the use or it becomes a mixed use. City Attorney Kelly said the change would require a change in the parking and the owner would have to show compliance with the requirements.

City Attorney Kelly said the Commission may want to consider amending the ordinance in the future to address the type of situation Councilmember Fletcher described.

Commissioner Paeper said a change in use would require a building permit and a permit can be denied if the parking cannot be met.

Motion by Commissioner Beal to recommend the City Council adopt proposed Ordinance 193, as amended. Commissioner Paeper seconded the motion. Motion carried 5-0.

5. LIAISON REPORT

Council Liaison Fletcher informed the Commission that Commissioner Todd Palmberg has resigned his position due to the sale of his home and that the Council has received an application from Douglas Reeder to serve on the Commission. He said the Council adopted the finished exterior ordinance and has ordered two new city signs to replace the existing ones which are in need of repair. He said the Council held the first reading on two ordinances, one prohibiting the depositing of snow onto public streets and another prohibiting overnight parking after a two inch snowfall. He said the city has been contacted by the City of Excelsior regarding the initial design work for the Excelsior Bay Bridge. He informed the Commission that the LMCC is starting the franchise renewal for Mediacom and if they had any comments they should submit them to him.

6. ADJOURN

Motion by Commissioner Spiers to adjourn the meeting. Commissioner Beal seconded the motion. The meeting was adjourned at 7:45 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator