

AGENDA

Greenwood City Council Meeting

Wednesday, May 4, 2016
20225 Cottagewood Road, Deephaven, MN 55331



Worksession

In accordance with open meeting laws, the worksession is open to the public for viewing, but there will be no opportunity for public participation.

- 6:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA
- 6:00pm 2. DISCUSSION WITH PLANNING COMMISSION CHAIR PAT LUCKING
- 6:55pm 3. ADJOURNMENT

Regular Meeting *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).*

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA
- 7:00pm 2. CONSENT AGENDA
Consent Agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove any Consent Agenda item for discussion and separate consideration under Other Business.
 - A. Approve: 04-06-16 City Council Pre-Board Worksession Minutes
 - B. Approve: 04-06-16 City Council Meeting Minutes
 - C. Approve: 04-13-16 Local Board of Appeal & Equalization Meeting Minutes
 - D. Approve: 04-28-16 Local Board of Appeal & Equalization Meeting Reconvene Minutes
 - E. Approve: March Cash Summary Report
 - F. Approve: March Certificates of Deposit Report
 - G. Approve: April Verifieds, Check Register, Electronic Fund Transfers
 - H. Approve: May Payroll Register
 - I. Approve: Public Access Procedures
- 7:02pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. Comments are limited to 3 minutes. Typically, the council will not take action on items presented at this time but will refer them to staff for review, action, and / or recommendation for future council action.
- 7:05pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
 - A. Quarterly Police Update
 - B. City Engineer Dave Martini: St. Alban's Bay Road Stormwater Drainage Mitigation
 - C. Announcement: Planning Commission & City Council Annual Joint Worksession, Wed 5/18, Old Log's Cast & Cru Restaurant (following planning commission meeting, approximately 7:30pm)
- 7:40pm 5. PUBLIC HEARINGS
 - A. None
- 7:40pm 6. PLANNING & ZONING ITEMS
 - A. 1st Reading: Ord 255, Construction-Related Tree Cutting and Tree Preservation Plans
- 7:45pm 7. UNFINISHED BUSINESS
 - A. Consider: Installing Greenwood Park Basketball Wall Pads
 - B. Consider: Future of Planning Commission
- 8:15pm 8. NEW BUSINESS
 - A. Consider: Res 20-16, Ethics Policy
 - B. Consider: Potential Installation of Duck Crossing Sign on Fairview Street
 - C. 1st Reading: Ord 256, Vehicles "For Sale" at Gas Stations and Garbage Regulations
 - D. Consider: Installing Boulders by Greenwood Market Driveway
 - E. Consider: Installing Solar Lights at the St. Alban's Bay City Docks
 - F. Consider: July 4th Contribution to Excelsior - South Lake Minnetonka Chamber of Commerce
 - G. Consider: E-Pollbooks Agreement with Hennepin County
- 8:45pm 9. OTHER BUSINESS
 - A. None
- 8:45pm 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
- 9:00pm 11. ADJOURNMENT



Worksession

Agenda Date: 05-04-16

Prepared by Deb Kind

Agenda Item: Discussion with Planning Commission Chair Pat Lucking

Summary: At the 02-03-16 city council meeting, Councilman Fletcher requested that the city council discuss the possibility of discontinuing the planning commission for the following reasons ...

1. To save money. The city's costs are increasing in other essential areas, so we need to look at ways to save money to avoid raising taxes. See the attached overview of what the planning commission costs and a spreadsheet showing the city's levy cost per person compared to other Lake Minnetonka cities.
2. To streamline the process for applicants and neighbors. It is more user-friendly for applicants and neighbors to go directly to the city council vs having to prepare for and attend two meetings.
3. The timing is right. With the recent retirements of planning commissioners Beal and Paeper, the planning commission has lost a lot of experience. While Chairman Lucking has 15 years experience, the other 4 commission members are relatively new and the 2 alternate seats are vacant.

Per MN statute 462.354, a two-thirds vote of all of the voting members of the city council is required to discontinue the planning commission. Therefore, a minimum of 4 votes would be required. If the council decides to discontinue the planning commission, the city ordinance code chapter 2 must be revised. Since the code change does not affect the zoning code (chapter 11), the ordinance would not go to the planning commission for a public hearing and review.

At the 04-06-16 city council meeting, the council decided to "continue" the discussion to the 05-04-16 meeting and invite planning commission chairman Pat Lucking to a worksession. On 05-04-16, the city council will meet with Chairman Lucking in a worksession at 6pm (before the regular city council meeting).

Item 6C in the council packet includes a timeline that would be followed if the council decides to move forward with discontinuing the planning commission.

Council Action: No council action may be taken at the worksession.



Agenda Item: Consent Agenda

Summary: The consent agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

The consent agenda items are included in the hard copy of the full council packet and in the electronic version of the packet available at www.greenwoodmn.com.

Council Action: Required. Possible motion ...

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

MINUTES

Greenwood City Council Meeting

Wednesday, April 6, 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, Bob Quam, Rob Roy

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

Motion by Kind to approve the agenda with the addition of "Storm Water Project at Greenwood Park and St. Alban's Bay Road Drainage" to the 4B discussion with the city engineer. Second by Quam.

Motion passed 5-0.

2. CONSENT AGENDA

A. Approve: 03-02-16 City Council Meeting Minutes

B. Approve: February Cash Summary Report

C. Approve: February Certificates of Deposit Report

D. Approve: March Verifiends, Check Register, Electronic Fund Transfers

E. Approve: April Payroll Register

Motion by Kind to approve the consent agenda. Second by Cook. Motion passed 5-0.

3. MATTERS FROM THE FLOOR

Rob Bohnenkamp, 4925 Woods Court, spoke regarding the Greenwoods on the Lake neighbors' 03-02-16 request for the city council to consider adopting an ethics policy. Mayor Kind stated that she found a model policy on the League of Minnesota website that she will put on the 05-04-16 city council agenda for consideration.

Kristen Lewis, 21240 Minnetonka Blvd, asked if the council would consider making an exception to allow her to have a longer boat at the city docks on St. Alban's Bay. After a brief discussion, the council decided that an exception could not be made.

View full comments at LMCC-TV.org.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. Emilee Metcalf & Deb Gatz: Vintage Waste Systems Sale to Randy's Environmental Services

- Consider Res 15-16 Updating City's Recycling Agreement

Motion by Cook that the city council approves resolution 15-16, an updated recycling agreement with Randy's Environmental Services, as written. Second by Roy. Motion passed 5-0.

B. City Engineer Dave Martini: Road Projects, Traffic Calming, Greenwood Park Storm Water Project, St. Alban's Bay Road Drainage

Motion by Quam that the city council (1) directs the city engineer to secure bids for the following road projects: Minnetonka Blvd (between Meadville and West Street), Covington Street (north of Fairview), and patching near the the Minnetonka Blvd / St. Alban's Bay Road intersection; (2) directs that the bids be placed on the 06-01-16 city council agenda for approval; (3) authorizes the city treasurer to transfer \$134,000 from the General Fund (101-43200-500) to the Road Improvement Fund (404-36230). Second by Fletcher. Motion passed 5-0.

Motion by Fletcher that the city council authorizes the purchase of materials for Old Log directional signs to be installed at locations flagged by Councilman Cook. Second by Roy. Motion passed 5-0.

Motion by Cook that the city council (1) directs the city attorney to draft an agreement that indemnifies the city and allows the McQuinns, 5025 Covington Street, to plan and construct the Greenwood Park Storm Water Project on city property with the oversight of the city engineer; (2) directs the McQuinns to provide a plan for the project that meets city engineer approval. Second by Quam. Motion passed 5-0.

Motion by Cook that the city council directs the city engineer to contact Shorewood to determine the best way to mitigate St. Alban's Bay Road storm water that flows on to private property. Second by Quam. Motion passed 5-0.

- C. Announcement: Local Board of Appeal & Equalization, Wed 4/13 & Thu 4/28, 6pm
- D. Announcement: Spring Clean-Up Day, Sat 5/21 (items should be curbside by 7am)

5. PUBLIC HEARINGS

- A. City Storm Water Pollution Prevention Program

Motion by Fletcher to open the Storm Water Pollution Prevention Program Annual Public Hearing. Second by Cook. Motion passed 5-0.

There were no comments during the public hearing opportunity.

Motion by Cook to close the Storm Water Pollution Prevention Program Annual Public Hearing. Second by Cook. Motion passed 5-0.

6. PLANNING & ZONING ITEMS

- A. Consider: Res 16-16 Grading Conditional Use Permit Findings for 6 Maclynn Road

Motion by Cook that the city council approves resolution 16-16, findings for approval of the CUP request of Landscapes Unlimited for the grading project at 6 Maclynn Road as written. Second by Roy. Motion passed 5-0.

- B. Consider: Res 17-16 Grading Conditional Use Permit Findings for 21020 Oak Lane South
Al Musech, Kyle Hunt & Partners, spoke in favor of the proposal.

Motion by Cook that the city council approves resolution 17-16, findings for approval of the CUP request of Kyle Hunt & Partners for a grading project at 21020 Oak Lane South as written. Second by Roy. Motion passed 5-0.

- C. Consider: Res 18-16 Signage Conditional Use Permit Findings for 21000 State Highway 7

Motion by Roy that the city council approves resolution 18-16, findings for approval of the conditional use permit request of Michael Dvoracek of Signs Unlimited of Plymouth on behalf of Joel Bутtenhoff, to install commercial signage at 21000 State Highway 7 as written. Second by Quam. Motion passed 5-0.

- D. 2nd Reading: Ord 252 Regarding Storm Water Management
 - Res 12-16 Summary of Ord 252 for Publication

Motion by Cook that the city council approves the 2nd reading of ordinance 252, an ordinance amending Greenwood ordinance code chapter 11 regarding storm water management with revisions as discussed by the council. Second by Roy. Motion passed 5-0.

Motion by Fletcher that the city council approves resolution 12-16 for publication in the city's official newspaper. Second by Cook. Motion passed 5-0.

- E. Review: Ordinance Regarding Construction-Related Tree Cutting and Tree Preservation Plans

Motion by Fletcher that the city council (1) approves the draft of the updated tree ordinance with the following revision: add definition for noxious trees; and (2) directs the ordinance be referred to the planning commission for a public hearing, review, and recommendation to the city council. Second by Cook. Motion passed 5-0.

7. UNFINISHED BUSINESS

- A. 2nd Reading: Ord 253 Regarding Watershed District Permits and Water Management Plans
 - Res 13-16 Summary of Ord 253 for Publication

Motion by Fletcher that the city council (1) approves the 2nd reading of ordinance 253, regarding watershed district permits and water management plans, as written; and (2) approves resolution 13-16 for publication. Second by Cook. Motion passed 5-0.

- B. 2nd Reading: Ord 254 Amending Ordinance Code Chapter 3 Regarding Sewer Utility Fund, Storm Water Utility Fund, and Illicit Discharge
 - Res 14-16 Summary of Ord 254 for Publication

Motion by Roy that the city council approves the 2nd reading of ordinance 254, regarding Sewer Utility Fund, Storm Water Utility Fund, and Illicit Discharge, as written; and (2) approves resolution 14-16 for publication. Second by Quam. Motion passed 5-0.

8. NEW BUSINESS

- A. Consider: Installing Wall Pads at Greenwood Park Basketball Hoops

Motion by Cook to continue the consideration of the installation of wall pads at the Greenwood Park basketball hoops to the 05-04-16 city council meeting. Second by Roy. Motion passed 5-0.

- B. Consider: Res 19-16 Supporting Met Council Reform

Motion by Fletcher that the city council approves resolution 19-16 supporting Metropolitan Council reform. Second by Roy. Motion passed 5-0.

- C. Discuss: Potential Ordinance Establishing an Annual License Requirement for Gas Stations

Motion by Kind to direct staff to write letters to the Georgetown Manor property owner, Greenwood Market property owner, and Greenwood Market business manager stating the city would appreciate them keeping their trash container closed, the enclosure in reasonable repair with the gate closed, and ensure that litter in the area is picked up. The letters also shall state that if the property owner / business manager does not respond to these requests, the city may issue a civil citation. Second by Cook. Motion passed 5-0.

The council consensus was to move section 475.15 regarding garbage and burning to the public and private nuisance section in chapter 9. The ordinance change will be on the 05-04-16 council agenda for a 1st reading.

- D. Discuss: Deephaven Contract Negotiations

No council action taken.

- E. Discuss: Future of Planning Commission

Motion by Fletcher that the city council continues the discussion regarding the future of the planning commission to the 05-04-16 city council meeting and invite planning commission chairman Pat Lucking to meet with the council in a worksession at 6pm before the meeting. Second by Cook. Motion passed 5-0.

9. OTHER BUSINESS

- A. None

10. COUNCIL REPORTS

- A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge, Traffic Committee

No council action taken.

- B. Fletcher: Lake Minnetonka Communications Commission, Fire

No council action taken.

- C. Kind: Police, Administration, Mayors' Meetings, Website

Motion by Fletcher that the city council authorizes public works to weld a metal plate to the center bollard to be installed at the Meadville boat launch during the winter season.

- D. Quam: Roads & Sewers, Minnetonka Community Education, Traffic Committee

No council action taken.

- E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District

No council action taken.

11. ADJOURNMENT

Motion by Roy to adjourn the meeting at 9:55pm. Second by Cook. Motion passed 5-0.

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



MINUTES

Greenwood City Council Worksession

Wednesday, April 6, 2016

20225 Cottagewood Road, Deephaven, MN 55331

1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 6pm.

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

Others Present: Hennepin County Assessors Michael Smerdon, Rob Winge, and Earl Zent

Motion by Roy to approve the agenda. Second by Cook. Motion passed 5-0.

2. PRE-BOARD DISCUSSION WITH ASSESSORS

In preparation for the Local Board of Appeal & Equalization meeting on Wednesday, 04-13-16 at 6pm, the council and Hennepin County Assessors discussed the documents that were included in the worksession packet:

A. 2016 Assessment Memo and Sales Book

Residential on-lake properties had a 7.3% average increase compared to the 2015 assessment

Residential off-lake properties had a 5.3% average increase compared to the 2015 assessment

Condo properties had a 5.5% average increase compared to the 2015 assessment

There are a total of 348 taxable residential parcels in the city with a total market value of \$328,080,000.

This includes \$7,771,000 attributed to new construction.

B. Spreadsheets with Off and On Lake Rates

As requested by the city, the assessors employed a single rate sheet for Main Lake properties and stratified the rates according to lot size.

C. Lake Minnetonka Assessment Growth History

Greenwood is the 3rd highest in assessment growth compared to other Lake Mtna cities for on-lake properties.

Greenwood is the 6th highest (middle) in assessment growth compared to other Lake Mtna cities for off-lake properties.

D. 2014 to 2015 Greenwood Assessment Roll

After reviewing the assessment roll, it is clear that the new Main Lake rates stratified by lot size created bumps in land assessments that will be smoothed out in future assessments.

6 property owners contacted Michael to appeal their valuations. Agreement was achieved for 2 of the properties.

The other 4 property owners will appear on the 4/13 Local Board roster: Fred Badiyan (21750 Byron Circle), Paul Boedecker (21925 Byron Circle), Joe Fronius (5140 Meadville Street), John Musgjerd (5145 Curve Street).

3. ADJOURNMENT

Motion by Roy to adjourn the worksession at 6:50pm. Second by Cook. Motion passed 5-0.

MINUTES

Meeting of the Greenwood City Council Acting as the Local Board of Appeal & Equalization



6pm, Thursday, April 13, 2016
20225 Cottagewood Road, Deephaven, MN 55331

1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 6pm.

Members Present: Mayor Kind; Councilmembers Bill Cook, Tom Fletcher, and Bob Quam

Members Absent: Councilmember Rob Roy

Others Present: Assessors Rob Winge and Michael Smerdon

Motion by Kind to approve the agenda as amended. Second by Quam. Motion passed 4-0.

Mayor Kind explained the appeal process. The Local Board of Appeal & Equalization (LBAE) / City Council will gather information from the property owners and assessor at the 4/13 meeting. Over the next two weeks the assessor will visit each of the properties on the roster. By law the LBAE cannot make a change for a property owner who refuses entry to the assessor. The LBAE will reconvene at 6pm on 4/28 to hear the assessor's recommendations and take final action. Property owners are not required to attend the 4/28 meeting, but are welcome to do so. Property owners will be notified of LBAE action in writing.

2. ASSESSORS' PRESENTATION REGARDING PROPERTIES ON ROSTER

The assessors shared comments regarding the below appeals as each was discussed.

3. ROSTER OF PROPERTY VALUATION APPEALS:

- A. Fred Badiyan, 21750 Byron Circle submitted an appeal directly with the assessor and appeared in person at the LBAE meeting on 4/13. The assessor has viewed the inside of the home. Mr. Badiyan presented photos and a site survey showing that a large part of his property is not usable. He believes that a 12.99% increase for his property is too big of an increase and that the \$1,122,000 total 2016 EMV is too high.
- B. Paul Boedecker, 21925 Byron Circle submitted his appeal directly with the assessor. The assessor has viewed the inside of the home and will bring a recommendation to the LBAE on 4/28.
- C. Joe Fronius, 5140 Meadville Street submitted an appeal directly with the assessor and appeared in person at the LBAE meeting on 4/13 where he distributed a written copy of his appeal. The assessor has viewed the inside of the home. Mr. Fronius disagrees with a \$58,000 increase from a 2015 EMV of \$695,000 to a 2016 EMV of \$753,000. He believes he would have difficulty finding a buyer willing to pay \$695,000 for his small lot with a home that needs lots of improvements.
- D. John Musgjerd, 5145 Curve Street submitted his appeal directly with the assessor. The assessor has not viewed the inside of the home. Unless Mr. Musgjerd schedules a time for the assessor to view the inside of the home, the LBAE cannot take action on 4/28.
- E. Ted Hanna, 4960 Meadville Street submitted his appeal directly with the assessor and in writing to the LBAE. The assessor has viewed the inside of the home. Mr. Hanna disagrees with the increase in his valuation based on what he has seen for small properties on Lake Minnetonka. He believes that a lower \$900,000 range would be more appropriate per the following comparables: 5560 Maple Heights Road, 5260 Meadville Street, 150 Birch Bluff, 485 Lakeview Ave, and 970 Iris Circle.
- F. John Sayer, 20890 Channel Drive submitted an appeal directly with the assessor and appeared in person at the LBAE meeting on 4/13. The assessor has not viewed the inside of the home. Mr. Sayer believes an 11.43% increase to a 2016 EMV of \$624,000 is not reflective of the current market value. He will schedule a time for the assessor to view the inside of his home.

- G. Alan Lizee, 4980 Meadville Street submitted an appeal directly with the assessor and appeared in person at the LBAE meeting on 4/13. The assessor has viewed the inside of the home. Believes the 2016 EMV of \$1,555,000 is too high compared to an independent appraisal of \$1,375,000 from April 2015. The comparable properties used in the appraisal were: 4930 Meadville Street, 5190 Meadville Street, 2651 Woodbridge Rd (Mtka Beach), 2490 Carman (Orono), and 21500 Fairview Street.
- H. Keith Stuessi, 5000 Meadville Street submitted an appeal in writing and in person at the LBAE meeting on 4/13. The assessor has not viewed the inside of the home. Mr. Stuessi expressed general dissatisfaction with the assessment metrics used by the county and stated that he believes he is being penalized for having a small lot. He would like the LBAE and assessor to look at 180 Wildhurst (Tonka Bay) as a comparable. Mr. Stuessi will schedule a time for the assessor to view the inside of his home.
- I. Jean Lewry, 21690 Fairview Street submitted her appeal directly with the assessor. The assessor has viewed the inside of the home and will bring a recommendation to the LBAE on 4/28.

4. RECESS TO THURSDAY, APRIL 28, 2016

**Motion by Kind to recess the meeting at 7:21pm and reconvene at 6pm on Thursday, April 28, 2016.
Second by Cook. Motion carried 4-0.**

Check Issue Date(s): 04/01/2016 - 04/30/2016

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/16	04/12/2016	12509	10	AMERICAN SOLUTIONS FOR BUSINES	101-20100	163.74
04/16	04/12/2016	12510	51	BOLTON & MENK, INC.	602-20100	1,962.00
04/16	04/12/2016	12511	9	CITY OF DEEPHAVEN	101-20100	24,805.45
04/16	04/12/2016	12512	757	CliftonLarsonAllen, LLP	101-20100	600.00
04/16	04/12/2016	12513	315	DOCK & LIFT INC.	605-20100	1,500.00
04/16	04/12/2016	12514	822	ECM PUBLISHERS INC	101-20100	167.25
04/16	04/12/2016	12515	581	EMERY'S TREE SERVICE, INC.	101-20100	140.00
04/16	04/12/2016	12516	52	EXCELSIOR FIRE DISTRICT	101-20100	32,960.44
04/16	04/12/2016	12517	68	GOPHER STATE ONE CALL	602-20100	29.00
04/16	04/12/2016	12518	3	KELLY LAW OFFICES	101-20100	587.50
04/16	04/12/2016	12519	850	KENNEDY, GRAVEN, CHARTERED	101-20100	962.50
04/16	04/12/2016	12520	105	METRO COUNCIL ENVIRO SERVICES	602-20100	3,203.41
04/16	04/12/2016	12521	866	METROPOLITAN COUNCIL	602-20100	2,460.15
04/16	04/12/2016	12522	867	RANDYS ENVIRONMENTAL SERVICES	101-20100	1,628.25
04/16	04/12/2016	12523	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	27,054.58
04/16	04/12/2016	12524	145	XCEL ENERGY	602-20100	558.01
Totals:						<u>98,782.28</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
AMERICAN SOLUTIONS FOR BUSINES					
10	AMERICAN SOLUTIONS FOR BU	INV02522024	ENVELOPES	03/29/2016	163.74
Total AMERICAN SOLUTIONS FOR BUSINES					163.74
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0188792	2016 DEVELOPMENT REVIEW	03/30/2016	448.00
		0188793	2016 MISC ENGINEERING	03/30/2016	30.00
			2016 MISC ENGINEERING		344.00
		0188794	2016 SEWER IMPROVEMENTS	03/30/2016	304.00
		0188795	2016 STREET IMPROVEMENTS	03/30/2016	152.00
			2016 STREET IMPROVEMENTS		684.00
Total BOLTON & MENK, INC.					1,962.00
CITY OF DEEPAHVEN					
9	CITY OF DEEPAHVEN	APRIL 1 2016	Clerk Services	04/01/2016	2,829.60
			ZONING		739.13
			1st Qtr Building Permits		16,636.03
			RENT & EQUIPMENT		487.45
			Postage		191.58
			COPIES		270.40
			SEWER		1,512.80
			SNOW PLOWING/SANDING/SALT		625.66
			STREETS		850.95
			PARK MAINTENANCE		661.85
Total CITY OF DEEPAHVEN					24,805.45
CliftonLarsonAllen, LLP					
757	CliftonLarsonAllen, LLP	1225434	2015 AUDIT	03/31/2016	600.00
Total CliftonLarsonAllen, LLP					600.00
DOCK & LIFT INC.					
315	DOCK & LIFT INC.	28029	INSTALL FLOATING DOCK	03/29/2016	1,500.00
Total DOCK & LIFT INC.					1,500.00
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	327605	LEGAL NOTICE	03/24/2016	40.25
		333752	LEGAL NOTICE	04/07/2016	81.00
		333753	LEGAL NOTICE	04/07/2016	46.00
Total ECM PUBLISHERS INC					167.25
EMERY'S TREE SERVICE, INC.					
581	EMERY'S TREE SERVICE, INC.	20602	TREE MAINTENANCE	03/21/2016	140.00
Total EMERY'S TREE SERVICE, INC.					140.00
EXCELSIOR FIRE DISTRICT					
52	EXCELSIOR FIRE DISTRICT	2ND QTR 2016	2nd Quarter - Buildings	04/01/2016	14,495.80
			2nd Quarter - Operations		18,464.64
Total EXCELSIOR FIRE DISTRICT					32,960.44
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	6030404	Gopher State calls	03/31/2016	29.00

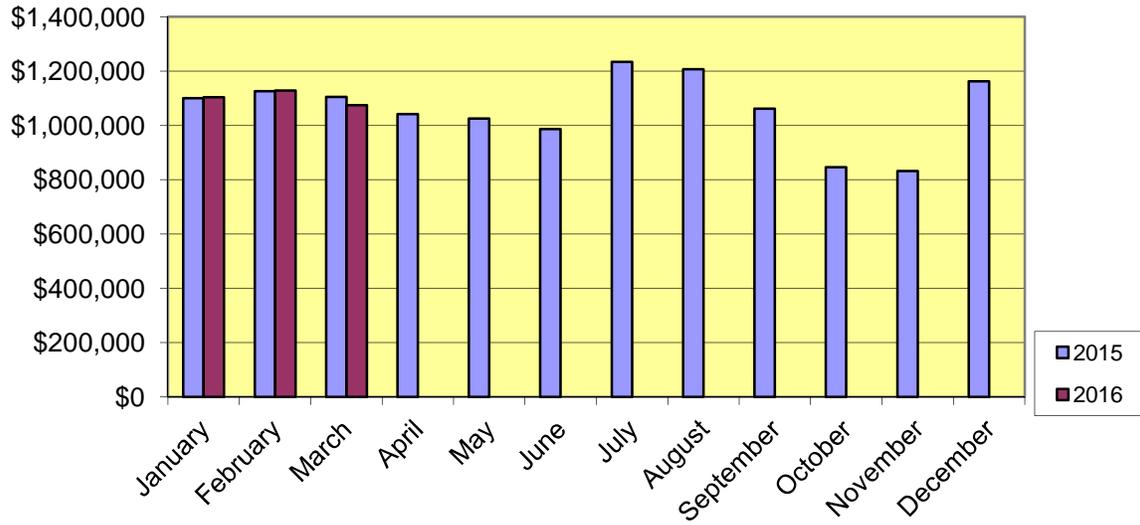
Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total GOPHER STATE ONE CALL				29.00
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	X420	GENERAL LEGAL	04/07/2016	587.50
	Total KELLY LAW OFFICES				587.50
KENNEDY, GRAVEN, CHARTERED					
850	KENNEDY, GRAVEN, CHARTERED	GR625-00003	21200 MTKA BLVD SUBDIVISION	03/21/2016	962.50
	Total KENNEDY, GRAVEN, CHARTERED				962.50
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001053871	Monthly wastewater Charge	04/04/2016	3,203.41
	Total METRO COUNCIL ENVIRO SERVICES				3,203.41
METROPOLITAN COUNCIL					
866	METROPOLITAN COUNCIL	1ST QTR 2016	SAC CHARGES	04/11/2016	2,460.15
	Total METROPOLITAN COUNCIL				2,460.15
RANDYS ENVIRONMENTAL SERVICES					
867	RANDYS ENVIRONMENTAL SER	MARCH 2016	RECYCLING SERVICES	03/19/2016	1,628.25
	Total RANDYS ENVIRONMENTAL SERVICES				1,628.25
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE	1ST QTR 2016	2nd quarter lease	03/01/2016	10,980.00
		APRIL 2016	OPERATING BUDGET	04/01/2016	16,074.58
	Total SO LAKE MINNETONKA POLICE DEPT				27,054.58
XCEL ENERGY					
145	XCEL ENERGY	032516	SIREN	03/25/2016	3.69
			4925 MEADVILLE STREET *		8.72
			Sleepy Hollow Road *		8.68
			LIFT STATION #1		45.18
			LIFT STATION #2		31.15
			LIFT STATION #3		32.80
			LIFT STATION #4		41.23
			Street Lights *		386.56
	Total XCEL ENERGY				558.01

Total Paid: 98,782.28

Total Unpaid: -

Grand Total: 98,782.28

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	\$1,128,257	\$25,060	\$2,262
March	\$1,105,199	\$1,074,726	-\$53,531	-\$30,473
April	\$1,041,296	\$0	-\$1,074,726	-\$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	\$374,872
Bridgewater Bank Checking	\$29,098
Beacon Bank CD	\$408,097
Beacon Bank Money Market	\$258,235
Beacon Bank Checking	\$4,424
<hr/>	
	\$1,074,726

<u>ALLOCATION BY FUND</u>	
General Fund	\$410,659
Special Project Fund	\$0
General Fund Designated for Parks	\$22,685
Bridge Capital Project Fund	\$147,173
Road Improvement Fund	\$50,000
Stormwater Fund	(\$2)
Sewer Enterprise Fund	\$361,591
Marina Enterprise Fund	\$82,620
<hr/>	
	\$1,074,726

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 3/31/16

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10410	Beacon Bank	12/06/15	13 month	01/06/17	0.60%	\$ 61,571.24
101-10407	Beacon Bank	02/04/16	13 month	03/04/17	0.60%	\$ 62,029.05
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%	\$ 80,661.40
101-10409	Beacon Bank	08/05/15	13 month	09/05/16	0.60%	\$ 61,545.47
101-10412	Beacon Bank	10/22/15	13 month	11/22/16	0.60%	\$ 80,730.24
					TOTAL	\$ 408,096.66

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.

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
05/01/16	PC	05/02/16	5021601	COOK, WILLIAM B.	37		001-10100	184.70
05/01/16	PC	05/02/16	5021602	Fletcher, Thomas M	33		001-10100	84.70
05/01/16	PC	05/02/16	5021603	Kind, Debra J.	34		001-10100	277.05
05/01/16	PC	05/02/16	5021604	Quam, Robert	32		001-10100	184.70
05/01/16	PC	05/02/16	5021605	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>



CITY OF GREENWOOD NOTICE

As required by ordinance code section 125, the Greenwood city council appoints city clerk Dana Young as the “responsible authority” for the city.

The responsible authority answers inquiries from the public concerning the provision or dissemination of government data. The responsible authority also is charged with creating an inventory of data that the city maintains.

All data is presumed public data unless specifically determined confidential or private by state or federal law.

Updated May 6, 2016



Agenda Number: 4A

Agenda Date: 05-04-16

Prepared by Deb Kind

Agenda Item: Quarterly Police Update

Summary: Per the city council's request, a representative from the South Lake Minnetonka Police Department attends Greenwood council meetings on a quarterly basis to give the council a brief update regarding police activities in the city and South Lake area. This also is an opportunity for the council to have a discussion with a SLMPD representative regarding police issues and concerns. Quarterly police updates are presented at the February, May, August, and November council meetings.

For the council's reference, police incident reports are emailed to the city council each month.

Council Action: None required.



Agenda Number: 4B

Agenda Date: 05-04-16

Prepared by Deb Kind

Agenda Item: St. Alban's Bay Road Stormwater Drainage Mitigation

Summary: City Engineer Dave Martini will attend the 05-04-16 city council meeting to discuss the St. Alban's Bay Road Stormwater Drainage Mitigation project. Documents from Dave are included in the hard copy of the full council packet and in the online packet at www.greenwoodmn.com.

As of 03-31-16, the Stormwater Fund balance is **-\$2**. As of 03-31-16, the General Fund balance is **\$410,659** – minus the state auditor's recommended fund balance (\$273,705 to \$391,007) = **\$19,652 to \$136,954** "excess." In addition, the Sewer Enterprise Fund balance is \$361,591 – minus \$250,000 goal balance = **\$111,591** "excess." General Fund money and Sewer Enterprise Fund money may be used for any city purpose, so the council could transfer money from either or both of these funds to the Stormwater Fund if desired.

Council Action: No action required. Potential motions ...

1. I move the city council (1) directs the city engineer to secure bids for the St. Alban's Bay Road Stormwater Drainage Mitigation project; (2) directs that the bids be placed on the 06-01-16 city council agenda for approval; (3) authorizes the city treasurer to transfer \$_____ from General Fund Reserves (101-49000-___ Inter Fund Transfer Out) and / or \$_____ from the Sewer Enterprise Fund (602-43200-___ Inter Fund Transfer Out) to the Stormwater Fund (502-344___ Inter Fund Transfer In).
2. Do nothing or other motion.



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172

Phone (952) 448-8838 • Fax (952) 448-8805

www.bolton-menk.com

MEMORANDUM

Date: April 27, 2016
To: City of Greenwood
From: David P. Martini
Subject: St. Alban's Bay Road Drainage

As requested by the City, Bolton & Menk, Inc. has analyzed the drainage patterns on St. Alban's Bay Road between the intersections with Manor Road and Weeks Road in order to review the viability of a potential drainage improvement that will address drainage concerns in the front yard of 5180 St. Alban's Bay Road. During recent years, precipitation intensities have increased, which increases flooding potential during extreme events. Also, the front yards on the west side of St. Alban's Bay Road contain a low spot without an adequate outlet, which contributes to drainage issues at 5180 St. Alban's Bay Road during larger events.

Therefore, Bolton & Menk reviewed the existing hydrologic and hydraulic conditions in the subwatershed and the potential for drainage improvements. Refer to **Exhibit 1** for the watershed boundaries analyzed. The drainage system was modeled using field investigation and the most current State LIDAR topographic mapping. Additionally, Atlas 14 precipitation frequency data was used to simulate the most current typical rainfall events. Final improvement design will need to be supplemented with more detailed survey and revised as necessary to accommodate street grades and alignments. Specifically, the following drainage improvement was analyzed:

Existing Condition

Runoff from approximately 0.8 acres on the west side of the road drains to a low spot in the front yard of 5180 St. Alban's Bay Road. Runoff from 14.3 acres on the east side of the road drains to an existing wetland opposite of the low spot. The watershed consists of residential neighborhood and wooded areas with primarily Type B soils. The front yard low spot overflows along the side of the house and garage at 5180 and drains toward Lake Minnetonka once the depression is full and drains down over time through infiltration. Due to the heavily wooded area and lack of space between the buildings and property line at 5180, installation of an adequate positive surface outlet for this area may not be infeasible. The existing wetland on the east side of the road does not have a surface outlet, but drains down over time through infiltration as well. However, the adjacent structures are located well above the estimated normal water level (+10') and are not impacted by water level bounce in the wetland.

Proposed Improvement

In order to limit the amount of runoff directed to the low spot, bituminous curb could be installed along the west side of St. Alban's Bay Road from Weeks Road to Manor Road, and a catchbasin and storm sewer could be installed at the low point to direct runoff to the existing wetland. By installing these

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



improvements, approximately 12,650 cf of runoff can be redirected from the low spot to the existing wetland during a 100 year event (2,120 cf for a 2 year event and 4,990 for a 10 year event). Following is a table summarizing effects on the existing wetland:

Table 1: Existing Wetland

Storm Event	Existing HWL	Proposed HWL	Change in HWL (ft)
2 Year	970.91	971.00	+0.09
10 Year	972.20	972.36	+0.16
100 Year	975.21	975.50	+0.29

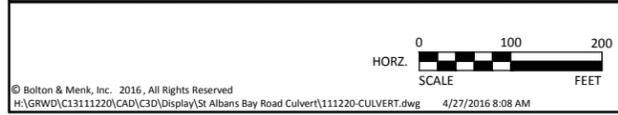
Conclusions:

These improvements would not require any additional temporary or permanent easements and would greatly reduce the amount of runoff directed to the low spot at 5180 St. Alban's Bay Road. The impact on the existing wetland east of the road would be minimal, and since adjacent structures are located well above the normal water level, the existing wetland should be able to easily accommodate the additional runoff. The total estimated cost to construct the proposed improvements is **\$42,960** (see attachments). If the drainage improvements are installed at the same time St. Alban's Bay Road is improved as part of an overall Street and Utility Construction project, it is possible that the estimated cost could be reduced.

CITY OF GREENWOOD**ST. ALBAN'S BAY ROAD DRAINAGE IMPROVEMENTS****ENGINEERS ESTIMATE**

4/27/2016

ITEM NO.	ITEM DESCRIPTION	UNIT	TOTAL EST.	EST. COST	TOTAL COST
1	MOBILIZATION	LS	1	\$ 2,500.00	\$ 2,500.00
2	TRAFFIC CONTROL	LS	1	\$ 1,000.00	\$ 1,000.00
3	CLEARING AND GRUBBING	LS	1	\$ 1,000.00	\$ 1,000.00
4	SAW-CUT BITUMINOUS PAVEMENT	LF	48	\$ 10.00	\$ 480.00
5	REMOVE BITUMINOUS	SY	53	\$ 7.00	\$ 371.00
6	BITUMINOUS PATCH	SY	53	\$ 100.00	\$ 5,300.00
7	BITUMINOUS CURB	LF	1,022	\$ 10.00	\$ 10,220.00
8	CATCHBASIN	EA	1	\$ 1,500.00	\$ 1,500.00
9	12" RCP	LF	60	\$ 50.00	\$ 3,000.00
10	12" RC APRON W/ TRASHGUARD	EA	1	\$ 800.00	\$ 800.00
11	RIPRAP, CL. 3	CY	4	\$ 150.00	\$ 600.00
12	EROSION CONTROL	LS	1	\$ 1,000.00	\$ 1,000.00
13	SOD, TYPE LAWN	SY	454	\$ 5.00	\$ 2,270.00
	CONSTRUCTION COST				\$ 30,041.00
	CONTINGENCY (10%)				\$ 3,004.10
	SUBTOTAL				\$ 33,045.10
	ADMINISTRATION, ENGINEERING, SURVEYING, & INSPECTION (30%)				\$ 9,913.53
	TOTAL PROJECT COST				\$ 42,958.63



BOLTON & MENK, INC.
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 2638 SHADOW LANE, SUITE 200 - CHASKA, MINNESOTA 55318
 Phone: (952)-448-8838 Email: Chaska@bolton-menk.com
 www.bolton-menk.com

REV	ISSUED FOR	DATE
?	?	?

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

ENGINEER NAME _____ DATE XX/XX/XXXX
 LIC. NO. XXXXX

DESIGNED	XXX
DRAWN	XXX
CHECKED	XXX

CITY OF GREENWOOD, MINNESOTA
 ST. ALBANS BAY ROAD
 2016 DRAINAGE IMPROVEMENTS



Agenda Number: **6A**

Agenda Date: **05-04-16**

Prepared by Dale Cooney, Zoning Administrator

Agenda Item: First reading of Ordinance No. 255: Amending Section 1140.80 Regarding Construction-Related Tree Cutting and Tree Preservation Plan Requirements

Summary: The original amendments to this ordinance were proposed by Planning Commission Chairman Pat Lucking. The existing tree preservation plan requirements allow applicants to get credit for noxious trees, and non-significant trees (outside of the shore impact zone or bluff impact zone), both of which can later be removed without limitation by the property owner. Thus, an applicant for construction-related tree removal permit can receive credit for trees which could ultimately be removed anyways.

Staff has revised the ordinance to reflect only those trees currently regulated by the city. Thus, only significant, non-noxious trees, and all non-noxious trees within the shore impact zone and bluff impact zone would be counted in a tree preservation plan.

Additionally, staff is proposing to remove the language requiring that subdivision applications include a tree preservation plan as part of the application materials. Apart from the added costs to an applicant, a subdivision proposal is not required to show the location of a house or a building pad. Because of this, a tree preservation plan at the time of subdivision would not allow the city to determine whether or not a proposal would exceed the tree removal limit. Currently, the Subdivision Chapter 6 requirements include showing "wooded areas" and the design standard for lots say that *"In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development."*

The same Design Standards section reads that *"No simple subdivision, or full plat subdivision, shall be approved by the city council except on condition that: A. All "Significant Trees"; and B. All trees to be cut down in excess of the maximum permitted under section 1140.80 for construction-related tree cutting permits shall be replaced in accordance with the tree replacement schedule in section 1140.80."* Staff interprets this to mean that a subdivision could not be denied based on tree removal, but rather tree replacement be a condition of approval.

Staff believes that the above requirements, which do not require a full tree inventory at time of application, are adequate to determine the general viability of the property for subdivision purposes.

Planning Commission Action: The planning commission held a public hearing of the draft ordinance at their April 20th meeting. The planning commission raised several issues at the meeting:

- The planning commission feels that there is a significant gap in the current tree ordinance in that there are no protections for non-significant trees outside of the bluff and shoreland impact zones. For example, a non-shoreland parcel could host dozens of 9 inch diameter oak trees, and the lot could be clear cut without limitation and without required tree replacement. In the opinion of the planning commission, the intent of the original tree ordinance was to provide some protection for these trees.
- The planning commission feels that the Annual Permitted Tree Harvest is too generous. They were concerned that allowing two healthy, significant trees to be removed per year was problematic. A property with ten healthy, significant trees could essentially be clear cut within 5 years' time. A property owner maximizing both the Annual Permitted Tree Harvest and the Permit to Exceed Property Owner Annual Permitted Tree Harvest could remove as many as 18 significant trees within 6 years.
- The planning commission agreed that it was reasonable to not require a tree preservation plan at initial application, but felt that such a plan should be presented at some point in the process. The consensus was to make a tree preservation plan a requirement at the final plat stage of any subdivision. (An amendment to Chapter 6 would be required.)

The planning commission voted to table a recommendation on the ordinance amendment until their May 17 meeting. The planning commission also voted to pass the ordinance along, as written, to the city council and requested the city council's input on the issues raised above.

Timeline:

- ~~03-16-16 Review of draft ordinance by city council.~~
- ~~04-06-16 Review of draft ordinance by city council.~~
- ~~04-07-16 Public hearing notice published in the Sun-Sailor.~~
- ~~04-20-16 Planning commission holds public hearing and makes a recommendation to the city council.~~
- 05-04-16 City council considers 1st reading of the ordinance (may make revisions/may waive 2nd reading).
- 05-05-16 If 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 05-12-16 If 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 06-01-16 City council considers 2nd reading of the ordinance (may make revisions).
- 06-02-16 The ordinance is submitted to the Sun-Sailor for publication.
- 06-09-16 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 direct staff to include the following changes to Ordinance No. 255:

I further move that the city council direct the planning commission to review the proposed changes to Ordinance No. 255 and make a recommendation at their May 17 meeting.

2. I move that the city council adopt Ordinance No. 255: An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Greenwood Code Chapter 1100 Regarding Construction-Related Tree Cutting and Tree Preservation Plan Requirements, as written.
3. I move that the city council adopt Ordinance No. 255: An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Greenwood Code Chapter 1100 Regarding Construction-Related Tree Cutting and Tree Preservation Plan Requirements, as amended.
4. I move that the city council waives the 2nd reading of Ordinance No. 255.
5. I move that the city council maintains the current ordinance regulations.

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. 255

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE CODE CHAPTER 11 REGARDING LIMITATIONS ON CONSTRUCTION-RELATED TREE CUTTING AND TREE PRESERVATION PLAN REQUIREMENTS

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

SECTION 1.

Greenwood ordinance code section 1140.80, Subd. 2. is amended to read as follows:

"Subd. 2. General.

A. *Tree or Trees* as used herein includes:

- (1) A coniferous / evergreen tree, being a woody plant of at least 6 feet in height which at maturity is at least 12 feet or more in height, having foliage at the outermost portion of the branches year round; or
- (2) A deciduous tree, either hardwood or softwood, being a woody plant with a trunk of 3" diameter (9" circumference) or greater for hardwood, or 4" diameter (13" circumference) or greater for softwood, and which at maturity is at least 15 feet or more in height, having a defined crown and which loses leaves annually. The trunk diameter shall be measured at 48" above grade or at the top of the remaining stump if already cut or harvested.

B. *Hardwood Deciduous Tree* examples are ash, birch, catalpa, elm, hickory, ironwood, maple (hard), oak, and walnut.

C. *Softwood Deciduous Tree* examples are cottonwood, poplars, aspen, silver maple, basswood and willow.

D. *Significant Tree* is a healthy tree, measuring a minimum of 10" in diameter (31" circumference) or greater for hardwood deciduous trees, 14" in diameter (44" circumference) or greater for softwood deciduous trees, or 12" in diameter (38" circumference) or greater for conifer / evergreen trees. The trunk diameter of significant trees shall be measured at 48" above grade or at the top of the remaining stump if already cut or harvested.

E. *Noxious Trees are Buckthorn, Sumac, Box Elder, Siberia Elm, Green Ash, and Prickly Ash.*

~~EE.~~ *A Tree Preservation Plan* is a listing / survey by location, type, size, and approximate height of all trees on a parcel of land with accompanying illustration showing all trees 3" in trunk diameter for hardwood, 4" in trunk diameter for softwood and conifer / evergreens 6 feet or taller in height together with a written plan to protect same from harm.

FG. *Intentional Harm* to a tree shall include the cutting, poisoning, damaging, killing, or causing of disease or other act intended to damage, disease, or kill a tree.

SECTION 2.

Greenwood ordinance code section 1140.80, Subd. 5. is amended to read as follows:

"Subd. 5. Construction-Related Tree Cutting Permits. If the improvement of property necessitates the removal of trees for construction purposes, property owners and / or developers subsequent to issuance of a valid building permit may cut trees from a specific property in accordance with the following provisions and limitations and conditions attached to such building permit:

A. The property owner / developer shall be limited to the property owner's annual permitted tree harvest of 2 significant trees in any given calendar year for construction related tree cutting / harvesting, unless a permit under this subdivision is issued based upon a tree preservation plan prepared by the applicant and submitted to the attention of the building official in conjunction with a building permit application. The building permit application or a zoning code review shall not be considered complete unless and until a tree preservation plan has been submitted by the property owner, developer, or its agent.

B. Limitations on Construction-Related Tree Cutting.

(1) The city building official and / or the zoning administrator may impose restrictions on construction-related tree trimming or cutting:

- (a) On a given property so as to preserve trees that would not otherwise need to be cut or harvested to permit access, grading, and construction-related activities;
- (b) Of "significant trees" so as to preserve and protect same in the course of construction; and

(c) Significant trees lost in the course of access, grading, and construction-related activities be replaced in accordance with the tree replacement schedule per subdivision 8.

C. *Construction-Related Tree Cutting / Trimming Permit Types.* The following construction-related tree cutting / trimming permits may be issued by the city:

(1) *Home Addition / Accessory Structure Construction.* In conjunction with an approved building permit to accommodate the expansion of an existing residence and / or the construction of an otherwise code permitted accessory structure, a property owner / developer may cut or remove up to 10% of the ~~total~~ trees on a property previously identified on a submitted tree preservation plan.

(2) *New Home Construction / General Property Development.* In conjunction with an approved building permit for a new home construction and / or the razing of an existing home and the construction of a new home thereat, a property owner / developer may cut or remove up to 20% of the ~~total~~ trees on a property identified on a submitted tree preservation plan.

D. *Variance.* In the event planned construction activity would necessitate the cutting of more than 10% of existing identified tree stock in conjunction with a home addition or accessory structure construction, or more than 20% of existing identified tree stock in conjunction with a new home development or general development, a variance pursuant to section 1155 must be first obtained. The variance, if approved, shall be conditioned upon the planting of replacement trees in accordance with the tree replacement schedules of this code."

SECTION 3.

Greenwood ordinance code section 1140.80, Subd. 6. is amended to read as follows:

"Subd. 6. New Construction / Redevelopment Tree Preservation Plan Requirements. A property owner desiring to build a new home, or redevelop existing property for residential or commercial purposes, shall prepare and submit to the city a tree preservation plan in conjunction with a ~~subdivision application or~~ building permit application. Such tree preservation plan shall include the following:

A. A map (scale not less than 1" to 30') designating all existing structures, roads, utilities, driveways, and illustrating by species:

(1) All deciduous trees, excluding noxious trees, on the property greater than (a) 3 inches in diameter for hardwood trees, and (b) 4 inches in diameter for softwood trees, (measured at 48" above grade) within the shore impact zone and within a bluff impact zone; and

(2) All coniferous trees greater than 6 feet in height within the shore impact zone and within a bluff impact zone; and

(3) All significant trees, excluding noxious trees.

B. A written narrative describing specific activities proposed for the property and the trees that will be affected by the proposed development.

C. A written inventory of all trees by type, size, and species that would be at risk or will be lost to grading and construction activities.

D. A separate inventory and description of "significant trees."

The tree preservation plan shall be prepared by a licensed land surveyor, civil engineer, arborist, landscape architect, or other person whose credentials are deemed acceptable by the city zoning administrator."

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



Agenda Number: 7A

Agenda Date: 05-04-16

Prepared by Deb Kind

Agenda Item: Consider Installing Greenwood Park Basketball Wall Pads

Summary: At the 04-06-16 meeting, the council reviewed Greenwood Park neighbor Kristi Conrad's request that the city install wall pads on the chain link fence under the basketball hoops at the park because the hoops are installed through the fence and there is limited room for people doing layups. She is concerned about potential injuries.

4' wide by 8' high and 2" thick outdoor wall padding for chain link fencing costs \$384.65 per pad x 2 pads under each basketball hoop = a total cost of \$1,538.60. The cost for public works to install the pads is approximately \$200. The total cost for pads and installation would be approximately \$1,800.

At the 04-06-16 meeting, the council decided to "continue" the discussion to the 05-04-16 meeting to give the council time to view the site.

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

1. I move that the city council authorizes the installation of wall pads at the Greenwood Park basketball court in an amount not to exceed \$_____.
2. Do nothing or other motion.



Agenda Number: 7B

Agenda Date: 05-04-16

Prepared by Deb Kind

Agenda Item: Discuss Future of Planning Commission

Summary: See the worksession memo. Below is the timeline that would be followed if the council decides to move forward with discontinuing the planning commission.

Timeline:

- 06-01-16 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 06-02-16 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 06-09-16 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 07-06-16 City council considers 2nd reading of the ordinance (may make revisions).
- 07-07-16 The ordinance is submitted to the Sun-Sailor for publication.
- 07-14-16 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 directs that a draft of an ordinance discontinuing the planning commission be placed on the 06-02-16 city council agenda for a 1st reading.
2. Do nothing or other motion.

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. 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.



Agenda Number: 8A

Agenda Date: 05-04-16

Prepared by Deb Kind

Agenda Item: Consider Res 20-16, Ethics Policy

Summary: At the 03-02-16 city council meeting, Woods Court resident John Rauth spoke regarding the 21200 Minnetonka Blvd simple subdivision request. He also suggested that the city council consider adopting a code of conduct or ethics policy. At the 04-06-16 city council meeting, Woods Court resident Rob Bohnenkamp spoke to remind the council of Mr. Rauth's request. At the 04-06-16 meeting, Mayor Kind stated that she found model language on the League of Minnesota website that will be used to draft a resolution for the council to consider at the 05-04-16 city council meeting. A copy of the resolution is attached.

A 04-07-16 letter from John Rauth is included in the hard copy of the full council packet and in the electronic version available at www.greenwoodmn.com.

Council Action: None required. Potential motions ...

1. I move the city council approves resolution 20-16 regarding an Ethics Policy as written (with the following revisions: _____).
2. Do nothing or other motion ???

4910 Woods Court
Greenwood, MN 55331

April 7, 2016

Mayor Deb Kind
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331

RE: Follow up to suggestion for the City of Greenwood to explore a formal Code of Conduct

Dear Mayor Kind:

It was a pleasure to learn from a neighbor in attendance at the City Council meeting yesterday that the topic of a "Code of Conduct" or "Code of Ethics" will be on the City Council agenda in May. With that in mind I wanted to elaborate on my suggestion at the March 2, 2016 Council meeting that the City explore the possibility of adopting a formal "Code of Conduct" or "Code of Ethics". There are likely many different occasions when potential conflict issues arise throughout any given year. Some conflict issues have occurred recently. I hope to see a better and more transparent process going forward. On matters like this the City representatives are largely self-policing. All City representatives (whether a City Council member, City employee, or part-time or contract individual) should be concerned about avoiding even an appearance of impropriety.

Adopting such a code would help our City. As I mentioned at the March meeting I believe that such a code would help define and guide ethical obligations to the Council, other staff, and the general public. A formal Code of Conduct would help provide clarity and guidance for all City representatives and help instill a greater degree of public confidence in the system.

Where does the City Council want to set the bar for our City's ethical expectations?

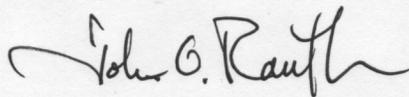
Now that the topic of a "Code of Conduct" or "Code of Ethics" will be on the May agenda I urge the Council not to rush to adopt some basic template code in order to placate some "squeaking residents", myself included, but rather to take the time for serious research and discussion on the topic. In this situation "doing it right" is more important than simply doing something fast. Basic template codes should only serve as a starting point for discussion. As a League of Minnesota Cities Information Memo relating to conflict of interest states, "Ethical expectations can be difficult to convey. In addition, the conflict of interest (or "ethics") laws are scattered throughout many statutes and court cases, making them difficult to find and hard to interpret. As a result, some cities have developed and adopted their own policies on ethics and conflict of interest." This process can take time to be done properly. I also respectfully suggest it would be prudent and beneficial to have an independent attorney with expertise

on such matters advise the City of Greenwood on a future Code of Ethics. The process will likely involve consideration and determination of a number of specific standards of conduct, how and when conflicts of interest should be raised, methods for dealing with infractions or alleged violations of the standards of conduct, as well as to whom the code applies. The scope of individuals with responsibility to abide by the code should, at a minimum (at least in my view), include all official City leadership representatives, including but not limited to all members of the City Council, all members of any City Board or Commission, department heads, and the City Attorney. These are the primary positions of authority and/or influence upon decisions regarding City business in Greenwood.

It is my hope the City will pursue a "best practices" approach which ultimately results in a Code of Ethics that benchmarks well above the average.

Thank you for your consideration, and again I offer my thanks to the entire City Council for all of your service.

Sincerely,

A handwritten signature in cursive script that reads "John G. Rauth". The signature is written in dark ink and is positioned above the printed name.

John G. Rauth

**City of Greenwood
Resolution 20-16**



Ethics Policy

WHEREAS, the city council of the city of Greenwood has determined that an Ethics Policy for its members, as well as the members of the various boards, commissions, staff, and contract staff of the city of Greenwood is important for the public affairs of the city. By seeking to eliminate conflicts of interest and providing standards for conduct in city matters, the city council hopes to contribute to the faith and confidence of the citizens of Greenwood in their government.

NOW THEREFORE, no member of the city council, city board, commission, staff, or contract staff may knowingly:

- A. Violate the open meeting law.
- B. Vote on a matter that affects the person’s financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- C. Use the person’s public position to secure special privileges or exemptions for the person or for others.
- D. Use the person’s public position to solicit personal gifts or favors.
- E. Use the person’s public position for personal gain.
- F. Except as specifically permitted pursuant to MN statute 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person’s performance of official action, or be intended as a reward for the person’s official action.
- G. Disclose to the public, or use for the person’s or another person’s personal gain, information that was gained by reason of the person’s public position if the information was not public data or was discussed at a closed session of the city council.
- H. Disclose information that was received, discussed, or decided in conference with the city’s legal counsel that is protected by the attorney-client privilege unless a majority of the city council has authorized the disclosure.

Except as prohibited by the provisions of MN statute 471.87, there is no violation of paragraph B of this policy for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from voting on the matter. Nothing herein shall be construed to prohibit a contract with a member of the city council under the circumstances described under MN statute 471.88, if proper statutory procedures are followed.

Any person may file a written complaint with the city clerk alleging a violation of this policy. The complaint must contain supporting facts for the allegation. The city council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the city council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of this policy rise to the level of a legally-recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The city council’s determination must be made within 60 days of the filing of the allegation with the city clerk. If the council finds that a violation of the policy has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office. The city council will appoint an outside attorney for advice if the ethics complaint includes the city attorney.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood hereby approves this Ethics Policy.

ADOPTED 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



Agenda Number: 8B

Agenda Date: 05-04-16

Prepared by Deb Kind

Agenda Item: Consider Installing Duck Crossing Sign on Fairview Street

Summary: Fairview Street resident Marilyn Thacker submitted a petition requesting the city council approve the installation of back-to-back duck crossing signs on the Greenwood Park side of Fairview Street. The petition was signed by people representing 7 households in the area. The petition cited the example of the snapper crossing signs installed on Minnetonka Blvd, which are 30" x 30" diamond-shaped signs that were custom made by the city's sign supplier Advantage Signs in St. Paul for \$159.80 including shipping for two signs that were installed back-to-back. The cost for Oz-post installation was approximately \$150. The petition included an example of a 9" x 12" duck crossing sign from www.roadtrafficsigns.com that would cost \$49.25 for two signs including shipping (approx \$200 including installation). Two 30 x 30 diamond duck crossing signs at www.roadtrafficsigns.com would cost \$138.43 including shipping (approx \$290 including installation). The Advantage Signs' website does not have a standard duck crossing sign.

The cost of the snapper signs and installation was paid by private donations.

The petition and example of the 9 x 12 duck sign are included in the hard copy of the full council packet and in the electronic version available at www.greenwoodmn.com.

Council Action: None required. Potential motions ...

1. I move the city council approves the installation of 2 back-to-back duck crossing signs size ___ x ___ to be located on the Greenwood Park side of Fairview Street.
2. I move the city council approves the installation of 2 back-to-back duck crossing signs size ___ x ___ to be located on the Greenwood Park side of Fairview Street after the city receives \$_____ in private donations.
3. Do nothing or other motion ???



Request for signage

1 message

thack002 University of Minnesota <thack002@umn.edu>
To: thack002 University of Minnesota <thack002@umn.edu>

Sat, Apr 2, 2016 at 12:55 PM

April 2, 2016

To: Mayor Deborah Kind and the City Council members,

One of the great pleasures of living in Greenwood is the opportunity to enjoy all the wild life in the area; Mallards, Wood Ducks, Geese, Cardinals, Red Winged Blackbirds, Hummingbirds, Orioles to name only a few. Soon the ducks will nest and we will see the young ducklings in the area. The Mallard and Wood Duck families cross Fairview from the marsh to the small pond in Greenwood Park several times a day--an adult female trailed by a string of little ducklings.

Traffic, both car and truck, and the speed of some drivers in the area has increased during recent years.

We request that a sign similar to the one attached be placed on Fairview on the park side of the road.

As an example of such signage in Greenwood, I would point out the "Turtle Crossing" sign on Minnetonka Blvd near Lake William. Two signs, back to back on one post display the message.

Thank you for your consideration to this request.

We/I support this request.

Name and address:

- Mandy Anderson* 2915 Fairview St
- Shirley J. Johnson* 21895 Fairview St.
- Karen Balshew*
- Val Stuessi* 5000 Meadville
- Jim Allen* 5070 Covington
- Sean Conrad* 21780 Fairview St.
- Paul Carl* 21780 Fairview St.
- Jon & Sue Kelly* 5060 COVINGTON ST
- Jan Peters* 21895 Fairview St
- Renne Holt* 21885 Fairview St.
- Heather* 21885 Fairview St

LawnBoss™ Sign & Stake Kit: Slow - Duck Crossing (With Graphic)



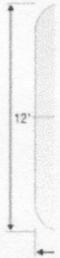
(<http://images.roadtrafficsigns.com/img/la/K/Slow-Duck-Crossing-Lawnboss-Sign-K-9717.gif>)

Zoom
(<http://images.roadtrafficsigns.com/img/la/K/Slow-Duck-Crossing-Lawnboss-Sign-K-9717.gif>)

Part#	K-9717
Color	Black On Yellow
Shape	Vertical

This duck crossing sign helps you protect the wildlife in your area. Graphics and text send a clear message to all vehicles: slow down.

- Graphics convey a message along with bold text.
- Protect the critters in your area.



Price List

Material	Size	Outdoor Life	Chemical Resistance	Maximum Temp. (°F)	Holes	Quantity / Price (Per Sign)					
						1	2	3	5	20	40
▸ Rigid Signs											
Aluminum Sign with Stake	9" x 12"			168°F		\$17.47	\$17.47	\$17.27	\$17.07	\$16.87	\$16.7
SmartShield™ POF Laminate for 9" x 12" Sign - Protects your sign against Fading, Vandalism and Graffiti									\$11.95 for 1 Laminate		

Package: 1 Sign

Similar Products

Forget something? Check out a few more signs, labels, or accessories. Browse our designs below for details on available signs:



(</slow-duck-crossing-with-graphic-sign/sku-k-9718>)



(</slow-wildlife-crossing-sign/sku-k-0759>)



(</Crossing-Sign/Duck-Symbol/SKU-K-7201.aspx>)

Popular department(s) related to this product




(</road-traffic-signs/duck-crossing-signs>)

Duck Crossing Signs (</road-traffic-signs/duck-crossing-signs>)

Contact Us (<http://www.roadtrafficsigns.com/RT/customer-service.aspx>) About Us (<http://www.roadtrafficsigns.com/aboutus.aspx>)
 FAQs (<http://www.roadtrafficsigns.com/road-signs-faq.aspx>) Traffic Sign History (<http://www.roadtrafficsigns.com/articles>)
 Free Traffic Signs (<http://www.roadtrafficsigns.com/free-traffic-signs>) Free Quizzes (<http://www.roadtrafficsigns.com/traffic-sign-quiz.aspx>)
 Terms (<http://www.roadtrafficsigns.com/RT/terms.aspx>) Reviews (<http://www.roadtrafficsigns.com/road-signs-customer-reviews.aspx>)
 Products (<http://www.roadtrafficsigns.com/road-signs-products.aspx>) Videos (<http://www.roadtrafficsigns.com/road-traffic-signs-videos>) Blog (<http://www.roadtrafficsigns.com/blog>)
 Visitor I

(<http://www.bbb.org/new-york-city/business-reviews/signs/smartsign-in>)

Order online 24 hours a day using secure Google and PayPal checkout. Pay by:



Agenda Number: **8C**

Agenda Date: **05-04-16**

Prepared by *Deb Kind*

Agenda Item: Ord 256, Vehicles "For Sale" at Gas Stations and Garbage Regulations

Summary: At the 04-06-16 city council meeting, the council approved the following motion:

Motion by Kind to direct staff to write letters to the Georgetown Manor property owner, Greenwood Market property owner, and Greenwood Market business manager stating the city would appreciate them keeping their trash container closed, the enclosure in reasonable repair with the gate closed, and ensure that litter in the area is picked up. The letters also shall state that if the property owner / business manager does not respond to these requests, the city may issue a civil citation. Second by Cook. Motion passed 5-0.

Copies of the letters are included in the hard copy of the full council packet and online at www.greenwoodmn.com.

By consensus the council also directed that an ordinance update regarding garbage be included on the 05-04-16 council agenda. While drafting the ordinance, it was discovered that the city already has a Gasoline Service Stations and Auto Repair Shops ordinance (section 420) and that simple changes could be made to that section of the code as well as revisions to the Garbage and Burning ordinance (section 475). In addition, since the 04-06-16 council meeting, a concern regarding vehicles "For Sale" at Greenwood Market has been raised. So the attached ordinance also addresses that concern.

Timeline:

05-04-16 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).

05-05-16 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.

05-12-16 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).

06-01-16 City council considers 2nd reading of the ordinance (may make revisions).

06-02-16 The ordinance is submitted to the Sun-Sailor for publication.

06-09-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

City Council Action: No council action is required. Potential motions ...

1. I move the city council approves ordinance 256 as written (with the following revisions: _____).
2. I move the city council waives the 2nd reading of ordinance 256.
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.



April 14, 2016

Akshay Patel
Greenwood Market
21380 State Hwy No 7
Greenwood, MN 55331

Morgan V LLC
34321 Myrtle Lane
Union City, CA 94587

To Property Owner and Business Manager:

In order to keep the City of Greenwood pleasant for both residents and visitors alike, the city is requesting the following items be addressed:

- The Greenwood Market trash container be kept closed, the enclosure is kept in reasonable repair with the gate closed, and ensure that litter in the area is picked up.
- The car with a "for sale" sign must be removed from the premises.

The city has alerted the business manager to these issues in the past, and would like to see ongoing compliance with these issues rather than regularly pursuing enforcement action. If the property owner/business manager does not respond to these requests by May 2nd, the city may issue a civil citation.

The City of Greenwood appreciates your support and cooperation in this matter. Feel free to contact me anytime with any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Cooney".

Dale Cooney
Zoning Administrator

Cc: File



April 14, 2016

G.V. Management, LLC
2719 43rd St. West #A
Minneapolis, MN 55410

Property Manager
Georgetown Manor
5205 Greenwood Circle
Greenwood, MN 55331

To Property Owner and Property Manager:

In order to keep the City of Greenwood pleasant for both residents and visitors alike, the city is requesting the following items be addressed:

- The Georgetown Manor trash container be kept closed, and ensure that litter in the area is picked up.

The city has alerted the property owner to these issues in the past, and would like to see ongoing compliance with these issues rather than regularly pursuing enforcement action. If the property owner/property manager does not respond to these requests by May 2nd, the city may issue a civil citation.

The City of Greenwood appreciates your support and cooperation in this matter. Feel free to contact me anytime with any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Cooney", written over a horizontal line.

Dale Cooney
Zoning Administrator

Cc: File

~~Strikethrough text~~ = deleted text Underlined text = new text

ORDINANCE NO. 256

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 420 GASOLINE SERVICE STATIONS AND
AUTO REPAIR SHOPS AND GREENWOOD ORDINANCE CODE SECTION 475 GARBAGE AND BURNING**

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

SECTION 1.

Greenwood Gasoline Service Stations and Auto Repair Shops ordinance code section 420 subsection 420.20 is amended to read as follows:

"Section 420.20. Regulations.

Storage of junked or partly dismantled ~~automobiles~~ vehicles, or the parts thereof, except in an appropriate building ~~for more than 5 days~~ is prohibited. Parking of vehicles "For Sale" for more than one hour on the premises is prohibited. Discarded oil cans and debris shall be kept in appropriate containers. Daily the property shall be physically inspected and kept free of debris and litter."

SECTION 2.

Greenwood Garbage and Burning ordinance code section 475 subsection 475.15 subd. 2 is amended to read as follows:

"Subd. 2. All refuse on any premises shall be stored in the containers hereinabove required with the lids kept fully closed, except if the same may be immediately consumed or disposed of on said premises in an approved incinerator."

SECTION 3.

Greenwood Garbage and Burning ordinance code section 475 subsection 475.15 subd. 3 is amended to read as follows:

~~"Subd. 3. Refuse containers shall be kept near or at the rear door of the building using the same, where feasible, or at the rear of the property if there is an alley, and all such refuse containers shall be kept accessible to the collector at all reasonable times, or on the day designated for collection. Such containers shall not unreasonably interfere with the use of adjoining property, shall not be placed in such a manner as to permit the entry or harboring of animals or insects or so maintained as to be readily tipped over, and containers shall be maintained in a reasonably clean condition at all times.~~

Subd. 3. Refuse containers shall be kept within or adjacent to a building using the same. If they are kept adjacent to a building, they shall be screened from all neighboring properties and public street rights-of-way. Screening shall be properly maintained so as not to become unsightly, hazardous, or lose its opaqueness. Refuse containers and their screening shall not interfere with the use of adjoining properties, shall not be placed in such a manner as to permit the entry or harboring of animals or insects or so maintained as to be readily tipped over. Refuse containers and the area where they are kept shall be maintained and kept in a reasonably clean condition and the adjacent area shall be kept free of debris and litter at all times.

Residential and commercial properties with 96-gallon or smaller refuse containers and weekly collections may, but are not required to, place refuse containers adjacent to the adjoining public street and off the traveled portion of the public street, but not earlier than 12 hours prior to the day scheduled for collection. Within 12 hours after the scheduled collection, the containers and any material not collected shall be removed from adjacent of traveled portion of the public street and returned to the location where they are normally kept."

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



Agenda Number: 8D

Agenda Date: 05-04-16

Prepared by Deb Kind

Agenda Item: Consider Installing Boulders on Right-Of-Way by Lakeshore Market

Summary: In 2009 the city placed sod and shrubs in the public right-of-way (ROW) adjacent to Lakeshore Market (now Greenwood Market) to enhance the aesthetics of one of the main entrances to the city. Since then, the shrubs died and the area has been used for vehicle parking. To make it more difficult to access the area, large boulders could be placed in the ROW on the "grassy" area adjacent to the driveway. In 2012, staff secured two estimates to install four 3-foot diameter boulders. The lowest estimate was \$300 from Cornerstone Industries (the city's sign installer). In 2012, the council decided to not do the project. If the council is interested in doing the project in 2016, Cornerstone's price would be \$350.

Council Action: None required. Possible motions ...

1. I move the council authorizes Cornerstone Industries to install four 3-foot diameter boulders in the right-of-way along the Greenwood Market driveway.
2. Do nothing or other motion.



Agenda Number: 8E

Agenda Date: 05-04-16

Prepared by Deb Kind

Agenda Item: Consider Installing Boulders on Right-Of-Way by Lakeshore Market

Summary: The city docks on St. Alban's Bay have not been lit since the current owner bought the adjacent apartment building and disconnected the electricity to the docks. Councilman Cook is wondering if the city council is interested in relighting the docks with solar lights. If so, the estimated cost for solar lights is \$220 including sales tax for 40 lights, which would light the fingers with 2 lights each and the main walkway with lights every 20 feet. The cost to install the lights is approximately \$200.

Council Action: None required. Possible motions ...

1. I move the council authorizes the installation of solar lights at the city docks on St. Alban's Bay with the cost to be paid from the Marina Fund.
2. Do nothing or other motion.



Agenda Number: 8F

Agenda Date: 05-06-15

Prepared by Deb Kind

Agenda Item: Annual July 4th Celebration Contribution

Summary: Each May the city council approves a contribution for the Excelsior - Lake Minnetonka Chamber of Commerce July 4th Celebration Fund. The city's 2016 budget includes \$1,500 for the city's annual July 4th contribution.

Council Action: This expenditure must be authorized by the council. Possible motions ...

1. I move the council directs the city treasurer to disburse a check in the amount of \$1,500 to the Excelsior - Lake Minnetonka Chamber of Commerce for the 2016 July 4th Celebration Fund.
2. Other motion ???



Agenda Number: 8G

Agenda Date: 05-06-15

Prepared by Deb Kind

Agenda Item: E-Pollbooks Agreement with Hennepin County

Summary: Attached is an agreement regarding E-Pollbooks provided by Hennepin County. The county provided the below information regarding the agreement:

1. Page 1 blank: Gives authority to modify the quantity or definition of the election equipment. This portion does not need to be filled out, but many cities will opt to delegate this authority to the city clerk.
2. Page 3 blank: This is for the city to list any governing provisions that are relevant to this agreement. Minnesota statutes chapter 466 is possibly the governing provision for your city but this could also be a section to list the city charter, if relevant.
3. Hennepin County will not be charging maintenance for the E-Pollbooks.
4. The E-pollbooks come with hotspots which will be used in the polling place to connect the E-Pollbooks to the management system and each other.

Council Action: This agreement must be approved by the council. Possible motions ...

1. I move the council authorizes the mayor to sign the E-Pollbooks agreement with Hennepin County and directs the city clerk to complete the blanks as appropriate.
2. Other motion ???

AGREEMENT

THIS AGREEMENT, made by and between the COUNTY OF HENNEPIN, a political subdivision of the State of Minnesota (“County”), and the CITY OF GREENWOOD (“City”).

1. TERM OF THE AGREEMENT

This Agreement shall commence on June 6, 2016 and expire on February 28, 2023, unless cancelled or terminated earlier in accordance with the provisions of this Agreement.

2. EQUIPMENT LICENSE

During the term of this Agreement and subject to the terms herein, County hereby provides to City and grants City a limited, revocable, non-exclusive, royalty-free license to use 2 KNOWiNK Poll Pad Hardware and Software units, and 1 Verizon Jetpack Hotspot(s) (the “Election Equipment”) exclusively for official election use. Unless County otherwise agrees in writing, said license is restricted to access and use of the Election Equipment by City’s employees, contracted personnel and duly authorized election officials performing election duties and responsibilities on behalf of City.

The parties may agree by written addendum executed by all the parties to modify the quantity or definition of the Election Equipment included within the scope of this agreement. County hereby delegates authority to execute such an addendum to the Hennepin County Elections Manager. City hereby delegates authority to execute such an addendum to its _____.

Unless the parties otherwise agree, City shall provide and/or maintain, at City’s sole cost and expense, secure wireless and other telecommunications necessary for the operation of the Election Equipment. Further and as necessary, City shall acquire or otherwise provide all subscriptions, accounts or other licenses necessary for the operation of the Election Equipment.

City shall secure, safeguard and control the Election Equipment, including but not limited to system authentication and passwords, in the same manner that City secures, safeguards and controls its own critical or confidential equipment, systems, software, data, passwords or other information. While the Election Equipment is in City’s possession, custody and/or control, City shall exercise best efforts to (i) use and handle the Election Equipment in a manner that avoids damage or harm to the Election Equipment; (ii) use and handle the Election Equipment in accordance with County direction and any third-party specification; and (iii) safeguard and secure the Election Equipment from theft, loss or other damage.

City shall be responsible for implementation of the Election Equipment.

Unless the parties otherwise agree, County or its designated third-party vendor shall be perform all maintenance and repair of the Election Equipment. City shall not repair, change, modify or alter the Election Equipment unless expressly authorized by County or its designee. If any Election Equipment needs repair or maintenance, City shall follow the direction and process provided by County. City acknowledges and agrees that, as directed by County, (i) City may be required to deliver, at City's sole cost and expense, Election Equipment to County or its designee for maintenance and repair; and (ii) City may be required to provide access to the Election Equipment for inspection, maintenance or repair during City's regular business hours, including but not limited to granting the right to enter into and upon the premises where the Election Equipment is located.

Upon reasonable notice, County shall have the right to enter into and upon the premises where the Election Equipment is located for the purposes of inspecting the Election Equipment or observing its use. On an annual basis, during the term of this Agreement, City shall comply with County's request for verification of Election Equipment inventory.

Upon the express written permission of County's Election Manager, or her/his designee, City may sub-license Election Equipment to a school district within City's territorial boundaries. Said sub-license shall be made pursuant to a written agreement, between City and the school district and shall include substantially the same terms as those contained herein.

3. OWNERSHIP

County represents and warrants and City acknowledges and agrees that County is duly authorized to grant the license herein exclusively for use by City in its official elections. Pursuant thereto, use of the Election Equipment for any other purpose other than that authorized herein is strictly prohibited absent express written consent of County.

City acknowledges and agrees that the Election Equipment may contain proprietary and trade secret information that is owned by a third party and is protected under state and federal patent, copyright law or other laws, rules, regulations and decisions. City shall protect and maintain the proprietary and trade secret status of the Election Equipment.

4. DISCLAIMER, LIABILITY AND LIMITATION OF LIABILITY

COUNTY, BY AND THROUGH ITS DULY AUTHORIZED VENDOR, IS PROVIDING THE ELECTION EQUIPMENT ON AN AS-IS BASIS WITH NO SUPPORT WHATSOEVER. THERE IS NO WARRANTY OF MERCHANTABILITY, NO WARRANTY OF FITNESS FOR PARTICULAR USE, NO WARRANTY OF NON-INFRINGEMENT, NO WARRANTY REGARDING THE USE OF

THE INFORMATION OR THE RESULTS THEREOF AND NO OTHER WARRANTY OF ANY KIND, EXPRESS OR IMPLIED.

CITY ACKNOWLEDGES AND AGREES THAT COUNTY DOES NOT OWN OR CONTROL THE DATA SOURCE/SYSTEM NECESSARY FOR OPERATION OF THE ELECTION EQUIPMENT. WITHOUT LIMITING THE FOREGOING, COUNTY DOES NOT WARRANT THE PERFORMANCE OF THE ELECTION EQUIPMENT OR RELATED COMMUNICATIONS OR CONNECTIONS TO ANY DATA SOURCE/SYSTEM, THAT THE DATA SOURCE/SYSTEM WILL BE UNINTERRUPTED OR ERROR FREE, THAT THE DATA IS ACCURATE, COMPLETE AND CURRENT OR THAT DATA DEFECTS WILL BE CORRECTED, OR THAT THE DATA SOURCE/SYSTEM IS FREE OF HARMFUL CODE.

IN NO EVENT SHALL COUNTY BE LIABLE FOR ACTUAL, DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL DAMAGES OR LOSS OF PROFIT, LOSS OF BUSINESS OR ANY OTHER FINANCIAL LOSS OR ANY OTHER DAMAGES EVEN IF COUNTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. COUNTY'S SOLE LIABILITY AND CITY'S SOLE AND EXCLUSIVE REMEDY FOR ANY DAMAGES RELATED TO THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO LIABILITY FOR ELECTION EQUIPMENT NONPERFORMANCE, ERRORS OR OMISSIONS, SHALL BE LIMITED TO RESTORING OR CORRECTING THE ELECTION EQUIPMENT TO THE EXTENT AND DEGREE COUNTY IS CAPABLE OF PERFORMING THE SAME AND AS IS REASONABLY POSSIBLE UNDER THE PERTINENT CIRCUMSTANCES.

Subject to the foregoing limitation of liability and to the provisions (below) regarding responsibility for the costs related to lost, stolen, destroyed or damaged Election Equipment, each party shall be responsible for their own acts and omissions and the results thereof to the extent authorized by law. The parties are not agreeing, in any manner whatsoever, to be responsible for the acts or omissions of the other party. As applicable, County's liability is governed by the provisions of Minnesota Statutes, Chapter 466 and City's liability is governed by the provisions of _____ . The statutory limits of liability for the parties may not be added together or stacked to increase the maximum amount of liability for either or both parties.

5. ROYALTY FREE LICENSE - OTHER COSTS

Except as expressly set forth below, City shall not pay County any amount for the license granted herein.

City shall be responsible for the cost and expense of Election Equipment delivery from and to a location as directed by County.

Except for routine wear and tear resulting from use in conformance with the terms herein, City shall be responsible for and shall pay all costs, including but not limited to

shipping costs, necessary for the repair or replacement of lost, stolen, destroyed or damaged Election Equipment.

Upon expiration or termination of this Agreement for any reason, City shall, at City's sole cost and expense, deliver, or have delivered, the Election Equipment to County or its designee, complete and in good order and working condition, except with respect to Election Equipment with defects attributable to County's vendor or supplier.

6. TERMINATION

This Agreement may be terminated by either party upon seven (7) day written notice to the other. Termination of this Agreement by either party and for any reason shall not relieve City of any duties or obligations hereunder including but not limited to the obligation to safely and securely return and deliver the Election Equipment as set forth above.

7. DATA PRACTICES

The parties, their officers, agents, owners, partners, employees, volunteers and subcontractors shall abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13 (MGDPA) and all other applicable state and federal laws, rules, regulations and orders relating to data privacy or confidentiality, which may include the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

8. ADDITIONAL PROVISIONS

The parties shall comply with all applicable federal, state and local statutes, regulations, rules and ordinances currently in force or later enacted including but not limited to the MGDPA, Minnesota Statutes section 16C.05, subd 5 and Minnesota Statutes section 471.425, subd. 4a and, as applicable, COUNTY's Affirmative Action Policy.

No delay or omission by either party hereto to exercise any right or power occurring upon any noncompliance or default by the other party with respect to any of the terms of this Agreement shall impair any such right or power or be construed to be a waiver thereof unless the same is consented to in writing. A waiver by either of the parties hereto of any of the covenants, conditions, or agreements to be observed by the other shall not be construed to be a waiver of any succeeding breach thereof or of any covenant, condition, or agreement herein contained. All remedies provided for in this Agreement shall be cumulative and in addition to, and not in lieu of, any other remedies available to either party at law, in equity, or otherwise.

This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. Except as expressly provided herein, any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties hereto.

City shall not assign, sublicense or transfer this Agreement or the rights, duties and obligations herein, either in whole or in part, without the prior written consent of County, and any attempt to do so shall be void and of no force and effect.

It is expressly understood and agreed that the obligations and warranties of City and County hereof shall survive the completion of performance and termination or cancellation of this Agreement.

THE REMAINDER OF THIS PAGE IS BLANK.

APPROVAL

Reviewed by the County
Attorney's Office

Date: _____

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By: _____
County Administrator

Date: _____

CONTRACTOR

CONTRACTOR warrants that the person who executed this Agreement is authorized to do so on behalf of CONTRACTOR as required by applicable articles, bylaws, resolutions or ordinances*.

CITY OF GREENWOOD

Printed Name: _____

Printed Title: _____

Date: _____



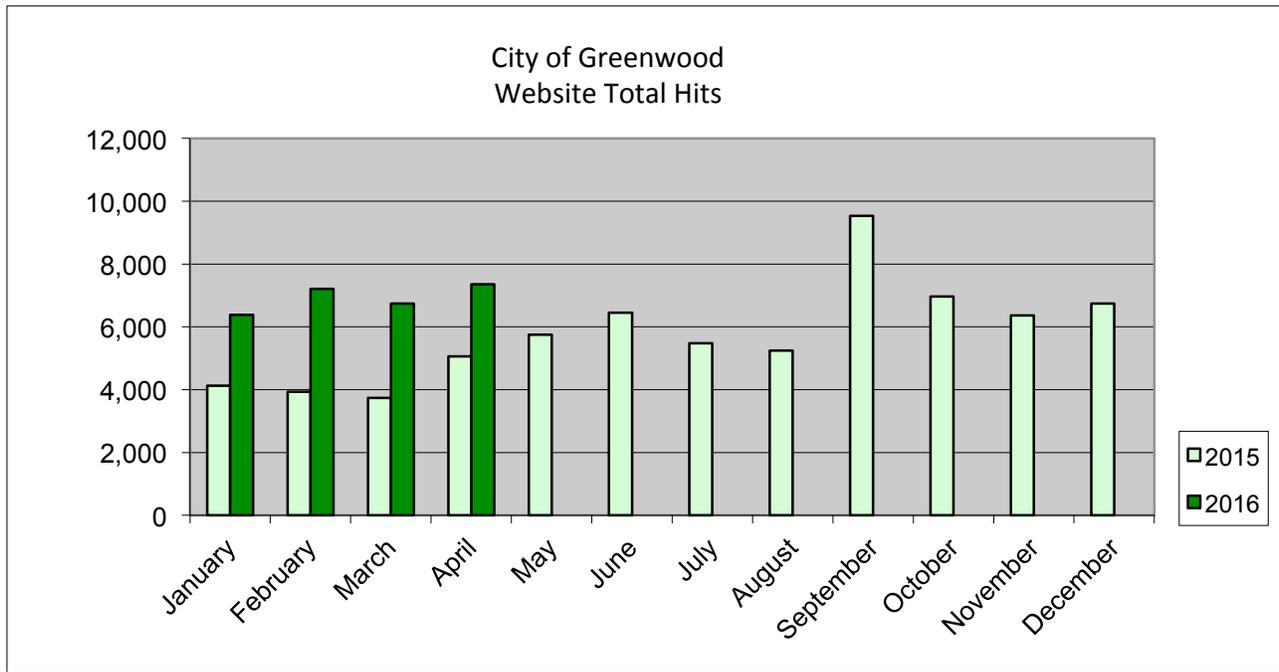
Agenda Number: **10A-E**

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 are included in the hard copy of the full council packet and in the electronic version of the packet available at www.greenwoodmn.com.

Council Action: None required.



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	156
March	3,732	6,741	-468	3,009	156
April	5,058	7,351	610	2,293	156
May	5,753		-7,351	-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	6,921			

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

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	2939	39.98%
Agendas, Etc.	614	8.35%
RFPs & Bids	440	5.99%
Planning Commission	377	5.13%
Assessments & Taxes	301	4.09%
City Departments	277	3.77%
Budget & Finances	191	2.6%
Mayor & City Council	165	2.24%
Garbage & Recycling	163	2.22%
Code Book	142	1.93%
Spring Clean-Up Day	136	1.85%
Forms & Permits	131	1.78%
Photo Gallery	126	1.71%
Welcome to Greenwood	113	1.54%
Watercraft Spaces	86	1.17%
Lake Minnetonka	77	1.05%
Comp Plan & Maps	76	1.03%
What's New?	74	1.01%
Public Safety	63	0.86%
Crime Alerts	62	0.84%
Links	62	0.84%
Old Log Events	61	0.83%
Meetings on TV	61	0.83%
Meetings	56	0.76%
Email List	55	0.75%

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.

Search Results	54	0.73%
Parks & Trails	51	0.69%
St. Alban's Bay Lake Improvement District	49	0.67%
Elections	47	0.64%
Animal Services	44	0.6%
Swiffers NOT Flushable	44	0.6%
Trees	41	0.56%
Well Water	35	0.48%
Community Surveys	35	0.48%
Southshore Center	31	0.42%
Smoke Testing	31	0.42%
Events	30	0.41%
---	9	0.12%
Unsubscribe	2	0.03%
TOTAL	7351	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	906	28.95%
Agendas, Etc.	188	6.01%
City Departments	163	5.21%
Planning Commission	123	3.93%
Assessments & Taxes	108	3.45%
Mayor & City Council	100	3.19%
Spring Clean-Up Day	95	3.04%
Garbage & Recycling	91	2.91%
Welcome to Greenwood	85	2.72%
Code Book	80	2.56%
Budget & Finances	75	2.4%
Photo Gallery	67	2.14%
Forms & Permits	65	2.08%
What's New?	60	1.92%
Comp Plan & Maps	54	1.73%
Watercraft Spaces	52	1.66%
Lake Minnetonka	51	1.63%
Meetings on TV	48	1.53%
Public Safety	47	1.5%
Crime Alerts	47	1.5%
Parks & Trails	46	1.47%
Old Log Events	45	1.44%
Links	44	1.41%
St. Alban's Bay Lake Improvement District	40	1.28%
Swiffers NOT Flushable	40	1.28%
Meetings	39	1.25%
Elections	38	1.21%
RFPs & Bids	38	1.21%
Trees	36	1.15%
Animal Services	36	1.15%
Email List	36	1.15%
Search Results	35	1.12%
Community Surveys	32	1.02%
Well Water	30	0.96%
Smoke Testing	28	0.89%
Southshore Center	28	0.89%
Events	25	0.8%
---	8	0.26%
Unsubscribe	1	0.03%
TOTAL	3130	100%

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

Generate and Download

Done



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

Summary: 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.

FYI documents are included in the hard copy of the full council packet and in the electronic version of the packet available at www.greenwoodmn.com.

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

Principles on Metropolitan Council Reform: List of Adoptees

(as of April 26, 2016)

Cities

Andover	Lino Lakes
Bethel	Loretto
Blaine	Mayer
Centerville	Mendota Heights
Chanhassen	Mound
Chaska	New Germany
Cologne	New Prague
Columbus	Norwood Young America
Crystal**	Nowthen
Elko New Market	Oak Grove
Farmington	Plymouth*
Forest Lake	Prior Lake
Greenwood	Ramsey*
Ham Lake	Shakopee
Hamburg	St. Bonifacius
Hampton	St. Francis
Jordan	Victoria
	Watertown

Counties

Anoka	Dakota
Carver	Scott

**Modified Principles adopted*

***No official resolution was passed, but a letter supporting the Principles was signed by the majority of City Councilmembers and the Mayor*

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 20, 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, and Douglas Reeder.

Absent: Commissioner Fiona Sayer and City Attorney Mark Kelly

Others Present: Council Liaison Bill Cook, and Zoning Administrator Dale Cooney.

2. MINUTES – March 16, 2016

Commissioner Conrad moved to approve the minutes of March 16, 2016 as presented. Commissioner Bechtell seconded the motion. Motion carried 4-0.

3. PUBLIC HEARINGS

4a. Public Hearing for Ordinance No. 255: Amending Section 1140.80 Regarding Construction-Related Tree Cutting and Tree Preservation Plan Requirements

Chairman Lucking introduced the agenda item. He said that he proposed the ordinance amendment so that an applicant could not create a tree plan that included noxious trees, get credit for those trees in their 20% limitation, and then remove the noxious trees at a later point, thereby exploiting a loophole.

Chairman Lucking opened the public hearing.

Rob Bohnenkamp of 4925 Woods Court said that he thinks it is good to have strong tree preservation regulations, and that tree preservation should come as early in the process as possible. He said that moving the requirement to the building permit phase would not be a good thing. He said trees lose out when there are larger houses on smaller lots. He said that he does not want the new joke to be that Greenwood is not green, nor is it wooded.

Chairman Lucking closed the public hearing.

Conrad said that the longer we wait to get a tree plan, the more likely is that trees will be taken down prior to plan submission. Conrad asked what was required on the subdivision request.

Cooney said the ordinance only requires setback lines to be shown. He said that he would prefer to see a building pad as well. But, he said, that requiring a tree inventory with the application would add costs and time for an applicant. He said it is appropriate to require a tree preservation plan at some point in the process, but perhaps the beginning of the process is not the right point.

Conrad asked how trees should be considered in the subdivision process. She asked if they should be completely ignored, or if trees should be considered in some way. She said if a building pad is in the middle of a wooded area, shouldn't a building pad be moved.

Cooney said that the subdivision design standards already require showing of wooded areas and consideration of natural features. Cooney said that this is a middle ground between ignoring trees and counting every tree.

Councilmember Cook said that he is concerned that when someone subdivides a lot, they then prepare it for sale and in doing so, they clear cut all the trees in the building pad area. He said he doesn't have a problem not requiring a tree preservation plan, but that he would like aspirational

GREENWOOD PLANNING COMMISSION
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7:00 P.M.

language of some kind that requires tree replacement reflecting conditions at the time of subdivision.

Reeder asked if pictures could be taken of the lot. Conrad and Cook said that they were in favor of photos for showing existing conditions.

Conrad asked if applicants are following the procedure, but the city is not getting the results that it wants, should those standards be revisited. Lucking said that was the purpose of the proposed amendments.

Lucking asked if the regulations currently apply to wooded lots without houses on them. Conrad asked if the building pad area would allow tree removal in excess of 20%.

Cooney said 20% is the limit for new construction, but in the subdivision section, it would not require a variance to exceed 20%, only tree replacement.

Cook pointed out that they could clear cut the entire lot as long as there was tree replacement. Lucking said that the tree replacement requirements would ensure the right size, type and quantity were replaced.

Cook said that he wants to prevent a developer from subdividing a lot and then removing a lot of trees, selling it to a buyer and then the buyer removes a lot of additional trees.

Cooney said that he understands this concern and suggested that a tree preservation plan could be required at final plat, or that a condition be placed that tree removal cannot take place until a building permit is issued.

Conrad said that she liked the idea of requiring the plan at final plat.

Lucking said that there is an issue with the definition significant and noxious trees. He said a lot can have many trees, but if they are considered noxious they can be removed regardless of the number.

Lucking suggested that only significant trees be counted as part of the 20% requirement, but count all the trees when calculating required tree replacement. Cook added that noxious trees would then be replaced with non-noxious trees.

Conrad said that this would not prevent a wooded lot with no significant trees from being clear cut. She said that she would like to see a wooded lot that was clear cut to be replanted to a pre-construction wooded state.

Conrad asked about the wording change from "existing" to "identified" in the proposed ordinance. Cooney said that identified trees would be only those trees currently regulated by the city which excludes noxious trees, and only includes non-significant trees in the bluff and shoreland impact zones.

Conrad said she thinks all the trees need to be counted. Cooney said that the city only regulates smaller trees in the bluff and shoreland impact zones, so trees outside of those areas can be shown on a plan and then removed at a later date.

Cooney said that for annual tree harvest, a person can take down up to two significant trees per year. He said that, outside of the bluff and shoreland impact zones, they can take out as many other non-significant trees as they want.

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Lucking said that was not the original intent of the ordinance. Cook said that the ordinance shouldn't limit annual permitted tree harvest to two significant trees, but rather to two trees as currently defined.

Reeder said that the two significant tree allowance is the worst thing about the ordinance, since people will remove two trees a year until they have removed as many as they want.

Conrad said that the smaller trees need to be represented. Reeder said that he thinks the ordinance should require the replacement of non-significant trees that are removed from a property.

Cooney said that the tree ordinance currently does not protect non-significant trees except for the bluff and shoreland areas. Conrad said that this would need to be fixed. Conrad said she also would like some kind of tree replacement requirement.

Bechtell asked why someone can't cut down five trees if they replace five trees. Lucking said that that is the maximum number without a tree replacement requirement.

Conrad asked why we let people cut down significant trees at all. She asked if it would be too much to ask people to replace any significant tree that is removed.

Cook said that it seems that the city is generous in the amount of trees allowed to be cut down in a year and that the city does not have to be that generous. Cook suggested limiting the restriction to one significant tree per five years and that tree replacement would be required.

Conrad said that she thinks the ordinance needs more thought. Lucking agreed and suggested tabling it until the next meeting and getting the city council's input.

Motion by Lucking to table a decision the ordinance until the May planning commission meeting and get the council's input on the issues raised at the public hearing. Motion was seconded by Conrad. Motion carried 4-0.

4. NEW BUSINESS

5. LIAISON REPORT

Cook said that the decision on the future of the planning commission has been tabled. Cook said that he had suggested training sessions for the planning commission.

6. ADJOURN

Motion by Commissioner Conrad to adjourn the meeting. Commissioner Bechtell seconded the motion. Motion carried 4-0. The meeting was adjourned at 8:04 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator