

AGENDA

Greenwood City Council Meeting



Wednesday, March 2, 2016
20225 Cottagewood Road, Deephaven, MN 55331

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

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA
- 7:00pm 2. CONSENT AGENDA
Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.
 - A. Approve: 02-03-16 City Council Meeting Minutes
 - B. Approve: January Cash Summary Report
 - C. Approve: January Certificates of Deposit Report
 - D. Approve: February Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: March Payroll Register
- 7:02pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to 3 minutes.
- 7:05pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
 - A. Presentation: Res 09-16 Certificate of Appreciation for Planning Commissioner David Paeper
 - B. Report: CliftonLarsonAllen, 2015 Audit Report
- 7:30pm 5. PUBLIC HEARINGS
 - A. None
- 7:30pm 6. PLANNING & ZONING ITEMS
 - A. Consider: Res 11-16 Simple Subdivision Findings, Dan Heiland, 21200 Minnetonka Blvd
 - B. 1st Reading: Ord 252 Adding Stormwater Management Section 1140.17 to Zoning Code
Res 12-16 Summary of Ord 252 for Publication
 - C. Consider: Res 10-16 Planning Commission Appointments
- 7:45pm 7. UNFINISHED BUSINESS
 - A. 1st Reading: Ord 253 Amending Ordinance Code Chapter 3 Regarding Watershed District
Permits and Water Management Plans
Res 13-16 Summary of Ord 253 for Publication
- 7:50pm 8. NEW BUSINESS
 - A. Consider: Request for No-Parking Signs Near 21770, 21720, 21710, and 21700 Fairview Street
 - B. Consider: 2016 St. Alban's Bay Lake Improvement District Contribution
 - C. 1st Reading: Ord 254 Amending Ordinance Code Chapter 10 Regarding Illicit Discharge
Res 14-16 Summary of Ord 254 for Publication
 - D. Consider: Approval of Updated 2016 LMCC Budget
- 8:15pm 9. OTHER BUSINESS
 - A. None
- 8:15pm 10. COUNCIL REPORTS
 - A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge, Traffic Committee
 - B. Fletcher: Lake Minnetonka Communications Commission, Fire
 - C. Kind: Police, Administration, Mayors' Meetings, Website
 - D. Quam: Roads & Sewers, Minnetonka Community Education, Traffic Committee
 - E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District
- 8:35pm 11. ADJOURNMENT



Agenda Item: Consent Agenda

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

Council Action: Required. Possible motion ...

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

MINUTES

Greenwood City Council Meeting

Wednesday, February 3, 2016

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Kind; Councilmembers Bill Cook, Tom Fletcher, Rob Roy

Members Absent: Councilman Quam

Staff Members Present: City Zoning Administrator Dale Cooney, City Attorney Mark Kelly

Motion by Kind to approve the agenda. Second by Roy. Motion passed 4-0.

2. CONSENT AGENDA

A. Approve: 01-06-16 City Council Meeting Minutes

B. Approve: December Cash Summary Report

C. Approve: December Certificates of Deposit Report

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

E. Approve: February Payroll Register

F. Approve: Res 05-16 Adopting the Updated Lake Minnetonka Emergency Operations Plan

Motion by Kind to approve the consent agenda. Second by Cook. Motion passed 4-0.

3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. Report: South Lake Minnetonka Police Quarterly Update

No council action was taken. View the report on LMCC TV channel 8 or at www.lmcc-tv.org.

B. Announcement: Planning Commission Term Expirations

Motion by Roy to direct the city zoning administrator to notify the planning commissioners whose terms expire to let them know that they need to notify the city zoning administrator in writing if they would like to be considered for reappointment to another 2-year term. Second by Fletcher. Motion passed 4-0.

The council consensus was to include a discussion about the future of the planning commission on the April city council agenda.

5. PUBLIC HEARINGS

A. None

6. PLANNING & ZONING ITEMS

A. Consider: Res 06-16 Conditional Use Permit Findings for Dining Patio, Excelsior Entertainment (Old Log Theatre), 5185 Meadville Street

Motion by Fletcher to approve resolution 06-16 findings for denial of the conditional use permit request for a dining patio by Excelsior Entertainment, 5185 Meadville Street as written. Second by Cook. Motion passed 4-0.

B. Consider: Res 07-16 Conditional Use Permit Findings and Res 08-16 Variance Findings, Mark D. Williams Custom Homes on Behalf of Nora Rottier, PID 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview)

Motion by Cook to approve resolution 07-16 findings for approval of the grading conditional use permit request of Mark D. Williams Custom Homes on behalf of Nora Rottier [Scallen] for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) with the following revision: Change condition (a) to read, "Applicant shall submit a new survey with new proposed grading contours to address drainage along the west property line. The proposed grading contours shall be approved by the city engineer prior to the issuance of a building permit." Second by Fletcher. Motion passed 4-0.

Motion by Cook to approve resolution 08-16 findings for approval of the variance to exceed the maximum permitted grade request of Mark D. Williams Custom Homes on behalf of Nora Rottier [Scallen] for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) as written. Second by Roy. Motion passed 4-0.

- C. Discuss: Drafts of Ordinances Regarding Stormwater Management

Motion by Cook to request that the planning commission hold a public hearing and make a recommendation regarding the draft ordinance for stormwater management with revisions as discussed by the city council. Second by Fletcher. Motion passed 4-0.

- D. Discuss: Variance Practical Difficulty Standards and Time / Condition-Limited Variances and Conditional Use Permits

Motion by Fletcher to direct staff to draft an ordinance for time-limited ADA-related conditional use permits. Second by Cook. Motion passed 4-0.

7. UNFINISHED BUSINESS

- A. Consider: Drafts of Drainage Easement Agreements

Motion by Fletcher to authorize the mayor, city attorney, and city engineer to finalize and execute the drafts of the Newman and Larson drainage and utilities easement agreements. Second by Cook. Motion passed 4-0.

8. NEW BUSINESS

- A. None

9. OTHER BUSINESS

- A. None

10. COUNCIL REPORTS

- A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge, Traffic Committee
- B. Fletcher: Lake Minnetonka Communications Commission, Fire
- C. Kind: Police, Administration, Mayors' Meetings, Website
- D. Quam: Roads & Sewers, Minnetonka Community Education, Traffic Committee
- E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District

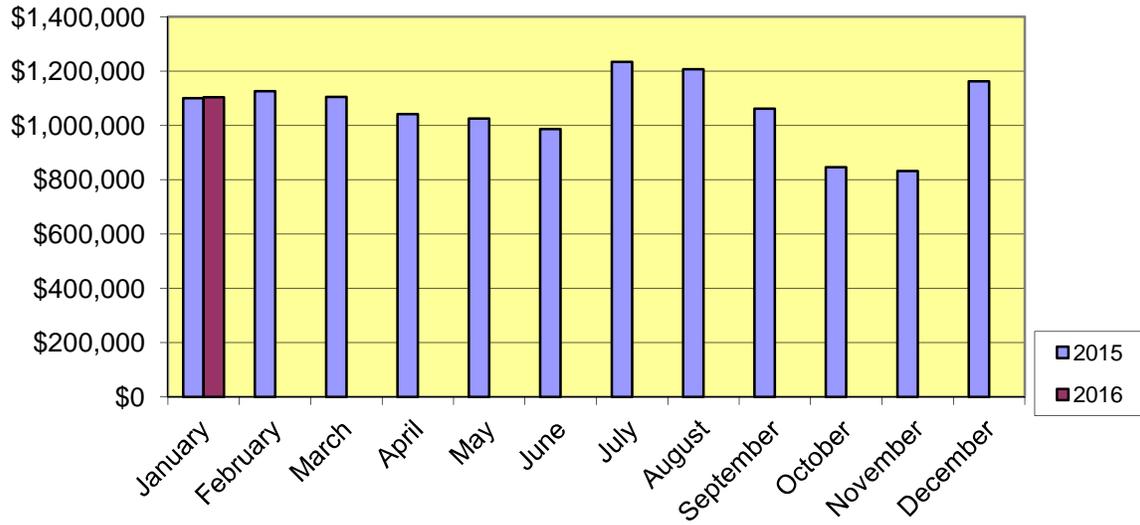
No council action was taken regarding any of the council reports.

11. ADJOURNMENT

Motion by Roy to adjourn the meeting at 8:37pm. Second by Cook. Motion passed 4-0.

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

City of Greenwood Monthly Cash Summary



Month	2015	2016	Variance with Prior Month	Variance with Prior Year
January	\$1,100,038	\$1,103,197	-\$59,352	\$3,159
February	\$1,125,995	\$0	-\$1,103,197	-\$1,125,995
March	\$1,105,199	\$0	\$0	-\$1,105,199
April	\$1,041,296	\$0	\$0	-\$1,041,296
May	\$1,025,022	\$0	\$0	-\$1,025,022
June	\$986,189	\$0	\$0	-\$986,189
July	\$1,234,400	\$0	\$0	-\$1,234,400
August	\$1,207,294	\$0	\$0	-\$1,207,294
September	\$1,061,011	\$0	\$0	-\$1,061,011
October	\$845,408	\$0	\$0	-\$845,408
November	\$831,317	\$0	\$0	-\$831,317
December	\$1,162,549	\$0	\$0	-\$1,162,549

Bridgewater Bank Money Market	\$174,570
Bridgewater Bank Checking	\$28,198
Beacon Bank CD	\$407,754
Beacon Bank Money Market	\$482,988
Beacon Bank Checking	\$9,687
	<u>\$1,103,197</u>

ALLOCATION BY FUND

General Fund	\$463,247
Special Project Fund	\$0
General Fund Designated for Parks	\$22,685
Bridge Capital Project Fund	\$147,173
Road Improvement Fund	\$50,000
Stormwater Fund	(\$644)
Sewer Enterprise Fund	\$365,366
Marina Enterprise Fund	\$55,370
	<u>\$1,103,197</u>

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 1/31/2016

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10410	Beacon Bank	12/06/15	13 month	01/06/17	0.60%	\$ 61,479.27
101-10407	Beacon Bank	01/04/15	13 month	02/04/16	0.70%	\$ 61,992.19
101-10408	Beacon Bank	04/05/15	13 month	05/05/16	0.70%	\$ 61,559.26
101-10411	Beacon Bank	06/22/15	13 month	07/22/16	0.60%	\$ 80,540.92
101-10409	Beacon Bank	08/05/15	13 month	09/05/16	0.60%	\$ 61,452.53
101-10412	Beacon Bank	10/22/15	13 month	11/22/16	0.60%	\$ 80,730.24
					TOTAL	\$ 407,754.41

CITY COUNCIL POLICY: 09-03-14 Motion by Roy to authorize the administrative committee to open CDs with a maximum initial maturity of 25 months with a combined maximum total CD balance of \$500,000 at Beacon Bank or Bridgewater Bank. Second by Cook. Motion passed 5-0.

Check Issue Date(s): 02/01/2016 - 02/29/2016

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
02/16	02/03/2016	12223	848	BRIDGEWATER BANK	101-20100	200,000.00
02/16	02/09/2016	12224	9	CITY OF DEEPHAVEN	101-20100	7,079.44
02/16	02/09/2016	12225	822	ECM PUBLISHERS INC	101-20100	1,270.44
02/16	02/09/2016	12226	199	ELECTRIC PUMP	602-20100	828.60
02/16	02/09/2016	12227	68	GOPHER STATE ONE CALL	602-20100	131.90
02/16	02/09/2016	12228	861	HOFF, BARRY & KOZAR, P.A.	101-20100	1,221.50
02/16	02/09/2016	12229	863	MAX PAGE	602-20100	46.77
02/16	02/09/2016	12230	105	METRO COUNCIL ENVIRO SERVICES	602-20100	3,203.41
02/16	02/09/2016	12231	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	300.00
02/16	02/09/2016	12232	745	Vintage Waste Systems	101-20100	1,628.25
02/16	02/09/2016	12233	145	XCEL ENERGY	602-20100	544.39
Totals:						<u>216,254.70</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0187029	2015 MISC ENGINEERING	01/31/2016	30.00
		0187030	2016 DEVELOPMENT REVIEW	01/31/2016	256.50
		0187031	2016 SEWER IMPROVEMENTS	01/31/2016	324.00
	Total BOLTON & MENK, INC.				<u>610.50</u>
BRIDGEWATER BANK					
848	BRIDGEWATER BANK	020316	DEP TO BRIDGWTR MM ACCT	02/03/2016	200,000.00
	Total BRIDGEWATER BANK				<u>200,000.00</u>
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	020916	Stormwater Coalition Membership Renew	02/09/2016	171.00
		JAN 2016	RENT & EQUIPMENT	02/01/2016	487.45
			Postage		39.25
			COPIES		45.00
			SNOW PLOWING/SANDING/SALT		1,367.87
			BIKE PATH		400.74
			Clerk Services		3,537.00
			ZONING		1,031.13
	Total CITY OF DEEPHAVEN				<u>7,079.44</u>
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	293988	LEGAL NOTICE	01/14/2016	134.04
		293989	LEGAL NOTICE	01/14/2016	686.96
		293990	LEGAL NOTICE	01/14/2016	167.55
		293991	LEGAL NOTICE	01/14/2016	189.89
		303942	LEGAL NOTICE	02/04/2016	46.00
		303943	LEGAL NOTICE	02/04/2016	46.00
	Total ECM PUBLISHERS INC				<u>1,270.44</u>
ELECTRIC PUMP					
199	ELECTRIC PUMP	0057107-IN	LIFT STATION REPAIR	01/15/2016	828.60
	Total ELECTRIC PUMP				<u>828.60</u>
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	6000405	ANNUAL FEE	01/31/2016	100.00
		6010406	Gopher State calls	01/31/2016	31.90
	Total GOPHER STATE ONE CALL				<u>131.90</u>
HOFF, BARRY & KOZAR, P.A.					
861	HOFF, BARRY & KOZAR, P.A.	12750	SO SHORE COMM CNTR	01/21/2016	1,221.50
	Total HOFF, BARRY & KOZAR, P.A.				<u>1,221.50</u>
LABEL PRODUCTS					
816	LABEL PRODUCTS	78306	PARKING STICKERS	02/09/2016	413.58
	Total LABEL PRODUCTS				<u>413.58</u>
MAX PAGE					
863	MAX PAGE	012616	UB PMT REFUND	01/26/2016	30.00
			UB PMT REFUND		10.00
			UB PMT REFUND		6.77

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total MAX PAGE				46.77
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001051811	Monthly wastewater Charge	02/02/2016	3,203.41
	Total METRO COUNCIL ENVIRO SERVICES				3,203.41
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE	011916	FORFEITURE PROCEEDS REC IN ERR	01/19/2016	300.00
		FEB 2016	OPERATING BUDGET	02/01/2016	16,074.58
	Total SO LAKE MINNETONKA POLICE DEPT				16,374.58
Vintage Waste Systems					
745	Vintage Waste Systems	012016	City Recycling Contract	01/20/2016	1,628.25
	Total Vintage Waste Systems				1,628.25
XCEL ENERGY					
145	XCEL ENERGY	012516	4925 MEADVILLE STREET *	01/25/2016	6.32
			SIREN		2.62
			Sleepy Hollow Road *		6.38
			LIFT STATION #1		40.50
			LIFT STATION #2		26.74
			LIFT STATION #3		35.50
			LIFT STATION #4		29.26
		020316	Street Lights *	02/03/2016	397.07
	Total XCEL ENERGY				544.39

Total Paid: 216,254.70

Total Unpaid: 17,098.66

Grand Total: 233,353.36

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
03/01/16	PC	03/01/16	3011601	COOK, WILLIAM B.	37		001-10100	184.70
03/01/16	PC	03/01/16	3011602	Fletcher, Thomas M	33		001-10100	84.70
03/01/16	PC	03/01/16	3011603	Kind, Debra J.	34		001-10100	277.05
03/01/16	PC	03/01/16	3011604	Quam, Robert	32		001-10100	184.70
03/01/16	PC	03/01/16	3011605	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>



Agenda Number: 4A

Agenda Date: 03-02-16

Prepared by Deb Kind

Agenda Item: Res 09-16 Certificate of Appreciation for Retiring Planning Commissioner David Paeper

Summary: Planning Commissioner David Paeper has announced his retirement from the commission. Attached is a proposed resolution / certificate of appreciation recognizing his contributions to the city.

Council Action: Optional. Potential motion ...

1. I move that the city council approves the resolution 09-16, a certificate of appreciation recognizing the contributions of Planning Commissioner David Paeper.
2. Other motion ???



Resolution 09-16 Certificate of Appreciation

WHEREAS, David Paeper served on the Greenwood planning commission from March 2007 through March 2016; and

WHEREAS, Commissioner Paeper gave freely of his time and served his community,

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota, on behalf of the residents of Greenwood, presents this certificate of appreciation to:

DAVID PAEPER

Adopted by the city council of the city of Greenwood, Minnesota this 2nd day of March, 2016.

There were 4 AYES and 0 NAYS

Debra J. Kind, Mayor

ATTEST: Dana H. Young, City Clerk



Agenda Number: **4B**

Agenda Date: 03-02-16

Agenda Item: 2015 Audit Report

CliftonLarsonAllen has completed the 2015 audit. Hard copies of the audit documents are included in the council packet and are available for viewing at city hall. The administrative committee (Mayor Deb Kind and Councilman Tom Fletcher) met with the auditors during the audit process and offered the responses on behalf of management that are included in the report.

The audit team from CliftonLarsonAllen will present the 2015 audit report at the 03-02-16 council meeting.

Council Action: Council action required. Potential motions ...

1. I move the council approves the 2015 audit report as presented by CliftonLarsonAllen.
2. I move the council approves the 2015 audit report presented by CliftonLarsonAllen, with the following comments:

_____.



Agenda Number: **6A**

Agenda Date: **03-02-16**

Prepared by Dale Cooney

Agenda Item: Res 11-16 Simple Subdivision Findings, Dan Heiland, 21200 Minnetonka Blvd

Summary: Dan Heiland, doing business as Trading Post Properties, LLC, is the owner of the property at 21200 Minnetonka Boulevard and is proposing to subdivide it into two separate parcels. *(Note: Since Dan Heiland is a client of city attorney Mark Kelly, Mr. Kelly has recused himself from this subdivision request. Bob Vose will be the acting city attorney for this request.)*

The City of Greenwood recently updated the subdivision ordinance. Previously, a one lot into two lot subdivision could be considered under the Simple Subdivision process of Section 600.07. However, a lot split of this kind is now required to go through the multi-step platting process. Mr. Heiland's application was submitted prior to the ordinance changes going into effect. However, it is the opinion of acting city attorney Vose that an application must be reviewed under the laws in effect at the time of decision, and not the time of application. Because of this, Mr. Heiland's application is no longer valid under Section 600.07.

Mr. Heiland is welcome to resubmit his application under the new subdivision requirements. However, due to the more restrictive dimensional requirements (primarily the requirement that all parcels must have 100 feet of frontage abutting a public or private street), staff does not believe that such an application would be viable.

Staff had mistakenly informed Mr. Highland that his application would be reviewed under the standards in place at the time of application, and not at the time of decision. Based on the reading of the code in effect at the time, staff believed that this was the last opportunity for Mr. Highland to submit a potentially viable subdivision request for the property.

Planning Commission Action: The planning commission reviewed the application at their February 17 meeting. Commissioner Bechtell motioned to **deny** the simple subdivision request of Dan Heiland, doing business as Trading Post Properties, LLC, to subdivide 21200 Minnetonka Boulevard into two separate parcels as identified on the submitted surveys, based upon the finding that Section 600.07 of the Greenwood Code of Ordinances does not allow a property to be subdivided in such a manner. Motion was seconded by commissioner Paeper. Motion carried 5-0.

Timeline and Approval: The usual zoning 60-day timeline with possible 60-day extension does not apply to subdivision applications. For the city's simple subdivision process, the 60-day timeline for final plat approval is applicable. The primary difference is that state statute does not allow for a 60-day extension. Therefore, the city would need to approve or deny the application within the 60-day timeline.

Application complete:	January 12, 2016
Notice of Public Hearing published:	February 4, 2016
Planning Commission Public Hearing:	February 17, 2016
City Council Decision:	March 2, 2016
60-Day Deadline:	March 12, 2016

City Council Action: Action required by March 12, 2016. Potential motions ...

1. I move the city council approves resolution 11-16 findings for **denial** regarding the simple subdivision request of Dan Heiland, doing business as Trading Post Properties, LLC, to subdivide 21200 Minnetonka Boulevard into two separate parcels.
2. I move the city council approves resolution 11-16 findings for **denial** regarding the simple subdivision request of Dan Heiland, doing business as Trading Post Properties, LLC, to subdivide 21200 Minnetonka Boulevard into two separate parcels with the following revisions: _____.
3. Other motion ???

Kennedy

&

Graven

CHARTERED

470 US Bank Plaza
200 South Sixth Street
Minneapolis MN 55402

Robert J.V. Vose
(612) 337-9275 telephone
(612) 337-9310 fax
rvose@kennedy-graven.com

MEMORANDUM

To: Dale Cooney; Greenwood planner
From: Bob Vose
Date: February 16, 2016
Re: Subdivision application; 21200 Minnetonka Boulevard

I understand that the City received the subdivision application referenced above on or about January 11, 2016. Shortly thereafter, an amendment to the City's subdivision code repealing section 600.07 (allowing for "simple subdivisions") became effective. As amended, the code requires all or nearly all subdivisions to be platted.

I have advised that the City need not process this application under the repealed "simple subdivision" provision. I can think of only two possible arguments to the contrary: 1) the applicant has a "vested right" to the code prior to amendment, or; 2) the City is equitably estopped from applying the amendment to this application.

Vested Rights

Under this doctrine, a person acquires a vested right when a right has "arisen upon a contract, or transaction in the nature of a contract, authorized by statute and liabilities under that right have been so far determined that nothing remains to be done by the party asserting it." *Ridgewood Dev. Co. v. State*, 294 N.W.2d 288, 291, 294 (Minn. 1980). When applying this doctrine, a court "asks whether a developer has progressed sufficiently with his construction to acquire a vested right to complete it." *Id.* The Minnesota Supreme Court has recently reaffirmed this understanding, stating that the doctrine is "to protect landowners or developers from governmental interference with projects already in progress." *Halla Nursery, Inc. v. City of Chanhassen*, 781 N.W.2d 880, 885 (2010).

I am uncertain whether the vested rights doctrine is even theoretically available for a property subdivision application. The doctrine has been applied where a permit is erroneously issued or where a landowner has substantially completed a project in reliance on a permitted use that was subsequently prohibited by a change in law. *Ridgewood Dev. Co.* at 294-95 (no vested right where new law prevented a developer from acquiring land financing that was previously

available at the time the land was purchased); *Hawkinson v. County of Itasca*, 231 N.W.2d 279, 280 (1975) (portions of a business development that had sufficiently progressed were not subject to new zoning laws limiting previously unzoned lots to residential use); *Kiges v. City of St. Paul*, 62 N.W.2d 363, 373-74 (1953) (receipt of a permit and completion of excavation insufficient to provide a vested right to build a retail cleaning establishment on property rezoned for residential).

Regardless, it is clear that no “project” is in progress. The applicant has not made a substantial investment in construction or similar project activities. No new house or similar improvements could be constructed unless a new lot is lawfully created. Thus, the vested rights doctrine does not apply.

Equitable Estoppel

Equitable estoppel refers to a claim that the government may not apply a particular law or regulation to a property owner because the owner was deceived regarding the applicable requirement.

A person seeking to establish equitable estoppel against the government must establish four elements. First, there must be “wrongful conduct” on the part of an “authorized government agent.” *City of N. Oaks v. Sarpal*, 797 N.W.2d 18, 25 (Minn. 2011). Second, the party seeking equitable relief must have reasonably relied on the wrongful conduct. *Id.* Third, the party must incur a “unique expenditure” in reliance on the wrongful conduct. *Id.* Finally, the balance of the equities must weigh in favor of estoppel. *Id.*

A person seeking to assert estoppel has a “heavy burden of proof.” *Id.* Wrongful conduct is the most important element. *Id.* To be “wrongful,” the government official’s actions must go well beyond a simple mistake and must involve some degree of malfeasance or bad intent.

In this case, there can be no claim of “wrongful conduct” by a City official. In fact, none of the factors are met.

Conclusion

Because the applicant cannot require the City to apply the prior “simple subdivision” provision based on either the vested rights doctrine or a claim of equitable estoppel, and because I see no other possible argument, I conclude that the amended subdivision code applies.

Generic Application Form

(this form is not a permit or license)



Person completing form: Property Owner Business Manager Builder Other:

If you prefer to complete this form electronically, it is available for downloading at www.greenwoodmn.com.

Use this form if a specific form does not exist for the permit or license desired.

Date form completed	1/11/2016
Applicant (first name, full middle name, last name)	DANIEL R HEILAND
Property address	21200 MINNETONKA BLVD
Mailing address (if different than property address)	405 COMSTOCK LN N PLYMOUTH 55447
Cell phone	612-490-8281
Email address	D.R.HEILAND@LPACAST.NET
MN license number (if applicable)	

Type of permit / license desired:

Please attach a narrative description or drawing to this application cover sheet.

The undersigned hereby makes this application for a the above listed permit / license and acknowledges the following:

- I certify information submitted on this form is true and correct to the best of my knowledge. I understand that giving false information on this application constitutes cause for the immediate revocation of any permit / license issued hereunder.
- I am familiar with the provisions of the applicable Greenwood ordinance(s) for this application agree to operate in accordance with the code book of ordinances of the city of Greenwood (available for viewing at city hall and at www.greenwoodmn.com), and with the laws of the state of Minnesota.

The permit / license fee is non-refundable and must be submitted at the time of application. Fees are listed in chapter 5, section 510 of the city code book available for viewing at city hall or at www.greenwoodmn.com.

Signature of applicant Date: 1/11/2016

For Office Use Only	Approved By: <u>RL</u>	Fee Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check	Amount \$ <u>150.00</u>	Approval Date: <u>1/12/16</u>
----------------------------	------------------------	---	-------------------------	-------------------------------

Form Updated 06.02.15

DRIVEWAY EASEMENT AND MAINTENANCE AGREEMENT

THIS DRIVEWAY EASEMENT AND MAINTENANCE AGREEMENT ("this Agreement") is dated January 12, 2016 and is by and among:

Trading Post Properties LLC. as "Grantor",

Danial Heiland as "Grantee"

All of whom, together with their respective successors and assigns, are referred to collectively from time to time hereinafter as "**the Parties**" and individually as "**Party**".

WHEREAS, Trading Post Properties LLC is the fee title holder to that certain real property located in Hennepin County, Minnesota at 21200 Minnetonka Boulevard, MN 55331, and legally described on **Exhibit A** attached hereto ("**Parcel A**"); and

WHEREAS, Danial Heiland is the fee title holder to that certain real property located in Hennepin County, Minnesota at 21180 Minnetonka Boulevard, MN 55331, and legally described on **Exhibit B** attached hereto ("**Parcel B**").

WHEREAS, owners and occupants of **Parcel B**; shall gain vehicular access to a public roadway over and across a driveway off of Minnetonka Boulevard located on land owned by the Trading Post Properties LLC, and the Parties desire to formalize the Parties' rights and responsibilities regarding this driveway and its use and maintenance, and wish to grant easements over portions of "**Parcel A**" for the purposes more fully described below;

NOW, THEREFORE, in consideration of the promises and covenants set out below, and for other good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties hereby agree as follows:

1. Grant Of Easements.

A) By Trading Post Properties LLC (as owners of Parcel A) shall and hereby do grant to Danial Heiland (as and only as owner of Parcel B), and all of their respective heirs, personal representatives, distributees, legatees, successors and assigns, upon the terms and conditions set forth herein, a non-exclusive appurtenant easement, for the purposes set forth in Section 2 below over, under and across that portion of **Parcel A** described on **Exhibit C** Easement Area attached hereto as "**Exhibit C**". The Parcel A Easement Area shall be collectively referenced herein as the "Easement Area".

B) By All Parties. The Parties further agree that each Party hereby grants to the other Party an easement for drainage purposes over, under and across their respective. The Parties hereby agree that any material modification to the direction and volume of drainage and storm water flow from the date hereof shall require the consent of the other affected Parties to this Agreement.

2. **Purposes And Nature Of The Easements.** The easements granted in paragraph 1 above shall be for and only for the purposes of constructing and placing of utilities, maintaining and using a driveway providing pedestrian and vehicular access for Parcel B from Minnetonka Boulevard for the owners of Parcels B and their respective tenants, guests, employees, agents, and invitees, and to their respective successors and assigns and their respective tenants, guests, employees, agents and invitees. The easements granted in paragraph 1 above shall be perpetual and shall run with the land but in no event will the easements serve any adjacent parcel not included, as of the date of this agreement, in Parcels A, or B, nor will it serve any non-single family residential residence in Parcel A, or B except to the extent they exist at the date of this agreement. Except as specifically set forth herein, the Easement Areas shall not be modified or relocated without the approval of all owners of the Parcels, their successors and assigns.

3. **Construction, Maintenance and Repair.** The Parties shall keep the Easement Areas located on their respective Parcels in neat, orderly and good condition, appearance and repair. The owners of Parcel B shall be responsible for the expense of the initial permitting and construction of the driveway to be constructed on the Parcels A, Easement Area and all of all costs of maintenance, sweeping, snow removal, repair and replacement of said driveway and related curb cut to Minnetonka Boulevard. The Parties hereby agree that the construction, maintenance and repair obligations set forth in this paragraph may be delegated upon agreement of the Parties, to a licensed contractor for the performance of such obligations. Notwithstanding the foregoing, any damage to said driveway resulting from the negligent or intentionally malicious act or omission of any Party, or that owner's tenants, guests, employees, agents or invitees, shall be repaired by that owner, at the sole cost and expense of such owner.

4. **Indemnification.** Each of the Parties and their respective successors and assigns shall indemnify, hold harmless and defend the other Parties and their respective successors and assigns from and against any injury or damage suffered or sustained, or claimed to be suffered or sustained, by any person or entity arising out of or in any way resulting from the negligent or intentionally malicious act or omission of the indemnifying Party in connection with the use either of the Easement Areas or said driveway or its construction, maintenance, repair or replacement.

5. **Restrictions.** The Easement Area shall not be obstructed or used for parking of motor vehicles, except to the extent the owner or tenant of the respective Easement Area, and their guests, employees, agents or invitees, can do so without interfering with rights granted hereunder. Other than related to constructing the driveway, no improvements, including but not limited to fences or structures, shall be constructed in or on the Easement Area. The Easement Area shall not be used or dedicated as a public roadway or thoroughfare. Except during necessary maintenance and repairs to the driveway, the Parties shall not permit any activity in the Easement Areas that interferes with or obstructs the purposes of the easements granted herein.

6. **Reservation.** Trading Post Properties hereby reserve unto themselves and their respective heirs, successors and assigns the right to use the Easement Area for other purposes not inconsistent with the rights granted to others under this Agreement. The Parties represent to one another that any use of the respective easement areas at any time in any manner which impedes in any material manner vehicular and pedestrian access and egress over and upon the respective easement areas is inconsistent with the rights granted hereunder.

7. **Private Easement.** Nothing in this Agreement shall be deemed to be a dedication of any area for public use. All rights, easements and interests herein created are private and do not constitute a grant for public use or benefit.

8. **Partial Invalidity.** If any one or more of the provisions of this Agreement is determined to be invalid, unlawful or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby unless as a result the purpose and intent of this Agreement shall thereby be substantially and essentially impaired. In such event, the parties shall diligently proceed to revise this Agreement in order to re-memorialize such purpose and intent.

9. **Waiver.** No failure on the part of a Party to exercise, and no delay in exercising, any right or remedy hereunder shall operate as a waiver thereof, and no single or partial exercise of any right or remedy hereunder shall preclude any other or further exercise thereof or the exercise of any other right or remedy granted hereby or by any related document or by law.

10. **Modification.** This Agreement may only be modified or amended in a writing signed by all the **Parties**.

11. **Integration.** This Agreement constitutes the entire agreement and understanding between the Parties regarding the subject matter hereof. This Agreement supersedes any prior driveway easements affecting Parcels A, or B, and all such easements are hereby terminated.

12. **Notice.** Any notice or other writing required by this Agreement to be given under this Agreement shall be deemed given when personally delivered to the Party or sent via certified United States mail, return receipt requested, to the respective addresses set forth below, or to such other addresses as the respective party has previously designated in written notice delivered in accordance with this paragraph:

If to: **Trading Post Properties LLC**
405 Comstock Lane N
Plymouth Mn 55447

If to: **Danial Heiland**
405 Comstock Lane N
Plymouth Mn 55447

13. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, successors and assigns.

14. **No Construction Against Drafting Party.** The Parties acknowledge that each of them and their counsel has had an opportunity to review this Agreement, and that this Agreement shall not be construed against any Party merely because that Party or that Party's counsel has prepared it.

15. **Counterparts.** This Agreement may be signed in any number of counterparts, each of which shall be deemed an original, but when considered together shall constitute a single document.

16. **Enforcement.** Any controversy or dispute between the Parties, their successors, and/or assigns, involving any covenant, term or condition of this Agreement, shall be settled by arbitration in accordance with the Arbitration Rules of the American Arbitration Association by a sole arbitrator, and judgment upon the award rendered by the arbitrator may be entered in Hennepin County District Court. The arbitrator shall have authority to award damages and/or interim and/or permanent equitable relief. A decision of the arbitrator as to a matter submitted for arbitration shall be final and conclusive. With respect to such arbitration:

- (a) A Party shall have the right to seek from Hennepin County District Court equitable or provisional remedies (such as temporary restraining orders, temporary injunctions, and the like) before or during any arbitration proceeding;
- (b) The arbitration proceedings shall take place at the American Arbitration Association's offices in Minneapolis, Minnesota, or at such other place as mutually agreed by the Parties.
- (c) The arbitrator shall have discretion to award reasonable attorney fees and costs in favor of a Party if, in the opinion of the arbitrator, dispute arose because one of the Parties did not act in good faith, or if the arbitrator determines that one of the Parties was in breach or in default of the terms and conditions of this Agreement. If no specific award of attorney fees is made by the arbitrator, each party to the arbitration shall equally bear the arbitrator's fees and costs, and shall be responsible for that party's own attorney fees and costs.
- (d) Any award of the arbitrator may be entered in Hennepin County District Court pursuant to the provisions of Minn. Stat. Sec. 572B.22, *et. seq.*, which statutes, relating to arbitration, are incorporated herein by reference.

EXHIBIT A

PARCEL A LEGAL DESCRIPTION

Lots 2 and 3, Block 13, Minnetonka Manor, Hennepin County, State of Minnesota.

Together with and subject to an easement for driveway purposes over and across a 15 foot strip of land from the Northern line of Lot 2 of which is described as follows: The North 15 feet of Lot 2, Block 13, Minnetonka Manor, Hennepin County, Minnesota

Contains: 15,021 Sq. Ft.

Exhibits A and B split from the Certificate of Title No. 1411256, The plat thereof on file or of record in the office of the County Recorder, Hennepin County, Minnesota.

EXHIBIT B
PARCEL B LEGAL DESCRIPTION

Lot 30 except the Southerly 15 feet thereof, and all of lot 31, Block 13, Minnetonka Manor, Hennepin County, State of Minnesota.

Contains: 25,720 Sq. Ft.

Exhibits A and B split from the Certificate of Title No. 1411256, The plat thereof on file or of record in the office of the County Recorder, Hennepin County, Minnesota.

EXHIBIT C

EASEMENT AREA LEGAL DESCRIPTION

The North 15 feet of Lot 2, Block 13, Minnetonka Manor, Hennepin County, Minnesota.

See Attached Survey.

ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADV SUR.COM

SURVEY FOR: **DAN HEILAND**

SURVEYED: October 29, 2015 DRAFTED: October 30, 2015
 REVISED: January 11, 2016, to show possible lot split.
 REVISED: January 12, 2016, to show proposed legal description for driveway easement.

ADDRESS OF ORIGINAL PARCEL:
 21200 Minnetonka Blvd, Greenwood, Mn

LEGAL DESCRIPTION OF ORIGINAL PARCEL:
 Lots 2 and 3, Lot 30, except the Southerly 15 feet thereof, and Lot 31, Block 13, Minnetonka Manor, Hennepin County, Minnesota.

Certificate of Title No. 1411256

PROPOSED LEGAL DESCRIPTION OF PARCEL A:
 Lots 2 and 3, Block 13, Minnetonka Manor, Hennepin County, Minnesota.

Contains: 15,021 Sq Ft

PROPOSED LEGAL DESCRIPTION OF PARCEL B:
 Lot 30, except the Southerly 15 feet thereof, and all of Lot 31, Block 13, Minnetonka Manor, Hennepin County, Minnesota.

Contains: 25,720 Sq Ft

PROPOSED LEGAL DESCRIPTION FOR DRIVEWAY EASEMENT:
 The North 15 feet of Lot 2, Block 13, Minnetonka Manor, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the above legal description we were furnished. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey, have been shown.
- We show a proposed division of the property per your instructions. Please review the proposed division to verify that it is what you intended. We suggest you submit this survey to the governmental agencies that have jurisdiction over it to obtain their approvals, if you can, before making any decisions regarding the property.
- Showing the location of existing improvements we deemed important.
- Setting new monuments or verifying old monuments to mark the corners of the property.
- While we show the minimum building setback lines per our interpretation of the city's zoning code, said setback lines must be verified by the appropriate city officials to be sure that they are shown correctly. Do this before using the survey to make any decisions regarding the property.
- While we show proposed improvements to your property, they are not based on actual plans, but merely a concept site plan for the city to review. Only once final house plans and site plans are made can you know for sure if the improvements shown will work. Proposed site plan and improvements are subject to change.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes found iron monument, unless otherwise shown.

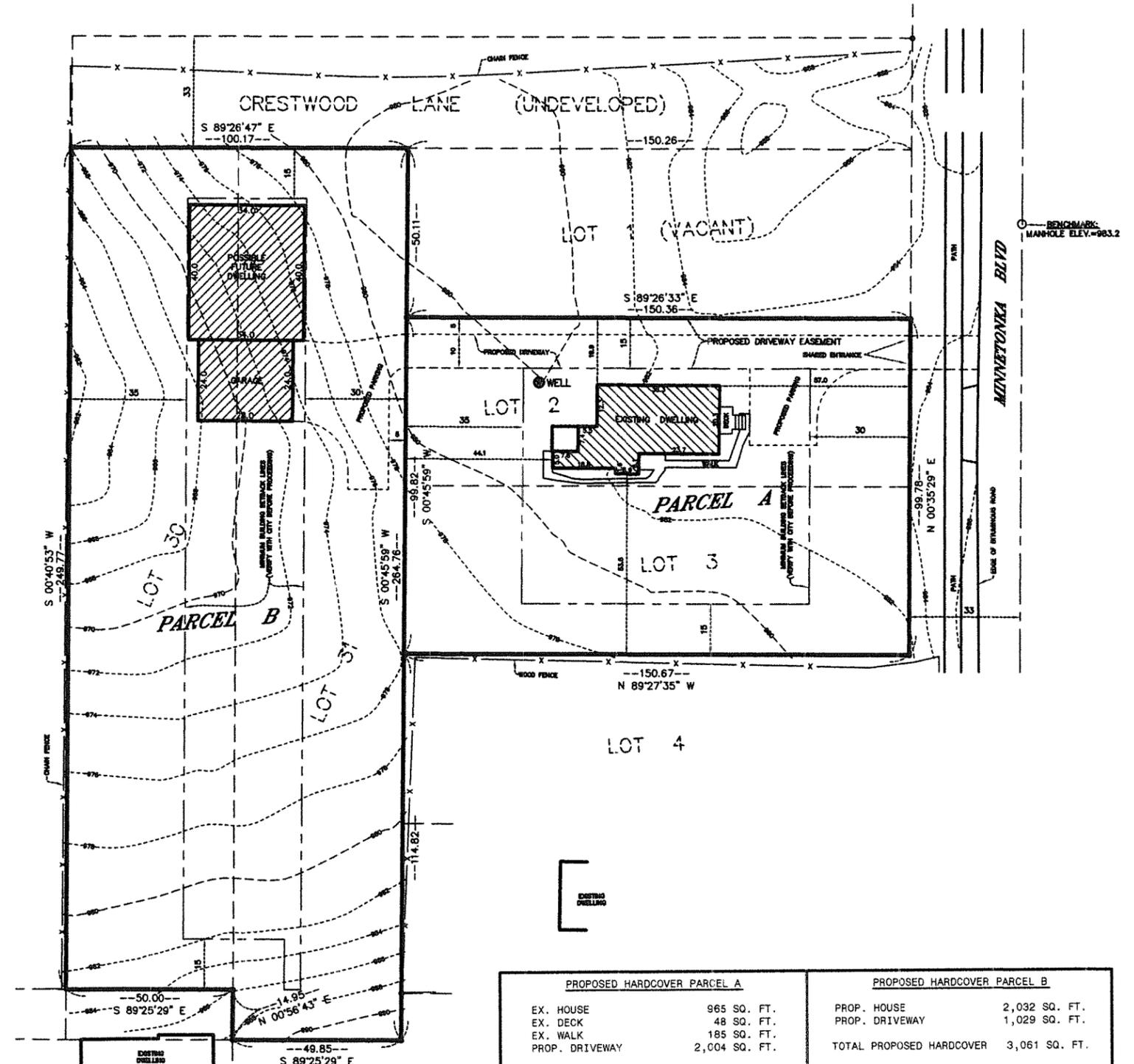
CERTIFICATION:

I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

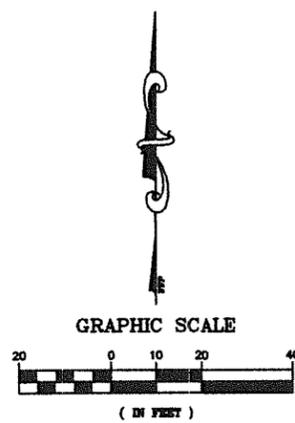
Signature: *Wayne W. Preuhs* Typed Name: Wayne W. Preuhs

Reg. No.: 43503

Date: January 12, 2016



PROPOSED HARDCOVER PARCEL A		PROPOSED HARDCOVER PARCEL B	
EX. HOUSE	965 SQ. FT.	PROP. HOUSE	2,032 SQ. FT.
EX. DECK	48 SQ. FT.	PROP. DRIVEWAY	1,029 SQ. FT.
EX. WALK	185 SQ. FT.	TOTAL PROPOSED HARDCOVER	3,061 SQ. FT.
PROP. DRIVEWAY	2,004 SQ. FT.	AREA OF LOT	25,720 SQ. FT.
TOTAL PROPOSED HARDCOVER	3,202 SQ. FT.	LOT COVERAGE	11.9%
AREA OF LOT	15,021 SQ. FT.		
LOT COVERAGE	21.3%		



February, 2016

PETITION

We, the undersigned residents of Greenwood, MN, are in strong opposition to the application of Daniel Heiland for a proposed subdivision of 21200 Minnetonka Boulevard due to the impact on the unique topography of the area, the adverse impact on adjoining property owners, and that the proposal does not provide satisfactory ingress and egress. There is also serious concern regarding grading and erosion control, erosion and runoff. And that no grading proposal nor tree replacement plan has been submitted.

Name	Address
Patricia Jost Gokken	4820 Lodge Lane
Judy Berg	21280 MTKA Blvd.
Jeffrey Welt	4860 Lodge Ln.
Mary K. Carbonneau	5165 Meadville Street
Paul L. Pearson	4840 Lodge Lane
Alexis J. Pearson	4840 Lodge Lane
John Cimilli	4777 Lyman Ct.
Pat McHorn	4895 Lodge Lane
June O'Leary	5030 Meadville Street
Penelope J. Holt	21885 Fairview St.
Jim Roth	5060 Courtington Street
Janice Gallagher	21775 Fairview St.
XXXXXXXXXX	4825 40066 LN
Galen Hall	4825 Lodge Ln.
XXXXXXXXXX	21310 MTKA Blvd
XXXXXXXXXX	21310 MTKA Blvd

February, 2016

PETITION

We, the undersigned residents of Greenwood, MN, are in strong opposition to the application of Daniel Heiland for a proposed subdivision of 21200 Minnetonka Boulevard due to the impact on the unique topography of the area, the adverse impact on adjoining property owners, and that the proposal does not provide satisfactory ingress and egress. There is also serious concern regarding grading and erosion control, erosion and runoff. And that no grading proposal nor tree replacement plan has been submitted.

Name	Address
Bob L...	4000 Sleepy Hollow Rd
Christa Stein	21490 Fairview St Greenwood
Bob L...	21600 Fairview St Greenwood
Bob L...	21630 Fairview St.
Sue Walsh	21630 Fairview St.
Anne Spaeth	21700 Fairview St
Bob L...	4975 Sleepy Hollow Rd
Bob L...	5085 Highview Place
Kaylene Wickhamer	5170 Greenwood Cr.
Karen Chapman	5155 Greenwood Cr
Ragny Mutsaers	5125 Greenwood Circle
Jim Foster	5100 Greenwood,
Bonnie Boson	5175 Queens Cir
Butte Larson	51200 Wilka Blvd. Greenwood
Bob L...	4925 Lodge Lane,
Bob L...	4925 LODGE LANE

February, 2016

PETITION

We, the undersigned residents of Greenwood, MN, are in strong opposition to the application of Daniel Heiland for a proposed subdivision of 21200 Minnetonka Boulevard due to the impact on the unique topography of the area, the adverse impact on adjoining property owners, and that the proposal does not provide satisfactory ingress and egress. There is also serious concern regarding grading and erosion control, erosion and runoff. And that no grading proposal nor tree replacement plan has been submitted.

Name	Address
Paul Frost	4880 Lodge Lane, Greenwood
Jennifer Frost	4880 Lodge Lane, Greenwood
Cynthia Crumpton	4855 Lodge Lane
Cheryl Mac	4758 Lyman Court
[Signature]	4758 Lyman Court
[Signature]	4763 Lyman Ct.
[Signature]	4757 Lyman Ct.
[Signature]	4757 Lyman Ct.
Terri Drene	4760 Lodge Lane
J. Drene	4760 Lodge Lane
Julie Mitchell	4755 Lyman Court
Angela Ray	4870 Woods Court
[Signature]	4590 Woods Ct
Madeline Brown	4920 Lodge Lane
[Signature]	4725 Lodge Lane
Kari Kusiny	4725 Lodge Lane

February, 2016

PETITION

We, the undersigned residents of Greenwood, MN, are in strong opposition to the application of Daniel Heiland for a proposed subdivision of 21200 Minnetonka Boulevard due to the impact on the unique topography of the area, the adverse impact on adjoining property owners, and that the proposal does not provide satisfactory ingress and egress. There is also serious concern regarding grading and erosion control, erosion and runoff. And that no grading proposal nor tree replacement plan has been submitted.

Name	Address
Margaret A. Pyburn	4920 Lodge Lane, Greenwood 55331
Bret Johnson	4870 Lodge Ln ⁵⁵³³¹ Greenwood, MN
Ann Roberts	4900 Lodge Lane, Greenwood, MN
Jim Roberts	4900 Lodge Ln Greenwood
G. M. M. M.	4920 LODGE LANE GREENWOOD
Jackie Leckes JM	21520 Pineview Ct. Greenwood MN
Shoshana Anderson	5110 Curve St Greenwood 55331
Julia Avari	5120 Curve St 55331
Jeff Lewis	21240 Minnetonka Pl
Kristen Lewis	21240 Minnetonka Pl
Richard Lewis	5000 Cinnamon Creek
Ray Fowler	5050 Kings Ct, Greenwood 55341
Merritt Jones	5045 KINGS CT, GREENWOOD 55331
Wes Crawford	4855 Lodge Lane GW 55331
Sara Soberg	4960 St. Albans Bay Rd 55331
Toby Reiser	4970 ST ALBANS BAY RD

February, 2016

PETITION

We, the undersigned residents of Greenwood, MN, are in strong opposition to the application of Daniel Heiland for a proposed subdivision of 21200 Minnetonka Boulevard due to the impact on the unique topography of the area, the adverse impact on adjoining property owners, and that the proposal does not provide satisfactory ingress and egress. There is also serious concern regarding grading and erosion control, erosion and runoff. And that no grading proposal nor tree replacement plan has been submitted.

Name	Address
Sheri Reischer	4970 St. Albans Bay Rd.
[Signature]	5135 Weeks Rd.
John & Karen Packard	5125 Weeks Road
Max + Jenny Zinn	4860 Lodge Lane
George Tolmie (proxy)	4920 Woods Court
Diane Shulgen (proxy)	4920 Woods Court
John B. Rantz	4910 Woods Court
Carl Alente	4910 Woods Ct.
Sandy Schrenkamp	4925 Woods Ct.
Rob Behrenkamp	4925 Wood Ct
MJ McGee	21170 Minnetonka Blvd

RESOLUTION NO 11-16

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

DENYING

IN RE: The application of Dan Heiland of Trading Post Partners, LLC for a Simple Subdivision pursuant to Greenwood ordinance code section 600.07 to subdivide the property at 21200 Minnetonka Boulevard into two separate parcels.

RECITALS

WHEREAS, Applicant Dan Heiland of Trading Post Partners, LLC (hereinafter 'Applicant') desires to subdivide into two parcels the real property commonly known as 21200 Minnetonka Boulevard, Greenwood, Minnesota 55331 (PID No. 26-117-23-13-0017), being real property located in Hennepin County, Minnesota, legally described as follows: "Lots 2 and 3, Lot 30, except the Southerly 15 feet thereof, and all of Lot 31, Block 13, Minnetonka Manor," according to the plat thereof of record and on file in the office of the Hennepin County Recorder."; and

WHEREAS, Applicant has submitted an application for a simple subdivision pursuant to Greenwood ordinance code section 600.07;

WHEREAS, notice of a public hearing was published, and a public hearing was held before the city council to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on February 17, 2016; and

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

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota does hereby make the following:

FINDINGS OF FACT

1. The foregoing Recitals are adopted as if set out here at in full.
2. That the real property commonly known as 21200 Minnetonka Boulevard, Greenwood, Minnesota 55331 (PID No. 26-117-23-13-0017) is a single lot of record located within the R-1A district.
3. The survey submitted by the Applicant, (Exhibit A), illustrates the locations and dimensions of Parcel A and Parcel B. This survey also illustrates the existing improvements, setbacks, topography and hardcover for the property.
4. The Applicant has also submitted in writing an easement agreement authorizing street and utility access via Parcel A to Parcel B.
5. Greenwood ordinance code section 600.07 states that portions of a lot may be severed for the purpose of accretion onto neighboring parcels, provided the severed portion does not make the balance of the remaining lot a nonconforming lot. Section 600.07 does not allow for the subdivision of a single lot into two or more lots.
6. Given the foregoing, the simple subdivision request FAILS to meet the criteria in Greenwood ordinance section 600.07, to-wit:
 - A. Applicant is requesting to subdivide 21200 Minnetonka Boulevard into two separate parcels, which is not permitted under Greenwood ordinance section 600.07.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council makes the following conclusions of law:

The applicant has **not** made an adequate demonstration of facts meeting the standards of section 600.07 necessary for grant of a simple subdivision, to-wit:

Applicant is requesting to subdivide 21200 Minnetonka Boulevard into two separate parcels, which is not permitted under Greenwood ordinance section 600.07.

Therefore the Simple Subdivision application to subdivide 21200 Minnetonka Boulevard into Parcel A and Parcel B should be **denied**.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota:

That the application of Dan Heiland of Trading Post Partners, LLC for:

1. Simple Subdivision, pursuant to Greenwood ordinance code section 600.07, of property commonly known as 21200 Minnetonka Boulevard into Parcels A and B as described in the application is DENIED.

PASSED this 2nd day of March, 2016 by the city council of the city of Greenwood, Minnesota.

_ AYES _ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk



Agenda Number: **6B**

Agenda Date: **03-02-16**

Prepared by Dale Cooney

Agenda Item: First reading for Ordinance No. 252: An Ordinance Regarding Stormwater Management

Summary: Councilmember Cook has been working with the city engineer and zoning administrator to develop an ordinance regarding stormwater management. The current ordinance requirements of Section 305 Subd. 2 do not provide specific performance criteria. The new proposed Section 1140.17 attempts to remedy this while also providing a more detailed process for compliance. Staff has proposed incorporating the Stormwater Management section within the General Regulations section of Chapter 11 which would allow broader applicability of these standards.

The City Council reviewed the draft ordinance at their February 3 meeting and made one change: the provisions of the ordinance would be applicable to all hardcover expansions of 200 square feet or more.

Planning Commission Action: The planning commission held a public hearing at their February 17 meeting and recommended approval with two requested changes: clarify the term “manage” and the “2 inch” rainfall event. Staff has attempted to address these amendments with the changes indicated as double-underlined text. Staff has also added language related to the idea that runoff directed into an adjacent water body is an acceptable water management solution. This was unclear in the first draft of the ordinance.

Timeline:

- ~~02-04-16 Public hearing notice published in the Sun-Sailor.~~
- ~~02-17-16 Planning commission holds public hearing and makes a recommendation to the city council.~~
- 03-02-16 City council considers 1st reading of the ordinance (may make revisions/may waive 2nd reading).
- 03-03-16 If 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 03-10-16 If 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 04-06-16 City council considers 2nd reading of the ordinance (may make revisions).
- 04-07-16 The ordinance is submitted to the Sun-Sailor for publication.
- 04-14-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

City Council Action: Potential motions ...

1. I move that the city council (1) approves the first reading of ordinance 252, an ordinance of the amending Greenwood ordinance code chapter 11 regarding stormwater management, as written / with the following revisions A ... B ... C ...; (2) waives the second reading of ordinance 252; (3) approves resolution 12-16, a summary of ordinance 252; and (4) directs staff to publish resolution 12-16 in the city’s official newspaper.
2. I move that the city council (1) approves the first reading of ordinance 252, an ordinance of the amending Greenwood ordinance code chapter 11 regarding stormwater management, as written / with the following revisions A ... B ... C ...; and (2) directs that the ordinance be placed on the next city council agenda for a second reading.
3. Do nothing or other motion.

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city’s official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.

ORDINANCE NO. 252

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE ZONING CODE CHAPTER 11 REGARDING STORMWATER MANAGEMENT

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

SECTION 1.

Greenwood ordinance code section 1140 is amended to add the following section:

“Section 1140.17. Stormwater Management.

Subd. 1. *Purpose.* The purpose of this ordinance is to protect and safeguard the health, safety, and welfare of the public by regulating stormwater runoff rates and volumes that can lead to flooding, flood damage, and erosion.

This ordinance seeks to meet this purpose by:

- (a) Reducing flooding, erosion, and water quality degradation;
- (b) Minimizing the total annual volume of surface water runoff that flows from any specific site to the maximum extent practicable; and
- (c) Ensuring that these management controls are properly maintained and pose no threat to public safety.

Subd. 2. *Applicability.* This ordinance shall apply to any construction, alteration, or improvement which results in increased impervious surface coverage of ~~40~~ 200 square feet or more over existing conditions.

Subd. 3. *Performance Criteria.* Unless determined by the city to be exempt, all applicable activities subject to Subd. 2. of this ordinance shall establish permanent stormwater management practices that convey, store, or retain stormwater runoff before discharge onto adjacent properties and public rights-of-way according to the following standards:

- (a) manage runoff volume of runoff for the equivalent of a 2-inch/24 hour or more rainfall event for the proposed impervious surface expansion; or
- (b) manage the rate of runoff for the equivalent of a 2-inch/24 hour or more rainfall event for the proposed impervious surface expansion.
- (c) demonstrate through topographic features that water will be conveyed towards naturally occurring water features such as lakes, wetlands, creeks, or channels.

Subd. 4. *Approval Required Prior to Permit.* No landowner or land operator shall receive a building permit, grading permit, or approval for any construction, alteration, or improvement subject to this ordinance until first meeting the requirements of this ordinance prior to commencing the proposed activity.

Subd. 5. *Application Requirements.* Unless otherwise exempted by this ordinance, an application shall be submitted to meet the required performance criteria under Subd. 3. The application shall include the following as a condition of its consideration:

- (a) A certified site survey is required for those impervious surface expansions that:
 - i) propose to expand impervious surfaces by an area of ~~40~~ 200 square feet or more over existing conditions; or
 - ii) is otherwise required by city ordinance.
- (b) For those activities not subject to the survey requirements of the City code, the following shall be provided:
 - i.) an impervious surface calculation worksheet with existing and proposed impervious surface conditions;
 - ii.) a site plan or drawing showing the location of proposed activities.
- (c) Plans, specifications, and calculations for all required stormwater management practices.

Subd. 6. *Application Review Procedure.* Applications meeting the requirements of Subd. 5. of this ordinance shall be submitted to the city zoning administrator and city engineer for review. The city zoning administrator shall approve, approve with conditions, or deny the application. The application may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this section 1140.17 are met.”

SECTION 2.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016

RESOLUTION 12-16

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 252 BY TITLE AND SUMMARY**

WHEREAS, on March 2, 2016 the city council of the city of Greenwood adopted "Ordinance 252 Amending Greenwood Ordinance Code Chapter 11 Regarding Stormwater Management."

WHEREAS, the city council has prepared a summary of ordinance 252 as follows:

1. The purpose of this ordinance is to protect and safeguard the health, safety, and welfare of the public by regulating stormwater runoff rates and volumes that can lead to flooding, flood damage, and erosion.
2. The ordinance applies to any construction, alteration, or improvement which results in increased impervious surface coverage of 200 square feet or more over existing conditions.
3. The ordinance establishes permanent stormwater management practices that convey, store, or retain stormwater runoff before discharge onto adjacent properties and public rights-of-way.

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

1. The city council finds that the above title and summary of ordinance 252 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 252 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

ADOPTED by the city council of the city of Greenwood, Minnesota this ____ day of _____, 2016.

____ AYES ____ NAYS

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Dana H. Young, City Clerk

First reading: _____, 2016

Second reading: _____, 2016

Publication: _____, 2016



Agenda Number: 6C

Agenda Date: 03-02-16

Prepared by Deb Kind

Agenda Item: Res 10-16 Planning Commission Appointments

Summary: The planning commission holds public hearings and makes recommendations to the city council regarding zoning issues including variances and conditional use permits. The planning commission is comprised of 5 voting members and 3 alternate members. Per ordinance section 220.05(7), the city council liaison to the planning commission serves as the Alt-3 seat and only votes when needed to complete a quorum. This March, the terms of 4 planning commissioner seats expire:

A-1	Douglas Reeder
A-2	Lake Bechtell
A-3	Dave Paeper
Alt-1	Rick Sundberg

Terms are for 2 years, and the city does not limit the number of terms a planning commissioner may serve. Anyone who is interested in serving on the planning commission can stop by city hall to get an application or download the form from the city website at www.greenwoodmn.com. The city council makes planning commission appointments at the March city council meeting each year.

Dave Paeper has notified the city that he will not be seeking reappointment. Lake Bechtell notified the city in writing that he is interested in reappointment (see attached). Douglas Reeder verbally stated that he is interested in reappointment. Rick Sundberg's home is for sale, so it is assumed that he is not interested in reappointment.

The city has received no new planning commission applications.

Past protocol has been to reappoint commissioners that are willing to serve again, for alternate 1 & 2 members to move up to voting positions that open up on the commission, and for new applicants to fill the alternate 1 & 2 positions. Based on this protocol, the new appointments would be as listed in the right column on the attached resolution.

Council Action: Council action required. Potential motions ...

1. I move the council approves resolution 10-16 updating the city's planning commission appointments and directs that the oath of office be administered at the next planning commission meeting.
2. Other motion ???

PLANNING COMMISSION ATTENDANCE - 2014 & 2015

	2014												2015											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
A-1 Douglas Reeder (8/11-3/16)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
A-2 Lake Bechtell (5/14-3/16)	NA	NA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
A-3 Dave Paeper (3/07-3/16)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
B-1 Pat Lucking (2/01-3/17)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
B-2 Kristi Conrad (10/11-3/17)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Alt-1 Rick Sundberg (7/14-3/16)	NA	NA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Alt-2 Fiona Sayer (8/14-3/17)	NA	NA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Alt-3 Bill Cook (city council liaison)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

X	ATTENDED MEETING
	ABSENT
NA	NOT ON COMMISSION
X	NO MEETING

From: Lake Bechtell lakebec@me.com
Subject: Re: Planning Commission reappointments
Date: February 22, 2016 at 12:30 PM
To: Dale Cooney dalec@mediacombb.net
Cc: Deb Kind dkind100@gmail.com, douglas.reeder@yahoo.com

LB

It is my intention to sign up for another two year term.
Thank you
Lake M Bechtell
21685 Minnetonka Blvd.
Greenwood MN 55331
952-451-2726

Sent from aPhone

On Feb 22, 2016, at 12:26 PM, Dale Cooney <dalec@mediacombb.net> wrote:

Lake and Doug,

I know that you both confirmed verbally with me at the last meeting that you would be willing to serve on the planning commission for another term. Could both of you send me an e-mail to that effect? That is the simplest way to get a formal notice to the city council.

Thank you both!

Sincerely,

Dale

Dale Cooney

Zoning Coordinator
Deephaven • Greenwood • Woodland

20225 Cottagewood Road
Deephaven, MN 55331

Direct: 952.358.9938
Main: 952.474.4755
Fax: 952.474.1274

Resolution 10-16
City of Greenwood Appointments & Assignments for 2016

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments for 03-02-16 through 01-04-17.

OFFICE & DESIGNATIONS	2015 HOLDER	2016 HOLDER
Mayor Pro-Tem	Bob Quam	Bob Quam
Administrative Committee	Tom Fletcher, Deb Kind	Tom Fletcher, Deb Kind
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Mark Kelly	Mark Kelly
Auditor	CliftonLarsonAllen	CliftonLarsonAllen
Bank Signatures	Kind, Quam, Courtney	Kind, Quam, Courtney
Building Official	Bob Manor	Bob Manor
Clerk	Dana Young	Dana Young
Depositories	Bridgewater Bank, Beacon Bank	Bridgewater Bank, Beacon Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wed (Jan, Mar, May, Jul, Sep, Nov)	Tom Fletcher, Bob Quam (alt.), Bill Cook (2nd alt.)	Tom Fletcher, Bob Quam (alt.), Bill Cook (2nd alt.)
Forester / Certified Tree Inspector	Manuel Jordan	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representative 2 reps (1 elected official), meets 2nd Thurs (Feb, Apr, May, Jul, Aug, Oct, Dec)	Tom Fletcher, Deb Kind, Rob Roy (alternate)	Tom Fletcher, Deb Kind, Rob Roy (alternate)
Lake Minnetonka Conservation District (LMCD) Rep – 2nd and 4th Wed	Rob Roy (1/31/17)	Rob Roy (1/31/17)
Marina Clerk	Dana Young	Dana Young
Minnetonka Community Education (MCE) Representative – 4th Mon	Bob Quam	Bob Quam
Newspapers	Sun-Sailor, Star Tribune (alternate)	Sun-Sailor, Finance & Commerce (alternate), Star Tribune (alternate)
Planning Commissioners – 3rd Wed	A-1 Douglas Reeder (8/11-3/16)	A-1 Douglas Reeder (8/11-3/18)
	A-2 Lake Bechtell (5/14-3/16)	A-2 Lake Bechtell (5/14-3/18)
	A-3 Dave Paeper (3/07-3/16)	A-3 Fiona Sayer (8/14-3/18)
	B-1 Pat Lucking (2/01-3/17)	B-1 Pat Lucking (2/01-3/17)
	B-2 Kristi Conrad (10/11-3/17)	B-2 Kristi Conrad (10/11-3/17)
	Alt-1 Rick Sundberg (7/14-3/16)	Alt-1 Vacant
	Alt-2 Fiona Sayer (8/14-3/17)	Alt-2 Vacant
Planning Commission Liaison – 3rd Wed	Bill Cook	Bill Cook
Public Safety City Administrator Representative (police and fire)	Dana Young	Dana Young
Prosecutor	Greg Keller	Greg Keller
Responsible Authority (Govt. Data Practices Act)	Dana Young	Dana Young
Road and Sewer Liaison	Bob Quam	Bob Quam
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (must be mayor, meets quarterly)	Deb Kind, Bob Quam (alternate)	Deb Kind, Bob Quam (alternate)
Treasurer	Mary Courtney	Mary Courtney
Utility Billing Clerk	Deborah Hicks	Deborah Hicks
Weed Inspector (must be mayor), Assistant Weed Inspector	Deb Kind, Assistant John Menzel	Deb Kind, Assistant John Menzel
Zoning Administrator	Dale Cooney	Dale Cooney

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GREENWOOD, MINNESOTA that any and all commissioners, appointees, representatives, delegates, or other non-elected officials of the city shall hold their official status or membership on a basis subject to resolution, subject to reconsideration, and / or removal at the insistence of the city council. This resolution is enacted pursuant to the codes of the city.

ADOPTED by the city council of the city of Greenwood, Minnesota this ___ day of ___, 2016.

There were ___ AYES and ___ NAYS

By: _____ Attest: _____



Agenda Number: **7A**

Agenda Date: **03-02-16**

Prepared by Dale Cooney

Agenda Item: First reading for Ordinance No. 253: Regarding Watershed District Permits and Water Management Plans

Summary: The amendment to Section 305 Subd. 1 was requested by the city engineer as a compliance requirement for the city's MS4 permit. The amendment to Section 305 Subd. 2 requires compliance with the new stormwater management requirements of section 1140.17.

Timeline:

- 03-02-16 City council considers 1st reading of the ordinance (may make revisions/may waive 2nd reading).
- 03-03-16 If 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 03-10-16 If 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 04-06-16 City council considers 2nd reading of the ordinance (may make revisions).
- 04-07-16 The ordinance is submitted to the Sun-Sailor for publication.
- 04-14-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

1. I move that the city council (1) approves the first reading of ordinance 253, regarding watershed district permits and water management plans, as written / with the following revisions A ... B ... C ...; (2) waives the second reading of ordinance 253; (3) approves resolution 13-16, a summary of ordinance 253; and (4) directs staff to publish resolution 13-16 in the city's official newspaper.
2. I move that the city council (1) approves the first reading of ordinance 253, regarding watershed district permits and water management plans, as written / with the following revisions A ... B ... C ...; and (2) directs that the ordinance be placed on the next city council agenda for a second reading.
3. Do nothing or other motion.

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.

Underline = New Text

ORDINANCE NO. 253

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE CODE CHAPTER 3 REGARDING WATERSHED DISTRICT PERMITS AND WATER MANAGEMENT PLANS

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

SECTION 1.

Greenwood ordinance code section 305, Subd. 1. is amended to read as follows:

“Subd. 1. *General Regulations*. All residential and commercial construction sites for projects shall comply with the following if the project cost is \$10,000 or more:

- (a) Prior to issuance of a building permit, the applicant will be required to attest that they have notified all adjacent property owners within 200 feet of the applicant’s property by U.S. mail to make them familiar with the proposed construction and to provide them with contact information for the applicant and their contractor.
- (b) Work at construction sites shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends and holidays.
- (c) The applicant shall submit a construction site management plan as outlined in subdivision 2 of this section.
- (d) Onsite parking of construction vehicles and equipment will be provided. If on street parking is demonstrated to be necessary, it may be done only by a parking permit first obtained from the city. The city may impose such conditions on said parking permit as the city zoning administrator or city clerk deems necessary. Any street parking will be limited to one side of the street, preferably adjacent to the construction site. The permit fee shall be determined by the city council and set forth in chapter 5 of this code book.
- (e) All equipment shall be stored within the confines of the construction site. If necessary, a property line fence will be required to ensure that no construction vehicles, materials or other debris encroaches onto adjacent properties.
- (f) A functioning enclosed toilet and a minimum of one dumpster are required on the site prior to commencement of construction activity. These are to be considerably placed in relation to adjacent properties.
- (g) Daily site clean up of debris and garbage is required.
- (h) Weekly street cleaning is required to remove all dirt, mud and debris from public streets caused by the construction project. City staff will monitor the condition of public streets and may require more frequent street cleaning.
- (i) For activities disturbing an area of 5,000 square feet or greater or involving the grading, excavating, filling, or storing on site of 50 cubic yards of soil or more, applicants shall provide evidence that the proper permits have been issued by Minnehaha Creek Watershed District.

SECTION 2.

Greenwood ordinance code section 305, Subd. 2. is amended to read as follows:

“Subd. 2. *Construction Site Management Plan*. The construction site management plan is a stand-alone document and shall include the following:

A) *A site plan showing:*

- 1) Site address.
- 2) Names, addresses and telephone numbers of construction manager responsible for preparing the construction site management plan.
- 3) Site property lines.
- 4) Location of proposed buildings and structures on site.
- 5) Identification and location of all significant natural boundaries/buffers to neighboring properties.
- 6) All property line fencing and erosion control fencing.
- 7) Location of soil stockpiling.
- 8) Locations of the temporary toilet, if required, and dumpster.
- 9) Site entrance and on-site parking areas, and/or proposed street parking plan.
- 10) A completed tree preservation plan as required by section 1140.80, subdivision 6 of the zoning code.

B) *A completed shoreland management worksheet.*

C) *Water management plan.* Prior to commencing construction, the applicant shall prepare and submit a water management plan. The plan shall a) illustrate silt fencing and describe plans to implement watershed regulatory requirements, (all applicable regulations shall be itemized in an addendum); b) illustrate before and after construction grades, water drainage patterns, and estimated volume and direction/path of water emanating from the property during typical heavy seasonal rains; c) describe and illustrate engineering necessary to manage, contain, or redirect water to prevent water from being concentrated, increased or accelerated onto neighboring properties, both during and after the conclusion of the planned construction; d) adhere to the requirements of Section 1140.17. Stormwater Management, when applicable. The city engineer may require of the applicant a) additional engineering or survey data, b) water plan management revisions, c) temporary or final grade changes, d) drainage control structures, and e) such other requirements as the city engineer, in their sole discretion, may deem necessary. No construction activity or grading which in the opinion of the city engineer will significantly increase, concentrate, or accelerate water onto neighboring properties, either during or after construction, shall be permitted.

SECTION 3.

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

Enacted by the city council of Greenwood, Minnesota this ____ day of _____, 2016.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016

RESOLUTION 13-16

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 253 BY TITLE AND SUMMARY**

WHEREAS, on March 2, 2016 the city council of the city of Greenwood adopted "Ordinance 253 Amending Greenwood Ordinance Code Chapter 3 Regarding Watershed District Permits and Water Management Plans."

WHEREAS, the city council has prepared a summary of ordinance 253 as follows:

1. This ordinance amends section 305, subd. 1 to add the following paragraph to comply with the requirement for the city's MS4 permit: "For activities disturbing an area of 5,000 square feet or greater or involving the grading, excavating, filling, or storing on site of 50 cubic yards of soil or more, applicants shall provide evidence that the proper permits have been issued by Minnehaha Creek Watershed District."
2. The ordinance amends section 305, subd. 2 to require compliance with the new stormwater management requirements of section 1140.17.

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

1. The city council finds that the above title and summary of ordinance 253 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 253 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

ADOPTED by the city council of the city of Greenwood, Minnesota this ____ day of _____, 2016.

____ AYES ____ NAYS

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Dana H. Young, City Clerk

First reading: _____, 2016

Second reading: _____, 2016

Publication: _____, 2016



Agenda Number: **7A**

Agenda Date: **03-02-16**

Prepared by Dale Cooney

Agenda Item: Request for No-Parking Signs Near 21770, 21720, 21710, and 21700 Fairview Street

Summary: The city clerk received a call from Elizabeth Johnson (21770 Fairview Street) who is requesting permanent no parking signs starting at her driveway entrance and heading north approximately 100' along the east side of Fairview Street around the sharp turn. The installation of new permanent no-parking signs must be approved by the city council. For the council's reference, attached is a map of the area and written comments from two of the adjacent property owners.

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

1. I move that the city council **approves** the request of Elizabeth Johnson (21770 Fairview Street) to install permanent no-parking signs on the east side of Fairview Street, beginning across from the driveway at 21770 and ending across from the driveway at 21700.
2. I move that the city council **denies** the request of Elizabeth Johnson (21770 Fairview Street) to install permanent no-parking signs on the east side of Fairview Street, beginning across from the driveway at 21770 and ending across from the driveway at 21700.
3. I move the city council directs staff to _____ and place the request of Elizabeth Johnson (21770 Fairview Street) to install permanent no-parking signs on the April council agenda.
4. Other motion?

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.



Hennepin County Property Map

Date: 2/23/2016



Red indicates approximate location for requested no-parking signs



From: Debra Kind <dkind100@gmail.com>
Subject: Fwd: Permanent No-Parking Signs on Fairview?
Date: February 23, 2016 at 8:56 AM
To:

From: Anne Spaeth <jrafspaeth@me.com>
Subject: Re: Permanent No-Parking Signs on Fairview?
Date: February 23, 2016 at 8:51:28 AM CST
To: Debra Kind <dkind100@gmail.com>
Cc: Frank Brixius <fbrixius@mac.com>, Thomas Warner <twarnerm22@msn.com>, Dana Young <danayoung@mchsi.com>

Deb:

Thank you for the clarification. In our opinion, the permanent signs are not needed. Instead, we will work with our neighbor's (new and old, as well as their project managers, friends, family etc) so that the street parking can be utilized for our individual needs and still maintain the integrity and safety of our community.

Warm regards, Anne

Sent from my iPhone

On Feb 23, 2016, at 8:43 AM, Debra Kind <dkind100@gmail.com> wrote:

Anne —

I don't think Betsy's email was clear. She is seeking your support for the installation of a series of permanent no-parking signs on one side of the street starting across the street from her driveway, extending around the corner, and ending across the street from your driveway. The city council must approve the installation of permanent no-parking signs, and Betsy's request is on the 3/2 city council agenda. It would be helpful for me and the rest of the council to know if you support the installation of the permanent no-parking signs or prefer that parking be allowed on the street in this area. Written comments would be preferred for distribution to the city council.

I copied Frank and Tom on this email to get their input as well.

Thank you!

Deb

DEBRA J. KIND
Mayor, City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
www.greenwoodmn.com
Main: 952.474.6633
Direct: 612.718.6753

On Feb 23, 2016, at 8:05 AM, Anne Spaeth <jrafspaeth@me.com> wrote:

Thank you Betsy for letting us know but no need to ask on our behalf. We do not own the land our mailbox is on and plan on moving it to our side of the road once the Spring thaw finishes and working with Lois, the mail carrier, and paper delivery people.

I have met the project manager, Jason, and found him to be very responsive. I stopped by yesterday and asked the guys to move their trucks in and they promptly moved them. He can be reached on the number that is listed on the sign if you would like to work directly with them. Anne

Sent from my iPhone

On Feb 22, 2016, at 10:54 AM, Betsy Johnson <bessamae@msn.com> wrote:

Hello Anne,

You may remember that we had temporary no parking signs on the corner across from our houses during your construction. I spoke with Dana Young at the Greenwood City offices last week and put in a request for permanent signs on that corner and temporary ones (as they had disintegrated) until the permanent ones are approved and installed.

Assuming you agree on the need for these signs please call Dana at 358-9939 and

let him know you concur with us.

There is barely room for cars to pass right now on that curve and with parked vehicles (mostly trucks and semis, meaning little or no visibility), it is a safety issue.

I have asked for them to start before our mailbox, so the mail truck can pull up, to where the curve straightens out approximately across from your driveway. I'll be asking the Warners and Brixius' to call also.

Thanks, Betsy

Betsy Johnson

bessamae@msn.com

From: Barbara Warner btwarnerm22@msn.com
Subject: Re: Permanent No-Parking Signs on Fairview?
Date: February 23, 2016 at 9:02 PM
To: dkind100@gmail.com
Cc: jrafsaeth@me.com, fbrixius@mac.com, danayoung@mchsi.com, Thomas Warner twarnerm22@msn.com



Deb,

Thanks for bringing us into the loop regarding permanent no parking signs. We too agree with the Spaeths that the permanent no-parking signs are unnecessary as current problems on the corner are temporary due to construction. We feel a temporary no-parking sign on the corner during construction should be adequate.

Best regards,
Tom & Barb Warner



Agenda Number: 8B

Agenda Date: 03-02-16

Prepared by Deb Kind

Agenda Item: Annual Contribution for St. Alban's Bay Aquatic Invasive Species Treatment

Summary: The city's 26 dock slips are located on St. Alban's Bay, so each year the city council authorizes a contribution for baywide treatment of aquatic invasive species in St. Alban's Bay. The 2016 city budget includes a \$5000 contribution from the marina fund for this purpose.

Council Action: None required. Possible motions ...

1. I move the council approves disbursement of \$_____ from the marina fund for St. Alban's Bay aquatic invasive species treatment and directs the city treasurer to send the funds to the St. Alban's Bay Lake Improvement District, managers of the treatment program.
2. Other motion ???



Agenda Number: 8C

Agenda Date: 03-02-16

Prepared by Deb Kind

Agenda Item: 1st Reading Ord 254 Amending Ordinance Code Chapter 10 Regarding Illicit Discharge

Summary: Bob Bean, with Bolton & Menk, sent the attached ordinance for the city council's consideration. It deals with illicit discharge standards that are required under MS4 Permitting requirements.

Timeline:

- 03-02-16 City council considers 1st reading of the ordinance (may make revisions/may waive 2nd reading).
- 03-03-16 If 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 03-10-16 If 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 04-06-16 City council considers 2nd reading of the ordinance (may make revisions).
- 04-07-16 The ordinance is submitted to the Sun-Sailor for publication.
- 04-14-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

1. I move that the city council (1) approves the first reading of ordinance 254, regarding illicit discharge standards, as written / with the following revisions A ... B ... C ...; (2) waives the second reading of ordinance 254; (3) approves resolution 14-16, a summary of ordinance 254; and (4) directs staff to publish resolution 14-16 in the city's official newspaper.
2. I move that the city council (1) approves the first reading of ordinance 254, regarding illicit discharge standards, as written / with the following revisions A ... B ... C ...; and (2) directs that the ordinance be placed on the next city council agenda for a second reading.
3. Do nothing or other motion.

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 10 HARBOR AND LAKE PROTECTION TO ADD
SECTION 1015 REGARDING ILLICIT DISCHARGE DETECTION AND ELIMINATION**

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

SECTION 1.

Greenwood ordinance code section 1102 Definitions is amended to add the following definitions:

"Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation. (ILLICIT DISCHARGE 1015, SITE RUN-OFF 1177, THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Stormwater Pollution Prevention Plan (SWPPP) means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and / or Receiving Waters to the maximum extent practicable. (ILLICIT DISCHARGE 1015, SITE RUN-OFF 1177, THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Waters of the State means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Minnesota or any portion thereof. (ILLICIT DISCHARGE 1015, SITE RUN-OFF 1177, THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)"

SECTION 2.

Greenwood ordinance code section 1205 Definitions is amended to add the following definitions:

"Authorized Enforcement Agency means employees or designees of the city of Greenwood or the Minnesota Pollution Control Agency as designated to enforce this ordinance. (ILLICIT DISCHARGE 1015)

Best Management Practices (BMPs) - Illicit Discharge means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. (ILLICIT DISCHARGE 1015)

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto. (ILLICIT DISCHARGE 1015)

Construction Activity - Illicit Discharge means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of 1 acre or more and projects that disturb less than 1 acre if they are part of a larger common plan of development. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. (ILLICIT DISCHARGE 1015)

Hazardous Materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed. (ILLICIT DISCHARGE 1015)

Illegal Discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 1015.07 of this ordinance. (ILLICIT DISCHARGE 1015)

Illicit Connections means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the city or, any drain or conveyance connected from a commercial or industrial land

use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city. (ILLICIT DISCHARGE 1015)

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14). (ILLICIT DISCHARGE 1015)

MPCA means Minnesota Pollution Control Agency. (ILLICIT DISCHARGE 1015)

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by EPA (or by the State of Minnesota under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis. (ILLICIT DISCHARGE 1015)

Non-Stormwater Discharge means any discharge to the storm drain system that is not composed entirely of stormwater. (ILLICIT DISCHARGE 1015)

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. (ILLICIT DISCHARGE 1015)

Storm Drainage System means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures. (ILLICIT DISCHARGE 1015)

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation. (ILLICIT DISCHARGE 1015, SITE RUN-OFF 1177, THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Stormwater Pollution Prevention Plan (SWPPP) means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and / or Receiving Waters to the maximum extent practicable. (ILLICIT DISCHARGE 1015, SITE RUN-OFF 1177, THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility or property. (ILLICIT DISCHARGE 1015)

Waters of the State means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Minnesota or any portion thereof. (ILLICIT DISCHARGE 1015, SITE RUN-OFF 1177, THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)"

SECTION 3.

Greenwood ordinance code chapter 10 Harbor & Lake Protection is amended to add the following section:

“SECTION 1015. ILLICIT DISCHARGE DETECTION AND ELIMINATION

Section 1015.01. Purpose and Objectives.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the city of Greenwood through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by state and federal law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process. The objectives of this ordinance are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user.
- B. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

- C. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

Section 1015.03. Applicability.

This ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 1015.04. Responsibility for Administration.

The city of Greenwood shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the MPCA may be delegated in writing by the city engineer of Greenwood to persons or entities acting in the beneficial interest of or in the employ of the city.

Section 1015.05. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Section 1015.06. Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 1015.07. Discharge Prohibitions.

Subd. 1. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or Waters of the State any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
- (b) Discharges specified in writing by the MPCA as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the city engineer 48-hours prior to the start of the test.
- (d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Subd. 2. Prohibition of Illicit Connections.

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Subd. 3. Sump Pump and Drain Tile Discharges.

- (a) The construction, use, maintenance or continued existence of piping of private sump pump and/or drain tile discharges to a surface outlet located within 20 feet of public streets or sidewalks is prohibited.
- (b) Connection of private sump pump and/or drain tile lines to public storm sewers is prohibited unless a right-of-way permit is obtained from the city engineer.

Section 1015.08. Suspension of MS4 Access.

Subd. 1. Suspension Due to Illicit Discharges in Emergency Situations. The city of Greenwood may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

Subd. 2. Suspension Due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access.

Subd. 3. Offense. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city.

Section 1015.09. Industrial or Construction Activity Discharges.

Any person subject to an Industrial or Construction Activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to city prior to the allowing of discharges to the MS4.

Section 1500.10. Monitoring of Discharges.

Subd. 1. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

Subd. 2. Access to Facilities.

- (a) The city shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (b) Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of the NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (c) The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (d) The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy per manufacturer's recommendations.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the city access to a permitted facility is a violation of the stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the city reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (g) If the city has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

Section 1015.11. Requirement to Prevent, Control, and Reduce Stormwater Pollutants By the Use of Best Management Practices.

The city of Greenwood has adopted requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or Waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or Waters of the State through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of

pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Section 1015.12. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 1015.13. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city of Greenwood within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 1015.14. Enforcement.

Whenever the city of Greenwood finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the city may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) The violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs; and
- (g) The deadline within which to remedy the violation.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Section 1015.15. Appeal of Notice of Violation.

Any person receiving a notice of violation may appeal the determination of the city. The notice of appeal must be received by the city within 15 days from the date of the notice of violation. The appeal shall be heard by the city council within 30 days from the date of receipt of the notice of appeal. The decision of the city council shall be final.

Section 1015.16. Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within the deadline extended by the decision of the city council, then representatives of the city shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above.

Section 1015.17. Cost of Abatement of the Violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs and the deadline to pay the abatement costs. The property owner may file a written protest objecting to the costs and payment terms of the abatement within 15 days. The appeal shall be heard by the city council

within 30 days from the date of receipt of the notice of appeal. If the amount due is not paid within a timely manner as determined by the decision of the city council after hearing the appeal, the charges be filed with Hennepin County and shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Section 1015.18. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 1015.19. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 1015.20. Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 1015.21. Criminal Prosecution.

Any person that violates this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, may be subject to the maximum fine and imprisonment allowed by State law. Each such violation shall constitute a separate offense punishable to the maximum extent of the law. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 1015.22. Remedies Not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 4.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016

RESOLUTION 14-16

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 254 BY TITLE AND SUMMARY**

WHEREAS, on March 2, 2016 the city council of the city of Greenwood adopted "Ordinance 254 Amending Greenwood Ordinance Code Chapter 10 Harbor and Lake Protection to Add Section 1015 Regarding Illicit Discharge Detection and Elimination."

WHEREAS, the city council has prepared a summary of ordinance 254 as follows:

1. The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the city of Greenwood through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by state and federal law.
2. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process.
3. This ordinance applies to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

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

1. The city council finds that the above title and summary of ordinance 254 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 254 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

ADOPTED by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Dana H. Young, City Clerk

First reading: _____, 2016

Second reading: _____, 2016

Publication: _____, 2016



Agenda Number: 8D

Agenda Date: 03-02-16

Prepared by Deb Kind

Agenda Item: Consider Approval of Updated 2016 LMCC Budget

Summary: Attached is a cover letter and support documentation regarding the updated Lake Minnetonka Communications Commission's 2016 Budget. The timing of the budget approval by the LMCC last August and the approval of the AV Support Program in October requires that LMCC send the updated budget back to Member Cities for approval. The attached cover letter explains the details.

City Council Action: Requested. Potential motions ...

1. I move that the Greenwood city council approves the updated Lake Minnetonka Communications Commission 2016 Budget labeled "rev 216" and directs that a copy of this motion be sent to LMCC Operations Manager Jim Lundberg.
2. Do nothing or other motion.



LMCC

LAKE MINNETONKA COMMUNICATIONS COMMISSION

4071 SUNSET DRIVE ■ BOX 385 ■ SPRING PARK, MN 55384-0385 ■ 952.471.7125 ■ FAX 952.471.9151 ■ lmcc@lmcc-tv.org

2/18/16

To: All LMCC Member Cities
From: Jim Lundberg, Operations Manager
Reason: LMCC AV Support Program and Our Budget

Last August, the LMCC Full Commission approved our budget for 2016. At the same meeting, the Commission voted down a different version of an AV Support Rebate Program that didn't provide the LMCC with enough control to make sure that the funds being allocated for this program were being used properly by our Member Cities.

DEEPAVEN

EXCELSIOR

GREENWOOD

INDEPENDENCE

LONG LAKE

LORETTO

MAPLE PLAIN

MINNETONKA
BEACH

ST. BONIFACIUS

SHOREWOOD

SPRING PARK

WOODLAND

In October of 2015, with some minor modifications, the LMCC Full Commission approved our current AV Support Program and it was sent out to Member Cities. Later, in December of 2015 it was noted that due to the timing of the approval of the budget in August and the AV Support Program in October that a funding mechanism had never been put into place.

To correct this oversight, we have updated our budget to include the AV Support dollars, the balance of which will carry over from year to year until the end of 2019 or whenever all of the allocated funds have been spent whichever comes first.

Attached to this brief letter you will find:

- A copy of the AV Support Program
- A copy of City Allocations for the AV Support Program
- An updated version of the LMCC's 2016 Budget

We ask that you have an agenda item at your next City Council meeting to review this information and approve our updated budget for 2016. Once we receive approval from a simple majority of our Member Cities, we can begin to pay out these AV Support Program dollars to Member Cities who have already begun participating in the program.

Please feel free to contact me if you have any questions regarding this brief communication.

Sincerely,

Jim Lundberg, Operations Manager
Lake Minnetonka Communications Commission

Lake Minnetonka Communications Commission

2015 Budget Detail vs 2016 Budget

	2015 Quarterly	2015 Annualized	2016 Quarterly	2016 Annualized
Budget Revenues				
Franchise fees	\$ 68,318.55	\$ 273,274.20	60,969.02	\$ 243,876.08
PEG fees	\$ 17,390.90	\$ 69,563.60	15,451.00	\$ 61,805.00
Mound Usage fees(1959 subscribers)	\$ 11,846.24	\$ 47,384.96	11,462.57	\$ 45,850.28
Studio Rental	\$ 500.00	\$ 2,000.00	625.00	\$ 2,500.00
All other	\$ 500.00	\$ 2,000.00	1,000.00	\$ 4,000.00
Total Budgeted revenues	\$ 98,555.69	\$ 394,222.76	89,507.59	\$ 358,031.36
Salaries		\$ 224,969.50		\$ 182,488.82
PERA Contributions		\$ 13,498.17		\$ 13,686.64
FICA Contributions		\$ 17,210.17		\$ 13,343.67
Health, dental and disability insurance		\$ 42,410.52		\$ 25,521.60
Worker's Compensation Insurance		\$ 2,500.00		\$ 1,349.30
Total 2015 Budget - Personnel Expenses		\$ 300,588.36		\$ 236,390.03
Office Supplies		\$ 1,600.00		\$ 1,000.00
Special Events/Meetings		\$ 300.00		\$ 300.00
Repairs & Maintenance Supplies		\$ 500.00		\$ 500.00
Studio Expendables		\$ 2,660.00		\$ 2,500.00
Audit/Accounting Fees		\$ 13,000.00		\$ 13,000.00
Access Contractors		\$ 15,500.00		\$ 13,000.00
Legal Fees		\$ 8,000.00		\$ 4,000.00
Copier Expense		\$ 3,507.00		\$ 3,507.00
Payroll Services		\$ 1,500.00		\$ 1,876.00
Janitorial Services		\$ 2,000.00		\$ 2,730.00
Security Services		\$ 900.00		\$ 300.00
Telephone/Communications		\$ 3,500.00		\$ 3,500.00
Postage		\$ 1,200.00		\$ 1,200.00
Computer Consulting		\$ 2,000.00		\$ 2,000.00
Training		\$ 400.00		\$ 400.00
Travel		\$ 900.00		\$ -
Mileage		\$ 500.00		\$ 1,000.00
Printing & Publishing		\$ 400.00		\$ 400.00
Insurance		\$ 4,500.00		\$ 4,500.00
Utilities		\$ 10,500.00		\$ 10,500.00
Refuse & Recycling		\$ 900.00		\$ 900.00
Bank Finance Fees		\$ 10.00		\$ -
Contracted Building Repair		\$ 2,000.00		\$ 2,000.00
Maintenance Repair Equipment		\$ 2,500.00		\$ 2,000.00
Equipment Rental		\$ 30.00		\$ -
Advertising		\$ 200.00		\$ 200.00
Van Operation		\$ 1,500.00		\$ 1,500.00
Web streaming/Broadband		\$ 10,000.00		\$ 7,800.00
Licenses		\$ 1,000.00		\$ 1,000.00
Other Expenses / Contingency		\$ 500.00		\$ 500.00
Capital Building Improvements		\$ 500.00		\$ 2,000.00
Total Budget - Expenses		\$ 92,507.00		\$ 84,113.00
Total Budget - All Expenses		\$ 393,095.36		\$ 320,503.03
Capital equipment expenditures budget		\$ 63,760.89		\$ 76,017.00
AV Support Program for Member Cities				\$ 80,000.00
Total 2015 Budget - All expenses plus Capital		\$ 456,856.25		\$ 476,520.03

LMCC Member City AV Support Program Allocations

City:	Subs:	% of Funding	At \$80k	
Deephaven	671	14.37%	\$	11,496.00
Excelsior	595	12.74%	\$	10,192.00
Greenwood	143	3.10%	\$	2,480.00
Independence	187	4.06%	\$	3,248.00
Long Lake	301	6.53%	\$	5,224.00
Loretto	122	2.65%	\$	2,120.00
Maple Plain	320	6.95%	\$	5,560.00
Mtka. Beach	107	2.03%	\$	1,624.00
Shorewood	1313	28.50%	\$	22,800.00
Spring Park	352	7.64%	\$	6,112.00
St. Bonifacius	404	8.77%	\$	7,016.00
Woodland	92	2.00%	\$	1,600.00
Totals:	4607	99.34%	\$	79,472.00

Based on March 2014 Mediacom Data

LMCC Member City A/V Support Program:

Purpose:

Provide financial support to LMCC Member Cities as a means of improving audio/visual recording capabilities.

Proposal:

The LMCC will allocate \$80,000.00 for Member Cities to use for **approved* audio/video improvements. The amount allocated per City is based on the number of Mediacom subscribers within a Member City and is outlined in the spreadsheet that is attached to this document. The LMCC will pay up to the Member City's total A/V Support Program allocation after the City has completed the **approved* installation.

How it works:

- To qualify for the LMCC A/V Support Program, Member Cities must coordinate their purchases and installation with the LMCC's Operations Manager and use an LMCC approved Vendor.
- Once the installation is the Vendor will submit the initial invoice to the LMCC who will pay up to the total allocated for the Member City.
- If the total purchase cost for the A/V improvements is higher than the City's A/V Support Program allocation, the balance must be paid for by the member City.
- If the total purchase is less than the City's A/V Support Program allocation, the balance will be held in reserve for the City to use at a later date.
- This program covers purchases made since October 8th, 2015 and is available for Member Cities to use until the end of 2019.

***Approved:** City allocations for this program are derived from PEG fees and are for the express use of supporting Public, Educational or Government Access channels or the use of such channels. LMCC Member Cities must work through the LMCC Operations Manager to bid out the audio visual improvements using an approved vendor. The LMCC Operations Manager will assist the Member City to determine their needs, schedule meetings with approved vendors and the Member City and review the bids. The LMCC Operations Manager will work with the Member City to choose the bid that is in the Member City's and the LMCC's best interest.

Who is eligible?

- Only current LMCC Member Cities are eligible for this A/V Support Program.

How often can an LMCC Member City use the A/V Support Program?

- LMCC Member Cities can use the A/V Support program as often as they would like until the end of 2019 or until all of your City's A/V Support Program allocation is used.



Agenda Number: **10A-E**

Agenda Item: Council Reports

Summary: This is an opportunity for each council member to present updates and get input regarding various council assignments and projects. Related documents may be attached to this cover memo.

Council Action: None required.

Site Statistics

Use this reporting tool to see your site statistics for your public site for this month or the previous month. Statistics for the Administration (or "admin") side of your site are not included in this report. Additionally, visits you make to your own site while administering it are not included in these statistics. All data collected before the previous month has been purged from our system and is not available for use; therefore, we recommend printing this report each month for your records.

The first report - Page Views by Section - shows total page views for each section. The second report - Unique Visitors by Section - shows the total page views for each section without the return visitors (showing only views from unique IP addresses). For example, if you browse to a page today, and then browse to that same page tomorrow, your viewing of that page would only be counted once in the unique (second) report.

Each report lists sections in page view order (highest number of page views first) and only lists sections that have had traffic within the reporting period. It does not list those sections without traffic.

Begin Date

End Date

Report Name

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	2995	41.55%
Agendas, Etc.	602	8.35%
Planning Commission	415	5.76%
City Departments	260	3.61%
Mayor & City Council	200	2.77%
Assessments & Taxes	194	2.69%
Code Book	192	2.66%
Budget & Finances	177	2.46%
Forms & Permits	174	2.41%
Photo Gallery	145	2.01%
RFPs & Bids	139	1.93%
Welcome to Greenwood	130	1.8%
Garbage & Recycling	122	1.69%
Comp Plan & Maps	107	1.48%
Spring Clean-Up Day	98	1.36%
Lake Minnetonka	91	1.26%
Crime Alerts	87	1.21%
What's New?	81	1.12%
Old Log Events	77	1.07%
Meetings	74	1.03%
Public Safety	67	0.93%
Links	66	0.92%
Elections	66	0.92%
St. Alban's Bay Lake Improvement District	61	0.85%
Meetings on TV	60	0.83%

Quick Tips

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

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

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

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

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

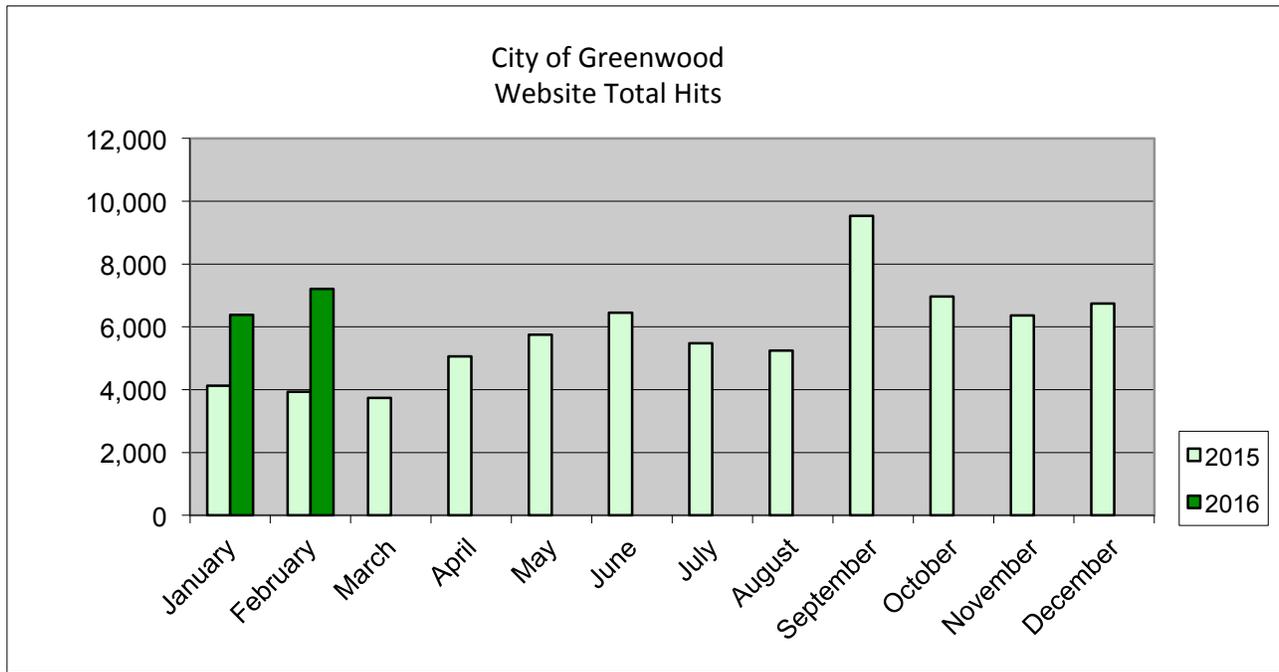
In the Page View by Section report, sections are listed in the order they appear in the navigation menu and are reported regardless of their traffic level.

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

Swiffers NOT Flushable	59	0.82%
Parks & Trails	57	0.79%
Watercraft Spaces	54	0.75%
Email List	46	0.64%
Animal Services	44	0.61%
Well Water	44	0.61%
Community Surveys	44	0.61%
Smoke Testing	43	0.6%
Search Results	41	0.57%
Southshore Center	39	0.54%
Trees	34	0.47%
---	17	0.24%
Unsubscribe	7	0.1%
TOTAL	7209	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	763	26.89%
Agendas, Etc.	175	6.17%
City Departments	146	5.14%
Planning Commission	125	4.4%
Mayor & City Council	111	3.91%
Photo Gallery	85	3%
Forms & Permits	82	2.89%
Welcome to Greenwood	81	2.85%
Assessments & Taxes	76	2.68%
Code Book	75	2.64%
Comp Plan & Maps	66	2.33%
Crime Alerts	61	2.15%
Lake Minnetonka	59	2.08%
Garbage & Recycling	59	2.08%
Budget & Finances	55	1.94%
Spring Clean-Up Day	49	1.73%
Elections	48	1.69%
Old Log Events	48	1.69%
Meetings	48	1.69%
What's New?	47	1.66%
Links	46	1.62%
Public Safety	44	1.55%
Swiffers NOT Flushable	41	1.44%
Meetings on TV	40	1.41%
RFPs & Bids	39	1.37%
St. Alban's Bay Lake Improvement District	39	1.37%
Parks & Trails	39	1.37%
Watercraft Spaces	38	1.34%
Email List	35	1.23%
Community Surveys	33	1.16%
Animal Services	33	1.16%
Well Water	31	1.09%
Southshore Center	28	0.99%
Smoke Testing	28	0.99%
Search Results	27	0.95%
Trees	23	0.81%
---	9	0.32%
Unsubscribe	6	0.21%
TOTAL	2838	100%



Month	2015	2016	Variance with Prior Month	Variance with Prior Year	Bulk Email List
January	4,123	6,382	-360	2,259	156
February	3,928	7,209	827	3,282	
March	3,732		-7,209	-3,732	
April	5,058		0	-5,058	
May	5,753		0	-5,753	
June	6,448		0	-6,448	
July	5,481		0	-5,481	
August	5,249		0	-5,249	
September	9,532		0	-9,532	
October	6,969		0	-6,969	
November	6,362		0	-6,362	
December	6,742		0	-6,742	
AVERAGE	5,781	6,796			

Gray indicates estimated numbers (average of month prior and month after)

POPULATION: 693
EMAIL ADDRESSES % OF POPULATION: 22.51%

Population source: www.metrocouncil.org, Data & Maps, Download Data, Population and Household Estimates
 Population figure updated: 04.23.15

2/18/16

To: All LMCC Member Cities and the City of Mound
From: Jim Lundberg, Operations Manager
Reason: Addition of HD Channel

After years of negotiations and discussion with Mediacom, the Lake Minnetonka Communications Commission is pleased to announce the addition of our first High Definition channel!

It will be channel 808 as found on Mediacom's HD Local Plus TV tier and we plan on having this channel up and running as of April 1st, 2016! We're very pleased and proud to have our HD channel found alongside other local broadcast stations such as WCCO(804), KSTP(805), KMSP(809) and KARE(811) here in the Lake Area.

Our HD channel 808 will air LMCC Member City government meetings and LMCC Commission meetings in crisp, clear high definition. If you don't have access to a high definition television set, don't worry! We will continue to broadcast the same meetings in standard definition on channel 8 on Mediacom's cable system here in the Lake Area.

There will be a couple of changes to our line up on channels 8 and HD808 that we would like to make you aware of. The first, is the moving of Mound City Council meetings from channel 8 to channel 20. This is being done until the City of Mound has an opportunity to upgrade their recording capabilities to high definition. As this will not happen in the near future, the move to standard definition channel 20 is necessary. Also, the Lake Minnetonka Communications Commission meetings are already being recorded in high definition and therefore will be moved from channel 20 to channels 8 and HD808. These channel moves will coincide with the startup of our HD channel 808 and will begin on April 1st, 2016. The City of Maple Plain, which will be leaving the LMCC at the end of this year, will remain on channel 20.

Please take a moment in your next City Council meeting to announce this exciting improvement to the services provided by the LMCC to our Member Cities. If you or your City Council have any questions regarding this brief memo, please feel free to contact me at your convenience.

Sincerely,

Jim Lundberg
Operations Manager
Lake Minnetonka Communications Commission
(952)471-7125 x104

REALLOCATION FORMULA FOR SLMPD OPERATING FUND ~ 2012-2016

Revised 06-28-11

POPULATION BASELINE

	2004 Population	2004 % of Total
Excelsior	2,400	19.3159%
Greenwood	800	6.4386%
Shorewood	7,625	61.3682%
Tonka Bay	1,600	12.8773%
	12,425	100.0000%

TAX CAPACITY BASELINE

	2005 Tax Cap	2005 % of Total
Excelsior	3,005,669	13.7493%
Greenwood	2,079,710	9.5135%
Shorewood	12,836,707	58.7209%
Tonka Bay	3,938,449	18.0163%
	21,860,535	100.0000%

ICR BASELINE

	2005 ICR's	2005 % of Total
Excelsior	2,049	31.8762%
Greenwood	369	5.7405%
Shorewood	3,308	51.4623%
Tonka Bay	702	10.9210%
	6,428	100.0000%

POPULATION AVERAGES

	2005	2006	2007	2008	2009	Average	% of Avg. Total
	2,380	2,395	2,437	2,382	2,360	2,391	19.4371%
	759	814	818	804	806	800	6.5056%
	7,551	7,499	7,611	7,582	7,618	7,572	61.5616%
	1,545	1,525	1,534	1,532	1,549	1,537	12.4957%
	12,235	12,233	12,400	12,300	12,333	12,300	100.0000%

TAX CAPACITY AVERAGES

	2006	2007	2008	2009	2010	Average	% of Avg. Total
	3,334,776	3,917,784	4,245,911	4,397,510	4,235,792	4,026,355	13.3040%
	2,447,073	2,894,806	3,377,856	3,688,315	3,713,570	3,224,324	10.6539%
	14,477,835	16,319,066	17,798,714	18,513,585	18,269,931	17,075,826	56.4224%
	4,609,014	5,358,772	6,148,162	6,748,501	6,824,277	5,937,745	19.6197%
	24,868,698	28,490,428	31,570,643	33,347,911	33,043,570	30,264,250	100.0000%

ICRs AVERAGES

	2006	2007	2008	2009	2010	Average	% of Avg. Total
	2159	2044	2316	2086	2150	2,151	35.3597%
	341	352	382	352	385	362	5.9574%
	3142	2823	3190	2928	2831	2,983	49.0334%
	596	537	695	598	509	587	9.6495%
	6,238	5,756	6,583	5,964	5,875	6,083	100.0000%

Column A

	1/3 Pop 2004	1/3 Tax Cap 2005	1/3 ICRs 2005	Totals for Comparison 2005
Excelsior	6.4386%	4.5831%	10.6254%	21.6471%
Greenwood	2.1462%	3.1712%	1.9135%	7.2309%
Shorewood	20.4561%	19.5736%	17.1541%	57.1838%
Tonka Bay	4.2924%	6.0054%	3.6403%	13.9382%
TOTAL	33.3333%	33.3333%	33.3333%	100.0000%

Column B Column C Column D

1/3 Pop 2005-2009	1/3 Tax Cap 2006-2010	1/3 ICRs 2006-2010	Totals for 5-Year Avg	Difference Column A & B	Arbitration Allocation	C+D = New Allocation
6.4790%	4.4347%	11.7866%	22.7003%	1.0532%	27.0000%	28.0532%
2.1685%	3.5513%	1.9858%	7.7056%	0.4747%	8.0000%	8.4747%
20.5205%	18.8075%	16.3445%	55.6725%	-1.5113%	50.0000%	48.4887%
4.1652%	6.5399%	3.2165%	13.9216%	-0.0166%	15.0000%	14.9834%
33.3332%	33.3334%	33.3334%	100.0000%		100.0000%	100.0000%

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

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

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

ICR Source: SLMPD - does not included citations

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

REALLOCATION FORMULA FOR SLMPD OPERATING FUND ~ 2017-2021

Revised 01-04-16

POPULATION BASELINE

	2005	2006	2007	2008	2009	Average	% of Avg. Total
Excelsior	2,380	2,395	2,437	2,382	2,360	2,391	19.4371%
Greenwood	759	814	818	804	806	800	6.5056%
Shorewood	7,551	7,499	7,611	7,582	7,618	7,572	61.5616%
Tonka Bay	1,545	1,525	1,534	1,532	1,549	1,537	12.4957%
	12,235	12,233	12,400	12,300	12,333	12,300	100.0000%

TAX CAPACITY BASELINE

	2006	2007	2008	2009	2010	Average	% of Avg. Total
Excelsior	3,334,776	3,917,784	4,245,911	4,397,510	4,235,792	4,026,355	13.3040%
Greenwood	2,447,073	2,894,806	3,377,856	3,688,315	3,713,570	3,224,324	10.6539%
Shorewood	14,477,835	16,319,066	17,798,714	18,513,585	18,269,931	17,075,826	56.4224%
Tonka Bay	4,609,014	5,358,772	6,148,162	6,748,501	6,824,277	5,937,745	19.6197%
	24,868,698	28,490,428	31,570,643	33,347,911	33,043,570	30,264,250	100.0000%

ICR BASELINE

	2006	2007	2008	2009	2010	Average	% of Avg. Total
Excelsior	2159	2044	2316	2086	2150	2,151	35.3597%
Greenwood	341	352	382	352	385	362	5.9574%
Shorewood	3142	2823	3190	2928	2831	2,983	49.0334%
Tonka Bay	596	537	695	598	509	587	9.6495%
	6,238	5,756	6,583	5,964	5,875	6,083	100.0000%

Column A

	1/3 Pop 2005-2009	1/3 Tax Cap 2006-2010	1/3 ICRs 2006-2010	Totals for 5-Year Avg
Excelsior	6.4790%	4.4347%	11.7866%	22.7003%
Greenwood	2.1685%	3.5513%	1.9858%	7.7056%
Shorewood	20.5205%	18.8075%	16.3445%	55.6725%
Tonka Bay	4.1652%	6.5399%	3.2165%	13.9216%
TOTAL	33.3332%	33.3334%	33.3334%	100.0000%

POPULATION 2010-2014

	2010	2011	2012	2013	2014	Average	% of Avg. Total
	2,188	2,203	2,235	2,284	2,273	2,237	18.9299%
	688	688	698	693	689	691	5.8501%
	7,307	7,312	7,438	7,524	7,425	7,401	62.6413%
	1,475	1,477	1,499	1,492	1,488	1,486	12.5787%
	11,658	11,680	11,870	11,993	11,875	11,815	100.0000%

TAX CAPACITY 2011-2015

	2011	2012	2013	2014	2015	Average	% of Avg. Total
	3,779,156	3,716,579	3,579,833	3,649,970	4,226,789	3,790,465	13.3031%
	3,379,736	3,171,651	3,085,462	2,895,345	3,241,439	3,154,727	11.0719%
	16,775,778	15,908,723	15,114,127	14,865,833	16,027,049	15,738,302	55.2353%
	6,353,445	5,988,563	5,554,383	5,356,098	5,796,033	5,809,704	20.3898%
	30,288,115	28,785,516	27,333,805	26,767,246	29,291,310	28,493,198	100.0001%

ICRs 2011-2015

	2011	2012	2013	2014	2015	Average	% of Avg. Total
	1951	2116	2192	2693	2354	2,261	35.6634%
	286	270	332	360	401	330	5.2016%
	2680	2610	3284	3373	3175	3,024	47.7005%
	659	606	677	822	861	725	11.4346%
	5,576	5,602	6,485	7,248	6,791	6,340	100.0001%

Column B Column C Column D

1/3 Pop 2010-2014	1/3 Tax Cap 2011-2015	1/3 ICRs 2011-2015	Totals for 5-Year Avg	Difference Column A & B	Arbitration Allocation	C+D = New Allocation
6.3100%	4.4344%	11.8878%	22.6322%	-0.0681%	27.0000%	26.9319%
1.9500%	3.6906%	1.7339%	7.3745%	-0.3311%	8.0000%	7.6689%
20.8804%	18.4118%	15.9002%	55.1924%	-0.4801%	50.0000%	49.5199%
4.1929%	6.7966%	3.8115%	14.8010%	0.8794%	15.0000%	15.8794%
33.3333%	33.3334%	33.3334%	100.0001%		100.0000%	100.0001%

In 2021 the formula will be adjusted for 2022-2026 using Column B percentages as the new baseline numbers for Column A, and the numbers for the new averages will be from 2015-2019 for population, and from 2016-2020 for tax capacity and ICRs.

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

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

ICR Source: SLMPD - does not include citations

Population Source: Met Council

SLMPD Funding Reallocation Change from 2016 to 2017

Total 2016 SLMPD Budget: \$2,276,129

	2016 Funding Formula	Share of 2016 Budget	2017 Funding Formula	Share of 2016 Budget	Change
Excelsior	0.280532	\$638,527	0.269319	\$613,004.79	-\$25,522.23
Greenwood	0.084747	\$192,895	0.076689	\$174,554.06	-\$18,340.94
Shorewood	0.484887	\$1,103,665	0.495199	\$1,127,136.80	\$23,471.80
Tonka Bay	0.149834	\$341,043	0.158794	\$361,435.63	\$20,392.63



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

Summary: The attached items are included in the council packet for the council's information (FYI) only. FYI items typically include planning commission minutes and other items of interest to the council. When the agenda is approved at the beginning of the meeting, any council member may request to move an FYI item to the regular agenda for further discussion. Moved items will be placed under Other Business on the agenda.

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

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 17, 2016
7:00 P.M.**

1. CALL TO ORDER/ROLL CALL

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

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

Absent: Commissioners Fiona Sayer and Rick Sundberg

Others Present: Council Liaison Bill Cook, Acting City Attorney Bob Vose, and Zoning Administrator Dale Cooney.

2. MINUTES – JANUARY 20, 2016

Commissioner Conrad moved to approve the minutes of January 20, 2015 as presented. Commissioner Paper seconded the motion. Motion carried 5-0.

3. PUBLIC HEARINGS

3a. Consider Simple Subdivision Request of Dan Heiland, doing business as Trading Post Properties, LLC, for 21200 Minnetonka Boulevard

Chairman Lucking introduced the agenda item. Lucking said that Dan Heiland is proposing to subdivide 21200 Minnetonka Boulevard into two separate parcels.

Chairman Lucking opened the public hearing.

Dan Heiland, applicant for the subdivision at 21200 Minnetonka Boulevard, said that he believes that the ordinance conforms to the requirements of the simple subdivision code at the time he submitted the application.

Gerald Brown of 4920 Lodge Lane said that he has been circulating a petition and that he has gotten 76 signatures in opposition of the subdivision. He said that the house would be placed in what is essentially people's back yards. Brown gave the petition to the zoning administrator.

Rob Bohnenkamp of 4925 Woods Court said that the application for the subdivision was invalid since it was signed by Dan Heiland, and not Trading Post Partners, LLC. He said that there were other issues with the application form and that it should be denied on that basis. Bohnenkamp of 4925 Woods Court also said that the applicant should have submitted a tree preservation plan along with the application.

Commissioner Reeder asked acting city attorney, Bob Vose, his opinion on the legal issues raised by Bohnenkamp. Vose said that he is the attorney for five cities, and that he did not feel that any of those cities would deny an application based on these issues, and that the application would be amended to fix any discrepancies.

Vose said that the application did not meet the current standards of city code Section 600.07. Vose said that the application was submitted on January 12, and that soon after that date, an ordinance amendment to Section 600.07 went into effect. That amendment, Vose said, no longer allows a 1-to-2 lot split within the simple subdivision code requirements. He said that it is a common misconception that an application would be reviewed based upon the laws at the time of application, but that that is not the case in reality. Vose said that applications should be reviewed under the laws in place at the time of decision with two exceptions: 1) that the applicant has invested a significant amount of resources into a project that has already begun; and that 2) staff has maliciously deceived the applicant into believing they were entitled to something that they

GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 17, 2016
7:00 P.M.

were not entitled to. Vose said that, in this case, the facts do not support either one of those exceptions, and that the project should be reviewed under the law as it exists today.

John Rauth of 4910 Woods Court said that the proposed parcel B of the subdivision does not meet the standard for an "existing" easement. He said that the state does not consider easements valid until they are recorded against a property, and that this easement has not yet been recorded and is therefore not an "existing" easement.

Britta Larson of 21220 Minnetonka Boulevard said that she has had \$25,000 worth of water damage due to the house at 21240 Minnetonka Boulevard being built. She said that she did not receive the meeting notice and had to find out from her neighbors. She said that she is concerned about the runoff issues that having two houses on the 21200 Minnetonka Boulevard property would create.

Gerald Brown of 4920 Lodge Lane asked if this proposal would go to the city council, and if it did, would acting city attorney Bob Vose represent the city at that meeting as well?

Zoning administrator Cooney said that city attorney Mark Kelly recused himself from this application, and that acting city attorney Vose would represent the city at the city council meeting as well.

Chairman Lucking said that the planning commission is advisory and that regardless of tonight's decision, the application would continue on to the city council unless the applicant withdraws the application.

Chairman Lucking closed the public hearing.

Lucking said to Britta Larson that the house at 21240 Minnetonka Boulevard did not come before the planning commission for review.

Chairman Lucking asked about the revisions to section 600.07. Acting attorney Vose said that the new language no longer allows a 1-to-2 lot split, but only the accretion of portions of one property onto another property.

Commissioner Reeder asked how someone could subdivide a property in the future. Vose said that the code still allows a property to be subdivided through the city's platting process. Vose said that there are more extensive city requirements to go through that process.

Chairman Lucking asked zoning administrator Cooney if each subdivided lot would need 100 feet of road frontage under the standards required by the platting process. Cooney said that since this type of subdivision is now regulated by the standard platting procedure, it must also conform to those additional dimensional requirements. Cooney said that new lots must now have 100 feet of road frontage abutting on either a public or private street, and that there would not be enough room on the property at 21200 Minnetonka Boulevard to create a private street and still meet the dimensional requirements. Cooney said that the subdivision would only be possible under the previous simple subdivision requirements.

Commissioner Bechtell said that he was uncomfortable with the proposal under the old law, and asked if anyone had inquired with the owner of the adjacent property at 21170 Minnetonka Boulevard.

The other planning commissioners stated that they did not believe that the property could be subdivided based on the current ordinance.

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 17, 2016
7:00 P.M.**

Motion by Bechtell to deny the simple subdivision application of request based on the findings that the proposal does not meet the requirements of Section 600.07 currently in effect. Motion was seconded by Paeper. Motion carried 5-0.

Acting city attorney Bob Vose left the meeting at this point.

Commissioner Reeder asked if the applicant had submitted a tree preservation plan for the proposal. Zoning administrator Cooney said that he did not, nor did he ask for one when a similar proposal came before the city a few months ago. Cooney said that new construction would allow for 20% tree removal. Commissioner Reeder said that he thinks future proposals should have a tree plan to determine if properties can meet that requirement. Cook said that there is a presumption that a buildable area for the house could be found based on the 20% restriction.

3b. Ordinance No. 252: An Ordinance Regarding Stormwater Management: Public Hearing for amendment to Chapter 11 to add Section 1140.17. Stormwater Management.

Chairman Lucking introduced the agenda item and opened the public hearing. Hearing no comments, Lucking closed the public hearing.

Commissioner Conrad asked how the ordinance would be monitored. Cook said that increases in hardcover would trigger the ordinance and that mitigation would be in the form of either volume or rate control. He said the idea is to keep stormwater off of a neighbor's property. Cook said that typically it would be a simple volume calculation for a 2 inch rain event, and regardless of the soil type on a property.

Conrad said that there could be a chart that would help the calculation to help make this easy for the residents.

Cook said that there were a number of ways to meet the ordinance including swales and raingardens, but that the stormwater would need to be stored or controlled on the property.

Cooney said that this will be relatively easy to regulate for those projects that come into the city for a permit. He said that it will be more difficult to ensure compliance for those projects that do not require permits.

Paeper said that he thinks that it is odd and unfair for properties that are still well under hardcover restrictions and that expand hardcover by 200 square feet or more to have to bring in a drainage plan. Cook said that Paeper's example would be rare in Greenwood.

Paeper said that if a property drains to the lake, or a wetland, then the water will not impact the neighbors and the owner should not have to mitigate. Cook said that demonstrating the water would run to the lake or a wetland would be an adequate drainage plan and would meet the requirements of the ordinance.

Conrad and Lucking asked if the city was comfortable with the water going to the lake. Cook said that there are only three places water can go, and the lake is one of those places. He said a significant number of properties in Greenwood are lakeshore properties.

Conrad asked if there are any filtering or buffer regulations. Cook said that he was not aware of buffer requirements.

Paeper asked about the requirements for plans and specifications. Paeper asked what the common definition for a 2 inch rainfall event was. Cooney said that rainfall events are typically assumed to be within a 24 hour time frame. Cooney also said that plans and specifications would need to be approved by the zoning administrator and city engineer. Cook said that he would be upset if this turned into a requirement that a professional engineer would need to be hired to meet

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 17, 2016
7:00 P.M.**

these requirements, and said that we should give people enough information to figure this out on their own. Cooney said that he will work with the city engineer to have a simple volume calculation available as well as a couple of standard stormwater mitigation plans and specifications that people could follow.

Paeper felt that the term “manage the volume” needed to be clarified. He said it was unclear as to how the city wanted the water to be managed.

Reeder asked what the significance of a 2 inch rainfall even was. Cook said that a very high percentage of rain events are an inch or less. He said that 2 inches is considered to be a 5 year storm, and that stormwater issues are typically seen with some of these larger rain events.

Conrad asked if water on a property would typically runoff towards another property. Cook said that it needed to be stopped somewhere on the property. Conrad asked if there wasn't room in one area of a property, could the mitigation be in another area. Lucking said that the water would somehow need to be directed to the location of the mitigation.

Commissioner Conrad made a motion to recommend adoption of the ordinance as amended, with clarifications to Subdivision 3 regarding the term “manage” and “2-inch” rainfall. Motion was seconded by Paeper. Motion carried 5-0.

4. NEW BUSINESS

4a. Planning Commission Term Expirations

Commissioner Reeder and commissioner Bechtel expressed their desire to continue to serve on the planning commission.

5. LIAISON REPORT

Council Liaison Cook said that at the last city council meeting, Mayor Kind asked the council about the idea of potentially eliminating the planning commission. Cook said that the mayor had expressed concerns about the added staff time, particularly the billable hours of the city attorney and the city engineer. Cook said that he does not favor eliminating the planning commission, and that he would be supportive of more training to help make the planning commission more effective.

Commissioner Conrad said that she felt the planning commission was a good entry point and training ground for potential city council members.

6. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Reeder seconded the motion. Motion carried 5-0. The meeting was adjourned at 8:50 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator